

ABSTRAK

Judul : Deskripsi Tentang Putusan Hakim Dalam Usulan Pergantian Antar Waktu Anggota Dewan Perwakilan Rakyat Daerah. Penelitian ini bertujuan untuk mengetahui alasan terjadinya sengketa Pergantian Antar Waktu (PAW) anggota DPRD serta menganalisis pertimbangan hakim dalam Putusan Nomor 9/Pdt.Sus-Parpol/2017/PN Lbj, Putusan Kasasi Nomor 1343 K/Pdt.Sus-Parpol/2017, dan Putusan Peninjauan Kembali Nomor 156 PK/Pdt.Sus-Parpol/2018. Penelitian ini merupakan penelitian hukum normatif yang bersifat deskriptif analitis yang menggambarkan secara sistematis akta-fakta hukum, ketentuan peraturan perundang-undangan, serta pertimbangan hakim dalam penyelesaian sengketa Pergantian Antar Waktu (PAW) anggota DPRD, penelitian ini menggunakan bahan hukum sebagai sumber penelitian yang terdiri atas bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier. Variabel penelitian dibagi menjadi variabel bebas dan variabel terikat. Variabel bebas dalam penelitian ini adalah alasan terjadinya sengketa PAW dan pertimbangan hakim dalam memeriksa perkara, sedangkan variabel terikatnya adalah putusan hakim dalam penyelesaian sengketa kepengurusan partai politik. Hasil penelitian menunjukkan bahwa sengketa PAW timbul akibat perbedaan pandangan antara penggugat dan pengurus partai mengenai mekanisme pemberhentian anggota partai dan anggota DPRD. Hakim pada tingkat Pengadilan Negeri, Kasasi, dan Peninjauan Kembali menilai bahwa perkara tersebut merupakan sengketa internal partai politik yang harus terlebih dahulu diselesaikan melalui Mahkamah Partai, sehingga gugatan dinyatakan tidak dapat diterima. Saran yang diberikan dalam penelitian ini adalah agar partai politik melaksanakan mekanisme PAW secara transparan dan sesuai dengan AD/ART, serta setiap sengketa internal diselesaikan terlebih dahulu melalui lembaga partai sebelum diajukan ke pengadilan.

Kata Kunci: Pergantian Antar Waktu (PAW), Partai Politik, Mahkamah Partai, Sengketa Internal Partai.

ABSTRACT

Title : description of the judge's decision on the proposal for the interim replacement of members of the regional people's representative council. This study aims to identify the factors that led to the dispute concerning the Interim Replacement (Pergantian Antar Waktu/PAW) of a Regional House of Representatives (DPRD) member and to analyze the judges' legal considerations in Decision Number 9/Pdt.Sus-Parpol/2017/PN Lbj, Cassation Decision Number 1343 K/Pdt.Sus-Parpol/2017, and Judicial Review Decision Number 156 PK/Pdt.Sus-Parpol/2018. This research employs a normative legal research method with a descriptive-analytical approach, which systematically describes the legal facts, statutory regulations, and judicial considerations in resolving disputes concerning the Interim Replacement (PAW) of DPRD members. The study uses legal materials as its primary sources of data, consisting of primary legal materials, secondary legal materials, and tertiary legal materials. The research variables are divided into independent variables and dependent variables. The independent variables consist of the causes of the PAW dispute and the judges' legal considerations in examining the case, while the dependent variable is the judicial decision in resolving disputes concerning the internal management of political parties. The findings reveal that the PAW dispute arose due to differing interpretations between the plaintiff and the political party's executive board regarding the mechanism for dismissing a party member who also served as a DPRD member. The judges at the District Court, Cassation, and Judicial Review levels held that the case constituted an internal political party dispute, which should first be resolved through the Political Party Tribunal (Mahkamah Partai). Consequently, the claim was declared inadmissible. This study recommends that political parties implement the PAW mechanism in a transparent manner and in accordance with their Articles Of Association and Bylaws (AD/ART). Furthermore, any internal political party dispute should first be resolved through the party's internal dispute resolution mechanism before being brought before the courts.

Keywords: Inter-Time Replacement (PAW), Political Party, Party Court, Internal Political Party Dispute.