

Who Owns the Parliamentary Seat? Party Sovereignty, Legislative Recall, and Republican Justice in Indonesia's Democracy

Sulton Fikri^{1*}, Imranullah Akhtar²

¹Nusantara Center for Social Research, Indonesia

²Alfalah University, Afghanistan

*Corresponding Author: sultonifikri@untag-sby.ac.id

Article History:

Submitted:

04-01-2026

Received:

11-01-2026

Accepted:

03-02-2026

Keywords:

pergantian antar waktu; republican justice; non-domination; arbitrary power; popular sovereignty

Abstract

The mechanism of *Pergantian Antar Waktu* (PAW) for legislators in Indonesia reflects a structural tension between popular sovereignty and party sovereignty. Although constitutionally recognized, PAW in practice is predominantly initiated and controlled by political parties, often without the involvement or consent of voters. This raises a fundamental constitutional problem concerning the erosion of representative freedom and the subordination of voters' political will to internal party interests. Within a democratic constitutional, such a configuration invites critical scrutiny, particularly when assessed through normative theories of justice and freedom. This study aims to critically examine the legal construction and implementation of party-initiated PAW and to assess its compatibility with the principles of republican justice. The research seeks to demonstrate how PAW operates as a mechanism of arbitrary power that undermines the representative mandate and weakens popular sovereignty. This research employs legal research with a statutory approach and a conceptual approach. The study finds that party-initiated PAW institutionalizes a form of structural domination, where legislators and voters are placed in a condition of dependency on party discretion. The absence of public participation and effective accountability mechanisms renders PAW an exercise of arbitrary power incompatible with republican freedom. The novelty of this research lies in its application of Philip Pettit's republican justice theory to Indonesian constitutional law, offering a critique that reconceptualizes PAW not merely as a procedural issue, but as a constitutional injustice rooted in domination over popular political will.

1. Introduction

The development of democracy in post-reform Indonesia has been marked by the consolidation of political parties as central actors in the process of political representation.¹ Within the open-list proportional representation electoral system, political parties function as institutional gatekeepers that determine the processes of recruitment, selection, and nomination of legislative candidates.² The Indonesian Constitution explicitly stipulates that participants in general elections for the election of members of the House of Representatives (*Dewan Perwakilan Rakyat*, DPR) are political parties. Consequently, the relationship between voters, elected representatives, and political parties is from the outset designed as an institutionalized and structured relationship. Political parties thereby acquire legitimate authority to play a strategic role in determining who may enter and remain within

¹ Rifky Sandy et al., "Peran Partai Politik Terhadap Kekuasaan Legislatif," *Jurnal Panorama Hukum* 9, no. 1 (June 30, 2024): 1-16, doi:10.21067/jph.v9i1.9415.

² Muhsin Muhsin, "Partai Politik Dan Pemilu Yang Demokratis," *Jurnal Hukum Das Sollen* 7, no. 1 (June 28, 2022): 298-311, doi:10.32520/das-sollen.v7i1.2021.

representative institutions.³ However, the strengthening of political parties' role within the open-list proportional electoral system does not end at the stages of nomination and seat allocation. Party authority extends into the post-electoral phase through the mechanism of interim replacement of members of the DPR. Interim replacement (*penggantian antarwaktu*, PAW), as regulated under various statutory provisions, is positioned as a constitutionally legitimate mechanism aimed at safeguarding the integrity, discipline, and effectiveness of representative institutions.⁴ PAW is intended as a corrective instrument applicable in specific circumstances, such as death, resignation, loss of eligibility, or violations of law and ethical standards. PAW is frequently understood as an institutional necessity that is inseparable from the functioning of a parliamentary system.

However, the legitimacy of PAW as a constitutional mechanism does not automatically eliminate the philosophical and democratic problems inherent within it. When the authority to initiate the dismissal of members of the DPR is predominantly concentrated in the hands of political parties,⁵ fundamental questions arise regarding the nature of representative relations in Indonesia's democracy. Do members of the DPR, once elected, represent the will of the people independently, or are they placed in a subordinated position vis-à-vis party elites who effectively control their political fate through the threat of PAW? This question becomes increasingly salient within an open-list proportional representation system, where the legitimacy of DPR members is derived directly from voters through the attainment of the highest number of votes⁶, rather than merely from party-determined list rankings. The democratic paradox of Indonesia lies precisely at this juncture. On the one hand, the political mandate of DPR members originates from popular sovereignty, as expressed through general elections that are direct, universal, free, secret, honest, and fair. On the other hand, this mandate can, in practice, be withdrawn by political parties through the PAW mechanism, even in circumstances that are not necessarily related to serious legal violations or a failure to perform representative duties. Consequently, a mandate conferred by the people through a democratic process is effectively reasserted and controlled by party elites through a legal instrument that is formally valid, yet democratically problematic.

This condition gives rise to a constitutional problem involving several fundamental principles enshrined in the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). Article 22B of the UUD NRI 1945 provides a legal basis for the dismissal of members of the

³ M. Alpi Syahrin and Imelda Sapitri, "Peran Partai Politik Dalam Demokrasi Perwakilan," *EKSEKUSI* 2, no. 2 (October 1, 2020): 146, doi:10.24014/je.v2i2.10767.

⁴ Muhammad Irfan Hilmy and Trian Marfiansyah, "Recall Referendum Sebagai Alternatif Proses Penggantian Antarwaktu Lembaga Legislatif Di Indonesia," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 4, no. 1 (2021), doi:10.24090/volksgeist.v4i1.4515.

⁵ Muhammad Ananda Pratama, "Problematika Pergantian Antar Waktu Anggota Legislatif Oleh Partai Politik," *At-Tanwir Law Review* 3, no. 1 (April 19, 2023): 1, doi:10.31314/atlarev.v3i1.2058; Natasya Luthfiatika Putri, "Penghapusan Pergantian Antar Waktu Anggota DPR Oleh Partai Politik," *Journal of Health Education Law Information and Humanities* 2, no. 1 (April 22, 2025): 348–51, doi:10.57235/helium.v2i1.5122; Yulianus Payzon Aituru, Yuli Rahman, and Najamuddin Gani, "Politik Hukum Pengaturan Pergantian Antar Waktu Terhadap Anggota Yang Dituduhkan Melanggar Aturan Partai," *Journal of Law Review* 1, no. 2 (October 10, 2022): 132–48, doi:10.55098/jolr.1.2.132-148.

⁶ Syaifullah Yophi Ardiyanto, "Tinjauan Terhadap Putusan Mahkamah Konstitusi Nomor 22-24/PUU-vi/2008 Mengenai Suara Terbanyak Dalam Rangka Perwujudan Kedaulatan Rakyat," *Jurnal Konstitusi* 2, no. 01 (2008).

DPR, subject to the requirements and procedures prescribed by statute. At the same time, Article 22E paragraph (3) affirms that political parties are the participants in general elections for the election of DPR members, thereby implicitly recognizing the institutional role of political parties within the representative system. Nevertheless, these provisions must be interpreted in light of a more fundamental constitutional principle, namely popular sovereignty, as stipulated in Article 1, paragraph (2) of the UUD NRI 1945. When the authority of political parties to PAW is exercised without clear substantive limitations and effective oversight mechanisms, there is a significant risk that popular sovereignty is reduced to mere procedural legitimacy, one that can be negated by internal party decisions.

In practice, PAW has not been used solely as an instrument for enforcing legal and ethical discipline, but has also functioned as a means of political control over members of the DPR who are perceived to deviate from party policy lines or the interests of party elites.⁷ This practice generates an asymmetrical power relationship between political parties and elected representatives, in which DPR members are placed in a position of vulnerability to the arbitrary will of political parties. Such a relationship blurs the boundary between political representation and institutional subordination. Elected representatives risk being transformed into party delegates who must continuously adjust their political positions to avoid the sanction of PAW.

These problems demonstrate that the issue of PAW cannot be understood merely as a matter of formal legality or compliance with statutory regulations. More fundamentally, PAW engages philosophical dimensions concerning justice, political freedom, and power relations within a constitutional democracy. As outlined above, the question of “who owns a parliamentary seat” becomes the central research question of this study. Is a parliamentary seat the property of political parties as participants in elections, or does it constitute a mandate of the people that attaches to individual representatives for the duration of their term of office? To address this question, an analytical framework of justice is required, one that is capable of explaining not only whether a particular authority is legally valid, but also whether that authority is just within democratic power relations. This study proposes republican justice, as developed by Philip Pettit⁸ as the analytical framework for assessing the practice of PAW by political parties in Indonesia. Unlike distributive justice or procedural justice approaches commonly employed in legal analysis, republican justice emphasizes the concept of freedom as non-domination, namely a condition in which individuals or institutions are not subject to the arbitrary power of others, even when such power is exercised through legally valid means.⁹

According to Pettit’s account, domination is not necessarily synonymous with actual interference, but rather with the existence of a capacity for arbitrary interference.¹⁰ Even when

⁷ Muhammad Iswan, “Kewenangan Partai Politik Terhadap PAW Anggota DPR RI Hubungannya Dengan Sistem Proporsional Terbuka Dalam Penyelenggaraan Pemilu,” *Klausula (Jurnal Hukum Tata Negara, Hukum Administrasi, Pidana Dan Perdata)* 2, no. 2 (November 8, 2023): 143, doi:10.32503/klausula.v2i2.3838; M. Hadi Subhan, “Recall: Antara Hak Partai Politik Dan Hak Berpolitik Anggota Parpol,” *Jurnal Konstitusi* 3, no. 4 (2006).

⁸ Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1999).

⁹ Pettit.

¹⁰ Pettit.

political parties do not consistently exercise their authority to remove members of the DPR through the PAW mechanism, the mere existence of such authority is sufficient to generate a condition of domination if it is not constrained by effective accountability mechanisms. This concept is particularly relevant for analyzing the relationship between political parties and elected representatives within Indonesia's democratic system, where the latent threat of PAW may shape the political behavior of DPR members. On the basis of this framework, this study advances two research questions. First, does the authority of political parties to implement PAW reflect justice from the perspective of non-domination as articulated by Philip Pettit? This question seeks to examine whether the power relations produced by the PAW mechanism can be justified as relations free from domination. Second, how does the practice of PAW structure and reinforce dominant power relations between political parties and elected representatives, particularly within the context of an open-list proportional electoral system that, in theory, confers direct democratic legitimacy upon individual elected candidates?

The contribution of this article lies in its effort to shift the focus of the study of PAW from a narrow concern with formal legality toward questions of democratic legitimacy and justice. By introducing Philip Pettit's conception of republican justice as an analytical lens, this study offers a novel perspective within Indonesian constitutional law scholarship, which has long tended to be confined to normative-positivist debates concerning the scope of political party authority. This approach enables a more critical evaluation of PAW as a manifestation of power relations, rather than merely as an administrative mechanism within the representative system. Furthermore, this study is expected to make both theoretical and practical contributions to the development of constitutional democracy in Indonesia. It enriches constitutional law discourse by integrating republican justice theory into the analysis of representative institutions. The findings and arguments advanced herein are intended to serve as a basis for critical reflection for legislators, political parties, and representative bodies in designing a PAW framework that is more consistent with the principles of popular sovereignty and political freedom understood as non-domination.

2. Methods

This study constitutes a legal research project oriented toward the analysis of the regulation and practice of PAW of legislative members by political parties within Indonesia's constitutional system. The research employs a statutory approach, through which the legal norms governing PAW are examined systematically and critically.¹¹ This approach is used to identify the structure of authority, the interrelationship among legal norms, and potential constitutional problems embedded in the legal design of PAW. In addition, the study adopts a conceptual approach¹² by employing Philip Pettit's theory of republican justice as its analytical framework. The concepts of non-domination, arbitrary power, and republican freedom are utilized to assess whether the authority to implement PAW reflects justice or instead perpetuates dominant power relations among political parties, elected representatives, and voters. The nature of this research is both prescriptive and critical. It is prescriptive insofar as it seeks to formulate normative recommendations for the reform of PAW regulation so that it aligns with the principles of republican justice and popular sovereignty. It is critical in that

¹¹ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2016).

¹² Marzuki.

it goes beyond testing formal legality to examine the power implications and democratic legitimacy of PAW practices within Indonesia's legal system.

3. Results and Discussion

3.1. Legal Construction of PAW: Party Sovereignty Over Popular Mandate

The legal construction of PAW within Indonesia's constitutional system cannot be separated from the broader democratic design that positions political parties as central actors in the articulation and aggregation of the popular will. PAW is conceived as a constitutional mechanism intended to safeguard the institutional integrity of parliament, ensure the continuity of representative functions, and enforce the accountability of legislative members.¹³ However, when authority over PAW is predominantly concentrated in the hands of political parties, a mechanism originally designed as a corrective instrument risks transforming into a form of vertical control that may erode the principles of popular sovereignty and democratic justice. From the perspective of Philip Pettit's theory of republican justice, such a configuration reflects a dominative power relationship, as it creates the conditions for arbitrary interference by political parties in the popular mandate that attaches to elected representatives.¹⁴

Article 22B of the 1945 UUD NRI 1945 stipulates that "members of the House of Representatives may be dismissed from office, subject to the requirements and procedures regulated by law." This provision is delegative in nature, granting the legislature discretion to formulate the legal design of PAW. However, such delegation is not value-neutral. It must be interpreted systematically in light of the principle of popular sovereignty as enshrined in Article 1, paragraph (2) of the UUD NRI 1945, which affirms that "sovereignty resides in the people and is exercised in accordance with the Constitution." Any statutory framework governing PAW should be assessed not only in terms of formal legality, but also in terms of its consistency with the fundamental principle that representative power derives from the people, rather than from political parties as private organizations. The authority to implement PAW is codified in Law No. 17 of 2014 on the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and Regional People's Representative Councils (Law No. 17/2014). Article 239 paragraph (2) of Law No. 17/2014 provides, *inter alia*, that a member of the DPR may be subject to interim replacement if "proposed by his or her political party in accordance with the provisions of laws and regulations." This provision explicitly positions political parties as the primary initiating party of PAW, thereby rendering the status of DPR members highly dependent on the institutional will of their respective parties.¹⁵ This dependency is further reinforced by Law No. 2 of 2011 on the Amendment to Law No. 2 of 2008 on Political Parties (Law No. 2/2011), which, under Article 16 paragraph (1) letter (c), grants political parties the authority to dismiss their members who serve in

¹³ Jon Samuel Sonbay, I Gusti Bagus Suryawan, and I Nyoman Utama, "Mekanisme Pergantian Antar Waktu (PAW) Anggota Dewan Perwakilan Rakyat Dalam Sistem Ketatanegaraan Indonesia," *Jurnal Analogi Hukum* 3, no. 2 (September 30, 2021): 147–51, doi:10.22225/ah.3.2.2021.147-151.

¹⁴ Frank Lovett, "What Counts as Arbitrary Power?," *Journal of Political Power* 5, no. 1 (April 2012): 137–52, doi:10.1080/2158379X.2012.660026.

¹⁵ Aan Marriansah, A Zarkasi, and Muhammad Amin, "Analisis Terhadap Putusan Mahkamah Agung Nomor 57 P/Hum/2019 Tentang Pergantian Antar Waktu Anggota Legislatif," *Limbago: Journal of Constitutional Law* 2, no. 2 (June 30, 2022): 216–31, doi:10.22437/limbago.v2i2.19130.

representative institutions for violations of the party's statutes and bylaws (AD/ART) and/or internal party regulations.

This regulatory construction gives rise to a problematic legal relationship. On the one hand, members of the DPR derive their legitimacy through general elections conducted pursuant to Article 22E paragraphs (1) and (2) of the UUD NRI 1945, under an open-list proportional electoral system that places voters' ballots as the primary determinant of a candidate's election. Under this system, the political mandate attaches directly to the individual candidate elected by the people. On the other hand, the continuity of that mandate may be unilaterally terminated by political parties through the PAW mechanism, without the direct involvement of the people as the holders of sovereignty. This paradox raises a question: Does a parliamentary seat belong to the political party, or to the people represented by the elected individual? From the perspective of Philip Pettit's republican justice, the core of justice lies not merely in the absence of interference (non-interference), but in the absence of domination (non-domination).¹⁶ Domination arises when one party possesses the capacity to intervene arbitrarily in the affairs of another, even if such intervention is not always exercised.¹⁷ In the context of PAW, the authority of political parties to propose the dismissal of DPR members at any time creates a condition in which elected representatives operate under a constant structural threat. Even when PAW is not implemented, the mere existence of such authority is sufficient to undermine the representative independence of legislative members.

When read through the lens of non-domination, Article 239 of Law No. 17/2014 and Article 16 of Law No. 2/2011 construct a subordinative relationship that is inconsistent with the principles of democratic representation. Elected representatives are no longer positioned as trustees or delegates of the people, but rather as party agents whose continuation in office depends on internal loyalty. This relationship constitutes a form of power with constitutional implications, as it effectively shifts the locus of sovereignty from the people to party elites. The problem becomes more complex when the authority to implement PAW is linked to the applicability of political parties' AD/ART. AD/ART are essentially internal, private organizational norms derived from the freedom of association guaranteed under Article 28E paragraph (3) of the UUD NRI 1945. However, in the context of PAW, these internal rules function as the legal basis for terminating the public office of members of the DPR. As a result, collectively private norms acquire substantial public effect, insofar as they are capable of determining the composition of state institutions. This phenomenon may be described as the constitutionalization of internal party norms, whereby rules that are not enacted through state legislative processes nonetheless produce constitutional consequences for representative bodies. Such a situation is inherently problematic, as it runs counter to the principles of due process of law and legal certainty. Moreover, from Pettit's perspective, domination may operate through social and institutional structures that enable one actor to control another in the absence of mechanisms of contestability.¹⁸ Party AD/ART, which are formulated through closed processes and controlled by internal elites, become a source of domination when they

¹⁶ Pettit, *Republicanism: A Theory of Freedom and Government*.

¹⁷ John Ferejohn, "Pettit's Republic," *Monist* 84, no. 1 (2001): 77-97, doi:10.5840/monist20018416.

¹⁸ Pettit, *Republicanism: A Theory of Freedom and Government*.

are invoked as the basis for PAW without substantive review mechanisms oriented toward the public interest.

In several of its decisions, the Constitutional Court has indeed affirmed the position of political parties as pillars of democracy. However, such recognition cannot be interpreted as conferring absolute legitimacy upon party sovereignty over the popular mandate. The principle of popular sovereignty enshrined in Article 1, paragraph (2) of the UUD NRI 1945 requires that any limitation on a representative mandate be democratically justifiable and free from arbitrariness.¹⁹ In this context, a PAW mechanism that is fully controlled by political parties, without the involvement of voters or any form of public evaluative mechanism, reflects a form of uncontested power. PAW also functions as an effective mechanism of vertical control within internal party discipline. The latent threat of PAW incentivizes legislators to align their political positions with party policy lines, even when such positions may conflict with the aspirations of their constituents. From the perspective of republican justice, this condition undermines the freedom of elected representatives, as freedom is understood in terms of both the capacity to act without interference and the absence of dependence on the arbitrary will of others. Representatives who can be dismissed by their parties at any time are not in a position of freedom, but rather one of domination.

The hierarchical relationship between party elites and legislative members is further reinforced by the oligarchic internal structure of political parties. Decisions concerning PAW are generally concentrated in the hands of the central executive board or the highest party organs, which are not directly elected by the general electorate. Consequently, decisions that have a direct impact on popular representation in parliament are determined by actors who lack direct electoral legitimacy. This constitutes a form of dual domination: domination of party elites over elected representatives, and indirect domination over the people as the holders of sovereignty. Moreover, a party-initiated PAW mechanism also affects the quality of parliamentary deliberation. Members of the DPR tend to refrain from adopting critical positions toward government policies, or even toward their own party leadership, out of concern that such stances may be construed as violations of party discipline.²⁰ As a result, parliament risks losing its deliberative function as an arena for rational debate oriented toward the public interest. From a republican perspective, domination harms not only those who are directly subjected to it, but also degrades the quality of collective freedom, insofar as it constrains practices of contestation that lie at the core of democratic republicanism.

The legal construction of PAW within Indonesia's legal system reflects a paradigmatic shift from a form of representative democracy grounded in popular sovereignty toward a procedural democracy anchored in party sovereignty. Formally, PAW is justified by statutory

¹⁹ Endang Puji Lestari and Muh Risnain, "Evaluasi Norma Kedaulatan Rakyat Dalam Konstitusi Dan Pelaksanaannya Dalam Kerangka Negara Hukum Demokratis," *Indonesian Journal of Law and Policy Studies* 1, no. 1 (May 31, 2020): 25, doi:10.31000/ijlp.v1i1.2633; Malicia Evendia, "Implikasi Hak Recall Partai Politik Terhadap Sistem Kedaulatan Rakyat," *FIAT JUSTISIA: Jurnal Ilmu Hukum* 6, no. 3 (October 23, 2015), doi:10.25041/fiatjustisia.v6no3.357; Waisol Qoroni and Indien Winarwati, "Kedaulatan Rakyat Dalam Konteks Demokrasi Di Indonesia," *INICIO LEGIS* 2, no. 1 (June 30, 2021): 51-65, doi:10.21107/il.v2i1.11079.

²⁰ Sultoni Fikri, "Kewenangan Partai Politik Dalam Pergantian Antar Waktu Anggota Lembaga Perwakilan" (Tesis, Universitas Airlangga, 2021).

law and constitutional provisions. Substantively, however, it produces dominative power relations that are incompatible with the principles of republican justice. The central challenge moving forward is not to abolish PAW as a mechanism, but to reconstruct its authority so that it remains within the framework of non-domination, one in which elected representatives are free from arbitrary threats, and the people remain the true holders of parliamentary seats.

3.2. PAW by Political Parties as a Form of Institutional Domination

1. Dependence of Legislators on Political Parties

The dependence of legislative members on political parties is a logical consequence of the regulatory design of PAW, which positions political parties as the primary holders of control over the continuity of representative mandates. This dependence is systemic and inherent in the prevailing legal construction. PAW operates as a form of latent power that continuously shadows the independence of elected representatives. The threat of PAW functions through its potential to be activated by political parties at any time.²¹ The existence of this threat is legally legitimized by Article 239 paragraph (2) of Law No. 17/2014, which provides that a member of the House of Representatives may be subject to interim replacement if “proposed by his or her political party.” This formulation is open-ended and does not require the prior establishment of a legal violation through a judicial decision. The grounds for proposing PAW may therefore rest on internal party assessments of ideological conformity, political loyalty, or organizational discipline on the part of legislative members. This arrangement is further reinforced by Article 16, paragraph (1), letter (c) of Law No. 2/2011, which authorizes political parties to dismiss their members who serve in representative institutions if they are deemed to have violated the party’s AD/ART and/or party policies.

This construction generates an asymmetrical relationship of dependence. Although legislative members obtain direct legitimacy from voters through general elections as provided for in Article 22E paragraph (1) of the UUD NRI 1945, they do not enjoy a corresponding guarantee of the continuity of their mandate. The continuation of their tenure depends entirely on the subjective assessment of their political parties, which does not necessarily correspond to the will of their constituents. This dependence effectively places elected representatives in a subordinated position vis-à-vis political parties, thereby transforming a relationship of representation into one of internal domination. This configuration reflects a form of institutional domination.²² Philip Pettit emphasizes that domination occurs when one party possesses the capacity to arbitrarily interfere with the choices and actions of another, regardless of whether that capacity is actually exercised.²³ In other words, what matters is not merely the presence of actual interference, but the existence of uncontested and unconstrained power. Political parties possess the authority to terminate the tenure of legislative members without the need to establish any violation of law or the public interest. Such authority is arbitrary in nature, as its criteria are determined unilaterally by the party and are not subject to effective mechanisms of democratic control.

²¹ Achmad Zarkasyi Yahya and Hufon Hufon, “Urgensi Penerapan Constituent Recall,” *Jurnal Mengkaji Indonesia* 2, no. 1 (July 23, 2023): 63–80, doi:10.59066/jmi.v2i1.323.

²² P. Pettit, “Legitimacy and Justice in Republican Perspective,” *Current Legal Problems* 65, no. 1 (January 1, 2012): 59–82, doi:10.1093/clp/cus016.

²³ Pettit, *Republicanism: A Theory of Freedom and Government*.

The threat of PAW as a form of latent control operates subtly yet effectively. Legislative members need not be explicitly dismissed to experience a restriction of freedom. It is sufficient for them to be aware that any political position deviating from the party line may potentially result in PAW, prompting self-adjustment in the exercise of legislative, oversight, and budgetary functions. This condition signifies the erosion of freedom as non-domination²⁴, insofar as legislators' actions are no longer determined by independent judgment concerning the public interest, but rather by strategic calculations aimed at avoiding party intervention. This dependence has direct implications for the function of representation. According to theories of political representation, elected representatives are ideally expected to act as extensions of the voters' will, whether under the delegate or trustee model.²⁵ However, when the continuity of a representative's mandate is subject to party control, the orientation of representation shifts from constituents to party elites. This shift produces representational distortion, as popular aspirations may be subordinated to internal party interests. Such distortion not only violates the principle of representation but also undermines the structure of collective civil freedom, as citizens lose the capacity to influence policy through the representatives they have elected.²⁶ Constitutionally, this condition is difficult to sustain when tested against the principle of popular sovereignty enshrined in Article 1, paragraph (2) of the UUD NRI 1945. Popular sovereignty requires that the will of the people must not be overridden by the will of intermediary institutions of a private character. Although political parties are recognized as participants in elections under Article 22E paragraph (3) of the UUD NRI 1945, such recognition cannot be interpreted as a transfer of sovereignty over representative mandates. Political parties should function as instruments of democracy, not as proprietors of representative power.

The dependence of legislative members on political parties also undermines the principle of checks and balances within the constitutional system. Members of the DPR, who formally possess oversight functions vis-à-vis the government as stipulated in Article 20A paragraph (1) of the 1945 UUD NRI 1945, are in practice often constrained by party interests, particularly when their parties form part of the governing coalition. The threat of PAW discourages legislators from exercising their rights to their full extent, as critical positions toward the government may be construed as defiance of party lines. This reflects a form of domination that not only constrains individual legislators but also weakens the institutional capacity of parliament as a guardian of public freedom. Such dependence adversely affects the quality of democratic deliberation. Free deliberation requires space for dissenting views, internal criticism, and rational argumentation without fear of arbitrary sanctions.²⁷ The threat of PAW creates a distorted deliberative climate in which internal party consensus is enforced through disciplinary mechanisms rather than achieved through rational persuasion.

²⁴ Pettit, "Legitimacy and Justice in Republican Perspective."

²⁵ Esty Ekawati, "Dari Representasi Politik Formal Ke Representasi Politik Non-Elektoral To Non-Electoral Political Representation," *Jurnal Penelitian Politik* 11, no. 2 (2014), doi:<https://doi.org/10.14203/jpp.v11i2.205>.

²⁶ Pettit, "Legitimacy and Justice in Republican Perspective."

²⁷ Paulus Pati Lewar and Otto Gusti Ndegong Madung, "Demokrasi Sebagai Diskursus Dan Deliberasi Menurut Jürgen Habermas," *Jurnal Ledalero* 21, no. 2 (December 22, 2022): 150-61, doi:[10.31385/jl.v21i2.315.150-161](https://doi.org/10.31385/jl.v21i2.315.150-161).

Deliberation that is co-opted by internal domination constitutes a form of institutional failure, as it forecloses the space for contestation that is essential to republican freedom.²⁸

Thus, the dependence of legislative members on political parties through the PAW mechanism demonstrates that representative freedom in Indonesia's democracy remains largely procedural rather than substantive.²⁹ As long as authority over PAW remains fully concentrated in the hands of political parties without clear limiting mechanisms, legislators will continue to exist under conditions of latent domination. From the perspective of republican justice, such a condition is indefensible, as political freedom requires the absence of arbitrary power, not merely the absence of actual interference. Therefore, this analysis of dependence provides a strong normative foundation for reconsidering the design of PAW so that it is aligned with the principles of non-domination and popular sovereignty within a democratic state governed by the rule of law.

2. Arbitrary Power in Party-Initiated PAW

The authority of political parties to initiate the PAW of legislative members reveals the presence of arbitrary power within Indonesia's system of representative democracy. Such arbitrariness is particularly evident in two respects: first, the absence of voter participation as the holders of sovereign mandates; and second, the reduction of the democratic legitimacy of PAW to internal party procedures alone. Both characteristics are incompatible with the principles of republican justice, which place non-domination at the core of political freedom.³⁰ Admittedly, PAW has a constitutional basis in Article 22B of the UUD NRI 1945, which provides that "members of the House of Representatives may be dismissed from office, subject to the requirements and procedures prescribed by law." However, this constitutional norm is delegative in nature and philosophically neutral. The Constitution does not explicitly confer upon political parties the authority to unilaterally terminate representative mandates without the involvement of the people as the grantors of those mandates. The delegation of further regulation to statutory law should therefore be understood as an opportunity to design dismissal mechanisms that are consistent with the principles of popular sovereignty and justice, rather than as a legitimization of political party domination.

Article 239 paragraph (2) of Law No. 17/2014 provides that the interim replacement of a member of the DPR shall be carried out if it is "proposed by his or her political party." This formulation positions political parties as the central (indeed determinative) actors in the PAW process. Furthermore, Article 16, paragraph (1), letter (c) of Law No. 2/2011 confers additional legitimacy by authorizing political parties to dismiss their members who serve in representative institutions if they are deemed to have violated the AD/ART and/or party policies. The problem with this regulatory construction lies in the absence of any space for voter participation in the PAW process. Voters who directly cast their ballots for legislative candidates in general elections, as provided under Article 22E paragraph (1) of the 1945 UUD NRI 1945, are entirely excluded when that mandate is withdrawn before the completion of the

²⁸ Ferejohn, "Pettit's Republic."

²⁹ Anggi Sihol Dameanti, Reza Mahendra, and Yori Viski Oktivan, "Tinjauan Kritis Pergantian Antar Waktu Dalam Dinamika Politik Indonesia: Perspektif Demokrasi," *Civil Officium: Journal of Empirical Studies on Social Science* 3, no. 1 (July 22, 2024): 16–21, doi:10.53754/civilofficium.v3i1.389.

³⁰ Patchen Markell, "The Insufficiency of Non-Domination," *Political Theory* 36, no. 1 (February 1, 2008): 9–36, doi:10.1177/0090591707310084.

term of office. Even under an open-list proportional representation system (where a candidate's legitimacy depends heavily on personal vote acquisition) voters possess no legal instruments to contest, review, or evaluate PAW decisions initiated by political parties. This reveals a discontinuity between the source of a representative mandate and the mechanism by which that mandate is revoked.

From the perspective of republican justice, this situation constitutes a form of political domination.³¹ Pettit emphasizes that domination arises when power can be exercised without regard to the interests or consent of those affected, and in the absence of effective mechanisms of contestation.³² Political parties possess the capacity to revoke legislative mandates without any obligation to seek the consent of, or even to hear, the views of voters. Voters enjoy neither veto rights, consultative rights, nor meaningful avenues of objection. As a result, party power over legislative mandates is both unchecked and uncontestable, two defining characteristics of dominative power in Pettit's account.³³ Such arbitrariness is commonly justified based on alleged violations of party statutes and bylaws (AD/ART) or internal party policies. As defined in Article 1, points (2) and (3) of Law No. 2/2011, AD/ART constitute the foundational and implementing internal regulations of political parties. Although legally valid, these norms are not products of the popular will and do not emerge from processes of public deliberation. When violations of such internal norms are invoked as grounds for terminating a public mandate, a shift occurs from public legitimacy to private legitimacy. Within the framework of republican justice, this shift represents a form of domination, insofar as decisions with public consequences are determined by norms that are not subject to public control. Internal party procedures are often claimed to embody forms of internal democracy. However, internal democracy is not synonymous with public legitimacy. Procedures that are internally valid are not necessarily republicanly just, since republican justice requires that every exercise of public power be accountable to those affected by it, namely, the people. In the practice of PAW, internal party procedures are typically closed, hierarchical, and controlled by central elites. Legislative members subject to PAW frequently lack equal access to defend themselves, let alone to involve their constituents in the process. Claims of internal procedural legitimacy are insufficient to eliminate the arbitrary character of PAW authority.

The absence of voter participation in the PAW mechanism gives rise to a paradox of popular sovereignty. Article 1(2) of the UUD NRI 1945 affirms that sovereignty resides in the people and is exercised in accordance with the Constitution. If popular sovereignty is understood in a substantive sense, the people should occupy a decisive position not only in the conferral of representative mandates but also in their revocation. When the withdrawal of mandates is fully monopolized by political parties, the exercise of popular sovereignty is reduced to a quinquennial electoral act devoid of continuous controlling power. From Pettit's perspective, this reflects an institutional failure to protect the people from domination by intermediary actors. Arbitrary power in the PAW mechanism has tangible consequences for the political behaviour of legislators. Knowing that their mandates may be revoked without any involvement of voters, legislators tend to prioritise compliance with party elites over

³¹ Markell.

³² Pettit, *Republicanism: A Theory of Freedom and Government*.

³³ Pettit, "Legitimacy and Justice in Republican Perspective."

accountability to their constituents. This dynamic produces a distorted relationship of representation, in which elected representatives are, in practice, more accountable to political parties than to the people. Within the framework of republican justice, this distortion constitutes a form of double domination: political parties dominate legislators, and through those legislators, parties indirectly dominate the people.³⁴

The absence of voter participation in the PAW mechanism forecloses the space of contestation that is essential to republican freedom. Pettit emphasises that freedom as non-domination requires the existence of mechanisms through which affected parties can challenge, question, or correct the exercise of power.³⁵ In the context of PAW, voters lack legal standing to contest party decisions, as PAW is framed as an internal party matter legitimised by statute. Consequently, PAW decisions fall beyond the reach of popular control and, at the same time, outside the scope of effective judicial correction. Taking all these aspects into account, it can be asserted that PAW initiated by political parties embodies arbitrary power in the sense articulated by Philip Pettit's theory of republican justice.³⁶ The absence of voter participation and the reduction of legitimacy to internal party procedures transform PAW into a mechanism of domination rather than one of accountability. As long as the revocation of representative mandates can occur without the consent or involvement of the people, political freedom in Indonesia's representative democracy will remain merely formal and inherently fragile. The core problem of PAW thus lies not in its normative legality, but in its failure to satisfy the principle of non-domination as the foundation of justice in a democratic state.

3. Domination of Voters' Political Will

The practice of PAW initiated by political parties gives rise to a form of domination over the political will of voters. Votes cast through the electoral process are reduced from an expression of popular sovereignty to a functional instrument that is de facto treated as a "party asset." This reduction is not merely political in nature but carries serious constitutional consequences, as it strikes at the core of the principle of popular sovereignty as affirmed in Article 1(2) of the UUD NRI 1945. Law No. 7 of 2017 on General Elections explicitly provides that the election results for members of the DPR, provincial DPRD, and regency/municipal DPRD consist of both the vote totals of political parties and the vote totals of individual candidates (Article 411(2)). Under the open-list proportional representation system, Article 422 of Law No. 7/2017 further stipulates that the determination of elected candidates is based on the highest number of votes obtained by each candidate within an electoral district. This formulation demonstrates that, as a matter of legal design, voters' ballots are directed toward and attached to individual candidates.³⁷ The representative legitimacy of legislators derives directly from voters' choices, even though it is channelled through political parties as electoral vehicles.

³⁴ Ian Shapiro, "On Non-Domination," *University of Toronto Law Journal* 62, no. 3 (2012): 293-335, doi:10.1353/tlj.2012.0015.

³⁵ Pettit, "Legitimacy and Justice in Republican Perspective."

³⁶ Pettit, *Republicanism: A Theory of Freedom and Government*.

³⁷ Aminah, "Analisis Penerapan Sistem Proporsional Dan Sistem Distrik Dalam Pemilihan Umum Untuk Penyederhanaan Sistem Kepartaian Di Indonesia Ditinjau Dari Asas Negara Hukum," *Yustisia* 1, no. 2 (2012).

However, the legal construction governing PAW moves in the opposite direction. When a legislator is replaced mid-term upon the nomination of a political party, the votes attached to that candidate are no longer treated as an expression of the popular will that must be respected until the end of the term of office, but rather as part of the party's "allocation of seats." This logic is clearly reflected in Article 239 of Law No. 17/2014 and Article 426 of Law No. 7/2017, which vest political parties with the authority to initiate PAW and to replace the dismissed member with the next highest vote-getter from the same party. Although procedurally, such replacement continues to refer to the order of vote acquisition, the initial decision to revoke the representative mandate rests entirely with the political party. Philip Pettit defines domination as a condition in which one party is subject to the power of another that can intervene arbitrarily in its interests without effective mechanisms of control.³⁸ Within the context of PAW, voters occupy a particularly vulnerable position vis-à-vis political parties. The political will they have expressed through their votes in an election may be negated at any time through internal party decisions, without any obligation on the part of the party to account for those decisions to the electorate.

The reduction of voters' ballots to "party assets" is reflected in legal discourse, asserting that parliamentary seats belong to political parties rather than to individual representatives or the electorate. This discourse is grounded in the fact that political parties are recognized as participants in elections under Article 22E paragraph (3) of the UUD NRI 1945. However, such an interpretation disregards the deliberate design of the open-list proportional representation system, which was adopted to strengthen the direct relationship between voters and their representatives. Within this system, political parties function as vehicles for political articulation, not as the ultimate owners of representative mandates.³⁹ Constructing voters' ballots as assets of political parties places the people in a subordinate position vis-à-vis political organizations that are meant to serve as instruments of popular sovereignty. This construction contradicts the meaning of Article 1 paragraph (2) of the UUD NRI 1945. Such subordination of the people constitutes a form of structural domination, as the electorate loses effective control over the exercise of the mandate it has conferred.⁴⁰

Domination over the political will of voters is further exacerbated by the absence of any corrective mechanisms available to the electorate to challenge or rectify decisions on PAW. None of the provisions in Law No. 7/2017, Law No. 2/2011, or Law No. 17/2014 grant voters the right to lodge objections, file legal challenges, or engage in any other form of contestation against PAW decisions. Even the mechanisms for resolving political party disputes, as regulated under Articles 32 and 33 of Law No. 2/2011, are entirely internal in nature and involve only party organs, excluding voters as the holders of sovereignty. This absence of corrective mechanisms stands in direct contradiction to the principle of contestability. For Philip Pettit, political freedom cannot be adequately secured through periodic elections alone; freedom requires the continuous capacity of citizens to contest and influence decisions that

³⁸ Pettit, "Legitimacy and Justice in Republican Perspective."

³⁹ Sul-toni Fikri, "Kalau Wakil Rakyat Ingkar, Mengapa Kita Tak Bisa Mencabut Mandatnya?" *Harian.Disway.Id*, September 5, 2025, <https://harian.disway.id/read/896327/kalau-wakil-rakyat-ingkar-mengapa-kita-tak-bisa-mencabut-mandatny>.

⁴⁰ Ferejohn, "Pettit's Republic."

affect their interests. In the context of PAW, voters possess no such capacity. Party decisions to initiate PAW are politically and practically final, notwithstanding the possibility that they may still be challenged by the dismissed legislator through internal party procedures or judicial mechanisms. Voters themselves have no legal standing whatsoever in this process.

Consequently, the political will of voters is placed in a position of complete dependence on the will of party elites. This dependence is not merely factual but structural, as it is institutionalized through positive law. In Pettit's terms, voters exist in a condition of unfreedom, not because they are continuously subjected to actual domination, but because they are perpetually exposed to the possibility of domination. Every vote cast in an election remains under the implicit threat that the resulting mandate may be revoked without the voters' consent. Domination over the will of voters has direct implications for the quality of democracy. When voters become aware that their electoral choices may be negated by internal party decisions, trust in the electoral process is likely to erode. Elections lose their emancipatory function as instruments of power control and instead are reduced to symbolic procedures whose outcomes can be reconfigured through the PAW mechanism. This condition reflects an institutional failure of the state to protect citizens from domination by political actors who possess organized and entrenched power.

Thus, party-initiated PAW is problematic not only from the perspective of the relationship between political parties and elected representatives, but also from the standpoint of the relationship between the state and the people as the holders of sovereignty. The reduction of voters' ballots to party assets and the absence of corrective mechanisms available to voters constitute two manifestations of political domination that are incompatible with the principle of non-domination. As long as positive law continues to position voters as passive actors after elections, without safeguarding their political will in the PAW process, representative democracy in Indonesia will remain under the shadow of domination, thereby undermining the very essence of popular sovereignty.

4. PAW and the Erosion of Republican Freedom

Freedom in representative democracy must be understood as a condition that ensures that no political subject is placed under the arbitrary power of another.⁴¹ PAW operates as an instrument of power that conditions the freedom of both elected representatives and voters. The freedom of members of the House of Representatives is formally guaranteed through the principle of the representative mandate derived from general elections, as stipulated in Article 22E paragraphs (1) and (2) of the UUD NRI 1945. The constitutional requirement that elections be conducted directly, generally, freely, secretly, honestly, and fairly signifies that the relationship between representatives and voters is intended to be direct and not absolutely mediated by political parties. Furthermore, Article 422 of Law No. 7/2017 provides that the determination of elected candidates is based on the highest number of votes obtained by each candidate. This norm affirms that the representative freedom of legislators derives from an electoral mandate granted directly by voters. However, such freedom becomes conditional when the legal construction of PAW confers upon political parties the authority to revoke that mandate without the involvement of voters. Article 239 paragraph (2) letter (d) of Law No.

⁴¹ Sinta Amelia Febrianasari and Waluyo, "Kebebasan Berpendapat Dalam Perspektif Kedaulatan Rakyat," *Sovereignty: Jurnal Demokrasi Dan Ketahanan Nasional* 1, no. 2 (2021).

17/2014 stipulates that a member of the House of Representatives may be dismissed mid-term upon the proposal of his or her political party in accordance with statutory provisions. This arrangement is reinforced by Article 16, paragraph (3) of Law No. 2/2011, which provides that the dismissal of a political party member who serves as a member of a representative body is followed by dismissal from membership in that representative body. Taken together, these provisions indicate that the freedom of elected representatives to carry out the voters' mandate is directly contingent upon the continuity of their membership relationship with the political party.

From the perspective of republican justice, freedom that is contingent upon the will of another is not genuine freedom. Philip Pettit emphasizes that a person is unfree not only when they are actually interfered with, but also when they are placed in a position where another party possesses the capacity to intervene arbitrarily.⁴² The ever-present threat of PAW attached to legislators creates a condition of structural dependence on political parties. Even when PAW is not in fact exercised, the mere existence of such authority is sufficient to diminish the freedom of representatives, as any political stance deviating from the party line may potentially result in the revocation of their mandate. This conditionality of freedom is experienced not only by elected representatives but also by voters. Voters are formally free to determine their political choices at the moment of elections. However, that freedom does not persist after the vote is cast. Once the election concludes, voters lose control over the use of the mandate they have conferred. Neither Law No. 7/2017 nor Law No. 17/2014 provides any avenue for voter participation or corrective mechanisms in the PAW process. In other words, voters' freedom is temporally and procedurally constrained: it operates only at the electoral moment and is not protected during the representative phase.

This condition is clearly inconsistent with the republican conception of freedom, which requires institutional guarantees against domination over time, rather than protection limited to specific moments.⁴³ Under the existing PAW framework, both elected representatives and voters are placed in a situation in which their freedom may be negated by internal party decisions that are not necessarily grounded in publicly justifiable reasons subject to democratic scrutiny. Although internal party procedures governed by party AD/ART possess organizational legitimacy, such legitimacy cannot be equated with public legitimacy derived from popular sovereignty. The problem becomes even more complex when the statutes and bylaws of political parties, which are essentially forms of private law, are endowed with extensive public effects through the PAW mechanism. Article 16(2) of Law No. 2/2011 stipulates that procedures for the termination of party membership are regulated by the party's statutes and bylaws. When the termination of party membership automatically results in the revocation of a legislative mandate, internal party norms are transformed into instruments determining the continuity of public office. This transformation opens the space for domination, as decisions with significant public consequences are governed by norms that are neither produced through public deliberative processes nor contestable by citizens.

⁴² Nicholas Dzoba, "Guarding against Imperium: The Implications of Pettit's Theoretical Framework for a Model of Neo-Republican Democracy," *Critical Review of International Social and Political Philosophy* 28, no. 2 (February 23, 2025): 307–30, doi:10.1080/13698230.2022.2104554.

⁴³ Ferejohn, "Pettit's Republic."

The erosion of republican freedom is evident in the relationship between elected representatives and their constituents. Representatives operating under the constant threat of PAW tend to shift their orientation of accountability away from voters and toward party elites. Vertical accountability to the people, which constitutes the core of representative democracy, is replaced by internal accountability to the party. As a result, the freedom of representatives to independently advance the interests of their constituents becomes illusory. In Pettit's terms, elected representatives are placed in a condition of "licensed unfreedom," namely a form of freedom that exists only to the extent permitted by an actor wielding dominative power.⁴⁴ This demonstrates that PAW, in its current legal construction, is incompatible with the principle of non-domination that underpins republican justice. The freedom of both representatives and voters is not secured as a stable status protected from arbitrary interference, but rather as a condition that may be withdrawn through internal party decisions. So long as PAW authority is not accompanied by robust limiting mechanisms, meaningful voter participation, and effective public oversight, PAW will continue to operate as a source of institutional domination that erodes republican freedom within Indonesia's democratic system.

Accordingly, the erosion of republican freedom resulting from PAW constitutes a constitutional problem that strikes at the very core of the relationship between the people, their representatives, and political parties. Within Philip Pettit's framework of republican justice, freedom that is conditional and dependent upon the will of organized political actors amounts to a form of illusory freedom. So long as positive law in Indonesia continues to preserve a PAW design that positions political parties as holders of dominative power over the people's mandate, the principle of non-domination will remain an unrealized ideal in the practice of representative democracy.

4. Conclusions

The PAW mechanism exercised by political parties within Indonesia's legal system raises serious concerns of justice when examined through the lens of Philip Pettit's republican theory of justice. Although PAW possesses a valid constitutional basis and formal legal legitimacy, its legal construction has shifted from an administrative mechanism for filling vacancies to an instrument of power that enables the domination of political parties over elected representatives and, indirectly, over the will of voters. The authority to initiate PAW creates a structural dependence of legislators on political parties through the latent threat of mandate revocation, a power that remains entirely under the control of party elites. This dependence erodes the representative freedom of legislators, which ought to be grounded in the direct electoral mandate conferred by voters. Consequently, accountability is displaced from a vertical relationship with the electorate to a hierarchical, internal party relationship, thereby obscuring the principle of popular sovereignty as guaranteed by the UUD NRI 1945. Moreover, the practice of PAW places voters in a position devoid of corrective mechanisms to contest the revocation of the mandate of representatives they elected. Electoral votes are reduced to an initial source of legitimacy that may be withdrawn by political parties without public participation. This condition reflects a form of domination in the republican sense, insofar as the political freedom of both voters and representatives is subjected to a power that can be exercised arbitrarily and without adequate public justification. PAW, in its current legal

⁴⁴ Shapiro, "On Non-Domination."

design, is inconsistent with the principle of non-domination as the core of republican justice. A reformulation is therefore required to limit party authority, strengthen public control, and ensure that representative mandates genuinely function as expressions of popular sovereignty free from institutional domination.

5. Reference

- Aituru, Yulianus Payzon, Yuli Rahman, and Najamuddin Gani. "Politik Hukum Pengaturan Pergantian Antar Waktu Terhadap Anggota Yang Dituduhkan Melanggar Aturan Partai." *Journal of Law Review* 1, no. 2 (October 10, 2022): 132-48. doi:10.55098/jolr.1.2.132-148.
- Aminah. "Analisis Penerapan Sistem Proporsional Dan Sistem Distrik Dalam Pemilihan Umum Untuk Penyederhanaan Sistem Kepartaian Di Indonesia Ditinjau Dari Asas Negara Hukum." *Yustisia* 1, no. 2 (2012).
- Ardiyanto, Syaifullah Yophi. "Tinjauan Terhadap Putusan Mahkamah Konstitusi Nomor 22-24/Puu-vi/2008 Mengenai Suara Terbanyak Dalam Rangka Perwujudan Kedaulatan Rakyat." *Jurnal Konstitusi* 2, no. 01 (2008).
- Dameanti, Anggi Sihol, Reza Mahendra, and Yori Viski Oktivan. "Tinjauan Kritis Pergantian Antar Waktu Dalam Dinamika Politik Indonesia: Perspektif Demokrasi." *Civil Officium: Journal of Empirical Studies on Social Science* 3, no. 1 (July 22, 2024): 16-21. doi:10.53754/civilofficium.v3i1.389.
- Dzoba, Nicholas. "Guarding against Imperium: The Implications of Pettit's Theoretical Framework for a Model of Neo-Republican Democracy." *Critical Review of International Social and Political Philosophy* 28, no. 2 (February 23, 2025): 307-30. doi:10.1080/13698230.2022.2104554.
- Ekawati, Esty. "Dari Representasi Politik Formal Ke Representasi Politik Non-Elektoral To Non-Electoral Political Representation." *Jurnal Penelitian Politik* 11, no. 2 (2014). doi:https://doi.org/10.14203/jpp.v11i2.205.
- Evendia, Malicia. "Implikasi Hak Recall Partai Politik Terhadap Sistem Kedaulatan Rakyat." *FIAT JUSTISIA: Jurnal Ilmu Hukum* 6, no. 3 (October 23, 2015). doi:10.25041/fiatjustisia.v6no3.357.
- Febrianasari, Sinta Amelia, and Waluyo. "Kebebasan Berpendapat Dalam Perspektif Kedaulatan Rakyat." *Sovereignty: Jurnal Demokrasi Dan Ketahanan Nasional* 1, no. 2 (2021).
- Ferejohn, John. "Pettit's Republic." *Monist* 84, no. 1 (2001): 77-97. doi:10.5840/monist20018416.
- Fikri, Sultoni. "Kalau Wakil Rakyat Ingkar, Mengapa Kita Tak Bisa Mencabut Mandatnya?" *Harian.Disway.Id*, September 5, 2025. <https://harian.disway.id/read/896327/kalau-wakil-rakyat-ingkar-mengapa-kita-tak-bisa-mencabut-mandatny>.
- — —. "Kewenangan Partai Politik Dalam Pergantian Antar Waktu Anggota Lembaga Perwakilan." Tesis, Universitas Airlangga, 2021.
- Hilmy, Muhammad Irfan, and Trian Marfiansyah. "Recall Referendum Sebagai Alternatif Proses Penggantian Antarwaktu Lembaga Legislatif Di Indonesia." *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 4, no. 1 (2021). doi:10.24090/volksgeist.v4i1.4515.
- Iswan, Muhammad. "Kewenangan Partai Politik Terhadap PAW Anggota DPR RI Hubungannya Dengan Sistem Proporsional Terbuka Dalam Penyelenggaraan Pemilu." *Klausula (Jurnal Hukum Tata Negara, Hukum Administrasi, Pidana Dan Perdata)* 2, no. 2 (November 8, 2023): 143. doi:10.32503/klausula.v2i2.3838.
- Lestari, Endang Puji, and Muh Risnain. "Evaluasi Norma Kedaulatan Rakyat Dalam Konstitusi Dan Pelaksanaannya Dalam Kerangka Negara Hukum Demokratis."

- Indonesian Journal of Law and Policy Studies* 1, no. 1 (May 31, 2020): 25. doi:10.31000/ijlp.v1i1.2633.
- Lewar, Paulus Pati, and Otto Gusti Ndegong Madung. "Demokrasi Sebagai Diskursus Dan Deliberasi Menurut Jürgen Habermas." *Jurnal Ledalero* 21, no. 2 (December 22, 2022): 150–61. doi:10.31385/jl.v21i2.315.150-161.
- Lovett, Frank. "What Counts as Arbitrary Power?" *Journal of Political Power* 5, no. 1 (April 2012): 137–52. doi:10.1080/2158379X.2012.660026.
- Markell, Patchen. "The Insufficiency of Non-Domination." *Political Theory* 36, no. 1 (February 1, 2008): 9–36. doi:10.1177/0090591707310084.
- Marriansah, Aan, A Zarkasi, and Muhammad Amin. "Analisis Terhadap Putusan Mahkamah Agung Nomor 57 P/Hum/2019 Tentang Pergantian Antar Waktu Anggota Legislatif." *Limbago: Journal of Constitutional Law* 2, no. 2 (June 30, 2022): 216–31. doi:10.22437/limbago.v2i2.19130.
- Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana, 2016.
- Muhsin, Muhsin. "Partai Politik Dan Pemilu Yang Demokratis." *Jurnal Hukum Das Sollen* 7, no. 1 (June 28, 2022): 298–311. doi:10.32520/das-sollen.v7i1.2021.
- Pettit, P. "Legitimacy and Justice in Republican Perspective." *Current Legal Problems* 65, no. 1 (January 1, 2012): 59–82. doi:10.1093/clp/cus016.
- Pettit, Philip. *Republicanism: A Theory of Freedom and Government*. Oxford: Oxford University Press, 1999.
- Pratama, Muhammad Ananda. "Problematika Pergantian Antar Waktu Anggota Legislatif Oleh Partai Politik." *At-Tanwir Law Review* 3, no. 1 (April 19, 2023): 1. doi:10.31314/atlarev.v3i1.2058.
- Putri, Natasya Luthfiatika. "Penghapusan Pergantian Antar Waktu Anggota DPR Oleh Partai Politik." *Journal of Health Education Law Information and Humanities* 2, no. 1 (April 22, 2025): 348–51. doi:10.57235/helium.v2i1.5122.
- Qoroni, Waisol, and Indien Winarwati. "Kedaulatan Rakyat Dalam Konteks Demokrasi Di Indonesia." *INICIO LEGIS* 2, no. 1 (June 30, 2021): 51–65. doi:10.21107/il.v2i1.11079.
- Sandy, Rifky, Ahmad Algibran, Bayu Rasya Habibie, and Nurlaili Rahmawati. "Peran Partai Politik Terhadap Kekuasaan Legislatif." *Jurnal Panorama Hukum* 9, no. 1 (June 30, 2024): 1–16. doi:10.21067/jph.v9i1.9415.
- Shapiro, Ian. "On Non-Domination." *University of Toronto Law Journal* 62, no. 3 (2012): 293–335. doi:10.1353/tlj.2012.0015.
- Sonbay, Jon Samuel, I Gusti Bagus Suryawan, and I Nyoman Utama. "Mekanisme Pergantian Antar Waktu (PAW) Anggota Dewan Perwakilan Rakyat Dalam Sistem Ketatanegaraan Indonesia." *Jurnal Analogi Hukum* 3, no. 2 (September 30, 2021): 147–51. doi:10.22225/ah.3.2.2021.147-151.
- Subhan, M. Hadi. "Recall: Antara Hak Partai Politik Dan Hak Berpolitik Anggota Parpol." *Jurnal Konstitusi* 3, no. 4 (2006).
- Syahrin, M. Alpi, and Imelda Sapitri. "Peran Partai Politik Dalam Demokrasi Perwakilan." *EKSEKUSI* 2, no. 2 (October 1, 2020): 146. doi:10.24014/je.v2i2.10767.
- Yahya, Achmad Zarkasyi, and Hufron Hufron. "Urgensi Penerapan Constituent Recall." *Jurnal Mengkaji Indonesia* 2, no. 1 (July 23, 2023): 63–80. doi:10.59066/jmi.v2i1.323.