

Parliamentary Perspectives and Oversight Functions in the Best Practices of the Dutch Tweede Kamer: A Case Study of the 2014 e-KTP Corruption

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Background. The oversight function of the Indonesian House of Representatives (DPR) is vital for maintaining transparency and accountability in governance. However, the 2014 e-KTP corruption case exposed serious weaknesses in this oversight role, particularly the misuse of the right of inquiry for political purposes, undermining its credibility and effectiveness.

Purpose. The study aims to analyze the weaknesses in Indonesia's legislative oversight system, as exemplified by the e-KTP case, and to propose improved mechanisms by learning from Dutch parliamentary practices. The goal is to develop a more objective, transparent, and independent oversight model suited to Indonesia's context.

Method. This research uses a qualitative, comparative approach, analyzing the 2014 e-KTP case as a key example of oversight failure. It then conducts a comparative study of the Dutch parliamentary system to identify oversight practices that can be adapted for Indonesia. The study involves document analysis, case review, and institutional comparison.

Results. The study finds that Indonesia's current oversight mechanisms are prone to political misuse and lack transparency. It recommends adopting features of the Dutch system—such as independent oversight bodies, open access to reports, and transparent procedures—while adjusting them to fit Indonesia's political and legal environment to strengthen democratic accountability.

Conclusion. The DPR's oversight function has been undermined by political misuse and unclear regulations, as seen in the e-KTP case. To restore public trust and ensure effective oversight, reforms are needed—drawing on Dutch best practices—to create a transparent, objective, and participatory system supported by clear legal frameworks.

KEYWORDS

Function Supervision, Right of Inquiry, Best Practices, Tweede Kamer

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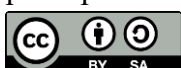
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INTRODUCTION

In Indonesia's system of government, which adheres to the principles of constitutional democracy, the House of Representatives (DPR) has three main functions: legislation, budgeting, and oversight.

Of these, the oversight function is a crucial pillar in maintaining the balance of power among state institutions and ensuring that government administration is carried out in accordance with the principles of accountability, transparency, and the rule of law. The DPR's oversight function aims to



monitor and evaluate the implementation of government policies, programs, and activities to ensure they are effective, efficient, and do not deviate from statutory provisions. In carrying out its oversight function, the DPR has various mechanisms, such as working meetings with ministries, hearings (RDP), and the use of constitutional rights, such as the right of interpellation, the right of inquiry, and the right to express an opinion. Among these three rights, the right of inquiry occupies a central position as the DPR's most powerful investigative instrument to gather information and facts related to the implementation of government that is deemed deviant and problematic.

The DPR's right of inquiry is a form of constitutional oversight regulated in Article 20A paragraph (2) of the 1945 Constitution of the Republic of Indonesia which states that the DPR has the right of interpellation, the right of inquiry, and the right to express an opinion. This provision is emphasized in Law Number 17 of 2014 concerning the MPR, DPR, DPD, and DPRD which explains that the right of inquiry is the DPR's right to conduct investigations into the implementation of a law and/or government policy relating to important, strategic matters, and having a broad impact on the life of society, the nation, and the state that are suspected of being in conflict with statutory regulations. The right of inquiry gives the DPR the authority to summon state officials, request information and documents, and conduct examinations of related parties to collect data and evidence on a public issue. This mechanism enables the DPR to uncover deviations in public policy, violations of the law, or even corrupt practices carried out by executive officials, so that the DPR's oversight function can be carried out effectively (Muin, 2020).

Case Name	Era President	Year of Submission	Issue Main	Special Committee Key Results	Short Impact (Legal/Political/Social)
Buloggate & Bruneigate	Abdurrahman Wahid	2000-2001	Allegations of misappropriation of Bulog funds (Rp. 35 billion) and donations from the Sultan of Brunei (US\$ 2 million).	Gus Dur is suspected of being involved, but the results of the Special Committee cannot be used as criminal evidence.	This culminated in the impeachment of President Gus Dur, although he was later legally acquitted. This demonstrates the political power of the Right of Inquiry.
Pertamina Tanker Sales	Susilo Bambang Yudhoyono	2005	Allegations of irregularities in the sale of two Pertamina VLCC tankers which caused	There were irregularities and allegations of corruption, collusion, nepotism and	The case failed to result in a conclusive criminal verdict; the Attorney General's Office dismissed the case, and the Supreme Court

			losses to the state.	state losses.	overturned the KPPU's decision. This highlights the limitations of the right of inquiry in criminal law enforcement.
Century Bank	Susilo Bambang Yudhoyono	2009	The controversy surrounding the Rp 6.76 trillion bailout of Bank Century and allegations of irregularities.	The bailout was declared to be irregular, there was abuse of authority and indications of criminal corruption.	Triggering legal proceedings that resulted in convictions against several parties. Establishing a Supervisory Team for follow-up. Demonstrating the complexity of the financial case and the limitations of the Special Committee in tracing political funds.
Corruption Eradication Commission (KPK)	Joko Widodo	2017	The KPK's refusal to hand over the investigation report (BAP) in the e-KTP case; an alleged attempt to weaken the KPK.	Provide recommendations for strengthening the Corruption Eradication Committee (institutions, authority, budget, human resources).	The Constitutional Court declared the Right of Inquiry constitutional but limited its scope to the Corruption Eradication Commission's non-judicial functions. This sparked debate about the KPK's independence and the potential politicization of the corruption eradication effort.

However, although normatively the right of inquiry is a legitimate oversight instrument and has a strong legal basis, in practice it often generates controversy, especially when its use is deemed to be fraught with political interests and misused as a means of pressure on the executive. This is reflected in several cases, such as the use of the right of inquiry against the Corruption Eradication Commission (KPK) in 2017, which reaped pros and cons in society and sparked debate regarding the limits of the DPR's authority over independent institutions (Susanto, 2018).

RESEARCH METHODOLOGY

This study uses a qualitative comparative case study method, analyzing the 2014 e-KTP corruption case to highlight weaknesses in Indonesia's legislative oversight. It incorporates a

comparative analysis of the Dutch Tweede Kamer's oversight practices, using document review and institutional analysis to propose reform strategies suitable for the Indonesian context.

RESULT AND DISCUSSION

Problems in the Indonesian Parliament

The problems surrounding the Indonesian parliament's oversight role in the e-KTP corruption case reflect complex dynamics that highlight the mismatch between legislative oversight and actual practice. The e-KTP case, which occurred between 2011 and 2012, involved the procurement of electronic identity cards designed to improve Indonesia's population administration system. However, this project became entangled in a major corruption case involving several government officials and members of the House of Representatives (DPR). Losses in this case were estimated at Rp 2.3 trillion due to price markups and misappropriation of funds. One of the main issues in this case was the tendency of the House of Representatives (DPR) to use its right of inquiry not on the relevant substance, namely the government officials responsible for implementing the e-KTP program, but rather on the Corruption Eradication Commission (KPK). This practice raised fundamental issues that ultimately sparked various debates regarding the legitimacy and effectiveness of the DPR's oversight function as a representative.

The use of the right of inquiry against the Corruption Eradication Commission (KPK) indicates that the House of Representatives (DPR) is placing more attention on overseeing law enforcement agencies than on government policies and implementation, which are essentially the objects of oversight. The investigation using the right of inquiry against the KPK, which constitutionally has an independent function in eradicating corruption, seems to shift the DPR's focus from handling the actual corruption case that occurred in the e-KTP procurement to overseeing the anti-corruption agency. (Lentera Hukum, 6, 163). This shift leads to a potential crisis of oversight leadership, because the DPR is seen as shifting its attention from its primary function of overseeing the implementation of public policy and state administration to focusing more on law enforcement institutions that should be allowed to work independently. In the context of strategic and complex corruption eradication, this shift in oversight focus can hinder the process of handling corruption cases comprehensively and effectively.

Furthermore, the use of the right of inquiry against the Corruption Eradication Commission (KPK) raises profound questions about the legitimacy and motivation of the House of Representatives (DPR) in carrying out its oversight function. In this regard, the DPR should function as a legislative body that promotes transparency and accountability objectively, not as a tool that can be politicized for certain interests. However, in its implementation, there are concerns that this right of inquiry will be used as a political instrument to pressure law enforcement agencies

or to influence ongoing legal processes. This uncertainty in its purpose could not only diminish the DPR's credibility in the eyes of the public but also threaten the continuity of a healthy and democratic system of government. (Lentera Hukum, 6, 163). If this continues, the public will certainly lose trust in the legislature as a channel for aspirations and a watchdog for the government if this function is harmed by politicization and abuse of authority.

The conflict between the House of Representatives (DPR) and the Corruption Eradication Commission (KPK) regarding the use of their right of inquiry could have serious implications for the KPK's independence as a special institution mandated to eradicate corruption free from political interference. With the DPR insisting on using their right of inquiry to investigate the KPK in matters related to the investigation and prosecution process, the KPK's independence is threatened. Furthermore, this could potentially create tension between the two institutions, ultimately detrimental to the eradication of corruption in general (IPC, 2017). The pressure the KPK experiences in providing sensitive information could disrupt the ongoing legal process and legal protection mechanisms for both perpetrators and victims of corruption. On the other hand, the DPR, which is conducting an investigation in the judicial realm, could be interpreted as exceeding its constitutional authority, thus giving rise to complex legal and political issues.

In addition to the issue of politicization and interference with the independence of law enforcement agencies, another crucial issue is the lack of clear and firm regulations regarding the procedures, limitations, and procedures for the DPR's use of the right of inquiry. This lack of clarity leaves room for potential abuse of this right as a tool of political pressure, both between institutions and within parliament. This situation can also lead to legal uncertainty, ultimately impacting the effectiveness of the legislative oversight function and public trust in government institutions (Haqi et al., 2019). When the rules governing the right of inquiry are not formulated in detail and clearly, various interpretations and practices can arise, resulting in inconsistent implementation of this right, prone to conflict, and unfocused on its true oversight objectives. Therefore, more structured and clear regulations are needed to ensure that the right of inquiry is implemented in accordance with constitutional principles and is not used solely as a political tool.

Furthermore, the e-KTP case presents a significant challenge for the House of Representatives (DPR) in carrying out its oversight function effectively and proportionally. This case reflects how the DPR sometimes experiences difficulties in determining the appropriate focus of its oversight and maintaining a balance between its role as a check on the government and respect for the independence of law enforcement agencies. The overly broad use of its right of inquiry without clear boundaries has the potential to undermine the DPR's credibility as a legislative body that functions professionally and objectively in overseeing the implementation of public policy. Therefore, the DPR needs to develop a more focused and ethical oversight strategy and

mechanism, so that its oversight function can run optimally, without harming other institutions, and encouraging the improvement of clean and transparent governance. (Lentera Hukum, 6, 163).

Solution Design, Tweede Kamer as an Example

To prevent similar cases in the future, there are several solutions that can be offered, namely as follows:

Optimizing the Investigative Special Committee (Pansus) Instruments: What if a Special Committee (Pansus) was no longer merely a political platform or a bargaining chip? In Indonesia, we often see Pansus that are "in the wind" or whose results are nothing more than recommendations on paper. To change this, the Pansus needs to be given real "muscle." Its mandate must be as strong as steel, its authority plenary—not meaning limitless, but sufficient to penetrate unnecessary bureaucratic barriers and secrecy. This means that Pansus members, ideally staffed by individuals with integrity from across factions and supported by independent experts, must be able to summon anyone to testify, from high-ranking officials to private parties, with real consequences for failure to appear. They must also have free access to key locations without fear of obstruction, and most importantly, work without the shadow of political interference that could undermine the spirit of truth-telling. This optimization aims to ensure that the Pansus truly becomes an independent and credible "parliamentary detective," whose findings are awaited and trusted by the public.

Full Access to Relevant Documents and Meeting Recordings: A reliable investigation rests on a solid foundation of data and facts. In Indonesia, gaining access to important documents from state institutions is often a tedious bureaucratic maze, not to mention the sometimes inappropriately used pretext of "state secrets." Therefore, an optimal Special Committee must have the "password" to unlock all these information doors. There must be legal guarantees, perhaps through a revision of the MD3 Law or a special regulation, that require every institution to be transparent and cooperative. If anyone intentionally conceals or manipulates information, strict sanctions await. This transparency is not just about disclosing physical documents, but also meeting recordings, digital data, and all relevant communication traces. This way, the Special Committee can work based on authentic evidence, minimize speculation, and build accurate analysis, thereby preventing attempts to suppress evidence early on.

Implementation of the No-Confidence Motion Mechanism Against Officials Indicated to be Involved: When a scandal implicates a public official, the public's sense of justice demands accountability. Although in Indonesia's presidential system, a vote of no confidence does not automatically dismiss a minister (as they are aides to the President), this mechanism can still be an effective whip. A solid and credible Special Committee finding that demonstrates the official's involvement could provide the basis for the House of Representatives (DPR) to formally recommend the official's removal to the President. The political and public pressure generated by

such a recommendation would be enormous. Furthermore, the Special Committee's findings could provide a gateway for law enforcement agencies such as the Corruption Eradication Commission (KPK), the Attorney General's Office, or the National Police (Polri) to pursue criminal proceedings. This sends a strong message that no position makes someone immune from the enforcement of justice.

Developing Binding Oversight Recommendations to Enhance Accountability: The Special Committee's work should not stop at a final report that is then stored in an archive. The resulting recommendations must have the power to drive real change. In Indonesia, House recommendations are often considered mere suggestions that are not mandatory for the executive. Therefore, a mechanism is needed to make the Special Committee's recommendations more binding. For example, the government should be legally obligated or through a formal agreement to provide a response and a concrete action plan to the Special Committee's recommendations within a specified timeframe. Relevant House commissions should also actively monitor the implementation of these recommendations, perhaps even linking them to budget discussions of relevant ministries/agencies. Thus, the Special Committee's work will not be merely symbolic but will truly become a catalyst for improving governance.

Internal Governance Reform of State Institutions: Major scandals are often symptoms of systemic problems in an institution's internal governance. Therefore, reform efforts must not only come from the outside but also from within. In Indonesia, the independence and capacity of the Government Internal Supervisory Apparatus (APIP), or Inspectorate General, need to be strengthened. They must be the "eyes and ears" of institutional leaders who dare to report irregularities, not just a formality. Whistleblower protection is also crucial; those who dare to expose internal corruption must feel safe and protected, perhaps through a strengthened role of the LPSK (Lembaga Penidaensis, Witness, and Victim Protection Agency). Internal reporting systems must be easily accessible, confidentiality guaranteed, and every report followed up seriously. These reforms aim to create institutions that are more "risk-aware" and responsive to potential problems.

Increasing Public Participation: The most effective oversight is oversight that involves the wider public. In Indonesia, the spirit of public participation is quite high, but it is often not properly channeled into the formal investigative process. The Special Committee must open its doors as wide as possible to civil society, academics, the media, and even individuals with relevant information. Open hearings should be a regular agenda, not merely ceremonial. The results of investigations (which do not interfere with the course of the investigation) need to be published regularly for public monitoring. A secure and easily accessible digital complaint channel can also provide a means for the public to contribute. This public involvement not only increases the Special Committee's legitimacy but also builds collective pressure for change and accountability.

Establishment of an Independent Monitoring Body after the Special Committee's Work: After a special committee completes its work and is disbanded, there is often no dedicated monitoring team to ensure its recommendations are actually implemented. To address this, an ad hoc (temporary) independent monitoring team or body can be formed specifically to oversee the implementation of the special committee's recommendations. This body could consist of credible community leaders, academic representatives, and perhaps a state auditor or the Ombudsman. They would report periodically to the House of Representatives (DPR) and the public on the extent to which the recommendations have been implemented. This is crucial to ensure that the momentum for change generated by the special committee is not lost.

Revisions to the Regulations Governing Legislative Oversight Authority: The dynamics of major cases continue to evolve, often more complex than anticipated by existing regulations. Therefore, the rules of legislative oversight, particularly those stipulated in the MD3 Law and the House of Representatives' Rules of Procedure, need to be reviewed and adjusted. Expanding the definition of what parliament can investigate, adjusting procedures to be more agile and efficient, and strengthening sanctions for uncooperative institutions or officials are key. This revision aims to provide the House with more adaptive and robust legal instruments to optimally carry out its oversight function in facing the challenges of contemporary scandals in Indonesia.

Best Practice: Dutch Tweede Kamer

The Dutch House of Representatives (2013) publication explains that the Dutch parliament consists of the Senate (Eerste Kamer) and the House of Representatives (Tweede Kamer). Both chambers have several rights to enable them to carry out their duties effectively. Every four years, Dutch citizens elect candidates to represent them in the House of Representatives, thus general elections are the foundation of their parliament. The Dutch parliament can be seen as a model of best practice because they have various mechanisms for transparency and effective oversight.

In the context of parliamentary best practices in other countries addressing similar issues, for example, in the Netherlands, particularly regarding information transparency, Tweede Kamer meetings are almost always open to the public and all meetings are recorded so that the public can still contribute to the legislative process directly or through recordings that can be accessed on the Dutch parliamentary website, www.tweedekamer.nl. Furthermore, the voting system is also open, starting with the previously published voting registration, so the public can know the positions and decisions of each parliamentary candidate. Parliamentary debates and discussions are also open, including general debates and national budget discussions, which usually take place after Prince's Day, commonly known as Accountability Day. This is done so that the public can participate in overseeing the decision-making process. This day also marks the end of the budget cycle, which begins on Prince's Day 18 months prior. Within the oversight mechanism, the Tweede Kamer has

the right to adopt, amend, and even reject draft laws, including the government budget. This is done so that they maintain direct control over policymaking and state spending. Parliamentarians have the right to propose amendments and can request speeches and questions from government officials. The Tweede Kamer also holds regular committee meetings, this is done to discuss certain issues and these meetings are also held so that they can ask questions directly to ministers and other officials.

In carrying out oversight mechanisms, the Senate and the House of Representatives also have the right to conduct parliamentary inquiries. Although the Senate rarely exercises this right, when the House of Representatives decides to conduct a parliamentary inquiry, an investigative committee is formed to gather witness testimony and prepare a report for discussion in the House of Representatives plenary debate. Under the accountability mechanisms in the Dutch parliament, members of parliament can hold ministers and other cabinet members accountable. If necessary, they can also propose a motion of no confidence, seeking to revoke confidence in a minister or the entire cabinet. Furthermore, oversight is actively conducted through various institutional mechanisms, such as regular meetings, working visits, and hearings. The House of Representatives also adheres to the established agenda and consistently monitors the course of government to ensure that policies are implemented in accordance with their original objectives and that the state budget is used transparently and effectively.

As a complement to the mechanisms implemented by parliament, public involvement also plays a crucial role in maintaining government accountability. Public participation in the legislative process in the Netherlands is facilitated through several channels, such as writing letters, holding in-person meetings, and participating in parliamentary sessions that are open to the public. This public participation ensures that the public's voice is heard and included in the legislative process and government oversight. It is hoped that, with an open system, strict oversight mechanisms, and easy access to information, the Dutch parliament can serve as a best practice example of transparency and accountability for legislative institutions, especially in democratic countries.

The next scenario assumes that if the Dutch parliamentary oversight practices, particularly those implemented by the Tweede Kamer, were applied in-depth to the handling of the e-KTP corruption case in Indonesia, the oversight process would proceed with a different intensity. For example, the Indonesian legislative body, the House of Representatives (DPR), would take a central role, being much more proactive and investigative. One key mechanism that could be adopted is the right to conduct a parliamentary inquiry. Therefore, in the context of the e-KTP case, the DPR would establish a Parliamentary Investigative Committee specifically for the e-KTP case. This committee would not be merely political in nature, but would have a strong mandate to gather comprehensive witness testimony, subpoena individuals from both government and private sectors suspected of involvement or possessing crucial information, and thoroughly examine documents

related to the project. Witnesses would testify under oath, and the committee would be tasked with compiling a detailed and factual investigative report, which would then be discussed openly in a plenary debate in the DPR. Then, at this stage, what must be highlighted is transparency in the entire investigation process, including recordings of meetings that can be accessed openly by the public, which is also similar to the practice of the *tweede kamer*.

Furthermore, in addition to establishing a special investigative committee, a strict budget oversight mechanism like the one in the Netherlands would be highly relevant in this case. It should be noted that since the beginning of the e-KTP project planning, the House of Representatives (DPR) has had the right of inquiry, which can be used if there are indications of irregularities, potential budget markups, or unclear allocations. Parliamentarians, through Commissions II and III, will actively exercise their right to ask in-depth questions and request speech outlines and supporting data from government officials responsible for the e-KTP project. Furthermore, agendas such as regular committee meetings will be mandatory to examine every stage of the project, from planning and procurement to implementation, enabling early detection of potential irregularities. In addition to establishing an oversight mechanism, national budget discussions, including those related to major projects like the e-KTP, will be conducted openly, allowing the public to understand the positions and decisions of each member of parliament. If any minister or high-ranking official is proven to be negligent or involved, the DPR can exercise its right to demand direct accountability and, if the escalation is significant and there is strong evidence, can file a motion of no confidence. Finally, this entire oversight process will be supported by consistent monitoring of government operations to ensure policies are implemented according to their original intent and that state funds are used transparently and effectively, much like the accountability cycle marked by "Accountability Day" in the Netherlands. Active public engagement, facilitated by easy access to information and the conduct of public hearings, will serve as an additional oversight pillar, ensuring the entire process is accountable.

CONCLUSION

The House of Representatives' oversight function, as part of the checks and balances principle in Indonesia's constitutional democratic system, plays a strategic role in ensuring transparent, accountable, and lawful governance. However, the use of the right of inquiry against the Corruption Eradication Commission (KPK) in the context of the e-KTP corruption case demonstrates that the implementation of this function is not running according to ideal principles. When the right of inquiry is used inappropriately and politically, this not only obscures the focus of oversight but also has the potential to weaken law enforcement agencies and undermine public trust in parliament.

This problem is exacerbated by the lack of clear regulations regarding the methods and limits of exercising the right of inquiry, thus opening up opportunities for abuse of authority. When legislative oversight is conducted without a clear framework and strong institutional ethics, the potential for political intervention in the legal process and disregard for the substance of public issues is very high. Therefore, institutional reform is needed by strengthening oversight mechanisms that are more objective, transparent, and participatory, supported by adequate and implementable legal regulations.

As a reform effort, it is crucial for the House of Representatives (DPR) to adopt best practices from other countries, such as the Dutch parliamentary oversight model, which emphasizes transparency, accountability, and public involvement. Institutional strengthening through an independent investigative special committee, revision of oversight regulations, and the establishment of a post-investigation monitoring body are solutions that can encourage more effective and integrated oversight. With these steps, the DPR can restore public trust and carry out its oversight function proportionally to create clean and democratic governance

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