

ABSTRAK

Aturan Pasal 170 ayat (1) Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum mengenai syarat calon Presiden dan Wakil Presiden dimana pejabat negara yang diharuskan mundur dari jabatannya terlebih dahulu jika ingin mencalonkan dirinya sebagai calon Presiden dan/atau Wakil Presiden, namun ada pengecualian pada sebagian pejabat negara didalamnya. Adanya pengecualian tersebut (tanpa harus mundur dari jabatannya) justru akan berpotensi terjadinya tindakan penyalahgunaan wewenang serta adanya bentuk pendiskriminasian pada sebagian pejabat negara yang harus mundur. Terhadap hal itu, terdapat 2 (dua) rumusan masalah yaitu; 1) Bagaimana ketentuan Pasal 170 ayat (1) Undang-Undang Nomor 7 Tahun 2017 dalam perspektif *good governance*, dan 2) Bagaimana ketentuan Pasal 170 ayat (1) Undang-Undang Nomor 7 Tahun 2017 dalam perspektif *Equality Before The Law*. Penelitian ini menggunakan metode penelitian hukum normatif, dengan pendekatan perundang-undangan (*statute approach*), pendekatan konseptual (*conceptual approach*) dan pendekatan perbandingan (*comparative approach*). Hasil penelitian menunjukkan bahwa ketentuan Pasal 170 ayat (1) Undang-Undang Nomor 7 Tahun 2017 dalam perspektif *good governance*, tidak sejalan dengan Asas *good governance* (tata kelola pemerintahan yang baik), karena dapat dikatakan dalam pembentukan pasal tersebut telah mengesampingkan Asas *good governance* serta Asas-Asas Umum Pemerintahan yang Baik (AAUPB) yang keduanya merupakan sebuah asas yang perlu diperhatikan dalam pembuatan regulasi atau peraturan perundang-undangan khususnya di Indonesia. Pasal 170 ayat (1) Undang-Undang Nomor 7 Tahun 2017 juga tidak sejalan atau tidak mencerminkan Asas *equality before the law*, pasal tersebut menimbulkan suatu diskriminasi terhadap pejabat negara yang harus mundur dari jabatannya ketika ingin mencalonkan diri sebagai calon Presiden dan/atau Wakil Presiden.

Kata Kunci : Pencalonan Pejabat Negara, *Good Governance*, *Equality Before The Law*

ABSTRACT

The rules of Article 170 paragraph (1) of Law Number 7/2017 concerning General Elections regarding the requirements for candidates for President and Vice President where state officials are required to resign from their positions first if they want to nominate themselves as candidates for President and / or Vice President, but there are exceptions for some state officials in it. The existence of these exceptions (without having to resign from their positions) will actually have the potential for acts of abuse of authority and a form of discrimination against some state officials who must resign. Against this, there are 2 (two) problem formulations, namely; 1) How are the provisions of Article 170 paragraph (1) of Law Number 7 Year 2017 in the perspective of good governance, and 2) How are the provisions of Article 170 paragraph (1) of Law Number 7 of 2017 in the perspective of Equality Before The Law. This research uses normative legal research methods, with a statute approach, conceptual approach and comparative approach. The results showed that the provisions of Article 170 paragraph (1) of Law Number 7 Year 2017 in the perspective of good governance are not in line with the principles of good governance, because it can be said that the formation of the article has overridden the principles of good governance and the general principles of good governance, both of which are principles that need to be considered in making regulations or laws, especially in Indonesia. Article 170 paragraph (1) of Law Number 7 Year 2017 is also not in line with or does not reflect the Principle of Equality Before The Law, the article creates a discrimination against state officials who must resign from their positions when they want to run as candidates for President and/or Vice President.

Keywords : *Nomination of State Officials, Good Governance, Equality Before The Law*