



Reconstruction of Government Political and Legal Regulations in the Inauguration and Oath-Taking of Offices for Inter-Term Replacement of Members/Leaders of the Regional People's Representative Council of the Provincial Based on the Values of Justice

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Abstract

The Interim Replacement System within the framework of the DPR government emerged as a result of the implementation of work in government carrying a burden and responsibility as well as major political consequences. This research aims to: 1) analyze the government's legal regulations on the inauguration and oath-taking of interim replacements for Provincial People's Representative Council members, which are not yet based on justice values; 2) identify weaknesses in these regulations; and 3) propose a reconstruction of these regulations based on justice values. Using a constructivist paradigm, the research employs a socio-legal approach with descriptive methods, relying on secondary data from primary, secondary, and tertiary legal materials. Data collection is through literature review and qualitative analysis. The study found: 1) The legal protection regulations for victims of human trafficking, as well as the government's legal political regulations for the inauguration and oath-taking of interim replacements for Provincial People's Representative Council members, are not yet grounded in justice values. The position of a DPRD member is highly prestigious, but this is not reflected in current legal frameworks; 2) Weaknesses in these regulations include: a) Legal substance, Interim replacements (PAW) are regulated in Law No. 17 of 2014, but challenges remain; b) Legal structure, there is a lack of synergy among institutions involved in the interim replacement process, leading to legal issues; c) Legal culture, the interim replacement system is influenced by the burden and political consequences of governmental work, making it susceptible to legal problems; 3) The proposed reconstruction involves aligning legal regulations with justice values, ensuring fairness in the interim replacement process. This includes norm reconstruction in Law No. 17/2014, specifically Article 409(1) and Article 368(1), to promote justice and fairness in the political process of member replacement and oath-taking

Keywords: *Reconstruction; Regulation; Change of Time; Oath of Office*

Introduction

The occurrence abuse authority by Officials or Administrative Body can investigated from three thing, namely from source authority, substance authority, and principles freedom act (*freies ermessen*). Like understandably, an authority besides sourced from law (attribution), can sourced from delegation or assignment (mandate). Where are the second and third usually No as clear as the first, even to authority attribution in the practice No seldom Official Administration That do misinterpretation.

Existence political law administration government is in frame for finish problem in organization governance, regulation about administration government expected can become solution in give protection law, good citizen society and also official government. In order to, create organization good and effective governance, then required various pattern clear approach and formulation, especially for organizer government, then required A *legal policy* in the field of administration the government that regulates it.

System democracy representatives run in Indonesia share power legislative into two, namely legislative center which includes Assembly People's Consultative Assembly, People's Representative Council and Regional Representative Council, while legislative in the Region by the Regional People's Representative Council.

As member legislative (DPRD) which is embodiment from the people's representatives are obliged accommodate, distribute and fight for people's aspirations and advance people's welfare, with position as member legislative (DPRD).¹ DPRD is more functioning as institution controller to power government area than as institution legislative in the true sense. The Regional People's² Representative Council (DPRD) as institution institution regional people's representatives and as pointer system implementation system democracy in a way No direct have role important in system democracy closely related people's representatives with autonomy region. In autonomy DPRD region plays a very important role in determine the democratization process in various region. The Regional People's Representative Council (DPRD) is institution regional people's representatives and domiciled as element organizer government area and function as a legislative body region. The Regional People's Representative Council (DPRD) also becomes representation of the people and as a pillar of the organizer government the area occupied position strategic. Function strategic the show with existence duties and authorities that is as function legislation, function budget, and function supervision. The DPRD and the Regional Government have connection work whose position nature meaningful partnership and equality have equal and equal position as well as No each other under the same authority. The Regional Government and the DPRD are both as partner Work in make policy area for carry out autonomy area in accordance with their respective functions. In its implementation, the DPRD sometimes leaving an unexpired term of office finished carried by him consequence existence termination between time caused a number of thing, start died, resigned self until of course dismissed. The remaining positions held DPRD members also resulted in he did Inter-Time Replacement (PAW) which is normative must implemented in accordance with law. Article 409 of Law No. 17 of 2014 in conjunction with Law No. 13 of 2019 concerning Assembly the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council explained that DPRD members who experience PAW are basically must replace by a candidate DPRD members who receive voice most order next in the ranking list acquisition voice from party the same politics and in the area the same election. If candidate DPRD members who receive voice most in order next they died, resigned yourself, and not

¹ Nengsih, Junriana, Didyk Choeroel, Nur Azizah, Performance of Members of the Regional People's Representative Council (DPRD) of the Regency Bintan In Function Legislation In 2018, *Jisipol (Journal Knowledge Social and Science Politics of Raja Haji)*, Vol. 3 No. 2 (2022).

² Asmawi, Regional People's Representative Council (DPRD) in Legislation Regional Government and Regional Legislative Institutions, *Jurnal Cita Hukum*, Vol. I No. 1 (2014).

fulfil condition as candidate member, then Then replaced by a candidate members of the district / city DPRD who receive voice most in order next from party the same politics and in the area same election.

Length of service members of the district / city DPRD The Interim Replacement (PAW) Then continue remaining term of office members of the district / city DPRD he replaced.³ In terms of candidate Interim replacement of DPR members who submitted appeal results decision district court to Supreme Court, KPU must wait results decision Supreme Court.⁴

As one of the element organizer government, the DPRD has different functions with head region. The functions of the DPRD are regulated in Constitution Number 17 of 2014 concerning Assembly People's Consultative Assembly, People's Representative Council, Regional Representative Council and Regional People's Representative Council (hereinafter referred to as the Regional People's Representative Council). MD3 Law) Juncto Law no. 13 of 2019 Concerning Change Thirdly, Law No. 17 of 2014 concerning Assembly People's Consultative Assembly, House of Representatives regions, and the Regional People's Representative Council. In law the function of the DPRD is function legislation, function budget, and function supervision, things This as explained in Article 316 paragraph (1), which is in addition to function from the Provincial DPRD also applies *mutatis mutandis* against the Regency DPRD or city (Article 365 paragraph (1)). Regulation about The function of the DPRD is also regulated in Article 149 of the Law Number 23 of 2014 Concerning Regional Government and Article 316 of the Law Number 17 of 2014 Juncto Constitution Number 13 of 2019 concerning the MPR, DPR, DPD, and DPRD. Functions legislation is functions owned member of provincial DPRD and also regency or city in to form Regional Regulations (hereinafter referred to as Regional Regulations) called Regional Regulation) together Governor / Regent / Mayor.

System Inter-Time Replacement in framework Work the DPR government emerged as consequence implementation Work in government bring burden and responsibility as well as consequence big politics.⁵ Dynamics organization government areas in Indonesia always experience change in accordance with change political law the state system which has experienced several change, namely the old order, the new order new and current This order reform. During the New Order government, several party political do Interim Replacement (PAW) for member parliament they, among others: First, the Party United Development Party (PPP). Under HJ Naro's leadership, the party This propose PAW for Syaifudin Harahap, Tamim Achda, Murtadho Makmur, Rusli Halil, Chalid Mawardi, MA. Ganni Darussamin AS, and Ruhani Abdul Hakim (all members of the DPR for the 1982-1987 period). The PAW proposal, which was submitted between December 1984 to March 1985, no get response positive from DPR leadership at the time that (Amir Machmud), so that No forwarded to President. In 1955, Sri Bintang Pamungkas was also replaced by the Faction United Development Party (DPR period 1992-1998). Second, the Indonesian Democracy (PDI). Under leadership Soenawar Soekawati, the party This propose PAW for Usep Ranawidjaja, Abdul Madjid, Mrs. D. Walandow, Soelolo, Santosa Donoseputro, TAM. Simatupang, and Abdullah Eteng (all of them members of the DPR for the 1977-1982 period). Then, when the PDI was led by Soerjadi, several members of the DPR for the 1982-1987 period, such as Marsoesi, Dudy Singadilaga, Nurhasan, Polensuka, Kemas Fachrudin, Edi Junaedi, Suparman, Jaffar, and Thalib Ali, were also proposed to be recalled. Third, Golkar (Functional Group). The first PAW in Golkar occurred with Rahman Tolleng (DPR member for the 1971-1977 period) because allegedly involved in Malari case on January 15, 1974. Second PAW happened to Bambang Warih (member of the DPR for the 1992-1998 period). Fourth, the ABRI Faction. The Faction This Once conduct a recall on its members in the MPR,

³ Aituru, Julian Payzon, Yuli Rahman, Najamuddin Gani, Legal Politics and Regulation Inter-Time Change Against Accused Members Violate Rule Party, *Journal of Law Review*, Vol. 1 No. 2 (2022): 132 – 148

⁴ Aituru, Yuli Rahman, Najamuddin Gani, Legal Politics and Regulation Inter-Time Change Against Accused Members Violate Rule Party, *Journal of Law Review*, Vol. 1 No. 2 (2022): 132 – 148

⁵ Analysis *Legal Implementation Interim Replacement (Paw) of Members DPRD Special Region of Yogyakarta Province*, YUSTISIA MERDEKA, Vol.8 No.1 (2022).

namely Brigadier General Rukmini, Brigadier General Samsudin, and Brigadier General J. Sembiring, because they to criticize purchase boat war used owned by German government. Comparison with Other Countries. PAW practices are also found in other countries such as the Philippines and Malaysia. In the Philippines, the PAW mechanism is regulated with involving voters, for example through election special when There is resignation self or death members of the DPR. While that, in Malaysia, although party political own authority For replace member of the DPR, practice This often cause dissatisfaction public Because involvement very limited voters.⁶

PAW for two members of the South Kalimantan DPRD namely Susan from Faction Golkar Party of South Kalimantan inaugurated replace the late Hasanuddin Murad and Fahruri from PKS South Kalimantan Faction replacing Haryanto who resigned self from the Council. The inauguration of the two PAWs based on the Decree (SK) of the Minister of Home Affairs of the Republic of Indonesia (Mendagri) Number 100.2.1.4-1332 of 2023. After leading pronouncement PAW oath and promise, Chairman of the Provincial DPRD South Kalimantan, Supian HK said with the inauguration of two members of the PAW council, apart from amount Full board members are also expected to remain in office for the remainder of the term this is so that you can synergize in frame advance The continent that is bigger Good. Based on matter That Interim Replacement (PAW) is introduced return with set up in Constitution Number 2 of 2008 Concerning Party Politics, Law Number 27 of 2009 Concerning Assembly People's Consultative Assembly, People's Representative Council, Regional Representative Council, and Regional People's Representative Council, Law Number 08 of 2012, Law Number 17 of 2014, and Law Number 23 of 2014. Inter-Time Replacement (PAW) also occurred in scope of the Regional People's Representative Council of the Regency Paniai. An active DPRD member Ice Nawipa originate from Faction Party Prosperous Justice is proven violate code ethics party, then Ice Nawipa as Member of the Regency DPRD Paniai from Party Prosperous Justice has charged sanctions and required to resign self in accordance with decision Party and Regulations Commission General Election (PKPU) which requires it step back from Party and as Member of the Regency DPRD Paniai.

Based on description background behind on interesting for researcher For take title: “Regulatory Reconstruction Government Legal Policy in Inauguration and Appointment Oath Position Replacement of Members / Leaders of the Regional People's Representative Council of the Province Based on Justice Values.”

Research Methods

In research This writer use paradigm positivism, a paradigm that views that knowledge law That only deal with regulation legislation solely. Law as something that must be done applied, and more tend for No to question mark justice and its usefulness for society. Legal studies and their enforcement only range about what is right and what is not right, what is wrong and what is not wrong and more other forms nature prescriptive.

Types of research used in finish dissertation This is method study legal descriptive analysis, namely research conducted with method research material library (secondary data) or study law library ⁷, then described in the analysis and discussion. Approach research used in study This is study law empirical, or non- doctrinal research. In research this, law conceptualized as a symptom empirical that can be observed in life real.

⁶Sri Kusriyah, Politics and Law of Implementation Regional Autonomy in the Perspective of the Unitary State of the Republic of Indonesia, *Journal Legal Reform*, Vol.3 No.1 (2016).

⁷Ed iwarm an, 2010, *Monograf, Metodologi Study Law*, Medan: Program Postgraduate U n i v. Muhammad mad iy ah Su m a t e r a North, Medan, h lm. 2 4.

Types of data used are primary and secondary data. For obtain primary data from researchers referring to data or facts and cases law obtained direct through field research including information from related respondents with object research and practice that can see as well as relate with object research. Secondary data This useful as runway theory for underlying analysis the main points existing problems in study This.

Discussion

1.Regulation Government Legal Policy Inauguration and Taking Oath Position Interim Replacement of Members / Leaders of the Provincial People's Representative Council is Not Yet Based on Justice Values

Authority Interim Replacement (PAW) was also mentioned in Constitution Number 31 of 2002 concerning Party Politics. Even who is authorized confirmed in chapter this, namely party politics. Article 8 states that party political entitled propose replacement between time its members in the institution people's representatives according to with regulation legislation. Dynamics politics that continues develop in institutions politics in Indonesia is natural process that is always emerged in the reform era. Likewise, with Interim Replacement (PAW), especially in institutions legislative is something natural occurs in democratic countries.⁸

As has been mentioned previously, that regulation about Interim Replacement (PAW) is regulated in Constitution Number 27 of 2009 concerning the MPR, DPR, DPD and DPRD. Interim Replacement (PAW) consists of from two categories, namely :⁹ Permanent Interim Replacement (PAW), and temporary Interim Replacement. There are several stages Permanent Inter-Time Replacement (PAW), namely; First, Stage Submission. Termination members of the DPR with reason died, resigned self, stated guilty based on decision the court that has to obtain strength law still Because do act the criminal penalty that is threatened with criminal 5 (five) years imprisonment or more, proposed by the party his politics in accordance with regulation legislation, dismissed as member party political in accordance with provision regulation legislation, and become member party other policies proposed by the leadership party political to DPR leadership with copy to President. Seven day since received proposal dismissal, the DPR leadership will convey proposal the to President for to obtain inauguration termination.

At the moment authority Interim Replacement (PAW) is regulated in Article 213 of the Law Number 27 of 2009 Concerning Assembly People's Consultative Assembly, People's Representative Council, Regional Representative Council and Regional People's Representative Council. Interim Replacement (PAW) had abolished based on provision Constitution Number 4 of 1999 concerning Composition and Position Assembly People's Consultative Assembly, People's Representative Council, and Regional People's Representative Council.

Deletion The Interim Replacement (PAW) as scan in frame for strengthening parliament. However, this this also becomes polemic, because a number of members of the council who act No appropriate, for example move party politics, doing immoral acts, or do violation code ethics No get sanctions firm. While demands public want accountable, good board members performance his politics and also ethics his behavior. Therefore, That Interim Replacement (PAW) is introduced return with set up in Constitution Number 27 of 2009 Concerning Assembly People's Consultative Assembly, People's Representative Council, Regional Representative Council, and Regional People's Representative Council

⁸ Bintan R. Siragih, Representative Institutions and General Elections in Indonesia, (Jakarta: Gaya Media Pratama, 1988), p. 85.

⁹ Look Constitution Number 27 of 2009 concerning the MPR, DPR, DPD and DPRD.

and the Law Number 2 of 2008 Concerning Party Politics. But in his journey, authority This Inter-Time Replacement (PAW) was also misinterpreted by the top officials. party. The opposing council members opinion with party get sanctions and dismissed through mechanism Inter-Time Replacement (PAW). Even though the members of the council to voice aspirations of the people.

In language everyday, Interim Replacement (PAW) of DPR members is associated as a recall. In etymologically, the word recall in Language English contain a number of understanding. At least according to Peter Salim (in *The Contemporary English-Indonesia*), namely remembering, calling back, interesting return or cancel. Inter-Time Replacement (PAW) means as a withdrawal process return or replacement return DPRD members by parent his organization of course just party politics.¹⁰ If this word united then this word recall will means called or call return.

This word recall is a terms found in dictionary knowledge politics used for to explain a incident withdrawal a or several representatives sitting in institution representatives (through the election process), by the people who elect them. So in context This recall is a rights owned voters towards the person he chooses.¹¹ Interim Replacement (PAW) or recall is term unpaid loans There is to him in Indonesia. The meaning of recall in Indonesia is different with definition of recall in the United States. In the United States the term recall, in full Recall Election, is used For state the right of voters (constituents) to remove a people's representative before his term of office end.¹²

Replacement (PAW) is also interpreted as as a withdrawal process return member institution people's representatives for dismissed and replaced with member other before end of term of office withdrawn member the.¹³ Interim Replacement (PAW) is a withdrawal process return or replacement of the DPR by the parent his organization. The Right of Replacement Between Times (PAW) is regulated in Article 213 of the Law Number 27 of 2009 concerning the MPR, DPR, DPD and DPRD. Inter-Time Replacement (PAW) functions as a control mechanism of party politics that has his deputy who sits as member parliament.

Decision on determination This the slowest descent One month since proposed. At least there are two that can withdraw from explanation previously. First, is possible and legitimate according to law for done Inter-Time Replacement is good Because reason member died, or Because proposed existence replacement by political parties. Second, the authority to carry out Inter-Time Replacement is authority party politics. Of course, the mechanism and who candidate to replace must in accordance regulation legislation and KPU decisions regarding Inter-Time Replacement. Related with agreement between candidate within the party between candidate number sequence 1 with 2, for share the term of office, whether Possible done Inter-Time Replacement. Internal agreement is right from party politics, so Inter-Time Replacement is possible. Namely with use reason changeover between time the proposed by the party. Interesting thing its members from the DPRD institution is right party. So if There is agreement within the party, things That can prosecuted continue. Of course with mechanism the same PAW proposal with case members who died. Namely party send letter to the DPRD for interesting the candidate from the DPRD, and propose candidate his replacement. In case withdrawal DPRD members by party, no There is DPRD's authority to prevent it.

Authority Inter-Time Replacement is set in Article 213 of Law No. 27 of 2009 concerning the MPR, DPR, DPD, and DPRD. Interim Replacement had removed based on Law No. 4 of 1999 concerning Composition and Position The MPR, DPR, DPD and DPRD assemblies. The elimination

¹⁰BN. Marbun, *Indonesian Law Dictionary*, (Jakarta: Pustaka Sinar Harapan, 2006), p. 417.

¹¹Haris Munandar, 1994, *Political Development, Global Situation and Human Rights Humans*, Gramedia, Jakarta, p. 128.

¹²Ananda B. Kusuma, 2006, *Journal Constitution* Volume 3 Number 4 Concerning Recall, MK RI, Jakarta p. 156

¹³Mahfud MD, 2009, *Legal Politics in Indonesia*, Rajawali Press, Jakarta, p. 318.

Regular Interim Replacement called as impact of ripada strengthening parliament. However, the most So is a number of council members do No well, for example move party politics, doing action immoral, or violation code ethics that are not get sanctions firm. Meanwhile, the community demand that board members act accountably, both in performance political and also ethics behavior. Replacement between Time back set up in Law no. 13 of 2019 related Change Third, Law No. 17 of 2014 concerning the MPR, DPR, DPD, and DPRD and Law No. 2 of 2008 concerning Party Politics. But along time authority This Inter-Time Replacement was also misinterpreted by the top brass party. The council members who crossing understanding with party get sanctions, and dismissed through the procedure Inter-Time Replacement, though the council member just to voice aspirations of the people.

Article 1 paragraph (2) of the 1945 Constitution states: that sovereignty is in the hands of the people and implemented according to Invite Basic Law, this is The basis of the Indonesian state is system democracy. As a country that adheres to it understand democracy at least there is a number of absolute thing its existence, namely require existence election general, rotation or cadre formation leadership national, power independent judiciary, representation people's sovereignty through institutional strong and independent parliament, respect and guarantee right basic humans, and the constitution that provides guarantee things the walk.

DPR by parent his organization.¹⁴ Bintan R. Saragih meaning of recall is right a organization social politics that has representatives in the MPR, DPR, and DPRD, for replace his representatives in the institution representative before the person concerned finished its membership, with moreover formerly to deliberate with leader institution representative said. ¹⁵Moh. Mahfud MD. defines recall as right For replace member institution deliberation / representation from his position so that No Again have membership status in an institution.¹⁶

Approach from runway sociological which can be interpreted as reflection living reality in the society, it is hoped regulation legislation the will can have accepted by society without There is friction that arises. Sociological basis from a regulation legislation is the reality that applies and lives in society moment This is also of course also applies in implementation regulations legislation related replacement between time Member Faction Golkar Party which has occurred 3 times, namely in 2004, 2007, and 2021.

Regulation political law government inauguration and taking oath position changeover between time members / leaders of the Regional People's Representative Council of the Province Not yet based on mark justice is that No denied that position as Members of the DPRD are a prestigious position, so that a replacement process between time Members of the DPRD are interesting thing for contested, and loaded will interests, especially within the party politics. Sometimes party political do a policy based on subjective assessment from leader party politics, which are things like This Of course can influential even can also be obstacle to a replacement process between time Member of DPRD. As the result from the magnitude authority party political and factors subjectivity from leader party politics, disputes or dispute regarding the replacement process between time Members of the DPR and DPRD often happened in Indonesia. Not a few disputing parties bring case replacement between time This DPRD member until to realm court, if Already No can completed through Court Party Again.

¹⁴ BN. Marbun, 1996, *Political Dictionary*, Sinar Harapan, Jakarta, p. 43

¹⁵ Bintan R. Saragih, 1992, The Role of the DPR-GR Period 1965-1971 in Upholding Constitutional State Life Based on the 1945 Constitution", *Dissertation of the Faculty of Law, Postgraduate Doctoral Program in Law*, UNPAD, Bandung, p. 232.

¹⁶ Moh. Mahfud MD., 1993, *Development of Legal Politics, Study of the Influence of Political Configuration on Legal Products in Indonesia* ", *Dissertation of the Faculty of Law, Postgraduate Program in Doctoral Studies in Law*, UGM, Yogyakarta, p. 325

2. Weaknesses in Regulation Government Legal Policy Inauguration and Taking Oath Position Current Interim Replacement of Members / Leaders of the Regional People's Representative Council of the Province

a. Weaknesses of Aspects Legal Substance

Weakness from aspect substance law is Problem Inter-Time Substitution (PAW) is regulated in a way clear in Law No. 17 of 2014, concerning Composition and Position Members of the MPR, DPR, DPD and DPRD. And in Constitution said, the change between (PAW) time for DPRD members is possible for done. In Law said, is regulated that changeover between time DPRD members because reason died, resigned self as member on request Alone in a way written, and proposed by the party the politics concerned. However, in the reality matter This Still loaded with interest certain and also subjective assessments from leader party politics, which are things like This Of course can influential even can also be obstacle to a replacement process between time Member of the DPRD.

b. Weaknesses of Aspects Legal Structure

Weakness from aspect structure law is the need synergy between institution related during the replacement process between time, thing This for prevent in the future replacement between frequent times cause problem law, in particular between DPRD members with faction or party politics. Therefore, That For avoid replacement intertemporal so that No cause problem law, then since back to Party political must determine direction internal policies that must be obeyed following the sanctions that will be dropped if DPRD members do not or has deviate direction internal party policy Politics.

c. Weaknesses of Aspects Legal Culture

Weakness from aspect culture law that system Inter-Time Replacement in framework Work appear as consequence implementation Work in government bring burden and responsibility as well as consequence big politics. Dynamics organization government areas in Indonesia always experience change in accordance with change political law the state system which has experienced several change, namely the old order, the new order new and arrived Now inui. Therefore, That role society is very much needed as control.

a. Regulatory Reconstruction Legal Policy of Inauguration and Taking Office Oath Position Replacement of Members / Leaders of the Regional People's Representative Council of the Province Based on Justice Values

b. Comparison with Foreign Countries Foreign Countries Review Regulations Legal Policy of Inauguration and Taking Office Oath Position Replacement of Members/Leaders of the Regional People's Representative Council

1) Malaysia

The State Council (Indonesian: Senate of Malaysia) is assembly tall from Parliament of Malaysia. The State Council consists of of 70 senators: 26 are elected by the assembly state legislature, with two senators for each state in the federation, of which the other 44 members are appointed by the Yang di-Pertuan Agong (King), who consists of from four people were appointed for representing the federal territory.

The State Council is allowed for start the legislative process, but There is a number of things that are excluded like affairs fiscal and financial. The State Council also has the right do amendment against

the bill that has been passed by the House of Representatives. Every bill that has been passed will presented before the State Council and beyond will prosecuted continue whether implementation of the bill approved and submitted to the Agong or postponed his submission to the Agong in a month (or If the situation complicated delay process Can in progress until with a year). If the King objects or 30 days passed without agreement kingdom, bill sent return to Parliament with a list of suggested amendments. The bill Then must be approved back by both assembly Parliament. If the King remains No give agreement 30 days kingdom after submitted to him again, the bill automatic become law. However, it No applicable until published in State Gazette.

Although member Parliament usually own immunity law related freedom discuss, rules forbid discussion about articles certain in Constitution such as the status of Bahasa Malaysia as Language national and rights special Bumiputra in Article 153. The members of the State Council are known as a Senator or in Malaysia it is known as Member of the State Council and awarded title honorable Honorable Senator. Length of service a senator is three years and beyond can chose back, good in a way consecutive or No in succession.

Every three twelve state assemblies in Malaysia can send representative as many as 2 senators. Yang di-Pertuan Agong appoint two senators to representing the Federal District of Kuala Lumpur, one senator representing the Federal District of Putrajaya and Upper Labuan Prime Minister's advice. The remaining 40 senators appointed by the Yang di-Pertuan Agong on advice prime ministers too. Every senator who is appointed must give service public Good or has reach honor in profession, trade, industry, agriculture, activities culture or service social or represent race minority or capable represent interest resident original.

Intensity from The original constitution of Malaysia only give quota chair a total of 16 senators appointed by the Yang di-Pertuan Agong for giving the states in to argue for federal policy. However, in amendments made, quoted from statement Chairman High Court, Tun Mohamed Suffian Mohamed Hashim stated that " is contradictory with Spirit constitution native who formed the State Council as a whole special as a protective body in the federal Parliament, the state's interest in federal encroachment " .

For become a senator, a senatorial candidate must be aged at least 30 years, located live in Malaysian Territory, and not to declare his loyalty to foreign countries whatever, no Once imprisoned during One year or more as well as No Once fined more from RM 2,000. Holder position producer profit full time in service the public also does not fulfil condition for become a senator. Not to be condition whether senatorial candidate is member party politics. Parliament allowed for adding the number of senators becomes three representatives per state, reducing the number of senators allowed set or delete the position of senator appointed by the Yang di-Pertuan Agong in a way simultaneously. The process of appointing senators is regulated in Article 45 of the Malaysian Constitution. In addition, the constitution also regulates method election direct for every 26 senators elected by the Assembly State Legislature. Although thus clause This No Once enforced until Parliament pass A Resolution for pass design said. Until in 2010, senators were elected in a way No direct.

The senator who is take office can lifted become member cabinet by the Yang di-Pertuan Agong on advice from the Prime Minister. Although so No Once a senator is appointed become Prime Minister because the Prime Minister must originate from the People's Council. The State Council does not bound with election for choose members of the House of Representatives and permanent senators take office even though the People's Council was dissolved. The State Council elected a Chairman of the State Council for lead the way hearings in the Council of State, ensuring senators complied regulation trial and carry out a standing order if happen things that cause disputes. If the Chairman of the State Council is prevented present, then his position will be replaced by Deputy Chairman of the State Council.

2) Dutch

The Council of States of the Netherlands (Dutch: Staten- Generaal der Nederlanden) is the legislative body of the Netherlands. the Dutch bicameral house, consisting of from First Room or Senate and Tweede Kamer or House of Representatives. The State Council implements meetings, trials and gatherings at the Binnenhof Complex in The Hague.

The term Staten comes from old Dutch which means the original related class feudal (estate or stand in Dutch) which is stratification socialite in the middle ages Europe which consists of from race clergy, nobles and commoners. The word Staten is used for refer to to a political body that represents every stratification socialite. Every The provinces of the Habsburg Netherlands had their respective states. Representative Body -Representative Body This in a way take turns own representative in known assembly as Staten- General.

Based on notes history, members of the Staten- Generaal consists of from delegates from from the existing countries (provinces) such as the State of Brabant, and was recorded in the middle 15th century under reign of the Duke of Burgundy. Session important First was the Estates General in 1464 which met on 9 January 1464 in Bruges, Flanders. initiative from States-Holland, States-Flanders and States-Brabant which are regulated in an agreement organized by Philip III. Then trial normal held in Coudenberg, Brussels, Brabant. Important things furthermore happen When the trial of the States-General by the Council of the Duchies on 3 February 1477 after death of Charles the Bold. At the trial said, the States-General was forced for granting Great Privileges to Mary of Burgundy by condition that State- General rights For convene on proposal from that body Alone still allowed. Function main from the Staten-General to to form a body that is intended to government center for to discuss problems that are considered important with the States of provinces. Affairs legislative and executive Still is at under the King's control in the years This.

3) United States of America

United States Senate (language) United States Senate) is assembly high in the United States Congress together with the United States House of Representatives (house of low) forms institution United States legislature. Senate Office located on the wing north of the Capitol Building, in Washington, DC. This institution first convened in 1789.

Composition and power Senate regulated by Article One of the United States Constitution. The Senate consists of from the senators, each of whom representing the state in a way as a whole. Each state, without care about amount the inhabitants, are the same represented by two sitting senators during six years, which are divided to in three class as results from election general The Senate is biennial. Now this is the United States has 50 states, so Senate has 100 senators. Since from 1789 to 1913, senators were appointed by the state legislatures they're represented; now they chosen based on the voice of the people, after implementation The 17th Amendment to the United States Constitution in 1913.

As assembly tall Congress, Senate own a number of power unique and exclusive advice and agreements that are not given to the House of Representatives. This includes agreement agreement international, and confirmation appointment of ministers Cabinet, Chairman Supreme Court, chief justices, federal judges, officers tall flagged, officials regulators, ambassadors big, officials other federal executives, and uniformed federal officers others. In addition, in cases where not There is candidates who receive majority voters for the Vice President, the task charged to Senate for choose one from two recipients voters top for take office position that. Next, the Senate responsible answer for do trial to those impeached by the House of Representatives.

Senate in a way wide viewed as a more body consultative (deliberative) and more prestigious than the House of Representatives, due to more years of service length, quantity more members little, and area selection that includes all states, based on his journey to form atmosphere that tends to more collegial (prioritizing) togetherness / deliberation) and not so partisan (leaning) to party certain).

c. Reconstruction of Regulatory Values Government Legal Policy in Inauguration and Appointment Oath Position Replacement of Members / Leaders of the Regional People's Representative Council of the Province Based on Justice Values

Reconstruction of desired values achieved in study This is that regulation political law government in inauguration and taking oath position changeover between time members / leaders of the Regional People's Representative Council of the Province who were previously Not yet fair now has based on mark justice.

d. Reconstruction of Regulatory Norms Government Legal Policy in Inauguration and Appointment Oath Position Replacement of Members / Leaders of the Regional People's Representative Council of the Province Based on Justice Values

One of steps that can be taken carried out by the Party Political for avoid the occurrence problem law, then since originally in the Articles of Association it had to be in a way firm determine direction mandatory policy done by members political parties that have become DPRD members. In addition, That Political parties must also provide mechanism internal solution to problem the law that emerged as consequence existence replacement intertemporal, for example with provide effort mediation and also arbitration or the holding of Court Party politics inside organization party the politics concerned. Based on three areas of causation termination intertemporal the DPRD members mentioned above, then besides because of existence reason died or to resign self, termination intertemporal for DPRD members should at the point focus on the causative area violation law and violation code ethics. Both areas of cause this is what's in plains practice can measured Because existence certainty laws and standards standard that has been determined, either by regulations applicable laws and regulations and also internal agreement of the DPRD in compilation standard behavior daily life based on 10 (ten) codes ethics. With drip focus on two areas of causation said, surely Issuance of Dismissal Decree intertemporal No will cause problem law, which ultimately sued by dismissed DPRD members.

Based on description on so presented reconstruction table like under:

Table 5.1. Regulatory Reconstruction Government Legal Policy in Inauguration and Appointment Oath Position Replacement of Members / Leaders of the Regional People's Representative Council of the Province Based on Justice Values

No.	Construction	Weakness	Reconstruction
1.	Constitution Number 17 of 2014 Concerning Assembly People's Consultative Assembly, People's Representative Council, Regional Representative Council, and Regional People's Representative Council Article 409 Verse 1	Not yet prioritized principle proportionality and fairness	Reconstruction of the Law Number 17 of 2014 Concerning Assembly People's Consultative Assembly, People's Representative Council, Representative Council Regions, and the Regional People's Representative Council, in Article 409

	<p>Members of the district / city DPRD who have resigned intertemporal as meant in Article 405 paragraph (1) and Article 406 paragraph (1) is replaced by candidate members of the district / city DPRD who receive voice most order next in the ranking list acquisition voice from party the same politics in the region same election.</p>		<p>Paragraph 1, with add sentence based on principle proportionality and value justice Members of the district / city DPRD who have resigned intertemporal as meant in Article 405 paragraph (1) and Article 406 paragraph (1) is replaced by candidate members of the district / city DPRD who receive voice most order next in the ranking list acquisition voice from party the same politics in the region same election based on principle proportionality and value justice</p>
2	<p>Constitution Number 17 of 2014 Concerning Assembly People's Consultative Assembly, People's Representative Council, Regional Representative Council, and Regional People's Representative Council Article 368 Verse 1 Members of the district / city DPRD before to hold his position to pronounce oath / promise in a way together guided by the chairman district court in meeting plenary session of the district / city DPRD.</p>	<p>Emphasizes moral responsibility for the oath that was spoken</p>	<p>Reconstruction of the Law Number 17 of 2014 Concerning Assembly People's Consultative Assembly, People's Representative Council, Regional Representative Council, and Regional People's Representative Council, in Article 368 Paragraph 1, with add and be responsible answer fully to oath / promise spoken as interpretation from the people, so that reads : Article 368 Verse 1 Members of the district / city DPRD before to hold his position to pronounce oath / promise in a way together guided by the chairman district court in meeting plenary session of district / city DPRD and responsible answer fully to oath / promise spoken as interpretation from the people.</p>

Closing

Conclusion

Regulation protection law against victims of crime criminal human trafficking Regulation political law government in inauguration and taking oath position changeover between time members / leaders of the Regional People's Representative Council of the Province Not yet based on mark justice that No denied that position as Members of the DPRD are a prestigious position; 2). Weaknesses that occur in regulation Political law government in inauguration and taking oath position changeover between time members / leaders of the Regional People's Representative Council of the Province moment This that is aspect substance law is Problem Inter-Time Substitution (PAW) is regulated in a way clear in Law No. 17 of 2014, concerning Composition and Position Members of the MPR, DPR, DPD and DPRD, aspects structure law is the need synergy between institution related during the replacement process between time, thing This For prevent in the future replacement between frequent times cause problem law, aspects culture law that system Inter-Time Replacement in framework Work appear as consequence implementation Work in government bring burden and responsibility as well as consequence big politics ; 3).Regulatory reconstruction political law government in inauguration and taking oath position changeover between time members / leaders of the Regional People's Representative Council of the Province based on mark justice namely : Reconstruction its value that regulation political law government in inauguration and taking oath position changeover between time members / leaders of the Regional People's Representative Council of the Province who were previously Not yet fair now has based on mark justice. Reconstruction of Norms in Law Number 17 of 2014 Article 409 Paragraph 1 and Article 368 Paragraph 1.

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