

## ABSTRACT

In state affairs RI before the 1945 changes, the Assembly may dismiss the President before the expiry of his term of office. Specific rules concerning the procedures outlined in the dismissal of a president two MPR. First, set out in Article 4 of MPR Decree No. III/MPR/1978 on the status and relationship with the Working Procedures Top Institute / or inter-state high institutions, stipulates that the Assembly has the power to dismiss the president from office before his term ends, if the relevant had "seriously violated State Policy".

Settings that only the President and / or Vice President to demand the dismissal of charges contained in Article 7A of the Third Amendment of the 1945 Constitution which states: "The President and / or Vice-President may be removed in their term of office by the People's Consultative Assembly upon the recommendation of the House of Representatives, ...". Later in the Third Amendment, the Constitution of 1945 NRI Article 24C Paragraph (2) states that: The Constitutional Court shall pass a decision on the opinion of the House of Representatives regarding the alleged violations by the President and/or Vice-President under the Constitution.

Thus, based on the background of the above problem, then formulated a central issue that will be examined are: the President and / or Vice-President may be removed in their term of office by the People's Consultative Assembly upon the recommendation of the House of Representatives.

Specific objectives this study were:

- a. To analyze, what is the criteria that the President and / or Vice-President has violated the law through acts of treason against the state, corruption, bribery, other felonies, or moral turpitude, and the President and / or Vice President is no longer eligible as President and / or Vice President in the state system in Indonesia.
- b. To analyze and identify constraints faced by The Constitutional Court in deciding the petition dismissal President and/or Vice President of the petition by the House.
- c. To analyze what legal consequences, if the Assembly is not menyingkapi decision of the Constitutional Court, if the President and/or Vice President proven by the decision of the Constitutional Court, have done violation of the law.

The study material is designed in this paper is the study of law. In order to obtain the scientific truth of replies studied legal issues, so in this study used several approaches, the approach statute (statutory approach) because the problem originated from the legislation.

Then use a conceptual approach conceptual approach (conceptual approach). Conceptual approach to analyze and understand the procedure in impeach the President. As a legal research that is normative, then the focus of the research was based on a study of primary legal materials and secondary legal

materials. All research results are of legal materials further analyzed with the stages of exposure, systematization and structuring of legal material.

Based on this research, the authors found the study include: 1) Criteria actions the President and/or Vice-President has violated the law through acts of treason against the state, corruption, bribery, other felonies, or moral turpitude, and/or the President and/or Vice President is no longer eligible as President and/or Vice President in the state system in Indonesia is can be classified into two forms of violation of law, the first act of breaking the law, including felonies, namely treason against the state, corruption, bribery, and criminal other serious punishable five years or more, while legal actions including the second form is a despicable act, more clear, measurable, and can not be interpreted very flexibly. 2) Constraints faced by the Constitutional Court in deciding the petition impeach the President and/or Vice President petitioned by Parliament is a forum to hear opinions of the Parliament, to protect the enforcement of the principles of the rule of law, among others, of equality before law. 3) What are the legal consequences, if the Assembly did refusal to impeach the President and / or Vice President following the Constitutional Court's decision, which was granted parliament MPR must be submitted in the constitutional court which the State Administrative Court (Administrative Court).

As a recommendation of the study is supposed to rule on the dismissal of the president made in the legislation in the form of the Act, so as to bind the members of the People's Consultative Assembly, which consists of members of the Board of Representatives and the Regional Representative Council to implement the Constitutional Court's decision, if based on the decision of the Constitutional Court, the President has declared guilty and must be terminated before the expiry of the term of office as President.