

Information Systems and Management of Political Dynasty in the Constitution of Election in the Country of Indonesia in the Perspective of the State Constitution

Sugiaryo

Faculty of Teacher Training and Education, Universitas Slamet Riyadi Surakarta, Indonesia.

Anita Trisiana

Faculty of Teacher Training and Education, Universitas Slamet Riyadi Surakarta, Indonesia.

E-mail: anita.trisiana@unisri.ac.id

Received April 30, 2021; Accepted August 28, 2021

ISSN: 1735-188X

DOI: 10.14704/WEB/V18I2/WEB18357

Abstract

An information system is absolutely necessary in making logical decisions so that the policies developed are in accordance with the applicable law. This article discusses political dynasties from state constitutional law and human rights, whether constitutional or unconstitutional. This article uses a normative research method, which examines the law, the state constitution, and the Constitutional Court decisions related to political dynasties in the implementation of general elections. Political dynasties are a familiar thing in organizing general elections; political dynasties certainly reap the pros and cons. Still, as a legal state, Indonesia must also provide legal certainty regarding how the law views political dynasties. Basically, in this study, based on the rule of law and the state constitution, political dynasties are not unconstitutional; political dynasties do not violate the state constitution; with the prohibition on political dynasties, it is an unconstitutional act and violates human rights. The provisions of the Law on Human Rights prohibit the existence of political dynasties that do not prioritize human rights values, which are regulated in the Law on Human Rights; provide legal protection for every citizen has the right to vote and be elected in general elections. And stated firmly that political dynasties are prohibited, because they are not in line with the constitution and also the values of human rights.

Keywords

System Information, Political Dynasty, General Election, Constitution, Human Rights.

Introduction

Democracy in every country is certainly very influential on the state government system, especially in countries that use a democratic system as a state administration system. Democracy is a system of government that prioritizes the aspirations of the people, or in other words that in carrying out the government system, the people also participate in the administration of state government.

The State of Indonesia is a democratic country, this is also stated in the Indonesian constitution, namely in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that sovereignty is in the hands of the people, this is a reflection of the values of the people. Democratic values in the state administration of the Republic of Indonesia.

In the Indonesian state administration, the government system is closely related to the democratic system, wherein carrying out the nation's life and state, the Indonesian state prioritizes the sovereignty of the people.

As a democratic country in the State of Indonesia, this is certainly very closely related to the implementation of General Elections, both general elections in the context of electing heads of state, general elections in the context of regional head elections, and also general elections in the context of legislative elections.

The implementation of the Indonesian state government is, of course, not only dominated by the head of state as the leader of the state, but as a country that puts forward the principles of democracy in the context of running the state, the people also have an essential role in state government, this is also stated in the 4th Precept of Pancasila, namely democracy led by wisdom in representative deliberation. People's representatives who occupy legislative positions have an essential role in government with a democratic system.

The general election in a democratic country is a very fundamental matter; it is a form of people's involvement in choosing the head of state, regional director, and also members of the legislature who are tasked with being people's representatives in carrying out state administration.

The general election system in Indonesia, which is currently being implemented, is, of course, carried out by direct elections involving every Indonesian citizen; every citizen has the right to choose the head of state, regional director, legislative in the

implementation of general elections in the State of Indonesia. Every Indonesian citizen has the right to vote and be elected to hold general elections with specific provisions.

In holding this general election, it is certainly hoped that there will always be the regeneration of candidates in the general election who will later be elected directly by the people through general elections. But on the other hand, in the implementation of general elections in Indonesia, especially about the general elections for regional heads and heads of state, it is possible to have a political dynasty in the general election.

Political dynasties in holding elections are not very rare. This political dynasty is undoubtedly related to the existence of a strategy in politics with the intention that power remains within the family. The essence of dynastic politics is related to being able to maintain control. Political dynasties have been an essential topic in the literature on politics (Hara Tamiki, 2019). Political dynasties have long been present in democracies (Dal Bó E, 2009). (Kenawas Y, 2015); (Barkov S, Et.al., 2020).

This political dynasty in Indonesia certainly reaps the pros and cons, not only in Indonesia but in various countries; this political dynasty may impact the implementation of general elections. The holding of general elections is, of course, prioritized following the state's interests and does not violate the applicable legal rules in a country.

This polemic regarding political dynasties is undoubtedly a discussion in the political world, and of course, it will also impact the general election system in a country. Political dynasty is certainly related to the existence of a family circle related to filling positions in general elections, especially if in one family, several family members have positions in politics, and or several family members participate in the list of eligible participants who are running for specific functions. Or it could even be that other family members inherit political positions, which in essence is that this political dynasty is family politics; there are family interests in political interests, where the family maintains political power or the family expands its political power.

Political dynasties, which are now a polemic in the general election system, and have led to discussions of various parties, of course, it is necessary to know further how the positive law of the Indonesian state views political dynasties, whether political dynasties in Indonesia are allowed or not allowed in holding elections in Indonesia.

Methodology

This research uses a qualitative approach to normative legal studies, namely an analysis of a statutory regulation in the State of Indonesia relating to political dynasties in the implementation of general elections. The normative legal research method is a research conducted by analyzing the Act and also the Constitutional Court Decision. The main sources of legal material in this study are in the form of laws and regulations, in particular the Indonesian constitution relating to political dynasties in the implementation of general elections in Indonesia, namely the 1945 Constitution of the Republic of Indonesia, the Law on Human Rights, and also Constitutional Court Decisions. For this reason, hierarchical information system integration is needed, namely at the transaction level it will provide data input to the managerial level system or often in the opposite direction.

Literature Review

The following is a description of the political dynasty according to Teresa S, et.al.; Stithorn Thananithichot; Brenda Van Coppenolle; Mendoza R, Et. al and Taishi Muraoka; Benny Geys, et al; Marwiyah S, et al; Smith D, et al; Bingyong Zheng, et al.; and Doyle D described below:

- a. Phenomenon that shows political power and resources in the control of several families whose members alternately hold control over term limits (Teresa S, et, 2016).
- b. Historically, the existence of political dynasties in the democratic system has been known for a long time (Stithorn Thananithichot, et.al., 2016).
- c. Political dynasties seem to be a thing of the past (Brenda Van Coppenolle, 2017).
- d. Dynasty refers to a situation where an official in that official has at least one relative in the elected office in the past or present government (Mendoza R, et. al., 2016).
- e. Candidates for pre-existing patronage/clientelistic relationship dynasties with a subset of constituencies are key to understanding their choice of campaign strategy (Taishi Muraoka, 2018).
- f. Dynastic politicians can be defined as those who are related by blood or marriage to other individuals who hold political positions (Benny Geys, et. al. 2017).
- g. The political dynasty is a representation of the public interest (Marwiyah S, et. al., 2017).
- h. Dynasties are common in many democracies, and tend to favor significant electoral advantages over other candidates in electoral systems with candidate-based voting (Smith D, et. al., 2017).

Establishing dynasties are more likely to increase a founding (prospective) holding, suggesting the formation's "power treatment" effect on elite families (Jon H. Fiva, et. al., 2018).

- i. Dynastic politicians have a higher chance of winning elections compared to non-dynastics even after controlling for other individual characteristics (Benny Geys, 2017).
- j. Dynastic politicians are believed to be good or bad, i.e. how likely they are to implement optimal policies compared to non-dynasties depends on their ancestral ancestry (Bingyong Zheng, et. 2017).
- k. In a democracy, power is not inherited automatically but the relationship can help someone to be elected (Doyle D, 2015).

Management Information System is an information system that produces outputs using inputs and various processes needed to fulfill certain objectives in a management activity. All information systems have three main activities, namely receiving data as input (input), then processing it by performing calculations, merging data elements, updating and others, finally obtaining information as output (output).

Likewise in the realm of making legal decisions, there are things that must be considered, including: Legal substance, law enforcement, community legal culture that will affect decisions.

Analysis and Discussions

The politics of dynasties occur in the State of Indonesia. However, many countries with democratic systems in carrying out state administration, especially those related to general elections, still apply political dynasties to implement general elections.

This political dynasty is undoubtedly the same as the royal system, which is related to the inheritance of the throne. However, it is different from the monarchical system. Political dynasties are still carried out through a democratic system through general elections conducted to elect candidates for heads of state, regional leaders, and even legislature members. Political dynasties, of course, do not necessarily mean that the person who runs in the general election becomes and wins in the general election to occupy a particular position. However, because this is still done through general elections, it does not rule out the candidate who nominates himself, a family member who has the previous office, or holding this higher office did not win in the general election to occupy that office. It all depends on the number of votes in the general election; it's just that with this political

dynasty, the person who runs at least has the popularity that has been built by other family members who have occupied certain positions.

This political dynasty reaped pros and cons in society about the implementation of general elections. But on the other hand, with this, it is necessary to carry out a more in-depth study of the political dynasty in the implementation of this general election whether it violates the provisions of the law and the state constitution or not, this is the essential thing because basically, Indonesia is a state of the law as referred to in Article 1 paragraph (3) of the Constitution of the Republic of Indonesia. Any implementation related to the interests of the state must also be based on the applicable legal provisions.

Information Management of Political Dynasties in the Perspective of Indonesian Law and Constitution

According to the provisions of the Act, the principle of democracy is determined through the people led by wisdom in representative deliberation. Therefore, every general election in a legal country such as Indonesia, must be based on the applicable law. So that this is the relevance between democracy and law, where democracy is implemented based on applicable legal provisions.

General elections in Indonesia cannot be separated from various problems that cause pros and cons in society; this is where the law plays an essential role in solving general elections in Indonesia. One of the things that raise the pros and cons in Indonesia is related to the existence of political dynasties in holding general elections. Political dynasties are undoubtedly related to the inheritance of the throne or succession to the throne in political positions in Indonesia. The person who nominates the candidate still has a family relationship with the incumbent or previous officeholders and other officeholders who are his relatives.

In the implementation of general elections in the State of Indonesia, it seems that the practice of political dynasties is still happening, because basically political dynasties in Indonesia do not have legal rules that currently specifically prohibit them. This political dynasty aims to expand power or continue power in a political position where people involved in this political dynasty are still in the family sphere. Political dynasty is certainly closely related to political interests in the family.

The following are the initial provisions for the emergence of the interests of political dynasties, which contain the prohibition of political dynasties in the state of Indonesia, namely: Regarding the Election of Governors, Regents, and Mayors to become Laws,

Indonesian citizens who can become candidates for governor and vice governor candidates, candidates for regents and candidates Deputy Regent, as well as Candidates for Mayor and Candidates for Deputy Mayor are those who meet the requirements, one of which is that the candidate does not have a conflict of interest with the incumbent. In the elucidation of the provisions, what is meant by “no conflict of interest with the incumbent” is not having blood relations, marital ties and/or lineage of 1 (one) level straight up, down, side by side with the incumbent namely father, mother, in-laws, uncles, aunts, brothers, sisters, in-laws, children, son-in-law unless he has passed a gap of 1 (one) term of office.

The Election of Governors, Regents, and Mayors to become this law is a legal rule that prohibits the existence of political dynasties in general elections, especially about regional head elections. In the article, it is stated explicitly that a person who runs for election to be elected in the election of a regional head office must meet the requirements, one of which is that there is no conflict of interest with the incumbent, where the explanation also explains in detail that what is meant by not having a conflict of interest with the incumbent does not have blood relations, marital ties and lineage of 1 (one) level straight up, down, sideways with the incumbent, or in other words, are still close family members with the incumbent. The article clearly states that political dynasties in regional head elections are prohibited in the State of Indonesia because they are considered not to meet the requirements for nomination as referred to in Law Number 8 of 2015. Initially, political dynasties related to regional head elections in Indonesia were legally prohibited. The Election of Governors, Regents, and Mayors Becomes Law. But on the other hand, the article that prohibits the existence of political dynasties in the context of holding general elections has now been abolished through a decision of the Constitutional Court.

The Constitutional Court, through the Decision of the Constitutional Court Number 33/puu-xiii/2015, decided that Article 7 letter r along with the Elucidation of Article 7 letter r of Law Number 8 of 2015 concerning Amendments to Law Number 1 of 2015 concerning Stipulation of Government Regulations instead of Law-Law Number 1 of 2014 concerning Election of Governors, Regents, Mayors This law is contrary to the 1945 Constitution of the Republic of Indonesia and also decides that the article has no binding legal force.

The decision of the Constitutional Court certainly provides room for politicians related to candidacy who have interests with the incumbent, where of course, the candidacy still has a family relationship with the incumbent. Political dynasty is a tradition that often occurs in general elections both in Indonesia and in other countries.

Based on positive law in Indonesia, political dynasties are not prohibited by positive law. Of course, it is related to each person's rights and to eliminate discriminatory attitudes towards various parties, especially if the party is running for this general election has a conflict of interest. With the incumbent, or in other words, that is still a close family relative to the incumbent.

This is not prohibiting political dynasties in Indonesia is certainly not the intention that certain family groups can hold power. Still, the basis for not prohibiting political dynasties in Indonesia is human rights. As a state of law, of course, it must also prioritize the values of legal certainty and human rights in carrying out the life of the nation and state.

The prohibition on political dynasties is a form of discrimination. Of course, unconstitutional was based on the constitution; every citizen has the same position before the law and government. Every Indonesian citizen has the right to be free from discriminatory treatment. The prohibition on political dynasties is undoubtedly contrary to the promotion of human rights values; the ban is certainly contrary to Article 27 paragraph (1), Article 28D paragraph (1), Article 28D paragraph (3), and Article 28 I paragraph (2) of the law. 1945 Constitution of the Republic of Indonesia.

Based on Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, every citizen has equality before the law; this prohibition on political dynasties certainly creates an inequality for people in which one of their family members is an incumbent or has an office. Other political matters, this is certainly something that does not prioritize every citizen's rights.

Based on the provisions of the 1945 Constitution of the Republic of Indonesia, everyone has the right to recognition, guarantee, protection, and fair legal certainty and equal treatment before the law. have equal opportunities in government. Based on the provisions of the article, of course, the prohibition on political dynasties does not provide fair legal certainty and equal treatment before the law. In terms of government, wherewith the ban on political dynasties indeed closes every citizen to get the same rights, especially in the implementation of elections., where if it is related that the performance of this election is held by government agencies and is also held based on applicable law, therefore it can be concluded that with the prohibition of political dynasties, of course, there are parties who are disadvantaged, especially people who will run for elections, where one of the members his family is an incumbent or another political position holder because that

person is not treated equally before the law and the government because his candidacy in the general election leads to a political dynasty.

This prohibition against political dynasties is a form of discrimination in the implementation of general elections in Indonesia. Based on the provisions of Article 28I paragraph (2) of the 1945 Constitution of the Republic of Indonesia, everyone has the right to be free from discriminatory treatment on any basis and has the right to receive protection against discriminatory treatment. Based on the constitutional mandate, discrimination against the holding of elections is prohibited. A ban on political dynasties in holding general elections certainly makes a discriminatory policy. Therefore a ban on dynastic politics is not allowed because it is contrary to the Indonesian constitution.

Based on the constitutional mandate, the prohibition on political dynasties related to conflicts of interest with the incumbent, or associated with the presence of other family members who hold different political positions, it can be concluded that the prohibition on political dynasties is a form of unconstitutional, not in line with the mandate of the state constitution. Therefore, political dynasties are still not in conflict with the state constitution because political dynasties in Indonesia are still carried out through general elections, which still depend on the people's choice, not necessarily, that political dynasties can still hold office forever.

Information Management in Political Dynasties from the Perspective of Human Rights Law

As a state of law and a democratic state, the Indonesian state must also prioritize human rights principles and uphold human rights in carrying out state activities. Where a democratic country prioritizes the aspirations of the people, the human rights inherent in every people must also be put forward correctly to create social justice and equality before the law and government, and of course, so that there is no discriminatory behavior against every citizen.

The implementation of general elections in Indonesia must, of course, also prioritize the values of human rights, where every citizen has the right to vote and be elected in general elections, where everything is carried out following applicable legal provisions, but still prioritizes the principles of human rights and also minimize discriminatory actions.

Based on the perspective of Human Rights, the prohibition on political dynasties certainly violates the provisions of the rights of citizens because this prohibition is, of course, discriminatory and is contrary to the state constitution, which prioritizes human rights,

especially the existence of equal treatment before the law and also the government for every citizen.

The prohibition on political dynasties, when viewed from a human rights perspective, does not only violate the Indonesian constitution, which contains the rights of citizens, but also legal rules relating to human rights, which have been explicitly regulated in the lex specialist, namely law No—number 39 of 1999 concerning Human Rights.

The prohibition on political dynasties is undoubtedly a form of unconstitutional discriminatory attitude because it is contrary to the state constitution and Human Rights Law. There is one article that is directed at the prohibition of political dynasties. Still, as previously discussed, the paper has been decided by the Constitutional Court of the Republic of Indonesia as stated in the Constitutional Court Decision Number 33/PUU-XIII/2015, which says that the article is unconstitutional, so it has no binding legal force.

It is against the constitution, but in terms of human rights regulations, then, of course, this prohibition of political dynasties is contrary to the rule of law on human rights, where this legal rule is a lex specialist in regulating its human rights law in Indonesia.

In the provisions concerning Human Rights, everyone is recognized as an individual human being who has the right to demand and receive the same treatment and protection following his human dignity before the law. Similar to the state constitution's mandate that every human being has the right to receive equal treatment before the law, the prohibition of political dynasties is certainly not by the provisions of this article.

In addition, based on the provisions of Article 15 of Law Number 39 of 1999 concerning Human Rights, everyone has the right to fight for the right to develop himself, both personally and collectively, to build his community, nation, and country. Based on the provisions of the article, it appears that everyone has the right to fight for their right to develop themselves to build their nation and state community; in essence, if dynastic politics is prohibited, then the prohibited person is also prohibited from having the right to develop his nation and state community, even though the political goal here is to fill positions that are intended to build the community, nation, and state, this is undoubtedly very contrary to the article. Therefore, if dynastic politics is prohibited, it is the same as discriminating against people not having the right to build their society, nation, and state. It is not only against the law; of course, it is against human rights.

In connection with the prohibition of political dynasties, this, of course, also violates the rights of every citizen, namely the right to be elected in general elections. The right of every citizen to be selected in this general election is also implied in Article 43 paragraph (1) of Law Number 39 of 1999 concerning Human Rights, which states that every citizen has the right to be elected and to vote in general elections based on equal rights through voting. Direct, public, free, confidential, honest, and fair vote by the provisions of the legislation. If it is related to the prohibition of political dynasties, then it contradicts the article because if political dynasties are prohibited, it will limit the right of people to be elected in general elections; therefore, the prohibition does not prioritize human rights.

Conclusions

The information system and legal policy management that was built in the political dynasty in the general election in the State of Indonesia did not violate the constitution, nor did it violate the legal provisions in force in Indonesia. As has been explained in the discussion above, that initially there were legal rules that prohibited political dynasties, especially in regional head elections; however, this matter was then subjected to a judicial review of the law, which the Constitutional Court ultimately decided through Constitutional Court Decision Number 33/PUU-XIII/2015 which ruled that Article 7 letter r of Law Number 8 of 2015 concerning Amendments to Law -Law Number 1 of 2015 concerning Stipulation of Government Regulation instead of Law Number 1 of 2014 concerning Election of Governors, Regents, Mayors This law is now invalid with the decision of the Constitutional Court Number 33/PUU-XIII/2015, which says that the article is unconstitutional. Hence, it has no legal power binding law.

The prohibition of political dynasties is certainly an unconstitutional act because prohibiting political dynasties, of course, also limits citizens' rights about their equal rights before the law and government, and this is undoubtedly a form of discriminatory attitude. The prohibition on political dynasties is indeed contrary to the promotion of human rights values; the ban is undoubtedly contrary to Article 27 paragraph (1), Article 28D paragraph (1), Article 28D paragraph (3), and Article 28 I paragraph (2) of the law. The 1945 Constitution of the Republic of Indonesia. In addition to violating the state constitution, the prohibition on political dynasties in the general election system also violates Article 5 paragraph 1, Article 15, and Article 43 paragraph 1 of Law Number 39 of 1999 concerning Human Rights. In article 43 paragraph (1) of Law Number 39 of 1999 concerning Human Rights, it is stated that every citizen has the right to be elected in general elections; therefore, if political dynasties are prohibited, it will undoubtedly limit the rights of citizens to be elected in general elections.

Political dynasties are not unconstitutional political systems because these political dynasties are still held through elections directly and openly elected by the people, so it is not like inheriting the throne. Still, everything also depends on the number of votes and also the people who decide. If there is a ban on political dynasties, it is an unconstitutional act because it is contrary to the state constitution and human rights. Therefore, because no rules are prohibiting this, there is also a need for socialization related to the implementation of general elections in Indonesia so as not to cause pros and cons and also so that there is legal certainty in the performance of general elections, especially elections that lead to the existence of political dynasties so that opinions do not arise. negative from society.

References

- Barkov, S.A., Dorokhina, O.V., Markeeva, A.V., & Maximov, A.A. (2020). Dynasties and brand names in the political sphere of the post-industrial society. *RUDN Journal of Sociology*, 20(4), 801-820.
- Geys, B. (2017). Political dynasties, electoral institutions and politicians' human capital. *The Economic Journal*, 127(605), F474-F494.
- Geys, B., & Smith, D.M. (2017). Political dynasties in democracies: causes, consequences and remaining puzzles. *The Economic Journal*, 127(605), F446-F454.
- Bingyong, Z., Alberto, B., Sambuddha, G., & Quan, W. (2017). An Electoral Model of Political Dynasties. *SSRN Electronic Journal*.
- Van Coppenolle, B. (2017). Political dynasties in the UK house of commons: The null effect of narrow electoral selection. *Legislative Studies Quarterly*, 42(3), 449-475.
- Dal Bó, E., Dal Bó, P., & Snyder, J. (2009). Political dynasties. *The Review of Economic Studies*, 76(1), 115-142.
- Doyle, D.T., O'Malley, E., McNulty, G., & Suzuki, A. (2015). Democratic Dynasties: Explaining Their Prevalence in Modern Democracies. *SSRN 2556830*.
<http://dx.doi.org/10.2139/ssrn.2556830>
- Hara, T. (2019). Defeating a Political Dynasty: Local Progressive Politics through People Power Volunteers for Reform and Bottom-up Budgeting Projects in Siquijor, Philippines. *Southeast Asian Studies*, 8(3), 413-439.
- Fiva, J.H., & Smith, D.M. (2018). Political dynasties and the incumbency advantage in party-centered environments. *American Political Science Review*, 112(3), 706-712.
- Kenawas, Y. (2015). The Rise of Political Dynasties in a Democratic Society. *EDGS Working Paper - Arryman Fellow*, (22), 1-58.
- Wahid, A., Marwiyah, S., & Boman, S. (2017). Impact of The Culture of Political Dynasty on Earthing The Constitutional Democracy. *International Journal of Civil Engineering and Technology*, 8(12) 1121-1127
- Mendoza, R.U., Beja Jr, E.L., Venida, V.S., & Yap, D.B. (2016). Political dynasties and poverty: measurement and evidence of linkages in the Philippines. *Oxford Development Studies*, 44(2), 189-201.

- Smith, D.M., & Martin, S. (2017). Political dynasties and the selection of cabinet ministers. *Legislative Studies Quarterly*, 42(1), 131-165.
- Thananithichot, S., & Satidporn, W. (2016). Political dynasties in Thailand: the recent picture after the 2011 general election. *Asian Studies Review*, 40(3), 340-359.
- Muraoka, T. (2018). Political Dynasties and Particularistic Campaigns. *Political Research Quarterly*, 71(2), 453-466.
- Tadem, T.S.E., & Tadem, E.C. (2016). Political dynasties in the Philippines: Persistent patterns, perennial problems. *South East Asia Research*, 24(3), 328-340.
- Agbozo, E., & Spassov, K. (2018). Evaluating Metropolitan Assembly Web Sites in Ghana: Accessibility, Compatibility and Usability. *Webology*, 15(1), 46-60.