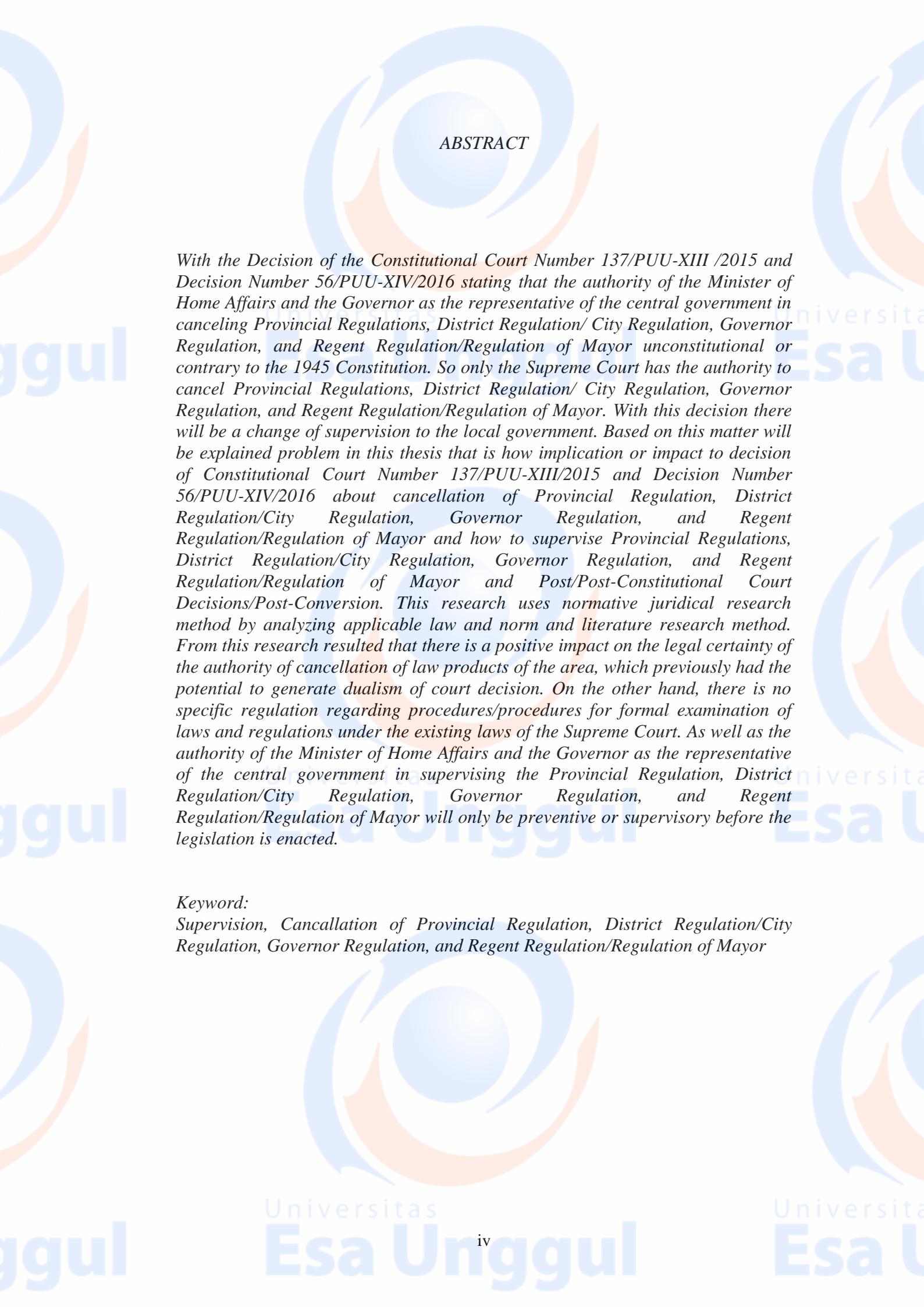


ABSTRAK

Dengan adanya Putusan Mahkamah Konstitusi Nomor 137/PUU-XIII/2015 dan Putusan Nomor 56/PUU-XIV/2016 yang menyatakan bahwa kewenangan Menteri Dalam Negeri dan Gubernur selaku wakil pemerintah pusat dalam membatalkan Perda Provinsi, Perda Kabupaten/Kota, Pergub, dan Perbup/Perwal inkonstitusional atau bertentang dengan UUD 1945. Sehingga hanya Mahkamah Agung yang berwenang dalam membatalkan Perda Provinsi, Perda Kabupaten/Kota, Pergub, dan Perbup/Perwal. Dengan putusan tersebut maka akan terjadi perubahan pengawasan terhadap pemerintah daerah. Berdasarkan hal tersebut akan dijelaskan permasalahan dalam tesis ini yaitu bagaimana implikasi atau dampak terhadap putusan Mahkamah Konstitusi Nomor 137/PUU-XIII/2015 dan Putusan Nomor 56/PUU-XIV/2016 tentang pembatalan Perda Provinsi, Perda Kabupaten/Kota, Pergub, dan Perbup/Perwal dan bagaimana pengawasan terhadap Perda Provinsi, Perda Kabupaten/Kota, Pergub, dan Perbup/Perwal Pasca putusan Mahkamah Konstitusi tersebut. Penelitian ini menggunakan metode penelitian yuridis normatif dengan menganalisis undang-undang dan norma yang berlaku dan metode penelitian pustaka. Dari penelitian ini dihasilkan bahwa adanya dampak positif terhadap kepastian hukum terhadap kewenangan pembatalan produk hukum daerah tersebut, dimana sebelumnya berpotensi menimbulkan dualisme putusan pengadilan. Disisi lain belum adanya aturan khusus mengenai tata cara/prosedur pengujian formil peraturan perundang-undangan di bawah undang-undang yang ada pada Mahkamah Agung. Serta kewenangan Menteri Dalam Negeri dan Gubernur selaku wakil pemerintah pusat dalam pengawasan terhadap Perda Provinsi, Perda Kabupaten/Kota Pergub, dan Perbup/Perwal hanya bersifat preventif atau pengawasan sebelum peraturan perundang-undangan tersebut ditetapkan.

Kata Kunci :

Pengawasan, Pembatalan Perda Provinsi, Perda Kabupaten/Kota, Pergub, dan Perbup/Perwal



ABSTRACT

With the Decision of the Constitutional Court Number 137/PUU-XIII /2015 and Decision Number 56/PUU-XIV/2016 stating that the authority of the Minister of Home Affairs and the Governor as the representative of the central government in canceling Provincial Regulations, District Regulation/ City Regulation, Governor Regulation, and Regent Regulation/Regulation of Mayor unconstitutional or contrary to the 1945 Constitution. So only the Supreme Court has the authority to cancel Provincial Regulations, District Regulation/ City Regulation, Governor Regulation, and Regent Regulation/Regulation of Mayor. With this decision there will be a change of supervision to the local government. Based on this matter will be explained problem in this thesis that is how implication or impact to decision of Constitutional Court Number 137/PUU-XIII/2015 and Decision Number 56/PUU-XIV/2016 about cancellation of Provincial Regulation, District Regulation/City Regulation, Governor Regulation, and Regent Regulation/Regulation of Mayor and how to supervise Provincial Regulations, District Regulation/City Regulation, Governor Regulation, and Regent Regulation/Regulation of Mayor and Post/Post-Constitutional Court Decisions/Post-Conversion. This research uses normative juridical research method by analyzing applicable law and norm and literature research method. From this research resulted that there is a positive impact on the legal certainty of the authority of cancellation of law products of the area, which previously had the potential to generate dualism of court decision. On the other hand, there is no specific regulation regarding procedures/procedures for formal examination of laws and regulations under the existing laws of the Supreme Court. As well as the authority of the Minister of Home Affairs and the Governor as the representative of the central government in supervising the Provincial Regulation, District Regulation/City Regulation, Governor Regulation, and Regent Regulation/Regulation of Mayor will only be preventive or supervisory before the legislation is enacted.

Keyword:

Supervision, Cancellation of Provincial Regulation, District Regulation/City Regulation, Governor Regulation, and Regent Regulation/Regulation of Mayor