

ABSTRAK

LEGALITAS KEDUDUKAN WALIKOTA PALEMBANG PERIODE 2013-2018

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Penelitian ini bertujuan untuk mengetahui legalitas kedudukan Walikota Palembang periode 2013-2018 yang diangkat berdasarkan Surat Keputusan Mendagri Nomor 13.16-5050 Tentang pemberhentian Harnojoyo sebagai Pelaksana tugas Walikota Palembang dan mengangkatnya sebagai Walikota definitif menggantikan pasangannya Romi Herton yang menjadi terpidana padahal pasangan Romi-Harno sebelumnya telah dimakzulkan oleh putusan DPRD Kota Palembang No. 6 Tahun 2014, dan telah dikabulkan oleh Mahkamah Agung melalui Putusan No.04 P/KHS/2014. Penelitian ini menggunakan pendekatan kasus (case approach), guna melihat penerapan hukum dalam praktik yang dipengaruhi penafsiran, analogi, serta tekanan sosial, politik yang melingkupinya. Hasil penelitian menunjukkan bahwa pelantikan Harnodjoyo sebagai Walikota Definitif menggantikan Romi Herton atas dasar Surat Keputusan Mendagri secara administratif telah sesuai prosedur, namun secara yuridis maka Surat Keputusan Mendagri tersebut bertentangan dengan Putusan Mahkamah Agung tentang Pemakzulan pasangan kepala daerah tersebut. Sehingga Kedudukan Walikota Palembang Periode 2013-2018 dapat dibatalkan.

Kata Kunci: Legalitas, Kedudukan, Pemakzulan.

ABSTRACT

THE LEGALITY OF THE POSITION OF MAYOR OF PALEMBANG PERIOD 2013-2018

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This research aims to know the legality of the position of Mayor of Palembang period 2013-2018 to be appointed based on the decision letter of the Minister of the Interior Number 13 -5050 About the dismissal of Harnojoyo as Acting Mayor appointed him mayor of Palembang and definitive replaces his partner Romi Hertton which becomes convicted person when couples Romi-Harno previously was deposed by the DPRD Palembang City Decision No. 6 by 2014, and has been granted through the Supreme Court's verdict No. 04 P/KHS/2014. This research uses the approach of the case (case approach), in order to see the application of the law in practice influenced interpretations, analogies, as well as social, political pressure that enclosing them. Research results show that Harnodjoyo inauguration as Mayor of Definitive substitute Romi Hertton on the basis of decision letter of the Minister of the Interior has appropriate administrative procedures, but legally the decision letter of the Minister of the Interior then contrary to the ruling of the Supreme Court about the impeachment of the chief mate of the area. So the position of Mayor of Palembang Period 2013-2018 can be cancelled.

Keywords: Legality, Position, Impeachment.