

**THE INFLUENCE OF POLITICAL DYNASTY ON THE
DEMOCRACY CLIMATE**

PENGARUH DINASTI POLITIK TERHADAP IKLIM DEMOKRASI

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Volume 2, Number 1, March 2023

Received: January 6, 2023 Accepted: January 26, 2023 Online Published: March 31, 2023.

ABSTRACT

Indonesia's political culture does have its own characteristics, where regions with a variety of local cultural values also always give different political nuances. However, if we pay close attention, almost no region is free from the legacy of feudalism values, patrimonial practices, patronage and the characteristics of a communal society which tend to be very permissive. This condition then gave birth to political dynasties, one thing that is also a problem for democracy in our country. This research is a doctrinal research or normative legal research. Political dynasties are primitive reproductive systems of power because they rely on the blood and lineage of only a few people. Political dynasty can also be interpreted as a strategy to maintain power in order to remain in the family circle. Political dynasties tend to give rise to multiplication of actors (actors that appear only within dynasties), not pluralism of actors (actors that appear tend to vary from various backgrounds). The presence of political dynasties that encompasses power struggles at regional to national levels makes it difficult to realize the substance of democracy itself. The growth of political dynasties, especially in the regions, cannot be separated from the role of political parties and regulations regarding regional elections. The oligarchy within political parties causes the candidacy and nomination mechanisms to not work as they should. So far, there has been a tendency for political parties to nominate candidates based on the wishes of party elites, not through democratic mechanisms that take into account the abilities and integrity of the candidates.

Keywords: Political Culture, Oligarchy, Political Parties, Regulation.

ABSTRAK

Budaya politik Indonesia memang memiliki karakteristik tersendiri, di mana daerah-daerah dengan keragaman nilai-nilai budaya lokalnya juga senantiasa memberikan nuansa perpolitikan yang berbeda. Namun jika kita perhatikan, hampir tak ada satu pun daerah yang terbebas dari warisan nilai-nilai feodalisme, praktik patrimonialisme, patronase dan ciri-ciri masyarakat komunal yang cenderung sangat permisif. Kondisi inilah yang kemudian melahirkan dinasti politik, satu hal yang juga menjadi problem bagi demokrasi di negara kita. Penelitian ini merupakan penelitian doktrinal atau penelitian hukum normatif. Dinasti politik adalah sistem reproduksi kekuasaan yang primitif karena mengandalkan darah dan keturunan dari hanya beberapa orang. Dinasti politik juga dapat diartikan sebagai strategi untuk mempertahankan kekuasaan agar tetap berada dalam lingkaran keluarga. Dinasti politik cenderung memunculkan multiplikasi aktor (aktor-aktor yang muncul hanya di kalangan dinasti saja), bukan pluralisme aktor (aktor-aktor yang muncul cenderung variatif dari berbagai latar belakang). Kehadiran dinasti politik yang melingkupi perebutan kekuasaan di level regional hingga nasional mengakibatkan substansi dari demokrasi sendiri sulit diwujudkan. Tumbuh suburnya dinasti politik khususnya di daerah tidak terlepas dari peran partai politik dan regulasi tentang Pilkada. Oligarki di tubuh partai politik menyebabkan mekanisme kandidasi dan pencalonan tidak berjalan sebagaimana mestinya. Selama ini terdapat kecenderungan pencalonan kandidat oleh partai politik berdasarkan keinginan elite partai, bukan melalui mekanisme yang demokratis dengan mempertimbangkan kemampuan dan integritas calon.

Keywords: Budaya Politik, Oligarki, Partai Politik, Regulasi.

I. INTRODUCTION

Political Science is one of the oldest branches of social science in the world. This is due to the fact that the ideas about nation and state have developed along with the birth of the country itself. Since then, philosophers have begun to discuss issues related to the limits of the exercise of power, the relationship between those who rule and those who are governed, and what system is most appropriate to guarantee the fulfillment of the need for regulation and supervision. Political science got off to a good start in the Ancient Greeks, made progress under the Romans, but it was not very well developed in the Middle Ages, progressed slightly in the Renaissance, made some substantial developments in the 19th century, and then its development reached a climax in the 20th century because of political science. Politics has its own characteristics.

Andrey Heywood gives a definition that politics is an activity of a nation that aims to make, maintain and amend the general rules that govern its life, which means it cannot be separated from symptoms of conflict and cooperation.¹ Meanwhile according to Prof. Meriam Budiardji, one of the important concepts of politics is power. Power is the ability of a person or a

¹ Sakinah, M. 2021. Partisipasi Masyarakat Dalam Politik Sebagai Implementasi Demokrasi. Jurnal Pendidikan Islam. Volume 09, No.01, Tahun 2021, hal.53-66

group to influence the behavior of another person or group according to the will of the actor. So between politics and power are two things that are very closely related to each other whose orientation is towards methods, art and science to gain power constitutionally or non-constitutionally. In political theory refers to the ability to make other people do something they do not want.²

Various ways were used by the authorities to influence and maintain power, including by forming a political dynasty. Political dynasties are primitive reproductive systems of power because they rely on the blood and lineage of only a few people. Political dynasties in the modern world of politics are political elites based on blood ties or representatives. In the Indonesian context, political dynasties are influenced by the existence of dominant forces that have the ability to influence the process of making political decisions. So that they are relatively easy to reach power or fight for power. The strengthening of political networks built by political dynasties based on family political closeness resulted in the closure of political recruitment for people outside the dynasties.³

The rise of the practice of political dynasty has a very bad impact on democracy. Democracy characterized by open leadership succession through fair, honest and open general election mechanisms and emphasizing that the people are the holders of sovereignty, not the government. With the rise of political dynasties, the characteristics of democracy are under serious threat. It is certain that the system of power and balance will not run effectively when all lines are controlled by relatives. Meetings or assemblies that are supposed to determine the lives of many people are more like family gatherings. Likewise in a just and open leadership succession, it is impossible for this to materialize if political positions are rotated and fought over by people who are still within the family circle.

But on the other hand, when viewed from a democratic system or with open elections, political dynasties are not something bad, because as we know with open elections everyone has the same opportunity and right to win. and it is usually determined by the electability and influence of the person who is fighting in the election contest in society, in other words if the person who is fighting has family or hereditary ties, that is the capital owned by the candidate, besides that even in laws and regulations there is no rule prohibiting the occurrence of political dynasties, both at the national and local level elections, so that it can be said that political dynasties are a legitimate thing to do. Based on the description above, the problem that will be discussed later in this study is how dynastic politics influences the climate of democracy in Indonesia.

II. METHOD

² Prof. Miriam Budiardjo, Dasar-dasar Ilmu Politik. Jakarta. PT. Gramedia. 2008. Hlm. 12.

³ Martien Herna Susan. 2017. *dinasti politik dalam pilkada Indonesia*. Journal of Government and Civil Society. Vol. 1, No. 2, September 2017. Hlm. 113-114

This research is a doctrinal research or normative legal research, which places law as a building system of norms.⁴ In this case research on principles, laws and regulations and court decisions.⁵ Lalu untuk menggambarkan permasalahan dalam penelitian disusun secara deskriptif analitis. Studi pustaka dan studi dokumen merupakan teknik yang digunakan dalam pengumpulan data, dengan sumber data utama yang digunakan yaitu data sekunder. Metode analisis data dilakukan secara kualitatif normatif. Sumber data dalam penelitian ini yakni data sekunder (bahan kepustakaan), yang terdiri dari bahan hukum primer dan sekunder. Bahan hukum primer berasal dari UUD NKRI 1945, Undang-Undang, Keputusan Menteri, Putusan Pengadilan, sementara bahan hukum sekunder berasal dari literatur terkait seperti halnya buku, hasil-hasil penelitian atau pendapat pakar hukum. Data sekunder yang ada dikumpulkan juga dianalisis dengan menggunakan metode induktif. Subtilitas intellegendi atau Ketepatan pemahaman dan ketepatan penjabaran terhadap persoalan (subtilitas explicandi) terhadap persoalan sangat relevan untuk menyelesaikan persoalan hukum dalam penelitian ini.⁶

III. ANALYSIS AND DISCUSSION

Politics is very influential in the course of a nation and state.⁷ Dynastic politics is a system built by local elites by utilizing decentralized democracy through regional head elections.⁸ The election of regional heads which is carried out directly is one of the consequences and a real form of the implementation of regional autonomy which gives space to the people to be able to choose the leaders they want.⁹ This opportunity is sometimes used by the families of regional heads, especially incumbents, wives, husbands, children and relatives to participate in regional head elections.¹⁰

From the point of view of democracy in the formal sense, regional autonomy is needed in order to expand people's participation in governance. Meanwhile, from a material point of view, regional autonomy implies an effort to realize prosperity that is side by side with the principle of a welfare state and a system of distribution of powers according to the basis of the state based on law. Because regional autonomy is related to democracy, there must

⁴ Zainal Asikin, Amiruddin. 'Pengantar Metode Penelitian Hukum', Jakarta: Raja Grafindo Persada, 2004.

⁵ Fajar Mukti and Achmad Yulianto, 'Dualisme Penelitian Hukum Normatif Dan Empiris', Yogyakarta, (Pustaka Pelajar, 2013).

⁶ Mukti and Yulianto

⁷ Djoni Gunanto, 'Tinjauan Kritis Politik Dinasti Di Indonesia', Sawala: Jurnal Administrasi Negara, 8.2 (2020), 177-91.

⁸ Tri Susilo Wahyu Aji and Suryo Pratolo, 'Pengaruh Politik Dinasti Dan Sistem Pengendalian Internal Terhadap Kinerja Pemerintah Daerah Dengan Akuntabilitas Pelaporan Sebagai Variabel Pemeditasi: Studi Empiris Pada Pemerintah Daerah Di Indonesia Tahun 2012-2015', *Reviu Akuntansi Dan Bisnis Indonesia*, 2.2 (2018), 153-70.

⁹ Eko Noer Kristiyanto, 'Pelaksanaan Pemilihan Kepala Daerah Serentak Di Indonesia: Studi Di Batam', *Jurnal Penelitian Hukum De Jure*, 17.1 (2017), 48-56.

¹⁰ Syamsuddin Haris, 'Membangun Format Baru Otonomi Daerah' (Yayasan Obor Indonesia, 2006)

be institutions and procedures for implementing democratic governance in the regions.

If the idea of democracy is only constructed, it must be balanced by the rule of law system, the democratic system that is practiced will only be procedural and formal. Because of that, we need a system of ethics (rule of ethics) along with continuously organizing and enforcing the rule of law to ensure that the democratic system we build is not only procedural-formal, but also substantial in nature. For this reason, it is necessary to build a healthy democracy supported by the rule of law and the rule of ethics simultaneously.

In an ideal democracy, the people should have greater opportunities to be involved in the political process. This means that there is a very open space for participation for all people to participate in contesting for political positions starting from the regional to national level in accordance with the laws and regulations that apply through a general election system.

According to Prof. Ni'matul Huda, indicators of the quality of election administration can be measured through: (1) Readiness of election organizers to work professionally, have integrity, capability and accountability, (2) People with full awareness can be independent in channeling their chosen aspirations, safe, orderly, comfortable, and there is no pressure from any party, (3) The holding of good and dignified elections, successful without excesses, and (4) The election of the legislature and executive according to the will of the people.

In a democratic country, elections are one of the main pillars of the accumulation of people's will. But today elections, especially the Pilkada are still considered the problems of local democracy because they have not been able to become an ideal solution for local democracy. This is of course influenced by various factors.

First, giving rise to the phenomenon of high cost democracy (high cost democracy). Second, political parties that become actors in the post-conflict local election emphasize pragmatism of interests and do not yet have clear political preferences, so that political parties are held hostage by the interests of the owners of capital and even parties are only used as riding horses by candidates. Third, KPUD as the organizer of the General Election has a lot of limitations. This limitation relates to three very essential things, namely understanding of regulations, post-conflict local election organizing institutions and post-conflict local election governance. Fourth, Bawaslu has the potential to become one of the pillars that contributes to making the Pilkada undemocratic. Cases of fraud that often occur in post-conflict local elections not only slap local democracy in the face, but also question the existence of Bawaslu as a guarantor for post-conflict local elections to move according to democratic principles. Fifth, in today's context where the local elections are being held in the context of the COVID-19 pandemic, there is of course a very high risk of abuse of power/authority, especially for the incumbent because of the disbursement of social assistance funds and various health assistance funds (COVID-19) scattered in the regions.

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Political dynasties are primitive reproductive systems of power because they rely on the blood and lineage of only a few people. Political dynasty can also be interpreted as a strategy to maintain power in order to remain in the family circle. Political dynasties tend to give rise to multiplication of actors (actors that appear only within dynasties), not pluralism of actors (actors that appear tend to vary from various backgrounds). The presence of political dynasties that encompasses power struggles at regional to national levels makes it difficult to realize the substance of democracy itself

The growth of political dynasties, especially in the regions, cannot be separated from the role of political parties and regulations regarding regional elections. The oligarchy within political parties causes the candidacy and nomination mechanisms to not work as they should. So far, there has been a tendency for political parties to nominate candidates based on the wishes of party elites, not through democratic mechanisms that take into account the abilities and integrity of the candidates. Simultaneously, political dynasties continue to build strong power networks so that they can maintain their power within the party both at the regional and central levels. So that it can be ascertained that political dynasties are able to control and kill democracy in political parties. In the context of the community itself, there are indications of efforts to maintain the status quo in the region by encouraging family members or people close to the regional head to replace the incumbent.

Apart from the substance of democracy which is difficult to realize because of political dynasties, ideally political dynasties are not only related to the domination of power by a political actor who inherits and reproduces his power to his family, nor is it only understood from a political perspective, but also becomes a sociological problem in the reality of society. Precisely what is becoming an acute problem is that power that is built with political dynasties is also unable to bring socio-economic changes to the general public. Power is only a shield for his family to dominate the lives of many people and is done only to prosper the political economy power of his family circle.

Political dynasties are actually not only in the collective interests of the local community, but also in the national agenda in deconstructing the symptoms of hegemonic and tyrannical power in controlling various local resources. In a broader spectrum, collusive and corrupt political dynasties are a serious problem for the continuation of democratization in Indonesia

and no less important is also a problem in the distribution of justice in socio-economic development in the regions.

This complex problem should be able to be overcome by legal instruments which are then considered effective in solving it. One of these instruments is through election law enforcement with the design of a legal framework that regulates effective implementation and settlement mechanisms. To accommodate this, the existing legal framework must guarantee voters, candidates and political parties. In relation to the issue of political dynasties, this legal instrument is embodied in Law no. 8 of 2015 concerning Amendments to Law Number 1 of 2015 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents and Mayors to Become Laws. It is this instrument that tries to limit the rise of political dynasties, especially in each local election contestation.

Article 7 letter r Law no. 8 of 2015 regulates the requirements for Indonesian citizens who can become candidates for regional head and deputy regional head where in letter r emphasizes that candidates for regional head and deputy regional head do not have a conflict of interest with the incumbent.

In the elucidation of the article it is said that what is meant by "not having a conflict of interest with the incumbent" is not having blood relations or marital ties and/or lineage of 1 (one) level straight up, down, sideways to the incumbent, namely father, mother, parents-in-law, uncles, aunts, brothers, sisters, in-laws, children, in-laws, may not run for governor and deputy governor, regent and deputy regent, mayor and deputy mayor unless they have passed a break of 1 (one) term of office. However, before this regulation was enacted, provisions related to article 7 letter r regulated in Law No. 1 of 2015 and Law No. 8 of 2015, were submitted for a Judicial Review to the Constitutional Court by Adnan Purichta, S.H, who worked as a member of the South Sulawesi Provincial DPRD for the 2014- 2019.

The filing of the application was dated February 20 2015 which was received at the Registrar's Office of the Constitutional Court on February 18 2015 based on the deed of the Recipient of the Application File Number 67 / PAN MK / 2015 and has been recorded in the Book of Reditration of Constitutional Cases with Number 33 / PUU- XIII / 2015 on the date March 2, 2015. Based on the Constitutional Court Decision Number 33/ PUU -- XIII/ 2015 there are several reasons for reviewing Article 7 letters, all of which can be concluded that there are several provisions that contradict the 1945 Constitution, Law number 39 of 1999 on Human Rights, local government laws and others.

Like article 18 paragraph 4 of the 1945 Law which explains where people are given the right to take part in the political process, both to be elected and

to vote equally, which is the main principle of a democratic country without any distinction based on ethnicity, religion, origin, etc.

Apart from being out of sync with the 1945 Constitution and the Human Rights Law, other reasons also concern equal treatment in the eyes of the law. So if the restriction is related to the incumbent's family then it is considered to have discriminated against someone in the eyes of the law. So it was decided to delete article 7 letter r contained in Law No. 8 of 2015 in amendments to Law No. 1 of 2015 concerning the election of Governors, Regents and Mayors.

IV. CONCLUSION

Related to the dynamics above, the real problem is how stakeholders related to regional elections are able to prevent the tendency for the rise of political dynasties that can help eradicate KKN in the regions. To prevent the hijacking of democracy by bribery, collusion and nepotism (KKN) through political dynasties, it is not enough to just rely on the Pilkada Law as a legal umbrella, but more than that, concrete law enforcement is needed that is capable of giving penalties (such as disqualification) to violators indiscriminately.

Therefore, the regional Bawaslu/Bawaslu whose position has been strengthened legally, is expected to be effective in supervising and administratively taking action against participants who violate it. Bawaslu must be given space to be able to find out about incumbent activities that use the regional expenditure budget and revenue (APBD) and state facilities or are purely personal activities. Personal activities related to the candidacy of the incumbent or campaigning for his family, relatives or groups. This must be materially regulated by the Bawaslu regulation that an incumbent is required to report his activities during the regional head election stage, namely 6 (six) months before the voting period. The intended notification is made no later than 1 (one) week before the activity is held. If there are activities carried out by incumbents and other candidates without notification to the election supervisor, the election supervisor can give sanctions to other incumbents and regional head candidates. Strict sanctions are needed in order to create compliance with the regulations in force. Compliance with the legal framework for elections shows that regional head elections take place in a democratic manner.

An effective solution to political dynasties can be done through political party reform. Political parties must carry out regeneration and cadre promotion systems that are correct (merit system), transparent and accountable. That way no one suddenly becomes a candidate for party chairman or regional head. In this way, anyone may participate in politics, including the children of general chairmen of political parties, but they must go through a gradual screening process, as happens in the bureaucracy.

Apart from that, support and encouragement from civil society is needed through its pressure imperative so that all stakeholders related to democracy, especially elections and local elections (political parties) comply with all the rules of the game and are ready to accept punishment if they violate them. The campus should be the vanguard of enlightenment for the people and a driving force for improving the moral quality of democracy.

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