

The People's Representative Council's Right to Inquiry: Opportunities and Challenges in Upholding Democracy in Indonesia

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ABSTRACT

The 2024 General Election which has just finished has left a number of dissatisfied with the results of the general election, including the election of president and vice president. A number of political parties have begun to discuss the use of the right to inquiry in the DPR RI. The idea of the right to inquiry in this election itself is considered a form of upholding democracy in Indonesia. Therefore, this research aims to analyze the People's Representative Council (DPR) right to inquiry as a vital instrument in the context of upholding democracy in Indonesia. Within a theoretical framework that combines the principles of representative democracy and political accountability, this research explores the opportunities and challenges faced by DPR inquiry rights in practice. This research uses a normative legal approach through the applicable legislation approach. The research results show that the implementation of the DPR's right to inquiry in upholding democracy in Indonesia involves a series of complex stages. Even though there are challenges such as strict requirements and a long process, if successfully passed, the inquiry committee will have broad authority to investigate alleged violations by the government. This reflects the DPR's serious efforts to carry out its oversight function over the government and ensure government accountability towards the people. Thus, the implementation of the right to inquiry is expected to strengthen the integrity and balance of power in the Indonesian democratic system.

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INTRODUCTION

Along its long journey, Indonesia has experienced various challenges in realizing democracy rooted in popular sovereignty. However, this system continues to encounter resistance from parties who have their own agenda. (Irawan, 2016) The democratic principles contained in the Constitution are the main basis for efforts to maintain and develop this system. The essence of democracy, which describes the giving of power to the people, is reflected in the meaning of the terminology itself; "demos" which refers to the people and "crateion" which means power or sovereignty. However, the process towards true democracy is sometimes filled with complex challenges and debates (Selian & Melina, 2018).

One real form of democratic practice is through holding general elections. This process provides citizens with the opportunity to directly elect their representatives in government institutions (Sarbaini, 2014). Through general elections, every individual has the same right to determine the direction and policies of the country in accordance with their individual interests and aspirations. In the Indonesian context, general elections are an important milestone in maintaining the principle of popular sovereignty and strengthening the foundations of democracy (Zazili, 2012).

This process is not only an important moment to express the voice and will of the people, but also becomes a stage for confirming the legitimacy of the government and strengthening the credibility of the democratic system as a whole (Firdaus, 2020).

The General Election held on February 14 this year marked the beginning of the democratic process in Indonesia. However, after this process, political conditions in the country continued to heat up and became the center of attention. The public responded to the quick count results with suspicion of the possibility of fraud in the election process (Maylenda et al, 2024). Anxiety over the integrity and transparency of the election process has returned to the fore, with the raising of ethical issues in the administration of elections taking center stage. Apart from that, the question of the neutrality of the president, who is expected to play an important role in ensuring justice and the sustainability of democracy, has also become a hot topic of discussion. This dynamic gives rise to significant political tensions, posing serious challenges to political stability and the maturity of Indonesian democracy (Supryadi, 2024).

Several parties who are dissatisfied with the implementation of the general election, including presidential candidates and legislative members, have expressed their intention to submit a right of inquiry to the DPR. This step was taken in response to allegations of fraud that emerged after the 2024 elections (Rabiah et al, 2024). The submission of the right to inquiry reflects an effort to uncover and further investigate possible violations in the election process, as well as to ensure the accountability of relevant institutions. These actions also indicate a significant level of dissatisfaction in society with the integrity and transparency of elections, highlighting the importance of seriously addressing these issues in order to maintain public confidence in the democratic process (Rasyid, 2024).

The idea of submitting the right to inquiry is not only a response to allegations of fraud in the 2024 Election, but is also related to efforts to realize the democratic principles mandated by Article 22E of the Indonesian Constitution (Faidurrahman et al, 2024). This article emphasizes the importance of holding direct, general, free, secret, honest and fair general elections every five years. In this context, the right to inquiry in the DPR becomes an important instrument to ensure that these principles are implemented correctly and to investigate alleged violations that could threaten the integrity of the democratic process (Sujana, 2024).

More than just an effort to create elections that are in accordance with the constitutional mandate, submitting the right to inquiry can also be seen as a bargaining strategy for power politics (Ridlwani, 2015). In complex political dynamics, the right to inquiry becomes a means for parliament to supervise and control the government, ensure accountability, and maintain a balance of power between the executive and legislative institutions (Gunawan, 2008). The concept of the right to inquiry in the scientific tradition reflects a form of parliamentary investigation of the government, which aims to be an instrument of control that parliament has to ensure that government policies and actions are in accordance with the interests and aspirations of the people (Mawardi, 2008). Thus, submitting the right to inquiry is a step that can strengthen the role of the DPR in carrying out its supervisory function and maintaining the integrity of democracy in Indonesia.

In countries that adopt a parliamentary system of government, the right of inquiry has the main function of expressing a vote of no confidence in the government. This motion of no confidence can be submitted if there is sufficient distrust in the government's performance or if there is a serious violation of democratic principles (Fitria, 2014). The implication of a vote of no confidence is a vote in parliament to determine whether the government should remain in power or not. If the motion of no confidence is approved, it could result in the fall of the head of government and the possibility of a new general election to form a new government (Iskandar, 2019).

In contrast to countries that use a parliamentary system, in Indonesia, which uses a presidential system, the right to inquiry has different implications. The right of inquiry does not directly lead to a vote of no confidence, but is a way to carry out impeachment as a form of accountability for the office of the president and/or vice president (Arifin, 2020). The impeachment process in Indonesia involves a more formal and structured mechanism, where the DPR has the authority to propose impeachment to the Constitutional Court if there are allegations of serious violations of the constitution or state law committed by the president or vice president (Saraswati, 2012). Thus, the right to inquiry in Indonesia acts as a tool to ensure government accountability, especially in the context of a presidential system which requires a more organized process to respond to violations that may occur.

This research aims to examine the opportunities and challenges in implementing the People's Representative Council's (DPR) right to inquiry in the context of upholding democracy in Indonesia. By analyzing the role and complexity of implementing the right to inquiry, this research seeks to understand its contribution in strengthening legislative control over the executive and highlights the challenges that may be faced, such as political opposition and legal limitations. The benefits include a better understanding of the dynamics of Indonesian democracy, identification of areas for improvement in legislative oversight mechanisms, and providing insights for policies aimed at strengthening the country's democratic system.

METHOD

This research is normative juridical research which focuses on studying the application of rules or norms in positive law, especially related to legal synchronization (Soekanto, 2007). By using a statutory approach, this research will examine various laws that are relevant to the legal issue being studied. This approach aims to identify consistency and conformity between one law and other laws, as well as the State Constitution (UUD). Apart from that, to clarify the analysis, this research will also use a conceptual approach, which focuses on the view of doctrines in legal science. It is hoped that this approach will provide a deeper understanding of the legal framework governing the DPR's right to inquiry and its implications in the context of upholding democracy in Indonesia.

RESULTS AND DISCUSSION

The Phenomenon of Proposing Questionnaire Rights for the 2024 Election

After the voting on February 14 2024, political tensions in Indonesia remain high. This situation was triggered by controversy regarding alleged fraud in the implementation of the 2024 elections. Various parties expressed their concerns over the integrity of the election process, which gave rise to widespread doubt and dissatisfaction in society. This alleged fraud created ongoing political tensions, reflecting divisions and polarization within Indonesia's political spectrum. In an effort to respond to this tension, the DPR has begun considering the use of the Right to Inquiry as a step to investigate allegations of fraud in the 2024 Election. This step is expected to pave the way for truth disclosure and resolve ongoing political tensions, although on the other hand, this could also increase tensions. existing politics.

Article 20A Paragraph (2) of the 1945 Constitution of the Republic of Indonesia gives authority to the People's Representative Council (DPR) to carry out its functions, including by exercising certain rights such as the right of interplation, the right of inquiry, and the right to express opinions (Elhadi, 2014). The right to inquiry, which comes from the French term "enquete" which means investigation, is specifically regulated in Article 79 paragraph (3) of Law no. 17 of 2014 (MD3 Law). This right gives the DPR the authority to conduct investigations into the implementation of a law and/or government policy that is considered important, strategic and has a broad impact on the life

of society, nation and state. The application for the right to inquiry must be made by at least 25 members of the DPR and come from more than one faction, indicating the need for cross-party support in this process (Sumartini & Arifin, 2020).

With this legal basis, the right to inquiry is an important instrument for the DPR in monitoring and controlling government policies that are considered controversial or contrary to statutory regulations (Susanto, 2018). This right provides the DPR with the opportunity to investigate in depth issues that are considered to have a broad impact on society, with the aim of ensuring government accountability and compliance with the law. However, the use of the right to inquiry must also be carried out carefully and based on strong evidence, to prevent abuse and maintain a balance between legislative and executive powers in the Indonesian democratic system (Pratama, 2019).

Indications of election fraud in 2024, which is the focus of the DPR's inquiry rights, include the non-neutrality of the President and several of the President's assistant officials, as well as allegations of the use of state facilities for campaign purposes which could potentially harm other candidate pairs. The prohibition on using state facilities in the campaigning process is clearly regulated in Law Number 7 of 2017 concerning Elections, which confirms that the president, vice president, state officials and regional officials are prohibited from using state facilities. However, there are allegations that several state facilities, such as the presidential car, have been used as tools for campaigning, which can actually be interpreted as an act of promoting one of the candidate pairs. The presence of these facilities in the context of a campaign reflects the potential for violating the principles of fair democracy and harming healthy political competition. Therefore, an in-depth study through the DPR's right to inquiry is important to uncover the truth and ensure integrity and transparency in the election process which underlies the strength of Indonesia's democracy. Top of Form

The fact about the non-neutrality of President Joko Widodo, who is still serving as President of the Republic of Indonesia for the 2019-2024 period, is in the spotlight in the context of alleged fraud in the 2024 election. Although he did not expressly state his support for one of the candidate pairs, the presence of his biological son as a Vice Presidential candidate in candidate pair number 2 gives rise to an indirect interpretation of the President's political preferences. The close relationship between President Joko Widodo and the candidate pair has the potential to violate General Election Commission Regulation Number 15 of 2023 concerning General Election Campaigns. Article 73 of the regulation clearly prohibits state officials, including the President, from making decisions or actions that could benefit or harm one of the election participants. In this context, the object of the questionnaire issue is the President and several presidential assistant officials who are suspected of carrying out actions that are not neutral or in favor of one of the candidate pairs in the 2024 election.

In exploring this questionnaire issue, it is important to highlight the democratic principles that underlie the general election process. The neutrality and fairness of the government, especially in the context of decisions and actions that can influence election dynamics, is a very important aspect. Non-neutrality or partiality from state officials can damage the integrity and legitimacy of the democratic process, as well as disrupt fairness in political competition. Therefore, research through the DPR's right to inquiry will play a crucial role in investigating and uncovering potential violations, as well as reaffirming the commitment to the principles of fair and transparent democracy in Indonesia.

The use of the right to inquiry in the context of alleged fraud in the 2024 General Election has a significant impact on revealing the truth and handling sensitive political issues. As expressed by Jimly Asshiddiqie, the right to inquiry is a means of moving public expressions of anger and disappointment from the streets to the courtroom. By conducting an official investigation, the right

to inquiry allows the DPR to dig up information and facts that can reveal the truth behind allegations of fraud, thereby minimizing potential conflicts and tensions that may arise in society, such as demonstrations or riots. However, it is important to note that, in Jimly Asshiddiqie's view, although the right to inquiry can reveal the truth, it will not have a direct impact on the results of the elections that have been held. This means that the determined election results will not be changed by the results of the inquiry, but the process can provide deeper knowledge about political dynamics and possible improvements in the electoral system in the future. Thus, the DPR's use of the right to inquiry in this context aims to ensure the integrity of the democratic process and emphasize its commitment to fairness and transparency in the implementation of general elections in Indonesia.

From this analysis, it appears that the potential direct impact on the Constitutional System in Indonesia due to the success of the right to inquiry is very small. The long process and strict requirements show that the possibility of impeaching President Joko Widodo is very minimal. However, for me, the implementation of the right to inquiry can be an opportunity to increase public understanding of the realities in government. In addition, if the right of inquiry is successfully implemented, this has the potential to provide political benefits for parties at odds with the party being investigated. The possibility that this issue will be raised again in the next general election in 2029 is not impossible, expanding the long-term political impact of this process.

Challenges and opportunities for the DPR's Inquiry Rights in upholding democracy in Indonesia

In the context of legal studies, the implementation of elections can be a relevant object for the DPR's Right to Inquiry. This especially happens when there are allegations that the election process is not running in accordance with the provisions stipulated in the applicable laws and regulations. However, it is important to remember that the reason for the alleged violation must be supported by strong and concrete evidence that can be legally justified. This means that the initiator of the right to inquiry must be able to provide sufficient evidence to show that there were significant violations of the law in the implementation of the election. Typically, a minimum of two types of evidence are needed to support the claim, such as documentary evidence, witnesses, or relevant expert analysis.

Encouraging the implementation of the right to inquiry in the DPR is a challenge that is not easy, considering the existence of regulations that regulate the requirements and stages in detail. The requirements for submitting the right to inquiry are clearly regulated in Article 199 paragraph (1) of Law Number 17 of 2014, where it is stated that the right to inquiry must be submitted by a minimum of 25 members of the DPR and come from more than one faction. This means that this step requires strong support from various parties in the DPR, as well as a well-structured and coordinated process to fulfill all the requirements set out in the law. Therefore, to encourage the implementation of the right to inquiry, hard work, coordination and intensive negotiations are needed between DPR members from various factions so that this goal can be achieved.

After submitting the right of inquiry, the next step is to include documents containing policy material and/or implementation of the law to be investigated, as well as the reasons for the investigation. This document must be carefully drafted and contain strong arguments to support the need for the investigation. After that, to qualify as a right of inquiry, the proposal must meet the meeting quorum and approval quorum requirements. This means that there must be an adequate number of DPR members present at the meeting to discuss the proposal, and there must also be support from the majority of DPR members present to approve the proposal as a right of inquiry. This process requires cooperation and commitment from DPR members from various factions to ensure that this step can be implemented in accordance with the provisions stipulated in the law.

The DPR approval forum is a crucial stage in the process of passing the right to inquiry, where the right to inquiry will be considered valid if it receives approval from the DPR plenary session which is attended by more than half of the DPR members. Apart from that, the decision regarding

the right to inquiry was taken with the approval of more than half of the DPR members present. This shows that the approval of the majority of DPR members present at the meeting is the key in determining whether the right to inquiry passes. The main challenge is to ensure that the number of DPR members present reaches a sufficient quorum, and to obtain majority support from them to approve the proposed right of inquiry. This process requires intensive negotiation and persuasion efforts between DPR members from various factions, as well as effective coordination in dealing with various interests and diverse views.

After the DPR decides to accept the proposal for the right to inquiry, the next step is to form a special committee known as the inquiry committee. This inquiry committee consists of members from all DPR factions and is determined through an official DPR decision announced in the official gazette. The inquiry committee is given broad authority to investigate alleged government actions that are deemed to be contrary to statutory regulations. They have the authority to request information from the government, witnesses, experts, professional organizations, and/or other related parties. In fact, in carrying out its duties, the inquiry committee can summon Indonesian citizens and/or foreigners living in Indonesia to provide information. They are required to comply with the inquiry committee's summons, and if they do not respond to the summons after being summoned three times in a row without a valid reason, the inquiry committee can forcibly summon them with the assistance of police officers.

The granting of extensive authority to the inquiry committee reflects the DPR's serious efforts in carrying out its oversight function over the government. By having the right to ask for information from various parties and even summon them by force if necessary, the inquiry committee can carry out an in-depth and thorough investigation into the case being investigated. This is important to ensure that the investigation process is transparent, fair and accountable. However, along with great authority, there is also a heavy responsibility for members of the inquiry committee to carry out their duties with full integrity and professionalism, and to maintain the public interest as the main priority.

The challenges and opportunities for DPR Inquiry Rights in upholding democracy in Indonesia reflect the complex dynamics in this country's political system. One of the main challenges is maintaining a balance between the legislative oversight function and executive power, especially in the context of a strong presidential system. The application of the right to inquiry can cause friction between state institutions and trigger deeper political conflicts. Apart from that, the strict requirements and lengthy process for exercising the right to inquiry also become obstacles in obtaining consensus in the DPR and in dealing with potential resistance from the parties being investigated.

However, amidst these challenges, there are also great opportunities for the DPR's Inquiry Rights to strengthen democracy in Indonesia. One of them is the potential to increase government accountability and transparency, as well as strengthen legislative control over government policy. By conducting in-depth investigations into important and sensitive issues, the right to inquiry can open up space to reveal the truth and affirm strong democratic principles. Apart from that, the implementation of the right to inquiry can also provide an opportunity for opposition political parties to officially criticize government policies and open constructive dialogue to improve the political system. Thus, even though it is faced with serious challenges, the DPR's Right to Inquiry has great potential to strengthen democracy in Indonesia by prioritizing the principles of accountability, transparency and effective control of the government. By exploiting this opportunity wisely, the DPR can play a more active role in maintaining the balance of power and ensuring that the interests of the people are prioritized in every government decision.

CONCLUSION

The process of implementing the DPR's right to inquiry in the context of upholding democracy in Indonesia involves a series of detailed stages and requires commitment and cooperation between DPR members from various factions. However, there are significant challenges, including strict requirements for obtaining approval from the DPR plenary session and approval quorum, as well as providing sufficient evidence to support the proposed right of inquiry. However, if the right to inquiry is successfully passed, the DPR will form an inquiry committee which will have broad authority to investigate alleged violations by the government. The inquiry committee has the authority to ask for information from various parties and can even summon citizens or foreigners living in Indonesia to provide testimony. They can also ask for help from the police if necessary to summon force. All of these steps illustrate the DPR's serious efforts to carry out its oversight function over the government and ensure government accountability towards the people. However, it is important to remember that the right of inquiry process also requires integrity and professionalism from the DPR members involved, as well as maintaining the principles of fairness and transparency at every stage of the investigation. Thus, it is hoped that the implementation of the right to inquiry can be an effective instrument in ensuring the integrity and balance of power in the Indonesian democratic system, as well as strengthening legislative control over the government for the benefit of the people.

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