



# Responsive Constitutional Law Strategy for Preventing Political Corruption Done by Local Political Dynasties\*

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[10.15408/jch.v11i1.24754](https://doi.org/10.15408/jch.v11i1.24754)

## Abstract

This article aims to examine corruption practices in the regions carried out by political dynasties and prevention efforts from the perspective of responsive constitutional law. It will examine the motives of political dynasties, forms of corruption by dynasties, factors that cause dynasties, and efforts to prevent them. This article uses a socio-legal method that is an interdisciplinary approach in the study of law by combining the social sciences and humanities. Secondary data mainly comes from cases, regulations, and libraries. The results of the study show that the dynasties tend to practice forms of corruption in the regions: corruption in the buying and selling of regional government positions and corruption in regional infrastructure projects originating from the Regional Budget Revenue. Factors causing political dynasties include the high cost of regional head elections and the absence of laws prohibiting dynastic practices in regional head elections. Efforts to prevent the practice of political dynasties for regional head elections from the perspective of responsive constitutional law are in the form of policies to regulate the regional head election system that prioritizes the principle of responsibility for public demands and provides alternative solutions through: reducing the cost of regional head elections, lowering the threshold for candidacy, changing the financing of regional head elections from the Regional Revenue Expenditure Budget to the State Expenditure Budget, separating local and national elections, a political culture that educates the people in voting, and policies for the welfare of the people in order do not elect dynastic candidates in regional head elections.

**Keywords:** Political dynasties; Corruption; Responsive Constitutional of Law

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\* Received: December 12, 2022, Revised: January 14, 2023, Accepted: January 26, 2023, Published: April 15, 2023.

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## Strategi Hukum Tata Negara Responsif Dalam Pencegahan Korupsi Politik Yang Dilakukan Dinasti Politik Lokal

### Abstrak

Artikel ini bertujuan mengkaji tentang praktik korupsi di daerah yang dilakukan oleh dinasti politik dan upaya pencegahannya dalam perspektif hukum tata negara responsif. Akan dikaji tentang, motif dinasti politik, bentuk-bentuk korupsi yang dilakukan dinasti, faktor-faktor penyebab dinasti dan upaya pencegahannya. Metode yang digunakan adalah *socio-legal* yakni menggabungkan ilmu hukum dengan ilmu sosial. Sumber data diperoleh melalui data sekunder, berupa studi pustaka, kasus dan aneka peraturan. Hasil penelitian menunjukkan bentuk korupsi di daerah yang dilakukan oleh dinasti, yaitu korupsi jual-beli jabatan di pemerintah daerah dan korupsi proyek infrastruktur daerah bersumber dari Anggaran Pendapatan Belanja Daerah. Faktor penyebab terjadinya dinasti politik, yaitu mahal biaya pemilihan umum kepala daerah (Pilkada) dan kekosongan hukum pelarangan praktik dinasti dalam Pilkada. Upaya mencegah praktik dinasti politik dalam Pilkada melalui perspektif hukum tata negara responsif, berupa perlunya kebijakan pengaturan sistem Pilkada yang mengedepankan pada prinsip tanggung jawab terhadap tuntutan publik dan memberi solusi alternatif melalui beberapa aspek, yaitu menurunkan biaya Pilkada, menurunkan ambang batas pencalonan, mengubah pembiayaan Pilkada dari Anggaran Pendapatan Belanja Daerah (APBD) ke Anggaran Pendapatan Belanja Negara (APBN), memisahkan Pemilu lokal dan nasional dan budaya politik mencerdaskan rakyat dalam memilih, dan kebijakan mensejahterakan rakyat agar tak memilih calon dinasti dalam Pilkada.

**Kata Kunci:** Dinasti Politik; Korupsi, Hukum Tata Negara Responsif

### Реактивная стратегия конституционного права для предотвращения политической коррупции, совершенной местными политическими династиями

#### Абстрактное

Эта статья посвящена изучению практики коррупции в регионах, осуществляемой политическими династиями, и усилиям по предотвращению ее возникновения с точки зрения эффективного конституционного права. В нем будут рассмотрены мотивы политических династий, формы коррупции, вызывающие династии, и усилия по их предотвращению. Эта статья использует социально-правовой метод, который является междисциплинарным подходом в изучении права путем объединения социальных наук и гуманитарных наук. Вторичные данные в основном поступают из документов, правил и библиотек. Результаты исследования свидетельствуют о том, что династии, как правило, практикуют в регионах формы коррупции: коррупцию при покупке и продаже местных государственных должностей, а также в региональных инфраструктурных проектах, исходя из доходов регионального бюджета. К факторам, вызывающим политические династии, относятся высокая стоимость выборов региональных руководителей и отсутствие законов, запрещающих династическую практику в региональных выборах руководителей. Усилия по предотвращению практики проведения политических династий выборов региональных руководителей с точки зрения ответного конституционного права заключаются в политике регулирования региональной системы выборов руководителей, которая уделяет первоочередное внимание принципу ответственности за общественные требования и предоставляет альтернативные решения посредством: снижения стоимости региональных выборов, снижения порога кандидатуры, изменения финансирования выборов областных руководителей из бюджета региональных поступлений и расходов на бюджет государственных расходов, разграничения местных выборов и национальных, политической культуры, обучающей народ голосованию, и политики в интересах благополучия народа, с тем чтобы не избирать династических кандидатов в региональных выборах руководителей.

**Ключевые слова:** Политические династии; Коррупция; Реактивный конституционный закон

## A. INTRODUCTION

The issue of political dynasties has always been a public concern when local head elections are held in Indonesia. Dynastic politicians can be defined as politicians who are related by blood or marriage to other individuals who previously held political positions. As Benny Geys and Daniel M. Smith stated: "...Dynastic politicians can be defined as politicians who are related by blood or marriage to other individuals formerly holding political office...". ([Geys & Smith, 2017:446](#))

In the 2020 regional head elections during the Covid 19 pandemic which started on December 9, 2020, candidates for regional heads from the lineage of relatives of national and local officials or political dynasties were also enlivened in the 2020 regional head elections. ([Cannors, 2020: 12](#))

Relatives of national officials include: Gibran Rakabuming Raka, Candidate for Mayor of Surakarta (Son of President of the Republic of Indonesia Joko Widodo), ([Zamani, 2021:3](#)). Siti Nur Azizah Candidate for Mayor of Tangerang Selatan (daughter of Vice President of the Republic of Indonesia KH Ma'ruf Amien), Rahayu Saraswati, Candidate for Mayor of Tangerang Selatan (The nephew of the Minister of Defense Prabowo Subianto), Hanindito Himawan Pramana Candidate for Kediri Regent (son of Cabinet Secretary Pramono Anung), Titik Masudah Candidate for Deputy Regent of Mojokerto (Younger sister of the Minister of Manpower of the Republic of Indonesia Ida Fauziyah) and Irman Yasin Limpo Candidate for Mayor of Makassar (The younger brother of the Minister of Agriculture of the Republic of Indonesia, Syahrul Yasin Limpo). Meanwhile, relatives of local officials include: Ipuk Fiestiandini, the candidate for Banyuwangi Regent (wife of Banyuwangi Regent Abdullah Azwar Anas), Etik Suryani, Candidate for Sukoharjo Regent (Wife of Sukoharjo Regent Wardoyo Wijaya), Pilar Saga Ichsan, candidate for Deputy Mayor of South Tangerang (Son of Serang Regent, Ratu Tatu Chasanah and the younger brother of the former Banten governor, Ratu Atut Chosiyah. ([Ridho, 2020:1](#))

The phenomenon of the rise of dynastic politics in the 2020 regional head elections shows that political positions in the regions will only be owned by a handful of elite groups who are related by blood ([Kenawas, 2020:6](#)). A Political dynasty in this election is actually not appropriate from an ethical perspective ([Marco, 2017:128-135](#)). If it is related to a responsive legal perspective, what places the law is a reflection of a sense of justice and fulfilling the expectations of society. Responsive law is placing the law as a means of responding to social provisions and public aspirations. In accordance with its open nature, this type of law puts forward accommodation to accept social changes in order to achieve

justice and public emancipation. Even responsive law is a program of sociological jurisprudence and realist jurisprudence. This essentially calls for a more empirical legal study that transcends the boundaries of formalism, the expansion of legal knowledge, and the role of policy in legal decisions. ([Nofit & Michal, 2022: 23](#))

The search for responsive law has become a very large and continuing concern of modern legal theory, to make law more responsive to social needs and to take more fully and intelligently into account the social facts on which the application and enforcement of law is based and aims ([Dixon, 2022: 134](#)). Social change and social justice require a responsive legal system. This need has actually become the main theme of all experts who agree with the functional, pragmatic, and purposive (goal-oriented) spirit ([Hamzani, 2020:205](#)). Based on the empirical reality in society, dynastic politics has the potential to give birth to corruption, collusion and nepotism. In fact, corruption is a poison of democracy and an obstacle to prosperity. ([Wolf, 2018: 144](#))

Since the direct regional head election system was introduced since 2005, there have been at least 6 (six) dynasties caught in corruption cases in the Corruption Eradication Commission's Catching Operation, namely the dynasty of Governor Ratu Atut Chosiyah in Banten Province ([Rastika, 2013:1](#)), dynasty of Regent Syaokani AR in Kutai Kartanegara Regency ([Tim Liputan 6 SCTV, 2007:1](#)) and their children Rita Widayarsi ([Gabraliin, 2018:2](#)), Atty Suharti dynasty in Cimahi City ([Ridwan, 2020:3](#)), dynasty Fuad Amin in Bangkalan Regency ([Rizky, 2018:2](#)), Sri Hartini dynasty Klaten Regency ([Listy: 208:2](#)), and Yan Anton Ferdian dynasty in Banyuwangi Regency ([Wulandari, 2017:4](#))

Elite officials who are related to regional heads tend to abuse political power, in the form of using state facilities, Regional Budget Revenue and bureaucratic apparatus to support their relatives in regional head elections. Likewise, their relatives who run for office have the potential to take advantage of official and incumbent socio-political networks to gain votes in regional head elections by riding the popularity and social capital of officials and incumbents. So dynastic practices encourage regional head election competitions to be unfair, and discriminatory and privileges relatives of officials and incumbents. ([Smith, 2018:113](#))

Dynastic politics has long been a political gossip in the country, the results of a Kompas Research and Development survey stated that 58 percent of respondents wanted a rule prohibiting political dynasties ([Maharini, 2020:6](#)). Because it is a parasite of democracy because with dynastic politics the incumbents who are greedy for power will struggle to maintain political power

only around their relatives. These are very primitive ways of maintaining power in a democratic era.

Dynastic practices in regional head elections have the potential to ethically obstruct the presence of alternative political figures in regional head elections. Then it will give birth to candidates for regional heads who are incompetent and have integrity because they are selected based on a debt of gratitude to relatives of officials and incumbents. Thus, the practice of this dynasty will steal the regeneration of local and national political leadership. At the same time, it is the death knell for political ethics which is the spirit of democracy.

The concept of regional autonomy legal policy which was introduced in the national political map in Indonesia from 2005 to 2020 actually aims to spread democratic values in the regions, namely the election of the best sons and daughters of the region to become political leaders who are in accordance with the will and aspirations of the local community ([Tyson, et.al, 2022: 421-52](#)). These political leaders have strong legitimacy and can be trusted by the local public. The hope is that they will be able to run the local government in a participatory, accountable and transparent manner.

The reality is that the spread of local democracy creates an oligarchy, where local political leadership is only controlled by a group of local political elites who have access to politics, money and kinship. As a result, local democracy spreads, with the oligarchy becoming the main actor of corruption in the regions. The dynastic political landscape is a portrait of the failure to ground the concept of regional autonomy in Indonesia. ([Mendoza, et.al, 2022: 35-6](#))

This article will explore the correlation between political dynastic practices in regional head election and regional corruption and efforts to prevent it from a responsive legal perspective. Based on the explanation on this background, there are several problems that will be analyzed in this article. They are about the motives of dynastic political practices in regional head elections, the forms of regional corruption which tend to be carried out by political dynasties in the administration of regional government, the factors that led to the occurrence of political dynasties in regional head elections and also the efforts to prevent the practice of political dynasties for regional head elections in order to avoid the risk of corruption in the regions from the perspective of responsive constitutional law.

## B. METHODS

This paper uses a socio-legal method that takes an interdisciplinary approach to the study of law by combining social sciences or humanities. In this method, the law is interpreted as a set of rules of conduct that govern and compel society as well as how it is to resolve conflicts. The approaches used are the statute approach and the case approach. Secondary data mainly comes from laws and regulations and libraries. The data that has been obtained is then analyzed qualitatively.

## C. RESULT AND DISCUSSION

### 1. Dynastic motifs regional head elections

There are at least four main reasons why political dynasties are preferred by political elites in a country:

First, trusty is more due to the fact that relatives are more trusted and are not likely to betray, as is usually the case with power-seeking politicians who are usually solely to make a trail for new relatives. Second, loyalty from relatives will have high loyalty in the context of carrying out all political tasks, especially in terms of maintaining the dignity and honor of large relatives compared to other people. Because other people will have a tendency to get around political agreements, even destroying the path of the old ruler's relatives to be transferred to the relatives of the new ruler ([Ghosh, 2023: 15](#)). Third, solidarity with relatives is certainly far from having a strong level of solidarity in maintaining political power, especially in helping large family clans from the bankruptcy of power and wealth, rather than those who are not relatives. The continuity and continuity of political dynasties has usually become a powerful icon and political dimension to maintain solidarity between relatives.

Fourth, this protection is related to the model of maintaining the prestige and honor of the extended family. Those who come from the same descent are more likely to be able to keep what the family owns and controls than other people. Efforts to protect the lines of control over economic resources are the main motivation. Then, usually creating a political-economy cartel system, so that competition in gaining profits and maintaining economic-political profits as much as possible only dwells in the circle of the rulers' relatives. There is even a tendency to create a quasi-competition mechanism above rules and laws that are resolved in such a way that leads to forcing the people to carry out democratic patterns that are only procedural. ([Gronnerud KA, 2018: 134](#))

## 2. Forms of Regional Corruption Due to Dynastic Regional Head Elections

### 2. 1. Corruption in the Sale and Purchase of Regional Government Positions

Corruption in the sale and purchase of positions in the Regional Government is one of the most prominent practices carried out by regional heads who gain power from political dynasties. Corruption in the buying and selling of positions can be proven based on the records of the 2016 final study from the Civil Apparatus Commission of the Republic of Indonesia, the money from the sale and purchase of positions in government every year reaches Rp.150 trillion occurs in 516 regions, 34 districts, 34 ministries and 30 state institutions ([Administrator ASN, 2016:1](#)). What a fantastic and astonishing value for money.

This practice of buying and selling of positions was evidently carried out by the Regent of Klaten, Central Java Province, Sri Hartini (wife of the Regent of Klaten Haryanto), who was arrested by the KPK for alleged promotional bribery and rotation of a number of Klaten Regional Government officials. The KPK succeeded in securing a number of important documents and money from official deposits of Rp. 2 billion and hundreds of US dollars and Singapore dollars. ([Listy, 2019:3](#))

In Klaten regency, official positions are always bought and sold, just like trading in traditional markets, there is a bargaining model, there is also a set rate. Like a strong rumor, the Echelon position in Klaten was pegged at between Rp. 50 million-Rp.400 million rupiahs. Not to mention specifically for the positions of Principal of SD, SMP, SMA/SMK and Education Supervisor in Klaten whose numbers are contested the most, of course the prices vary and sometimes they can still be negotiated according to location ([Puspitasari, 2019:2](#)). This sale and purchase was carried out because of the Regent and Deputy Regent and his relatives of the local political elite. Within five years of serving as rotation, transfer and promotion of officials at least take place at least five times in five years.

The practice of buying and selling positions in the Klaten Regency Government is due to dynastic politics and/or kinship in the Klaten Regency. In the last 20 years, the Klaten Regency has been led by two dynasties, namely Haryanto Wibowo (Regent of Klaten 2000-2005) and Sunarna (Regent of Klaten 2005-2015). Now their wives are the Regent and Deputy Regent, namely Sri Hartini (wife of Haryanto Wibowo) who was elected as Deputy Regent of Klaten 2010-2015 to accompany Sunarna, then Sri Hartini was elected as Regent of Klaten 2015-2016 replacing Sunarna.

Sri Mulyani (Sunarna's wife) was elected as Deputy Regent of Klaten 2015-2016 to accompany Sri Hartini. Sri Mulyani is currently the Regent of Klaten 2016-2021 replacing Sri Hartini because she was arrested by the Corruption Eradication Commission. Sri Mulyani came forward again as a Candidate for Regent of Klaten in the 2020 Regional head elections Simultaneously and was elected as Regent of Klaten 2020-2024.

## 2.2. Local Government Infrastructure Project Corruption

The form of corruption in the regions that is carried out by regional heads who obtain positions through dynastic political channels that is commonly practiced is marking up regional expenditure budgets for the construction of regional development infrastructure, starting from buildings, bridges, roads to procurement. regional routine shopping.

This mode is categorized as grand corruption or political corruption, namely corruption committed at the level of policy making (determining the amount of the budget) by local political elites. It is this "corrupt" budgeting process that has led to an increase in the infrastructure budget - not because of the increased demand for infrastructure. Corruption that occurs in the government bureaucracy is the result of political bargaining that occurs in the regional legislative and executive bodies. ([Tim KPPOD, 2012:3](#))

One of the factors why local politics is only dominated by oligarchs in the midst of efforts to spread local democracy can be seen from the reality, that incumbents usually tend to use threat and provocation ammunition to Civil Service Officers to support their victory in regional head election competitions. It is not uncommon for incumbents to use strong people (gangsters) from the political party activists who support the incumbents or by using local strong figures. ([Wilson, 2010:199-218](#))

These strong people (local strogment) will often change form into a shadow government in the Regional Government that collaborates in a triangle between the regional head, local strokes and local businessmen to regulate the running of local government. starting from managing regional development projects, receiving project benefits (fees), to assigning civil servant positions to relevant agencies. It is undeniable that the nets of regional government are now in the grip of a political triangle. ([Purwaningsi, et al, 2020: 13](#))

It is clear that dynastic politics will be increasingly entrenched and lasting in the regions. Even dynastic politics will be a powerful way for incumbents to



make them small kings in the regions ([Effendi, 2018:78](#)). Dynastic politics is used as ammunition to accumulate wealth and coffers of abundant natural wealth in the region to maintain, expand, and strengthen its power in the regions by rolling political power only around close relatives.

Slowly but surely the breath of local democracy will die in the regions, because the politics of this dynasty is very cruel, more than the zombies who proclaim projects, fees, the results of regional development are only enjoyed by a handful of people in regional kinship relations.

### **3. Factors Causing Pilkada Dynasty**

#### **3.1. High Costs of Election Head of Region**

The politics of this dynasty is the source of "clogged up" (stagnation) of regeneration of political leaders because it is filled with an aura of kinship. Dynastic politics also influences the behavior of local officials. because at the time the Regional head elections was taking place the political costs of money to maintain the political dynasty in order to win in the regional head general election were very expensive. That is why when the politicians in this dynasty's political network managed to win in the regional head elections. ([Rocha, 2022: 45-78](#))

The direct election of regional heads adopted in the regional autonomy system in Indonesia from 2005 to 2020 has not changed, which is expensive. There is no comparison between the costs incurred when competing in regional head elections with the salaries that candidates get after becoming regional heads. For example, a candidate for governor requires Rp. 20 billion-Rp. 100 billion, whereas the salary received per year is only Rp. 510 million-Rp. 600 million; candidate regent or mayor Rp. 0.3 billion-Rp 10 billion, while the salary earned "only" Rp. 300 million-Rp 420 million a year.

As a result, it is difficult for regional heads to run their wheels of government cleanly without corruption. At this point, it is confirmed that the regional head candidates (after being elected) will carry out various tactics to return the political costs of capital during the regional elections, from Regional Budget Revenue. ([Prihatini, et al, 2023: 9](#))

#### **3.2. Vaccination of Dynasty prohibition law in Regional Head Election**

It is undeniable that the Constitutional Court (MK) has contributed to the perpetuation of dynastic politics in the regions in the aura of simultaneous

regional elections in Indonesia. Case No. 79 / PUU-XIII / 2015 has been granted by the Constitutional Court. Thus, the Constitutional Court has canceled the ban on dynastic politics in Article 7 letter r of Law Number 8 Years 2015 concerning Regional head elections which was confirmed on July 8, 2015. In this article, it is very clear that it prohibits dynastic politics in regional head elections in Indonesia.

In this provision, it is explained that stating that they cannot become a candidate in the regional head elections if they have a conflict of interest with the incumbent for regional head candidates and deputy regional head candidates (governors and deputy governors, regents and deputy regents, as well as mayors and deputy mayors) with an explanation, that is, those who have a marriage bond and blood straight up, down, and sideways. Included in these requirements are husband, wife, parents, parents-in-law, uncle, aunt, children, son-in-law, younger sibling, brother and sister-in-law, except for one period (five years).

The Indonesian Constitutional Court's decision is not progressive in interpreting the provisions of Article 7 letter r of Law No.8 Years 2015, because the beneficiaries of limiting the incumbent's relatives in the regional elections are not the incumbent, but also the relatives of the incumbent. This means that the beneficiaries of this arrangement are both parties (reciprocal). That is why the makers of this law provide an explanation that incumbent relatives may run for regional head elections simultaneously as long as one period of office for regional heads has passed. This provision is intended so that both parties cannot reap the benefits in the regional elections when the incumbent is the regional head and his relative is one of the candidates. ([Riewanto, 2015: 6](#))

Thus the incumbent cannot use his power to support his relatives in the regional elections through regional political policies, in the form of the use of Regional Budget Revenue public funds and the mobilization of the regional bureaucratic apparatus to help smooth the way his relatives win in the regional head elections Likewise the incumbent's relatives no longer have an interest in the regional head when candidacy in the regional head elections after a gap of one term in office for the incumbent regional head.

The verdict of the Constitutional Court of the Republic of Indonesia should have been more progressive in favor of the public interest and the period of democratization in Indonesia. The public has so far rejected kinship politics in the competition for political office because it is a poison of democracy that causes the map of power not to roll to everyone, but only to rotate in the ring of the political elite and the extended family of the incumbent. Ministry of Home Affairs data shows that since the direct elections were held in 2005-2014 there

were at least 59 elected regional heads and deputy regional heads who have blood ties.

In perspective philosophically and sociologically, Article 7 letter r of Law Number 8 Year 2015 actually does not contradict the spirit in Article 28 J Paragraph (2) of the 1945 Constitution. This article states that "In exercising his rights and freedoms, everyone is obliged to submit to the restrictions established by law with a view to guaranteeing recognition and respect for the rights of freedom of others and of fulfilling just demands in accordance with considerations of moral, religious values, security and public order in a democratic society. "

The provisions of Article 28 J Paragraph (2) of the 1945 Constitution actually contain the meaning of the choice of open legal policy which is the domain of Lawmakers in choosing it, whether to limit or not in the regulation of a policy public law. In this case, the lawmakers chose to regulate restrictions on the political rights of relatives in regional elections, namely after a gap of one period with the incumbent. This means that the legislators are not wrong philosophically, as long as the regulation on limiting the nomination of incumbents is intended to fulfill fair demands in accordance with moral considerations, religious values, security and public order in a democratic society. So far sociological the public aspirations want dynastic politics to be prevented by regulating the period of their candidacy through the revision of Law Number 32 Years 2004 concerning Local Government junto Law Number 12 Years 2008 as amended by Number 8 Years 2015 concerning Regional Head Election through Article 7 Paragraph (1) letter r, as a response to public aspirations.

The public aspiration for a ban on dynastic politics in the elections is not a political one that wants to discriminate against the political rights of an incumbent relative, but departs from an empirical reality in society, that dynastic politics has clearly given birth to corruption, collusion and nepotism. Because there is a tendency for incumbents to abuse their political power, in the form of using state facilities, regional Budget Revenue and bureaucratic apparatus to support their relatives in the elections ([Copenolle, 2014:10](#)). Likewise, his relatives who run for office have the potential to take advantage of the incumbent's social and political networks to gain votes in the regional elections by hitching a ride on the incumbent's popularity and social capital. It is clear that the politics of this dynasty pushed the regional election competition to be unfair and in fact discriminatory only favored the incumbent's relatives. More than that,

this dynastic politics has killed democracy and democracy has been buried alive by the Constitutional Court's decision.

#### **4. Efforts to Prevent Political Dynasties from Responsive Constitutional Law Perspective**

Systemic efforts are needed to cut the chain of the Regional Head Election, dynasty from a responsive legal perspective. Responsive legal theory is a legal theory that contains a critical view. This theory holds that law is a way to achieve goals. Responsiveness can be interpreted as serving social needs and interests that are experienced and found, not by officials but by the people. ([Boekestein, 2022: 211](#))

Responsiveness implies a commitment to the people, namely the policy to regulate the regional head election system which puts forward the principle of responsibility for public demands and provides alternative solutions. Therefore, in the context of implementing constitutional law to prevent dynastic practices in regional head election, a responsible approach is needed which implies.

It is not only necessary to carry out the Law, but also must have social sensitivity ([Kornezov, 2020:399-403](#)). Constitutional law is demanded not only based on the logic of constitutional regulations, but also other logics. Enforcement of constitutional law must be enriched with the science of constitutional law aids, namely social, political and cultural sciences. ([Khosla & Tushnet, 2022: 99](#))

The idea of responsive law is adopted from the thoughts of Philippe Nonet and Philip Selznik who state that responsive law is a theory about the legal profile needed in a transitional period. Because they must be sensitive to the transitional situation around them, responsive law is not only required to become a system which is open, but must also rely on the primacy of purpose (the sovereignty of purpose), namely the social goals it wants to achieve and the consequences arising from the operation of the law. ([Asa, et al, 2021: 17](#))

Empowering laws and regulations that prohibit the regional head election dynasty cannot, because both Law Number 10 Years 2016 concerning the Election of Governors, Regents and Mayors are not prohibited from practicing and relying on the decision of the Constitutional Court to prohibit the practice of the regional head election dynasty is also incapable, because the MK has issued the Constitutional Court Decision No. 79/PUU-XIII/2015 which canceled the provisions of Article 7 letter r of Law Number 8 Years 2015 concerning regional

head election which the Constitutional Court deemed unconstitutional because it contradicts Article 28 J Paragraph (2) of the 1945 Constitution. Therefore, the paradigmatic function of responsive law is the function of regulation, not adjudication. Regulation is the process of elaborating and correcting policies needed to realize legal objectives. Regulation is understood as a mechanism to clarify the public interest. ([Rono, et.al, 2022:65](#))

Some efforts to prevent dynastic practices in simultaneous regional elections in order to avoid the risk of corruption in the regions carried out by dynastic relatives in the perspective of responsive constitutional law include:

Through political culture, it is necessary to strengthen the role of political parties and voters ([Speijcken, 2011:2-36](#)). Political parties should choose qualified cadres who are not from political dynasties in regional head election contestation. Voters must also be smart in not choosing candidates with no quality and integrity who only have political dynasty capital. Voters are most responsible for trimming political dynasties because the most powerful in the regional head election are voters. Efforts are needed to educate voters in order they do not become sentimental and emotional voters, but rather rational and dignified voters. ([Børhaug, 2005: 51-73](#)).

Through the public economic prosperity policy, direct regional head election in the midst of an economically poor society, the consequence is that votes are the only means to be traded in the regional head election political market. Systemic efforts are needed to improve the welfare of the people so that it is not easy for the people to sell their votes in the regional head election.

Political issues are the domain of urban elites and citizens, not those who live in rural areas, which are more numerous. In fact, it was their votes during the regional head election that became the object of money politics for regional head candidates. Systemic efforts are needed in the regional head election law to reduce the cost of organizing regional head election. In order there is no longer any reason for candidates to return capital in regional head election through corruption in regional policies. This effort can be done with a combined regional head election system: combining the regional head election with the presidential election and the parliament election with local and national elections, as has been done in a number of Latin American countries. ([FOX, 2018:1899-1934](#))

It is also necessary to think about the allocation of regional head election financing through State Budget instead of Regional Budget Revenue funds. Meanwhile, from the aspect of nomination, it is necessary to impose

Parliamentary Threshold (limiting the number of votes in parliament) to the regions.

It is ensured that the number of political parties in the House of Regional Representatives of the Republic of Indonesia is only 4-5 so that if the percentage of nomination requirements is 15 percent of seats, then there will only be 2 (two) candidates without the need to have a coalition with non-District House of Representatives political parties which costs expensive transactional politics.

In the future, the choice of policy reforms to regulate the regional head election system from a responsive legal perspective is expected to end the practice of regional heads becoming petty kings in the regions. Where this condition will be used as a political tool by the regional head to reap economic benefits. Politics and regional resources to maintain kinship networks and in their fields so that they can continue to control political power in the regions in each regional head election.

#### **D. CONCLUSIONS**

The motives for the practice of political dynasties in the regional head election cover: dynastic trusty does not betray in exercising power, dynastic loyalty has loyalty in exercising political power, dynastic solidarity have high solidarity in maintaining power, and dynasty protection has more endurance in maintaining honor and power. On the issue of forms of corruption in the regions that tend to be committed by political dynasties in the administration of regional government include: corruption in the buying and selling of regional government positions and corruption in regional infrastructure projects originating from the Regional Budget Revenue. While the factors that led to the occurrence of political dynasties in the regional head election simultaneously among others are : the high cost of regional head election and the absence of legal practice of dynastic practices in regional head election. Furthermore, there are efforts to prevent the practice of simultaneous regional head election political dynasties in order to avoid the risk of corruption from the perspective of responsive constitutional law that cover responsive nature which means a commitment to the people. It is to say the regional head election system regulatory policies that prioritize the principle of responsibility for public demands and provide alternative solutions among others are : through a political culture to educate the people in voting, policies to improve people's welfare so that they do not vote for dynasties, reducing election costs, changing regional

head election funding from the State Budget, lowering the threshold for candidacy, and separating local and national elections.

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