

ABSTRAK

Pemberhentian Presiden merupakan peristiwa hukum tatanegara yang bisa terjadi kapan saja. Namun yang menjadi potensi masalah adalah adanya ketidaksesuaian tujuan dari pasal-pasal tentang prosedur pemberhentian Presiden yang diatur oleh Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. Semangat negara hukum Indonesia menjadi tidak jelas saat putusan paripurna pemberhentian Presiden tersebut dilakukan oleh MPR, yang notabene tidak menjadikan putusan MK sebagai pondasi dasar dalam memberhentikan Presiden yang dimaksud. Terlebih lagi proses pemberhentian terhadap Presiden ini merupakan penjagaan terhadap nilai moral lembaga kepresidenan. Rumusan masalah berfokus kepada tiga hal, *pertama* landasan filosofis pemberhentian Presiden oleh MPR RI, *kedua* prinsip hukum pemberhentian Presiden di Indonesia, *ketiga* karakteristik putusan hukum MK dan putusan MPR dalam pemberhentian Presiden. Penelitian ini akan menggunakan metode pendekatan perundang-undangan, konsep, komparatif dan historis. Adapun hasil temuan dari penelitian ini adalah untuk menjaga moralitas lembaga kepresidenan Indonesia, perlu dilakukan perubahan terhadap konstitusi terhadap ketentuan prosedur pemberhentian Presiden. Diawali dengan proses *impeachment* yang diatur dalam ketentuan konstitusi. Bermula dari adanya usulan DPR terhadap dugaan pelanggaran hukum oleh Presiden, yang diajukan kepada MK untuk kemudian melakukan proses peradilan khusus (*previlegiatum*). Nantinya, putusan tersebut akan dikembalikan lagi kepada DPR, dan diteruskan ke MPR untuk melakukan sidang dengan agenda memutuskan usul DPR tersebut. Putusan akhir yang akan diambil oleh MPR tersebut ternyata tidak akan berdasarkan hasil putusan MK yang memutuskan Presiden telah melakukan pelanggaran hukum. Akhir dari proses pemberhentian Presiden inilah yang harus dilakukan perubahan, agar kedepannya semangat negara hukum Indonesia dapat terlaksana dengan baik.

Kata Kunci : Moralitas, Pemberhentian Presiden, MPR

ABSTRACT

The removal of the President is an event of the constitutional law which can occur at any time. However, a potential problem is the incompatibility of the objectives of the articles on the procedure for removing of the President governed by the 1945 Constitution of the Republic of Indonesia. The spirit of the Indonesian state of law becomes unclear when the plenary decision on the removal of the President made by the People's Consultative Assembly (MPR), which incidentally did not make the Constitutional Court's decision as the basic in removing the President in question. Moreover, the process of removal of the President is a preservation of the moral value of the presidential institution. The formulation of the problem focuses on three things, the first is the philosophical foundation of the removal of the President by the People's Consultative Assembly (MPR) of the Republic of Indonesia, the second is the legal principles of the removal of the President in Indonesia, the third is characteristics of the Constitutional Court's decision and the decision of the People's Consultative Assembly on the removal of the President. This research will use the method of legislation approach, concept, comparative and historical. The findings of this research are to maintain the morality of the Indonesian presidential institution, it is necessary to make changes to the constitution of the provisions of the procedure for the removal of the President. Starting with the impeachment process regulated in the provisions of the constitution. Starting from the proposal of the House of Representatives (DPR) for alleged violation of law by the President, which is submitted to the Constitutional Court to then conduct a special judicial process (previlegium). Eventually, the decision will be returned to the House of Representatives (DPR), and forwarded to the People's Consultative Assembly (MPR) to hold a session with the agenda of deciding the proposal of the House of Representatives (DPR). The final decision which will be taken by the People's Consultative Assembly (MPR) apparently it will not be based on the results of the Constitutional Court's decision that has decided that the President has violated the law. It is the end of the process of removing the President that must be changed, so that in the future the spirit of the Indonesian state of law can be carried out properly.

Keywords: *Morality, Removal of the President, People's Consultative Assembly (MPR)*