
Constitutional Enforcement and Justice in the Determination of Political Parties (Parpol) as Participants in the 2024 Indonesian Elections

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ABSTRACT

This research discusses the enforcement of the constitution and justice in the determination of political parties as participants in the general elections in Indonesia in 2024. Given the critical role of political parties in democratic processes, understanding the challenges in their registration is essential for enhancing electoral integrity. The method used in this research is qualitative research. Specifically, the data and information related to this research were collected through a comprehensive literature study. Through an in-depth analysis of the political party registration process, this research identifies a number of challenges and obstacles faced, including technical problems in the application of information technology, a lack of administrative understanding by political parties, and a mismatch in treatment between parliamentary and non-parliamentary parties. In addition, the research also highlights the government's role in overseeing and facilitating the institution of political parties in line with the principles of financial accountability and transparency. The findings suggest that technical issues and administrative disparities must be addressed to ensure fair competition among parties. As such, this research makes an important contribution to efforts to improve the integrity and credibility of Indonesia's political system, moving towards more inclusive, transparent, and fair elections. The implications of these findings are significant for policymakers and electoral bodies aiming to strengthen democratic processes in Indonesia.

Keywords: Election Participants, Political Parties, 2024 Elections.

INTRODUCTION

Political parties and electoral processes are a major foothold for modern democracy. Both become the main elements in forming a democratic state structure (Saputro, 2021). The role of political parties and elections is felt in the political analysis of developing countries, especially in terms of democratization and consolidation of democratic political regimes (Saleh & Munif, 2015). For political scientists, the existence of free and fair elections on a regular basis is considered a minimum prerequisite in maintaining the continuity of democracy (Ariyanto, 2019). A political party is defined as a political entity that is officially recognized in the electoral process and has the right to nominate or support candidates on a regular basis (Simanjuntak, 2017). Therefore, political parties and elections are important indicators in evaluating the consolidation of democracy in a society.

Before they can participate in elections, political parties are required to undergo two main stages in accordance with applicable laws. First, political parties must form a legal entity

in accordance with the provisions stipulated in Law Number 2 of 2011 concerning Political Parties. This process involves establishing a legal and well-organized organizational structure that includes aspects such as leadership, membership, as well as the goals and principles held by the political party. After successfully forming a legal entity, the next step is the registration and verification of political parties in accordance with Law Number 7 of 2017 concerning General Elections. This process involves submitting official documents to relevant authorities such as the General Elections Commission (KPU) and then undergoing a verification phase that includes an assessment of predetermined criteria such as the amount of community support, adequate organizational structure, and fulfillment of other administrative requirements (Nugraha, 2023).

Registration of political parties to participate in the 2024 general election in Indonesia began in August 2022 and continued with the administrative verification and factual verification stages from September to December 2022 (Mustafa & Maharani, 2023). Political party verification in elections is an evaluation process conducted by the General Elections Commission (KPU) to ensure that registered political parties have met all administrative and factual requirements stipulated in the law. The purpose of this verification is to confirm that the political party has sufficient public support, has a strong organizational structure, and meets all the legal provisions necessary to be an official participant in the general election (Hoffman, 2019).

The determination of political parties as election participants can raise various problems. These problems include non-transparency and unfairness in assessing the feasibility of political parties, the possibility of partisanship or political influence in the determination process, and incompatibility between the established criteria and the principles of constitution and justice. This raises concerns about the integrity and legitimacy of the electoral process and raises questions about equal access and representation in Indonesia's political system.

This study aims to conduct an in-depth analysis of constitutional enforcement and justice in determining political parties (Parpol) as participants in the 2024 General Election in Indonesia. Through a deeper understanding of related issues, this research aims to contribute to the improvement of the mechanism for determining political parties that are more transparent, fair, and in accordance with the principles of democracy and justice. It is hoped that the results of this research can be the basis for more effective policy formulation and favor the interests of democracy and society as a whole.

RESEARCH METHODS

The method used in this study utilizes qualitative research. A literature study carried out the data collection process. This approach allows researchers to conduct an in-depth analysis of various perspectives, concepts, and practices related to constitutional enforcement and justice in the process of determining political parties. By collecting data from relevant literature, researchers can explore various aspects related to the problem, such as law, public policy, and political practice, as well as the views and experiences of experts and practitioners. Through a comprehensive literature analysis, researchers can gain a deep understanding of

challenges, weaknesses, and potential solutions in an effort to increase transparency, fairness, and consistency with constitutional principles in determining political parties as participants in the 2024 general elections in Indonesia.

RESULTS OF RESEARCH AND DISCUSSION

Political parties that want to participate in general elections (Pemilu) in Indonesia must go through several stages regulated by law. These stages include registration, administrative verification, and factual verification (Pahlani, 2022). Political parties that do not meet the registration requirements cannot proceed to the administrative verification stage. Meanwhile, political parties that meet the registration requirements will undergo administrative verification, and if they do not qualify at that stage, will not be able to proceed to factual verification. Overall, political parties that want to participate in elections must successfully pass every stage, starting from registration, administrative verification, to factual verification.

Article 173 paragraph 2 of Law Number 7 of 2017 concerning General Elections (Election Law) is a section that regulates the requirements for political parties (Parpol) to become participants in elections in Indonesia (Wijaya, 2020). In this article, political parties must meet several conditions in order to be recognized as election participants. One of them is that political parties must have management in at least half the number of provinces in Indonesia. This means that political parties must have an organizational structure that is evenly distributed in various provinces in Indonesia. In addition, political parties are also required to have membership spread across at least half the number of provinces in Indonesia. This shows that political parties must have a broad membership base and be evenly represented throughout Indonesia to be able to participate in elections legally. With these conditions, it is hoped that political parties participating in the election will have strong legitimacy and represent the various aspirations of people in various regions of Indonesia.

Constitutional enforcement related to political parties in Indonesia involves a number of responsible mechanisms and institutions. The General Elections Commission (KPU) plays an important role in ensuring that political parties comply with the rules and requirements set to participate in general elections (Nugroho & Sukmariningsih, 2020). In addition, the Constitutional Court (MK) has the authority to resolve disputes related to political parties and elections and examine laws related to elections if deemed incompatible with the constitution (Almalibari et al., 2021). However, challenges in law enforcement against political parties that violate rules or the constitution often arise. Some of its key challenges include lack of resources, politicization of regulatory agencies, and lengthy and complex legal processes. In addition, the existence of strong and influential political parties in political life can also be an obstacle in effective law enforcement efforts. Therefore, in upholding the constitution regarding political parties, it is important to strengthen the independence of supervisory institutions, increase transparency, and ensure fairness in the legal process.

Political parties in the process of their journey to the 2024 elections are faced with a number of phases where they must be passed in order to be registered as participants in the

2024 elections. However, there are several problems that arise on the way to the 2024 elections. The problems found from various sources are described below.

Registration, administrative verification, factual verification, and determination of political parties as participants in the 2024 General Election have been carried out by the General Elections Commission according to the schedule stipulated in General Elections Commission Regulation Number 4 of 2022. However, the process still requires a thorough evaluation. At the registration stage, the use of the Sipol (Political Party Information System) application should ensure smooth running without errors, but many lawsuits filed with Bawaslu related to problematic applications, indicating technical problems that need attention. Administrative verification also faces technical obstacles related to the use of the Sipol application, uneven networks, and confusion regarding documents that must be uploaded by political parties. In addition, the understanding between the KPU and Bawaslu on the use of information technology such as video calls in administrative and factual verification also needs to be evaluated. Political parties also need to introspect because from the first administrative verification, only one party managed to pass which indicates a low understanding of administrative procedures requested by the KPU. In factual verification, there is a need for consistent treatment between parliamentary and non-parliamentary parties given the many problems related to management and membership faced by almost all parties. Therefore, it is necessary to reformulate administrative and factual verification techniques that can be understood and implemented by all parties, including political parties, KPU, and Bawaslu (Mustafa & Maharani, 2023).

The next problem is regarding government actions to improve the political sector only seen in increasing the budget allocation of financial assistance to political parties through PP Number 1 of 2018. However, the increase in funding was not accompanied by measures that strengthened the accountability and transparency of political parties' finances. The reporting and public disclosure requirements only apply to government-sourced finances, while the Law on Political Parties affirms the need for comprehensive financial reporting. From the perspective of institutional supervision, the government seems to pay little attention to the supervisory obligations mandated by law. Article 47 paragraph (2) of the Law on Political Parties expressly regulates administrative sanctions for political parties that do not carry out obligations such as compiling books, recording lists of donors and the amount of donations, and maintaining transparency to the public (Muzammil, 2022).

Research conducted by (Nurimansyah & Ariyani, 2020) shows that the level of transparency and accountability in the financial management of political parties is still not optimal. This can be seen from the lack of effectiveness in the use of political party aid funds that are still not in accordance with the expected goals and the lack of information disclosure to the public. In addition, the application of financial records has not been evenly distributed in accordance with the stipulated provisions. Nonetheless, the three political parties studied have shown efforts to increase transparency and accountability in their financial management which can be considered a positive step in strengthening democracy.

There are two factors that make it difficult to hope for improvements in the political system after the 2024 elections. First, the process of holding elections does not provide adequate guarantees to ensure that political parties worthy of popular voting emerge. Election organizers also do not have a good enough plan to create mechanisms that ensure political parties participating in elections have accountability and transparency, especially related to financial governance. Second, the government does not fulfill its role as a responsible watchdog and organizer in strengthening the institutions of political parties. While increased financial assistance may be necessary so that political parties are no longer dependent on a single source of funding, they should strengthen the government's role in overseeing and assisting in achieving accountability and transparency of political parties' finances (Muzammil, 2022).

Another problem in registering participants in the 2024 election is that the KPU states that political parties that have participated in the last election do not need to carry out factual verification again (Budi, 2022). Meanwhile, for DPD individual candidates, the verification must be carried out again. This raises a problem, namely the objections raised by the petitioners to several articles in Law Number 7 of 2017 concerning General Elections (Election Law), especially Article 173 paragraph (1), paragraph (2), and paragraph (3) relating to the verification process of political parties (Parpol). The petitioners consider that these articles impose a double standard on the requirements of political parties to participate in general elections which can be interpreted to mean that the conditions for participation of a political party in elections can be determined based on the determination or verification process (Anjarsari, 2024).

Handling problems that occur in the process of political parties becoming participants in the 2024 elections needs attention. Alternative solutions that can be proposed to overcome existing problems can be tried for application. Handling issues related to administrative and factual verification can be done by improving coordination between the KPU, Bawaslu, and political parties to formulate clear and acceptable verification standards for all parties. This can be done through open dialogue and consultation involving all relevant parties. In addition, the government also needs to invest adequate resources and technology to update the existing verification system to make it more efficient and effective. In this way, the government can ensure that administrative and factual verification processes can run smoothly and fairly, and meet the standards expected by all parties involved.

Handling problems related to accountability and transparency of political party finances can be solved by implementing several solutions. First, stricter enforcement of violations related to political party financial reporting is needed. This can be done by strengthening the role of the Election Supervisory Agency (Bawaslu) and other financial supervisory agencies to supervise and investigate the proper use of political party funds. Second, the government needs to encourage political parties to voluntarily adopt higher accountability practices, such as publishing financial statements regularly and transparently to the public. This can be realized through positive incentives, such as the provision of fiscal incentives or additional financial support to political parties that meet established accountability standards. With these measures, it is hoped that a more accountable and transparent environment will be created in the financial

management of political parties that can increase public confidence in the political process as a whole.

Resolution of issues related to re-factual verification should still require rigorous evaluation and monitoring to ensure that political parties that have passed the previous factual verification process still meet the requirements set. On the other hand, for individual candidates of the Regional Representative Council (DPD), factual verification must still be carried out again. The re-factual verification applies to political parties and individual candidates, given the changing conditions and dynamics that may have occurred since the previous election. Thus, this step is expected to optimize the efficiency and effectiveness of the factual verification process without sacrificing integrity and accuracy in determining the participation of political parties and individual candidates in general elections.

Although various mechanisms and regulations have been implemented to ensure a transparent and fair process, there are still weaknesses in the implementation of administrative and factual verification, the use of information technology, and coordination between the KPU and Bawaslu. In addition, the issue of accountability and transparency of political party finances is also a major concern that requires continuous improvement. Governments, along with relevant institutions and political parties should work together to reformulate clear and consistently applicable verification techniques. Efforts to increase supervision, training, and more intensive regulatory socialization are also needed to ensure that all parties understand and comply with the established rules. With these steps, it is hoped that the process of determining political parties as election participants can run better, support election integrity, and strengthen democracy in Indonesia.

CONCLUSION

The process of determining political parties as election participants involves various stages, ranging from registration to factual verification. However, this process is often faced with a number of challenges, including technical problems in the application of applications and information technology, lack of administrative understanding by political parties, and inconsistent treatment between parliamentary and non-parliamentary parties. This indicates the need for a thorough evaluation of administrative and factual verification mechanisms and the reformulation of techniques that can be understood and implemented by all relevant parties. In addition, the continuity of the government's role in supervising and facilitating political party institutions in line with the principles of financial accountability and transparency is important in ensuring that the process runs fairly and in accordance with democratic principles. Therefore, this research provides important insights in efforts to improve Indonesia's political system towards more inclusive, transparent, and fair elections.

REFERENCES

- Almalibari, K. T., Aziz, A., & Febriansyah, A. (2021). Kewenangan Mahkamah Konstitusi dalam Sistem Pemilihan Umum. *Jurnal Rechten: Riset Hukum Dan Hak Asasi Manusia*, 3(1), 1–8.

- Anjarsari, L. (2024). *Ahli: Verifikasi Tidak Adil bagi Parpol Baru*.
<https://www.mkri.id/index.php?page=web.Berita&id=14117&menu=2>
- Ariyanto, B. (2019). *KONSOLIDASI DEMOKRASI MELALUI PEMILU SERENTAK (KONSTRUKSI SISTEM PEMILU AGAR TERCIPTA KONGRUENSI PEMERINTAHAN)*.
- Budi, A. S. (2022). *Aturan Baru Verifikasi Partai Politik 2024*.
<https://www.kpu.go.id/berita/baca/10563/aturan-baru-verifikasi-partai-politik-pemilu-2024>
- Hoffman, R. (2019). Pelaksanaan Verifikasi Terhadap Syarat Keanggotaan Partai Politik Peserta Pemilu Tahun 2019. *Perahu (Penerangan Hukum): Jurnal Ilmu Hukum*, 7(2).
- Mustafa, M., & Maharani, R. (2023). Evaluasi Pendaftaran, Verifikasi, dan Penetapan Partai Politik Peserta Pemilihan Umum 2024. *Resolusi: Jurnal Sosial Politik*, 6(1), 39–59.
- Muzammil, S. (2022). *Anomali Verifikasi Partai Politik Peserta Pemilu 2024 “Lolos Verifikasi Administratif, Tapi Tidak Publikasi Laporan Keuangan.”* Transparansi.Id.
<https://transparansi.id/anomali-verifikasi-partai-politik-peserta-pemilu-2024-lolos-verifikasi-administratif-tapi-tidak-publikasi-laporan-keuangan/>
- Nugraha, W. (2023). EFEKTIVITAS SISTEM INFORMASI PARTAI POLITIK (SIPOL) DALAM PROSES PENDAFTARAN CALON PESERTA PEMILU TAHUN 2024 BERDASARKAN PUTUSAN BADAN PENGAWAS PEMILIHAN UMUM (BAWASLU) NOMOR: 003/PS. REG/BAWASLU/X/2022. *UNES Law Review*, 5(4), 3897–3916.
- Nugroho, D. A., & Sukmariningsih, R. M. (2020). Peranan Komisi Pemilihan Umum Dalam Mewujudkan Pemilu Yang Demokratis. *Jurnal Juristic*, 1(01), 22–32.
- Nurimansyah, M., & Ariyani, R. M. (2020). Implementasi Good Governance dalam Pengelolaan Keuangan Partai Politik menuju Democracy Maturation. *Jurnal Economic Resource*, 3(1), 114–127.
- Pahlani, H. H. (2022). *EFEKTIFITAS APLIKASI SISTEM INFORMASI PARTAI POLITIK (SIPOL) DALAM PENDAFTARAN PARTAI POLITIK DI KPUD JAKARTA PUSAT TAHUN 2019*. Universitas Nasional.
- Saleh, K., & Munif, A. (2015). Membangun karakter budaya politik dalam berdemokrasi. *Addin*, 9(2).
- Saputro, R. H. (2021). Pendidikan Politik Sebagai Amanat Undang-Undang. *Journal Civics and Social Studies*, 5(1), 147–157.
- Simanjuntak, N. Y. (2017). Pemantauan dalam proses penyelenggaraan pemilu. *Jurnal Bawaslu*, 3(3), 2443–2539.
- Wijaya, H. (2020). Menakar Derajat Kepastian Hukum Dalam Pemilu Pada Undang-Undang Nomor 7 Tahun 2017. *Jurnal Ilmiah Dinamika Sosial*, 4(1), 82–104.

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