

## **Procedures for Recalling Political Party Members in the Bengkalis Regency Regional People's Representative Council for the 2019-2024 Period**

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### **ABSTRACT**

*This study discusses the recall procedure for political party members in the Bengkalis Regency Regional People's Representative Council (DPRD) for the 2019–2024 period and its regulatory implications for the independence of DPRD members. Recall, known in legislation as Interim Dismissal (PAW), is the authority of political parties to recall council members before the end of their term of office. This mechanism is regulated in Law Number 27 of 2009 concerning the MPR, DPR, DPD, and DPRD and Law Number 2 of 2008 in conjunction with Law Number 2 of 2011 concerning Political Parties. This study uses a normative juridical method with a descriptive analytical approach, namely analyzing applicable laws and regulations and secondary data from various legal literature.*

*The research results show that the recall procedure in the Bengkalis Regency DPRD still faces fundamental problems. The recall process takes a long time and tends to be dominated by internal party interests, thus creating legal uncertainty and weakening the principle of popular sovereignty. The supremacy of political parties in the implementation of recalls shifts the meaning of people's representation in parliament. There are three important implications of the recall mechanism: first, it reduces the independence of DPRD members in carrying out legislative, oversight, and budgetary functions; second, it opens up room for arbitrary political parties that are often based on subjective interests and internal conflicts; third, it has a negative impact on the quality of democracy because elected representatives can be dismissed not based on the aspirations of voters, but on party decisions.*

*Thus, it is necessary to reformulate recall regulations to be more in line with the principles of due process of law and public participation, so that the people's sovereign rights remain guaranteed without denying the supremacy of law in Indonesia's democratic system.*

**Keywords:** *Bengkalis DPRD; Political Parties; Recall Procedure*

### **1. Introduction**

Indonesia is an archipelagic nation. Indonesia is known as a sovereign state, where supreme sovereignty rests with the people, represented through the People's Representative Council (DPRD). The DPRD is located at the central level, while the Regional DPRD is located at the provincial and district/city levels.

The position of the Regional People's Representative Council is like an element of the administration of provincial and district/city regional government, which is regulated in Article 18 paragraph 3 of the 1945 Constitution which states that provincial, district/city regional government has members of the Regional People's Representative Council whose members are elected through general

elections.<sup>1</sup>

The People's Representative Council (DPRD) is a legislative body with functions such as lawmaking, budgeting, and oversight of government policy. The Regional People's Representative Council (DPRD), as part of the people's representation within the Indonesian constitutional system, embodies the implementation of the 1945 Constitution of the Republic of Indonesia.

To be appointed as a member of the Regional People's Representative Council, a person must be elected through a general election that elects members of the Regional People's Representative Council. Article 22E paragraph (3) of the 1945 Constitution states that participants in the general election to elect members of the Regional People's Representative Council and members of the Regional People's Representative Council are political parties.<sup>2</sup> The above article indicates that the appointment of members of the Regional People's Representative Council is based on a mandate from a political party. Without a recommendation from a political party, it is impossible for someone to become a member of the Regional People's Representative Council. Members of the Regional People's Representative Council are members of a faction that represents the party's existence in parliament.

Members of the Regional People's Representative Council are responsible for enforcing the party's Articles of Association and the Political Party is responsible for controlling the performance of its members who are members of its party faction, and the form of control carried out is the mechanism of the political party's right of recall.

Harun Al Rasyid stated that an interim dismissal, or what is commonly called a recall, is the right of a political party to recall a member of parliament elected through a list of candidates it has proposed. In this case, the meaning of people's sovereignty becomes illusory because it seems as if there is a coup from the party leadership that has usurped the people's right to conduct a recall and made it the party's right. Muhammad Hatta stated that the inviolable right of political parties to recall is only known in communist countries, with the view that the party is everything and is considered to be the sovereign party. After the people have elected the person as their representative in parliament, the political party should not act arbitrarily to recall the people's representative.

According to Mukthi Fadjar, the legal policy regarding the right of recall is greatly influenced by the political will of the political suprastructure (government and DPR) and the political infrastructure (political parties) themselves, which are not always in accordance with the essence of people's sovereignty and the essence of DPR members as representatives of the people, not representatives of parties. Recall by political parties of their members who sit in representatives on the grounds of violation of the AD/ART (Article 12 letter b of the Political Party Law)

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<sup>1</sup> *Undang-Undang Dasar 1945 Pasal 18 Ayat (3).*

<sup>2</sup> *Undang-Undang Dasar 1945 Pasal 22E Ayat (3).*

does not guarantee the principle of due process of law, which is one of the principles of the rule of law, because it can be subjective to political party leaders who are difficult to control by the public.<sup>3</sup>

The legal regulations made between political parties and members of the Regional People's Representative Council give rise to problems in the independence, freedom and idealism of a member of the Regional People's Representative Council because of the party's right to recall, which makes it very possible for the chairman of the party's central executive board to intervene in members who are members of his/her practice.

At the time of the revision of the MD3 Law, many constitutional law circles expressed their opinions about the revision of articles that would harm the democratic rights of the people. The articles that were controversial for the public were Article 73 paragraph (3). If any person as referred to in paragraph (2) fails to appear after being summoned 3 (three) times in a row without a proper and valid reason, the DPR has the right to issue a forced summons using the Indonesian National Police. Article (4)b: The Indonesian National Police is obliged to fulfill the request as referred to in paragraph (4) letter a. Article 122 letter k: take legal and/or other steps against individuals, groups of people, or legal entities that undermine the honor of the DPR and DPR members. And Article 245 paragraph (1): summons and requests for information from DPR members in connection with the occurrence of criminal acts that are not related to the implementation of duties as referred to in Article 224 must receive written approval from the President after receiving consideration from the Council's Honorary Council.<sup>4</sup> The revision of these articles is not the absolute desire of DPR members, but rather a political maneuver for the benefit of political parties. In this situation, 90% of DPR members do not side with the people, but rather tend to side with their own political parties. Are DPR members themselves still afraid that differences of opinion in parliament will impact their standing as DPR members.

In the event that any person as referred to in paragraph (2) is not present after being summoned 3 (three) times in a row without proper and valid reasons, the DPR has the right to issue a forced summons using the Republic of Indonesia National Police. Article (4)b: The Republic of Indonesia National Police is obliged to fulfill the request as referred to in paragraph (4) letter a. Article 122 letter k: take legal steps and/or other steps against individuals, groups of people, or legal entities that undermine the honor of the DPR and DPR members. And Article 245 paragraph (1): summons and requests for information from DPR members in connection with the occurrence of criminal acts that are not related to the implementation of duties as referred to in Article 224 must receive written approval from the President after receiving consideration from the Council's

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<sup>3</sup> *Dissenting Opinion Abdul Mukthi Fadjar Dalam Putusan MK RI No. 008/PUU-IV/2006 Tentang Recalling Anggota DPR.*

<sup>4</sup> 'M.Republika.Co.Id' <<https://m.republika.co.id/>>.

Honorary Council.<sup>5</sup>

Warnings such as the case carried out by Political Parties regarding the dismissal of Lili Chodidjah Wahid and Ahmad Effendi Choirie from membership of the National Awakening Party (PKB). The dismissal of Lili Chodidjah Wahid and Ahmad Effendi Choirie represents a setback to the democratic system that occurs within the institutions of Political Parties in Indonesia. The recall of Lili Chodidjah Wahid and Ahmad Effendi Choirie occurred due to differences of opinion with the decision of their faction in parliament. Basically, the right of recall is the authority of Political Parties such as efforts to control the membership of the DPR/DPRD. However, if the right of recall is used by Political Parties solely for their political interests against members of the council in parliament who truly voice the aspirations of the people, this is what harms the rights of the people in a democratic state.

The same thing happened in Riau Province where four members of the Golkar party of the Bengkalis Regency DPRD, namely Septian Nugraha, al-Azmi, Syafroni Untung, and Ruwi Handoko, were dismissed/removed by the Golkar party because they were accused of betraying the party by changing parties.

The decree (SK) dismissing four members of the Golkar faction of the Bengkalis Regional People's Representative Council (DPRD) has been issued. The decree was issued because the four were proven to have moved to the Indonesian Democratic Party of Struggle (PDIP). Eva Nora, Deputy Chairperson of the Golkar Riau DPD for Legal Affairs, stated that in addition to dismissing the four Golkar faction members, the Governor of Riau, in the letter, also explained the appointment of Interim Replacements (PAW) for the four individuals. Subsequently, the four Golkar Party DPRD members sued the Golkar Party DPD and the DPRD Chairman, the Regent, and the Head of the Bengkalis General Elections Commission (KPU) at the Bengkalis District Court (PN). The lawsuit deemed their interim replacements (PAW) to be inconsistent with applicable mechanisms. Given that recalls have significant implications for both individuals and politics in Indonesia, a review of the procedures and implications of political party recalls needs to be discussed more broadly.

## 2. Research Method

The type of research used by the author in exploring the problems of this research is by using the type of normative juridical legal research, while seen from its nature it is analytical descriptive and the object of this research is regarding the Recall Procedure for Political Party Members in the Regional People's Representative Council of Bengkalis Regency for the 2019-2024 period.

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<sup>5</sup> 'M.Republika.Co.Id'.

### 3. Result and Discussion

#### 3.1. Recall Procedures and Mechanisms according to Law Number 13 of 2019 regarding amendments to Law Number 17 of 2014

Based on Article 405 which contains information about district/city DPRD members resigning between terms due to

- a. died;
- b. resigned; or
- c. dismissed.

The procedures for dismissing DPRD members are regulated in paragraph (1) letter c as follows:

- a. is unable to carry out duties continuously or is permanently prevented from serving as a member of the Regency/City DPRD for 3 (three) consecutive months without any explanation;
- b. violates the oath/pledge of office and the code of ethics of the Regency/City DPRD;
- c. is found guilty by a legally binding court decision of committing a crime punishable by imprisonment for a minimum of 5 (five) years;
- d. fails to attend plenary meetings and/or meetings of the Regency/City DPRD's supporting bodies, which constitute their duties and obligations, for 6 (six) consecutive times without valid reason;
- e. is nominated by their political party in accordance with statutory provisions;
- f. no longer meets the requirements as a candidate for Regency/City DPRD membership in accordance with statutory provisions regarding general elections;
- g. violates the prohibitions stipulated in this Law;
- h. is dismissed as a member of a political party in accordance with statutory provisions; or
- i. becomes a member of another political party.<sup>6</sup>

Based on Law Number 13 of 2019 regarding amendments to Law Number 17 of 2014 Article 405, it can be seen that the dismissal carried out by the Golkar Party of Bengkalis Regency against one of the Golkar Party members (Ruby Handoko) who was serving as a member of the DPRD in Bengkalis Regency on the basis of Law MD3 Article 405 paragraph (1) letter c was due to him being a member of another political party.

However, Ruby Handoko denied the dismissal, stating that the reason for his dismissal from the political party was due to frequent differences of opinion and disagreements regarding the promotion of public aspirations in the Bengkalis Regency Parliament and at the Golkar Party organizational level. This was outlined in the response and response in decision number 37/Pdt.G/2023/PN.Bls. Based on this rebuttal, Ruby

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<sup>6</sup> Undang-Undang Nomor 13 Tahun 2019 Tentang Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, Dan Dewan Perwakilan Rakyat Daerah.

Handoko's dismissal was not in accordance with statutory regulations.

Based on Government Regulation Number 12 of 2018, the recall procedure for members of the Bengkalis Regency DPRD, namely (Ruby Handoko, Syafroni Untung, Septian Nugraha, Al-Azmi based on the Riau Governor's Decree Number 120/PEM-OTDA/166 is not in accordance with the procedures and mechanisms for recalling political parties. The rules that are not implemented are contained in Article 104 paragraph 2.

In the regulations stipulated in the Rules of Procedure for Members of the Bengkalis Regency DPRD, a recall can be carried out if the applicable requirements and procedures have been met, however, the recall of four members of the Bengkalis Regency DPRD for 2019-2024 was not carried out in accordance with the rules of procedure for members of the Bengkalis Regency DPRD as will be explained below.

Based on the data and information obtained by the researcher, there were 4 members of the Bengkalis Regency DPRD for the 2019-2024 period who were dismissed by Syamsuar. The dismissal letter issued by Syamsuar while serving as Governor of Riau was later annulled by the High Administrative Court (TUN). The four members of the Bengkalis DPRD who were dismissed were Rubi Handoko, Al Azmi, Septian Nugraha and Safroni Untung. The decision of the High Administrative Court was read by a panel of judges chaired by Ros Endang Naibaho with member judges Rahmad Tobrani and Endri. The decision was made public through the Court Information System, so that the decision could strengthen Stipulation Number: 38/G/2023/PTUN.PBR dated October 12, 2023 concerning the Postponement of the Implementation of the Object of Dispute, namely the dismissal and Interim Replacement (PAW) of four members of the Bengkalis DPRD. The essence of the decision is "To grant the plaintiffs' lawsuit in part. Furthermore, the panel of judges declared the Riau Governor's Decree regarding the Official Dismissal of the Bengkalis DPRD Members to be null and void. Then the judge ordered the defendant (Syamsuar) to revoke the Decree.<sup>7</sup>

The reason for rejecting the cancellation of the dismissal of the four political party members is that it does not comply with applicable mechanisms and procedures. As stated by the legal counsel for the four Bengkalis DPRD members (Plaintiffs), Basuki Rahmad S.H., M.H., as follows:

"Yes, our clients believe the authority to dismiss them was procedurally flawed. Our clients were elected by the people and appointed by the Minister of Home Affairs through the Governor. Therefore, the Golkar Party has no authority to replace our clients," he stressed.<sup>8</sup>

Previously, Rubi Handoko, Al Azmi, Septian Nugraha, and Safroni Untung sued

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<sup>7</sup> www.cakaplah.com, 'Cakaplah.Com'

<<https://www.cakaplah.com/berita/baca/102616/2023/09/19/sk-pemberhentian-keluar-empat-anggota-fraksi-golkar-dprd-bengkalis-segera->>.

<sup>8</sup> Riauterkini.com, 'Riauterkini.Com', 2025

<[405](https://www.riauterkini.com/index.php?com=isi&id_news=151150239></a>.</p></div><div data-bbox=)

Syamsuar, who is also the Chairman of the Golkar Party's Riau Regional Leadership Council, at the Pekanbaru Administrative Court (PTUN) for dismissing them and signing the replacement decree as members of the Bengkalis Regional People's Representative Council (DPRD). The four DPRD members considered the decree unlawful and that Syamsuar had disrespected the legal process they were undergoing at the Bengkalis District Court (PN).

Thus, it is concluded that the lawsuit was rejected because the dismissal did not comply with applicable procedures and mechanisms. Therefore, the author will discuss the procedures and mechanisms for dismissing political party members in more detail, as well as the potential implications.

Based on normative analysis, the researcher refers directly to the process and results of the PTUN lawsuit by the four Bengkalis DPRD members that the recall of the 2019-2024 Bengkalis Regency DPRD members did not meet the requirements and violated the procedures as stipulated in the statutory regulations.

Dismissal process concluded that the recall of Bengkalis Regency DPRD members did not follow the procedure for recalling political party members. The regulations not implemented are as follows:

- a. That Article 104 paragraph (3) of Government Regulation Number 12 of 2018 concerning Guidelines for the Preparation of Rules of Procedure for the Regional Representative Council of Provinces, Districts and Cities is regulated: "No later than 7 (seven) days from the date of receipt of the proposal for dismissal as referred to in paragraph (1) or the report as referred to in paragraph (2), the regent/mayor shall submit the proposal for dismissal to the governor as a representative of the Central Government."
- b. That Article 104 paragraph (5) of Government Regulation Number 12 of 2018 concerning Guidelines for the Preparation of Rules of Procedure for the Regional Representative Council of Provinces, Districts and Cities is regulated: "If after 7 (seven) days the regent/mayor does not submit a proposal for the dismissal of the district/city DPRD members as referred to in paragraph (3), the leadership of the district/city DPRD will immediately submit a proposal for the dismissal of the district/city DPRD members to the governor as a representative of the central government."  
That Article 105 paragraph (1) of Government Regulation Number 12 of 2018 regulates:  
"The Governor as the representative of the Central Government issues a decision to dismiss members of the Regency/City DPRD no later than 14 (fourteen) days from the date of receipt of the proposal to dismiss members of the Regency/City DPRD from the Regent/Mayor or the Leadership of the Regency/City DPRD."
- c. That Article 111 paragraph (4) of Government Regulation Number 12 of 2018 regulates:  
"No later than 7 (seven) days from receiving the names of the dismissed

district/city DPRD members and the names of the candidates for interim replacements, the regent/mayor shall submit the names of the dismissed district/city DPRD members and the names of the candidates for interim replacements to the governor as a representative of the Central Government."

- d. That Article 111 paragraph (6) of Government Regulation Number 12 of 2018 regulates:

"In the event that the regent/mayor does not submit the interim replacement to the governor as the representative of the Central Government as referred to in paragraph (5), the governor as the representative of the Central Government will formalize the interim replacement of the members of the district/city DPRD based on notification from the leadership of the district/city DPRD."

Thus, it can be analyzed that the recall of Bengkalis DPRD members was not carried out according to applicable regulations. This procedural flaw is evidenced by the results of the Bengkalis DPRD members' lawsuit to the PTUN, which resulted in the decision to cancel the recall of the Bengkalis DPRD members.

### 3.2. Implications of the Political Party Recall Regulation for Members of the Regional People's Representative Council in Bengkalis Regency

Political Party Recall has a significant impact on the independence of council members in parliamentary institutions, because political parties have their own way of managing their members who already sit in parliament. There are several things that influence the independence of political party members in parliament:<sup>9</sup>

- a. Political status of party members in the DPRD

The recall of political parties has a major influence on the political status of party members in parliament, in accordance with Law Number 2 of 2011 on Political Parties, Article 16 paragraph (3) which states that: <sup>10</sup>

"In the case of a member of a political party who is dismissed as a member of the people's representative council, dismissal from political party membership is followed by dismissal from membership in the people's representative body in accordance with statutory regulations."

Therefore, if any recalled party member has already defended himself in court and received a legally binding legal decision, his or her political status in the Regional People's Representative Council (DPRD) will automatically be revoked. However, if the recalled DPRD member wins the court hearing and receives a legally binding legal decision, the DPRD member will still be able to pursue their political activities within the DPRD.

- b. Social politics

Political Party Recalls have a very big influence on the social politics of the

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<sup>9</sup> Fathullah, 'Wawancara, Di Kantor DPRD Kota Pekanbaru Pada Tanggal 20 November 2024'.

<sup>10</sup> Pasal 16 Undang-Undang Nomor 2 Tahun 2011 Tentang Partai Politik.

recalled members of the Political Party. If a recall occurs against a DPRD member, most people think that every recall against a DPRD member is absolutely the fault of the DPRD member himself.

- c. Weakening the critical spirit of members of the House of Representatives  
Political Party Recall has a big influence on the critical spirit of DPRD members because of the pressure from Political Parties to follow one command, namely the chairman of the Political Party. Every direction from the chairman of the Political Party tends to have to be followed. If it is not followed, it will lead to a Political Party recall, or not being used by the party anymore as a cadre and for legislative candidates for the next period.

The interim replacement (PAW) or recall of DPRD members is a political party right, implemented through statutory regulations. The purpose of the recall is to control party cadres and prevent them from simply releasing their members from parliament or the executive branch. However, the opposite is currently happening. Political parties are often dictating to their cadres to secure their positions, undeniably having negative implications for democracy in Indonesia.

This can also be seen in the recall process of members of the Bengkalis Regency DPRD, where the recall process did not go through the procedures and mechanisms regulated by law, but rather prioritized the interests of political parties.

UGM political observer Mada Sukmajati stated that in Indonesia's election system, elected members of parliament and even executives are not solely or purely elected from political parties. Constituents are the ones who determine whether someone will occupy a parliamentary or executive seat. Therefore, political parties cannot arbitrarily exercise the right of recall. "The argument is that even if someone is a political party official, they cannot necessarily become a council member if they do not receive the most votes. Therefore, political parties cannot arbitrarily exercise the right of recall," he explained, addressing the problems in the Constitution. The recall mechanism is considered too simple, as it only requires a proposal from a political party leader to the leadership of the DPR/DPRD. The concept of recall, Mada said, is essentially intended as a control mechanism for DPR/DPRD members. However, in reality, this control mechanism does not work as expected. What happens is that many problematic cadres continue to receive political party support, as long as tribute to the political party remains.<sup>11</sup>

On the side of LIPI political observer, Syamsuddin Haris assessed, the replacement or recall mechanism and Interim Replacement (PAW) of DPR members need to be changed. PAW should not only be the authority of political parties, but also the authority of the public who are constituents of DPR members. "If only from political parties, PAW is vulnerable to abuse, dismissal can be done based on likes and dislikes. Therefore, the public needs to be involved in the PAW process, constituents have the right to control their representatives. If the people's representatives do not work

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<sup>11</sup> 'Beritasatu.Com', 2025 <<https://www.beritasatu.com/news/384052/mekanisme-recall-terlalu-sederhana>>.

according to the mandate of the people, then constituents or the public can take the initiative to recall and PAW the person concerned. The mechanisms vary, can be through a limited referendum or a petition signed by a number of constituents. Thus, the legitimacy of recall and PAW does not only come from political parties, but also from the public.

In addition, the mechanism for replacing DPRD members as regulated by Law Number 17 of 2014 concerning the MPR, DPR, DPD, Provincial DPRD and Regency/City DPRD as well as Law Number 2 of 2011 concerning Political Parties still provides gaps for different interpretations by both political parties and election organizers so that the results of replacing DPR/DPRD members that have been determined by the KPU result in violations of the code of ethics of the election organizers themselves and open up the possibility of indications of corruption that damage the democratic order in Indonesia.<sup>12</sup>

Based on the analysis of the implications of the political party recall rights above, the author analyzes that, First, the recall of a member of the DPR/DPRD refers to the established legal rules and mechanisms, in this case Law Number 17 of 2014 concerning the MPR, DPR, DPD and DPRD, Law Number 23 of 2014 concerning Regional Government. While its implementation is outlined in the General Election Commission Regulation Number 6 of 2017 concerning the Replacement of Members of the MPR, DPR, DPD and Provincial DPRD and Regency/City DPRD. Second, that the factor behind the occurrence of recall is that it becomes an effective tool to remove council members who are at odds with the interests of political party administrators. As a result, the existence of council members is highly dependent on the tastes of political party administrators, thus shifting the orientation of council members to channeling the interests of political party administrators. Whereas the existence of council members is because they are elected by the people in a general election that is direct, free, secret, honest and fair.

Third, as a democratic country, we certainly affirm the existence of political parties as a pillar of democracy or the implementation of popular sovereignty. This is based on the implementation of indirect democracy, which is carried out through general elections to form and, of course, the existence of political parties as participants in general elections. Political parties essentially have a central and important status and role in every democratic system because they play a crucial role as a liaison between the state government and its citizens.

Fourth, the implications of recalls by political parties tend to be based on the interests of political parties so that DPRD members who have been elected through the general election mechanism can be disqualified by recalls carried out by political parties, thus having a negative effect on democracy in Indonesia.

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<sup>12</sup> Al-Muttaqien, 'Implikasi Penggantian Antar Waktu (PAW) Anggota DPR/DPRD Oleh Partai Politik Terhadap Demokrasi', *Jurnal Sosial Humaniora Sigli*, Vol. 3, No (2020), pp. 18-10.

### 4. Conclusion

Recall of DPRD members is not carried out simply by dismissing them, but is carried out in accordance with established legal regulations and mechanisms, in this case Law Number 13 of 2019 concerning the MPR, DPR, DPD, and DPRD, amending Law Number 2 of 2018 concerning the MD3. The underlying factor behind the recall is that it has become an effective tool to remove council members who are at odds with the interests of those in power. Meanwhile, recalls have now become an effective tool to remove council members who are at odds with the interests of political party officials. As a result, the existence of council members is highly dependent on the preferences of political party officials, thus shifting the orientation of council members to channeling the interests of political party officials. In fact, council members exist because they are elected by the people in a general election that is direct, free, secret, honest, and fair. Political parties essentially have a central and important position (status) and role (role) in every democratic system because they play a crucial role as a liaison between the state government and its citizens.

There are three implications of the recall on regulations. First, it impacts the independence of Bengkalis Regency DPRD members. Second, it impacts the emergence of arbitrary political parties. Third, it impacts the implementation of democracy. The implications of recalls by political parties tend to be based on political party interests, so that Bengkalis DPRD members who have been elected through general elections can be disqualified by recalls initiated by political parties, thus having a negative impact on democracy in Indonesia.

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