

IMPLEMENTATION OF FUNCTIONS OF POLITICAL PARTY IN INDONESIAN CONSTITUTIONAL SYSTEMS

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Abstract

In Indonesia, the existence of the political party is form of freedom of association and freedom of assembly, which is existence derivative of *freedom of thought* and freedom of expression. Therefore, the freedom of association is deemed as various forms political activity in the political party, which is in accordance with the laws and is protected through the Indonesian Constitution. Reform era has been give away room for political freedom and freedom of expression for comprehensively growth for the political party marked with more and more the amount the political party formed. In 1999, 48 the political parties participated in the first election in the reform era. In the next election period, in 2004, it was 24 contestants participated in the election. In 2009 then, there were 44 the political parties participating in political elections. Finally, in 2014, 15 of the political parties came along the election. The function of the political parties can be seen in Article 11 of the Law No. 2 of 1999 concerning The Political Party. In terms of the political education for the community, Article 31 of the Law No. 2 of 1999 concerning The Political Party emphasises on the issue.

Keywords: Political Party; Indonesian Constitutional System

1. Introduction

Political parties come together with the idea that people are a contributing factor determine in the political process. In this case, the political party plays a role to connect between the people on one side and the government on the other. In its development, then the political parties are considered embodiments from a democratic political system to represents the aspirations of the people.

In Indonesia, the existence of the political party is form of freedom of association and freedom of assembly, which is existence derivative of *freedom of thought* and freedom of expression. Therefore, the freedom of association is deemed as various forms political activity in the political party, which is in accordance with the laws and is protected through the Indonesian Constitution. This is an effort for manifestation of life nation that is strong, just-prosperous, as well democracy based on the law.¹

Reform era has been give away room for political freedom and freedom of expression for comprehensively growth for the political party marked with more and more the amount the political party formed. In 1999, 48 the political parties participated in the first election in the reform era. In the next election period, in 2004, it was 24 contestants participated in the election. In 2009 then, there were 44 the political parties participating in political elections. Finally, in 2014, 15 of the political parties came along the election.²

The reform movement demands an improvement in political relations in four aspects: *First*, transformation of relations between state administrators and the people where state sovereignty practices must be transferred to people's sovereignty. *Second*, reconstruction of relations between legislative and executive institutions, as well as between the central government and local governments to create a *check mechanism and balance* in the political process. *Third*, shifting the legal basis for political activity from the *rule by using a rule of law*. *Fourth*, eliminating the basis of political and economic relations which opens opportunities for the work of collusive and corrupt government practices.³

¹ See the law No. 2 of 2008 and Amendment of the Law No. 2 of 2011 Concerning the Political Party.

² See Litbang Kompas, 2016, *Indonesian Politic from 1999 – 2009: Concentration and De-concentration of the Power* (Politik Indonesia 1999-2019, “konsentrasi dan dekonsentrasi kuasa”), penerbit Kompas, Jakarta.

³ Riswandha Imawan, *The Political Party in Indonesia: Half-hearted Struggle to Find Identity* (Partai Politik di Indonesia : Pergulatan Setengah Hati Mencari Jati Diri), Professor Inaugural Speech at Social Science and Politic Faculty –

The change's movement occurring on 1998 has provided enormous opportunities for the development of the political parties in Indonesia to be able to play their role in building new structures and mechanisms in the political field towards a more democratic life. However, in its development, the change's movement did not corresponding hope, instead strengthen legitimacy and strengthen trust public, the political party was considered not yet able to play a role as a medium of change and even vice-versa precisely raises distrust public. Reform and democratization in Indonesia has create "procedural" democracy and failed to bring Indonesia toward good more life. Substance democracy rely on widespread participation people as reflection to people's sovereignty. However, the people's sovereignty has been neutered in "five- yearly democratic rituals once (general election)". The people only can use sovereignty they have in the booth (box) sound for five years once. It means that the voice people needed approaching elections by the political party to get power and after that people abandoned and will approached again approaching elections next one.

Regarding to the political party, the fundamental critics to the political party is because they do not play a role as pillar / actor democracy. They are rather anti-democracy and more prioritize the interests of the elite. They do not realize their promises and internal program campaign election. They actually use it sound people in elections for get power in parliament and government. The power gained by the political party is not used for improving the welfare of the people. They use the power to legalize corruption in practice and also utilized the power for interests personal / group.¹ It is almost in every period time of the election, public will watch politician arrested and processed especially by Corruption Eradication Commission (hereinafter referred to KPK) because of abuse of authority neither the House of Representative (hereinafter referred to DPR), the Regional House of Representative (hereinafter referred to DPRD) nor the Regional Head (Governor, Regent, and Mayor). Therefore, it can be said that almost all the party that sits in DPR or DPRD has cadre who is entangled criminal both the old party and the party new. They should receive reality that their cadre arrested by KPK for their corruption acts.

Based on data released by *Corruption Perception Index* in 2015, the political party still is located in fourth position as corrupted institution in Indonesia. it is located below Police, DPR/DPRD and the Court. The International Transparency in some year successively take part to give the same recommendation to the performance of the political party and parliament DPR/DPRD) to strengthen the ethics enforcement, the prevention of corruption and the political accountability.² As it is known that the public trust level against DPR and the Political Party is the worst.³ According to Indonesia Corruption Watch, since December 2014, it was 81 members of DPR caught in terms of corruption case and according to the Ministry of Internal Affairs, there were 431 members of DPRD who were arrested on corruption matters.⁴

2. Research's Method

This research was normative research to review regulations, theory of law, and jurisprudence related with discussed issues. The approach used in research was statute approach, conceptual approach, and comparative approach. To find out the data accurately, this research also applied primary and secondary legal materials. The data collected were analysed qualitatively.

3. Implementation of the Function of the Political Parties in Indonesian Constitutional System

A. Implementation of the Function of the Political Parties

The political party first time was born in Western European countries together with the widespread idea that people are a factor that needs to be taken into account and included in the political process.⁵ Its position

University of GadjahMada, 4 September 2004.

¹ See Totok Sugiarto, *The Negligent Party being Ready to be Left by the Prospective Voters* (Partai Yang Lalai Siap Siap Ditinggalkan Calon Pemilih), Merdeka Newspaper, 2 July 2016.

² See Indonesia Satu, Limited Discussion on "qua vadis of the Clean DPR and Pro to People" conducted by Kompas Newspapers, 2 January 2014.

³ See Burhanuddin Muhtadi, *The Result of the Survey on Jokowi's Government Working Post 2nd Reshuffle*, Tempo Newspapers, 14 August 2016.

⁴ Supra Note 5.

⁵ Bambang Sunggono and Imam Munawwir, 1992, *The Political Party in the Framework of Political Development* (Partai Politik Dalam Kerangka Pembangunan Politik Di Indonesia), Bina Ilmu, Surabaya, p. 7.

determines the political movements and dynamics of a nation which, among others, are carried out through a catalyst organization. In this case, the political party acts as a liaison between the people on the one hand and government on the other hand. It is because the political parties are considered as a manifestation of a democratic political system and representing aspirations people.¹

In the early days of its development in Europe, as well as the conditions of the people and countries that lived at that time, the role of the political parties in western countries was also oligarchic and elitist because it was generally only oriented towards defending the interests of the nobility against the demands of the king.² The demands of sociological development of society encourage parties to play a broader role including ideas to be oriented to the interests and needs of society. The focus orientation as mentioned is also felt by the party because political parties do need support from all groups of society. So, it is only natural to make the community a focus of goal orientation in carrying out party functions. These demands have gradually pushed the shift from elitist roles to broad and populist roles.³

The next political development is from the west, the political parties influence and develop in new countries, namely Asia and Africa. The political parties in countries are often acts as a unifying people's aspirations and a driver in the direction national unity aimed at achieving independence. These conditions occur among others in Indonesia during the independence struggle.⁴ In its developing lately, the political parties are generally accepted as an important institution, especially in countries that are based on constitutional democracy, namely as a complete system of state democracy.⁵

In addition to being a tool for realizing goals, the political parties are in fact also constituent tools whose organizations are legal entities. Thus, the political parties as an organization or institution have two dimensions at once, namely law and politics. This means that it is legally related to the institutionalization process of its formation, whereas it is politically related to its relationship with constituents and the state. With relationships like this, the political parties cannot be separated from various aspects political and the law .

The political parties are a manifestation of important community participation in developing democratic life. The existence of political parties is inseparable from functions which are the responsibility of political parties to carry it out. As mentioned before, the political parties are governed in Article 11 of the Law on the Political Parties which includes 5 (five) functions and realized in a manner constitutional. The existence of political parties cannot be separated from the lives of every democratic country and is considered as one of the institutions that is able to accommodate the aspirations of the people and can be used as a tool to control government policies.

Of the 5 (five) functions of the political parties, it can be emphasized on education political and recruitment functions in the process of filling political office. On early independence, the political parties have not been optimal role as a forum for the political aspirations of the people. This can be seen from a lot of public dissatisfaction that felt that their aspirations were not embodied in the form of separatist movements such as the Islamic State proclamation by Kartosuwiryo in 1949. At the time of the old order, the role of political parties as a container dealer political aspirations of the people also have not been implemented as expected. The political parties tended to be trapped by party interests and not the interests of the people. The results of it, it created instability of political life and social system characterized by alternating the cabinet instead. The sense of

¹ Naning Mardiniah, 2004, *To Strengthen the Position of the Political Party: A Guideline of Education of the Election Voters* (Memperkuat Posisi Politik Rakyat: Panduan Pendidikan Pemilih Pemilu 2004), CESDA-LP3ES, Jakarta, p. 53.

² Fajlurrahman Jurdi, 2008, *The Predators post New Order: to Break in Leviathan alliances and the Failure of Democracy* (Predator-Predator Pasca Orde Baru: Membongkar Aliansi Leviathan Dan Kegagalan Demokrasi Di Indonesia), Pusat Kajian Politik, Demokrasi, dan Perubahan Sosial, Makassar, p. 21.

³ Irtanto, 2008, *The Dynamic of the Local Politic in the Era of Local Autonomous* (Dinamika Politik Lokal Era Otonomi Daerah), Pustaka Pelajar, Yogyakarta. p. 149.

⁴ Tahi Bonar Simatupang, 1987, *From Revolution to Development* (Dari Revolusi Ke Pembangunan), BPK Gunung Mulia, Patenta Sejati, Jakarta, p. 171.

⁵ Jimly Asshiddiqie, 2007, *the Basic of the Constitutional Law in Indonesia* (Pokok-Pokok Hukum Tata Negara Indonesia Pasca Reformasi), Bhuana Ilmu Populer, Jakarta, p. 710.

justice was disturbed and dissatisfaction increasingly thickens, democracy is only used as a political slogan and not accompanied by efforts to empower people's political education.¹

On the new order, the role of the political parties was arranged through some regulations enacted by government, in particular dissolution of the Indonesian Communist Party and prohibition of the communist parties. The party trauma seems to encourage the government to reduce the number of the political parties by fusing them so that even ideological conflicts can be minimized. However, the arrangement of the political party does not make the political parties increasingly active as a forum for channelling people's political aspirations. This can be seen from the public policies that are produced apparently not paying attention to people's political aspirations and tend to be a facility of legitimizing the interests of certain rulers and groups. This is because the role of political parties as a container of political aspirations of the people are not placed as a national political force, but only as a political machine of the government and as a democracy accessory to the legitimacy of power. As a result, the role of political parties as a channel of distribution really proved to be almost barren and almost non-functioning.²

The era of reform emerged as a corrective and pioneering movement of fundamental changes in various aspects of life. The reform movement gave birth to a process of change and deposed the new order government and gave birth to the Law No.2 of 1999 concerning the Political Party which allowed a multi-party system to re-emerge. This condition was then exploited by "adventurous politicians" to establish new political parties with the principle of origin different from the existing parties.³

This condition as discussed above goes to the day. The political parties only made into as a tool of power and vehicle for reach power so that the functions of the political parties not walk as is it should be. The functions of the political parties as container of political education is expected to improve participation of society on every democracy party in Indonesia. In the Election Law, the regulation of functionally political education by the political parties is governed in Article 31, as follows:

- (1) the political parties carry out political education for the community in accordance with the scope of its responsibilities with regard to justice and gender equality with the aim of:
 1. increasing awareness of people's rights and obligations in life community, nation and state;
 2. increase political participation and community initiative in life community, nation and state; and
 3. increase independence, maturity, and build national character in the framework of maintaining national unity and unity.
- (2) the political education as referred to in paragraph (1) is implemented for build political ethics and culture in accordance with Pancasila.

The implementation of the recruitment function furthermore in the process of filling political office. The political recruitment is the process by which individuals guarantee or register to occupy a position. This recruitment is a two process direction and nature can be formal or informal. The political recruitment is an important function for the continuity and sustainability of the political party itself, in terms of recruitment of party members and cadres, as well as with selection and regeneration useful to produce quality leaders and representatives of the people. The greater of the political parties, the share of the political parties to win the struggle in filling political positions. It is an indicator that the role of political parties as a facility of political recruitment runs effectively.

In the implementation of the political recruitment phenomena are often found to be regarded as fraud, such as the existence of family relations, kinship relations, or personal interests so that someone is easy to become a party manager politics. Not infrequently for the sake of their interests, cadres of a political party move to political party others. The main resources in politics are human resources because the political parties are not driven by machinery and technology, but by humans. Thus, the way political party organizations obtain human beings with high ability and integrity is a major challenge in terms of the management of political party organizations. Getting good resources needs to start from the recruitment system. In this context, it is certainly someone who has the potential to be developed who needs to be recruited. Competition with other political

¹ See Novi, 2007, *the Implementation of the Real Function of the Indonesian Political party* (Pelaksanaan Nyata Fungsi Partai Politik Di Indonesia), <http://novithec.blogspot.com/2012/07/pelaksanaan-nyata-fungsi-partai-politik.html>, accessed, 11 December 2018.

² Ibid.

³ Ibid.

parties will also occur to fight for potential people who can later strengthen and develop their political party organizations.

B. Some Factors Affecting the Implementation of the Political Party Functions

There are several factors affecting implementation function of the political parties, namely :

1. Political Party figure

The figure of this political party is the main political force in order to get it mobilize the masses so that the implementation is determined by four factors internally, namely :

- a. Organisation and institutionalization. This is related to the basic attitude possessed by members of the political party itself , namely member discipline in this case members are not only disciplined when the leader it exists, the independence of political party administrators, organizational centralization, loyalty, dependency of donors as a result of the people's interests cannot be channelled because the party's decision was intimidated by donors so political parties only represent certain groups.
- b. The party leadership. Leadership is a power in managing and determining direction travel of political parties so that the personality of the leader must be superior so that can bring the party to be better at running people's message.
- c. Party ideology. This means that this ideology is utilized as a determinant of the political process consisting of the interaction of intra political activities and ultra between parties, or as camouflage the motivation of political actors.
- d. Strategy and tactics can be interpreted as a comprehensive struggle for realize certain political goals as a whole through tips or methods struggle.

2. Political Party System

The party system is a set of political parties operating inside a party nation in an organizing pattern and realized by a number party property systems such as coalitions, government continuity, disproportionality of voters, a number of dimensions of the issue, and a number of effective parties. Political party system used is a multi-party system where the y ang this system for each party to push it into an organization people's politics which fights for the interests of the people.

3. The Social Base of the Political Parties .

The social basis is the order of values and interests of society in the form of groups and organization to transform the community so it is useful for the party to be used as a political resource.

It can be said that the factors affecting the implementation of the political parties functions can be grouped into 2 (two), namely internal factors consisting of party leadership, ideology party, political party official stance (independent, loyalty, and discipline); and external factors consisting of party system and party social base.

4. Conclusion

Implementation the political parties functions in Indonesian Constitutional System can be seen in Article 11 of the Law No. 2 of 2008 jo. The Law No. 2 of 2011 concerning the Political Party. However, it has not considered yet to play an optimal role either as a tool of the political education for society or in implementation function of political recruitment in the process of politics filling position. The political parties only made into as tool power and vehicle for reach power so that functions of the political parties do not walk in appropriate ways. There are several factors affecting implementation function party politics, namely (a) figure of the political parties; (b) system of the political parties ; and (c) social basis of the political parties.

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