

Resignation Requirements for Elected Legislative Candidates

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Article	Abstract
<p>How to cite: Baharuddin Riqiey, et.al, 'Resignation Requirements for Elected Legislative Candidates' (2025) Vol. 6 No. 2 Rechtenstudent Journal Sharia Faculty of KH Achmad Siddiq Jember State Islamic University.</p> <p>DOI: 10.35719/rch.v6i2.340</p> <p>Article History: Submitted: 09/04/2025 Reviewed: 04/06/2025 Revised: 07/07/2025 Accepted: 05/08/2025</p> <p>ISSN: 2723-0406 (printed) E-ISSN: 2775-5304 (online)</p>	<p>General elections are one of the indicators that Indonesia is a democratic country, this recognition is strengthened by Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia which emphasizes that sovereignty lies in the hands of the people. In holding general elections, Indonesia faces various challenges, including the phenomenon of the resignation of elected legislative candidates. This action has a negative impact on the health of democracy and causes disappointment among constituents who hope that their representatives can represent their voices in the legislature. In dealing with this problem, a judicial review was carried out at the Constitutional Court regarding Article 426 paragraph (1) letter b of Law No. 7 of 2017, which is the basis for resignation. The Constitutional Court, through Decision Number 176/PUU-XXII/2024, annulled the provision. This annulment provides new hope for democracy in Indonesia, and this study aims to analyze the decision and its implications for the development of the democratic system and the construction of sanctions for political parties that order the resignation of elected legislative candidates. The research findings show that the Constitutional Court, as the guardian of democracy, plays an important role in affirming the sovereignty of the people. If the practice of inappropriate resignation still occurs, sanctions in the form of fines, restrictions on the number of candidates in the next election, and the obligation to take political education can be applied. The imposition of sanctions must still take into account the principles of justice and democracy.</p> <p>Keywords: <i>Democracy, General Election, Legislative Members, Political Parties.</i></p> <p>Abstrak Pemilihan umum merupakan salah satu indikator bahwa Indonesia adalah negara demokrasi, pengakuan tersebut dikuatkan oleh Pasal 1 ayat (2) UUD NRI Tahun 1945 yang menegaskan bahwa kedaulatan berada di tangan rakyat. Dalam penyelenggaraan pemilihan umum, Indonesia menghadapi berbagai tantangan, termasuk fenomena pengunduran diri calon legislatif terpilih. Tindakan ini berdampak negatif pada kesehatan demokrasi dan menyebabkan kekecewaan di kalangan konstituen yang berharap wakil mereka dapat mewakili suara di legislatif. Dalam menghadapi permasalahan ini, dilakukan judicial review di Mahkamah Konstitusi terkait Pasal 426 ayat (1) huruf b UU No. 7 Tahun 2017, yang menjadi dasar pengunduran diri. Mahkamah Konstitusi, melalui Putusan Nomor 176/PUU-XXII/2024, membatalkan ketentuan tersebut. Pembatalan ini memberikan harapan baru bagi demokrasi di Indonesia, dan penelitian ini bertujuan untuk menganalisis putusan tersebut serta implikasinya terhadap perkembangan sistem demokrasi dan konstruksi sanksi bagi partai politik yang memerintahkan pengunduran calon legislatif terpilih. Temuan penelitian menunjukkan bahwa Mahkamah Konstitusi, sebagai penjaga demokrasi, berperan penting dalam menegaskan kedaulatan rakyat.</p>

Jika praktik pengunduran diri yang tidak sesuai masih terjadi, sanksi berupa denda, pembatasan jumlah calon pada pemilihan mendatang, dan kewajiban mengikuti pendidikan politik dapat diterapkan. Pemberian sanksi ini harus tetap memperhatikan prinsip keadilan dan demokrasi.

Kata Kunci: Demokrasi, Pemilihan Umum, Anggota DPR, Partai Politik.

Introduction

Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia) is an example of concrete evidence that Indonesia is a democratic country.¹ Because, through these provisions it is emphasized that the highest power in government comes from the people.² In this context, people have the right to participate in political decision-making through elections and other democratic mechanisms.³ Thus, the principle of people's sovereignty is the main foundation in the Indonesian government system, which not only reflects democratic values but also guarantees that every policy and law produced must reflect the will and aspirations of the people. In addition, the provisions of Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia are the basis for the implementation of a healthy democracy, where every individual has a voice and role in the political process, and emphasizes the importance of accountability and transparency in government.⁴

As a democratic country, Indonesia has a responsibility to ensure the active participation of its citizens in the political process, one of which is through holding general elections.⁵ General elections in Indonesia are not just a formality, but are a vital means to realize people's sovereignty and ensure that the people's voices are heard in decision-making.⁶ In this context, general elections include the election of legislative members, namely members of the People's Representative Council (DPR), Regional Representative Council (DPD), and Regional People's

¹ Baharuddin Riqiey, "Penujukkan Kepala Daerah oleh Presiden dalam Perspektif Demokrasi," *Seminar Nasional-Kota Ramah Hak Asasi Manusia* 3, no. 1 (2023); Kelik Endro Suryono dan Vicki Dwi Purnomo, "Juridical Review of the Mechanism of Election of Heads Area in Area Special Yogyakarta (Perspective Democracy and Historical)," *Formosa Journal of Social Sciences (FJSS)* 2, no. 2 (2023), <https://doi.org/10.55927/fjss.v2i2.4573>; Sugiaryo dan Anita Trisiana, "Analysis of legal system and democracy system in state system: A critical review of normative law in indonesia," *Journal of Advanced Research in Dynamical and Control Systems* 12, no. 7 (2020), <https://doi.org/10.5373/JARDCS/V12I7/20202002>.

² Deny Noer Wahid, Isdian Anggraeny, dan Samira Echaib, "The Urgency of Returning the People's Consultative Assembly Authority in Determining the Outlines of the Nation's Direction," *Yuridika* 38, no. 3 (2023), <https://doi.org/10.20473/ydk.v38i3.36885>; Sodikin, "Explanation of the Meaning of Article 1 Paragraphs (2) of the 1945 Constitution of Republic of Indonesia to the Concept of the Constitutional Conventions in the Annual Achievement Reports of State Institutions," *International Journal of Social Science and Education Research Studies* 2, no. 11 (2022), <https://doi.org/10.55677/ijssers/v02i11y2022-06>.

³ Sultoni Fikri et al., "Problematika Konstitusionalitas Presidential Threshold di Indonesia," *Jurnal Hukum Positum* 7, no. 1 (2022): 1–24, <https://doi.org/https://doi.org/10.35706/positum.v7i1.6643>; Dewi Iriani, Muhammad Fauzan, dan Esti Ningrum, "Constitutional Court Judges' Interpretation Regarding the Limitation on the Presidential and Vice-Presidential Term of Office," *Jurnal Jurisprudence* 13, no. 1 (2023), <https://doi.org/10.23917/jurisprudence.v13i1.1835>.

⁴ Baharuddin Riqiey, Adella Anggia Pramesti, dan Alif Cahya Sakti, "Pembatasan Masa Jabatan Ketua Umum Parpol dalam Perspektif Demokrasi," *Jurnal Mengkaji Indonesia* 1, no. 1 (2022), <https://doi.org/10.59066/jmi.v1i1.46>.

⁵ Muhammad Reza Winata dan Oly Viana Agustine, *Hak Politik dan Hak Pilih (Perlindungan Melalui Peradilan Konstitusi)* (Depok: Rajawali Pers, 2023).

⁶ Muhammad Syafei dan Muhammad Rafi Darajati, "Design of General Election in Indonesia," *Law Reform: Jurnal Pembaharuan Hukum* 16, no. 1 (2020), <https://doi.org/10.14710/lr.v16i1.30308>; Eny Kusdarini et al., "Roles of justice courts: settlement of general election administrative disputes in Indonesia," *Heliyon* 8, no. 12 (2022), <https://doi.org/10.1016/j.heliyon.2022.e11932>.

Representative Council (DPRD). Through legislative elections, the people have the opportunity to elect their representatives who will represent the aspirations and interests of the region at the central and local levels.⁷ This process reflects Indonesia's commitment to the principles of democracy, where every individual has the right to participate in determining the direction of state policy.⁸

In a democratic system, the principle of majority vote is the fundamental basis that determines who will be elected and entitled to hold public office. This concept emphasizes that the legitimacy of power comes from the support of the majority of the people, so that every individual has an equal right to vote in choosing their representatives. The election process based on the majority vote not only gives power to those who are elected, but also reflects the will and aspirations of society as a whole. Thus, general elections become a means to uphold justice and transparency in government, where decisions taken reflect the public interest. In this context, the majority vote is not only an indicator of victory, but also a symbol of the people's trust and hope in the elected leaders to carry out their mandate properly and responsibly.

In Indonesia, the phenomenon of the resignation of elected legislative candidates has become a significant concern in political dynamics, and this is due to various factors, one of which is the instruction from the general chairman of the political party concerned. In many cases, elected legislative candidates feel pressured to follow the party's direction, and failure to comply with such instructions can have serious consequences, such as dismissal from the party or, if they are already in office, replacement between terms.⁹ This situation creates injustice and uncertainty for constituents who have voted for them, because sudden resignations or changes can disrupt the continuity of representation and services that should be received by the community. Thus, this phenomenon not only reflects challenges in political loyalty but also has the potential to harm the interests of constituents, who hope that their representatives will carry out their mandate with full responsibility and commitment to the promises they have made during the campaign.

Through Law Number 7 of 2017 concerning General Elections (hereinafter referred to as Law No. 7 of 2017), the replacement of elected candidates is clearly regulated in Article 426, which allows resignation as one of the reasons for making a replacement. This provision is usually used as a legal basis for elected legislative candidates to resign from their positions, including in situations where they receive instructions from the general chairman of a political party. Although legally this action can be considered legitimate, in the context of democracy, this phenomenon can raise serious questions regarding the integrity and independence of the people's representatives. Resignations triggered by pressure from parties can be seen as a form of ignoring the aspirations of constituents who have voted, and this has the potential to damage public trust in the political system. Thus, although there is a legal basis that supports such

⁷ Dian Herdiana, Yayan Muhammad Royani, dan Idah Wahidah, "The Public Value of e-Government at The Village Level," *Publica: Jurnal Pemikiran Administrasi Negara* 14, no. 1 (2022), <https://doi.org/10.15575/jpan.v14i1.18011>.

⁸ Ria Casmi Arrsa, Prisca Listiningrum, dan Azzahrasya Sophia Siswanto, "Urgency of Online Petition to guarantee the Freedom of Speech and Participate Rights in Government," *Human Rights in the Global South (HRGS)* 1, no. 1 (2022), <https://doi.org/10.56784/hrgs.v1i1.5>.

⁹ Kelik Iswandi dan Nanik Prasetyoningsih, "Kedudukan State Auxiliary Organ dalam Sistem Ketatanegaraan di Indonesia," *Jurnal Penegakan Hukum dan Keadilan* 1, no. 2 (2020), <https://doi.org/10.18196/jphk.1208>; Ahmad Mukri Aji dan Siti Nurhalimah, "Examining the Restriction of Human Rights in Government Regulation in Lieu of Law," *Jurnal Cita Hukum* 8, no. 2 (2020), <https://doi.org/10.15408/jch.v8i2.16504>.

replacements, the implications for the principles of democracy and people's representation are important highlights that need to be considered.

Seeing the problem as above, in its development there was a test in the Constitutional Court on Article 426 paragraph (1) letter b of Law No. 7 of 2017. The Constitutional Court through Decision Number 176/PUU-XXII/2024 stated that the provision was contrary to the 1945 Constitution of the Republic of Indonesia, as long as it was not interpreted as resigning because of being assigned by the state to occupy a position that was not through general elections. In this regard, the author intends to study and analyze the decision and its implications for the development of the democratic system in Indonesia and the construction of sanctions for political parties that order the resignation of elected legislative candidates. This research is the latest research, especially analyzing the decision that was just read by the Constitutional Court. Thus, this research has a fairly high value of originality and novelty.

Research Method

This type of research is legal research as explained by Peter Mahmud Marzuki.¹⁰ The author chooses the term "legal research" without adding the word "normative" after it for three reasons: (1) the meaning of "law" and "normative" are the same, so adding the word "normative" would be an excessive statement; (2) by adding the word "normative," it is as if there are other types of legal research besides normative; and (3) the author refers to the definition of legal research from Peter Mahmud Marzuki, who in his book only mentions "legal research" without the word "normative" (the author has also asked this directly in lectures).¹¹ This study uses three approaches, namely the legislative, conceptual, and case (court decision) approaches. Since this is a legal research, the materials used consist of primary and secondary legal materials. Primary legal materials are collected through inventory and categorization, while secondary legal materials are obtained through literature searches. After that, both types of legal materials are identified, classified, and systematized based on their sources and hierarchies. Furthermore, all legal materials are analyzed using legal reasoning with the deductive method.

Results and Discussion

Analysis of Constitutional Court Decision 176/PUU-XXII/2024 on the Development of Democracy in Indonesia

Indonesia is a democratic country that upholds the principle of people's sovereignty, where every citizen has the right to participate in the political process.¹² The legal basis of Indonesian democracy is stated in the 1945 Constitution of the Republic of Indonesia, especially in Article 1 paragraph (2) which states that "Sovereignty lies in the hands of the people and is

¹⁰ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2021).

¹¹ Baharuddin Riqiey dan Muhammad Ahsanul Huda, "Interpreting Article 22 (2) of the 1945 Constitution of the Republic of Indonesia Post Constitutional Court Decision 54/PUU-XXI/2023," *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 4, no. 1 (31 Januari 2024): 24–37, <https://doi.org/10.15294/ipmhi.v4i1.76687>.

¹² Eza Aulia, Saldi Isra, dan Yuslim, "The Conception Of People's Sovereignty In Indonesia: Mohammad Hatta's Thought Approach," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 1 (2024), <https://doi.org/10.22373/petita.v9i1.221>; Alvianus Kristian Sumual dan Brilliant Johanes Maengko, "Pelaksanaan Pemilu Di Indonesia Berdasarkan Perspektif Pancasila," *Journal of Law and Nation (JOLN)* 2, no. Mei (2023); Muhtadin Muhtadin, "Politik Hukum Partai Politik dan Pemilihan Umum," *AHKAM* 2, no. 2 (2023), <https://doi.org/10.58578/ahkam.v2i2.1025>.

implemented according to the Constitution".¹³ In addition, the holding of general elections as a means for the people to elect their representatives is regulated in Law No. 7 of 2017, which establishes the mechanisms and procedures for legislative and executive elections, guarantees voting rights for every citizen, and encourages active community participation in the political process.

One of the main characteristics of a democratic country is the existence of general elections, which serve as a means for people to express their voice and political choices.¹⁴ In this context, general elections include the election of legislative candidates, where citizens are given the opportunity to elect their representatives in legislative institutions, such as the DPR, DPD, and DPRD. This election process not only affirms individual voting rights, but also ensures that the aspirations and interests of the community are represented in policy making. Thus, general elections are an important pillar in a democratic system, as they help create a government that is responsive and accountable to the needs of the people.¹⁵

Basically, the people are given the freedom to elect members of the council who represent them in the legislative realm, this is a fundamental right in a democratic system.¹⁶ However, to be able to become a legislative candidate, the individual must meet the requirements set out in statutory regulations, such as in Law No. 7 of 2017.¹⁷ In addition, legislative candidates also need to obtain approval from the general chairman of the political party concerned, who is often the deciding factor in the nomination process. This creates a selection mechanism that ensures that the proposed candidates have the necessary political capacity and support, while maintaining the integrity of the party.

In a democratic system, general elections are a crucial moment where citizens have the opportunity to elect their representatives in legislative institutions.¹⁸ When legislative candidates run for office and then succeed in collecting the most votes in the election, the principle of democracy affirms that they are the ones who have the right to represent the people. This process reflects the sovereignty of the people, where the voice of each individual is valued and contributes to the final result of the election. Thus, the most votes are not just numbers, but also a manifestation of the public's trust in the candidate to answer and represent their aspirations in the legislative realm.

Legislative candidates who are elected through the most votes have a great responsibility to carry out the mandate given by their constituents. They are not only expected to propose and support laws, but also to listen to and understand the needs and expectations of the people they

¹³ Syofyan Hadi et al., "Indonesia's democratic dilemma: why asymmetric regional head elections are the future," *Via Inveniendi Et Iudicandi* 20, no. 1 (2025), <https://doi.org/https://doi.org/10.15332/>; Hufuron et al., "Regional Head Election Post-MK Decision Number 60/PUU-XXII/2024 in the Constitutional Law Landscape," *Legality : Jurnal Ilmiah Hukum* 33, no. 1 (2025), <https://doi.org/https://doi.org/10.22219/ljih.v33i1.39064>; Syofyan Hadi et al., "Rethinking of position of members of the regional house of representative as regional officers," *IUSTA* 62 (2025), <https://doi.org/https://doi.org/10.15332/25005286.10821>.

¹⁴ Siti Nurhayati, "Dinamika Perkembangan Demokrasi serta Problematikanya Pasca Reformasi," *As-Shahifah : Journal of Constitutional Law and Governance* 3, no. 1 (2023), <https://doi.org/10.19105/asshahifah.v3i1.8282>.

¹⁵ Amalia Syauket, "Peran Relawan Politik Dalam Konstelasi Politik Indonesia," *Jurnal Hukum Sasana* 8, no. 1 (2022), <https://doi.org/10.31599/sasana.v8i1.1052>.

¹⁶ Fayakun Fayakun dan Siti Seituni, "Filosofi Nilai-Nilai Pancasila Dalam Peran Pemilu 2024" (2023) 2 Cendekia Pendidikan.

¹⁷ A Masnira, S Sukri, dan A Ariana, "Kebijakan Partai Politik dalam Menentukan Syarat Calon Legislatif Perempuan pada Pemilu Indonesia," *Jurnal Pendidikan Tambusai* 6 (2022).

¹⁸ Baharuddin Riqiey dan Muhammad Khatami, "Constitutionality of Recall Regulations for Officials Elected by the House of Representatives," *Media Iuris* 8, no. 2 (2025): 239–264, <https://doi.org/10.20473/mi.v8i2.70726>.

represent. In this context, it is important for legislative candidates to maintain good communication with their voters, in order to provide clear and transparent information regarding the policies to be taken. This also creates a bridge between the people and the government, where the people's representatives become the liaison to channel the aspirations and interests of the community into public policy.

However, there are challenges faced by legislative candidates after being elected, especially in maintaining their integrity and independence. Amidst pressure from political parties and various interests, elected legislative candidates must be able to balance these demands with their responsibilities to their constituents. Otherwise, there is a risk that they will be more loyal to the party than to the people who elected them. Therefore, it is important for them to adhere to the principles of democracy and public ethics, and always remember that they were appointed to serve the interests of the people, not the interests of individuals or certain groups.

The challenges faced by elected legislative candidates often come not only from outside, but also from internal political pressure within their own party. This pressure often arises when the party chairman or other administrators instruct elected legislative members to resign in order to give an opportunity to candidates who were not elected to replace their positions. This situation creates a dilemma for legislative members, because they must consider their loyalty to the party and their responsibilities to the constituents who have voted for them. In this context, elected individuals are between two difficult choices: maintaining their positions obtained through a democratic process or following party instructions that may be contrary to voters' expectations.

Resignations triggered by internal pressure have much larger implications, not only for the individuals involved but also for the communities they represent. When legislators resign to make way for other candidates, this can create instability in the representation of the people. Constituents who have elected them may feel betrayed, because the votes they have cast are no longer represented by the representatives they elected. In addition, this sudden change can disrupt the continuity of policies and programs that are being implemented, which can ultimately harm the community. Public trust in the democratic system can be shaken, giving rise to skepticism towards the general election process and the legitimacy of the people's representatives. The phenomenon of elected legislative candidates resigning due to pressure and instructions from within political parties has become an increasingly prominent issue in the dynamics of Indonesian politics. Many legislative candidates who have been elected through a legitimate election process feel forced to resign in order to make room for other candidates who were not elected. This often creates uncertainty for the community that has given their support. In this context, Article 426 paragraph (1) letter b of Law Number 7 of 2017 concerning General Elections is in the spotlight, especially regarding the provisions regarding the resignation of elected legislative candidates. Through this article, the author intends to present a list of elected legislative candidates in 2024 but they resigned for several reasons:

Table 1.
Elected Legislative Candidates Who Resign

No	Name of Elected Legislative Candidate	Political Parties	Reason for Resignation
1	Ratu Ngadu Bonu Wulla	NasDem	Resigning without giving an explanation to his constituents

			and tending to be secretive and non-transparent.
2	Sri Rahayu	PDIP	So that Romy Soekarno, as the grandson of the 1st President of the Republic of Indonesia, Sukarno, and nephew of the General Chairperson of the PDIP Party, Megawati Soekarno Putri, can get a seat in the Indonesian House of Representatives.
3	Arteria Dahlan	PDIP	
4	Akhmad Ridwan	PDIP	Affected by the command system
5	Dedi Mulyadi	Gerindra	Nominating Regional Head
6	Ahmad Syaikh	PKS	Nominating Regional Head
7	Rano Karno	PDIP	Nominating Regional Head
8	Airin Rachmi Diany	Golkar	Nominating Regional Head
9	Abdul Wahid	PKB	Nominating Regional Head
10	Nadalsyah	Demokrat	Nominating Regional Head
Etc.			

Source: Processed by the author with reference to the Tempo and Detik.com platforms

Looking at the table above, the resignation of elected legislative candidates caused by instructions from political parties or decisions to run as regional heads creates a significant negative impact on constituents and democratic principles. This action is often considered a betrayal of the trust given by voters, because the candidates have been elected through a democratic process and are expected to represent the aspirations of the people. When they resign without providing adequate explanation, this not only harms their legitimacy as people's representatives, but also disrupts the continuity of policies and programs that have been designed for the welfare of the people. In addition, this situation reflects the dominance of political parties that can reduce the independence of individuals in decision-making, thus harming the principle of democracy that should place the interests of the people above internal political interests. The act of resignation triggered by instructions from political parties not only reflects a challenge for elected individuals, but also involves a broader legal aspect. With the testing of the provisions in Article 426 paragraph (1) letter b at the Constitutional Court, questions arise regarding the extent to which individual political rights can be protected in the context of party structures. The Constitutional Court, through its decision Number 176/PUU-XXII/2024, stated that the provision is contrary to the 1945 Constitution of the Republic of Indonesia, as long as it is not interpreted as a resignation caused by a state assignment to occupy a position that is not through general elections. This decision emphasizes that the people's right to vote must be respected and protected, so that elected representatives cannot be forced to resign without clear and valid reasons.

This analysis of the Constitutional Court's decision shows that the institution is committed to protecting the principles of democracy and people's sovereignty.¹⁹ By stating that resignation cannot be done solely based on internal party instructions, the Constitutional Court signals that

¹⁹ Rommy Patra, "Peran Mahkamah Konstitusi Sebagai Pengawal Demokrasi Di Indonesia," *Jurnal Komunikasi Hukum (JKH)* 8, no. 2 (1 Agustus 2022): 381–93, <https://doi.org/10.23887/jkh.v8i2.51180>.

people's representatives have a moral and legal responsibility to carry out their mandate. This ruling also opens up space for legislative candidates to assert their position within the party, so that they can create a balance between party loyalty and responsibility to constituents. In the long term, this is expected to improve integrity and accountability in political practice in Indonesia.

Although the Constitutional Court ruling provides a breath of fresh air for legislative candidates, challenges remain in its implementation in the field. Political parties still have significant power in determining direction and policy, including in terms of nomination and resignation. Therefore, further efforts are needed to encourage reforms in the structure of political parties that allow legislative candidates to be more independent in carrying out their duties. This includes the establishment of a clear code of ethics and strict monitoring mechanisms to prevent practices that are detrimental to democracy.

The phenomenon of elected legislative candidates resigning due to internal pressure from political parties implies the need for an in-depth evaluation of the political system in Indonesia. Through the Constitutional Court ruling, there is hope to strengthen the position of legislative candidates as true representatives of the people, not just as political tools of the party. Thus, it is hoped that in the future, the general election process and legislative mechanisms can run more transparently, accountably, and be oriented towards the interests of the community, so that democracy in Indonesia becomes stronger and more sustainable.

Construction of Sanctions for Political Parties Ordering the Resignation of Elected Legislative Candidates

The construction of sanctions for political parties that order elected legislative candidates to resign is an important issue in efforts to maintain the integrity and accountability of the democratic system in Indonesia. In this context, political parties have a significant role in the process of selecting and managing people's representatives. However, if political parties use their power to dictate the decisions of elected individuals, this can create injustice and damage public trust in democratic institutions. Therefore, it is important to formulate clear and firm sanctions for political parties that carry out such actions.

First, the proposed sanctions must include a mechanism that can prevent political parties from carrying out unfair resignation practices. For example, the law can stipulate that if a political party is proven to have intentionally forced an elected legislative candidate to resign, they can be subject to fines or administrative sanctions. This sanction not only serves as a punishment, but also as a deterrent so that political parties think twice before taking actions that are detrimental to legislative candidates and their constituents. Thus, this sanction is expected to create a healthier political culture and respect individual rights.

Second, sanctions can also take the form of limiting political parties' access to the nomination process in future elections. For example, if a party is proven to have violated the provisions governing the resignation of elected legislative candidates, they could be prohibited from nominating a certain number of candidates in the next election. This restriction will have a deterrent effect and encourage political parties to prioritize democratic principles and respect the people's choice. In this way, elected legislative candidates will feel safer in carrying out their duties without pressure from within the party.

On the other hand, the construction of this sanction must also involve strict supervision by an independent institution. A supervisory institution can be formed to examine and assess

the actions of political parties that have the potential to violate the rights of legislative candidates. This institution must have the authority to conduct investigations and provide recommendations for appropriate sanctions. With the existence of this supervisory institution, it is hoped that transparency and accountability in the political process can be maintained, as well as providing space for legislative candidates to speak out without fear of consequences from their political party.

Third, the sanctions applied must also include aspects of political education for political parties and their members. Political parties need to be given a deeper understanding of political ethics and their responsibilities to constituents. Political training and education programs can be held to help parties understand the importance of respecting the democratic process and individual rights. Thus, sanctions will not only serve as punishment, but also as a means to increase political awareness and understanding among party members.

Furthermore, it is important to involve the public in the process of monitoring political parties. The public must have access to report actions that are considered to violate the rights of legislative candidates. Building a safe and transparent reporting platform can help the public to play an active role in maintaining the integrity of the election. This will also increase the public's sense of ownership of the political process and help create a higher culture of participation. Public involvement in this monitoring is one of the important pillars in creating a healthy democracy.

Sanctions for political parties that force legislative candidates to withdraw must also consider the aspect of justice. Any sanctions taken must be based on clear evidence and must not be arbitrary. A transparent and fair legal process must be implemented to ensure that all parties are treated equally before the law. This will avoid potential abuse of power in the application of sanctions and maintain public trust in the legal and political system.

The construction of these sanctions also needs to consider the broader political context. In some cases, pressure on legislative candidates can arise due to complex political dynamics, including inter-party competition or internal conflict. Therefore, the sanctions applied must be able to consider various factors that may influence political party decisions. With a comprehensive approach, it is hoped that the formulated sanctions can be more effective in preventing practices that are detrimental to democracy.

In its implementation, it is important for the government and legislative institutions to collaborate in formulating and implementing these sanctions. The involvement of various stakeholders, including academics, legal practitioners, and civil society, will produce sanctions that are more mature and relevant to existing political needs. Public discussion and consultation with various parties will produce solutions that are more inclusive and acceptable to all elements of society.

With the construction of clear and firm sanctions for political parties that order the resignation of elected legislative candidates, it is hoped that a healthier and more sustainable political system will be created. These sanctions not only function to punish, but also to educate and facilitate changes in a better political culture. Thus, legislative candidates can carry out their duties with full integrity, and the public can feel more confident in the representatives they choose in a true democratic process.

Conclusion

The Constitutional Court, as the guardian of democracy, has been able to breathe new life into democracy in Indonesia by revoking the provisions of Article 426(1)(b) of Law No. 7 of 2017

through Constitutional Court Decision No. 176/PUU-XXII/2024. The Constitutional Court considers that this provision can be considered contrary to the principle of people's sovereignty if the resignation is carried out other than to carry out state duties in the form of occupying a position that is not elected through general elections. Thus, if such practices are still found, political parties and individuals can be subject to sanctions, which are stated in the form of fines, restrictions on the number of candidates nominated in the next election, and mandatory political education. The imposition of these sanctions must still pay attention to the principles of justice and democracy.

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