

Balancing Party Control and Representative Independence in Recall Mechanisms

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Abstract. *This study aims to analyze the dominance of political parties in recall mechanisms and its impact on the balance between party control and representative independence within a democratic system. The research method used is normative legal research with statutory and conceptual approaches, focusing on the analysis of constitutional provisions, legislative regulations, and relevant legal doctrines concerning recall or inter-time turnover mechanisms. The novelty of this research lies in identifying the legal gap arising from the excessive concentration of recall authority in political parties, particularly after the Constitutional Court Decision Number 008/PUU-IV/2006, which constitutionally legitimizes such authority. Unlike previous studies that primarily emphasize party discipline, this research highlights the tension between party control and the principle of popular sovereignty, as constituents are excluded from the dismissal process of their elected representatives. Based on the research, it is concluded that the current recall mechanism tends to weaken the independence of representatives and shift the center of political control from the people to party elites, thereby reducing the quality of representative democracy. Therefore, it is necessary to reform the recall mechanism by introducing more democratic, transparent, and participatory procedures to ensure a balance between party discipline, representative independence, and popular sovereignty.*

Keywords: Accountability; Democracy; Dominance; Recall; Sovereignty.

1. Introduction

Indonesia as a state of law as asserted in Article 1 Paragraph (3) of the Constitution of the Republic of Indonesia in 1945 requires that all constitutional practices be held based on the principles of democracy, popular sovereignty, and legal certainty. One manifestation of this principle is the existence of representative institutions such as the House of Representatives which serves as a political representation of the people in the government system. In a representative

democratic system, members of the House of Representatives are elected directly by the people through a general election mechanism. Therefore, theoretically House of Representatives members have political legitimacy that comes from the people as the holder of supreme sovereignty in the country. However, in Indonesian Constitutional practice, the existence of political parties has a very dominant position in the process of nominating and appointing members of the House of Representatives. This gives rise to a separate dynamic in the relationship between political parties, members of the House of Representatives, and the constituents who vote for them.

Although Article 1 Paragraph (2) of the 1945 Constitution establishes the people as the main holder of sovereignty within the framework of representative democracy, there is a dualism of responsibility for members of the House Of Representatives. On the one hand, legislators are supposed to be loyal to their constituents, but on the other hand, the influence of political parties is very strong through the PAW instrument. The authority of the party to carry out this recall is protected by the Constitution through Article 22B and its operation is regulated in Article 239 of the MD3 law. Through this regulation, political parties have the right to terminate the service period of their members in the legislature if they are considered to violate internal provisions or no longer meet the qualifications of the organization, even before the end of the term of office.(Mukhlis, 2024)

Although normatively the recall mechanism is intended to maintain party discipline and consistency of political policy, in practice this mechanism often causes controversy because it is considered contrary to the principle of popular sovereignty. Members of the House of Representatives directly elected by the people can be dismissed by political parties without involving the constituents who voted for them. This condition has led to criticism that the recall system in Indonesia reflects the dominance of political parties rather than the representation of the people. Research shows that recall authority by political parties has the potential to shift the concept of popular sovereignty because members of the House of Representatives become more accountable to the party than to their voters. (Yunus, 2025a)

The issue of recall of House Of Representatives members by political parties has also been tested several times in the Constitutional Court through the judicial review mechanism. One of the important cases is the Constitutional Court Decision No. 008/PUU-IV / 2006 which examines the provisions of the recall of House of Representatives members by political parties. In the decision, the Constitutional Court in principle retained the authority of political parties to recall their members. The court held that because the nomination of House of Representatives members is done through a political party, the party has the right to maintain the consistency of party policy through the mechanism of dismissal of members who are considered to violate party lines. In addition, the dynamics of the recall is also

related to changes in the legislative election system in Indonesia after the Constitutional Court decision number 22-24/PUU-VI/2008 which establishes the majority vote system in the election of legislative members. This decision changed the system of determining elected candidates who previously used sequential numbers to be based on the majority of votes. The changes strengthened the direct legitimacy of members of the House of Representatives from the people. But on the other hand, the authority of recall by political parties is maintained, creating tension between the legitimacy of the people and party control of HOUSE OF REPRESENTATIVES members. (Mutawalli et al., 2023)

The issue of recall or alternation between times of members of Parliament if analyzed through the theory of popular sovereignty proposed by Jean-Jacques Rousseau, which states that legitimate political power must come from the general will (general will) of the people. Therefore, representative institutions should carry out the mandate of the people and should not be dominated by the interests of certain groups, including political parties. In this context, the recall mechanism, which is entirely in the hands of political parties, can be considered a form of reduction in popular sovereignty because the people do not have a direct mechanism to maintain the representatives they have chosen. In addition to the theory of popular sovereignty, the issue of recall can also be analyzed through the theory of political representation proposed by Hanna Pitkin. According to Pitkin, a people's deputy has a responsibility to act on behalf of the constituency he represents. In a representative democratic system, the legitimacy of a representative comes not only from the political party but also from the support of the people who elect him. If a member of the House of Representatives can be dismissed only because it is not in line with party policy, then the function of representation to constituents can be reduced. This can result in House of Representatives members being more loyal to the party than to the people. This is in line with the legal opinion of Ni'matul Huda who explained that political parties have an important role in the political system because they are responsible for the process of political recruitment and nomination of legislative members. Therefore, political parties have an interest in ensuring that the legislatures they represent remain in line with party policy. Nevertheless, the use of the right of recall must be strictly regulated so that it is not used arbitrarily by political parties. (Huda, 2011a)

However, the recall mechanism that is too dominant by political parties can reduce the independence of House of Representatives members in carrying out legislative, supervisory, and budgetary functions. When House of Representatives members feel that their position depends on the decision of the political party, then there is the potential that they will prioritize the interests of the party over the interests of the people they represent, then indirectly the concept of democracy becomes meaningless again. In the long run, this condition can affect the quality of democracy and accountability of representative institutions in Indonesia. Constitutional Court decision number 008/PUU-IV / 2006 which is one of the

important decisions relating to the mechanism of recall of members of the House of Representatives (DPR) through the change between time (PAW). This case examines the provision that gives political parties the authority to propose the dismissal of members of the House of Representatives before the end of their term of office. The petitioners considered that the authority was potentially contrary to the principle of popular sovereignty because House of Representatives members were directly elected by the people through general elections. In its consideration, the Constitutional Court stated that political parties have an important role in the system of representative democracy in Indonesia. The nomination of House of Representatives members is done through political parties, so there is a political relationship between House of Representatives members and the party that carries it out. Therefore, the court is of the opinion that the authority of political parties to recall their members through the PAW mechanism is not contrary to the Constitution. Nevertheless, this ruling has implications for the system of representative democracy.

The recall authority strengthens the position of political parties in controlling legislative members, thus potentially affecting the independence of House of Representatives members in carrying out representative functions. In addition, the mechanism also creates tensions between the political legitimacy that comes from the people and the political control that political parties have in the representative system. This study is not only to understand how the legal arrangements regarding recall in the Indonesian Constitutional system, but also to analyze its impact on the principle of popular sovereignty and representative democracy. In addition, this study will also examine how the Constitutional Court decision affects the institutional design of the representative system and the relationship between political parties, members of the House of Representatives, and constituents in Indonesia's democratic system. As for previous research that discusses the recall of members of Parliament, it can be seen in the comparison table below:

No	Researcher	Research Title	Research Focus	Research Findings	Difference from This Research
1	Ni'matul Huda	Recall of Members of the House of Representatives and DPRD in the Dynamics of Indonesian Constitutional Law	Analyzes the authority of political parties to recall members of the House of Representatives and DPRD	This study concludes that recall is a consequence of the party system because members of the House of Representatives are nominated by political parties; therefore, parties have the right to maintain party discipline	This research differs because it does not only discuss the authority of political parties but also analyzes the impact of recall on the principle of popular sovereignty and legal certainty after the Constitutional Court's decision

2	Rahmawati Yunus	Analysis of the Political Parties' Recall Rights over Members of the DPR	Examines the regulation of recall in the MD3 Law and the authority of political parties to dismiss members of the DPR	This research emphasizes that recall is an internal mechanism of political parties to maintain consistency in party policies	This research differs because it relates the practice of recall to the Constitutional Court's decision and analyzes the conflict between popular legitimacy and the dominance of political parties
3	Sandrina Manahampi	Political Parties' Recall Rights over Members of the House Of Representatives According to Legislation	Examines the juridical regulation concerning Inter-Time Replacement (PAW) of House Of Representatives members	The results show that the recall mechanism has been clearly regulated in legislation	This research differs because it not only examines the normative aspects of legislation but also analyzes the constitutional implications of recall for the representative democratic system in Indonesia
4	Achmad Rubaie	Ultra Petita Decisions of the Constitutional Court	Analyzes the phenomenon of ultra petita decisions in the practice of the Constitutional Court	The study explains that ultra petita can be justified as a form of judicial law-finding	This research differs because it connects the concept of ultra petita with cases of recall of House of Representatives members and evaluates its impact on legal certainty in the constitutional system

this study is present to provide a more comprehensive perspective by combining normative analysis of the recall mechanism and the study of the Constitutional Court's decision as its constitutional foundation. This study also enriches the approach by using popular sovereignty theory and political representation theory to explain the tension between legitimacy derived from the people and the dominance held by political parties in institutional practice. Thus, this study not only fills in the gaps of previous studies, but also offers a more in-depth analysis of the imbalance between party control and the independence of people's deputies in the recall mechanism. This focus is important to formulate the direction of legal

reform that is able to create a balance between party control and the independence of people's representatives, so that the recall mechanism can run in a more democratic, transparent, and accountable manner and remain in line with the principle of people's sovereignty in a representative democratic system.

Based on this background, this study focused on the analysis of the mechanism of recall or turnover between time (PAW) Members of the House of Representatives by political parties in the Indonesian Constitutional system and its implications for the principle of popular sovereignty and legal certainty, as well as assessing the impact of the Constitutional Court decision number 008/PUU-IV/2006 on the relationship between political parties and members of the House of Representatives, particularly in relation to the independence of Representatives. This focus is directed to answer how to create a balance between party control and the independence of people's representatives in the recall mechanism in order to strengthen the quality of representative democracy.

Based on the formulation of the problem that has been described, this study aims to examine and analyze the mechanism of recall or alternation between time (PAW) Members of the House of Representatives by political parties in the Indonesian Constitutional system, including the basis of its regulation and application practices in representative democracy, as well as assessing the implications for the principle of popular sovereignty and legal certainty. In addition, this study also analyzes the implications of the Constitutional Court Decision No. 008/PUU-IV/2006 on institutional relations between political parties and members of the House of Representatives, particularly in relation to the independence of the people's representatives in carrying out the function of representation. Overall, this study is directed to formulate the concept of balance between party control and the independence of the people's representatives in the recall mechanism in order to strengthen representative democracy that is accountable and based on popular sovereignty.

2. Research Methods

The method applied in this study is normative legal research. This approach focuses on the study of the rules of law contained in the regulation of legislation, jurisprudence, as well as the theoretical thinking of legal scholars. The main focus is to evaluate the harmonization and implementation of legal norms in the constitutional structure of Indonesia, especially related to the dynamics of recall of DPR members by political parties and its impact on democratic principles. The researcher chose this method because the issues raised require in-depth dissection of the text of positive law and interpretation of the prevailing constitutional principles. (Irwansyah, 2021)

The two main approaches used in this research are the legal approach and the case approach. The author combs through various legal instruments such as the 1945 Constitution to sectoral laws relevant to the disqualification of board members. On the other hand, the practical dimension is studied by dissecting the legal considerations of the Constitutional Court in Decision No. 008 / PUU-IV / 2006 which is a crucial reference for the Inter-time stop mechanism.(Anggraeni & Ananda, 2024a). "The data of this study were collected from primary, secondary, and tertiary legal materials. Primary legal materials include all written legal norms and relevant court decisions. While the secondary legal materials collected through literature studies of books, journals, and research results that focus on the theory of constitutional law, representative system, and the position of political parties in the Indonesian constitution.(Yunus, 2025b).

To strengthen the methodological clarity, this study further specifies that the data collection was conducted through a comprehensive literature review of legal documents and scholarly works. The legal materials were systematically analyzed using qualitative normative analysis by interpreting legal norms, principles, and doctrines relevant to the recall mechanism. The analysis emphasizes consistency, synchronization, and potential legal gaps within the regulatory framework governing inter-time turnover (PAW).

This method was chosen as it is the most appropriate approach for examining abstract legal norms and constitutional principles rather than empirical data. The use of statutory and case approaches allows for a thorough evaluation of both the formal legal framework and its practical application, particularly through judicial interpretation by the Constitutional Court. By combining these approaches, the study ensures a comprehensive and coherent analysis of the dominance of political parties in the recall mechanism and its implications for democratic accountability.

3. Result and Discussion

3.1. Implications of the recall mechanism of DPR members by political parties on the sovereignty of the people and legal certainty

1) Mechanism of Recall or alternation between times of DPR members by political parties

Recall of members of the House of Representatives (DPR) by political parties is one of the known mechanisms in the Indonesian Constitutional system as part of the process of Inter-time turnover (PAW). This mechanism basically gives the authority to political parties to propose the dismissal of members of Parliament who come from their party before the end of their term. In Indonesia's general election system, members of the House of Representatives are elected through political

parties as election participants so that the relationship between members of the House of Representatives and the bearer party has a strong institutional basis. Therefore, political parties are given a role in supervising their members who sit in the legislature as a form of political responsibility towards voters who vote for the party in general elections(Mufidah & Syarofi, 2024).

Normatively, the recall mechanism is stipulated in the provisions of the legislation governing representative institutions and political parties. These provisions can be found in Law No. 17 of 2014 concerning the MPR, DPR, DPD, and DPRD along with its amendments governing the dismissal of members of the DPR through the mechanism of Inter-time turnover. In the law, it is stated that members of the House of Representatives can be dismissed between times if they die, resign, or are dismissed. In the context of dismissal, the political party has the authority to propose dismissal if the member of the house in question no longer qualifies as a member of the political party or violates the party's provisions. (Nurhalim & Fitri, 2023)

In addition, the regulation on the authority of political parties in conducting recall is also related to the provisions contained in Law No. 2 of 2011 on political parties. This law affirms that political parties have a function as a means of political recruitment and a means of political education for members of society. In carrying out these functions, political parties also have the authority to guide and enforce discipline against their cadres who occupy public office through the party. Thus, the recall authority can be understood as part of the party's internal mechanism in maintaining the consistency of the political attitudes of its cadres in the Legislature. (Siregar et al., 2024)

The procedure for implementing the recall generally starts from the internal decision of the political party stating the dismissal of a member of the DPR from party membership or from his position as a party representative in the DPR. The decision is then submitted to the leadership of the DPR for further processing in accordance with applicable regulations. After that, the DPR leadership forwards the proposal to the president to obtain approval through a presidential decree regarding the dismissal of the DPR member concerned and the appointment of his successor based on the results of the next majority vote from the same party in the constituency concerned. This mechanism indicates that formally the dismissal is carried out by the president, but the initiative comes from a political party.(Jurdi, 2018)

Although normatively the recall mechanism is considered valid in the Indonesian legal system, its existence is inseparable from various criticisms in the study of constitutional law. One of the main criticisms is that the recall mechanism has the potential to reduce the independence of DPR members in carrying out the

function of representation of the people. Academic research suggests that the recall authority may put legislators in a position that depends more on the decisions of party elites than on the aspirations of constituents in their constituencies. This condition has the potential to weaken the representative function of the DPR as an institution that should reflect the interests of the people at large. (Isra, 2003)

In addition, criticism also arises because the recall mechanism has the potential to strengthen the dominance of party elites in the political system. In practice, recall decisions are often based not only on legal or ethical violations, but can also be influenced by internal party conflicts or differences in political views between legislators and party leaders. A number of academic studies show that too much authority in political parties can encourage the formation of oligarchy in political decision-making within the party. (Isra, 2003)

Furthermore, the recall mechanism is also considered to be able to cause tension with the principle of popular sovereignty which is the basis of the democratic system. In the direct election system, members of the DPR obtain political legitimacy from the people through the general election process. Therefore, when a political party has the authority to dismiss a member of the House of Representatives before the end of his term, the question arises as to the extent to which the mandate of the people can be retaken by the political party. These criticisms point to the need for clearer and more transparent arrangements regarding the recall mechanism in order to remain in line with the principles of democracy and popular sovereignty. (Isharyanto, 2016)

The findings of this study indicate that the recall mechanism through alternation between time (PAW) is normatively designed to maintain party discipline and consistency of political policy in the Legislature. However, when it comes to the development of the current literature on representative democracy and the independence of people's representatives, the dominance of political parties in this mechanism actually creates a dilemma between party control and popular sovereignty. A number of studies affirm that excessive strengthening of party control has the potential to weaken the representation function and encourage the dependence of DPR members on the party elite compared to their constituents. The theoretical implications of these findings suggest an imbalance between the principles of representative democracy and prevailing institutional practice, particularly in the context of relations between political parties and people's representatives. Meanwhile, in practical terms, this condition confirms the need for reformulation of the recall mechanism that is more transparent, participatory, and accountable. Thus, this study contributes to identifying legal gaps while offering improvement directions to create a balance between party discipline, the independence of DPR members, and the principle of popular sovereignty.

2) Implications of the Recall on popular sovereignty and legal certainty

In the system of representative democracy, the people occupy a position as the holder of supreme sovereignty, as asserted in Article 1 Paragraph (2) of the 1945 Constitution which states that “sovereignty is in the hands of the people and is implemented according to the Constitution.” People's sovereignty is realized through the election of people's representatives in the Legislature, including the House of Representatives (DPR). Elections give a mandate to the people's representatives to fight for the interests of constituents in the process of legislation, supervision, and budgeting. However, the mechanism of recall or alternation between time (PAW), which is entirely in the hands of political parties, causes dynamics that affect the position of the people as subjects of democracy and tests legal certainty in the Indonesian political system.(Huda, 2011b)

Recall of members of parliament allows political parties to recall representatives they have carried in elections. Normatively, this aims to maintain party discipline and ensure that DPR members remain in line with the party's program . Nevertheless, the practice of recall creates a paradox in representative democracy: the legitimacy of the members of the house comes from the people, but the sustainability of the mandate can be determined by the political party. This means that the people only play a role in the early election stage, while the final decision on the sustainability of the deputy is in the hands of the party. This gave rise to a shift in the position of the people from subjects to objects of political legitimacy.(Yunus, 2025c)

The substantive impact of the recall on legal certainty also needs to be considered. Dismissal of members of Parliament who depend entirely on internal party decisions creates uncertainty for constituents. Constituents have no formal mechanism to prosecute or influence the party's decision to recall. (Santoso, 2015a) Thus, the popular vote in elections does not automatically guarantee the continuity of the mandate of the deputy chosen by him. This legal uncertainty can also decrease public confidence in the Legislature and the democratic system as a whole, as political mandates can change at any time without participatory procedures or transparency.

This phenomenon can be analyzed through the theory of popular sovereignty of Jean-Jacques Rousseau. Rousseau asserted that legitimate political power must come from the general will of the people, and democratic government must reflect the aspirations of the people. (Rousseau, 2016a). The recall mechanism controlled by political parties distorts the principle of popular sovereignty because real power rests with the party elite, not with the constituents who elect their representatives. In this context, the people lost their position as the main

determinant of political policy, and political parties took a dominant role in determining the direction of representation in Parliament.

In addition to popular sovereignty theory, the recall mechanism can be analyzed through Hanna Pitkin's theory of political representation. Pitkin differentiates the dimensions of representation into formal, symbolic, descriptive, and substantive, with the substantive dimension being central to the legitimacy of people's representatives because it reflects the interests of constituents. In an ideal system, members of the House of Representatives act according to the aspirations of the people, while remaining affiliated to a political party. However, when the party fully controls the recall mechanism, the independence of the people's representatives can be eroded. As a result, the representative functions of the people are limited, and a conflict arises between loyalty to the party and responsibility to the constituents. (Pitkin, 2023a)

This tension between parties and constituents can degrade the quality of representative democracy. Robert Michels through the Iron Law of Oligarchy asserts that modern political parties tend to develop into oligarchic structures, where power is centralized in the elite. (Michels, 1959a). In the context of recall of members of Parliament, the decision to dismiss is usually in the hands of the party elite, not constituents. This reduced the influence of the people in determining their representatives and gave rise to the dominance of party politics over representative democracy. In addition, the dominance of political parties through recall can affect the quality of legislative decision-making. DPR members who are under party pressure tend to prioritize the interests of the party in the process of legislation, supervision, and budget. As a result, the aspirations of the people as constituents can be marginalized, and the independence of the people's representatives in carrying out legislative functions is limited. (Cahyawati et al., 2021a)

From the perspective of legal certainty, the recall of DPR members who depend on party decisions raises normative and practical problems. Uncertainty arises because the people do not have a clear legal path to oppose party decisions, while internal party mechanisms are often closed and not transparent. (Muhammad, 2024) This uncertainty also has an impact on the stability of representative democracy, as political mandates that change at any time without public involvement reduce the control of the people over their representatives. This analysis confirms that the recall of members of Parliament is not merely a technical issue, but a substantial issue relating to democracy and political representation.

The unbalanced mechanism between the rights of political parties and the rights of constituents places the people as objects of legitimacy, reduces the

representative functions of the members of the House of Representatives, and creates significant legal uncertainty. Therefore, the design of the recall mechanism must take into account the principles of constitutional democracy, the balance between party discipline, and popular sovereignty, so that the legislative function remains credible and accountable.(Ratnaningrum et al., n.d.)

In practical terms, this suggests that reform of the recall mechanism is necessary to ensure that members of Parliament can maintain legislative independence and be accountable to constituents. For example, clear dismissal criteria, public consultation, or participatory mechanisms that allow people to have a role in the recall process. Thus, representative democracy can be maintained, the legitimacy of the people is respected, and legal certainty for the constituents is guaranteed.(Budiman & SH, 2025)

The recall mechanism of DPR members has broad substantive implications for the system of representative democracy. The dominance of political parties in controlling recall causes tension between parties and constituents, lowers the quality of representation of the people, and reduces legal certainty. This condition reflects the lack of balance between party control and the independence of the people's representatives in the recall mechanism, which should be an important element in a healthy representative democracy. Furthermore, such dominance has an impact not only on procedural aspects, but also on the substantive dimension of democracy. If associated with the theory of popular sovereignty and political representation, this condition indicates a shift in power relations from the people to the party elite. This reinforces the view in contemporary literature that excessive party control has the potential to weaken the independence of the people's representatives as well as degrade the quality of substantive representation. Theoretically, this study enriches the study of constitutional law by showing the tension between the principle of popular sovereignty and institutional practices in the party system. Meanwhile, in practical terms, these findings confirm the urgency of reforming the recall mechanism that is more transparent, participatory, and based on clear criteria. Thus, the main contribution of this study lies in the identification of legal gaps as well as the formulation of policy reform directions to create a balance between party control and the independence of people's representatives, strengthen democratic accountability, and ensure that people's sovereignty remains a key principle in the representative system.

3) The position of the people as the object of legitimacy of power in the dominance of political parties against the recall mechanism of DPR members

At its core, democracy is a model of government that places the citizen as the supreme sovereign authority. This foundation is explicitly stated in Article 1

Paragraph (2) of the 1945 Indonesian constitution, which asserts that power is in the hands of the people with implementation that rests on the Constitution. In the frame of representative democracy, the sovereignty is operated through a general election mechanism in order to establish a people's envoy in Parliament, such as the DPR. Through elections, the community gives political mandate to its representatives to voice public aspirations in the preparation of state regulations. Nevertheless, the constitutional reality in Indonesia often faces complicated dynamics related to the relationship between voters, political parties, and legislators, especially with regard to the recall procedure or Inter-time turnover (PAW) initiated by internal parties. (Huda, 2011c)

The recall mechanism operates as a normative control of political parties over their cadres in parliament in order to remain aligned with the organization's line of struggle. Referring to Article 22B of the 1945 Constitution, the dismissal of DPR members must be subject to the mechanism legally regulated in national legislation. In this case, the MD3 Law (Law No. 17 of 2014) became the operational basis that gave the authority for the party to conduct inter-time turnover or PAW. The main function of this authority is to ensure that members of the Legislature remain disciplined and consistent in articulating the political policies of the party that carries it out. (Rumokoy, 2012)

The practice of recall in Indonesia is often seen as hurting the value of representative democracy because it increases party control over its members in Parliament. Members of the House of Representatives directly elected by the people can lose their seats instantly through internal party decisions without voter participation. This paradox shows that although political legitimacy is obtained from the constituents, the fate of the legislator's office is under the control of the political party. As a result, the role of the people is limited to the granting of formal legitimacy during elections, while the Supervisory Authority is completely within the grasp of the party. (Yunus, 2025d)

The phenomenon can be analyzed through the theory of popular sovereignty proposed by Jean-Jacques Rousseau. In this theory, legitimate political power must come from the general will of the people. A democratic government should reflect the will of the people as the source of legitimacy of power. If political power is more controlled by certain groups such as political parties, then the principle of popular sovereignty can be distorted. In the context of the DPR member recall mechanism, the dominance of political parties has the potential to shift the role of the people from the main subject in democracy to a mere object of legitimacy in the political process. (Rousseau, 2016b)

In addition to the theory of popular sovereignty, this issue can also be analyzed through the theory of political representation proposed by Hanna Pitkin. Pitkin

explains that political representation not only means that a person is elected to represent the people, but also that he must act in accordance with the interests and aspirations of his constituents. In an ideal system of representative democracy, members of the Legislature should have primary responsibility to the people who elect them. But when the recall mechanism is entirely in the hands of political parties, DPR members tend to be more loyal to the party than to constituents. This has the potential to reduce the quality of representation of the people in the Legislature. (Pitkin, 2023b)

The dominance of political parties in representative systems can also be explained through the theory of political oligarchy proposed by Robert Michels through the concept of the Iron Law of Oligarchy. Michels argues that modern political organizations, including political parties, tend to evolve into oligarchic structures in which power is concentrated in the party elite. In these conditions, political decisions are often determined by the party elite rather than by party members or the wider public. In the mechanism of recall of members of the House of Representatives, the decision to dismiss a member of the Legislature is usually in the hands of the party elite, so the people do not have direct influence on the process. (Michels, 1959b)

The dominance of political parties in the recall mechanism can also affect the quality of representative democracy in Indonesia. Representative democracy is supposed to allow the people to influence public policy through their elected representatives. However, when DPR members are under pressure from political parties that have the authority to recall, the independence of DPR members in carrying out legislative, supervisory, and budgetary functions can be limited. This condition can cause DPR members to prioritize party interests over the aspirations of the constituents they represent. (Santoso, 2015b)

In addition, the recall mechanism, which is dominated by political parties, also has the potential to cause uncertainty in the relationship between people's representatives and constituents. People who have chosen a candidate for DPR in a general election may lose their representative if the political party decides to make a change between times. This shows that the popular vote in the general election does not fully determine the sustainability of the political mandate of a member of Parliament. In such a situation, the people play a role only in the initial stages of the democratic process, while the final decision on the presence of people's deputies in Parliament can be determined by political parties. (Lian, 2024)

Based on this description, it can be concluded that the dominance of political parties in the recall mechanism of DPR members poses a serious challenge to the system of representative democracy in Indonesia. Although recall is intended to maintain party discipline and consistency of political policy, its overly dominant

application by political parties has the potential to shift the principle of popular sovereignty. Under these conditions, the people run the risk of becoming only the object of legitimacy in the democratic process, while the real political power is in the hands of the political party elite. Therefore, further studies are needed on the mechanism of recall of DPR members in order to create a balance between the role of political parties and the principle of popular sovereignty in the system of representative democracy in Indonesia.(Cahyawati et al., 2021b)

3.2. Reconstruction of relations between political parties and DPR in representative democracy system: an analysis of the implications of Constitutional Court Decision No. 008 / PUU-IV/2006.”

1) The influence of the Constitutional Court decision on the independence of DPR members in the Representation function

The existence of the Constitutional Court is a crucial instrument in constructing the direction of representative democracy in Indonesia. Through the judicial review function, the Constitutional Court not only acts as a guardian of the constitution, but also as a bulwark for the principle of people's sovereignty in the constitutional system. In the issue of alternation between Times (PAW), the decisions of the Constitutional Court serve as a determinant of the boundaries of authority between political parties, parliamentary institutions, and constituents. This is very fundamental considering that the 1945 Indonesian constitution has established the principle that the people are the sole source of legitimacy in the distribution of state power.(Indonesia, 2002a)

By Decision No. 008 / PUU-IV / 2006, the Constitutional Court stated that the authority of political parties to conduct PAW is not unconstitutional. The court emphasized the party's strategic role as an election participant in Indonesia's democratic system. Therefore, the attachment of DPR members to their carrying party is seen as an integral part of the design of the electoral system. This allows the party to maintain control over its cadres to ensure consistency of the political agenda at the legislative level.(Hsb, 2020)

The first implication of the ruling is the strengthening of the position of political parties in the system of representative democracy. The authority of recall or alternation between Times gives political parties considerable control over members of the legislature who come from their party. In practice, this condition shows that the representative system in Indonesia is still strongly influenced by the structure and internal dynamics of political parties. Recent research has shown that party dominance in the PAW mechanism can cause members of Parliament to prioritize the interests of the party over the aspirations of the constituents who voted for it. (Yunus, 2025e)

The second implication relates to the potential weakening of the principle of popular sovereignty in representative democratic systems. Several studies have shown that the recall mechanism, which is entirely in the hands of political parties, can reduce the space for public participation in supervising people's Representatives after elections. This happens because the community does not have a direct mechanism to judge or dismiss members of the legislature who are considered not carrying out the mandate of the people. As a result, the process of political representation tends to be more elitist and centered on the internal decisions of political parties. (Anggraeni & Ananda, 2024b)

In addition, the decision of the Constitutional Court also has implications for the independence of legislative members in carrying out representative functions. In an ideal system of representative democracy, members of the House of Representatives should have the freedom to express the aspirations of constituents and carry out the functions of legislation, supervision, and budgeting independently. However, the recall authority of political parties can lead to political dependence of DPR members on party elites. Recent research has shown that the PAW mechanism is often used as an instrument of political control by the party against members of the legislature who are considered not in line with party policy. (Navisa, 2025)

Furthermore, the implications of the Constitutional Court's decision are also related to the quality of the internal democracy of political parties. With the recall authority, political parties should implement a democratic and transparent decision-making mechanism in determining the dismissal of legislative members. If the recall decision is made unilaterally by the party elite without an accountable procedure, then the mechanism has the potential to strengthen the political oligarchy in the party body. In the perspective of constitutional democracy, this condition shows the importance of institutional reform of political parties so that the relationship between parties, people's representatives, and constituents can run more balanced. (Fakhruzy, 2020)

Thus, the Constitutional Court's decision on the recall mechanism has complex implications for the system of representative democracy in Indonesia. On the one hand, the ruling reinforces the role of political parties as the main actors in the system of political representation. But on the other hand, a large authority for political parties also poses a challenge to the principle of popular sovereignty, the independence of people's representatives, as well as the quality of internal democracy of political parties. Therefore, more democratic arrangements are needed in the recall mechanism so that the representative democratic system in Indonesia can run in a more accountable and participatory manner.

2) Legal implications of Constitutional Court decision number 008 / PUU-IV/2006 on the democratic system.

Although the Constitutional Court Decision No. 008/PUU-IV / 2006 provides constitutional legitimacy to the authority of political parties in the mechanism of recall of members of the House of Representatives through alternation between time (PAW), a number of constitutional law experts criticized the implications of the decision on the system of representative democracy in Indonesia. One of the main criticisms is that the ruling is considered too placing political parties as dominant actors in the system of political representation, thus potentially shifting the principle of popular sovereignty on the basis of the democratic system as stipulated in the Constitution of the Republic of Indonesia in 1945. In the perspective of constitutional democracy, the political legitimacy of members of the House of Representatives basically comes from the people through elections, so the dismissal of members of the House of Representatives should also consider the interests of the constituents who voted for it. (Indonesia, 2002b)

According to Saldi Isra, the recall mechanism, which is entirely in the hands of political parties, has the potential to cause imbalances in the representative system because legislative members will be more loyal to the party elite than to the constituents who voted for them. This condition can cause the representation function to be not optimal because DPR members tend to follow the party's policy line to avoid the risk of dismissal through the PAW mechanism. In the long run, this situation can reduce the quality of representative democracy as the relationship between people's representatives and society becomes increasingly weak. (Asshiddiqie et al., 2006a)

In addition, Fajlurrahman Jurdi also criticized that the large recall authority on political parties could open up space for the practice of abuse of power by party elites. In Indonesian political practice, the decision to dismiss members of the House of Representatives through the PAW mechanism is not always based on violations of law or ethics, but is often influenced by internal party conflicts or differences in political views between members of the Legislature and the party leadership. This shows that the recall mechanism can be used as an instrument of excessive political control by the party over its cadres in the Legislature. (Jurdi, 2020)

Another criticism was delivered by Jimly Asshiddiqie who considered that in a modern democratic system, the relationship between legislators and political parties should be balanced. Political parties do have an important role as a means of political recruitment and organizing the political forces of society, but after being elected as a member of the DPR, a people's representative is supposed to carry out the mandate of the people independently within the framework of the

public interest. Therefore, the recall mechanism should be regulated more Strictly so as not to reduce the freedom of legislative members in carrying out their constitutional functions.(Asshiddiqie et al., 2006b)

The existence of the Constitutional Court's decision is considered to have not comprehensively mitigated the risk of eroding the principle of popular sovereignty within the framework of representative democracy. The amount of authority of political parties in the procedure for dismissing legislators creates inequality, where the role of society seems to be reduced only to the electoral contestation phase. Post-election, control over the people's representatives actually transitioned to the internal sphere of the party. This phenomenon triggers a systemic risk that positions the people simply as instruments of validating power in the voting booth, but loses bargaining power to intervene in power dynamics during the term of office.(Anggraeni & Ananda, 2024c)

The decision of the Constitutional Court that has not fully protected the principle of popular sovereignty also reflects weaknesses in the practice of law enforcement and democracy in the representative system in Indonesia. In a democratic rule of law, the law should serve as an instrument to ensure that political power remains at the source of the will of the people as the ultimate holder of sovereignty. However, when legal constructs give dominant authority to political parties in the mechanism of dismissing members of the House of Representatives, there is a shift in the center of political control from the people to party institutions. This shows that there is an imbalance between procedural democracy—which provides space for the people to choose their representatives through elections—and substantive democracy, which should ensure the accountability of people's representatives to constituents after being elected. Constitutional Court Decision No. 008 / PUU-IV / 2006 significantly strengthens the position of political parties in the system of representative democracy in Indonesia, but at the same time raises conceptual tensions between party control and the independence of the people's representatives. In the perspective of popular sovereignty theory and political representation, party dominance in the PAW mechanism reflects a shift in political control from constituents to party elites. This condition is in line with findings in contemporary literature that suggest that excessive party control has the potential to weaken the independence of people's representatives as well as degrade the quality of substantive representation. Theoretically, this study confirms the gap between procedural democracy and substantive democracy in the Indonesian Constitutional system. Meanwhile, in practical terms, this condition indicates the urgency of legal reforms that are able to create a balance between party control and the independence of people's deputies in the recall mechanism. The reform should be directed at limiting the authority of the party proportionally and strengthening the mechanism of public accountability in the process of dismissal of legislative members. Thus, the contribution of this study lies in strengthening

the argument about the need to reconstruct the relationship between political parties and members of the House of Representatives in order to realize a more balanced, participatory, and people's sovereignty-oriented representative democracy system.

4. Conclusion

The mechanism of recall of DPR members through Inter-time turnover (PAW) is a normatively recognized instrument in the Indonesian Constitutional system to maintain party discipline and consistency of cadre political policies in the Legislature. This arrangement has a legal basis in the Constitution of 1945 as well as legislation governing representative institutions and political parties. However, in practice, the concentration of recall authority on political parties raises significant implications for the principle of popular sovereignty and legal certainty in representative democratic systems. Members of the House of Representatives who obtain political legitimacy directly from the people through elections can be dismissed without involving the constituents who voted for them. This condition indicates an imbalance between party control and the independence of the people's Representatives, where the position of the people tends to shift from the main subject of democracy to a mere source of initial legitimacy in the political process. In addition, the dominance of the party elite in the recall mechanism has the potential to weaken the independence of people's representatives and cause legal uncertainty for constituents. Therefore, it is necessary to reform the recall mechanism in order to create a balance between party control and the independence of people's deputies. The reform should be directed at strengthening democratic principles, transparency, and accountability, so that the sovereignty of the people is maintained and legal certainty in the representative democratic system can be strengthened. Constitutional legitimacy of the right of recall of political parties as asserted in the Constitutional Court Decision No. 008/PUU-IV/2006 poses a serious challenge to the independence of members of Parliament. The continued reliance of members of the legislature on party decisions tends to encourage them to be more compliant with internal party policies rather than championing the interests of constituents. This condition reflects the imbalance between party control and the independence of the people's representatives, and potentially obscures the principle of popular sovereignty in a representative democratic system. Therefore, a reformulation of the mechanism for dismissing members of the Legislature is needed that is more democratic, transparent, and accountable. This reform aims to create a proportional balance between the authority of political parties and the moral responsibility of Representatives to their constituents, so that the independence of Representatives is maintained without neglecting the function of the party in the democratic system.

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