

PENDEROGASIAN HAK POLITIK WARGA NEGARA DALAM PEMILIHAN UMUM LEGISLATIF 2009

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ABSTRACT

The forms of human rights can be derived into two clusters such as economic, social and cultural rights which should be fulfilled by the state and civil and political rights that state only takes on the absolute minimum of public tasks as a part of its responsibilities.

General election as the implementation of citizen's civil and political rights but lack of experience and performance of General Election Commission (KPU) make the problem related to reducing citizen's civil and political rights that should not be reduced by the state in any circumstances. The thesis of this paper is that the implementation of citizen's civil and political rights depends on the ability of state to fulfill in economic, social and cultural rights.

Keywords: general election, capability of state, non-derogable rights.

I. PENDAHULUAN

Undang-undang Dasar yang digunakan di Indonesia telah silih berganti berubah, dari konstitusi-konstitusi yang pernah berlaku, ternyata ketentuan normatif yang secara eksplisit memuat ketentuan imperative tentang perlunya diselenggarakan Pemilihan Umum hanya terdapat dalam Konstitusi RIS dan UUDS 1950, sedangkan UUD 1945 sebelum mengalami amandemen, secara eksplisit tidak memuat tentang keharusan adanya Pemilihan Umum, baru sesudah UUD 1945 diamandemen dari tahun 1999 s/d 2002 memuat tentang keharusan adanya Pemilu (Pasal 22E) Tetapi dalam praktek kehidupan ketatanegaraan, Pemilu di Indonesia pernah berlangsung sekali pada masa UUDS 1950 dan tujuh kali pada masa UUD 1945 periode kedua