

ABSTRAK

Akibat reformasi dalam sistem pemerintahan di Indonesia, seharusnya menjadikan penyelenggara Negara semakin maju dan profesional dalam mewujudkan tata pemerintahan yang baik (*good governance*). Polemik seputar praktik rangkap jabatan pejabat Negara masih sering terjadi, padahal sudah banyak peraturan perundang-undangan yang mengatur perihal larangan rangkap jabatan. Rangkap jabatan pejabat Negara dilihat dari perspektif apapun seperti, etika, sosial, budaya, politik dan AAUPB, pada dasarnya dilarang. Maka kemudian bagaimana pelaksanaan penegakan hukum terhadap rangkap jabatan pejabat Negara dan etika penyelenggaraan Negara dalam memandang praktik rangkap jabatan pejabat Negara.

Metode pada penelitian skripsi ini menggunakan jenis penelitian yuridis normatif dengan pendekatan perundang-undangan (*statute approach*), pendekatan konseptual (*conceptual approach*), pendekatan sejarah (*historical approach*), serta pendekatan perbandingan (*comparative approach*). Dengan menggunakan bahan hukum primer, UUD NRI Tahun 1945, UU Nomor 3 Tahun 2005 tentang Sistem Keolahragaan Nasional, UU Nomor 39 Tahun 2008 tentang Kementerian Negara, dan peraturan perundang-undangan lainnya yang terkait serta bahan hukum sekunder yang berkaitan dengan pokok masalah.

Hasil penelitian bahwa pelaksanaan penegakan hukum terhadap rangkap jabatan pejabat Negara belum bekerja secara efektif. Hal tersebut dikarenakan, aturan perundang-undangan yang tidak disebutkan secara eksplisit, diskresi birokrat penegak hukum memperbolehkan rangkap jabatan, budaya birokrasi, rendahnya moralitas pejabat Negara dan pelaksana undang-undang. Serta, etika hendaknya digunakan sebagai pedoman dalam penyelenggaraan Negara. Etika penyelenggaraan Negara tidak membenarkan adanya rangkap jabatan yang menimbulkan terjadinya *conflict of interest* dalam pelaksanaan jabatannya.

Kata Kunci: Rangkap Jabatan, Pejabat Negara, Penegakan Hukum, dan Etika Penyelenggaraan Negara.

ABSTRACT

As a result of reforms in the government system in Indonesia should make the state organizer more advanced and professional to create a good governance. Polemics surrounding the practice of concurrent positions of state official are still common even though there are many laws and regulations governing the prohibition of concurrent positions. In terms of various perspectives such as ethics, social, cultural, political and AAUPB, concurrent positions of state officials are basically prohibited. So then how in the implementations of law enforcement againts concurrent positions of state officials and the ethics of state administrations in the practice of concurrent positions of state officials.

This reseacrh uses a normative juridical research with a statute approach, conceptual approach, historical appoarch, and comparative approach. Using primary legal materials, Constitution of the Republic of Indonesia of 1945. Law number 3 of 2005 concerning National sports system, Law number 39 of 2008 concerning the Ministry of State, Law number 2 of 2008 concerning political parties juncto, and Law number 2 of 2011, and also other relevant laws and regulations. While the secondary legal material uses some written literatures related to the subject matter of this research.

The result of this research is that the implementation of law enforcement againts concurrent positions of state officials in the goverment system in Indonesia has not worked effectively. This is because the laws and regulations are not explicitly bureaucracy which tends to allow concurrent positions, concurrent positions that have become a bureacratic culture, low morality of state officials and law enforcement and ethic should be used as guidelines in the administration of state. The ethic of state administration does not justify the existence of concurrent positions which the lead to conflicts of interest in the implementations of their positions.

Keyword : concurrent positions, state officials, law enforcement, and state administrations ethics.