

COMPARISON OF THE IMPEACHMENT MECHANISMS FOR THE PRESIDENT AND VICE PRESIDENT BETWEEN INDONESIA, SOUTH KOREA AND THE PHILIPPINES

*Nicholas Tristan Ivan Anindito
Faculty of Law, University of Surabaya*

Supervised by :

- 1. Prof. Dr. Hj. Hesti Armiwulan, S. H. , M. Hum.*
- 2. Dr. Marlina Br, S. H. , M. Hum.*

ABSTRACT

The comparison of the presidential and vice presidential impeachment mechanisms between three countries, namely Indonesia, South Korea and the Philippines aims to identify similarities and differences related to procedures, authorized institutions, legal basis, constitutional, political influence of the impeachment process in each country, as well as implications for the stability of the presidential government system and compliance with the principle of checks and balances. The method used is a normative juridical approach by conducting comparisons by reviewing laws and regulations, constitutional court decisions, official documents, case studies and research results on these three countries have different constitutional mechanism systems but have the aim of maintaining the accountability of executive leaders. Indonesia through the proposal by the DPR institution and decided by the Constitutional Court as a judicial institution and the MPR which holds the hearing in the impeachment process, while in South Korea based on the 1987 Constitution through the proposal by the National Assembly and tried by the Constitutional Court is very dominant with having stricter procedures and emphasizing the supremacy of law. Meanwhile, the Philippines, under the 1987 Constitution, grants Congress considerable power in the impeachment process through a proposal from the House of Representatives and a trial by the Senate, with significant political influence over the implementation of the impeachment process. Differences in government systems, constitutions, histories, and political systems in each country influence the dynamics and effectiveness of the impeachment mechanism. By comparing the impeachment of these three countries, it is hoped that this will foster a development of concepts and understanding based on the concept of constitutional law in a comparative manner and serve as material for evaluating the presidential impeachment system in Indonesia.

Keywords : *Impeachment, President, Vice President, Comparative, Indonesia, South Korea, Philippines, Checks and Balances, Constitutional Court, Constitutional Comparison.*

PERBANDINGAN MEKANISME IMPEACHMENT PRESIDEN DAN WAKIL PRESIDEN ANTARA NEGARA INDONESIA, KOREA SELATAN, DAN FILIPINA

*Nicholas Tristan Ivan Anindito
Fakultas Hukum Universitas Surabaya*

Pembimbing :

- 1. Prof. Dr. Hj. Hesti Armiwulan, S. H. , M. Hum.*
- 2. Dr. Marlina Br, S. H. , M. Hum.*

ABSTRAK

Perbandingan mekanisme impeachment presiden dan wakil presiden antara ketiga negara yaitu Indonesia, Korea Selatan dan Filipina bertujuan untuk mengidentifikasi persamaan dan perbedaan yang berkaitan dengan prosedur, lembaga yang berwenang, dasar hukum, konstitusional, pengaruh politik dari proses impeachment di masing-masing negara, serta implikasi terhadap stabilitas sistem pemerintahan presidensial dan kesesuaian terhadap prinsip *Check and Balances*. Metode yang digunakan adalah pendekatan yuridisi normatif dengan melakukan komparasi dengan mengkaji peraturan perundang-undangan, putusan pengadilan konstitusi, dokumen resmi, studi kasus dan hasil penelitian terhadap ketiga negara ini memiliki sistem mekanisme konstitusional yang berbeda namun memiliki tujuan untuk menjaga akuntabilitas pemimpin eksekutif. Indonesia melalui pengusulan oleh lembaga DPR dan diputuskan oleh Mahkamah Konstitusi sebagai lembaga yudisial dan MPR yang menyelenggarakan sidang dalam proses impeachment, sedangkan di Korea Selatan berdasarkan Konstitusi 1987 melalui pengusulan oleh National Assembly dan diadili oleh Mahkamah Konstitusi sangat dominan dengan memiliki prosedur yang lebih ketat dan menitikberatkan pada supremasi hukum. Sementara Filipina berdasarkan Konstitusi 1987 memberikan kekuasaan yang cukup besar kepada Kongres dalam proses impeachment melalui usulan *House of Representative* dan diadili oleh Senat, dengan pengaruh politik yang sangat kuat terhadap pelaksanaan proses impeachment. Perbedaan sistem pemerintahan, konstitusi, sejarah, dan politik yang dimiliki masing-masing negara mempengaruhi dinamika dan efektivitas mekanisme pelaksanaan impeachment. Melalui perbandingan impeachment terhadap ketiga negara ini sehingga diharapkan adanya pengembangan konsep dan pemahaman terhadap berdasarkan konsep hukum tata negara secara komparatif dan sebagai bahan evaluasi terhadap sistem impeachment presiden di Indonesia.

Kata Kunci : Impeachment, Presiden, Wakil Presiden, Komparatif, Indonesia, Korea Selatan, Filipina, *Check and Balances*, Mahkamah Konstitusi, Perbandingan Konstitusional.