

**KONSTITUSIONALITAS PEMBUBARAN KONSTITUANTE OLEH
PRESIDEN SUKARNO BERDASARKAN PERSPEKTIF HUKUM TATA
NEGARA DARURAT**

ABSTRAK

Penelitian ini mengkaji konstitusionalitas tindakan Presiden Sukarno dalam pembubaran Konstituante pada 5 Juli 1959 dengan berdasarkan perspektif Hukum Tata Negara Darurat. Permasalahan utama yang diangkat adalah bagaimana perspektif Hukum Tata Negara Darurat memandang tindakan tersebut, serta alasan-alasan yang memperkuat kedudukan hukum Dekrit Presiden 5 Juli 1959 yang membubarkan Konstituante dan mengembalikan UUD 1945. Teori yang digunakan dalam penelitian ini meliputi Teori Hukum Tata Negara Darurat, Teori Konstitusi, Teori Konstitusionalisme, Teori Konvensi Ketatanegaraan, serta Tinjauan tentang Konstituante. Dengan menggunakan metode penelitian normatif melalui pendekatan peraturan perundang-undangan (*statute approach*), pendekatan konseptual (*conceptual approach*), dan pendekatan historis (*historical approach*). Hasil penelitian menunjukkan bahwa tindakan pembubaran Konstituante oleh Presiden Sukarno melalui Dekrit Presiden 5 Juli 1959 adalah konstitusional, didasarkan pada Hukum Tata Negara Darurat dan Konvensi Ketatanegaraan. Alasan-alasan yang memperkuat kedudukan hukum Dekrit Presiden 5 Juli 1959 meliputi pengaruh politik Presiden Sukarno dan Konsepsi Presiden 1957, politik hukum dari Kabinet Djuanda, dukungan Angkatan Darat, konflik historis antara pemimpin dan elite politik, dukungan faksi Islam seperti Nahdlatul Ulama, dan penurunan posisi politik Partai Masyumi. Dengan demikian, enam alasan tersebut memperkuat kedudukan hukum Dekrit Presiden 5 Juli 1959 dalam konteks Demokrasi Terpimpin dan masa selanjutnya.

Kata Kunci: Konstituante, UUDS 1950, Hukum Tata Negara Darurat

**THE CONSTITUTIONALITY OF THE DISSOLUTION OF THE
CONSTITUENT ASSEMBLY BY PRESIDENT SUKARNO BASED ON
THE PERSPECTIVE OF EMERGENCY CONSTITUTIONAL LAW**

ABSTRACT

This research examines the constitutionality of President Sukarno's action in dissolving the Constituent Assembly on July 5, 1959, based on the perspective of Emergency Constitutional Law. The main issues raised are how the perspective of Emergency Constitutional Law views the action, as well as the reasons that strengthen the legal position of the Presidential Decree of July 5, 1959, which dissolved the Constituent Assembly and restored the 1945 Constitution. The theories used in this research include Emergency Constitutional Law Theory, Constitutional Theory, Constitutionalism Theory, Constitutional Convention Theory, and Overview of the Constituent Assembly. By using normative research methods through statute approach, conceptual approach, and historical approach. The results show that President Sukarno's act of dissolving the Constituent Assembly through the Presidential Decree of July 5, 1959, was constitutional, based on Emergency Constitutional Law and State Conventions. The reasons that strengthened the legal position of the Presidential Decree of July 5, 1959, included the political influence of President Sukarno and the 1957 Presidential Conception, the legal politics of the Djuanda Cabinet, the support of the Army, historical conflicts between political leaders and elites, the support of Islamic factions such as Nahdlatul Ulama, and the decline in the political position of the Masyumi Party. Thus, these six reasons strengthen the legal position of the Presidential Decree of July 5, 1959, in the context of Guided Democracy and beyond.

Keywords: *Constituent Assembly, the 1950 Constitution, Emergency Constitutional Law*