



**TECHNIUM**

SOCIAL SCIENCES JOURNAL

9 R 06

1

\$ Q H Z G H F D  
I R U V R F L D O

, 6 6 1



Z Z Z W H F K Q L X P V F L H Q F H F R E

## **Juridical implications of election of the general election of the Regional Council of Representatives (DPD) with the Noken System**

**Waluyo<sup>1</sup>, I Nyoman Nurjaya<sup>2</sup>, Herman Suryokumoro<sup>3</sup>, Shinta Hadiyantina<sup>3</sup>**

<sup>1</sup>Candidate for Doctor of Law, Faculty of Law, Brawijaya University, Indonesia,

<sup>2</sup>Professor, Lecturer at the Faculty of Law, Brawijaya University, Indonesia, <sup>3</sup>Doctor, Lecturer at the Faculty of Law, Brawijaya University, Indonesia

[publicnew.research@gmail.com](mailto:publicnew.research@gmail.com)

**Abstract.** In addition to the general election that applies nationally, there are general elections held by indigenous peoples with the noken or ikat system in Papua Province, especially in the central highlands of Papua. The election with the noken system began to be recognized by the general public when the Constitutional Court of the Republic of Indonesia through Decision Number 47-81 / PHPU.A-VII / 2009 on General Election Result Disputes (PHPU) in Yahukimo Regency, recognized the noken system as a legitimate means of election. Elections with the noken system are simply seen as a system of using noken bags as a substitute for ballot boxes in the implementation of the General Election. There are juridical implications in the context of regulation (legal validity) related to the election of DPD members who are elected using the Noken system. Many Constitutional Court decisions have not been followed up by the DPR in the form of laws, for example the Constitutional Court Decisions Number 47-81 / PHPU.A-VII / 2009. If examined more deeply, the legitimacy in this Constitutional Court decision is not placed in the verdict, but is placed in consideration (considering). This shows that the legitimacy of using the noken system is still weak due to the incomplete legal norms according to *Stufenbau Theorie*. At the technical level, this decision was only followed up by the Papua Provincial KPU through Decree Number 01 / Kpts / KPU Prov. 030/2013 concerning Technical Instructions for Voting Procedures Using Noken as a Substitute for Ballot Boxes, and the Indonesian KPU through Decree No. 810 / PL. 02.6-Kpt / 06 / KPU / IV / 2019 concerning Guidelines for Voting Using the Noken / Ikat System in Papua in the 2019 Election.

**Keywords.** Election, DPD, Noken system

### **A. Introduction**

Elections in Indonesia have been held since 1955, continued in 1971, 1977, 1982, 1987, 1992, 1997, which culminated in the birth of the 1998 Reform Order. During this period and afterwards, Elections were held in 2004, 2009, 2014 and 2019. If during the New Order era the Election system was carried out through people's representative institutions, during the reform period and afterwards, the Election was conducted directly. In line with the election, the Constitution was also amended 4 (four) times, namely in 1999, 2000, 2001 and 2002. Until the 4th (fourth) amendment, new institutions were born such as the Constitutional Court of the Republic of Indonesia (hereinafter abbreviated as MK RI or MK) and the Regional

Representative Council of the Republic of Indonesia (hereinafter referred to as DPD RI or DPD). These two institutions also took on their respective roles in the election: the DPD was also elected directly by the people, as part of soft bicameral politics (Safa'at, 2010). while the Constitutional Court has the authority to adjudicate election disputes.

The position of the DPD RI is regulated in Articles 22C, 22D, and 22E of the 1945 NRI Constitution, with a derivation from Article 2 paragraph (1) of the 1945 NRI Constitution which states that the People's Consultative Assembly consists of the People's Representative Council and members of the Regional Representative Council who are elected through Elections and further regulated by Law (most recently by Law Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 concerning the People's Consultative Assembly, People's Representative Council, and Regional Representative Council (also known as MD3 Law). Furthermore, the position of the Constitutional Court is regulated in Article 24 paragraph (2) of the 1945 Constitution of the Republic of Indonesia which states that judicial power is exercised by a Supreme Court and judicial bodies under it in the environment of general courts, religious courts, military courts, state administrative courts, and by a court. Constitution Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia further emphasizes the authority of the Constitutional Court Law Number 24 of 2003 concerning the Constitutional Court, which has been amended by Law Number 8 of 2011.

In addition to the general elections that apply nationally as mentioned above, there are general elections held by indigenous peoples with the noken or ikat system in Papua Province, especially in the central highlands of Papua. The election with the noken system began to be recognized by the general public when the Constitutional Court of the Republic of Indonesia through Decision Number 47-81 / PHPU.A-VII / 2009 on General Election Result Disputes (PHPU) in Yahukimo Regency, recognized the noken system as a legitimate means of election. (Pasaribu, 2017). Elections with the noken system are simply seen as a system of using noken bags as a substitute for ballot boxes in the implementation of the General Election. This view is reinforced by the Decree of the Papua Province KPU Number 01 / Kpts / KPU Prov. 030/2013 concerning Technical Instructions for Voting Procedures Using Noken as a Replacement for Ballot Boxes, as well as the Decree of the Indonesian KPU Number 810 / PL.02.6-Kpt / 06 / KPU / IV / 2019 concerning Guidelines for Voting Using the Noken / Tie System in Papua in the 2019 Election. Previously in the 2014 Election, the use of noken was strengthened by the Constitutional Court Decision Number 06-32 / PHPU-DPD / XII / 2014.

Speaking of elections in Indonesia, it is known that there is a Presidential / Vice-Presidential and Legislative Election to elect members of the DPR (People's Representative Council), DPD (Regional Representative Council) and DPRD (Provincial and Regency / City DPRD). In this study, the authors limit and focus on the election of DPD members with the noken system which discusses the juridical implications of the election of DPD members who are selected with the noken system associated with the specificity of Papua (Otsus Papua) and the authority of the Papuan People's Assembly in approving the culture and authenticity of Papuans and regional representation represented, namely: election criteria for DPD members who are selected with the noken system, protection and fulfillment of civil and political rights of citizens as a guarantee of human rights, DPD as a regional representative institution and the process of absorbing the aspirations of the represented area, juridical implications for the election of DPD members selected with the Noken system. With the reason of avoiding duplication and plagiarism of the results of previous studies that raised many related to the Presidential / Vice-Presidential Election and the Legislative Election to elect DPR and DPRD members. It is at this point that is the uniqueness of this study which is also a differentiating value from previous studies.

**B. Research Methods**

The type of research used is normative legal research whose material object is legal norms. The focus of study in normative legal research is law that is conceptualized as a norm or rule that applies in society and becomes a reference for everyone's behavior, so that normative legal research focuses on inventorying positive law, legal principles and doctrines, legal findings in concreto, systematic cases. law, level of synchronization, comparative law and legal history (Muhammad, 2004).

**C. Discussion**

**Election criteria for DPD members who can be elected with the Noken system**

The General Election of DPD members with the Noken system is part of the General Election mechanism in Indonesia. Thus, in the General Election with the Noken system the characteristics and characteristics of the General Election are also attached to the democratic state system in general. Conceptually, elections are a means of implementing the people's sovereignty. Through elections, the legitimacy of people's power is implemented through the "handover" of some of their power and rights to their representatives in parliament and government. With this mechanism, at any time the people can hold the government accountable for power (Jurdi, 2018).

According to a constitutional law expert, Jimly Asshiddiqie, the election is a way to democratically elect people's representatives (Asshiddiqie, 2014). Ashiddiqie departed from the concept of people's sovereignty with a representative system or what is known as representative democracy. In practice, those who exercise people's sovereignty are the people's representatives who sit in the people's representative institutions called parliament. The people's representatives act for and on behalf of the people, and it is the people's representatives who determine the style and mode of operation of the government, as well as what goals are to be achieved both in the long term and in the relatively short term. In order for people's representatives to truly act on behalf of the people, these representatives must be determined by the people themselves, namely through elections.

Therefore, theoretically, the general election of DPD members using the noken system is an effort to manifest the ideals of representative democracy, namely that the people elect their own representatives who act on behalf of the voters. This vision was read from the Constitutional Court's considerations when making a decision that recognized the legality of the General Election with the Noken system through the Constitutional Court Decision Number 47-81 / PHPU.A-VII / 2009.

Table 1: General Election Parameters with the Noken System

Fundamentals In The Constitution	Principles in International Human Rights Law	Elements that must be met	Description
Direct	Free	Freedom guarantee	climate The conditions for creating a climate of freedom of choice: guarantee of freedom of expression, assembly, association, guarantee of freedom of information, independent judiciary.

Free		Guarantee of freedom of choice	No intervention, threats, violence in choosing (including freedom from money politics)
Secret		Guarantee of Confidentiality	Be done in person and confidentially
General	Fair	General and equivalent	Election services and facilities are accessible and apply generally and equally
Honest		Nondiscrimination and affirmative measures required	There is no discrimination for anyone and there are affirmative steps for minority and vulnerable groups
Fair		One person one Vote	One person one Vote

Source: processed, July 2020

Whereas the implementation of general elections which is in line with the principles of human rights is in line with the free and fair election mechanism which in the Indonesian context is simply translated into the LUBER (direct, public, free, confidential) and JURDIL (honest and fair) principles. The electoral laws and regulations also state this. The fulfillment of these principles is an absolute prerequisite for realizing the sovereignty of the people as stated by the Constitution.

The decision of the Constitutional Court regarding the General Election / PemiluKada with the noken / tie / agreement / representative system in Papua Province, in Decision Number 47-81 / PHPU.A-VII / 2009, the Constitutional Court in its consideration stated that it understands and respects the cultural values that live in the community Papua is unique in holding general elections by way or system of "citizen agreement" or "acclamation". The Court accepts the collective election method ("citizen agreement" or "acclamation") that has been accepted by the community, because if a general election is enforced in accordance with the prevailing laws and regulations there is a concern that conflicts will arise between local community groups.

### **Protection and fulfillment of civil and political rights of citizens as a guarantee of human rights**

The Universal Declaration of Human Rights expresses explicit recognition of human rights, including the violation of the right to participate in government or political rights. Provisions for the protection of political rights in the Universal Declaration of Human Rights (Universal Declaration of Human Rights) are set out in Article 21 which states:

- [1] Everyone has the right to participate in the government of his own country, either directly or through freely chosen representatives.
- [2] Everyone has the right to the same opportunity to be appointed to a government position in his country.
- [3] The will of the people must be the basis of government power; This willingness must be expressed in periodic elections held under general and equal suffrage, and by secret ballot or by other means which also guarantee freedom to vote.

In guaranteeing the human rights of its citizens, Indonesia has included these human rights in the 1945 Constitution of the Republic of Indonesia, which is contained in Article 27 paragraph (1), and 28A through 28J. And the political rights themselves are contained in Article 27

paragraph (1), Article 28, Article 28D paragraph (3), Article 28E paragraph (3) and Article 28I paragraph (2).

The government must provide legal protection for all Indonesian people based on and derived from the concept of recognition of human rights. Protection of human rights is not limited to self-protection but also protection of the constitutional rights of communities in the field of customary law. The protection of constitutional rights from the perspective of customary law can be seen from several provisions that are based on basic norms (staats fundamental recht or fundamental law) starting from the 1945 Constitution of the Republic of Indonesia, the MPR Stipulations, Laws / Government Regulations in Lieu of Law (Perpu ), Government Regulations, Presidential Regulations, Provincial Regulations, Regency / City Regulations.

The existence of indigenous peoples in Indonesia cannot be denied, because they existed long before the independence of the Republic of Indonesia. Indigenous peoples are a group of people who have blood ties to fellow members, who in everyday life have the same rules of life that have been adhered to from generation to generation. Indigenous peoples have their own traditional customs which in the life of the nation and state are often not recognized by the Government because they are considered to be contrary to modern law (Jentoft et al., 2003; Ahrén, 2004; Negara, 2020).

Political and legal recognition for indigenous peoples is a right they should get, not only in the form of symbols in the form of written recognition alone, but in real terms in the form of implementation in state life. One clear example of the form of state recognition of the constitutional rights of indigenous peoples in the political field, especially in relation to the holding of general elections, is through the Constitutional Court Decision Number 47-81 / PHPU.A-VII / 2009. At first this decision caused controversy because the rules in indigenous peoples were different from the applicable positive law, but it is natural to respect the existence of indigenous peoples who are still upheld (Zazili, 2016).

### **DPD as a regional representative institution and the process of absorbing the aspirations of the represented region**

After the amendments to the 1945 Constitution, the Indonesian constitutional system developed very dynamically. The constitutional system that has been formulated normatively has undergone various shifts and contractions at the level of implementation. One of the dynamic developments is related to the position and authority of the DPD. In fact, this dynamic has led to the idea of the Fifth Amendment to the 1945 Constitution. This idea certainly needs to be supported by strong arguments, both in terms of quality and quantity of supporters. This can only be achieved by honing both theoretically and practically through public discussion and implementation in the life of the nation and state.

In order to increase the power of the DPD, for example, there must be an empirical argument that the current powers have been used maximally, but not sufficient to realize the goal of establishing the DPD itself. To carry out its duties, of course, tools and mechanisms are needed for the success of the DPD as a regional representative institution.

The existence of the DPD can be said to be a meeting of two ideas, namely democratization and efforts to accommodate regional interests for the sake of maintaining national integration. This opinion was also expressed by Sri Sumantri Martosoewignjo and Mochamad Isnaeni Ramdhan who stated that the formation of the DPD could not be separated from two things, namely; First, there is a demand for democratization to fill in institutional members so that the voters always participate. The presence of Regional Representatives and Class Envoys in the composition of the MPR was replaced by the presence of the DPD. Second, because of demands for regional autonomy which if not controlled properly will lead to

demands for separatism. DPD was formed to represent the interests of the people in the regions (Soemantri, 1987). The meeting of the two backgrounds can be described in the following chart form:

Table: Meeting between Democratization and Regional Autonomy

Democratization	DPD (Regional Representative Council)	Regional autonomy
All representatives of the people must be elected through elections	↔	Accommodates regional interests
		Maintain the integrity of the Republic of Indonesia

The aspirations that have been absorbed must of course be channeled and fought for by DPD members in the process of making national policies. Thus in fact DPD members must always be present in two places, namely in the represented region and at the center. Therefore it is natural and supposed that DPD members are actively moving (mobile) from the regions to the center and vice versa. It cannot be said that there should be more DPD members in the regions or more in Jakarta.

To carry out the absorption of regional aspirations, of course DPD members cannot do it alone. It can be said that the constituency of DPD members is much broader and more numerous than members of the DPR. From the population side, it is clear that the constituents of DPD members are all people in a province which is much bigger than the constituents of DPR members who are only in one Electoral District. Even the constituents of DPD members are not only people, but also nature and the environment in the regions, community organizations, and local governments.

Based on these conditions, what DPD members need is not just a domicile in the province concerned, but they must have organs and instruments that can drive the process of absorbing aspirations. In short, DPD members must have offices that operate in the regions. This office will collect aspirations and information at the regional level, process, communicate and systematize, and prepare them as material and policy formulations that will be channeled and championed by DPD members at the center. Only with these instruments can DPD members carry out the function of channeling regional aspirations to the maximum without leaving the task of absorbing the aspirations of the region itself.

### **The juridical implication of the election for DPD members who are elected using the Noken system**

The Constitutional Court as an implementing agency for judicial power, one of which has the authority to examine the Law against the 1945 Constitution of the Republic of Indonesia in the context of realizing a democratic state based on law as contained in Article 1 of the 1945 NRI Constitution. Therefore, the Constitutional Court Decision Number 47-81 / PHPU .A-VII / 2009 which recognizes the legality of the Noken election system has juridical implications. In simple terms it is said that with the recognition of the noken system as a constitutional way of voting in the context of the indigenous Papuan people who still run it, the procedures and results of the general election for DPD members with the noken system are also declared valid or legal. These implications should be seen in the perspective of the pluralism frame of general election law and the nature of the Constitutional Court decisions themselves, namely final and binding.

In law enforcement, there are three things that must be considered, namely legal certainty (*rechtssicherheit*), benefit (*zweckmassigkeit*) and justice (*gerechtigkeit*). Legal certainty will always face problems in the form of concrete events in society. But on the other hand, law enforcement must not deviate from *fiat justitia et pereat mundus* (even though the world is collapsing the law must be enforced). This is what legal certainty as a procedural justice wants against the existence of an orderly legal condition to create a more orderly society. The function of law in the spirit of legal certainty for public order has vis a vis the public's expectation of the benefits of law enforcement. Because the most important aspect of law enforcement and enforcement is paying attention to the public's interest in justice (Soemantri, 1987).

In the context of the legality of DPD members who are elected with the noken system, constitutionally accepted as legal and constitutional but practically or in its implementation it can be said that it is not yet strong or binding. This is related to weaknesses in the implementation of the Constitutional Court decisions by other state actors who have the duty and authority to carry them out. The Constitutional Court decision is final and binding, meaning that it must be carried out but in fact it is not easy to do so. When analyzing several Constitutional Court decisions that make the branches of state power both the executive, legislative, and judicial branches of power, namely the Supreme Court (MA) as the address for the Constitutional Court decisions, they are ignored or not followed up.

### **Representation of indigenous Papuans in the election of members of the Indonesian Regional Representative Council**

Representative institutions are considered important in a country, whether a democratic country or not, because a representative institution or commonly called parliament was not born because of the idea of democracy itself but was born on the impact of the feudal system. The existence of regional representative institutions at the central level is considered to have a very important role as the importance of independent regional government in the Unitary State of the Republic of Indonesia. This is because Indonesia does not only have people who are at the central level but also in the regions. Until now, the regional potential has not been maximally utilized and developed so that the role of representatives is of course a figure who will fill the void in the seat of regional interest itself.

According to Wasti (2017) There are several assumptions related to the urgency of regional representation, namely so that cultural, historical, economic and political linkages between the population and the regions are reflected in the representation system and the legislative process. To create checks and balances on the first room that already existed. This is to avoid the creation of laws by one institution which makes the resulting legislative products less effective.

Therefore, specifically the presence of the DPD is expected to be able to accommodate regional aspirations which have not been maximized. One of the reasons for the formation of the DPD was to create a legislative system that was responsive and in the interests of the people in accordance with the demands of reform.

The backgrounds for the establishment of the DPD are (1) strengthening regional ties within the framework of the Indonesian State and strengthening national unity in each region; (2) increasing accommodation and regional aspirations and interests in national policies; (3) implementing the acceleration of democracy, development and regional progress, by optimizing the roles and functions of regional representatives who were originally a fraction of the MPR (Yusuf, 2013).

Operationally, in the context of the birth of the DPD as a representation of regional interests, it seems very appropriate to be seen from the strategic reasons for the DPD as a balancing function of interests between the interests of more macro national legislation and regional interests which are socio-cultural very diverse. Because what the DPR stands for as a political party-based people's representative does not necessarily match or match what is the DPD's concern and struggle. Therefore, to produce an effective check and balance process in the process of implementing an interest representative system, it requires the presence of a DPD that is institutionally strong and rooted in the communities it represents. Thus, it can be said that the purpose of forming the DPD RI is philosophically driven more by the interest of coloring national government policies by providing new space for the interests of local communities. The definition of a region here is certainly not a regional area, but a geocultural area within a multiple frame.

The description above makes it clear that DPD is a form of regional representation so that there are cultural, historical, economic and political links between the population and the regions that are reflected in the representative system and the legislative process. In other words, the main characteristic of DPD membership is closely related to the regional identity it represents. Therefore, with such a perspective, the DPD members from Papua actually represent Papuans like other representatives in the government (Governor and Deputy Governor) and DPRD, MRP. For the people of Papua, after the enactment of Law Number 21 of 2001 concerning Special Autonomy for Papua Province (UU Otsus), all political dynamics including the general election have been viewed in the framework of considering the dignity and rights of Indigenous Papuans (OAP). Thus, every general election including the election for members of the Regional Representative Council (DPD) must represent the OAP in both the process and the results of the general election.

#### **The authority of the Papuan People's Council in the election of DPD RI members**

In the implementation of Special Autonomy for Papua, the Papuan People's Assembly (MRP) has political power and authority in addition to moral authority in carrying out its duties and authorities. The political power and authority possessed by the Papuan People's Assembly (MRP) is contained in Article 20 paragraph (1) and Article 21 paragraph (1) sub a and sub b of Law Number 21 of 2001, which is manifested in the form of consideration and approval of the DPRP proposal. regarding candidates for Governor and Deputy Governor and candidates for members of the People's Consultative Assembly of the Republic of Indonesia, as well as against the draft Perdasus submitted by the DPRP together with the Governor. The approval of the Papuan People's Assembly (MRP) is very decisive in the interrelation with the DPRP and the Governor of Papua regarding candidates for Governor and Deputy Governor, candidates for members of the MPR-RI and the Draft Perdasus. Thus, the MRP decision means that it must apply and be followed. This provision also applies in the implementation of Article 76 of Law Number 21 of 2001 concerning the expansion of the Papua Province.

Meanwhile, the supervision of checks and balances on the Papuan People's Assembly (MRP) is not explicitly contained in Law Number 21 of 2001, so there is no other power and authority in Papua that can directly hold the Papuan People's Assembly (MRP) accountable. Supervision and accountability of the Papuan People's Assembly (MRP) is built-in control within the MRP and takes place among members of the MRP. In the articles of the Special Autonomy Law, there is no mention of the MRP's authority to take part in giving considerations or other roles in the election of DPD members.

#### **The legitimacy of DPD members who are elected using the Noken system**

Juridically, the Constitutional Court has firmly stated that the Noken system is recognized and legitimate as one of the traditional forms of general elections for the Papuan people in several mountainous areas of Central Papua which was first stated in the Constitutional Court Decision Number 47-81 / PHPU.A-VII / 2009. The formal legal dynamics continue to develop and gain adequate legitimacy through the decisions of the Constitutional Court in hearings related to disputes over the results of the subsequent elections or regional elections. If it is recorded carefully, dozens of cases have been submitted to the Constitutional Court which have made the noken system one of the objects of the case (Yusuf, 2013; Setiawati & Aryani, 2011). In each of these decisions, the Constitutional Court made Decision Number 47-81 / PHPU.A-VII / 2009 as a basis for consideration or reference to the decision.

One of the main concerns that should be the organizer's important agenda in improving the noken system is related to areas that have the legitimacy to implement this system. First, because this is an order by the Constitutional Court which contains a constitution, second, because of the constitutional ideals which imply that the principle of one-person-one-vote-one-value can be realized in the Papuan elections. The Constitutional Court's decision stated, "the noken system or the tie system can only be recognized in places which have always been carried out continuously. The noken system or tie system must not be implemented in places that have never used the noken system. If an area no longer uses the system that previously used the noken system, then for that area the existence of the noken system is no longer recognized. So even though it acknowledged the existence of the noken system, the Constitutional Court implied that the nationally applicable system could replace the noken system slowly and elegantly.

Based on the wishes of the local community, not imposed by policy makers. Thus, based on the considerations of the Constitutional Court, it can be said that for future legal arrangements for the implementation of elections with the noken system it is not possible through the addition of articles and / or changes in phrases in the formulation of the General Election Law which explicitly mentions the noken system and its distinctive procedures to maintain uniformity of regulations general election with the same principles OPOVOV and with the same principles, namely LUBER (direct, public, free, confidential) and JURDIL (honest and fair). Even so, the vision of the Constitutional Court determines that the noken system only applies in certain areas that have implemented it and hopes that the slow replacement of the noken system by the Papuan people itself can be included as an additional article of the Election Law. This addition does not specifically mention the noken system but assigns all election administrators to ensure strict Election administration requirements in special areas while at the same time striving to uniform the procedures for holding elections according to the principles of the LUBER (direct, public, free, confidential) and JURDIL (honest and fair) elections in Indonesia.

### **Conclusion**

There are juridical implications in the context of regulation (legal validity) related to the election of DPD members who are elected using the Noken system. Many Constitutional Court decisions have not been followed up by the DPR in the form of laws, for example the Constitutional Court Decisions Number 47-81 / PHPU.A-VII / 2009. If examined more deeply, the legitimacy in this Constitutional Court Decision is not placed in the verdict, but instead is placed in consideration (considering). This shows that the legitimacy of using the noken system is still weak due to the incomplete legal norms according to *Stufenbau Theorie*. At the technical level, this decision was only followed up by the Papua Provincial KPU through Decree Number 01 / Kpts / KPU Prov. 030/2013 concerning Technical Instructions for Voting Procedures Using Noken as a Substitute for Ballot Boxes, and the Indonesian KPU through Decree No. 810 / PL.

02.6-Kpt / 06 / KPU / IV / 2019 concerning Guidelines for Voting Using the Noken / Ikat System in Papua in the 2019 Election.

### References

- [1] Ahrén, M. (2004). Indigenous peoples' culture, customs, and traditions and customary law-the Saami people's perspective. *Ariz. J. Int'l & Comp. L.*, 21, 63.
- [2] Asshiddiqie, J. (2014). *Pengantar Ilmu Hukum Tata Negara*. Rajawali Press.
- [3] Jentoft, S., Minde, H., & Nilsen, R. (2003). *Indigenous peoples: resource management and global rights*. Eburon Uitgeverij BV.
- [4] Jurdi, F. (2018). *Pengantar Hukum Pemilihan Umum*. Kencana Prenadamedia Group.
- [5] Muhammad, A. (2004). *Hukum dan Penelitian Hukum*. Bandung: PT. Citra Aditya Bakti.
- [6] Negara, I. S. (2020). Socio-Cultural Change of Society Against Health in the Village of Panciro, Gowa Regency. *Journal La Sociale*, 1(1), 19-24.
- [7] Pasaribu, K. (2017). *Tambal Sulam Sistem Noken (Laporan Lanjutan Pilkada Serentak Di Papua)*, Perludem (Perkumpulan untuk Pemilu dan Demokrasi). *Jurnal Konstitusi Pusako*, 3(1).
- [8] Safa'at, M. A. (2010). *Parlemen Bikameral: Studi Perbandingan di Amerika Serikat, Perancis, Belanda, Inggris, Austria, dan Indonesia*. Universitas Brawijaya Press.
- [9] Setiawati, N. K. R. S., & Aryani, N. M. (2011). *Kewenangan DPD Dalam Sistem Ketatanegaraan Indonesia Pasca Putusan Mahkamah Konstitusi*. Fakultas Hukum Universitas Udayana, Denpasar.
- [10] Soemantri, S. (1992). *Bunga Rampai Hukum Tata Negara Indonesia*. Bandung: Alumni.
- [11] Wasti, R. M. (2018). Fungsi Representasi Dewan Perwakilan Daerah Republik Indonesia Sebagai Lembaga Perwakilan Daerah. *Jurnal Hukum & Pembangunan*, 47(4), 439-458.
- [12] Yusuf, M. (2013). *Dewan Perwakilan Daerah Republik Indonesia: arsitektur histori, peran, dan fungsi DPD RI terhadap daerah di era otonomi daerah*. Graha Ilmu.
- [13] Zazili, A. (2016). Pengakuan Negara terhadap Hak-Hak Politik (Right to Vote) Masyarakat Adat dalam Pelaksanaan Pemilihan Umum (Studi Putusan Mahkamah Konstitusi No. 47-81/Phpu. A-Vii/2009). *Jurnal Konstitusi*, 9(1), 135-162.