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Redefine the phrase “Decampul Action” using legal hermeneutic and survey methods

Tomy Michael, Rahadya Widarsadhika, Renata Diah Puspita Murdoko, Bertha Cahya Dewi, Frega Anggaraya Purba

Universitas 17 Agustus 1945 Surabaya

tomy@untag-sby.ac.id; rwisnumurti@untag-sby.ac.id; renatadiah2004@gmail.com; berthacahde218@gmail.com; fregapurba@gmail.com

Abstract. Referring to the general understanding that in internal forums and external forums there is freedom regarding what to believe. This would be fairer if an understanding of the meaning of disgraceful conduct as one of the conditions for the dismissal of the President and/or Vice President could be realized. The definition of disgraceful acts refers to Law of the Republic of Indonesia Number 7 of 2017 concerning General Elections, namely acts that are contrary to religious norms, moral norms and customary norms, such as gambling, drunkenness, narcotics addiction and adultery. This means that there is a mixture of interpretations of disgraceful acts from the perspective of religion and customs. This is contrary to the highest legal goal, namely legal certainty when a legal norm is formed. In interpreting the phrase "despicable act" requires a different understanding between legal knowledge and other experiences in the form of knowledge. Then the phrase "despicable act" must provide various types of understanding, especially from each religion and/or belief with the aim of having good legal implications.

Keywords. disgraceful acts, president, vice president

Introduction

Referring to the general understanding that in internal forums and external forums there is freedom regarding what to believe. This would be fairer if an understanding of the meaning of disgraceful conduct as one of the conditions for the dismissal of the President and/or Vice President could be realized. The definition of disgraceful acts refers to Law of the Republic of Indonesia Number 7 of 2017 concerning General Elections, namely acts that are contrary to religious norms, moral norms and customary norms, such as gambling, drunkenness, drug addiction and adultery. This means that there is a mixture of interpretations of disgraceful acts from the perspective of religion and customs. This is contrary to the highest legal goal, namely legal certainty when a legal norm is formed. (Tomy Michael, Abdul Rachmad Budiono, Moh Fadli, 2020)

The dismissal of the President and/or Vice President can be based on human free will, but the process of dismissal will give rise to emergency constitutional law in Indonesia. This will result in the overriding of all legal norms so that the existence of the state must be maintained. In this proposal, a new meaning of disgraceful acts is based on the perspective of

the Taoist Religion. The reason for choosing the Taoist religion is because it is related to the source country of China which has diplomatic relations with Indonesia. Taoist religion as a sect is also mentioned in the Decree of the President of the Republic of Indonesia Number 1 of 1965 concerning Prevention of Abuse and/or Blasphemy of Religion. In full, "This does not mean that other religions, for example: Judaism, Zarazustrian, Shinto, Thaoism are prohibited in Indonesia. They receive full guarantees as provided by article 29 paragraph 2 and they are allowed to exist, as long as they do not violate the provisions contained in this regulation or other laws and regulations."(Permata, 2016) This means that when a disgraceful act is interpreted with various thoughts, it will produce many meanings. Even though the President and/or Vice President are the highest power holders in a country that adopts civil law.

The first state of the art is the research title The Meaning of Restrictions on the Number of Religions by the State Based on the PNPS Law No. 1 of 1965. Where religious restrictions according to PNPS 1/1965 resulted in the answer that there is no official religion, thus bringing legal implications in law enforcement.(Deva & Michael, 2023) The second state of the art is entitled Constellation of Hermeneutical Developments in the Philosophy of Science as an Attribution of Legal Interpretation Methods.(Fajar Sugianto, Tomy Michael, n.d.) Producing an answer that the interpretation must choose a stream to produce a valid answer because the interpretation must adapt to what is being researched. The novelty offered is that there is a new definition of the meaning of disgraceful acts in the process of dismissing the president and/or vice president. It is important to know the definition according to one type of source because it will provide legal certainty.

Research methods

The method uses normative research with a legal hermeneutics approach and uses interview data as a complement.

1. Data collection in the form of identifying the meaning of disgraceful acts in various laws and regulations
2. Conduct interviews with Taoist religious leaders to provide a redefinition of the phrase "reprehensible actions"
3. Processing interview data and analysis using a legal hermeneutics approach
4. Implementation of research results seminars
5. Sinta article writing 3
6. Writing monograph books
7. Final report

Research Results and Discussion

The President and/or Vice President in Indonesia are the chief executives but in the constitution they hold the highest power. This seems to be contrary to the principle of separation of powers which divides power into executive power, legislative power and judicial power. This separation is intended to prevent a mixture of powers, but from the perspective of modern state law - pure separation of powers is not carried out. A pure separation of powers will result in a new monarchy being formed in a country. As a different understanding, in the initial formation of the separation of powers, it actually prevented arbitrariness from leaders.

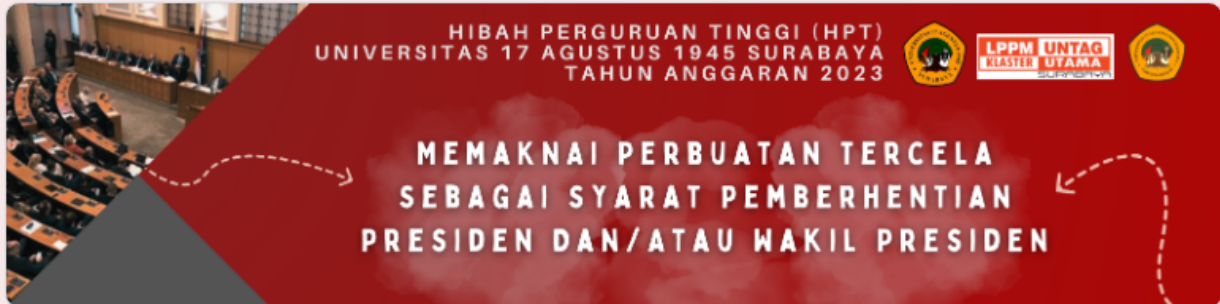
Princeps legibus solutus according to the Roman jurist Ulpian, said that the emperor was exempt from certain norms which deprived unmarried or childless citizens of some rights. In this context, the statement is interpreted to imply that the ruler is exempt from all laws. In the legal and political philosophy of European absolutism, this statement ultimately became an

explanation of the doctrine that rulers are not bound by the law at all. Roman law could be used in the opposite direction: it could be used to support a representative system of government with reference to the famous statement from the Digests: *quod omnes tangit ab omnibus approbetur* (what concerns all, must be approved by all). This is one of the best quotes to support a democratic form of government. This can be interpreted as meaning that public issues, namely issues that affect the entire community, must be accepted by the people of the entire community, or their elected representatives. (Mehmeti, 2015) Then disgraceful acts are synonymous with religion which originates from the Bible. God as Trinity is unity in diversity. God did not need to create the world to express its diversity. He existed before and after creation in a reciprocal and complete manner - a relationship between eternal Persons. That the Christian faith describes God as 'Father', 'Son' and 'Holy Spirit', in other words using derivative tropes of creation ('father', 'son', 'wind' or 'breath'), does not mean that this relationship appears after the act of creation. Rather, these created forms of expression are the means by which God authoritatively tells us how we should speak about him. (Ive, 2018)

To support the research results, interviews were conducted with several students



Figure 1.
Interview About Disgraceful Acts



KUESIONER PENELITIAN "Memaknai Perbuatan Tercela Sebagai Syarat Pemberhentian Presiden dan/atau Wakil Presiden"

Dengan hormat,

Bapak/Ibu/Saudara/i yang terhormat. Kami sedang dalam tahap pengambilan data untuk penelitian dengan tema "Memaknai Perbuatan Tercela Sebagai Syarat Pemberhentian Presiden dan/atau Wakil Presiden". Penelitian ini menggunakan kuesioner sebagai alat pengumpulan data primer. Oleh karena itu, saya mohon dengan hormat Bapak/Ibu/Saudara/i untuk berkenan meluangkan waktu mengisi atau memberikan jawaban atas beberapa pertanyaan terkait dengan penelitian ini. Apapun yang Bapak/Ibu/Saudara/i jawab di kuesioner ini tidak ada jawaban yang salah. Atas perhatian dan waktu yang Bapak/Ibu/Saudara/i berikan untuk mengisi atau memberikan jawaban, Kami ucapkan terima kasih.

Hormat kami,

Ketua Penelitian:

1. Dr. Tomy Michael, S.H., M.H. (0712018703)

Anggota Penelitian:

1. Rahadyan Widarsadhika, S.H., M.H. (20310230881)

2. Renata Diah Puspita Murdoko (1312200115)

3. Bertha Cahyadewi (1312200108)

4. Frega Anggaraya Purba

UNIVERSITAS/INSTANSI *

Jawaban Anda

FAKULTAS/PROGRAM STUDI *

Jawaban Anda

Kita sebagai manusia pengguna media sosial, untuk mengkritisi kinerja pejabat publik dengan menggunakan kata yang tidak pantas atau "Hate Opinion" terkait kinerja presiden. Apakah hal tersebut termasuk terhadap perbuatan tercela? *

- SS (Sangat Setuju)
- S (Setuju)
- TS (Tidak Setuju)
- STS (Sangat Tidak Setuju)

Sebagai masyarakat umum bagaimana kita menanggapi sikap seorang presiden terkait pelemparan bingkisan yang terjadi beberapa waktu yang lalu. Apakah sikap tersebut termasuk perbuatan tercela? *

- SS (Sangat Setuju)
- S (Setuju)
- TS (Tidak Setuju)
- STS (Sangat Tidak Setuju)

Dibawah ini yang merupakan sikap perbuatan tercela menurut norma hukum dan norma sosial adalah *

- Membuat "Hate Statement" terkait kinerja Pejabat Publik / Pemerintahan
- Menyebarkan berita terkait infrastruktur atau fasilitas yang sudah beroperasi
- Menghina dasar negara
- Menyebarkan berita hoax di sosial media

Manakah dari pernyataan dibawah ini yang termasuk perbuatan tercela? *

- Sifat yang sangat merugikan diri sendiri maupun orang lain
- Sikap ceroboh yang menyebabkan ketidaknyamanan orang lain
- Bertindak sesuai batas terhadap orang lain maupun disekitar

Perbuatan merendahkan harkat dan martabat Presiden dan Wakil Presiden. *
Apakah hal tersebut termasuk dalam perbuatan tercela?

- SS (Sangat Setuju)
- S (Setuju)
- TS (Tidak Setuju)
- STS (Sangat Tidak Setuju)

Perbuatan - perbuatan melanggar hukum seperti mencuri, mengambil hak orang lain, melakukan pencemaran nama baik. Apakah juga termasuk perbuatan tercela? *

- SS (Sangat Setuju)
- S (Setuju)
- TS (Tidak setuju)
- STS (Sangat Tidak Setuju)

Jika pejabat publik tidak memenuhi kewajiban konstitusi dan melanggar norma yang hidup di masyarakat, melanggar sumpah jabatan. Apakah dapat dikategorikan sebagai perbuatan tercela? *

- SS (Sangat Setuju)
- S (Setuju)
- TS (Tidak Setuju)
- STS (Sangat Tidak Setuju)

Kirim

Kosongkan formulir

Figure 2
Online Surveys

Conclusion

In interpreting the phrase "despicable act" requires a different understanding between legal knowledge and other experiences in the form of knowledge. Then the phrase "despicable act" must provide various types of understanding, especially from each religion and/or belief with the aim of having good legal implications.

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