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Exploring the Roots of Political Dynasties from the Perspective of the Democratic System: Legal and Political Reform as a Balance in Election Contestation

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| **Article Info** |  |
| **Keyword:**  Political Dynasty;  Legal Reform;  Political Reform. | **Abstract:** Political dynasties are not a new phenomenon, but an old phenomenon that continues to grow from year to year in Indonesia's democratic government system to date. one of the causes of Indonesia's political dynasties is that political reform moves very fast like a meteor but on the contrary, legal reform is very slow like a snail. This research aims to explore the roots of political dynasties in the perspective of the democratic system, especially in the state and can contribute as a basis for thought and strategy in preventing political dynasties, especially in democracies that experience election dynamics. This research uses socio-legal research methods. The results of this study found that the phenomenon of political dynasties has grown rapidly in Indonesia's political system, but political dynasties cannot be prohibited because it is the constitutional right of everyone, but political dynasties can be inhibited and prevented by conducting legal reform and political reform in balance. In addition to reforming, the use of Pancasila ideology also increases awareness and nationalism, especially in responding to the problems of political dynasties that occur in society. |
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**INTRODUCTION**

Since the beginning of Indonesia's independence in 1945 until today, the country has experienced various political dynamics including the phenomenon of political dynasties (Basuki & Subiyakto, 2022). Political dynasty/familism political culture can be defined as a culture that creates a habit of placing/dominating families and their descendants into the political power structure. Political dynasty is a strategy to maintain power to remain within the family environment in a period to a sustainable period (Y. R. Sari, 2022). The purpose of maintaining this power is so that it can be used for personal/family interests and no longer serves the general public/public interest. The practice of political dynasties has always been the center of public attention, especially for the country of Indonesia, every time the general election approaches.

Political dynasties are not a new phenomenon, but an old phenomenon that continues to grow from year to year in Indonesia's democratic governance system to this day (Heriyanto, 2022). Literally, a democratic government is defined as a government that places the people as the holder of supreme power/stated as a system of government that is sovereign to the people (Rokilah, 2020). The concept of democracy in the past was understood only as a form of government, but today, democracy has evolved and is understood more broadly as a system of government/politics.

In a democratic system, the phenomenon of political dynasties is actually considered non-existent because it is in accordance with the Indonesian state constitution which upholds every citizen's right to elect and be elected as guaranteed in the 1945 Constitution Article 27 paragraphs (1) and (2), Article 28, Article 28D paragraph (3) and Article 28E paragraph (3) which reads that: The state must fulfill the human rights of every citizen, especially in government involvement to elect and be elected through a general election mechanism that includes elections for members of the DPR, DPD; Presidential Elections, elections for members of the Provincial DPRD; elections for members of the Regency/City DPRD; and elections for regional heads and deputy regional heads. Based on the political rights of citizens that have been guaranteed by the constitution, this country has become the property of the people together and every citizen has the right to occupy political positions as long as they are elected and trusted by the people (Putra & Rakhmadi, 2020).

However, in the midst of democratic principles that uphold freedom and togetherness as the foundation for running the country, it becomes unhealthy if in the name of democracy and the constitution, it changes the course of political life to be dominated by a family / dynasty by force (Prianto, 2016). In this case, according to Lusi Andriyani, the concept of a democratic state contains the principle of open space for anyone to compete in politics so that the phenomenon of political dynasties often occurs in maintaining power because so far the process of monitoring and limiting political dynasty practices has only been left to ethical foundations related to appropriateness and compliance. The trend of political dynasties has long been rooted traditionally as a system known as the patrimonial system (Sutisna, 2017).

The patrimonial system is a system that prioritizes political regeneration based on genealogical ties such as the royal system in the past in Indonesian history. According to Achmad Rilyadi, political dynasties are an inevitable reality in the Indonesian state because they have existed and lived for a long time in political life in Indonesia since the beginning. Nagara Institute based on its research and publications provides data on political dynasties from 2020 to the present has increased, which initially the percentage of political dynasties in Indonesia was 14.78 percent / equivalent to 80 regions out of 541 regions in Indonesia (Rahmatunnisa, 2021). The phenomenon of political dynasties has emerged since the beginning of the first leadership period, namely in the era of Ir. Soekarno, it was seen that his family regenerated politics which fell to Megawati Soekarnoputri who had served as the fifth president of Indonesia. The political power still lasts until today, which is continued by Puan Maharani as the daughter of Megawati Soekarnoputri who is the Chairperson of the House of Representatives (Adinata et al., 2023).

The phenomenon of political dynasties continued to grow during Soeharto's leadership as Indonesia's second president for 32 years. The political dynasty in the Soeharto era was so real that the term "Cendana Family/Cendanaization" emerged. In the political dynasty of the Soeharto era, starting from children, sons-in-law to other relatives controlled various high and strategic positions, especially in the economic and political fields in Indonesia. The political dynasty has strengthened for Soeharto's extended family and then spread to the regions since the opening of the regional autonomy system until now (Fitri, 2019). According to Djohermansyah Djohar, political dynasties have taken root, especially starting in the regions and moving to the national level. The phenomenon of political dynasties in the regions shows growth from year to year as happened in the regions of South Sulawesi, Banten to the national realm (Windi, 2017).

Political dynasties in South Sulawesi can be seen when led by the Yasin Limpo family. Before Yasin Limpo as Minister of Agriculture (Kementan) was arrested by the Corruption Eradication Commission (KPK) in 2023 for being involved in an alleged corruption case, Yasin Limpo had already served as a regional head in South Sulawesi for 25 years. Since 1994, Yasin Limpo first held the position of Regent of Gowa until 2002, after successfully leading Gowa, in 2003 Yasin Limpo served as Deputy Governor of South Sulawesi until 2008. After serving as Deputy Governor, Yasin Limpo succeeded in becoming Governor of South Sulawesi for the period 2013 to 2018 and was eventually appointed Minister of Agriculture (Kementan) in President Joko Widodo's cabinet. In addition to Yasin Limpo, his wife Nurhayati Yasin Limpo and his children namely Tenri Olle Yasin Limpo, Syahrul Yasin Limpo, Tenri Angka Yasin Limpo, Dewie Yasin Limpo, Ichsan Yasin Limpo, Haris Yasin Limpo, and Irman Yasin Limpo plunged into politics and were involved in various levels spread both in parliamentary politics to executive positions (Purwaningsih, 2015).

As for Banten Province, the political dynasty is still running until now. According to Djohermansyah, Banten is one example of a political dynasty that is firmly rooted with Ratu Atut Chosiyah's extended family controlling strategic positions, both from legislative to executive positions. The political dynasty in Banten was formed by Chasan Sochib (Ratu Atut Chosiyah's father) who then confined Atut to become Governor for two periods from 2007-2017, followed by extended family members who occupied various public positions such as Hikmat Tomet (husband) who became a member of the House of Representatives (2009-2014), Andika Hazrumy (son) became a DPD member (2009-2014) and DPR member (2014-2019), Ade Rossi Khaerunisa (daughter-in-law) became a member of the Serang City DPRD (2009-2014), Ratu Tatu Chasanah (sister) became a member of the Banten DPRD (2010-2015), Th. Khaerul Jaman (half-sister) became Deputy Mayor of Serang (2008-2013), Ratna Komalasari (stepmother) became a member of the Serang City DPRD (2009-2014), Heryani (stepmother) became Deputy Regent of Pandeglang (2010-2015), and Airin Rachmi Diany (sister-in-law) became Mayor of South Tangerang (2011-2016) (Rahma et al., 2022).

The political dynasty that is currently of public concern is the political dynasty of President Joko Widodo. Even though the people's trust has been formed and increased since 2014 towards Joko Widodo who did not come from a political elite family as before, the people's sense of trust has run aground quickly after the emergence of Gibran Rakabuming Raka who advanced to become the Vice Presidential Candidate with Prabowo Subianto's partner in the Indonesian Presidential Election in 2024. The loss of public trust in Joko Widodo's government was due to an attempt to advance his son, Gibran Rakabuming Raka to become the Vice Presidential Candidate of Prabowo Subianto's running mate, which involved Joko Widodo's brother-in-law and Gibran's uncle Anwar Usman as the Chief Justice of the Constitutional Court (Asrawijaya, 2022a).

The evidence of a political dynasty in perpetuating Gibran to accompany Prabowo Subianto in the 2024 presidential election has caused the Honorary Council of the Constitutional Court (MKMK) to remove Anwar Usman because he was proven to have committed serious violations in the judicial review process related to the age limit article for presidential and vice presidential candidates. The attempt to perpetuate Gibran in the 2024 presidential election shows ethical and political defects and creates political dynasty practices (Nika, 2021). The main problem with political dynasties is that they are not based on competence and ability. The political dynasty system accommodates more closeness based on personalities without prioritizing abilities, thus damaging the democratic system that has been built and far from the real principles.

The outbreak of political dynasties is a threat, especially in closing the opportunity for the presence of quality leaders and giving birth to a new form of tyranny. Political dynasties are not only politically harmful but also economically because perpetuating political dynasties will also lead to the practice of corruption, collusion and nepotism (KKN) (Asrawijaya, 2022b). The practice of political dynasties is inseparable from the kinship system (nepotism) which definitely damages the democratic system and threatens the constitutional rights of every citizen as stipulated in the 1945 Constitution. According to Lord Acton, political dynasty is the abuse of power by the ruler, especially the thirst for power. The emergence of political dynasty practices in a democratic system cannot be prohibited but can be prevented and inhibited so as not to become rampant and damage the democratic order. Strategies to prevent the emergence of political dynasty practices in democracies can be carried out by conducting balanced political and legal reforms (Hady, 2018).

It is often the case that political reforms are not matched by legal reforms that harm the constitutional rights of citizens. Political reforms move very fast like a meteor but on the contrary, legal reforms run very slowly like a snail. This has left the law very weak and powerless in terms of both its products and its supervision in the field. The imbalance between legal and political reforms has led to the weakening of the law, which in line with the increase in political freedoms that are so broad without restrictions will be disastrous (Farika et al., 2023). In terms of legal products, many regulations that have been produced by the government and DPR must be judged in the Constitutional Court for a number of reasons.

This weak legal product is well utilized by individuals who have a lust for great and sustainable power. The loopholes caused by weak laws make political actors strive to fulfill personal interests rather than public interests. Therefore, balanced legal reform and political reform are needed to achieve democratic justice and minimize the practice of political dynasties in the election contestation that will be held. With such reforms, it provides a fair opportunity for every citizen to participate in politics both as a voter and to be elected (Syam et al., 2023).

Based on the background described above, the problems raised by the authors in this study are: 1). How is the process of forming political dynasty practices in the body of the Indonesian state government?; 2). How is the regulation of political dynasty practices in the body of the current Indonesian state government? 3). How is the form of legal and political reform as a balance in the contestation of the upcoming general elections in Indonesia?

Given that there are several previous studies that examine the phenomenon of political dynasties, namely research conducted by Fatimah Kunia Sari in 2022 which examines the phenomenon of political dynasties in the perspective of state administration law (F. K. Sari et al., 2022). Research by Heriyanto in 2022 on the phenomenon of political dynasties in regional elections in Indonesia from a democratic perspective (Heriyanto, 2022). Research by Fery Dona in 2022 on the phenomenon of political dynasties in the era of regional autonomy in the perspective of democracy (Dona, 2022) And research by Retno Mawarini Sukmariningsih in 2023 on the limitation of political dynasties based on the moral perspective of law (Sukmariningsih & Ceprudin, 2023).

Based on previous research, this research has a similar theme, namely examining the phenomenon of political dynasties that occur in the implementation of Indonesian democracy, namely elections, but this research contains renewal by focusing more on examining and analyzing the roots of local and national political dynasties to carry out legal and political reforms in order to realize the value of justice and balance in the implementation of elections. The outbreak of political dynasties can disrupt the political and economic stability of the country so that the discussion of the roots of political dynasties and their countermeasure strategies becomes important and actual for further study. The purpose of this research is intended to contribute as a basis for thinking and strategies in preventing political dynasties, especially in democratic countries that experience electoral dynamics.

**RESEARCH METHOD**

The research method used in this research is socio-legal research method. The types of approaches used are normative legal and socio-political approaches. Socio-legal research is a non-doctrinal research that includes the disciplines of law and socio-political science (Disemadi, 2022). Socio-legal research focuses on the law that lives in society (law in action) (Tan, 2021). The data used in this research is secondary data consisting of primary legal materials, secondary legal materials and tertiary legal materials. The secondary data is obtained through literature study (library research) and then the data is analyzed descriptively-qualitatively. The reasoning used in this research is deduction which in the end will be used to solve specific problems.

**RESULTS AND DISCUSSION**

**1. THE PROCESS OF THE FORMATION OF POLITICAL DYNASTY PRACTICES IN THE BODY OF INDONESIAN STATE GOVERNMENT**

Basically, political dynasty is a strategy in politics to maintain power and regenerate / pass on power that has been grasped to other people who are from personal families. The pros and cons of the emergence of political dynasties are closely related to the political culture that lives and develops in Indonesian society, namely familism (Gunanto, 2020). Based on social and political science studies, familism is a political culture that places the position of political behavior as a strategy for retaining power. This shows that the family becomes a strong tool and foundation in maintaining power. The phenomenon of political dynasties itself has existed since long ago in history both before and after the existence of the Indonesian state until now (Bimantara et al., 2017).

The development of political dynasties in Indonesia is quite fertile both at the local level to the national level. If examined more deeply, political dynasties in Indonesia can usually be implemented by two methods, namely by accident and by design (Gunawan, 2019). The form of political dynasty with the by design method has existed and has been formed for a long time on the basis of relationships, the familism network in a government institution is strong so that by utilizing this position to include relatives/closest people. The by design method is an engineering method in political contestation so that it has been arranged in such a way and designed to occupy certain strategic places. In simple terms, the by design method is also often known as the "insider" method. "Insider" implicitly has the definition of having a special connection to something powerful/having power so as to provide opportunities to the intended person. In Indonesia, the dominant by design model that often occurs is the wife stepping forward to replace her husband/son replacing his father in a position.

Meanwhile, the by accident method itself occurs because of a situation that suddenly nominates a relative to replace him in maintaining power. The by accident method is more directed towards maintaining informal power which is expected to win in the upcoming political contestation. The two methods of implementing political dynasties have elements in common, namely too much dependence on family ties and kinship ties that have a higher position (Riqiey et al., 2022). In addition to the method of implementing political dynasties, there are also three variants of familism in the political dynasty itself, namely pure political dynasty (consangunity), quasi-familism political dynasty, and egoism-familism political dynasty. First, pure political dynasties are based on direct blood relations within the family and can be through marital relations (Prianto, 2016).

According to Garzon, the weaker political family will benefit the stronger political family because negotiations occur to ensure the existence of the weak political family. In Indonesia today, based on the point of view of pure political dynasties, they are real and not only take place in the legislative and executive realms but also penetrate into the judicial realm, especially law enforcement officials. The second is quasi-familism which is based on fostering affection, solidarity and togetherness of family members in the context of power. The third is egoism-familism, this political dynasty model is based on the fulfillment of functionalism. The egoism-familism political dynasty model prioritizes egoism which tends to prioritize family over punlik in filling public office positions.

**Table 1.0 Types of Political Dynasty Culture**

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| --- | --- | --- | --- |
|  |  | **Type Formation Basis Regeneration Nature** |  |

**Pure Political** Direct Blood Nuclear Family Closed

**Dynasty** RelationshipMembers

**(Familism)**

**Quansi-Fasilism** Affectionate Big Family Semi-Enclosed

Relationship

(Solidarity)

**Egoism-Familism** Emotional Family Members Closed

Factors

(Functional

Politics)

Source: (Effendi, 2018)

Until now, in the context of the Indonesian state, political dynasties are known as political elites. Elite groups are groups that have the ability to influence the process of designing and making political decisions. This makes it relatively easy for these groups to reach power and seize power (Pradana, 2019). According to Asako and McCoy, the growth of political dynasties often occurs in developing countries due to business-political collusion both at the local and national levels. Political dynasties play a very important role as patrons to maintain the stability of collusion and the practice of economic looting that continues continuously. In Indonesia, the practice of political dynasties has led to the formation of cartels (Huda & Maharani, 2021).

According to Titi Anggraeni as Executive Director of the Association for Elections and Democracy (Perludem), political dynasties faced by Indonesia today are not in the context of citizens' human rights / access to politics and elections, but rather dynastic politics that tend to be destructive. According to Titi Anggraeni, there are at least four main factors that contribute to creating destructive political dynasties, namely weak legal rules, an undemocratic political party institutional system, high cost-politics and low public awareness in evaluating political dynasty practices. According to Daniel SL, the law is more or less always a political tool even though the legal process carried out is not always identified with the intention of law formation. With the weak rule of law, it provides a gap / opportunity for the conception and structure of political power that prevails in society which greatly determines the formation of a legal product (Ayu Pratiwi, 2018).

According to Miriam Budiarjo, a weak rule of law will be very easily controlled by political power. In simple terms, public policy will be influenced by power holders and not the public interest. In Lord Acton's view, a weak rule of law can be reflected by making as many regulations to overcome problems in society that are not actually based on the needs of the community itself. Weak legal conditions will be paralyzed by the absence of seriousness, compliance and appropriateness. Shifting to the undemocratic political party institutional system, especially in Indonesia at this time (Farida, 2019). The low institutional quality of political parties should not be underestimated because political parties are a vehicle to deliver the aspirations of the people. In Indonesia today, in practice, it is still implementing a dynastic political culture that injures the democratic system itself. There are several clear examples of the undemocratic political parties that occur in Indonesia today, such as the appointment of Kaesang Pangarep as chairman of PSI, which is inseparable from his figure as the youngest son of President Joko Widodo. Kaesang Pangarep's political life (political career) has just begun and is still considered new like a political baby (Kiftiyah, 2019).

According to political observer from Lingkar Madani Indonesia, Ray Rangkuti, the appointment of Kaesang Pangarep as PSI's chairman since joining for a day, immediately became PSI's chairman as if he had buried alive PSI's jargon identified as the party of young people. Moving on to the high cost of politics in Indonesia. In reality, it is very rare for people/candidates with ordinary economic conditions to advance in election contestation. This is reasonable because of the need for considerable costs/funds starting from the formation of a success team, preparing campaign tools, to party recommendations and money politics efforts in democratic events in Indonesia. Indeed, democracy is a positive ideological way to find qualified leaders. Indeed, democracy provides opportunities for anyone to become a leader. However, the high cost of contesting in politics has closed the democratic path which has led to perpetual power by the perpetrators of political dynasties. And the last is the low level of public awareness in evaluating political dynasties.

In essence, political contestation in the election of leaders is an extraordinary event, but public awareness and political participation are decreasing due to various problems that occur. Political experience is very influential on the high political awareness of the community, especially in monitoring the occurrence of political dynasties. According to Zulkieflimansyah, the emergence of political dynasties can simply be oriented towards the internal desire / influence of the family to continue to hold power, the existence of organized groups due to agreement and togetherness within the group so that group rulers and group followers are formed, the collaboration between the ruler to combine the power of capital with the power of politicians, and the division of tasks between political power and capital power (Prasetya et al., 2022).The lack of public awareness in evaluating political dynasties that occur within the government body will be very fatal and result in the blockage of the ideal function of the state so that there are no other targets other than power, closed opportunities for competent and qualified people, a cycle of power that only revolves around the elite / eternal ruling group to the difficulty of realizing democratic ideals because it does not create good and clean governance (Abdillah et al., 2022).

The control function of power is weakened and does not run effectively so that the possibility of abuses of power such as corruption, collusion and nepotism (Cahyani, 2022). Political dynasties can make incompetent people have power, but the opposite impact can also occur, where competent people become unused. In addition, the ideals of statehood are not realized because leaders / state officials do not have the capability to carry out their duties. Therefore, political dynasties are not the right system to be applied in Indonesia, because Indonesia is not a country based on a monarchical system of government that chooses leaders based on lineage but in a democratic manner that has been listed and lives in the Indonesian constitution.

**2. REGULATING THE PRACTICE OF POLITICAL DYNASTIES IN INDONESIA'S CURRENT GOVERNING BODY**

Based on the 1945 Constitution (UUD NRI 1945) article 1 paragraph 3 states that the State of Indonesia is a state of law (Rais, 2022). Which means that all community behavior is regulated by laws that have been made by the government. Based on Pancasila and the 1945 Constitution of the Unitary State of the Republic of Indonesia (UUD NRI 1945) recognizes the equal position of every Indonesian citizen before the law without discrimination and guarantees rights such as security, peace, welfare and rights in politics for every Indonesian citizen. Indonesia is one of the largest democracies in the world, therefore the state also guarantees the constitutional rights of every citizen to participate in voting and being elected. In political life, choosing and being chosen arise as a result of giving trust, therefore the trust given must be utilized for the public interest and not personal interests, especially in running the government (Saleh & Munif, 2015). In the structure of government, clean organizers are needed and free from all political power fraud. Clean has a positive meaning such as not accepting bribes, free from ties or interventions from any party and avoiding things like corruption, collusion, and nepotism. But in reality, Indonesia is still unable and fails to realize success in eradicating dirty practices within its own government. The high rate of corruption and the rampant occurrence of political dynasties within the government both locally and nationally are clear evidence that cannot be avoided. The regulation of political dynasty practices within the Indonesian government is currently not specifically regulated. However, there are several laws and regulations related to elections and parties that have provisions relating to the prevention of political dynasty practices such as Law Number 7 of 2017 concerning General Elections, Law Number 2 of 2008 concerning Political Parties to Law Number 10 of 2008 concerning General Elections for Members of the DPR, DPD and DPRD, etc (Novryansyah, 2022).

Basically, political dynasties cannot be banned because it would be against the rights of the constitution itself and as a democratic country. However, political dynasties can be prevented and limited. With the regulations that have been established by the government, it has indirectly cut little by little the practice of political dynasties in Indonesia, such as the regulations related to term limits. Under current Indonesian positive law, each position has a term limit such as the President and Vice President can serve for two consecutive terms (Farida Azzahra & Indah Fitriani Sukri, 2022). Not only in executive positions but also other institutions so as to indirectly reduce the possibility of forming political dynasties in the government. Arrangements related to the prevention of political dynasties are also indirectly contained in the procedural arrangements of general elections as in overcoming political dynasties, the selection of leaders is returned to the people in a transparent and open manner. Law Number 7/2017 on General Elections has regulated the eligibility requirements that must be met by each candidate in participating in political competition.

In addition to the juridical arrangements mentioned, Indonesian legal history has specifically regulated the prohibition of the growth of dynastic politics, namely in Article 7 letter R of Law Number 8 of 2015 concerning Amendments to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents and Mayors into Law which states that "Indonesian citizens who can become Candidates for Governor and Deputy Governor Candidates, Candidates for Regent and Deputy Regent Candidates, and Candidates for Mayor and Deputy Mayor Candidates are those who meet the requirements, among others, such as not having a conflict of interest with the incumbent". In simple terms, the explanation of this article means that a person may not have a relationship of blood, marriage, lineage up, down and sideways except after a break of one term of office. However, Article 7 letter r of Law 8/2015 above has been declared contrary to the 1945 Constitution and has no binding legal force by the Constitutional Court Decision Number 33/PUU-XIII/2015, thus making the provisions of this article canceled. In addition to these arrangements, there are also several arrangements prohibiting political dynasties that are considered contrary to and violate constitutional rights such as article 21 number 1 of the Universal Declaration of Human Rights, article 5 paragraph 1 of Law Number 39 of 1999 concerning Human Rights (HAM), article 15 of Law Number 39 of 1999 concerning Human Rights (HAM), article 43 paragraph (1) of Law Number 39 of 1999 concerning Human Rights (HAM). Based on several regulations that prohibit the practice of political dynasties which are considered to violate constitutional rights, the fact that political dynasties cannot be prohibited or forcibly eliminated because they are related to human rights (Fitria et al., 2022).

Therefore, often allegations of political dynasty actions in Indonesia can only be touched by violations of the code of ethics. According to Mahfud MD, the practice of political dynasties is not a legal issue but refers to ethics. Political dynasty is a complicated issue because it is related to the social and cultural context. Thus, juridically/written law, it has been emphasized that the practice of political dynasties can still be carried out as contained in the principle of legal legality (*Nullum Delictum Nulla Poena Sine Praevia Lege Poenali*) which is the principle that if an act is not regulated (*lex scripta*)/regulated clearly and explicitly (*lex* *certa*) then the act cannot be threatened with punishment/allowed to be carried out (Isima, 2022). The principle of legality emphasizes the aspect of legal certainty so that political dynasties do not arise from a vacuum without causality. Political dynasties arise because of an unhealthy legal system and environment, including non-serious supervision from independent institutions, unclear regulations, unhealthy democracy, the influence of capital power, network power and position in the party. Through a critical analysis of the practice of political dynasties that occur in reality are not specifically and clearly regulated in positive law in Indonesia today, which proves that the weakening of the rule of law itself.

**3. FORMS OF LEGAL AND POLITICAL REFORM AS A BALANCE IN THE CONTESTATION OF THE ORGANIZATION OF ELECTIONS IN INDONESIA IN THE FUTURE**

Legal dynamics in political life in Indonesia today trigger the practice of political dynasties openly. According to Mac Iver's thinking, law is divided into two types, namely the first is the law that is under political influence and the second is the law that is above politics. The law that is above politics in Indonesia is the constitution. Apart from the constitution, the rest are all under politics as evidenced by the fact that the legal products of the law are clearly the work of politicians (Aga Wiranata, 2023). Mac Iver's view is a realist view of the relationship between law and politics. Therefore, it cannot be denied that there is a close relationship between politics and law, between political ideology and government institutions. Seeing these conditions, jurists often state that the law must stand above and beyond politics. The statement of the jurists has the meaning and hope that in realizing a just society is not restrained by the influence of political dogma (Djanggih, 2013).

But in reality today it has been reversed as if the law is paralyzed. Political morality is a moral aspect related to ethics and morality in politics such as concerning political moral principles, such as honesty, integrity and responsibility, relating to justice and equality in politics such as providing equal opportunities to all applicants who want to apply, regardless of family or personal relationships and political morality is also related to transparency and accountability in campaign fund management. This includes understanding and complying with campaign finance management rules, including the reporting and use of campaign funds. In addition to political morality, there is also legal morality which not only talks about compliance with applicable laws and regulations, not talking about transparency and accountability in campaign fund management, but legal morality talks further about honesty, integrity and responsibility in realizing legal objectives, namely justice, certainty and usefulness (Salim, 2023).

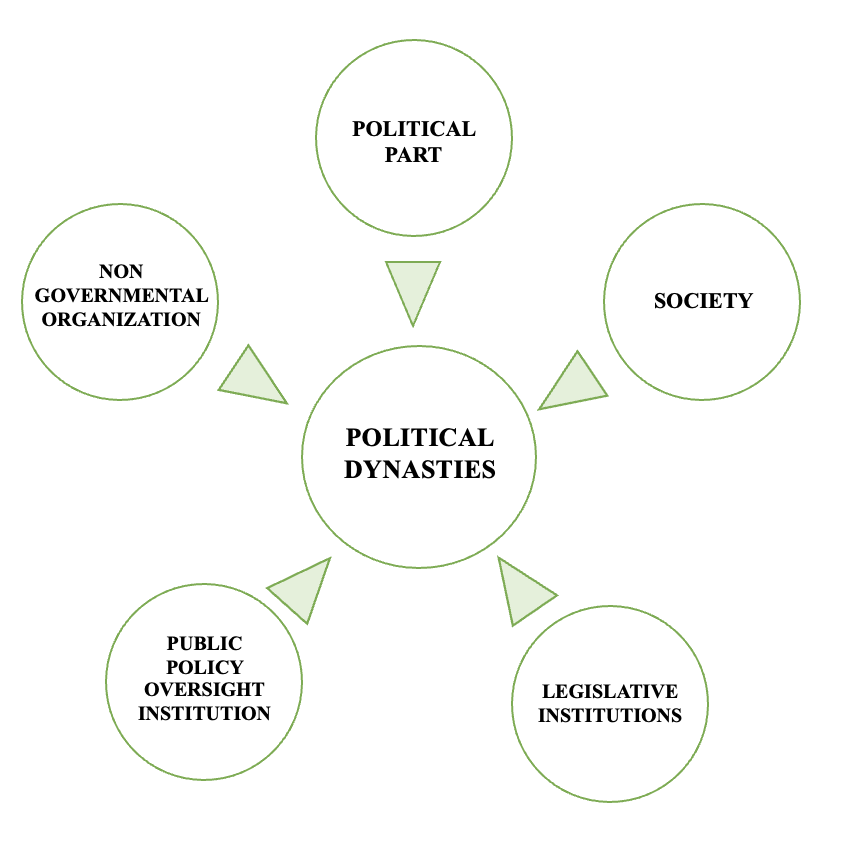
In addressing the practice of political dynasties in political life in Indonesia today, strategies and concrete steps are needed as well as a firm commitment to realize the noble ideals of this nation. The need for balanced legal reform and political reform is one of the commitments in eradicating political dynasty practices in Indonesia. Legal reform can be in the form of developing strict and straightforward anti-political dynasty laws, conducting legal reforms related to the electoral system, improving supervision and accountability mechanisms. Meanwhile, political reform can take the form of increasing political education, increasing public awareness, strengthening political parties, and forming supervision from all elements. With the balance of legal reform and political reform, it can increase efficiency in eradicating political dynasties in the current government body, especially in the arena of electoral contestation (Djuyandi et al., 2022).

Legal reforms such as the development of anti-political dynasty regulations are urgently needed to achieve legal certainty itself. As for the formation of laws that explicitly do not prohibit the practice of political dynasties, the laws must include a clear definition of what is considered an unhealthy political dynasty boundary and strict sanctions for violations. The next legal reform is to reform the law related to the current electoral system in Indonesia. This is motivated by an electoral system that is quite burdensome for contestants to participate in elections. The current electoral system still triggers high political costs so that this actually injures the principle of democracy itself. Legal reform measures related to the electoral system can be carried out by replacing the current electoral system with another electoral system that is more in line with the needs of society, especially in terms of balance and justice. In addition, legal reform can be carried out by increasing supervision and law enforcement (Zulkifli Aspan & Wiwin Suwandi, 2022).

Legal reform related to supervision and law enforcement in elections is the main key to the implementation of elections that are based on the principles of justice, certainty and usefulness. In addition, political reform is needed, such as increasing political education in the community, especially for first-time voters. Novice voters are people who must be maintained and cared for in order to avoid much more concrete problems such as the emergence of propaganda and manipulation in society, low political participation, dissatisfaction with the government, low awareness of rights and obligations as citizens, political conflicts, and low political innovation (Sumirat, 2020). In addition, it is necessary to increase public awareness of politics. Until now, the majority of people think that politics is something that is considered dirty, which is caused by various factors and experiences experienced by an individual / community. Increasing public awareness of the public is an effort to mature the community in the life of the nation and state. Increasing public awareness of politics also has the benefit of restoring / restoring negative views of politics. With efforts to build public trust through increased public awareness, the community will be seen as active in the political process which will certainly create changes / innovations in Indonesian politics in the future. In addition, strengthening political parties is also needed in shaping a better political life in the future. Strengthening political parties has the meaning of an effort to increase capacity, transparency to manage and represent the interests of the community.

Strengthening political parties is an important step in building a strong and sustainable foundation because political parties are a means and vehicle to represent the interests of society. In addition, the most important political reform is to invite all elements to supervise the implementation of politics.

**Table 2.0 Formation of Political Reform in Political Surveillance**



By uniting all elements in the nation and state, the practice of political dynasties will be further narrowed. As in the New Order era, political dynasties today can be equated with the Neo New Order, which legalizes all means to come to power for the sake of the status quo. Reflecting on the politics of 98, with the unification of various elements from both the lower and upper classes, it has succeeded in overthrowing a political dynasty regime at that time. The combination of legal reform and balanced political reform will result in fairer electoral contestation. Legal reform and balanced political reform will be oriented towards strengthening the system of checks and balances. In addition, reflecting on the opinion of Lawrance M Friedman, between law and politics must also prioritize three important elements that are mutually integrated, namely the legal structure, legal substance, and legal culture.

The combination of legal reform and balanced political reform according to Friedman who likens the legal system to a factory where the legal structure is the machine, the substance of the law is what is produced / done by the machine and the legal culture is anything or anyone who decides to turn the machine on and off and decide how the machine is used. Law making must not harm the principles of justice and must provide benefits to society. Every component in a regulation (law) must prioritize the absolute truth. If the law is good, it will create good legal certainty as well. Later the legal certainty possessed in the regulation will create order and be obeyed by the community (Aga Wiranata, 2023).

In essence, everyone has the same freedom in life and the state guarantees this with the law. However, the law also limits this freedom so that there is no absolute freedom, especially in politics. In a state of law (rechtsstaat or rule of law), the state provides legal protection for citizens through the institutionalization of a free and impartial judiciary and guarantees human rights and equality before the law, especially in the context of politics (Syofyan et al., 2022). In addition, according to Arief Sidharta, it is also argued that legal and political reform is needed in order to achieve the recognition, respect and protection of human rights rooted in respect for human dignity, the application of the principle of legal certainty, the application of equality (Similia Similius or Equality before the Law), the principle of democracy where everyone has the same rights and opportunities to participate in government or to influence government actions and the formation of government and officials carrying out the mandate as public servants in order to realize the welfare of the community in accordance with the objectives of the state concerned (Hadi, 2022).

Legal reform and balanced political reform are strategies that are not only useful as a means of control to maintain social order, but also to control changes in society in the desired direction. In addition to legal and political reform, eradicating political dynasties can also rely on the ideology of Pancasila. Pancasila is the ideology of the nation, it is a paradigm / frame of mind, source of values, and direction orientation for law enforcement and political policy. That is why it is a necessity to carry out law and politics based on the values of Pancasila, namely Divinity, Humanity, Unity, Democracy and Justice. These values actually contain progressive meaning, namely towards progress and towards improving the situation.

In line with Satjipto Rahardjo's idea of progressive law, namely directing laws that are able to keep up with the times, able to answer problems that develop in society, especially facing political dynasties, and able to serve the community by relying on aspects of morality. The essence of the idea of the values contained in the Pancasila precepts is thus to maintain, safeguard, respect and fight for universal humanity, where there should be no legal and political policies that overturn the favor of the whole human being, especially those who are weak (Atmasasmita, 2012).

Therefore, the core of progressive ideas in the precepts of Pancasila is that law and politics are for human beings so that all legal and political systems, structures and norms must not hinder the glorification of human beings themselves. Legal reform and political reform have the very important goal of introducing the concept of justice in favor of the weak. According to Rawls, justice in law and politics should favor the "weak" and not the strong. The weak who deserve to be protected through restrictions on the regulation of incumbent relatives are the public who have long wanted this country to be free from kinship politics. Because kinship politics will systematically and structurally cut off the opportunity for ordinary people without blood ties to incumbents to compete for political office (Drastawan, 2021). By carrying out strategies such as legal reform and political reform to uphold the ideology of Pancasila as a foothold in politics in this country can inhibit the occurrence of political dynasties in the current Indonesian government leading to election contestation.

# **REFERENCES**

Abdillah, J., Suryono, S. A., & Agustina, E. (2022). PEMBENTUKAN APARATUR YANG BERSIH DAN BERWIBAWA DENGAN PEMBERIAN SANKSI ADMINISTRASI DISIPLIN TERHADAP PEGAWAI NEGERI SIPIL. *Solusi*, *20*(3), 341–357. https://doi.org/10.36546/solusi.v20i3.599

Adinata, A. C., Nicxon, N. K. S., & Devisepte., O. S. (2023). Nepotisme dan Dinasti Politik yang Berada di Dalam Pemerintahan Indonesia. *Nomos: Law Review,* *1*(1), 1–25.

Aga Wiranata. (2023). Pancasila Sebagai Sumber Hukum Dan Pengaruh Politik Dalam Pembentukan Hukum Nasional. *Jurnal Insan Pendidikan Dan Sosial Humaniora*, *1*(1), 01–14. https://doi.org/10.59581/jipsoshum-widyakarya.v1i1.73

Asrawijaya, E. (2022a). Peran Modal Sosial Jokowi dalam Politik Kekerabatan: Studi Kasus pada Pilkada 2020 di Surakarta dan Medan. *Jurnal PolGov*, *4*(1), 1–31. https://doi.org/10.22146/polgov.v4i1.3525

Asrawijaya, E. (2022b). Peran Modal Sosial Jokowi dalam Politik Kekerabatan: Studi Kasus pada Pilkada 2020 di Surakarta dan Medan. *Jurnal PolGov*, *4*(1), 1–31. https://doi.org/10.22146/polgov.v4i1.3525

Atmasasmita, R. (2012). *Teori Hukum Integratif: Rekonstruksi Terhadap Teori Hukum Pembangunan dan Teori Hukum Progresif*. Genta Publishing.

Ayu Pratiwi, D. (2018). Sistem Pemilu Proporsional Daftar Terbuka Di Indonesia: Melahirkan Korupsi Politik? *Jurnal Trias Politika*, *2*(1), 13–28.

Basuki, U., & Subiyakto, R. (2022). 77 Tahun Negara Hukum: Refleksi atas Dinamika Politik Hukum dalam Tata Hukum Menuju Masyarakat Hukum Indonesia yang Demokratis. *Supremasi Hukum: Jurnal Kajian Ilmu Hukum*, *11*(2), 179. https://doi.org/10.14421/sh.v11i2.2747

Bimantara, N., Politik, J., Universitas, P., Semarang, D., Pilkada, A. P., Kediri, K., Dinasti, P., Kediri, K., & Politik, D. (2017). Analisis Politik Dinasti Di Kabupaten Kediri. *Journal of Government and Civil Society*, *1*(2), 111–119. https://www.researchgate.net/profile/Novy\_Yunas/

Cahyani, E. (2022). Pencegahan Tindak Pidana Korupsi Pengadaan Barang dan Jasa Pemerintah. *Indonesian Journal of Criminal Law and Criminology (IJCLC)*, *3*(2). https://doi.org/10.18196/ijclc.v3i2.15527

Disemadi, H. S. (2022). Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies. *Journal of Judicial Review*, *24*(2), 289. https://doi.org/10.37253/jjr.v24i2.7280

Djanggih, H. (2013). Kebijakan Hukum Pidana Dalam Penanggulangan Tindak Pidana Cyber Crime Di Bidang Kesusilaan. *Jurnal Media Hukum*, *I*(2), 57–77.

Djuyandi, Y., Kurnia, M. I., & ... (2022). Citra Partai Islam Dalam Fragmentasi Politik Di Ajang Pemilu 2019. *Jurnal Ilmiah Muqoddimah …*, *6*, 495–507. http://jurnal.um-tapsel.ac.id/index.php/muqoddimah/article/view/4561

Dona, F. (2022). Dinasti Politik di Era Otonomi Daerah Dalam Perspektif Demokrasi. *Al-Ahkam Jurnal Ilmu Syari’ah Dan Hukum*, *7*(2), 123–145. https://doi.org/10.22515/alahkam.v7i2.6254

Drastawan, I. N. A. (2021). Kedudukan Norma Agama, Kesusilaan, dan Kesopanan dengan Norma Hukum Pada Tata Masyarakat. *Jurnal Komunitas Yustisia Penddikan Ganesha*, *4*(3), 928–939.

Effendi, W. R. (2018). Dinasti Politik Dalam Pemerintahan Lokal Studi Kasus Dinasti Kota Banten. *Jurnal Trias Politika*, *2*(2), 233. https://doi.org/10.33373/jtp.v2i2.1471

Farida Azzahra, & Indah Fitriani Sukri. (2022). Politik Dinasti Dalam Pemilihan Kepala Daerah: Persimpangan Antara Hak Asasi Dan Demokrasi. *JAPHTN-HAN*, *1*(1), 105–119. https://doi.org/10.55292/japhtnhan.v1i1.27

Farida, I. (2019). Mahar Politik Dalam Pandangan Politik Hukum Di Indonesia. *Jurnal Ilmiah Galuh Justisi*, *7*(1), 1. https://doi.org/10.25157/jigj.v7i1.2137

Farika, F., Akbar, A. M., & Ardiana, H. R. (2023). Analisis Problematika Peraturan Hukum Yang Melanggengkan Dinasti Politik Dalam Pemilihan Kepala Daerah di Indonesia. *Madani: Jurnal Ilmiah Multidisiplin*, *1*(4), 369–378.

Fitri, A. (2019). Dinasti Politik pada Pemerintahan di Tingkat Lokal. *KEMUDI : Jurnal Ilmu Pemerintahan*, *4*(1), 91–111. https://doi.org/10.31629/kemudi.v4i1.1333

Fitria, L., Faisol, M., & Tamam, B. (2022). Tafsir Hak Asasi Manusia dalam Putusan Mahkamah Konstitusi Tentang Politik Dinasti Perspektif Fiqh Siyasah. *… Journal UIN …*, *3*(33), 372–384. https://doi.org/10.35719/rch.v3i3.185

Gunanto, D. (2020). Tinjauan Kritis Politik Dinasti di Indonesia. *Sawala : Jurnal Administrasi Negara*, *8*(2), 177–191. https://doi.org/10.30656/sawala.v8i2.2844

Gunawan, W. (2019). Dinasti-isme: Demokrasi, Dominasi Elit, dan Pemilu. *Jurnal Academia Praja*, *2*(02). https://doi.org/10.36859/jap.v2i02.118

Hadi, F. (2022). Negara Hukum Dan Hak Asasi Manusia Di Indonesia. *Wijaya Putra Law Review*, *1*(2), 170–188. https://doi.org/10.38156/wplr.v1i2.79

Hady, N. (2018). Implikasi Putusan Mahkamah Konstitusi Nomor: 33/Puu-Xiii/2015 Dalam Upaya Memutus Dinasti Politik Dan Antisipasi Pada Pilkada Mendatang. *Arena Hukum*, *11*(3), 484–499. https://doi.org/10.21776/ub.arenahukum.2018.01003.4

Heriyanto, H. (2022). Dinasti Politik Pada Pilkada Di Indonesia Dalam Perspektif Demokrasi. *Journal of Government and Politics (JGOP)*, *4*(1), 29. https://doi.org/10.31764/jgop.v4i1.7778

Huda, N., & Maharani, S. D. (2021). Meta-Etika Politik Di Era Post Truth (Studi Prilaku Elit politik Perspektif Etika Emotivis Bertrand Russell). *Al-Banjari : Jurnal Ilmiah Ilmu-Ilmu Keislaman*, *20*(2). https://doi.org/10.18592/al-banjari.v20i2.3474

Isima, N. (2022). Urgensi Pengakuan Hukum Yang Hidup Pada Masyarakat Dalam Asas Legalitas Ditinjau Dari Perspektif Sosiologi Hukum. *Jurnal JINNSA (Jurnal Interdipliner Sosiologi Agama)*, *2*(1), 29–36. http://ejournal.iain-manado.ac.id/index.php/jinnsa/article/view/266

Kiftiyah, A. (2019). Perempuan dalam Partisipasi Politik di Indonesia. *Yinyang: Jurnal Studi Islam Gender Dan Anak*, *14*(1), 1–13. https://doi.org/10.24090/yinyang.v14i1.2859

Nika, I. (2021). Mencegah Terbentuknya Dinasti Politik Melalui Pola Rekrutmen Partai Politik (Studi Kasus Pencalonan Kepala Daerah di Solo 2020). *Jurnal Lex Renaissance*, *6*(3). https://doi.org/10.20885/JLR.vol6.iss3.art9

Novryansyah, I. (2022). Kajian Yuridis Terhadap Larangan Politik Dinasti Pemilihan Kepala Daerah (Studi Putusan Mk Nomor 33/ Puu-Xiii / 2015). *Jurnal Ilmiah Mahasiswa Hukum [JIMHUM]*, *2*(1), 1–11. http://jurnalmahasiswa.umsu.ac.id/index.php/jimhum/article/view/1178%0Ahttp://jurnalmahasiswa.umsu.ac.id/index.php/jimhum/article/download/1178/1220

Pradana, M. Y. A. (2019). Relasi Sosial Elit Politik Dan Sesepuh Desa Melalui Langgar Di Kabupaten Malang. *Jurnal Sosiologi Agama*, *13*(1), 181. https://doi.org/10.14421/jsa.2019.131-07

Prasetya, M. N., Ananda, D., & ... (2022). Penanaman Sadar Politik Sejak Dini (SPOD) di Yayasan Pendidikan Islam Bani Adam Kota Medan. *Publidimas …*, *2*(1), 27–32. http://e-journal.potensi-utama.ac.id/ojs/index.php/PUBLIDIMAS/article/view/1548

Prianto, B. (2016). Partai Politik, Fenomena Dinasti Politik Dalam Pemilihan Kepala Daerah, Dan Desentralisasi. *Publisia: Jurnal Ilmu Administrasi Publik*, *1*(2). https://doi.org/10.26905/pjiap.v1i2.436

Purwaningsih, T. (2015). Politik Kekerabatan dan Kualitas Kandidat di Sulawesi Selatan. *Jurnal Politik*, *1*(1). https://doi.org/10.7454/jp.v1i1.10

Putra, P., & Rakhmadi, R. (2020). Political Dynasties in the Regional Head Election and Regional Autonomy : A Study of the Dynamics of the 2020 Regional Head Election. *Jurnal Terekam Jejak*, *1*(1), 1–23.

Rahma, A. A., Oktaviani, A. A., Hofifah, A., Ahda, T. Z., & Nugraha, R. G. (2022). Pengaruh Dinasti Politik Terhadap Perkembangan Demokrasi Pancasila di Indonesia. *Jurnal Kewarganegaraan*, *6*(1), 2260–2269.

Rahmatunnisa, M. (2021). Menyoal Politik Kekerabatan Di Indonesia Dalam Pelaksanaan Pilkada Serentak 2020. *Jurnal Academia Praja*, *4*(2), 295–316. https://doi.org/10.36859/jap.v4i2.483

Rais, M. T. R. (2022). Negara Hukum Indonesia: Gagasan Dan Penerapannya. *Jurnal Hukum Unsulbar*, *5*(2), 11–31.

Riqiey, B., Pramesti, A. A., & Sakti, A. C. (2022). Pembatasan Masa Jabatan Ketua Umum Parpol Dalam Perspektif Demokrasi. *Jurnal Mengkaji Indonesia*, *1*(1), 1–17. https://doi.org/10.59066/jmi.v1i1.46

Rokilah, R. (2020). Dinamika Negara Hukum Indonesia: Antara Rechtsstaat dan Rule Of Law. *Nurani Hukum*, *2*(1), 12. https://doi.org/10.51825/nhk.v2i1.8167

Saleh, K., & Munif, A. (2015). Membangun Karakter Budaya Politik Dalam Berdemokrasi. *Addin*, *9*(2), 309–332.

Salim, A. S. (2023). Formulasi Hukum Keluarga Sebagai Positifisasi Hukum Islam Di Indonesia. *Syariati: Jurnal Studi Al-Qur’an Dan Hukum*, *8*(2), 231–242. https://doi.org/10.32699/syariati.v8i2.3429

Sari, F. K., Angelina, M., Mutiara, N., & Hanani, R. (2022). Fenomena Dinasti Politik Dalam Perspektif Hukum Tata Negara. *Al-Hakam Islamic Law & Contemporary Issues*, *3*(1), 18–27. https://doi.org/10.52574/syiahkualauniversitypress.333

Sari, Y. R. (2022). Dinasti Politik Pada Pilkada 2020 Di Jawa Timur Dari Perspektif Rational Choice. *Madani: Jurnal Politik Dan Sosial Kemasyarakatan*, *14*(1), 33–53. https://doi.org/10.52166/madani.v14i1.2882

Sukmariningsih, R. M., & Ceprudin, C. (2023). Batasan Dinasti Politik Perspektif Moral Hukum. *Hukum Dan Dinamika Masyarakat*, *21*(2), 1. https://doi.org/10.56444/hdm.v21i2.4444

Sumirat, I. R. (2020). Penegakan Hukum dan Keadilan Dalam Bingkai Moralitas. *Al Qisthas: Jurnal Hukum Dan Politik Ketatanegaraan*, *11*(2), 85–99. http://jurnal.uinbanten.ac.id/index.php/alqisthas/article/view/3827

Sutisna, A. (2017). Gejala Proliferasi Dinasti Politik di Banten Era Kepemimpinan Gubernur Ratu Atut Chosiyah. *Politik Indonesia: Indonesian Political Science Review*, *2*(2), 100. https://doi.org/10.15294/jpi.v2i2.9329

Syam, S., Syahrul, S., & Ameliyah, S. (2023). Pembangunan Politik Hukum Islam pada Masa Orde Baru, Reformasi dan Pasca Reformasi. *Al Qalam: Jurnal Ilmiah Keagamaan Dan Kemasyarakatan*, *17*(2), 327. https://doi.org/10.35931/aq.v17i2.1992

Syofyan, Y., Gusman, D., & Alsyam, A. (2022). Keterkaitan Paham Demokrasi Terhadap Sistem Hukum Indonesia Setelah Perubahan Undang-Undang Dasar 1945. *UNES Law Review*, *5*(2), 497–508. https://doi.org/10.31933/unesrev.v5i2.354

Tan, D. (2021). Metode Penelitian Hukum: Mengupas dan Mengulasi Metodologi dalam Menyelenggarakan Penelitian Hukum. *Nusantara: Jurnal Ilmu Pengetahuan Sosial*, *8*(8), 2463–2478.

Windi, R. (2017). Dinasti Politik dalam Pemerintahan Desa di Desa Kancilan Kecamatan Kembang Kabupaten Jepara. *Jurnal Departemen Politik Dan Ilmu Pemerintahan*, *6*(3), 12–34.

Zulkifli Aspan, & Wiwin Suwandi. (2022). Analisis Final Dan Mengikat Putusan Dewan Kehormatan Penyelenggara Pemilihan Umum. *Japhtn-Han*, *1*(1), 92–104. https://doi.org/10.55292/japhtnhan.v1i1.28