



DOI: <https://doi.org/10.38035/jgsp.v3i4>
<https://creativecommons.org/licenses/by/4.0/>

Proposal to Create A Law Giving Authority to The Community of Election District to Supervise and Take Action against People's Representatives (Members of The DPR-RI) As An Implementation of Article 1 Paragraph (2) of The 1945 Constitution

Hasiholan Sihaloho¹, Faisal Santiago²

¹Universitas Borobudur, Jakarta, Indonesia, Hasiholansihaloho40@gmail.com

²Universitas Borobudur, Jakarta, Indonesia, faisalsantiago@borobudur.ac.id

Corresponding Author: Hasiholansihaloho40@gmail.com¹

Abstract: This study proposes the creation of a law that gives the authority to the people of electoral districts to supervise and take action against the people's representatives (Members of the DPR-RI) as an implementation of Article 1 paragraph (2) of the 1945 Constitution, which emphasizes that sovereignty rests with the people. To date, people's representatives tend to be more loyal to political parties than to the people of their electoral districts, so that people's aspirations are often not optimally accommodated. The people only have the right to vote in elections, without adequate instruments to evaluate and take action against people's representatives who do not carry out their duties according to their mandate. This study uses a normative juridical method with a conceptual and comparative approach, analyzing applicable regulations and comparing them with practices in other countries that have implemented recall mechanisms or direct constituent supervision. The results of the study indicate the importance of this law to strengthen substantive democracy, increase the accountability of people's representatives, and narrow the gap between the DPR and the people. However, there are a number of obstacles that must be anticipated, such as resistance from political parties, the potential for politicization, and low political literacy in the community. Therefore, this draft law must be designed with a clear, transparent mechanism, and prioritize the principle of checks and balances so that it can run effectively and not be misused.

Keyword: Law, People's Sovereignty, DPR Oversight, Electoral Districts, 1945 Constitution.

INTRODUCTION

Article 1 paragraph (2) of the Constitution of the Republic of Indonesia of 1945 explicitly states that sovereignty is in the hands of the people and is exercised in accordance with the Constitution. This formulation affirms the fundamental principle of democracy that the people are the holders of the highest sovereignty, while state institutions, including the House of Representatives of the Republic of Indonesia (DPR RI), merely function as

executors of the people's mandate. However, in the practice of democracy in Indonesia, the relationship between constituents in electoral districts and the DPR RI members they elect often faces a fundamental issue, namely the weakness of direct public oversight mechanisms over their representatives.

Members of the DPR RI represent the people in their electoral districts. They are elected through an election mechanism regulated by law and are therefore normatively obliged to fight for the aspirations of the people in their respective districts. However, what often happens in reality is a discrepancy between the ideal of representation and the practice of politics. Many DPR RI members are more obedient and loyal to the political parties that endorse them than to the people who elected them. Party instructions, the interests of political elites, and personal career considerations often take precedence over the real needs of the constituency.

This situation creates a representation gap. The people, having cast their votes in the election, experience involvement only in that single moment—when exercising their right to vote. Afterward, society has almost no space, instruments, or sufficient authority to oversee, evaluate, or even sanction representatives who fail to carry out their duties according to the people's mandate. As a result, democracy loses its substance, because the people's sovereignty, which should be continuously implemented, is reduced merely to a five-year activity.

This phenomenon also produces various negative impacts, such as increasing public distrust toward the DPR RI, low levels of active political participation, and the perception that legislators only represent party or group interests. In fact, in the theory of representative democracy, the legitimacy of a representative originates directly from the people, not merely from party structures. Therefore, a legal mechanism is needed to restore the function of people's sovereignty in practice by granting constituents the authority to oversee, evaluate, and even sanction DPR RI members who fail to fulfill their representative duties properly.

Such a mechanism could be realized through the proposal to establish a law that formally grants constituents the authority to actively participate in monitoring and sanctioning their representatives. This law could regulate concrete instruments, such as annual accountability forums for DPR RI members in their districts, recall mechanisms initiated by constituents under certain requirements, and the establishment of independent district-based supervisory bodies with legal legitimacy. Through this approach, people would no longer be passive actors but truly empowered to ensure that sovereignty, which rests in their hands, is implemented in accordance with the spirit of the Constitution.

The urgency of this proposal grows stronger when considering democratic practices in several other countries that recognize systems such as recall elections or constituency accountability, where constituents can directly demand accountability or even dismiss representatives who are not trustworthy. This proves that healthy democracy requires a balance between the mandate given by the people and the authority to evaluate the performance of their representatives.

Thus, the formation of a law on constituents' authority to oversee and sanction DPR RI members is a strategic step to strengthen the implementation of Article 1 paragraph (2) of the 1945 Constitution. This proposal not only reaffirms the people's position as the holders of the highest sovereignty but also improves the quality of Indonesian democracy to be more substantive, participatory, and accountable.

METHOD

This research employs a normative juridical method with conceptual and comparative approaches. The normative juridical method was chosen because the focus of the study lies in analyzing applicable legal norms, particularly Article 1 paragraph (2) of the 1945

Constitution, the Law on the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and Regional People's Representative Councils (UU MD3), as well as regulations related to mechanisms of popular representation. The conceptual approach is used to examine theoretical ideas concerning popular sovereignty, representative democracy, and the relationship between legislators and their constituencies. Meanwhile, the comparative approach is applied to analyze the practices of monitoring and sanctioning representatives in several countries that have implemented recall elections or direct constituency accountability mechanisms. Data are obtained through literature review of statutory regulations, legal doctrines, academic literature, and previous research findings, then qualitatively analyzed to formulate arguments regarding the urgency of establishing a law that grants constituents the authority to oversee and sanction members of the DPR RI.

RESULTS AND DISCUSSION

The Urgency of Proposing the Establishment of a Law Granting Constituents Authority to Supervise and Sanction Members of the DPR RI

The urgency of proposing the establishment of a law granting constituents (electoral district communities) the authority to supervise and sanction members of the DPR RI, as an implementation of Article 1 paragraph (2) of the 1945 Constitution, lies in the fundamental principle that sovereignty resides in the people. This article affirms that the people are the holders of the highest power in Indonesia's constitutional system. The DPR RI, as the legislative body, represents the people who grant them a mandate through elections. However, reality shows a serious gap between the constitutional principle and democratic practice. Instead of fighting for the people's interests, many DPR members prioritize the interests of political parties, elites, or personal ambitions. This situation reduces people's sovereignty to a mere five-year voting activity, without any strong mechanisms for oversight or accountability.

This condition weakens the quality of democracy. Democracy is not only measured by the periodicity of elections but also by the extent to which the people have access to decision-making processes and mechanisms ensuring accountability. Without direct oversight from constituents, DPR members may carry out legislative, budgetary, and supervisory functions without moral or legal attachment to those who elected them. This erodes the essence of political representation, as citizens lack instruments to reprimand, remind, or sanction unaccountable representatives. Therefore, a law granting constituents such authority is crucial to reframe democracy so that the people become active subjects rather than passive objects.

Another urgency lies in the weak loyalty of DPR members toward their constituencies after elections. Many rarely visit their districts, conduct substantive recesses, or channel public aspirations effectively. Often, local aspirations are filtered out by party interests or short-term personal agendas. As a result, people feel alienated and apathetic toward politics, perceiving legislators as visible only during campaigns. A law enabling citizens to oversee and sanction representatives would establish a multi-layered accountability mechanism between voters and their elected officials.

Moreover, this law would promote a healthier and more accountable political culture. In a mature democracy, representatives must continuously account for their performance, not only to their parties or parliamentary structures, but especially to the people. Such a law would encourage transparency in legislation, budgeting, and oversight, while deterring abuses of power, corruption, and transactional politics.

From a constitutionalism perspective, Article 1 paragraph (2) of the 1945 Constitution mandates that sovereignty should not stop at the ballot box. Today, however, sovereignty is largely "entrusted" to political parties, which dominate candidate selection, parliamentary

factions, and political stances. This creates a contradiction: the people vote, but representatives are loyal to parties. A constituent-oversight law would rebalance this by reaffirming that legitimacy originates from the people, not solely from party structures.

International comparisons strengthen this urgency. The United States, for instance, applies *recall elections*, allowing voters to remove elected officials before their term ends if they fail their mandate. Similar mechanisms exist in Switzerland and parts of Canada, proving effective in balancing power, boosting public trust, and reinforcing ties between representatives and voters. As the world's third-largest democracy, Indonesia should also adopt such instruments to ensure that democracy is substantive, not merely formal.

The urgency also arises from Indonesia's public trust crisis toward the DPR. Surveys consistently show the DPR ranking low in public trust. A law empowering constituent to oversee and sanction their representatives could restore confidence, making citizens feel more involved, while legislators act more cautiously.

Furthermore, this law would serve as political education for the people. Active participation in oversight would foster mature political awareness, moving citizens beyond passive acceptance toward active engagement in governance. This participatory culture would strengthen elections, reduce apathy, and reinforce democracy's foundations.

In practice, the law could balance the roles of parties and citizens. While parties retain their role in candidate recruitment, citizens would gain a stronger role in evaluating legislators after elections. This ensures that representatives are accountable both to their parties and, more importantly, to their constituencies, thereby strengthening the DPR's legitimacy and restoring people's sovereignty.

Ultimately, the urgency of this proposal lies in ensuring that Indonesian democracy becomes more substantive and people oriented. Without strong constituent oversight, the DPR risks becoming elitist, disconnected from the people, and distrusted. With such a law, democracy would evolve into a more accountable, participatory, and constitutional system, in line with Article 1 paragraph (2) of the 1945 Constitution. Thus, this proposal is not only important but urgent to improve democratic quality, enhance public trust, and ensure that people's sovereignty is genuinely realized in national life.

Mechanism for Proposing the Establishment of a Law Granting Constituents the Authority to Supervise and Sanction Members of the DPR RI

The formation of laws in Indonesia is clearly regulated in the 1945 Constitution and Law No. 13 of 2022 on the Second Amendment to Law No. 12 of 2011 concerning the Formation of Legislation. Constitutionally, Article 20 paragraph (1) of the 1945 Constitution stipulates that the House of Representatives (DPR) holds legislative power. However, Article 21 also provides that members of the DPR, the President, and the Regional Representative Council (DPD) are entitled to propose draft laws (RUU). Thus, the proposal to establish a law granting constituents the authority to supervise and sanction DPR members can be pursued through formal channels in the DPR, as well as through public participation in the legislative process.

The first path is through the DPR itself. Members of Parliament, either individually or via political factions, may submit a draft law concerning constituent oversight of DPR members. To proceed, the draft must be included in the National Legislation Program (Prolegnas). This requires political support from relevant factions and commissions, making political lobbying and coalition-building in the DPR essential. Civil society, academics, and NGOs can play a key role by preparing academic drafts, conducting research, and providing both empirical and normative input.

The second path is through the DPD. Article 22D of the 1945 Constitution grants the DPD authority to propose draft laws, especially those concerning regional autonomy, central-

regional relations, and regional resources. Although its legislative powers are more limited than the DPR, the DPD's strong regional legitimacy allows it to propose a bill on constituent involvement in legislative oversight, which would then be jointly deliberated by the DPR and the President.

The third path is through the President. As the head of the executive, the President also holds the right to propose bills. If the government is politically committed to strengthening participatory democracy and legislative accountability, the President can advance this proposal as part of a national political reform agenda. For this to happen, advocacy from civil society, academics, media, and interest groups is crucial to highlight the urgency of the law. Broad public support could further motivate the government to initiate deliberations.

Beyond formal avenues, the public also has the opportunity to propose legislation indirectly. Under Law No. 12 of 2011, society may contribute to Prolegnas by submitting proposals to the DPR or DPD. Individuals, groups, or organizations can submit draft academic manuscripts supported by academic, empirical, and sociological arguments. Public participation in legislation may also be strengthened through coalitions of NGOs, academics, student organizations, community leaders, and the media. These groups may campaign, hold seminars, organize discussions, or initiate national petitions urging lawmakers to prioritize the bill.

In modern democratic practice, strong public pressure is one of the most effective ways to compel policymakers to consider proposals. Peaceful demonstrations, digital campaigns, media advocacy, and social movements can signal the urgency of empowering citizens to hold their representatives accountable. Given that legislative agendas are often shaped more by elite political interests than by popular needs, massive public engagement can alter these political calculations by exerting moral and political pressure.

During the drafting process, citizens may also participate directly through public hearings, consultations, and academic reviews. These forums allow the public to insert substantive proposals into the draft law, such as recall mechanisms, mandatory performance reports by legislators, or the creation of independent district-based oversight bodies. Such ideas, once debated formally, could lead to legislation that genuinely reflects the will of the people.

Furthermore, academic and constitutional law expertise is vital for strengthening legal and constitutional arguments. The bill must demonstrate that empowering constituents to supervise and sanction legislators is a direct implementation of Article 1 paragraph (2) of the 1945 Constitution. A strong academic foundation would position the proposal not merely as a political demand, but as a constitutional necessity, thereby easing its acceptance in legislative deliberations.

Additionally, a judicial review before the Constitutional Court (MK) could serve as an alternative route. If existing laws are found to restrict public participation in legislative oversight, a constitutional challenge may be filed on the grounds that such restrictions violate Article 1 paragraph (2). A progressive ruling from the Court could provide a strong legal basis for initiating new legislation.

In conclusion, the mechanism for proposing a law granting constituents oversight and sanction powers over DPR members requires a combination of formal and non-formal strategies. Formal avenues include submissions through the DPR, DPD, or the President, while non-formal strategies involve public advocacy, social movements, and judicial review. This process demands synergy among civil society, academics, the media, and political elites. With strong collaboration, the proposal could enter the national legislative agenda and eventually materialize into law.

Ultimately, the mechanism is not merely an administrative procedure, but a political and moral struggle to restore people's sovereignty as mandated by the Constitution. Such a law would not only be a legal instrument but also a symbol of Indonesia's move toward substantive democracy—where the people truly have the authority to supervise, evaluate, and sanction their representatives, in line with Article 1 paragraph (2) of the 1945 Constitution.

Obstacles in Enacting a Law Granting Constituents the Authority to Supervise and Sanction Members of the DPR RI

Drafting a law that grants constituents (dapil communities) the authority to supervise and sanction members of the DPR RI as an implementation of Article 1 paragraph (2) of the 1945 Constitution is not a simple matter. Although normatively this idea aligns with the principle of people's sovereignty, in Indonesia's political and legal practice there are various obstacles that must be addressed. These challenges are structural, political, sociological, and juridical-technical. Without identifying these barriers in depth, the proposal for such a law risk remaining a normative discourse that is difficult to realize in practice.

The first obstacle lies in the dominance of political parties within Indonesia's democratic system. While DPR members are formally elected directly by the people, in practice they are inseparable from the political parties that nominate them. Parties play a major role in determining candidate lists, placing candidates in strategic ballot positions, and providing logistical support during campaigns. Consequently, once elected, a legislator's loyalty tends to lean more toward the party than toward their constituents. If a law were designed to give greater authority to the people to supervise and sanction DPR members, it would be seen as a direct threat to the authority of political parties. Parties would likely reject such a proposal as it could weaken their control over their cadres in parliament. In other words, party dominance is one of the main barriers to realizing this law.

The second obstacle is resistance from DPR members themselves. Logically, it is difficult to expect the DPR—holding legislative power—to readily approve a law that would directly limit their authority and comfort. If enacted, such a law would create a new accountability mechanism enabling constituents to reprimand, evaluate, and even demand the dismissal of a DPR member before their term ends. This is clearly at odds with the interests of most legislators, who currently enjoy limited public oversight. Thus, internal resistance within the DPR would pose a serious political barrier. Legislators could also invoke formal arguments, claiming that elections are already sufficient as a form of public control, making additional mechanisms unnecessary.

The third obstacle concerns juridical or constitutional aspects. While Article 1 paragraph (2) of the 1945 Constitution affirms the sovereignty of the people, its implementation must conform to the principles of a rule of law. If a mechanism were designed allowing constituents to sanction or dismiss DPR members, its legal basis, procedures, and alignment with other constitutional principles must be made clear. For example, Article 22B of the 1945 Constitution stipulates that members of the DPR may be dismissed in accordance with conditions and procedures regulated by law. This means further regulation is possible, but it must not contradict other constitutional principles such as legal certainty, the right to defense, and due process of law. Without careful legal formulation, such a law could be challenged in the Constitutional Court and potentially annulled.

The fourth obstacle is technical and operational: how to design an effective oversight and sanctioning mechanism without creating new problems. For instance, if a recall mechanism by constituents were applied, the procedure must be clearly defined—how many supporting signatures are required, who verifies them, and how to prevent abuse for short-term political purposes. Without clear rules, such a mechanism could be exploited by certain

groups to topple political opponents through mass mobilization. Instead of improving democracy, it could fuel political instability in electoral districts.

The fifth obstacle relates to citizens' political awareness and participation. In practice, political literacy levels in Indonesia remain relatively low. Many citizens remain passive, only engaging during elections, with limited understanding of how the DPR should function. In such conditions, granting formal authority to constituents to supervise and sanction legislators' risks being ineffective, as the public may not be ready to exercise such powers optimally. Worse, they may be easily mobilized by political elites for short-term interests. Thus, low levels of political education pose a serious sociological challenge.

The sixth obstacle is Indonesia's political culture, which remains strongly influenced by patronage and clientelism. Relationships between legislators and constituents are often built not on rational political evaluation or legislative performance, but rather on personal closeness, material assistance, or transactional ties. In such a culture, it is difficult to expect constituents to objectively assess legislators based on parliamentary performance. More likely, constituents will judge based on tangible benefits, such as social assistance, small-scale infrastructure projects, or personal ties. This complicates the implementation of a law ideally based on rational and objective evaluation of DPR members' performance.

The seventh obstacle concerns bureaucracy and funding. If constituents are given formal authority to supervise DPR members, an administrative body or mechanism would need to be established to receive complaints, verify them, and follow up. This requires human resources, budgets, and adequate bureaucratic infrastructure. Given limited state finances, proposals to create new bodies or mechanisms are often deemed unrealistic or as adding fiscal burdens. Without strong bureaucratic support, even if such a law were enacted, its implementation could fail.

The eighth obstacle is practical politics in the legislative process. For a draft bill to be included in the National Legislative Program (Prolegnas), it requires strong political backing. However, as noted, both the DPR and political parties are reluctant to reduce their own powers. Lobbying for the bill's inclusion in Prolegnas would therefore be extremely challenging and would require broad support from civil society, academics, media, and other interest groups. Without a massive collective movement, this proposal would likely be sidelined by other legislative agendas deemed more urgent by political elites.

The final obstacle is the risk of conflicts of interest and polarization in society. If oversight and sanctioning powers are granted to constituents, there is a high risk of horizontal conflict among groups. For example, some groups may support a particular legislator while others oppose them. Such a mechanism could spark social tensions in electoral districts, especially if political issues become intertwined with religious, ethnic, or other identity-based divisions. Without careful design, this mechanism could become a source of social division rather than strengthening democracy.

In conclusion, obstacles to enacting a law granting constituents authority to supervise and sanction DPR members span political, juridical, technical, sociological, cultural, bureaucratic, and social dimensions. These challenges show that while the idea is important and constitutionally aligned, it requires a comprehensive strategy to be realized. Solutions include strengthening political education, broad public advocacy, building civil society coalitions, and formulating clear and fair legal mechanisms resistant to misuse. Only through such measures could the law become a genuine instrument for implementing Article 1 paragraph (2) of the 1945 Constitution, which places people's sovereignty above all.

CONCLUSION

The proposal to establish a law granting constituents the authority to supervise and sanction their representatives (members of the DPR-RI) is an important step toward strengthening the implementation of the principle of people's sovereignty as mandated in Article 1 paragraph (2) of the 1945 Constitution. Thus far, the relationship between legislators and their constituents has often been imbalanced, as members of the DPR tend to be more loyal to the interests of political parties rather than to the aspirations of their electoral districts. This condition creates a representational gap, in which the people's voices—serving as the very foundation of a legislator's legitimacy—are not optimally accommodated in policymaking or parliamentary oversight.

With such a law in place, citizens would no longer remain passive actors who merely cast their votes during elections but would also gain the capacity to actively monitor the behavior, performance, and integrity of their representatives throughout their terms of office. Proposed mechanisms could include recall, structured complaint procedures, or the establishment of independent constituency-based oversight bodies, all aimed at ensuring that DPR members truly work in accordance with the people's mandate.

Nevertheless, this effort inevitably faces various challenges, whether political, legal, or cultural within Indonesia's democratic context. Resistance from political parties, overlapping authority with existing oversight institutions, risks of politicization, and low levels of political literacy among the public are among the key obstacles that must be anticipated. Therefore, a well-designed legal framework, transparent procedures, and clear mechanisms for public participation are essential to prevent misuse of such oversight for narrow interests.

In conclusion, the proposed law is not only intended to strengthen the people's role within the representative democratic system, but also to serve as a corrective instrument against political practices that tend to be elitist and party centric. Accordingly, the presence of this regulation is expected to foster a more substantive, accountable democracy—one that genuinely places sovereignty in the hands of the people as the highest authority in state life.

REFERENCE

- Anugerah, D. (2018). Pelaksanaan Pengawasan Badan Pengawas Pemilihan Umum (Bawaslu) Terhadap Black Campaign Dalam Pemilihan Presiden Tahun 2014 Di Daerah Istimewa Yogyakarta.
- Nurdin, A. (2020). Implementasi Fungsi Legislasi Dewan Perwakilan Rakyat Daerah pada Pembentukan Peraturan Daerah. *Al-Ishlah: Jurnal Ilmiah Hukum*, 23(1), 53-76.
- Riskiyono, J. (2019). Kedaulatan Partisipasi Pemilih dalam Pengawasan Pemilihan Kepala Daerah dan Pemilihan Umum Serentak 2019 [Voters' Agency in the Supervision of Regional Elections and the 2019 Simultaneous General Elections]. *Jurnal Politica Dinamika Masalah Politik Dalam Negeri dan Hubungan Internasional*, 10(2), 145-165.
- Rustam, A. (2021). Peran Wakil Rakyat dalam Proses Legislasi Peraturan Daerah. *JURNAL DEMOKRASI & OTONOMI DAERAH*, 19(1), 55-60.
- Satriawan, M. I. (2016). Pengawasan Pemilukada Oleh Rakyat (Upaya Mencegah Pelanggaran Pemilukada). *Jurnal Bawaslu*, 2(1), 110-126.