

Side Effect of Inter-Time Replacement: Members of the House of Representatives By Political Parties in a Democratic System

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Abstract: Sovereignty is fully in the hands of the people and implemented according to the Constitution the mechanism for implementing people's sovereignty is through general elections elected by the people in the context of implementing the democratic system in Indonesia, but the mechanism for the Interim Replacement of members of the People's Representative Council/Regional People's Representative Council as stipulated in Article Law Number 17 of 2014 concerning the MPR, DPR, DPD, Provincial DPRD and Regency/Municipal DPRD provides an opportunity to abort elected DPR members. The purpose of this study is to determine the side effect of the interim replacement of members of the DPR by political parties in a democratic system. The research method used is a qualitative research method by analyzing phenomena. The results of research on the side effect of inter-time replacement in the democratic system for members of the DPR which are carried out by political parties tend to be based on the interests of political parties, not based on the interests of the people, so this has a side effect of weakening the democratic system where people's votes from general election results are not a priority, this because the inter-time replacement process for members of the DPR is carried out in full and becomes the authority of political parties. Therefore strengthening the inter-time replacement mechanism is necessary so that the political rights of the community can be properly protected.

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INTRODUCTION

Power can be interpreted as influencing his desires to others (Langner et al., 2013). In general power can be interpreted as the ability of a person or group to influence the desires or actions of others (Putra et al., 2022). In a political context, power can be defined as the ability of a government or government agency to make decisions and implement policies that affect society. In a social context, power can be interpreted as the ability of an individual or group to influence the views or behavior of others. In another sense, power is also defined as the ability of a person or group to control or control resources and activities that are essential for the survival of a person or society.

In Indonesia itself, it adheres to the theory of people's sovereignty which carries the highest consequences of power in the hands of the people (Jurkevics, 2022; Megawati,

2019). The concept of popular sovereignty is recognized as the basis of the state and is applied in the existing system of government. Popular sovereignty means that the highest power rests with the people, which is exercised through the mechanism of elections and the system of representatives. This means that the people have the right to choose their leaders and have control over the government led by the elected leader (Muhtadi, 2015; Warburton & Aspinall, 2019). But in reality, there are still many obstacles faced in realizing this theory of popular sovereignty, such as problems of corruption, conflicts of interest, uneven distribution of suffrage, and much more.

People's sovereignty is seen in the 1945 Constitution of the Republic of Indonesia Article 2 paragraph (2) which reads that the highest sovereignty is in the hands of the people and is carried out according to the Basic Law. Power is in the hands of the people cannot be interpreted as literally power exercised by the people, if power is exercised by the people, it will have consequences for anarchism (Mataram et al., 2021). Therefore, a representative concept is needed. That is, the people delegate that power to the representatives. Then this power must have legitimacy or legitimacy. So that legitimacy itself can be interpreted as a citizen's belief if the authority possessed by a person or group or ruler is common and needs to be valued based on perspective in accordance with the provisions (Cahyawati et al., 2021).

Replacement between times in colloquial language can be interpreted as substitutions or replacements made within a certain period of time. In the context of the DPR (House of Representatives) of the Republic of Indonesia, this may mean the change of DPR members that occurs within a certain period of time (Mietzner, 2015; Rüland & Bechle, 2014). Side effects of this replacement can include disruption of the legislative process and a lack of continuity in representation for the citizens represented (Kivimaa & Kern, 2016). In addition, there may be political or ethical issues related to the reasons for the substitution, such as allegations of corruption or misconduct.

Inter-Time Replacement of members of the House of Representatives is associated as a recall. Etymologically, the word recall in English contains several meanings. At least according to Peter Salim (in The Contemporary English-Indonesia), that is to remember, call back, withdraw or cancel. Inter-Time Replacement is defined as the process of recalling or replacing members of the DPR by its parent organization which is of course a political party (Sonbay et al., 2021).

State democracy justifies the existence of political parties as pillars of democracy or the exercise of popular sovereignty. Political parties are a forum for people to participate in the process of policy making and decision-making in democracies. Political parties provide a means for the public to vote for and provide support to candidates for legislative and presidential members carried by political parties that are believed to be able to represent people's aspirations. Political parties also play a role in unifying the diverse aspirations and interests of society and turning them into political programs that will be carried out in elections.

Political Parties are also a means for the people to supervise the implementation of policies that have been taken by the government and convey people's aspirations

continuously to the government. Political Parties also have a role in shaping public opinion and providing alternative sol (Rudianto & Purwanto, 2021)

A democratic state certainly justifies the existence of Political Parties as pillars of democracy or the exercise of popular sovereignty. Political parties basically have a central and important position and role in every democratic system because they play an important role as a liaison between *the state government* and its citizens (Hernimawati, 2017).

The Inter-Time Reimbursement was expected to meet the demands of the public wanting *an accountable* councillor, both his political performance and his ethics of conduct, but along the way, the authority of the Inter-Time Replacement was misinterpreted by the party's top brass. Councillors who disagree with the party are sanctioned and dismissed through the Inter-Time Replacement mechanism (Nusamuda & Subandi, 2022). Even though the councillors voiced the aspirations of the people, this has the potential to damage the democratic system and often cause legal consequences for political parties, election organizers and members of political parties who will become candidates for Inter-Time Replacement of DPR members such as unilateral dismissal of members of political parties who have been elected for opposition to political parties, bribery cases of election organizers and witnesses given by the Honorary Council of Election Organizers (DKPP) for election organizers due to errors in the Inter-Time Replacement process of DPR members (Cahyawati et al., 2021).

Polemics caused by inter-time replacement s of dpr members often occur in Indonesia. This can be caused by various factors such as the intransparency of the process of selecting DPR members, uncertainty in the distribution of seats for DPR members, indecisiveness in sanctions for violators, and vagueness in the mechanism of distribution of mixed funds. In addition, there are also other factors such as the lack of quality of human resources that organize elections, as well as the lack of public understanding of mechanisms and procedures election of members of the House of Representatives.

Polemics caused by inter-time replacement s of DPR members can cause harm to the democratic order in Indonesia. In addition to causing damage to people's reputation and trust in the democratic system, polemics can also cause political instability and hinder the development process. Therefore, efforts need to be made to overcome these problems, such as by increasing the transparency of the process of selecting DPR members, improving the quality of human resources who organizes elections, and increases public understanding of the mechanisms and procedures for selecting members of the House of Representatives.

Polemics caused by the inter-time replacement of DPR members often occur, some polemics that occur in the near future such as, firstly the polemic of the determination of Mulan Jameela because she was appointed as a member of the DPR replacing Ervin Luthfi a fellow cadre of the Gerindra Party where Ervin Luthfi got the third most votes from the Gerindra Party, while Mulan Jameela was in fifth place, The second Harun Masiku Bribery Case against KPU members so that a KPU member Wahyu Setiawan was designated as a suspect in the Bribery Case in the context of the inter-time replacement process of the deceased DPR member, The three DKPP decisions to the chairman and members of the

Independent Electoral Commission (KIP) of Aceh Province with severe warning sanctions for appointing Samsul Bahri bin Amiren and M. Rizal Fahlevi Kirani as members of the Aceh DPR while the Aceh National Party (PNA) has fired the two cadres and there are many other inter-time replacement cases. These various polemics can indirectly make the democratic system in Indonesia unhealthy, therefore it is necessary to review what the implications of inter-time replacement carried out by political parties have on democracy in Indonesia.

It is difficult to give a general answer about the potential side effects of moving between members of the DPR of the Republic of Indonesia, because the specific circumstances and actions of each case are likely to have a significant impact on the potential outcome. However, some potential side effects can include disruption of the legislative process and a lack of continuity of representation for constituents. In addition, there may be political or ethical issues surrounding the reasons for the transfer, such as allegations of corruption or misconduct.

RESEARCH METHODS

This research uses a qualitative approach. A qualitative research approach is a research method used to collect descriptive and in-depth data on social or individual phenomena (Kivimaa & Kern, 2016). This approach focuses on the subjective understanding of the phenomenon under study and prioritizes the social context in the analysis. In a qualitative research approach, researchers typically use data collection methods such as interviews, observations, and case studies.

The qualitative research approach intends to understand what the research subject experiences by means of descriptions in the form of words and language by utilizing various natural methods (Moser & Korstjens, 2018). In the context of this study, it is more specific to analyze the phenomenon of Inter-Time Change in Indonesia. This research is more specific to analyzing the phenomenon of alternation between times in Indonesia.

There are several stages that can be carried out in a qualitative research approach (Bryman, 2018), including; 1) Planning: Make a research proposal that explains the phenomenon of interchange between times in Indonesia and the method to be used. 2) Data collection: Conducting interviews and observations on replaced dpr members, as well as conducting case studies on cases of interchange between times in Indonesia. Transcripts and coding: This stage includes a transcript of the data that has been collected and providing codes on the data for easy analysis. 3) Data analysis: This stage includes analyzing the data that has been collected by looking for patterns and themes that emerge from the data. 4) Interpretation: This stage includes interpreting the data and making conclusions from the results of the analysis. 5) Reports: This stage includes the preparation of a report describing the results of the study and the conclusions drawn from the data analysis.

Qualitative descriptive data analysis technique, namely data analysis, is carried out by systematically organizing and analyzing all the data obtained starting from data collection, data reduction, data presentation and drawing conclusions.

RESULTS AND DISCUSSION

Inter-Time Replacement or recall of members of the House of Representatives is the right of political parties that are implemented permanently through the mechanism of laws and regulations, the purpose of inter-time replacement carried out by the Political Paratai is to control the cadres of political parties so as not to simply release their cadres who sit in parliament or the executive (Haedar, 2021). In addition, inter-time replacement or recall of DPR members is the right of political parties to replace DPR members who have been elected by the people through general elections. This is done for certain reasons, such as because the member of the House no longer meets the qualifications or no longer reflects the interests of the political party that represents. However, what is happening right now is the opposite. Political parties actually dictate a lot of their cadres to secure the position of political parties so that it is undeniable that this has negative implications for democracy in Indonesia (Sonbay et al., 2021).

Political Parties have considerable power in determining the candidates for the legislature to be carried (Franceschet & Piscopo, 2014). Political parties tend to choose candidates for the legislature who are considered to be able to guarantee the continuity of the party's position in the legislature (Hassell, 2016; Martin, 2014). This can have negative implications for democracy in Indonesia, due to the potential for conflicts of interest between the interests of political parties and the interests of the community and reduce the quality of elected legislators. Therefore, there needs to be a mechanism that can guarantee that legislative candidates carried by political parties are candidates who have good quality and competence and are able to represent the interests of the community.

Candidates for legislative members carried by political parties must have good quality and competence and be able to represent the interests of the community (Resnick, 2013). However, in practice, it is not always the case. Political parties often prioritize internal political interests and strategies for securing positions in the legislature over selecting candidates who fit their qualifications and abilities (Murray, 2014). Therefore, it is necessary to have a mechanism that can guarantee that legislative candidates carried by political parties do have good quality and competence and are able to represent the interests of the community.

There are several mechanisms that can be used to ensure that legislative candidates carried by political parties have good quality and competence and are able to represent the interests of community, some of them are:

1. The selection of candidates for legislative members through a transparent and objective selection process.
2. There are regulations that require political parties to field candidates for legislative members who meet the specified qualification requirements.
3. Monitoring by independent agencies of the process of selecting candidates for legislative members carried out by political parties.

4. There is a system of electing legislators that prioritizes the interests of the community over the interests of political parties, such as a participatory-based electoral system.
5. Strict sanctions are given to political parties that violate the rules applicable in the process of selecting candidates for the legislature.

The electoral system in Indonesia adopts a constituent-based electoral system (Horowitz, 2017). A constituent-based electoral system is a system in which voters can only vote for candidates for the legislature who are from that electoral district. In this system, each region in Indonesia is represented by a number of legislators elected through general elections (Aminuddin, 2017). This system is expected to represent the interests of local communities and increase community participation in the policymaking process. However, the constituent-based electoral system also has several obstacles such as potential conflicts of interest between regions and the dependence of legislators on political parties.

A constituent-based electoral system in which parliamentarians and the executive are elected by the people through elections conducted in certain constituency areas (constituencies). In this system, political parties play an important role in supporting and carrying candidates for parliament and the executive, but constituents who are local communities will provide support to candidates carried by political parties or independents. Thus, it can be said that elected MPs and executives are not merely or purely from political parties, but are also the result of constituent support.

Political observer of Gajah Mada University, Mada Sukmajati said, in the election system in Indonesia, parliament members and even elected executives are not solely or purely departing from political parties. Constituents are precisely the determinants of a person sitting in a parliamentary or executive seat. Thus, political parties cannot arbitrarily apply the right of recall. "The argument is that even if someone is a political party official, they will not necessarily be able to become a councillor if they don't get the most votes. Therefore, even political parties cannot arbitrarily exercise the right of recall," the problem in the Constitution is. The recall mechanism is considered too simple because it is sufficient with the proposal of political party officials to the leadership of the DPR / DPRD. The conception of recall, said Mada, is basically interpreted as a control mechanism for members of the DPR / DPRD. But in reality, such control mechanisms do not go as expected. What happened was that many cadres were problematic but still continued to receive political support (Zaini & Maturidi, 2021), as long as the tribute to the political parties was still going on (Alikhan Rauf et al., 2018)

On the side of LIPI political observer, Syamsuddin Haris assessed that the mechanism for replacing or recalling and changing between time inter-time replacement of DPR members needs to be changed. The inter-time replacement should not only be the authority of the political parties, but also be the public authority that is the constituent of members of the House." If it is only from political parties, then inter-time replacement is prone to misuse, it can be dismissed on the basis of likes and dislikes. Therefore, the public needs to be involved in the process, constituents have the right to control their representatives. If the people's representatives do not work in accordance with the

mandate of the people, then the constituents or the public can take the initiative to recall and the inter-time replacement concerned, The mechanism is various, it can be by using a limited referendum or a petition signed by a number of constituents. Thus, the legitimacy of recall and inter-time replacement is not only from political parties, but also from the public (Aseri, 2018).

The inter-time replacement mechanism for DPR members in Indonesia currently tends to be regulated and carried out by political parties that carry members of the DPR. However, there are some criticisms that the inter-time replacement mechanism needs to be changed to be more transparent and take into account the interests of constituents. Some of the solutions that can be proposed to change the inter-time replacement mechanism include:

1. Regulation of the inter-time replacement mechanism in laws and regulations: Regulates the inter-time replacement mechanism in the prevailing laws and regulations in Indonesia, so that the inter-time replacement mechanism not only becomes the authority of political parties, but also becomes a public authority that is a constituent of dpr members.
2. Simplification of inter-time replacement mechanisms: Simplifying inter-time replacement mechanisms to make them more transparent and understandable to the public.
3. Inclusion of constituents in inter-time replacement mechanisms: Involving constituents in inter-time replacement mechanisms, so that decisions taken pay more attention to the interests of constituents.
4. Inclusion of the ombudsman in the inter-time replacement mechanism: Involves the ombudsman in the inter-time replacement mechanism, so that the inter-time replacement mechanism is more transparent and fair.
5. Creation of an evaluation system for DPR members: An independent evaluation system for DPR members is created, in order to be able to assess the performance of DPR members.

Basically, not only in Indonesia, recalls also occur in other countries, such as Canada and the United States (US) (Bucchini et al., 2016). If the recall procedure in Indonesia already exists and is even regulated in article 85 of law number 22 of 2003 and law number 31 of 2002, so in the United States and its states that have been regulated in such a way. The recall procedure in Uncle Sam's country can also be implemented through the initiative of the people as voters. The people make a petition that will later be submitted to the House of Representatives. If the representative body approves the petition submitted by the constituents, a vote can be held that will determine whether the elected member can remain in office or must step down (Muttaqien, 2020).

Inter-time replacement also occurs in other countries such as Canada and the United States (US). In Canada, the inter-time replacement mechanism is known as "by-election" which is carried out in the event of re-election or death of an elected MP. By-elections in Canada are conducted in the constituency concerned and are contested by political parties participating in previous elections. Meanwhile, in the US, the inter-time replacement mechanism is known as "special elections" which are carried out in the

event of a seat vacancy in congress or senate (Berinsky, 2005). Special elections in the US are conducted in the constituency concerned and are contested by political parties participating in previous elections (Anwar, 2001; Asunka et al, 2019).

Although the inter-time replacement mechanisms in other countries vary, they are basically done to fill the vacancies of seats in the elected parliament or executive. However, it should be noted that the electoral mechanism in other countries is very different from that in Indonesia, in other countries elections are conducted directly by the people, unlike in Indonesia which uses a constituent-based electoral system.

Not much different from America, the recall process in Canada also rests on a movement initiated by the people as voters. The people must petition to recall the elected legislature. Slightly different from America, Canada has a minimum limit for the process to be actionable. People must collect a minimum of 40 percent of signatures from voters in constituencies (Pratama & Mutiarin, 2019). If this step is met, a vote can be held in the constituency whether to agree to recall the legislature. If agreed, then the community is given the opportunity to conduct re-voting in the constituency. The existence of this procedure shows that the recall process is so strict, because it relates to the popular vote that has been channeled through its representatives in the constituency.

In Canada, from 1997-2015 there were only 26 recall attempts and all of them failed. Meanwhile, in Indonesia, from 2014-2019 ten parties in legislative seats have conducted inter-time replacement or recall and have different percentages. As of the end of 2019, 22 percent of dpr members with inter-time replacement status. The data does not include inter-time replacement due to corruption cases at the end of the term. From this difference, we can see how easy it is for parties in Indonesia to recall council members. In fact, the policy is carried out without involving the people who have channeled their voting rights to the party in the elections, indirectly the votes of the people who have voted are in vain.

In addition, the inter-time replacement mechanism for members of the DPR / DPRD as regulated by Law Number 17 of 2014 concerning the MPR, DPR, DPD, Provincial DPRD and Regency/City DPRD as well as law Number 2 of 2011 concerning Political Parties still provides gaps in interpretation of different interpretations of both political parties and election organizers so that the inter-time replacement results of DPR/DPRD members that have been determined by the KPU lead to violations of the code of ethics of the election organizers themselves and open the possibility of indications corruption that undermines the democratic order in Indonesia.

Some loopholes that can cause different interpretations by political parties and election organizers regarding Law Number 17 of 2014 concerning the MPR, DPR, DPD, Provincial DPRD and Regency/City DPRD as well as Law Number 2 of 2011 concerning Political Parties include: 1) Uncertainty in the distribution of seats for DPR/DPRD members between political parties and regional representatives. 2) Limitations in supervision of the mechanism for selecting members of the DPR/DPRD by the KPU. 3) Indecision in sanctions for political parties or election organizers who commit violations in the election of members of the DPR / DPRD. 4) Uncertainty in the mechanism for distributing mixed funds (campaign financing) received by political parties and

candidates for members of the DPR / DPRD. 5) Intransparency of the process of selecting members of the DPR / DPRD that can be recognized by political parties and election organizers.

Some of the loopholes that can cause different interpretations by political parties and election organizers regarding Law Number 17 of 2014 concerning the MPR, DPR, DPD, Provincial DPRD and Regency/City DPRD as well as Law Number 2 of 2011 concerning Political Parties can affect the process of holding elections and can damage the democratic order in Indonesia. For example, the non-transparency of the process of selecting members of the DPR/DPRD can lead to allegations of corruption, indecision in sanctions for violators can increase the chances of fraud in elections, and vagueness in the mechanism for dividing seats for DPR/DPRD members can lead to injustice in the distribution of seats at the national and regional levels.

Therefore, efforts need to be made to overcome these loopholes so that the process of holding elections can run well and the democratic order can be maintained. efforts are needed to overcome loopholes in the inter-time replacement mechanism of DPR / DPRD members so that the process of holding elections can run well and the democratic order can be maintained. Some of the efforts that can be made are: First, the election must provide sufficient transparency in the process of selecting members of the DPR / DPRD, including in terms of determining the determination of seats of members of the DPR/DPRD and the distribution of mixed funds. Second, elections must provide strict and effective sanctions for violators who commit fraud in the process of selecting members of the DPR/DPRD. Third, elections must improve public education about the mechanisms and procedures for selecting members of the DPR/DPRD so that the public can actively participate in the process

CONCLUSION

The conclusions that can be given in this writing are as follows: First, that the inter-time replacement of a member of the DPR/DPRD refers to the established rules and legal mechanisms, in this case Law Number 17 of 2014 concerning the MPR, DPR, DPD and DPRD, Law Number 23 of 2014 concerning Local Government While its implementation is spelled out in the General Election Commission Regulation Number 6 of 2017 concerning Interim Replacement of MPR members, DPR, DPD and Provincial DPRD and Regency/City DPRD.

Secondly, that what is behind the occurrence of inter-time replacement is that it is an effective tool to get rid of councillors who are opposed to the interests of political party administrators. As a result, the existence of councillors is highly dependent on the tastes of political party administrators, thus shifting the orientation of councillors to channel the interests of political party administrators. In fact, the existence of councillors is because they are elected by the people in a general election that is direct, free, confidential, honest and fair.

Thirdly, That as a democracy, it certainly justifies the existence of Political Parties as pillars of democracy or the exercise of the sovereignty of the people. This is based on the implementation of indirect democracy which is carried out through elections to form

and of course the existence of political parties as participants in elections. Political parties basically have a central and important position (status) and role in every democratic system because they play an important role as a liaison between the state government and its citizens.

Fourth, The implications of inter-time replacement by political parties are based on the interests of political parties so that members of the DPR/DPRD who have been elected through the general election mechanism can be killed by the inter-time replacement carried out by political parties, thus having a bad effect on democracy in Indonesia.

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