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## Dynasty Politics in Legal Perspective

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**Abstract:** Dynasty politics has hurt and injured democracy in Indonesia. The rise of this practice creates injustice in society due to the lack of transparency in the government process. This research aims to see how dynastic political issues are reviewed from a legal perspective. The research method uses normative juridical research with a legislative and conceptual approach. The results of the research conducted show that political dynasties in Indonesia have begun to flourish and have taken root in local governments. The rise of political dynasties in Indonesia is due to the absence of firm law enforcement for political actors who perpetuate this power. This is also exacerbated by the weakness of laws and regulations that regulate political dynasties in Indonesia.

**Keywords:** Democracy, Rights, Dynasty Politics

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### INTRODUCTION

Indonesia as one of the largest countries in Southeast Asia uses a legal system based on democratic principles<sup>1</sup>. Indonesian democracy is based on the principles of people's sovereignty, freedom of opinion, and respect for human rights<sup>2</sup>. The implementation of democracy is carried out in various aspects ranging from general elections, the role of political parties, press freedom to the opportunity for citizens to be actively involved in the world of politics. The democratic system is contained in the mandate of the 1945 Constitution of the Republic of Indonesia in article 1 paragraph (2) which states that sovereignty is in the hands of the people and is implemented according to the 1945 Constitution<sup>3</sup>.

The real implementation of democracy in Indonesia is manifested in simultaneous general elections which are carried out to determine future leaders who will run the

wheels of government. At this stage, people have the freedom to become voters or become people chosen by the people to become leaders in their regions. This event is often known as the people's "democratic party" to elect the President and Vice President, legislative members at the central and regional levels, regional representative councils, Regional Heads ranging from Regency to Province to Village Heads<sup>4</sup>. However, in reality, the freedom of the people was confined because of the existence of political dynasties. Political dynasties are hereditary leadership within the confines of close families that are often found in national and local elections which can in essence interfere with the consolidation of democracy<sup>5</sup>.

Political dynasties consolidate their power by continuing to try to dominate power in a region. This group is a group of people who have the ability to influence the political decision-making process, allowing them to

<sup>1</sup> Purnamawati, Evi. "Perjalanan Demokrasi di Indonesia." *Solusi* Vol.18, No. 2, (2020), hlm. 251

<sup>2</sup> Nuna, Muteb, and Roy Marthen Moenti. "Kebebasan Hak Sosial-Politik Dan Partisipasi Warga Negara Dalam Sistem Demokrasi Di Indonesia." *Jurnal Jus Constituendum* Vol.4, No. 2, (2019), hlm. 110.

<sup>3</sup> Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Pasal 1 ayat (2)

<sup>4</sup> Idris, F., and D. Jaya Wardana. "Aspek Hukum Presidensial Threshold Dalam Pemilihan Presiden Dan Wakil Presiden Di Indonesia". *UNES Law Review*, Vol. 5, no. 4, (2023), hlm. 2508

<sup>5</sup> A Bathoro. 2011, "Perangkap Dinasti Politik Dalam Konsolidasi Demokrasi." *Jurnal FISIF UMRAH* Vol. 2, No. 2 Hlm.15-25.



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virtually untouched by the law and criticism during his reign<sup>9</sup>.

President Soeharto also made the dominance of the Golkar party to become the House of Representatives. During the Soeharto administration, the Golkar Party played the role of the main political vehicle that supported its power. Many members of this party had personal or family ties to Soeharto, which helped maintain their loyalty and influence within the party. The involvement of the Soeharto family in the political system in Indonesia has made many policies that only benefit one party<sup>10</sup>. This made the practice of Corruption, Collusion and Nepotism flourish at that time<sup>11</sup>. This made the community angry and demanded reform.

Reforms that are expected to provide justice and resolve gaps in the political system in Indonesia cannot be eliminated. Dynastic politics, which in the past was centralized, has now begun to take root in the local government. This shows that political practices involving the dominance of families or kinship relationships in political decision-making, the placement of public officials, and the control of political resources, have not only occurred at the national level but have also reached local governments. Political dynasties, which previously focused on the national political elite, are now seen at various levels of local administration, with significant impacts on governance and political dynamics at the regional level. One of the political dynasties that was quite lasting in exercising its power was the Chasan Sochib Dynasty, which was in the Banten Regional Government.

Based on research conducted by Azi Wansaka (2023), it shows that the Chasan Sochib Dynasty held several positions from time to time, namely as follows<sup>12</sup>:

1. Ratu Atut Chosiyah (son) became the Governor of Banten for two terms (2007-2013);
2. Ratu Tatu Chasanah (child) became the Deputy Regent of Serang for two periods (2010-2015) and 2016-2020);
3. Airin Rachmi Diany (son-in-law) became the Mayor of South Tangerang for two periods, (2011-2020);
4. Andika Hazrumy (grandson) became a member of the DPD RI from Banten Province for the period (2009-2014), a member of the House of Representatives of the Republic of Indonesia Dapil I Banten for the period (2014-2016); and Deputy Governor of Banten for the period (2017-2022);
5. Andiana Aprilia Hikmat (granddaughter) became a member of DPD RI from Banten for the period (2014-2019);
6. Tubagus Khaerul Jaman (son) became the Mayor of Serang for the period (2013-2018);
7. Heryani Yuhana (5th wife) became a member of the Pandeglang DPRD for the period (2009-2011);
8. Ratna Komalasari (6th wife) became a member of the Serang City DPRD for the period (2009-2013);
9. Ratu Ella Nurlaella (niece) became a member of the Banten Provincial DPRD for the period (2009-2019);
10. Ade Rossi Khaerunnisa (grandson-in-law) as DPRD of Serang City for the period (2009-2014) and DPRD of Banten Province for the period (2014-2019);

<sup>9</sup> Crouch, Harold. *The Army and Politics in Indonesia*. (Ithaca, NY: Cornell University Press, 1985), hlm. 200.

<sup>10</sup> *Ibid.*, hlm. 180

<sup>11</sup> Jiddan, Gamal Qondas. "Politik Dinasti ditengah Sistem Demokrasi: Menyimak Isu Republik Rasa Kerajaan." *The Republic: Journal of Constitutional Law* 2.1, (2024), hlm. 26

<sup>12</sup> *Ibid.*, hlm. 27

11. Tanto Warsono Arban (grandson-in-law) as the Banten Provincial DPRD for the period (2014-2015);
12. Aden Abdul Khaliq (son-in-law) as a member of the Banten Provincial Parliament (2009-2012).

Until now, the issue of dynastic politics in Indonesia is still rarely discussed because it is often muted by powerful leaders. In essence, there is no system that justifies the existence of power on the basis of kinship relations. Political dynasties are contrary to democracy because they have limited the scope of democracy. The Constitution upholds every citizen to vote and be elected, so it is clear that dynastic politics has injured the concept of democracy that applies in Indonesia. Dynastic politics accommodates personal closeness without looking at the abilities of the person appointed or appointed as a leader. Leaders who are incompetent in managing the government will of course be a threat.

#### Political Dynasties Reviewed from a Legal Perspective

Dynastic politics is considered unethical from the perspective of legal morality because it violates the principles of justice, equality and freedom. Dynastic politics can also trigger the abuse of political power in one family which will increase the risk of corruption and nepotism. Dynastic politics can also violate the principles of democracy and fairness in general elections. This is because the power that is in one family will ignore the principles of equality and healthy competition in the general election process<sup>13</sup>.

Political dynasties have the potential to nourish a corrupt culture in government. Public anxiety about this practice makes the government prohibit the practice of dynasties, this is done by prohibiting people who have relationships or relatives to participate in the

General Election. This is contained in article 7 letter r of Law No. 8 of 2015 concerning the Regional Elections which states that "Indonesian citizens can be Candidates for Governor & Deputy Governor, Candidates for Regents & Deputy Regents, and Candidates for Mayor & Deputy Mayor are those who meet the requirements & do not have a conflict of interest in using the *Pertahana*". *Pertahana* means a person who does not have blood relations, marital ties or bloodlines unless they have passed a gap of 1 term of office.

The Constitutional Court also took firm action against the existence of political dynasties. This demand was then granted by the Constitutional Court by deleting the article "political dynasty" because it was considered contrary to the Constitution and the Basic Law of the Republic of Indonesia in 1945. At least there are human rights issues that have been violated due to the existence of the "political dynasty" article, including<sup>14</sup>:

#### 1. Article 21 of the 1948 United Nations Human Rights Code

- a. Everyone has the right to participate in the government of his own country, either directly or through the intermediary of freely elected representatives.
- b. Everyone has the same right to be appointed to a position in the government of his country.

#### 2. Article 5 paragraph (1) of the Human Rights Law

Everyone is recognized as a personal human being who has the right to demand and obtain the same treatment and protection in accordance with his human dignity before the law.

<sup>13</sup> Retno Mawarini dan Ceprud, "Batasan Dinasti Politik Perspektif Moral Hukum", *Jurnal Ilmiah Hukum Dan Dinamika Masyarakat*, Vol. 21, No. 2 (2023), Hlm. 13.

<sup>14</sup> Fatimah Kurnia Sari et al., Fenomena Dinasti Politik dalam Perspektif Hukum Tata Negara, *Journal of Al-Hakam Islamic Law & Contemporary Issues*, Vol. 3 No. 1, (2022) Hlm. 24

3. Article 15 of the Human Rights Law  
Everyone has the right to fight for their right to self-development, both individually and collectively, to build their society, nation, and country.

4. Article 43 paragraph (1) of the Human Rights Law

Every citizen has the right to be elected and vote in general elections based on equal rights through direct, public, free, confidential, honest, and fair voting, in accordance with the provisions of laws and regulations.

Political dynasties can be ended if there is policy reform, public awareness and changes in political culture. The perpetuation of political dynasties in Indonesia is due to the weak governing law and the lack of supervision in the field. The weakness of laws and regulations is used by some circles to expand their power. Freedom in politics is also a gap for political actors to be able to stay in power for longer.

Based on this, it is necessary to have the role of state institutions, community participation and build a healthy political culture. State institutions need to be active and independent in supervising and enforcing regulations related to the election of regional heads. The community must participate consciously and critically in the democratic process, especially in the election of regional heads. A healthy political culture must prioritize democratic values, such as diversity, tolerance, active participation, openness, accountability, and well-being.

### CONCLUSION

When viewed from a legal point of view, the practice of political dynasties is not directly prohibited by the 1945 Constitution or other legal regulations in Indonesia. Nevertheless, this raises questions about political justice, transparency, and conflicts of interest. State institutions have an important role in supervising and enforcing rules related to the election of regional heads and ensuring

integrity in the political process. The active and critical participation of the community in the democratic process is also important to reduce the risk of political dominance of the family or dynasty. A healthy political culture needs to promote democratic values such as pluralism, tolerance, open public participation, accountability, and shared prosperity.

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**Sp.** This word is misspelled. Use a dictionary or spellchecker when you proofread your work.



**Proper Nouns** You may need to use a capital letter for this proper noun.



**Sp.** This word is misspelled. Use a dictionary or spellchecker when you proofread your work.



**P/V** You have used the passive voice in this sentence. You may want to revise it using the active voice.



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**Wrong Article** You may have used the wrong article or pronoun. Proofread the sentence to make sure that the article or pronoun agrees with the word it describes.



**Article Error** You may need to use an article before this word.



**Prep.** You may be using the wrong preposition.



**P/V** You have used the passive voice in this sentence. You may want to revise it using the active voice.



**Sp.** This word is misspelled. Use a dictionary or spellchecker when you proofread your work.



**P/V** You have used the passive voice in this sentence. You may want to revise it using the active voice.