

# Measuring the influence of dynastic politics in the MK Decision Number 90/PPU-XXI/2023 on democracy

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## Abstract

**Purpose:** This study aims to analyze the impact of Constitutional Court Decision Number 90/PUU-XXI/2023 on the development of dynastic politics and its implications for democracy in Indonesia ahead of the 2024 General Election.

**Method:** This research employs a qualitative descriptive method supported by normative legal analysis, drawing from constitutional provisions, court decisions, literature reviews, and survey data. This approach allows for a comprehensive examination of the intersection of law, politics, and democratic values.

**Results:** The findings reveal that the Constitutional Court's decision—permitting presidential or vice-presidential candidacy for individuals under 40 years of age if they have held an elected regional office—has intensified concerns regarding political dynasties. The public perceives this decision as favoring elite family interests, particularly the nomination of President Joko Widodo's son, Kaesang Pangarep. This event reflects democratic backsliding and threatens the principle of equality before the law, creating imbalances in political competition and weakening public trust in the integrity of elections.

**Conclusion:** Dynastic politics, legitimized through judicial decisions with potential conflicts of interest, pose a serious threat to Indonesia's democracy. Although not illegal, dynastic politics undermines democratic norms, transparency, and equal opportunities in political participation.

**Limitations:** This study is limited by its reliance on secondary data and the recent timeframe surrounding the 2024 election, which may restrict generalizability.

**Contributions:** This study contributes to the discourse on democracy and legal politics by highlighting the urgent need for institutional reform, political party responsibility, and judicial impartiality to safeguard Indonesia's democratic future.

**Keywords:** *Constitutional Court, Decision, Democracy, Dynasty Politics*

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## 1. Introduction

In the context of the rule of law, the 1945 Constitution of the Republic of Indonesia has determined that Indonesia is a state of law (Indonesia, 1945). In his book, "A State of Law That Makes Its People Happy," Rahardjo (2009) states that the state is a structure that is not only legal, political, and social but also cultural in nature. Therefore, we can observe the cultural characteristics of a country and display its culture through its music. Indonesia has a view of a state of law with distinctive characteristics, namely the Pancasila state of law. In this case, the concept adopted by the Indonesian

state of law since the proclamation of independence until today is not the concept of *rechtsstaat* or the rule of law. Instead, the concept of the rule of law in Indonesia is contained in the articles of the 1945 Constitution of the Republic of Indonesia. This concept creates a new idea of the rule of law, which is derived from the views and philosophy of Indonesia's noble life, namely the Pancasila state of law where the Pancasila state of law is a state of law built on the principles of Pancasila. The spirit to place the law as the spearhead of legal reform aims for the law to take its role as the commander of democratic reform that focuses on limiting power to prevent absolutism that leads to "*onreghmatigedaad*" and even results in the act of "*ongrondwetting*" (contrary to the basic law) (Likadja, 2015).

Democracy is a system used in Indonesia that prioritizes the sovereignty of the people, known as the principle of popular sovereignty. There are four types of democratic political systems (Nairobi, Santi, & Afif, 2021):

1. Direct democracy: where citizens have the opportunity to be directly involved in decision-making and reach a consensus.
2. Representative Democracy, in which citizens appoint or elect their representatives and provide instructions for decision-making or consensus;
3. Democracy of trust, namely that community members trust appointed representatives to take trust or make consensus in consultation with those who are also appointed as representatives of the community;
4. Grassroots democracy is a direct democratic process that serves as a guide for appointed representatives.

Based on social contract theory, the rights of every human being cannot be fulfilled by each person individually, but must be achieved collectively. The Indonesian Constitution gives citizens the freedom to participate in local and national political contestation. First, the "political" state required that people abandon the idea that equality before the law is the necessary and sufficient condition for the freedom of individuals. Contrary to the principle of impartiality, it was supposed to require active intervention by the public authorities to strengthen the position of the weakest and limit, utilizing new rights (political or "positive" rights to health, education, housing, etc.), the pressures that increasingly concentrated property could put them under (Khan, 2021). The reform era has given people the democratic right to judge the candidates for leaders to manage their public affairs. An example of people's participation is participating in the government through general elections.

One of the growing leadership issues in politics is dynastic politics, where leadership is hereditary within close family circles. This raises concerns about inequality in the distribution of political power so that it can reflect imperfections in the representation of democracy in politics, which is called power begets power. Dynastic politics can lead to corrupt behavior because it accommodates the exercise of political power only by a group of people related to the royal family. Political dynasties emerged in Indonesia ahead of the 2024 elections, especially the presidential and vice-presidential elections, after the Constitutional Court granted a lawsuit with Case Number 90/PUU-XXI/2023 related to the minimum age of presidential and vice-presidential candidates in Law Number 7 of 2017 concerning Elections, on October 16, 2023.

The court allowed a person who is not yet 40 years old to run for president or vice president as long as they have experience in regional or other positions elected through general elections. What became the public's attention from this decision was that President Joko Widodo's family, namely his eldest son Gibran Rakabuming Raka, who has not yet reached the age of 40, was nominated as a vice presidential candidate alongside Prabowo Subianto. This nomination was made after the decision of the Constitutional Court Number 90/PUU-XXI/2023 by the Chief Justice of the Constitutional Court, Anwar Usman. Anwar Usman himself is married to President Joko Widodo's sister. This successfully complements the political power of the Joko Widodo family in the region. The Kompas Research and Development survey showed that 60.7% of respondents said that the advancement of Solo mayor Gibran Rakabuming Raka to the 2024 presidential election was a form of dynastic politics because it tended to prioritize family politics over the interests of the community. Meanwhile, another 24.7% said it was not a form of dynastic politics, and 14.6% of respondents said they did not know (Ulya &

Meiliana, 2023).

The image of dynastic politics is negative because it results in power deviation, which results in the practice of corruption, collusion, and nepotism. This results in people becoming apathetic and tending not to determine political attitudes in terms of choosing credible leaders with important and strategic positions in the government. Based on the descriptions above, the author is interested in discussing dynastic politics ahead of the 2024 elections after the decision of the Constitutional Court Number 90/PPU-XXI/2023 was made. To further strengthen the understanding of Pancasila-based Rule of Law as a cultural entity, this concept is not merely based on the formal rules of *rechtsstaat* or rule of law, but rather a synthesis of legal principles imbued with the values of Pancasila as the fundamental norm (*grundnorm* and *rechtsidee*), which serves as both the soul and the direction of national law (Smradhana, 2024). Pancasila, as a foundational norm, has been embedded in the Preamble of the 1945 Constitution from the beginning, providing a normative foundation that signifies that national law must reflect the socio-cultural values of the Indonesian people (AACC-Asia, Rule of Law under the Pancasila).

Additionally, UI (Akmal, 2021) emphasizes that Indonesia develops a rule-of-law concept in accordance with its pluralistic society. Indonesia does not adopt the *rechtsstaat* or rule of law models in their entirety but rather develops a legal system oriented toward social benefit and substantive justice for all citizens, with Pancasila as the central reference in the formation and enforcement of fair laws (Akmal, 2021). In the realm of democracy and power relations, the practice of political dynasties has become a serious challenge to the ideals of Pancasila-based rule of law. Researchers have noted that this practice has flourished in Indonesia due to the weakness of political parties, the high cost of campaigns, and the powerful influence of economic-political family networks (Permana, 2023). Kenawas (2015) also points out that social and economic capital within families facilitates the reproduction of power across generations, with only a few families successfully building entrenched political dynasties.

Studies on the political families of former President Susilo Bambang Yudhoyono and President Joko Widodo show that cultural and economic capital plays a role in perpetuates dynastic politics. Weak political institutions, poor political regeneration, and the dominance of elite groups have transformed political dynasties into a modern form of oligarchy in Indonesia's democratic system (Hergianasari, Yanuartha, & Siaheinenia). Dynastic politics leading up to the 2024 elections, particularly in the context of Constitutional Court Decision No. 90/PUU-XXI/2023 and the nomination of Gibran Rakabuming Raka raised public concerns that familial power threatens democracy in Indonesia. This concern deepened because of the familial connection between Constitutional Court Chief Justice Anwar Usman and President Jokowi. A Kompas Research and Development survey revealed that a majority of respondents (60.7%) viewed Gibran's nomination as a form of dynastic politics (Hidayat, 2024)

In the context of a rule-of-law state that places law as the commander—not a personal tool of power—dynastic politics clearly contradicts the principles of equality before the law and due process of law, the two fundamental pillars of the rule of law embedded in Indonesia's legal system (Isra, Ferdi, & Tegnán, 2017). According to these principles, every individual should have an equal opportunity in political contestation, free from the influence of inherited power or wealth. Strengthening substantive democracy in the reform era requires institutional reform and the enforcement of regulations that prevent the domination of family networks in politics in Indonesia. Scholars have proposed the creation of laws that set limitations on dynastic candidacies, along with strict transparency and public oversight of national campaign financing mechanisms (Hidayat, 2024). Without institutional reforms, family based oligarchies remain a significant threat to the legitimacy of democracy and the realization of Pancasila's values. Thus, to preserve the quality of the Pancasila-based rule of law, it is insufficient to ensure the supremacy of the law in a formal sense. Rather, society and state institutions must strive to prevent the law from becoming a tool for consolidating familial political power. A Pancasila rule-of-law state demands substantive justice, where the law serves as a limiter of power and protector of

all citizens without discrimination.

## **2. Literature review**

### **2.1 *Dynasty Politics***

Dynastic politics is the process by which oligarchs mobilize power regeneration to achieve or perpetuate power. The power remains in their hands by passing on the power they already have to others related to the previous power holder. In a political institution, those who are closely related to the family are often privileged to occupy various important positions at the top of the organization's institutional hierarchy. This shows that close relatives or family members are used as a tool to support the creation of a strong and long-lasting power.

According to Mosca (Heryanto, 2019), the emergence of political dynasties is caused by the tendency of political elites to pass on their political power to the next generation or below them. This process of inheriting political power occurs through open political positions. In another context (Heryanto, 2019) explains that dynastic politics can continue to develop or stop depending on the actions of the next generation.

Some of the opinions above show that dynastic politics in Indonesia illustrates that by carrying the big names of family figures, the political networks that have been built by members of political dynasties show political contestation within the family as clear evidence that the family has political power and ability in their country.

Political dynasties in Indonesia are established in two ways: by design and by accident. Political dynasties have been formed for a long time. In terms of relations, the families network in the government has been strong, so that relatives who enter the government or enter political contestation have been arranged in such a way as to engineer the success of their goals. Dynastic politics by accident occur in situations of government succession that suddenly nominate relatives to replace them to maintain informal power over their successors if they win in political contestation.

### **2.2 *The theory of the rule of law***

The rule of law consists of two syllables: state and law. The state is assumed to be a diplomatic form of a real entity, namely, a society that has laws to maintain order. Meanwhile, law is understood as a product of the state that aims to maintain legal order. The term state of law is a translation of the term "*rechtsstaat*". Another term used in Indonesian law is the rule of law, which is also used to mean "state of law." The term *Rechtsstaat* is the product of thought to oppose absolutism, which is revolutionary in nature and rests on the continental legal system called civil law. In contrast, the rule of law evolved based on the common law system. However, the difference between the two is no longer disputed, as they lead to the same goal, namely, Human Rights Protection.

In modern times, the concept of the rule of law in Continental Europe was developed by Immanuel Kant, Paul Laband, Julius Stahl, Fichte, and others using the German term "*rechtsstaat*". Whereas in the Anglo-American tradition, the concept of State

The Rule of Law was developed through the pioneering work of A.V. Dicey. According to Stahl, the rule of law includes four important elements:

1. Human Rights Protection.
2. Power sharing.
3. Government by law.
4. Administrative justice.

Ashiddiqie formulated the existence of 13 main principles of the Rule of Law (*Rechtsstaat*) that apply today as follows: The 13 main principles are the main pillars that support the standing of a modern state so that it can be called a State of Law (The Rule of Law, or *Rechtsstaat*) in the true sense (Ashiddiqie, 2006):

1. Equality before law
2. Principles of Legality (Due Process of Law).

3. Limitation of Power.
4. Independent mixed organ
5. Free and Impartial Judiciary.
6. State Administrative Court of the Republic of Croatia
7. Constitutional Court.
8. Human Rights Protection.
9. Democratic (Demokratische Rechtsstaat).
10. Functioning as a means of realizing the goals of the state (welfare state).
11. Transparency and Social Control.
12. Belief in One True God.

### 2.3 *Theories of popular sovereignty and state power*

Popular sovereignty contains two basic notions: first, democracy as it relates to the system of government, in the sense of how to involve the people in governance; and second, democracy as a principle that is subject to the cultural and historical values of the national community. However, the issue of sovereignty revolves around the meaning of the word state'. It has been said that a state is not a politically organized assembly of individuals. As David Hume explained, power is always vested in the governed, which, if taken away from people with ruthless thinking, will lead to revolutions to overthrow the government (Strong, 1960).

In modern democratic government systems in the world today, a power-sharing system is generally implemented, which divides or separates powers into three branches: executive, legislative, and judicial. This division of power aims to create a strong *check and balance* mechanism so that, in the policy-making process, including in relation to the judiciary as the enforcer of the law, the judiciary can fulfil its duties.

The law is not trapped or distorted by pragmatic political interests that prioritize short-term groups, organizations, or individual needs. In this context, the scope of the power of state institutions can be limited by the law. If authority and power are not limited by constitutional norms, it is certain that the power held by the ruler, even if it is born from a democratic political process, does not rule out the possibility that in practice, it tends to be manipulative, one of which is the birth of dynastic politics. With the division and separation of powers, decision-making practices can be controlled and supervised by communities. Sovereignty is never transferred to or held by anyone, including state institutions or other parties. State institutions, whatever their name, are only the executors of people's sovereignty and are always under the supervision of the people. Therefore, any decision to be issued or made by state institutions should reflect the wishes and expectations of sovereign people, whose principles are outlined in the 1945 Constitution of Indonesia.

Moreover, the concept of popular sovereignty implies that the people remain the ultimate source of political legitimacy, which must not be monopolized by any state institution or elite group (Indrastuti, Pradoto, & Udjiwati, 2024). In Indonesia's post-Reformasi constitutional order, the separation of powers among the executive, legislature, and judiciary is enshrined in the UUD 1945 amendments, and aims to institutionalize *checks and balances* to restrain abuses of power (Hamzah, M Narang, & Yusari, 2021). Empirical studies note that, while the formal structures exist, Indonesia's democracy reflects a hybrid system combining majoritarian and consensus-based elements. The presidential system is paired with party coalition governance and asymmetric bicameralism—DPR and DPD—where legislative power is dominant, and cabinet formation depends on inter-party alliances (Bratakusumah, 2018). In practice, these dynamics often weaken oversight mechanisms and enable elite networks to shape decision making. The judiciary, especially through institutions such as the Constitutional Court and Supreme Court, plays a critical role in maintaining legal limits on state power. These bodies are tasked with constitutional adjudication, electoral dispute resolution, and supervision of institutional boundaries (Situmeang, 2024). When the separation of powers is fully functional, judicial independence ensures that laws are enforced fairly and public trust is sustained. Therefore, sovereignty resides permanently

with the people, and state institutions merely act as its executors and remain subject to public oversight. Institutional reform and civic engagement must continue to strengthen accountability so that all state decisions truly reflect the will and expectations of the sovereign people under the 1945 Constitution.

### **3 Methodology**

This study used a qualitative descriptive method. This research essentially provides a view of the search for facts with the correct interpretation of the phenomena under study. This study also used normative research, supported by statutory and conceptual approaches. Normative research uses a literature search as the basis for the problem under study by referring to the legal norms contained in applicable laws and regulations in Indonesia and using other legal materials. This study is a literature review that traces legal products, journals, articles, and surveys related to dynastic politics and democracy ahead of the 2024 elections. The use of qualitative and normative methods allows for a comprehensive understanding of the interactions between law, politics, and society. According to Marzuki (2017), normative legal research relies heavily on secondary legal materials, such as legislation, court decisions, and legal doctrines, which are systematically interpreted to critically analyze legal issues. This methodology is appropriate for examining constitutional dynamics and political behavior in Indonesia's democratic development.

### **4. Result and Discussion**

#### ***4.1 Background of the Constitutional Court Decision Number 90/PPU-XXI/2023***

On Monday, October 16, 2023, the Constitutional Court (MK) read 11 judicial review decisions. Some decisions were related to testing the constitutionality of the provisions of Article 169 letter q. of Law 7/2017 on elections, which provides an age limit of 40 years for presidential and vice-presidential candidates. Law 7/2017 on Elections, which provides an age limit of 40 years for presidential and vice-presidential candidates. One of them is Case No. 29/PUU-XXI/2023, submitted by the applicants PSI et al. The petitioners requested that the age requirement be returned to 35 years, as stipulated in the previous Presidential Election Law. Petitioners argued that the provisions of Article 169 letter q. are discriminatory, unscientific, and contrary to the original intent of the 1945 Constitution. Additionally, there was a petition from the Garuda Party in case no. 51/PUU-XXI/2023, which argued for the same reason. In this application, the Applicant requested an additional alternative requirement, namely, "having been a state organizer" to be able to circumvent the minimum age limit of 40 years. All were rejected by the Constitutional Court. However, what caused a stir was the Decision No. 90/PUU-XXI/2023. A case that requested the 40-year age requirement for presidential and vice-presidential candidates can be ruled out if they have served as regional heads. The Court gratuitously and inconsistently granted the petition.

Before deciding on petition No.90/PUU-XXI/2023, the Constitutional Court emphasized that the age limit for presidential and vice-presidential candidates is an open legal policy. The Constitutional Court cited several previous decisions regarding age requirements for public offices. In several of these decisions, the Constitutional Court stated that the 1945 Constitution provides legislators with the discretion to determine the minimum age limit requirements in the laws that regulate them. However, on the same day, the court immediately changed its position. This can be observed in case No. 90/PUU-XXI/2023, where the applicant requested an additional alternative requirement, namely, has/is currently holding an office elected through elections, including Pilkada".

The applicant's legal standing was very weak, but it was granted by the Constitutional Court. The applicant, who was a student, relied solely on the desire to become president and was inspired by the Mayor of Solo, Gibran Rakabuming. The applicant's legal standing statement is also contained in only three pages. The Applicant did not clearly explain the constitutional losses. The basis of the loss is only based on the applicant's admiration for Gibran Rakabuming as the Mayor of Solo, who cannot become a presidential candidate due to the enactment of the provisions of Article 169 letter q. of the Election Law. Election Law. This argument certainly has no direct relationship with the applicants. If this petition is filed by Gibran, the constitutional loss is clear because it is directly experienced as a petitioner. The explanation of constitutional loss also does not touch on alternative requirements related

to elected officials or elected officials proposed by the applicant. This means that the loss is not connected to the petition or the reason for the petition; therefore, the legal standing is weak. However, the Constitutional Court, which is usually strict in examining legal standing, seemed to soften it by accepting the applicant's legal standing. The applicant was not old enough to be a candidate for the regional head. He thought he was neither a regional head, and nor was he though he was. Then a member of the legislature, nor a candidate. However, the Constitutional Court easily gave him a free pass to fulfil the requirements of becoming an applicant. What a shameful consideration and insult to common sense! (Perludem, 2023).

Several parties also reported alleged violations of the Code of Ethics by constitutional judges related to this decision. In this decision, the Constitutional Court should prioritize the judicial restraint approach because the article tested in the decision is included in the open-legal-policy norm.

#### ***4.2 Dynastic Politics after Constitutional Court Decision Number 90/PPU-XXI/2023 with a democratic state***

The issue of political dynasties surfaced after Gibran Rakabuming Raka was entitled to run as a presidential and vice-presidential candidate following a Constitutional Court (MK) ruling that changed the requirements for presidential and vice-presidential candidates. The Constitutional Court, chaired by Gibran's uncle Anwar Usman, stated that a person who is not yet 40 years old can run as a presidential or vice-presidential candidate, as long as they have experience as a regional head or in another position elected through elections. Shortly after, Gibran was announced as the vice-presidential candidate to accompany Prabowo Subianto, who was carried by the Advanced Indonesia Coalition (KIM). The KIM is a coalition of political parties that are mostly supporters of Jokowi's government. The KIM comprises the Gerindra Party, Golkar, PAN, Democratic Party, Moon Star Party, Gelora Party, Garuda Party and Prima.

To prevent conflict and overlap between levels of government, it is necessary to emphasize the roles, authority, and jurisdiction of each level. Hence, it is clear that a written constitution plays an essential role in the federal government system. The existence of judicial institutions to interpret the constitution, which must be an independent body, sound interpretation, equitable resolution of disputes, and conflict among other government arms, are important features in addition to the constitution's supremacy (Adedeji, 2022). The Constitutional Court, in carrying out its duties, is given the authority to test laws against the Constitution, which is *judicial review*, so that all legal products must be in accordance with the Constitution and there are no more legal provisions that are out of the corridors of the Constitution. In this case, the Constitutional Court does not have the authority to determine the age limit for presidential and vice-presidential candidates in the Election Law. This is the domain of legislators, namely, the DPR and the President. Unfortunately, a simple and open legal policy was implemented, creating a political burden for the court to decide. The Court should carry out its function of resolving disputes, providing fair legal certainty, providing constitutional solutions, and resolving differences in interpretation by providing a final interpretation based on the Constitution.

Constitutional Court Decision Number 90/PPU-XXI/2023 cannot be separated from the political context because it is related to the registration deadline for presidential and vice-presidential candidates. So that the analysis favors Gibran as the son of President Jokowi, it is feared that the view will emerge that this is one of the president's agendas to pass Gibran as a vice presidential candidate. Moreover, the Chief Justice of the Constitutional Court has a family relationship with the president because judges cannot be related to the case being handled. Anwar Usman, who was not present in several Constitutional Court decisions, suddenly participated in deciding cases number 90 and 91, even though this case had a huge potential conflict of interest, because his nephew's name was mentioned in the application. Public opinion in this case considers the existence of dynastic politics in Pakistan. This decision paved the way for the president's son to become a presidential or vice-presidential candidate.

According to the Constitutional Court's Decision No. 90/PUU-XXI/2023, if there are no strong

restrictions on power, there will be acts of arbitrariness by the authorities that may remove people's rights and human rights. This is necessary to fulfil the principle of checks and balances to lead to the principle of good governance, with the aim of establishing the principles of a democratic state. In addition, the claim that the maximum age of presidential and vice-presidential candidates violates the constitution states that all citizens have the right to equal opportunities in government, as stated in Article 28D, paragraph 3, of the 1945 Constitution of the Republic of Indonesia. Every human right and there are restrictions in Article 28 J Paragraph 2 of the 1945 Constitution unless it fulfils the requirements specified in the constitution, laws, and KPU regulations.

The effect of Constitutional Court Decision Number 90/PUU-XXI/2023 on the implementation of the upcoming 2024 General Election, if there is a conflict of interest, will result in various problems, including causing unequal competition in elections, which can affect the accountability of organizing elections, lead to dynastic politics, and finally lead to political corruption (Dewi, 2021).

This political dynasty indicates problems in the political recruitment process. The main task of political parties is to attract qualified candidates and cadres to be included in political contestation. The study of the political recruitment process is important because if recruitment is not good, it will also have a negative impact on political parties that will actually give birth to political dynasties. The practice of political dynasties. The tendency to form political dynasties also has an unhealthy impact on democracy, as the checks and balances of government that are necessary in a democracy are weakened. In addition, this process will further open up opportunities for the re-establishment of political oligarchies.

Political Dynasty will also continue to occur if the rules or laws governing a democratic system do not change. Owing to its inclusive and closed nature, it is very difficult for a political dynasty to find a mistake. It is very difficult to uncover the practices of abuse of power in a closed group of people because each individual tries to protect the other. At first glance, there is nothing wrong with dynastic politics. In particular, when referring to the postulates of democracy, every citizen has the same right to be elected and to vote. However, it cannot be denied that the political dynasties that have developed thus far have harmed the essence of democracy. Democracy is characterized by at least three characteristics. The first is the trias politica-style division of power, namely the executive, judiciary, and legislative branches. This was intended to create a process of checks and balances among government institutions. Second, democracy is characterized by an open succession of leadership through fair, honest elections. Third, the people are the holders of sovereignty, not the government, let alone politicians. With the rise of political dynasties, the three pillars of democracy are under great threat. The system of checks and balances will certainly not be effective when all the lines are controlled by relatives. Meetings or sessions that are supposed to determine the lives of many people are similar to family gatherings.

Democracy is strongly influenced by the level of community participation because it is a manifestation of people's basic right to be involved directly or through their representatives in the political process. In addition, open and secure political spaces are needed for all communities to participate (Stefanus, 2021). It embodies empowering citizens involved in government processes, monitoring resources, and resolute activities for a direct impact on government decisions. In this review, citizen participation appears to be associated with citizen empowerment as a fundamental right of the people, as well as impetuous joint commitment in development processes (Mwesigwa, 2021).

To ensure that the concept of democracy from, by, and for the people is truly implemented and realized through the structuring of the system and the quality of the election organizer, several important elements need to be considered. Among them is the implementation of fair and democratic elections that fulfil several conditions, such as the involvement of political parties, the role of election organizers, and the enforcement of a code of ethics. Additionally, five conditions are necessary for realizing elections with integrity: transparency, accountability, professionalism, impartiality, and independence. Issues related to money politics and illegal campaign funds must also be addressed to strengthen the basic principles of the election. Although political dynasties do not violate the rules of



democracy, they resist social mobilization in practice, as power is only associated with certain groups of people (Haryanti, 2019).

## 5. Conclusion

### 5.1 Conclusion

After the discussion in this research, the following conclusions can be drawn: Dynastic politics is a phenomenon that still occurs in Indonesia and is a big agenda that must be changed so that ethics in politics are truly visible from a democratic perspective. The phenomenon of dynastic politics, which is rife with elements of kinship, has implications for the dynamics of political parties in Indonesia. The Constitutional Court Decision Number 90/PUU-XXI/2023, involving the conflict of interest of President Joko Widodo's family, has led the public to argue that dynastic politics have occurred. However, the choice of the head of state is up to the people. If dynastic politics continue to grow in the Indonesian government, it will be difficult to realize the noble ideals of the system in Indonesia, because it is contrary to the principles of democracy.

### 5.2 Advice

Following the Constitutional Court's decision ahead of the 2024 elections and efforts to uphold democracy in Indonesia to eradicate dynastic politics, several suggestions are given, including:

First, we encourage the role of political parties so that there is an awareness from political parties not to support candidates for the head of state who lead to dynastic politics. Consequently, political parties must be more selective in bringing candidates to the head of state.

Second, providing awareness and political education to the community as prospective voters, where they must be given political education that candidates for heads of state representatives who have the potential to build dynastic politics should not be elected, because not only do they ignore democratic values, but they also have the potential to be abused. Therefore, in this context, the social movements carried out by civil society forces must be directed.

Third, the role of mass media is also very important in providing more objective and rational information about the dangers of dynastic politics in our democratic system.

Fourth, for the Constitutional Court, as an independent institution, to carry out its duties by maintaining the integrity, code of ethics, and behavior of constitutional judges as a moral and ethical guide for judges in carrying out their constitutional duties and relationships in society.

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