# THE INFLUENCE OF THE HOUSE OF REPRESENTATIVES RIGHT TO INQUIRY ON THE PROCESS OF ORGANIZING HONEST AND FAIR ELECTIONS

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#### Abstract

The use of the right of inquiry by The House of Representatives (DPR) in the process of holding general elections has become the subject of heated debate in the Indonesian political context. The right to inquiry allows the DPR to carry out inquiries and investigations into the implementation of elections. This research finds that the use of the DPR's right to inquiry can influence the process of holding elections by increasing transparency and accountability. It is conduct more effective inquiries and investigations into fraud that occurred during the election, so that it can prevent and stop dishonest and unfair actions. Apart from that, it can also strengthen the DPR's supervisory function over the government, so that it can ensure that the government behaves in accordance with applicable laws and regulations. This research also explores the impact of the DPR's use of the right to interrogation on the integrity of the election implementation process. Through quantitative and qualitative data analysis, this research investigates how the implementation of the right to inquiry affects honesty and fairness in general elections. The results show that the right to inquiry has a significant influence, with important implications for democracy and good governance.

Keywords: Right of Inquiry, House of Representatives, Elections, Honesty, Justice

#### **Abstrak**

Penggunaan hak angket oleh Dewan Perwakilan Rakyat (DPR) dalam proses penyelenggaraan pemilihan umum (pemilu) telah menjadi subjek perdebatan yang hangat dalam konteks politik Indonesia. Hak angket memungkinkan DPR untuk melakukan penyelidikan dan investigasi terhadap pelaksanaan pemilu yang diduga tidak jujur dan adil. Penelitian ini menemukan bahwa penggunaan hak angket DPR dapat mempengaruhi proses penyelenggaraan pemilu dengan cara meningkatkan transparansi dan akuntabilitas dalam pelaksanaan pemilu. Hak angket memungkinkan DPR untuk melakukan penyelidikan dan investigasi yang lebih efektif terhadap kecurangan yang terjadi selama pemilu, sehingga dapat mencegah dan menghentikan tindakan-tindakan yang tidak jujur dan tidak adil. Selain itu, juga dapat memperkuat fungsi pengawasan DPR terhadap pemerintah, sehingga dapat memastikan bahwa pemerintah berperilaku sesuai dengan hukum dan aturan yang berlaku. Penelitian ini juga mengeksplorasi dampak penggunaan hak interogasi (hak angket) oleh DPR terhadap integritas proses penyelenggaraan pemilu. Melalui analisis data kuantitatif dan kualitatif, penelitian ini menyelidiki bagaimana pelaksanaan hak angket mempengaruhi kejujuran dan keadilan dalam pemilihan umum. Hasil menunjukkan bahwa hak angket memiliki pengaruh signifikan terhadap transparansi dan akuntabilitas pemilu, dengan implikasi penting bagi demokrasi dan good governance.

Kata Kunci: Hak Angket, Dewan Perwakilan Rakyat, Pemilu, Kejujuran, Keadilan

#### A. Introduction

Honest and fair general elections are the main foundation in maintaining the health of a country's democracy. The process of holding transparent and fair elections ensures that the votes of every citizen have equal weight and that the resulting decisions represent the will of the people as a whole. In the Indonesian context, the The House of Representaves of the Republic of Indonesia (DPR RI) has an important role in supervising and controlling the election implementation process through the mechanisms of the right of interpellation and the right of inquiry.<sup>1</sup>

The right to inquiry is one of the prerogatives of the DPR which is related to the function and position of this institution. This is part of institutional rights, which also include the right to interpellation, the right to express opinions, the right to budget, the right to approval, and the right to sub-phoena. The right to inquiry acts as a tool to carry out the functions of the DPR. Apart from institutional rights, the individual rights of DPR members, such as the right to propose draft laws, the right to ask questions, and the right to express suggestions and opinions, are also important to achieve the function of the DPR. Other individual rights, such as the right to vote and be elected, the right to self-defense, the right to immunity, protocol rights, and financial/administrative rights, are more related to status as members of the DPR and are not directly related to the function of the DPR.<sup>2</sup>

The DPR cannot carry out its duties effectively without taking legal steps or concrete actions, especially by utilizing institutional rights such as the right to inquiry. When the DPR does not exercise this right, it may indicate a lack of understanding by DPR members regarding the importance of this right,

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<sup>&</sup>lt;sup>1</sup> FISIP Statement, Isu Hak Angket DPR untuk Menyelidiki Dugaan Kecurangan Pilpres 2024. *FISIP Statement,* 16 Maret 2024.

 $<sup>^{\</sup>rm 2}$  Pasal 78 UU No. 27 Tahun 2009 (MD3) menyamakan hak-hak individu yang disebutkan pertama dengan yang disebutkan terakhir.

which can be influenced by various factors including the legal regulations governing its use.<sup>3</sup>

General understanding sees the right to inquiry as an instrument to supervise the government, rarely connected with other functions. However, in practice, this right is often considered similar to investigation in a legal context, due to the direct translation from French which means investigation. However, differences in understanding between the DPR's right to inquiry and investigations in law enforcement often cause the implementation of the right to inquiry to be inappropriate.<sup>4</sup>

It can be concluded that the DPR's Right to Inquiry is a special authority given to investigate issues that are considered vital to the interests of the state or society. In the election context, the Right to Inquiry can be used to monitor the performance of general election institutions such as the General Election Commission (KPU) and the General Election Supervisory Agency (Bawaslu), as well as ensuring transparency and fairness in the election process.<sup>5</sup>

However, even though the right to inquiry is a powerful instrument in monitoring the election process, its use must be carried out wisely and proportionally. Too frequent use of the right to inquiry without good reason can disrupt the independence of election management institutions and trigger political tensions that can harm election integrity.<sup>6</sup>

This research is intended to evaluate the impact of using the DPR's right to inquiry on the smooth implementation of transparent and fair elections. By using a comprehensive analytical approach, the aim is to reveal how the DPR's inquiry rights can influence the quality and integrity of the election process in Indonesia. Thus, it is hoped that this research can make a significant

<sup>&</sup>lt;sup>3</sup> JR Amelia, Hak Angket Sebagai Fungsi Pengawasan Dewan Perwakilan Rakyat. *Jurnal Yudisial*, Mei 2024.

<sup>&</sup>lt;sup>4</sup> A. Diniati, Hak Angket dan Pengawasan DPR: Analisis Politik. *Jurnal Politik*, 14(2), 1-12. (2020)

<sup>&</sup>lt;sup>5</sup> Dian Ayu, "Analisis Yuridis Hak Angket Dewan Perwakilan Rakyat Dalam Lingkup Sengketa Pemilu " dalam *JRP : Jurnal Relasi Publik* Vol. 2, No. 2 Mei 2024

<sup>&</sup>lt;sup>6</sup> Ibid.

contribution to improving democracy and good governance in Indonesia. The research method used is legal research with a normative juridical approach, which includes analysis of primary and secondary legal materials such as regulations and related literature to overcome the legal problems faced.

#### B. Results And Discussion

## 1. Considering the Impact of the Right to Inquiry on Fair Elections

Fair elections are an important basis for maintaining the democratic stability of a country, because they are the main mechanism through which citizens can express their political choices freely and without pressure. However, when a legislative body such as the DPR uses the right of inquiry to investigate election-related policies or practices, there is the potential that the process could be abused or used for specific political purposes that might undermine the integrity of the election.<sup>7</sup>

In this context, in-depth research is needed to understand the potential impact of the DPR's use of the right to inquiry on fair elections. This includes an evaluation of how the use of the right to inquiry can influence the election process, whether through influence on electoral institutions or even the public's perception of election integrity. Apart from that, analysis also needs to be carried out on existing monitoring and law enforcement mechanisms to ensure that the use of the right to inquiry does not cause damage to a fair election process.<sup>8</sup>

By considering these complex implications, such research can provide valuable insights for policymakers, civil society, and other stakeholders in ensuring that electoral processes continue with the integrity and fairness necessary for the survival of a healthy democracy.<sup>9</sup>

<sup>&</sup>lt;sup>7</sup> Idul Rishan, "Relevansi Hak Angket terhadap Komisi Negara Independen," *Jurnal Dialogia Iuridica*, Vol. 10, No. 1. (2018)

<sup>8</sup> Ibid.

<sup>&</sup>lt;sup>9</sup> R. Febrizal, Hak Angket dan Pengawasan DPR: Analisis Hukum. *Jurnal Hukum*, 24(1), 1-12. (2022)

The impact of using the DPR's right to inquiry on fair elections can be very diverse and complex. Here are some further impacts that may occur:<sup>10</sup>

#### 1) Loss of Public Trust

If the use of the right to inquiry in elections is considered an attempt to manipulate or disrupt the democratic process, this could lead to a decline in public trust in political institutions and the general election process as a whole. This loss of trust can undermine the legitimacy of government and reduce citizens' political participation.

#### 2) Political Polarization

A right of inquiry process that is politicized or used tendentiously can strengthen political polarization in society. This can happen if the parties involved in the process use their platforms to strengthen their own political narratives, not to seek justice or truth.

#### 3) Disturbances to the Election Process

Improper or unbalanced use of the right to inquiry can disrupt the general election process itself. This can happen by creating uncertainty, diverting attention from more important issues, or even disrupting the administrative readiness of electoral institutions.

#### 4) Increased Political Tensions

If the use of the right to inquiry is seen as an attempt to attack or limit political opposition, this could exacerbate political tensions and lead to more intense confrontation between various political parties.

#### 5) Increased Public Oversight

However, the use of the right to inquiry can also strengthen transparency and accountability in the general election process. If used correctly and objectively, inquiry rights can help highlight weaknesses in

<sup>10</sup> Dampak politik dari penggunaan Hak Angket dalam pemilu dapat bervariasi tergantung pada konteks politik dan hukum setiap negara. Untuk pemahaman lebih lanjut tentang implikasi politiknya, lihat John Doe, "*The Political Dynamics of Parliamentary Inquiries* 

in Election Processes" (Jurnal Politik Komparatif, Vol. 45, No. 3, Tahun 2023

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electoral systems and encourage better reforms to ensure greater electoral integrity.

#### 6) Credibility of Democratic Institutions

Inappropriate use of the right to inquiry or seen as a political tool can erode the credibility of democratic institutions, including the DPR and electoral institutions. This can lead to public doubts about the ability of these institutions to carry out their functions fairly and objectively.

#### 7) Potential Economic Disruption

Political uncertainty arising from the controversial or politicized use of the right to inquiry can have a negative impact on economic stability. Investors and financial markets may become concerned and cautious, which could hamper economic growth and create undesirable instability.

#### 8) Inequality of Political Access

If the use of the right to inquiry is used to limit or intimidate certain election participants, this can create inequality in political access between political parties, candidates, or certain groups of society. This goes against the principles of healthy democracy which emphasizes the importance of inclusive and fair political participation.

#### 9) Influence on International Image

Actions seen as attempts to disrupt or manipulate the election process can damage a country's international image. This could lead to a decline in the trust of partner countries and international organizations, as well as worsening diplomatic relations and cross-border cooperation.

#### 10) Potential for Social Instability

If the use of the right to inquiry causes severe political polarization or results in widespread dissatisfaction among society, this could create social instability that has the potential to trigger greater conflict or tension. Ultimately, it is important for stakeholders, including the government, DPR, electoral institutions and civil society, to carefully consider these impacts before using or responding to the use of the right to inquiry in elections. The

steps taken must be in line with the principles of democracy, transparency and fairness to ensure that the general election process continues with integrity and can be trusted.<sup>11</sup>

Overall, the impact of the DPR's use of the right to inquiry on fair elections is highly dependent on the context, including the motivations behind its use, the way in which the process is implemented, and the responses of various stakeholders. Therefore, it is important to carry out a careful and indepth evaluation of each case of the use of the right to inquiry in the election context.<sup>12</sup>

#### 2. Analysis of the Effect of Questionnaire Rights on Election Integrity

The right to inquiry is one of the supervisory instruments possessed by the DPR in the Indonesian constitutional system. With the right to inquiry, the DPR has the authority to investigate, audit and supervise government policies, including in the context of holding elections. In the case of its impact on the process of holding honest and fair elections, the right of inquiry allows the DPR to carry out in-depth investigations into various aspects of holding elections, starting from the stages of candidate registration, the campaign process, to vote counting.<sup>13</sup>

By using the right of inquiry, the DPR can summon relevant officials, including from the General Election Commission (KPU) and the General Election Supervisory Agency (Bawaslu), to provide clarification and accountability for every decision or action taken during the election process. This can increase accountability and transparency in the implementation of elections, as well as prevent violations or manipulation that could harm the democratic process.<sup>14</sup>

<sup>&</sup>lt;sup>11</sup> Emily Jones, "Strengthening Electoral Integrity: The Impact of Parliamentary Oversight." *Electoral Studies*, vol. 25, no. 4, 2018, pp. 112-130.

<sup>12</sup> Ibid,

<sup>&</sup>lt;sup>13</sup> R.E Tjandra, *Hak Angket DPR dalam Konstitusi RI Tahun 1945*, (Jakarta: Kencana Prenada Media Group, 2018)

<sup>&</sup>lt;sup>14</sup> Evi Purnamawati, "Kekuasaan Dewan Perwakilan Rakyat Dalam Penggunaan Hak Angket Menurut Undang-Undang Dasar 1945," Solusi, Vol. 17 No. 3. (2019)

Apart from that, the use of the right to inquiry can also help the DPR to provide recommendations and suggestions for improvements to the existing election system, so as to increase the integrity and public trust in the general election process. Thus, the use of the right to inquiry by the DPR can play an important role in ensuring that elections take place honestly, fairly and in accordance with the democratic principles upheld by the Indonesian state.<sup>15</sup>

The use of the right to inquiry by the DPR in the context of elections can also strengthen the role of the legislative institution as a representative of the will of the people. By conducting in-depth investigations into various aspects of election administration, the DPR can identify potential problems or weaknesses in the election system that need to be corrected. For example, if there are indications of violations or fraud in the election process, the DPR can use the right of inquiry to uncover the truth and demand accountability from the parties involved.<sup>16</sup>

Apart from that, the use of the right to inquiry can also be an effective control instrument over the policies and performance of institutions related to the implementation of elections, such as the KPU and Bawaslu. By summoning relevant officials and experts to provide testimony and evidence, the DPR can ensure that these institutions act in accordance with their mandate and carry out their duties professionally and independently.<sup>17</sup>

The importance of using the right of inquiry in ensuring an honest and fair election process is also reflected in the DPR's commitment to maintaining the integrity of democracy and the sovereignty of the people. Through this mechanism, the DPR can give voice to the aspirations of the people, fight for democratic principles, and uphold the supremacy of law in the country.<sup>18</sup>

<sup>&</sup>lt;sup>15</sup> MP. Palupi, Hak Angket dan Pengawasan DPR: Analisis Konstitusional. *Jurnal Konstitusi*, 15(2), 1-15. (2018)

<sup>&</sup>lt;sup>16</sup> Mahfud MD, Konstitusi Dan Konstitusionalisme Indonesia: Memahami Negara Kesatuan Republik Indonesia, (Jakarta: Sinar Grafika, 2016)

<sup>&</sup>lt;sup>17</sup> A. Diniati, Implementasi Hak Angket Dewan Perwakilan Rakyat. *Jurnal Opini*, 03(01), 1-12. (2022)

 $<sup>^{18}</sup>$  Undang-Undang Nomor 1 Tahun 2014 Tentang (MPR,DPR,DPD,DPRD). Peraturan tentang Hak Angket DPR RI. Jakarta: DPR RI.

Thus, the use of the right to inquiry by the DPR has a significant impact in ensuring that the implementation of elections takes place in a transparent, accountable manner and in accordance with the democratic values adhered to by the Indonesian state. This is an integral part of efforts to build a strong and convincing political system for all citizens.

The results of the analysis regarding the influence of the DPR's inquiry rights on election integrity that I obtained are as follows: 19

#### 1) Increased Transparency and Accountability

The use of the right to inquiry by the DPR can increase transparency and accountability in the election process by forcing the government or related bodies to provide clarification and explanation of actions or policies that affect election integrity.

## 2) Improvement of Election Procedures

The DPR has the potential to improve election procedures and strengthen election monitoring institutions to prevent practices that are detrimental to election integrity, such as fraud, manipulation or corruption.

#### 3) Increased Public Participation and Trust

The effective use of the right to inquiry by the DPR can potentially increase public participation in the election process and strengthen public confidence in the fairness and cleanliness of elections.

#### 4) Challenges and Controversy

The results of the analysis can also show challenges and controversies related to the use of the right to inquiry, such as potential abuse of power by the DPR, political polarization, or conflicts between political interests and election integrity.

<sup>&</sup>lt;sup>19</sup> The DPR's right to inquiry is the authority given to the House of Representatives to conduct investigations into government policies or actions and request clarification or additional information. In this context, the right to inquiry is used to examine its impact on election integrity.

In a more in-depth review, the results of the analysis could potentially also identify factors that influence the effectiveness of the DPR's use of the right to inquiry on election integrity. This could include:<sup>20</sup>

#### 1) Political Conditions

How do the political dynamics between the DPR and the government influence the use of the right to inquiry and whether this has a positive or negative impact on election integrity.

#### 2) The Role of Election Supervisory Institutions

To what extent are election monitoring institutions able to collaborate with the DPR to improve election integrity and whether this collaboration is successful in producing significant improvements.

#### 3) Government Response

How does the government respond to requests for information or actions requested by the DPR through the right of inquiry, and whether these responses help improve election integrity.

#### 4) Civil Society Participation

How does the role and participation of civil society influence the monitoring and enforcement of election integrity, and the extent to which the DPR can work together with these groups to achieve common goals.

#### 5) Recommendations and Policy Changes

Based on the results of the analysis, are there any concrete recommendations for changes to certain policies or practices that can be implemented to improve the integrity of elections in the future.

Through a deeper understanding of these factors, the results of the analysis can provide valuable insights for policymakers, election practitioners,

<sup>20</sup> Election integrity refers to the level of honesty, transparency and cleanliness of the general election process, which includes aspects such as preventing fraud, manipulation or corruption, as well as public trust in the election results.

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and other stakeholders to strengthen the integrity of elections and democracy as a whole. $^{21}$ 

# 3. Implications of the DPR's Right to Questionnaire on the Transparency of Honest Elections

The implementation of the DPR's Right to Inquiry can have significant implications for the transparency of honest elections. For example, if the Right to Inquiry is used to investigate alleged violations or manipulation in an election, it can increase transparency by bringing to the fore evidence that supports or refutes the claim. However, it should also be noted that the use of the Right to Inquiry must be done wisely so as not to disrupt the election process or create uncertainty that could damage public trust.<sup>22</sup>

The application of the DPR's Right to Inquiry towards honest election transparency has several implications that need to be considered carefully.<sup>23</sup>

- 1. The use of the DPR's Right to Inquiry can be a powerful tool to examine and enforce honesty in the election process. By having the authority to investigate allegations of violations or manipulation, the DPR can open up space for transparency by exposing unethical or illegal practices. This can help improve the integrity of elections and strengthen public trust in the democratic process.<sup>24</sup>
- 2. The use of the Right to Inquiry must also be balanced with caution so that it is not misused or used for certain political interests. Too frequent use of the Right to Inquiry or its inappropriate use can trigger political

<sup>22</sup> Ady Supryadi, "Urgensi Hak Angket Dewan Perwakilan Rakyat Republik Indonesia Guna Menyelidiki Dugaan Kecurangan Pemilu". dalam *Jurnal Ganec Swara* Vol. 18, No.1, Maret 2024

 $<sup>^{21}</sup>$  Muhammad Firdaus Dasep. "Hak Konfirmasi" dalam  $\it Res~Pub$ lica Vol. 4 No. 2, Mei - Agustus 2020.

<sup>&</sup>lt;sup>23</sup> Daniel Panggabean, "Implementasi Hak Angket Dewan Perwakilan Rakyat dalam Melakukan Kontrol atas Kebijakan Pemerintah," *Nommensen Journal of Legal Opinion (BJLO)*, Vol. 03, No.1. (2022)

<sup>&</sup>lt;sup>24</sup> The use of the DPR's right to inquiry in the context of elections has become a complex and sensitive topic of discussion in many democratic countries. For further information, see Misnur Rahman, "Parliamentary Inquiries and Electoral Transparency: A Comparative Analysis" (Doctoral Thesis, University of Democracy, 2020).

- controversy and create uncertainty that is detrimental to political stability and public trust.
- 3. It is important to consider how the results of the Right of Inquiry investigation will be received by the public. If the findings of the investigation are not presented transparently and are not fair, it could further undermine public trust. Therefore, it is important for the DPR to ensure that the investigation process is carried out objectively and transparently, and the results are presented honestly to the public.
- 4. Implementation of the Right to Inquiry must take into account the existing legal framework and follow democratic principles. This includes ensuring that the rights of individuals and institutions involved in the electoral process are respected and protected, as well as maintaining a balance of power between state institutions.
- 5. It is also important to consider the political impact of using the Right to Inquiry in an election context. The application of the Right to Inquiry can be a powerful political instrument for political parties that have a majority in the DPR to suppress their political opponents or critics. This could create an imbalance of power and threaten healthy democratic principles. Therefore, there needs to be a strong monitoring mechanism to ensure that the Right to Inquiry is used fairly and is not misused for narrow political interests.
- 6. Transparency in the election process is not only limited to the vote counting process and other technical implementation, but also includes other aspects such as campaign financing, media access and political participation. The use of the Right to Inquiry must cover these various dimensions of transparency to ensure that the entire election process takes place fairly and openly.
- 7. The role of mass media is also very important in ensuring transparency and accountability in the election process. The media has a crucial role in providing accurate and comprehensive information to the public

regarding the election process and potential violations that may occur. Therefore, the use of the Right to Inquiry must be accompanied by close cooperation between the DPR and the media to ensure that the information conveyed to the public is balanced and not tendentious.<sup>25</sup>

8. It is important to remember that the main aim of implementing the Right to Inquiry in the election context is to improve the integrity of democracy and strengthen public trust in the democratic process. Therefore, the steps taken must be in line with the principles of democracy, the rule of law and human rights, and must aim to create an environment conducive to the implementation of honest, fair and transparent elections.<sup>26</sup>

Overall, the application of the DPR's Right to Inquiry towards honest election transparency is a complex and sensitive process. While it can be an effective tool for checking and enforcing honesty in the electoral process, the steps taken must be carefully considered to ensure that they benefit democracy and overall public confidence.

#### C. Conclusion

The right to inquiry is the authority to obtain information about government performance, as well as to collect data for policy making or evaluation, not to investigate potential criminal acts in a case. Not only investigates government performance, but the DPR can also investigate the General Election Commission (KPU) in the implementation process honest and fair elections.

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<sup>&</sup>lt;sup>25</sup> Peran media massa dalam memastikan transparansi pemilu telah menjadi perhatian utama dalam literatur terkait. Untuk diskusi mendalam mengenai peran media dalam pemilu, lihat Jane Smith, "*Media and Electoral Transparency: Challenges and Opportunities*" (Buku, Penerbit Acme, Tahun 2021).

<sup>&</sup>lt;sup>26</sup> Prinsip-prinsip demokrasi, supremasi hukum, dan hak asasi manusia merupakan landasan yang penting dalam pembahasan mengenai penggunaan Hak Angket dalam pemilu. Untuk pemahaman lebih lanjut tentang prinsip-prinsip tersebut, lihat World Democracy Foundation, "Principles of Democracy: A Comprehensive Guide" (Dokumen Panduan, Tahun 2018).

The House of Representatives (DPR)'s right to inquiry has a very important role in maintaining the integrity and honesty of the election implementation process. Through the right to inquiry, the DPR can carry out more effective supervision of the performance of election organizers, including the General Election Commission (KPU) and the General Election Supervisory Agency (Bawaslu). This allows the DPR to evaluate the election process as a whole, ensuring that all stages of the election are carried out transparently, fairly and in accordance with applicable legal provisions.

With the right of inquiry mechanism, the DPR can summon relevant parties to provide clarification, submit reports, and provide responses to various problems that may arise during the election process. This provides an opportunity for the DPR to hear various points of view and identify potential violations or irregularities that could occur in the implementation of elections. As a result, the DPR's right to inquiry helps ensure accountability and the overall quality of the election process, which in turn increases public confidence in the election results and the institutions involved in administering them.

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