

## CHAPTER ONE

### INTRODUCTION

#### A. Background

Data has shows that the practice of political dynasty in Indonesia had been quiet large from 2015 to 2017. There are 23 of political dynasty practiced in the Democracy in Indonesia.<sup>1</sup> The question is whether political dynasty is good or bad. Does it give a positive or negative impact on the practice local democracy? This is an interesting topic to be discussed in the light of analyzing the impact of political dynasty to local democracy.

The ideal democracy means that citizens have more chances to be involved in the political process. In other words, there is a big opportunity for all citizens to participate in contesting for various political positions from regional to national by following prevailing laws and regulations. but unfortunately, the citizens are still hindered by their status or social rights because of the existence of a political dynasty.<sup>2</sup>

Democracy means that the political power or government which is run from, by and for its people, then this political dynasty has created political pragmatism by encouraging the circle of regional heads to become public officials. Its presence, which involves the contesting for power in regional to national, results in the substance of democracy itself, is difficult

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<sup>1</sup>See further on Agus Sutisna, 2017, *Memilih Gubernur, Bukan Bandit! Demokrasi Elektoral dan Pilgub 2017 di Tanah Jawara*, Yogyakarta, CV Budi Utama.

<sup>2</sup> Martien Herna Susanti, 2017, "Dinasti Politik dalam Pilkada di Indonesia", *Journal of Government and Civil Society*, Vol. 1, No.2, p.112.

to achieve. The raising of political dynasty, especially in the regions, is inseparable from the role of election regulations.<sup>3</sup>

The Constitutional Court has issued Decision No. 33/PUU-XIII/2015 which examines Law No. 8 of 2015 on the Amendment of Law No. 1 of 2015 on Government Regulation in lieu of Law on Election of Governors, Regents and Mayors against the 1945 Constitution –hereafter Regional Head Election Law 2015. The Constitutional Court found the prohibition as provided in Article 7 point r of Regional Head Election Law 2015, stated that the citizen of Indonesia who are able to be candidates for Governors, Regent, Mayors are the ones who do not have any conflicts of interest with the incumbent.

Moreover, Article 27 verse (1) of the 1945 Constitution, stated that: (1) All citizens shall be equal before the law and the government and shall be required to respect the law and the government, with no exceptions; Article 28D verse (1) of the 1945 Constitution, stated that: (1) Every person shall have the right of recognition, guarantees, protection and certainty before a just law, and of equal treatment before the law; Article 28D verse (3) of the 1945 Constitution, stated that: (3) Every citizen shall have the right to obtain equal opportunities in government; Article 28J verse (1) and (2) of the 1945 Constitution, stated that: (1) Every person shall have the duty to respect the human rights of others in the orderly life of the community, nation and state.(2) In exercising his/her rights and freedoms,

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<sup>3</sup>*Ibid.*

every person shall have the duty to accept the restrictions established by law for the sole purposes of guaranteeing the recognition and respect of the rights and freedoms of others and of satisfying just demands based upon considerations of morality, religious values, security and public order in a democratic society.

This decision relates to the constitutionality of the rules for candidate regional heads that do not have any conflict of interest with the incumbent and the candidate of regional head who serves as legislative members in the local elections. The Constitutional Court decided that it contradicts to the constitutional rights of citizens to obtain the same rights in law and government as well as the freedom of everyone from discriminatory action. It is based on the 1945 Constitution which guarantees the constitutional right to be elected.

This petition is requested by the member of Regional People's Representative Assembly –hereafter DPRD in Gowa, Adnan Purichta Ichsan Yasin Limpo who is one the son of the Regent of Gowa at 2010-2015, Ichsan Yasin Limpo. After the Constitutional Court legalized the Decision No. 33/PUU-XIII/2015, Adnan Purichta Ichsan Yasin Limpo was elected as the Regent of Gowa.

This decision raises the pros and cons, particularly in regards to the conflicts of interest of incumbent family. This polemic arose because the public considers that the Constitutional Court Decision No.33/PUU-XIII/2015 has promoted the practice of political dynasty as a legitimate

practice in accordance with the Constitution of the Republic of Indonesia. The public assessment leads to the assumption that the Constitutional Court decision promotes wider political dynasty and legalize relatives incumbent in the election.<sup>4</sup>

One of the significant cases is the case of Ratu Atut Choisyah. Ratu Atut not only committed a corruption related to the procurement of goods and services within the Government of Banten Province in 2011-2013. But also, she committed a nepotism in which some members of her family held several strategic positions in the Banten Government.<sup>5</sup>

Furthermore, the political dynasty in Klaten. For the last 15 years, leadership in Klaten, Jawa Tengah, is held by two married couples. Alternately, the position of the Klaten Regent is only occupied by the couple (Haryanto Wibowo-Sri Hartini and Sunarna-Sri Mulyani). The couple of Regent-Vice Regent of Klaten is currently held by Sri Hartini-Sri Mulyani. Sri Hartini and Sri Mulyani are paired to lead Klaten Regency for the period 2016-2021. However, this time Sri Hartini was sentenced to 11 years in prison because of a bribery case structuring Organization Structure and Work Order.<sup>6</sup>

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<sup>4</sup>Shanti DwiKartika, 2015, "Putusan Mahkamah Konstitusi Dalam Melegalkan Politik Dinasti Dalam UU Pilkada", *Pusat Pengkajian, Pengelohan Data dan Informasi*, Vol. VII: 14, p.1.

<sup>5</sup>\_\_\_\_\_, "Ini Dia Alur Dinasti Politik Ratu Atut", October 9<sup>st</sup> 2013, taken from <https://www.rappler.com/indonesia/berita/158524-12-calon-kepala-daerah-dinasti-politik>, accessed on Monday, 5<sup>th</sup> March 2018 at 10.05 a.m.

<sup>6</sup>Fariz Fardianto, "Kasus Suap Jabatan, Bupati Sri Hartini Diduga Terima rp. 9,7 M", May 23<sup>st</sup> 2017, taken from <https://www.rappler.com/indonesia/berita/170696-suap-jabatan-bupati-sri-hartini-rp-97-m>, accessed on Monday, 5<sup>th</sup> March 2018 at 10.20 a.m.

The political dynasty in South Sulawesi. Dewi Yasin Limpo was involved in bribery power projects in Papua. Dewi is the sister of Ichsan Yasin Limpo, Regent of Gowa at 2010-2015 and Syahrul Yasin Limpo, Governor of South Sulawesi. And it means Dewi is the aunt of Adnan Purichta Ichsan Yasin Limpo, Regent of Gowa at 2015-2020. Some family members of the Limpo held several strategic positions ranging from members of the DPR to Regents in South Sulawesi.

Looking at these cases, the practice of political dynasty in some places seems to be good, but can also be bad. Based on the case that has been described above, this research will analyze the impact of practiced dynasty in local democracy.

## **B. Research Problem**

Based on the background above, it can be formulated the research problems are:

1. How is the position of political dynasty after the Constitutional Court Decision No. 33/PUU-XIII/2015?
2. How is the impact of political dynasty in local democracy on practices in some regions?

## **C. Objective of Research**

The objective of research are:

1. To understand the position of political dynasty after the Constitutional Court Decision No. 33/PUU-XIII/2015.

2. To analyze the impact of political dynasty in Banten, Klaten and South Sulawesi.

#### **D. Benefits of Research**

The benefit of research are:

1. Theoretical Benefits

This research will give a deeper analysis on the position of political dynasty based on the 1945 Constitution as well as on the Constitutional Court Decision. Besides, this research will open the view of the impact of political dynasty in local democracy.

2. Practical Benefits

This research will suggest recommendation to the House of Representative –hereafter DPR and President in making a better concept of political dynasty in Indonesia in the future.

