

ABSTRAK

Pertahanan dan keamanan negara salah satu bela negara yang diatur dalam Pasal 30 Ayat (1) UUD NRI Tahun 1945. Rumusan ini menimbulkan problem yuridis karena menggabungkan istilah “hak” dan “wajib” dalam bunyi ayat tersebut. Karena secara konseptual memiliki makna berbeda, sehingga berpotensi menimbulkan kekaburan hukum dalam implementasinya. Penelitian ini bertujuan untuk menafsirkan secara yuridis makna frasa tersebut serta menganalisis implikasi hukumnya terhadap pelibatan warga negara dalam sistem pertahanan dan keamanan nasional. Fokus penelitian ini yaitu: 1). Bagaimana penafsiran yuridis terhadap frasa hak dan kewajiban warga negara dalam Pasal 30 Ayat (1) UUD NRI Tahun 1945? 2). Bagaimana implikasi hukum dari penggabungan frasa hak dan kewajiban dalam Pasal 30 Ayat (1) terhadap pelibatan warga negara dalam sistem pertahanan dan keamanan negara? Metode penelitian ini menggunakan jenis penelitian hukum normative dengan pendekatan perundang-undangan dan pendekatan konseptual. Frasa “hak dan wajib” dalam Pasal 30 ayat (1) UUD NRI Tahun 1945 menimbulkan ambiguitas normatif yang memerlukan penegasan konseptual, karena secara teoritis hak bersifat pilihan, sedangkan kewajiban bersifat mengikat, sehingga berpotensi menimbulkan ketidakpastian hukum dalam implementasinya. Dengan demikian, penelitian ini menekankan pentingnya kepastian hukum melalui regulasi yang konsisten dan tegas terkait kewajiban membela pertahanan dan keamanan.

Kata kunci: Hak dan kewajiban, pertahanan dan keamanan negara, UUD NRI 1945

ABSTRACT

National defense and security constitute one of the forms of state defense regulated in Article 30 paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This formulation gives rise to a juridical problem due to the combination of the terms “right” and “obligation” within the same provision. Conceptually, these two terms have different meanings, which potentially creates legal ambiguity in its implementation. This research aims to interpret juridically the meaning of the phrase and to analyze its legal implications for the involvement of citizens in the national defense and security system. The focus of this study includes: (1) How is the juridical interpretation of the phrase “right and obligation” of citizens in Article 30 paragraph (1) of the 1945 Constitution of the Republic of Indonesia? and (2) What are the legal implications of combining the phrases “right” and “obligation” in Article 30 paragraph (1) toward the involvement of citizens in the national defense and security system? This study employs a normative legal research method using statutory and conceptual approaches. The phrase “right and obligation” in Article 30 paragraph (1) of the 1945 Constitution creates normative ambiguity that requires conceptual clarification, as theoretically a right is optional, while an obligation is binding, thereby potentially causing legal uncertainty in its implementation. Hence, this research emphasizes the importance of ensuring legal certainty through consistent and explicit regulations concerning the duty to participate in national defense and security.

Keywords: *Rights and obligations, national defense and security, the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945).*