

## PEOPLE'S SOVEREIGNTY IN THE INTERTIME CHANGE OF MEMBERS OF THE INDONESIAN COUNCIL OF REPRESENTATIVES

**Yudhia Perdana Sikumbang**

Program Studi Doktor Ilmu Hukum, Universitas Jambi, E-mail: [yudhiaperdana@gmail.com](mailto:yudhiaperdana@gmail.com)

---

### ARTICLE INFO

**Keywords:**

Sovereignty; Indonesian; Representatives.

### ABSTRACT

*This journal discusses the role and implementation of the concept of people's sovereignty in the context of the intersection of members of the Indonesian People's Council of Representatives (DPR-RI). The sovereignty of the people, as a fundamental principle in a democratic system, is the primary foundation in the process of the realization of the will of people through political representation. This journal specifically explores how people's sovereignty is reflected in the replacement mechanism of DPR-RI members over time. Through a legal and political analysis approach, the journal outlines the legal framework that regulates the process of replacement of members of the DPR-RI and identifies the factors that influence the successful implementation of people's sovereignty in that context. This research includes a study of the role of related institutions, such as political parties and the General Election Commission, in ensuring integrity and representation in line with people's aspirations. The results of this study provide a deep understanding of the extent to which the sovereignty of the people is preserved and updated in the process of changing members of the DPR-RI over time. The implications of these findings can provide valuable insights for policy formulation, the development of democratic systems, and the strengthening of people's political participation in the Indonesian context.*

### A. INTRODUCTION

Constitutionally, article 1, paragraph (2) of UUD 1945 affirms that sovereignty is in the hands of the people and is exercised in accordance with the provisions of the Basic Law, which is the foundation of the democratic system pursued by the State of Indonesia. As a democratic state, there must be a number of aspects, such as the implementation of general elections, the rotation or kaderization of national leadership, the existence of an independent judiciary, the representation of the sovereignty of the people through a strong and autonomous parliament, the respect and guarantees of human rights, and the presence of a constitution guaranteeing their survival and implementation.<sup>1</sup>

The concept of people's sovereignty and the replacement of members of the People's Representative Council (DPR) are closely linked in the context of the Indonesian democratic system. The sovereignty of the

---

<sup>1</sup> Al Muttaqien., Implikasi Penggantian Antar Waktu (Paw) Anggota Dpr/Dprd Oleh Partai Politik Terhadap Demokrasi, *Jurnal Sosial Humaniora Sigli (Jsh)*, Vol. 3, No. 1, 2020

people, as stated in article 1, paragraph 2, UUD 1945, provides the basis for the supreme power to be in the hands of people and to be exercised in accordance with the rules of law in force. In the change of members of the House, this concept is reflected in the general election as the main mechanism that empowers the people to elect their representatives in the House. This general election process is a means for the people to participate actively in determining the direction of national leadership and represent their will and interests.

The principle of rotation or kaderisation of national leadership in the process of replacement of members of the DPR shows an effort to ensure the diversity and renewal of leadership desired by the people.<sup>2</sup> It proves that the people not only have the right to vote, but also to see their representatives continue to evolve and change in accordance with collective aspirations. Independence and parliamentary power are essential elements in the context of people's sovereignty. An effective replacement of MPs must create a strong and independent parliament, capable of performing its legislative functions efficiently and efficiently. Therefore, the process of replacement of parliamentarians should ensure that parliaments have the capacity to examine and supervise government policies in accordance with the interests and expectations of the people. Respect and guarantees of human rights are another principle that binds the sovereignty of the people in the replacement of members of the DPR.<sup>3</sup> Assurance that during this process the rights of participation, freedom of opinion, and other political rights are respected and guaranteed, ensuring fair and inclusive representation in the legislative body. The Constitution must be able to provide a clear and strong legal basis, regulating exactly how the process of replacement of members of the House is carried out in accordance with the principles of democracy and sovereignty of the people.

The temporary replacement of members of the People's Representative Council (DPR) is an important issue in the context of Indonesian democracy, especially in relation to the principle of people's sovereignty. People's sovereignty, as a central concept in a democratic system, places the people as the supreme holders of power realized through political representation.<sup>4</sup> Over time, there have been significant developments in the rules and mechanisms for the temporary replacement of parliamentarians, which are supervised by the pillars of democracy and people's sovereignty. However, the clarity and effectiveness of the implementation of popular sovereignty in the process of interim Parliamentarian replacement still requires further investigation.<sup>5</sup>

---

2 Debby Astuti Et Al., Politik Hukum Penggantian Antar Waktu Anggota Dewan Perwakilan Rakyat, *Jurnal Lex Specialis*, Vol. 2, No. 2, 2021

3 Jon Samuel Sonba, I Gusti Bagus Suryawan, And I Nyoman Utama., Mekanisme Pergantian Antar Waktu (Paw) Anggota Dewan Perwakilan Rakyat Dalam Sistem Ketatanegaraan Indonesia, *Jurnal Analogi Hukum*, Vol. 3, No. 2,

4 Geofani Milthree Saragih., Pancasila Sebagai Landasan Filosofis Pembentukan Peraturan Perundang-Undangan Di Indonesia, *Jupank ( Jurnal Pancasila Dan Kewarganegaraan)*, Vol. 2, No. 12, 2022.

5 A.A.Ngurah Agung Putra Prawir And A.A.Istri Ari Atu Dewi., Pengaturan Tentang Penggantian

Through the exploration and analysis of the regulations governing the change of temporary members of the House, as well as involving relevant perspectives from stakeholders such as political parties and society, the study is expected to provide a better understanding of the extent to which the principle of people's sovereignty is reflected in the mechanism of the replacement of interim members. The implications of this research findings are expected to provide constructive input for the development of more democratic rules and practices in the context of the temporary replacement of parliamentarians in Indonesia. In this study will be studied about people's sovereignty in the temporary replacement of DPR-RI members in Indonesia.

## **B. RESEARCH METHODS**

This research adopts a normative legal research approach, which entails a comprehensive examination of legal principles and norms. The primary focus of the study involves an exhaustive review of pertinent literature derived from primary, secondary, and tertiary legal sources. This encompasses an in-depth exploration of legal doctrines, statutes, and scholarly works, ensuring a thorough understanding of the subject matter. The utilization of library studies and relevant literature serves as a fundamental strategy in gathering comprehensive insights from authoritative legal materials, contributing significantly to the robustness and credibility of the research findings.

## **C. RESULTS AND DISCUSSION**

### **1. Arrangements For The Interim Replacement Of Members Of The Indonesian People's Representative Council**

Indeed, the implementation of Interim Replacement (PAW) in Indonesia is not a new phenomenon. The rules regarding the replacement of members of the People's Representative Council of the Republic of Indonesia (DPR RI) through the PAW have undergone various changes over time and the dynamics of the country of Indonesia.<sup>6</sup> In political sphere, PAW refers to an event in which there is a change of one or some of the members of the council representing the body of representation, which is carried out through election by the voters who have elected him. Therefore, in this concept of PAW, voters have the right to control the individuals they choose.<sup>7</sup> In the days of the Old and New Order before the reformation era, the regime of Interim Replacement (PAW) of members of the People's Representative Council of the Republic of Indonesia (DPR RI) was regulated by the Basic Law of

---

Antar Waktu (Paw) Pada Anggota Lembaga Perwakilan Republik Indonesia, *Jurnal Kertha Negara*, Vol. 7, No. 12, 2019.

6 Halida Nabilla Salfa., Peran Sosial Perempuan Dalam Masyarakat Dan Implikasinya Terhadap Penempatan Perempuan Anggota Legislatif Pada Komisi-Komisi Di Dpr Ri Periode 2019-2024 (Women's Social Role In Society And Its Implication To The Division Of Job Of Women's Mp), *Jurnal Politica Dinamika Masalah Politik Dalam Negeri Dan Hubungan Internasional*, Vol. 13, No. 2, January 4, 2023, page.162–81

7 Anggi Sihol Dameanti., Menilik Esensi Pergantian Antar Waktu Pada Kontesasi Dinamika Politik Indonesia Dalam Perspektif Demokrasi, *Jurnal Cakrawala Ilmiah*, Vol. 1, No. 9, 2022

1945 (UUD 1945) without any too detailed specifications. When a member of the House dies, resigns, or is dismissed, generally the political party concerned has the power to replace the member without having to go through too formal procedures. However, there have been significant changes since the beginning of the era of reformation. Article 22E, for example, provides the legal basis related to the establishment of the PAW. This article explains that when there is vacancy of the office of a member of the Parliament due to death, resignation, or disrespectfully dismissed, the Minister of Home Affairs together with the head of the parliament may submit a proposal for replacement to the local legislative body. The proposal is then discussed in the local legislative body, and if approved, there will be a formal arrangement regarding the replacement of vacant MPs. In addition to the legal basis in UUD 1945, the internal regulations of the National Assembly also regulate in more detail the procedure of the PAW.<sup>8</sup> The legislative regulations describe the steps to be followed in the implementation of PAW, including the procedure for submitting proposals for replacement, deliberations in local legislative bodies, and other formal stages. The PAW process has a crucial role in ensuring the survival of the legislative function of the DPR RI. Nevertheless, given the political changes, party dynamics, and changes in the interpretation of the law over time, the arrangements related to the PAW RI may undergo further improvement or change in the future, with the aim of improving transparency, accountability, and effectiveness.

Before discussing much more about the current rules on PAW, here are the authors showing about the establishment of PAW in Indonesia since the Old Order (ORLA), the New Order (ORBA) and the Reformation Order.

**Tabel I**

<b>Validity period</b>	<b>Legal Basis (Law)</b>
Old Order	Article 28 of the 1945 Constitution (Original Text); During Soekarno's reign, PAW or at that time known as recall of members of parliament was possible and even carried out in an authoritarian manner. There are no detailed rules regarding PAW.
the new order	Law Number 16 of 1969 concerning the Composition and Position of the People's Consultative Assembly, the People's Representative Council and the Regional People's

<sup>8</sup> Nike K. Rumokoy., *Kajian Yuridis Hak Recall Partai Politik Dalam Sistem Ketatanegaraan Indonesia*, *Jurnal Kajian Yuridis*, Vol. 20, No. 1, 2021.

Representative Council;  
Law Number 3 of 1975 concerning Political Parties and Work Groups;  
Law Number 3 of 1985 concerning Amendments to Law Number 3 of 1975 concerning Political Parties and Work Groups;  
Decree of the People's Consultative Assembly of the Republic of Indonesia Number VII/MPR/1998 concerning Amendments and Supplements to the Decree of the People's Consultative Assembly of the Republic of Indonesia Number I/MPR/1983 concerning the Rules of Procedure of the People's Consultative Assembly of the Republic of Indonesia as has been amended and supplemented several times, most recently by Decree of the People's Consultative Assembly of the Republic of Indonesia Number I/MPR/1998 (at that time);  
Decree of the People's Consultative Assembly of the Republic of Indonesia Number  
Law Number 2 of 1999 concerning Political Parties.

---

Reformation Order

Article 22B of the 1945 Constitution  
Law Number 4 of 1999 concerning the Composition and Position of the MPR, DPR, DPD and DPRD Councils;  
Law Number 31 of 2002 concerning Political Parties;  
Law Number 22 of 2003 concerning the Composition and Position of the MPR, DPR, DPD and DPRD;  
Law Number 13 of 2003 concerning General Elections of Members of the DPR, DPD and DPRD;  
Law Number 2 of 2011 concerning Amendments to Law Number 2 of 2008 concerning Political Parties;  
Law Number 15 of 2011 concerning General Election Organizers;  
Law Number 8 of 2012 concerning General Election of Members of the

---

People's Representative Council, Regional Representative Council and Regional People's Representative Council;  
Law Number 17 of 2014 concerning the People's Consultative Assembly, People's Representative Council, Regional Representative Council, Regional People's Representative Council, Law Number 2 of 2018 concerning the Second Amendment to Law Number 17 of 2014, and Law Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014;  
Law Number 23 of 2014 concerning Regional Government;  
Law Number 7 of 2017 concerning General Elections;  
General Election Commission Regulation Number 6 of 2017 concerning Interim Replacement of Members of the People's Representative Council, Regional Representative Council, Provincial Regional People's Representative Council, and Regency/City Regional People's Representative Council;  
Law Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 concerning the MPR, DPR, DPD and DPRD and Law Number 2 of 2008 concerning Political Parties.  
General Election Commission Regulation Number 05 of 2013 concerning Procedures for Determining Electoral Districts and Allocation of Seats for Each Electoral District for Members of the Provincial Regional People's Representative Council and Regency/City Regional People's Representative Council in the 2014 General Election;  
General Election Commission Regulation Number 05 of 2013

---

concerning Procedures for Determining Electoral Districts and Seat Allocation for Each Electoral District for Members of the Provincial Regional People's Representative Council and Regency/City Regional People's Representative Council in the 2014 General Election;

General Election Commission Regulation Number 29 of 2013 concerning Determination of General Election Results, Acquisition of Seats, Elected Candidates and Replacement of Elected Candidates in General Elections for Members of the People's Representative Council, Regional Representative Council, Provincial Regional People's Representative Council and Regency/Municipal Regional People's Representative Council as amended by General Election Commission Regulation Number 8 of 2014 concerning Amendments to General Election Commission Regulation Number 29 of 2013 concerning Determination of General Election Results, Acquisition of Seats, Elected Candidates and Replacement of Elected Candidates in the General Election of Members of the People's Representative Council, Regional Representative Council, Provincial Regional People's Representative Council and Regency/City Regional People's Representative Council;

---

Quoted by the author from various sources.

In addition to the historical development of the basic law, legal changes related to the PAW are also influenced by various jurisprudence, namely the court rulings relating to PAW, including in this case the Constitutional Court rulings (MK). Basically through the dynamics of legislative changes relating to the PAW, there has been an orientation of the view and implementation of PAW in Indonesia. In its development, the PAW was abolished through the Act No. 4 of 1999 on the Order and

Position of the Assembly of the MPR, the DPR, the DPD, and the DPRD. The abolition of the PAW is regarded as a result of parliamentary strengthening efforts. However, the impact is that a number of council members are committing inappropriate actions, such as moving political parties, improper behaviour, or violating a code of ethics without obtaining a strict sanction. The public demands that council members be held accountable, both in political performance and moral behavior. The PAW settings are finally reset. However, as time passed, the authority of the PAW was also misinterpreted by the party's leaders, which would be the main study in this future study.

Constitutionally, provisions relating to the arrangement of interruption and replacement of time intervals (PAW) are currently contained in Article 22B paragraph of UUD 1945. The article states that members of the People's Representative Council (DPR) may be dismissed from their office under the conditions and procedures prescribed by law. The details were subsequently disclosed in article 426 (1) of Act No. 7 of 2017 on General Elections (Elections Act), which identified several grounds for the resignation of members of the House, including death, resignations, ineligibility, or proved criminal offences of general elections such as monetary politics or falsification of documents that have been proven by a court decision that has fixed legal force. Regarding the replacement of dismissed members, Article 426 (3) of the Election Act stipulates that elected candidates for members of the House of Representatives may be replaced by the General Election Commission (KPU) with candidates from the permanent list of candidates of the same Election Participant Political Party in the electoral district. The replacement is based on the next majority of candidates, ensuring that political representation remains awake within the PAW mechanism.<sup>9</sup>

The dismissal of a legislator during his term of office is what is called an interim replacement (PAW), and is also regulated in Article 239 of Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council as stated in amended several times, most recently by Law Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council (UU MD3):

- a. Unable to carry out duties continuously or permanently unable to act as a member of the DPR for 3 (three) consecutive months without any information;
- b. Violating the oath/promise of office and the DPR code of ethics;
- c. Declared guilty based on a court decision that has permanent legal force for committing a criminal offense that is punishable by imprisonment for 5 (five) years or more;

---

9 Rida Farida., Mekanisme Penggantian Antar Waktu (Paw) Anggota Dpr Dan Implikasinya Dalam Konsep Perwakilan Rakyat, *Jurnal Cita Hukum*, Vol. 1, No. 2, N.D.).

- d. Proposed by the political party in accordance with the provisions of the laws and regulations;
- e. No longer fulfill the requirements as a candidate for members of the DPR in accordance with the provisions of laws and regulations regarding the general election of members of the DPR, DPD and DPRD;
- f. Violating the prohibitory provisions as regulated in this Law;
- g. Dismissed as a member of a political party in accordance with statutory provisions; or
- h. Become a member of another political party.

However, the law that clearly determines the reasons that can determinatively dismiss a political party cadre is found in the Political Parties Law. In Article 12 letters g and h of the Political Party Law, there are two mechanisms in the PAW series, namely proposing PAW cadres from membership in the DPR-RI and DPRD, and proposing the dismissal of their cadres from membership in the DPR-RI and DPRD. Article 16 Paragraph (1) of the Political Parties Law more clearly determines under what circumstances a cadre can be dismissed:

- a. Die;
- b. Resign in writing;
- c. Be a member of another political party; or
- d. Violates AD and ART.

Then Article 16 Paragraph (2) of the Political Party Law, gives absolute authority to the political party concerned to implement the regulations of Article 16 Paragraph (1) through AD/ART. Meanwhile, Article 16 Paragraph (3) states that if a cadre who is dismissed is currently serving as a legislator, he will also automatically be dismissed from that position.

Several of the provisions above then became the basis for General Election Commission Regulation (PKPU) Number 6 of 2017 concerning Interim Replacement of Members of the DPR, DPD, Provincial DPRD and Regency/City DPRD. In Article 1 Paragraph (14), PAW is defined as the replacement of a legislator during his term of office, replaced by a replacement candidate taken from the (Permanent Candidate List) DCT Member of the DPR, DCT Member of the Provincial DPRD and DCT Member of the Regency/City DPRD from the same Political Party in the same electoral district that ranked next with the most votes.

Meanwhile, Article 5 Paragraph (1) PKPU Number 6 of 2017 regulates three reasons why a political party cadre as well as a legislative member can be dismissed during his term of office, which include:

- a. Die;
- b. Resign; or
- c. Dismissed.

Of the three causes above, the regulations regarding Article 5 Paragraph (1) letter c are clarified in Article 5 Paragraph (3) with nine provisions. Two of them, namely Article 5 Paragraph (3) letters e and h, contain regulations for a dismissal mechanism that refers to the decision of a political party:

- a. Proposed by the Political Party in accordance with the provisions of the laws and regulations for Members of the DPR, Provincial DPRD or Regency/City DPRD;
- b. Dismissed as a member of a political party in accordance with the provisions of statutory regulations for members of the DPR, Provincial DPRD or Regency/City DPRD

As previously emphasized, the provisions for dismissal of political party members from their positions as legislators were abolished based on the provisions of Law Number 4 of 1999 concerning the Composition and Position of the People's Consultative Assembly, the People's Representative Council and the Regional People's Representative Council, because the aim was to strengthen parliament. However, this has also become a polemic, because a number of legislators often act inappropriately, for example changing political parties, committing immoral acts, or violating the code of ethics and not receiving strict sanctions. Meanwhile, the public demands that legislators have integrity. So the dismissal provisions were reappeared in Law Number 27 of 2009 concerning the People's Consultative Assembly, People's Representative Council, Regional Representative Council and Regional People's Representative Council and Law Number 2 of 2008 concerning Political Parties.

Some of these laws describe the existence of a parliamentary resignation provision as a prerogative of a political party. Interesting when this legal phenomenon is reviewed from the political doctrine of the legislature of the general election which reflects the sovereignty of the people, but can be resigned by its political party for violating AD/ART.<sup>10</sup> The existence of a political party cadre in the parliament constitutes the exercise of the sovereignty of the people as an expression of the implementation of indirect democracy or of representative democracies because of the presence of Parliament as an institution of people's sovereignty. Because the mechanism seems to transcend the understanding of the sovereignty of the people within the limits of the provisions of AD/ART that are adapted to the political needs of the party. Not to mention the power of resignation of a political party member in office as a legislator which is frequently used politically to get rid of a kader that contradicts opinions with the party leader through the accusation of violation of AD /ART.<sup>11</sup>

---

10 Anik Tri Haryani., Analisis Yuridis Pelaksanaan Penggantian Antar Waktu (Paw) Anggota Dprd Provinsi Daerah Istimewa Yogyakarta, *Yustisia Merdeka: Jurnal Imiah Hukum*, Vol. 8, No. 1

11 Ismail Sunny, *Mekanisme Demokrasi Pancasila*, Jakarta, Varuna Jaya.

## **2. The Sovereignty Of The People In The Interim Replacement Of Members Of The Dpr-Ri In Indonesia**

The opening of the UUD 1945 contained four thoughts that covered the atmosphere of chaos when the 1945 UUD was formulated. These thoughts are the legal ideals of the Indonesian people that underpin the basic laws of the state, both written and unwritten, so that the law serves as a means of building society. It is based on the assumption that order in development is something that is considered important and absolutely necessary. In addition, the law as a rule can serve to direct the activities of citizens towards the goals desired by the change. Of course, it is important to ensure that such legal functions are fulfilled, including in its role as a tool of social control. It should be noted that according to Jimly Asshiddiqie, all legal regulations relating to the state should always refer to the legal experts of the state.<sup>12</sup>

The Indonesian system of government is closely linked to the concept of the rule of law and democracy, creating a solid foundation for a just society. The rule of law in Indonesia affirms the supremacy of law as a fundamental principle that details every aspect of life, including the limitation of state power imposed and safeguarded by law. This principle ensures that every citizen, including government, is subject to the same law and governed by a transparent and fair regulatory framework. Meanwhile, democracy became a major pillar in the Indonesian state structure, ensuring that government was carried out by the people and for the people. The principles of democracy emphasize the active participation of citizens in the political decision-making process, both through general elections and through inclusive participation mechanisms. In this context, the Indonesian Government plays a role in accordance with applicable legal provisions, ensuring that political decisions are formulated taking into account the aspirations and interests of the people served. Overall, the Indonesian system of government combines the harmonization between the rule of law and the principles of democracy. Governments strive to act in accordance with applicable law, uphold justice, and ensure that the active participation of citizens is the basis of the political decision-making process. Thus, there is a complementary relationship between the idea of Indonesian rule of law and democracy, creating an optimal balance between the sovereignty of the law and the interests and wishes of the people.

Essentially, political parties occupy a very crucial position and role in any democratic system because they have a primary function as a liaison between the government of the country and its citizens. The degree to which political parties are institutionalized determines the quality of democratisation in the political life of a country, reflecting the extent to which the parties are structured and function in support of a healthy democratization process. In the Explanation of Law No. 2 of

---

12 Jimly Asshiddiqie., *Pengantar Ilmu Hukum Tata Negara*, Jakarta, Sekretariat Jenderal Dan Kepaniteraan Mk Ri, 2006.

2011 on Amendments to the Law No.2 of 2008 on Political Parties, it is explained that a political party is a national-scale organization voluntarily formed by a group of Indonesian citizens. Political parties are formed on the basis of the common will and ideals to advocate and defend the political interests of its members, communities, nations, and states. In addition, the political party aims to preserve the integrity of the Union State of the Republic of Indonesia, in accordance with the values of Pancasila and UUD 1945.

Due to nationalist interests, political party membership is voluntary, open and non-discriminatory to any Indonesian citizen who approves the Basic Budget and Household Budget (AD/ART) of the political party concerned. A political party cadre is obliged to obey the AD/ART of the political party concerned, as well as to participate in political party activities. Nevertheless, there is also a provision that a political party member in his office as a member of the people's representative body may be dismissed by the political party in which he is established.<sup>13</sup>

With the temporary replacement of members of the People's Representative Council (DPR-RI) in Indonesia, the sovereignty of the people became very relevant and crucial. The concept of people's sovereignty emphasizes that the supreme power and authority belongs to the people, and its implementation should be reflected in every aspect of government, including in the process of replacement of members of the DPR-RI. The sovereign position of the people in the interim replacement of the DPR-RI members covers aspects of participation, transparency, and accountability. The people should have a significant role to play in determining candidates, overseeing the decision-making process, and ensuring that the elected representatives truly represent their wishes and interests. Thus, the political parties, as intermediaries between the people and the government, have a responsibility to ensure that these mechanisms are in line with the principles of democracy and people's sovereignty. The importance of the sovereignty of the people in the temporary replacement of the members of the DPR-RI is not only to preserve the essence of democracy, but also to build public legitimacy and confidence in the representative body. Therefore, continued efforts are needed to increase public participation, increase the transparency of the process, and ensure that this temporary replacement mechanism is in line with the values of democracy and justice.

#### **D. CONCLUSION**

In this study, we have thoroughly investigated the principles of people's sovereignty in the context of the temporary replacement of members of the People's Representative Council (DPR) in Indonesia. The results of the study show that despite significant developments in the rules and mechanisms for the temporary replacement of MPs, the implementation of the principle of people's sovereignty still requires further attention. The

---

13 Bn. Marbun., *Kamus Hukum Indonesia*, Jakarta, Pustaka Sinar Harapan, 2006

mechanisms for the temporary replacement of parliamentarians need to be detailed and directed to ensure the active participation of the people in the process. In this context, there is a need for greater transparency, more effective public involvement, and protection of citizens' political rights. My stakeholders, especially the political parties, have a crucial role to play in ensuring that the temporary replacement of parliamentarians reflects the will and aspirations of the people, while strengthening the principles of democracy and people's sovereignty. Therefore, recommendations for improvement and refinement of regulations as well as practices related to temporary replacement of members of the House need to be taken seriously. It is important to ensure that such mechanisms not only abide by the basic principles of democracy, but also serve as an effective means for the people to express their sovereignty.

## BIBLIOGRAPHY

### Books:

- BN. Marbun., 2006, *Kamus Hukum Indonesia*, Pustaka Sinar Harapan, Jakarta;
- Geofani Milthree Saragih., 2022, *Tinjauan Yuridis Terhadap Tindak Lanjut Putusan Mahkamah Konstitusi Oleh Lembaga Negara Di Indonesia*, Skripsi, Universitas Riau, Riau;
- Ismail Sunny., *Mekanisme Demokrasi Pancasila*, Varuna Jaya, Jakarta;
- Jimly Asshiddiqie., 2006, *Pengantar Ilmu Hukum Tata Negara*, Sekretariat Jenderal dan Kepaniteraan MK RI, Jakarta;

### Journals:

- A.A.Ngurah Agung Putra Prawir and A.A.Istri Ari Atu Dewi., Pengaturan Tentang Penggantian Antar Waktu (PAW) Pada Anggota Lembaga Perwakilan Republik Indonesia, *Jurnal Kertha Negara*, Vol. 7, No. 12, 2019;
- AL Muttaqien., Implikasi Penggantian Antar Waktu (Paw) Anggota Dpr/Dprd Oleh Partai Politik Terhadap Demokrasi, *Jurnal Sosial Humaniora Sigli (JSH)*, Vol. 3, No. 1, 2020;
- Alya, Zalfa Hania, and Dona Budi Kharisma., Kebebasan Berekspresi Di Negara Demokrasi Kaitannya Dengan Teori Kedaulatan Rakyat, *Sovereignty: Jurnal Demokrasi dan Ketahanan Nasional*, Vol. 1, No. 2;
- Anggi Sihol Dameanti., Menilik Esensi Pergantian Antar Waktu Pada Kontesasi Dinamika Politik Indonesia Dalam Perspektif Demokrasi, *Jurnal Cakrawala Ilmiah*, Vol. 1, No. 9, 2022;
- Anik Tri Haryani., Analisis Yuridis Pelaksanaan Penggantian Antar Waktu (Paw) Anggota DPRD Provinsi Daerah Istimewa Yogyakarta, *Yustisia Merdeka: Jurnal Imiah Hukum*, Vol. 8, No. 1;
- Debby Astuti, Emanuella Ridayati, Ali Hanif, Angga Maulana, Yuzon, and Sutrirubiyanto Nova., Politik Hukum Penggantian Antar Waktu

- Anggota Dewan Perwakilan Rakyat, *Jurnal Lex Specialis*, Vol. 2, No. 2, 2021;
- Jon Samuel Sonba, I Gusti Bagus Suryawan, and I Nyoman Utama., Mekanisme Pergantian Antar Waktu (PAW) Anggota Dewan Perwakilan Rakyat Dalam Sistem Ketatanegaraan Indonesia, *Jurnal Analogi Hukum*, Vol. 3, No. 2, (n.d.).
- Junaidi, Veri., Relasi Presiden dan DPR dalam Pembentukan Undang-Undang pada Sistem Pemerintahan Presidensial Multipartai, Vol. 3, No. 1, 2020;
- Nike K. Rumokoy., Kajian Yuridis Hak Recall Partai Politik Dalam Sistem Ketatanegaraan Indonesia, *Jurnal Kajian Yuridis*, Vol. 20, No. 1, 2021;
- Rida Farida., Mekanisme Penggantian Antar Waktu (PAW) Anggota DPR Dan Implikasinya Dalam Konsep Perwakilan Rakyat, *Jurnal Cita Hukum*, Vol. 1, No. 2;
- Salfa, Halida Nabilla., Peran Sosial Perempuan dalam Masyarakat dan Implikasinya terhadap Penempatan Perempuan Anggota Legislatif Pada Komisi-Komisi di DPR RI Periode 2019-2024 (Women's Social Role in Society and Its Implication to The Division of Job of Women's MP), *Jurnal Politika Dinamika Masalah Politik Dalam Negeri dan Hubungan Internasional*, Vol. 13, No. 2, January 4, 2023;
- Saragih, Geofani Milthree., Pancasila Sebagai Landasan Filosofis Pembentukan Peraturan Perundang-Undangan Di Indonesia, *Jupank ( Jurnal Pancasila Dan Kewarganegaraan)*, Vol. 2, No. 12, 2022;