

# Legal Politics of Party Simplification in Indonesia: A Study Based on the Political Party Regulatory Model

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**Abstract:** Although the idea of simplifying the party system is a noble endeavour, the choice of legal politics for simplifying political parties must be democratic and adhere to the model of structuring political parties with the right regulatory model. Therefore, this paper aims to identify the nature of political law and regulatory models for the simplification of the party system applied in Indonesia. This research is normative legal research which focuses on the study of statutory regulations and doctrines, while the research is descriptive-exploratory with statutory and conceptual approaches. The data used are secondary data consisting of primary and secondary legal materials. The data obtained were processed and analyzed qualitatively, comprehensively, and completely. Based on the identification results, the idea of a political direction for simplifying the party system in Indonesia began in the general election period of 2004, 2009, and 2014 through changes to the law on political parties and general elections. But unfortunately, the simplification of the party system and the law has not been able to be directed at a simple party system consisting of 3-5 political parties, besides that the simplification of the party system has also not been focused on simplifying the party system participating in the General election. Every shift in legal politics from the simplification of the party system during the general election shows the democratic nature of legal politics and adopts a simplified legal model from the party system prescription model, the licensing model, the promotion model, and the protection model.

**Keywords:** Legal Politics, Political Party, Regulatory Model, Indonesia.

## 1. INTRODUCTION

In 1998, Indonesia entered into a phase of reformation wave, marked by changes in the face of the constitutional system as reflected in the amendments to the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) as many as 4 (four) changes. Two significant changes to the constitutional system, First, the shift in the pendulum of the government system towards strengthening the presidential system was marked by a change in the system for filling the positions of the President and Vice President from the mechanism for selecting the President by the People's Consultative Assembly to direct general elections by the people (Article 6A paragraph (1) and Article 22E paragraph (1) and (2)). Second, changes in security for the life of political parties and the party system. In the history of Indonesian constitutionality, political parties have acquired a special position in conjunction with the amendments to the 1945 Constitution of the Republic of Indonesia, as Moleenaar's assertion that the constitution is the most important part in regulating political parties because it contains fundamental values and legitimizes the existence of political parties<sup>1</sup> by

providing guarantees for the life of political parties in the 1945 Constitution of the Republic of Indonesia and placing political parties as organizations that have fundamental functions with the position of political parties as organizations participating in general elections (Article 22E paragraph (2)) and organizations that have the right to nominate pairs of candidates for President and Vice President (Article 6A paragraph (2)).

Since the change in the arrangement for guaranteeing the existence of political parties, Indonesia has led to a change in the face of the party system marked by the proliferation of political parties identified in 3 (three) general election periods: the 2004 General Elections (Pemilu), there were 24 (twenty-eight) political parties participating in the election and 16 political parties (sixteen) obtained seats in the People's Representative Council (DPR), in the 2009 General Election period there were 44 (forty-four) political parties participating in the election and 9 (nine) obtained seats in the DPR, in the 2014 General Election there were 12 (two) twelve) political parties participating in the election and 10 (ten) obtaining seats in the DPR and the 2019 election there are 14 (fourteen) political parties participating in the election and 9 (nine) obtaining seats in the DPR.

The description above illustrates that Indonesia's constitutional conditions after the amendments to the 1945 Constitution of the Republic of Indonesia are in the nuance of a combination of a presidential system and a multi-party party system. Concerned with the

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<sup>1</sup>Fransje Moleenaar, "Latin America Regulation of Political Parties: Continuing Trends and Breaks With The Past," 1390, 368.

combination of presidential and multiparty systems, experts have been warned about negative impacts. Long before Indonesia applied the combination, for example, one of Riggs and Lijphart's classic studies in 1945-1985 in 76 (seventy-six countries) that adhered to a presidential system, none of them survived without interference.<sup>2</sup>

Furthermore, Mainwaring said that the constitutional practice building marrying the presidential system of government and the multiparty system is a difficult path with the argument that the constitutional practice building has the potential to cause deadlocks and divided government.<sup>3</sup> Likewise, Cheibub emphasized the potential complexity of a deadlock that will occur in the building of state administration practices that marry a presidential system and a multiparty system if the President comes from a minority party, while the middle ground by forming a coalition to create a stable and effective government tends to be more difficult in a presidential government system. The study was conducted between 1946-1996 in 133 (one hundred and thirty-three) democratic transition countries.<sup>4</sup>

In the Indonesian constitutional context, the warning of the implications of the combination of the presidential system and the multiparty system as stated by experts can at least be traced back to the reign of Yudhoyono-Kalla, who was the first president and vice president born from the direct election system for president and vice president in the history of Indonesian constitutional. The implications of the constitutional practice that combines the presidential system of government and the multiparty system in the Yudhoyono-Kalla government can be traced to several things, including First, the reduction of the prerogative of the president in appointing and dismissing ministers. The reduction of the prerogative of the president was due to the opening of a coalition faucet that involved several political parties in the cabinet formation, even the cabinet reshuffle was also carried out not based on objective needs but on the pressure of political parties. Second, the coalition-building that was built to support the formation of an effective government has not been able to materialize. The non-functioning of the coalition

in supporting the effectiveness of the government is caused by the coalition-building that is built not based on a common view in managing the country, but on an attitude of pragmatism. The failure of coalition building is increasingly complex in the absence of coalition discipline by political parties.<sup>5</sup>

Starting from the above description, various ideas have been born to simplify political parties, this is based on the reasoning of the arguments stated by experts, that the effort to form an effective and stable presidential system of government is through a combination of simple party systems. The party system referred to in the study is a simple party system proposed by Wolintez in Katz and Crotty, namely a simple party system with 3-5 political parties.<sup>6</sup>

Theoretically, to form a simple party system can be done by engineering the life of a political party through the law as stated by Pound in Mahfud's political law study, that law must be able to control and manipulate the development of society including the life of its political parties (law as a tool of social engineering).<sup>7</sup> Specifically, Rahardjo argues that legal politics is directed at the law that should apply (*ius constituendum*).<sup>8</sup> Although simplifying the party system is a noble intention, the law politics of simplifying the party system must be democratic and following the models of political party regulation. Therefore, this paper focuses on identifying the configuration, nature, and political model of political party simplification laws adopted in Indonesia during the 2004, 2009, and 2014 general elections?

## 2. LITERATURE REVIEW

### 2.1. Politic of Law

The results of the author's search in various literature, the term political law in Dutch literature is known as *Rechtspolitiek*<sup>9</sup>, while in the English literature it is known by several terms, including Politics of Law, Legal Policy<sup>10</sup>, The politic of Legislation, Politic of Legal Products), dan Politic of Law Development.<sup>11</sup>

<sup>2</sup>Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, 2012, doi:10.2307/3331092.

<sup>3</sup>Scott Mainwaring and Matthew Shugart, "Juan Linz, Presidentialism, and Democracy," no. July (1993).

<sup>4</sup>José Antonio Cheibub, "Minority Governments, Deadlock Situations, and the Survival of Presidential Democracies," *Comparative Political Studies* 35, no. 3 (2002): 284–312, doi:10.1177/0010414002035003002.

<sup>5</sup>Syamsuddin Haris, *Praktik Parlemerter Demokrasi Presidensial Indonesia* (Penerbit CV. Andi Offset, 2014).

<sup>6</sup>Richard S Katz and William Crotty, "Handbook Partai Politik," *Bandung: Nusa Media*, 2015.

<sup>7</sup>Mahfud Md, "Politik Hukum Di Indonesia," *Jakarta: LP3ES*, 1998.

<sup>8</sup>Latif Abdul and Hasbi Ali, "Politik Hukum" (Jakarta, Sinar Grafika, 2010).

<sup>9</sup>Dripta Rahayu, "AKTUALISASI PANCASILA SEBAGAI LANDASAN POLITIK HUKUM INDONESIA" 4, no. 1 (1389): 190–202.

<sup>10</sup>Moh. Mahfud MD, "Politik Hukum Hak Asasi Manusia Di Indonesia," *Jurnal Hukum IUS QUIA IUSTUM* 7, no. 14 (2000): 1–30, doi:10.20885/iustum.vol7.iss14.art1.

<sup>11</sup>Kartono Kartono, "Politik Hukum Judicial Review Di Indonesia," *Jurnal Dinamika Hukum* 11, no. Edsus (2011), doi:10.20884/1.jdh.2011.11.edsus.258.

Thus, the definition of Political Law has various definitions, simply Mahfud said that legal politics can be interpreted as legal policies or official state policy lines that will be enforced and have been enforced nationally to achieve state goals.<sup>12</sup> Not much different from Mahfud, Latif and Hasbi are of the view that legal politics is the study of legal science to examine legal reformulation that should be implemented to meet the needs of society, so that legal politics is the science of law that studies the relationship *das Sein to das Sollen*.<sup>13</sup> Thus, it can be understood that the politics of law is a science that examines the basis of the formation of existing laws and studies the laws that will apply.

Furthermore, Rahardjo argues substantially that legal politics is directed at the law that should apply (*ius constituendum*).<sup>14</sup> Similarly, Hartono put forward the politics of law is the process of knowing the law that the people aspire to and make it a law.<sup>15</sup> Starting from the views of these experts, specifically directing legal politics to study changes that occur in society to determine which law should / aspire to be applied in society, this is intended to meet changes that occur in a society. Enforcement of the law that should be/aspired to (*ius constituendum*) can be done through legal reform and legal reform.

## 2.2. Political Parties and Party Systems

Berdalil pada Maurice Duverger, tercatat kemunculan partai politik pertama kali pada tahun 1850 di Amerika. At that time, no country other than America recognized political parties in a modern sense, until 1950 other countries had copied political parties.<sup>16</sup> In line with Duverger, Almond, based on the results of research conducted by Blodel, confirmed that the emergence of political parties had existed since the late 18th century and in the early 19th century appeared in Western European countries.<sup>17</sup>

Hucksorn, in his work which focuses on examining political parties in countries where political parties

appear (America), says that a political party is an autonomous group of citizens having the purpose of making nominations and contesting the election in hope of gaining control over government power through the capture of public offices and the organization of the government.<sup>18</sup> Friedrich, the classical thinker, defines a political party as a group of people who are organized stably to seize or maintain power over the government for the leadership of the party and based on control, giving their party members fair and material benefits.<sup>19</sup> According to Roger Soltau, a political party is a group of organized citizens who act as a political unit by using their power to vote, aiming to control the government in carrying out their policies.<sup>20</sup>

Slightly different from the opinion of previous experts, Marcidis defines the party more specifically that the party is a tool to gain power, rule, maintain power, destroy power, and conversely political parties can be used as a tool to tame parties who intend to destroy a political system.<sup>21</sup> In Roy's view, parties are not only to seize and maintain power but also to tame those who will destroy the political system, this is what distinguishes the formulation of the definition of a political party from other experts.

From the various arguments developed by experts to limit the meaning of political parties, in principle, all agree that a political party is an organization whose purpose is to control the government to realize the policies of every political party. In connection with this, it is emphasized that if in a country there is more than one political party it means that there will be competition between political parties. theoretically known as the party system. The results of the author's study found different views among experts about the basis for determining the party system.

Inseparable from the study of the party system is Duverger, he is the founder of the study of the party system in the world. By Duverger in 1950 when he introduced the study of the party system, he concluded that discussing the party system was the same as talking about the number of political parties in parliament so that the party system could be categorized into 3 (three): single-party system, two-

<sup>12</sup>Moh Mahfud, "Politik Hukum Dalam Perda Berbasis Syari'ah" 14, no. 1 (2007): 1–21.

<sup>13</sup>M Anwar Rachman, "Penyelesaian Perselisihan Internal Partai Politik," *Yuridika* 31, no. 2 (2017): 189, doi:10.20473/ydk.v31i2.4828.

<sup>14</sup>Rahardjo Satjipto, "Permasalahan Hukum Di Indonesia," *Bandung. Alumni*, 1983.

<sup>15</sup>Sunaryati Hartono, *Politik Hukum Menuju Satu Sistem Hukum Nasional* (Alumni, 1991).

<sup>16</sup>Ichlasul Amal, *Teori-Teori Mutakhir Partai Politik* (Tiara Wacana Yogya, Yogyakarta, 1988).

<sup>17</sup>Gabriel A. Almond, "Comparative Political Systems," *The Journal of Politics* 18, no. 3 (1956): 391–409, doi:10.2307/2127255.

<sup>18</sup>Robert J Hucksorn, "Political Parties in America, Monterey, CA: Brooks" (Cole Publishing Company, 1984).

<sup>19</sup>Miriam Budiardjo, *Dasar-Dasar Ilmu Politik* (Gramedia pustaka utama, 2003).

<sup>20</sup>Roger Henry Soltau, *An Introduction to Politics* (Longmans, Green, 1951).

<sup>21</sup>Lili Romli, "Reformasi Partai Politik Dan Pistem Kepartaian Di Indonesia," *Politica* 2, no. 2 (2011): 199–220.

party system, and multiparty system.<sup>22</sup> In line with Duverger, Budiarto said that the party system consisted of a single-party system, a two-party system, and a multi-party system. However, Budiarto emphasized that the use of the nomenclature of the single-party system is an ambiguity, however, the nomenclature has developed.<sup>23</sup> This is different from Duverger, who did not emphasize the purpose of using the nomenclature of the single-party system.

In contrast to Duverger's attention in examining the party system based on the number of parties that won seats in the legislative general election, then it was used as a parameter to measure efficiency and effectiveness in forming a government. Sartori said that determining a party system was not only based on the number of political parties, but also based on the interaction system resulting from competition between parties, the distance between the poles, giving birth to the classification of the party system into three, namely simple pluralism, moderate pluralism, and extreme pluralism.<sup>24</sup>

If Duverger and Sartori have different variables in determining the party system, in principle they both agree that the determination of the party system is based on political parties in parliament. This is different from Wolintez who views broadly the scope of the party system study, for Wolintez, studying the party system not only examines the post-election parties or parties in parliament but also examines the number of participating political parties that are designated as participants in the general election as a menu of choices to face. by voters.<sup>25</sup>

### 2.3. Elections and Election Systems

The starting point for running the government in a wide area and the population is so much needed a system of government in which the people as the owner of sovereignty are represented by their representatives to decide policies relating to the public interest. By Dahl in his work *Regarding Democracy*, he calls the government system a representative

government system.<sup>26</sup> Where to run a representative government system, a facility is needed.

The means that can be used to run a representative government system are elections. As stated by Hans Kelsen:<sup>27</sup>

*"In a representative democracy, government functions are transferred from citizens to state organs. To fill state organs is done through democratic nominations, namely general elections".*

In line with Kelsen, Nohlen emphasized that general elections are the only way to elect people's representatives.<sup>28</sup> Together with other experts, Sigit assured the general election as a competition arena to fill political positions in government based on the formal choice of eligible citizens.<sup>29</sup>

Therefore, to form a system of representative government through general elections, a system that has a very complex dimension is needed, known as the general election system, as Lijphart's argument that the electoral system as a collection of methods or ways for citizens to elect their representatives is an important element in a representative democracy. because the electoral system will affect proportionality and the party system. Furthermore, Sartori also confirmed that the electoral system is the most essential part that works in the political system, and is the system most easily manipulated to form a party system and spectrum of representation. Sartori's argument illustrates the importance of understanding the general election system to determine the political direction of political party simplification.

According to International Idea, there are three main tasks of the general election system: (1) translating the results of elections for the legislature into seats; (2) channels that allow people to be held accountable; (3) provide incentives for them to compile appeals to voters in different ways.<sup>30</sup> It has been stated that the need for an electoral system to achieve the objectives of holding general elections requires the formation of the structure and processes of the electoral system.

<sup>22</sup>Rekha Diwakar, "Duverger's Law and the Size of the Indian Party System," *Party Politics* 13, no. 5 (2007): 539–61, doi:10.1177/1354068807080083.

<sup>23</sup>Luky Sandra Amalia, "EVALUATION OF PARTY SYSTEM IN THE REFORMATION ERA 1 Pendahuluan Konsep Sistem Kepartaian," *Penelitian Politik* 10, no. 10 (2013): 145–61.

<sup>24</sup>Pal Istvan Gyene, "Democracy, Islam and Party System in Indonesia: Towards a Consensus-Oriented Model?," *PCD Journal* 7, no. 1 (2019): 27, doi:10.22146/pcd.41970.

<sup>25</sup>Katz and Crotty, "Handbook Partai Politik."

<sup>26</sup>Robert Alan Dahl and A Rahman Zainuddin, *Perihal Demokrasi: Menjelajahi Teori Dan Praktek Demokrasi Secara Singkat* (Yayasan Obor Indonesia, 2001).

<sup>27</sup>Janedjri, *Demokrasi Dan PEMILU Di Indonesia* (Konstitusi Press, 2013).

<sup>28</sup>Toni Andrianus, "Mengenal Teori-Teori Politik," *Penerbit Nuansa*, 2006.

<sup>29</sup>Sigit Pamungkas, *Perihal Pemilu* (Laboratorium Jurusan Ilmu Pemerintahan dan Jurusan Ilmu Pemerintahan ..., 2009).

<sup>30</sup>IDEA, *Standar-Standar Internasional Untuk Pemilihan Umum: Pedoman Peninjauan Kembali Kerangka Hukum Pemilu*, 2002.

The structure formed from the interrelation and interaction of elements will then proceed based on the interrelation and interaction of the elements themselves, to achieve the goal of forming a system. Starting from this description, it can be understood that the electoral system as a system certainly consists of elements.

Experts have varied views in determining the elements of the electoral system. For example, Theodore put forward three elements that must be present in the electoral system, namely:<sup>31</sup> district magnitudes, ballot paper structures, and electoral formulas. Subakti further argues that the general election system contains three elements, namely: voting (balloting), electoral district, a formula for election/division of seats and determination of elected candidates, and along with developments, elements of the electoral system by Ramlan added one element, namely participants and nominations. (nomination).<sup>32</sup>

More varied Sigit Pamungkas, stated six elements of the electoral system, namely:<sup>33</sup> voting (balloting), district magnitude, making representation/distribution boundaries, electoral formula, threshold, and the number of legislative seats. More elaborative Lijhpart, put forward seven elements of the electoral system, namely:<sup>34</sup> the electoral formula, district magnitude (district magnitude), electoral threshold, number of elected council members (the total membership of the body to be elected), the influence of presidential elections in legislative elections (the influence of presidential elections on) legislative elections), malapportionment, and election relations between parties (interparty electoral link).

### 3. METHOD

This research is a normative legal study that focuses on examining statutory regulations and doctrines related to the object of the problem being studied. The nature of this research is descriptive-exploratory because it aims to provide a complete portrait of the actual law and explore the existence of truth. In this study, the author uses two approaches, namely the statute approach and the conceptual

approach. The conceptual approach is carried out by referring to research related to research problems including the developing doctrines in the study of party law. The legal approach is done on aspects of legal norms (legislation) related to the issue of the problem under study. The data used in this study are secondary data consisting of primary legal materials and secondary legal materials, the data are then inventoried, classified, then processed and analyzed qualitatively, comprehensively and completely, then compiled systematically.

### 4. RESEARCH RESULTS

Everything in the study of law, the effort to achieve the goals of the state, including efforts to achieve the goal of simplifying the party system, is carried out through the study of political law or the study of the official line (policy) of the state regarding the law to be enforced, either by making new laws or by replacing old laws. Theoretically shifting the party system pendulum through legal means in line with the classical legal theory introduced by Pound<sup>35</sup> that the law is a tool to manipulate social conditions, in this case engineering the Indonesian party system into a simple party system.

As an effort to examine the legal politics of political party simplification in Indonesia, this paper begins by understanding the scope of the legal politics of political parties. The author's search found that there were varied views of experts in limiting or defining political party law. Misalnya Avnon, bersabda bahwa hukum partai mencakup semua aspek partai politik termasuk status hukum, keanggotaan, keuangan, organisassi, ideologi dan program, kampanye, demonstrasi dan pemilu.<sup>36</sup> Not much different from Avnon, Miller and Siebeber understand party law as a law specifically designed to regulate the life of a party organization or the entire law affecting political parties. It specifically states that the regulation of political parties can be derived through the constitution, special party laws, election and campaign laws, parliamentary organization, party finance, other political activities (demonstrations), or laws regulating in general about voluntary organizations.<sup>37</sup>

<sup>31</sup>Heroik Mutaqin Pratama, "MELIHAT MODEL KOALISI PARTAI POLITIK DI 6 PROVINSI PILKADA SERENTAK 2017," 2017.

<sup>32</sup>Maswadi Rauf, Moch Nurhasim, and Ikrar Nusa Bhakti, *Sistem Presidensial Dan Sosok Presiden Ideal* (Pustaka Pelajar, 2009).

<sup>33</sup>Didik Supriyanto, *Menjaga Independensi Penyelenggara Pemilu* (Perkumpulan untuk Pemilu dan Demokrasi, 2007).

<sup>34</sup>Andrew Reynolds et al., *Desain Sistem Pemilu: Buku Panduan Baru International IDEA*, 2005.

<sup>35</sup>Atip Latipulhayat, "Khazanah, Roscoe Pound," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 1, no. 2 (2014): 413–24.

<sup>36</sup>Aliyu Mukhtar Katsina, "Party Politics and Party Laws in New Democracies: The Case of Nigeria in the Fourth Republic, 1999-2011," *International Journal of Humanities and Social Science* 4, no. 2 (2014): 142–52.

<sup>37</sup>Richard S Katz and William J Crotty, *Handbook of Party Politics* (Sage, 2006).

Furthermore, windows are more comprehensive in their words giving enlightenment that party law is the whole law that affects the life of political parties, including Constitution, election law, campaign law, party finance law, party access law to media, civil society organization law, legislative decrees, administrative decisions, and court decisions.<sup>38</sup>

Although shifting the party system pendulum is a noble endeavour, this effort certainly must pay attention to and consider various aspects. Therefore, in the paper before identifying the various policies that have been issued by the Indonesian government, a theoretical and conceptual study of the arrangement of political parties is carried out.

To find out what matters should be regulated in the simplification of political parties, the authors conducted studies in several perspectives by referring to constitutional provisions, international provisions, and court decisions relevant to the scope of this research.

According to the Venice Commission, laws and regulations that specifically discuss political parties are a relatively recent development. Although currently there are many countries whose constitutions and statutory regulations specifically regulate political parties, each country has different degrees due to differences in legal traditions and constitutional order.<sup>39</sup> Furthermore, Gauja and Smith, as quoted by Aliyu, said that even the arrangement of political parties in one country may have different degrees from one province to another, especially in a federal country like Australia.<sup>40</sup> In connection with the words of Gauja and Smith, of course, it is not relevant in the Indonesian context, this is based on the form of the Indonesian state, namely unity so that we only know the same laws and regulations that apply to all regions in Indonesia as described above both in the 2004 general election, 2009, 2014, and 2019.

The aim of the need to form party law in a democratic society is to reform democratic structures that are oriented towards modern democratic practices. This arrangement is intended to guarantee the existence of political parties that are needed in a

democratic country and to ensure that the state can control the parties if it threatens the democracy of a country.<sup>41</sup> Furthermore, Katz argued, the formation of party law is a reflection of efforts to prevent the collapse of democracy, as well as to quickly build and regulate the development of democracy for countries that previously had no experience of democratic governance.<sup>42</sup>

Furthermore, Miller and Sieberer, from different perspectives, emphasize that the provision of guarantees for the existence of political parties through law is a natural form of appreciation for political parties that have built themselves as machines of 20th-century political processes and become the breath of life for formal institutions. government.<sup>43</sup> The birth of two expert perspectives concerning the purpose of regulating political parties as described above shows that the application of the provisions concerning the guarantee of the life of political parties is based on two factors, namely external factors related to the conditions of state practice and internal factors related to the role of political parties.

In literature, the constitution is referred to as the most special part in the arrangement of political parties, where the constitution contains fundamental values and legitimizes political rules through the specification of procedures that support the exercise of power.<sup>44</sup> Barendt further explained the necessity of a constitution as a source of party law because the constitution is a source of party law which contains several frameworks of working rules to prevent totalitarian policies and to guarantee the rights of members, this view is based on the results of research that examined 142 (one hundred and forty-two) constitution, there are only two-thirds of the constitution that contains regulations on political parties.<sup>45</sup>

To form arrangements related to political parties is something complex. Oleh Venice Commission complexity is described as a dilemma, wherein the formation of regulations it is necessary to protect political parties as a guarantee of the right to freedom

<sup>38</sup>Fernando Casal-bértoa, Daniela Romée Piccio, and Ekaterina R Rashkova, "Party Law in Comparative Perspective," no. March (2012).

<sup>39</sup>European Commission, F O R Democracy, and Through Law, "GUIDELINES ON POLITICAL PARTY REGULATION BY OSCE / ODIHR AND VENICE COMMISSION Adopted by the Venice Commission at Its 84 Th Plenary Session ( Venice , 15-16 October 2010 )," no. 595 (2010): 15-16.

<sup>40</sup>Katsina, "Party Politics and Party Laws in New Democracies: The Case of Nigeria in the Fourth Republic , 1999-2011."

<sup>41</sup>Lauri Karvonen, "Legislation on Political Parties: A Global Comparison," *Party Politics* 13, no. 4 (2007): 437-55, doi:10.1177/1354068807077955.

<sup>42</sup>Richard S Katz, "Reform Parties Through Legal Regulation," *European Democracies in Comparative Perspective*, 2018.

<sup>43</sup>André Kaiser et al., "The Democratic Quality of Institutional Regimes: A Conceptual Framework," *Political Studies* 50, no. 2 (2002): 313-31.

<sup>44</sup>Molenaar, "Latin America Regulation of Political Parties: Continuing Trends and Breaks With The Past."

<sup>45</sup>Kenneth Janda, *Political Parties and Democracy in Theoretical and Practical Perspectives: Adopting Party Law*, National Democratic Institute for International Affairs, 2005.

of expression of society to form associations, and on the other hand, it is necessary to pay attention to the important role of political parties in elections and governance to form a fair and effective government.<sup>46</sup> Katz also acknowledged the complexity and dilemma position in shaping the arrangement of political parties that required various considerations, explaining that too many regulations governing party life can hurt the formation and development of parties, while too few regulations governing party life can result in the saturation of small parties and culminating in a chaotic government.<sup>47</sup>

The start of the implementation of political party arrangements, in particular, can be divided into three periods, namely: First, at the beginning of the 20th century which occurred in three countries, namely:<sup>48</sup> Germany, Finland, and Austria. The drafting of political party laws in Austria in the 20th century as a result of democratization. At this time, political party regulation was more oriented towards regulating political party funding. Second, the arrangement of political parties in the second period is often identified with Huntington's third wave of democratization. Portugal and Spain were countries that entered the second period, during which time the political party arrangement experienced a shift in orientation by no longer prioritizing financial management but controlling the creation and activities of parties that began to develop in a new democratic environment. Third, the end of the war and the fall of communism in Eastern Europe in the early 90s which coincided with the fourth wave of democratization is often identified as the third period of the introduction of special political party arrangements. The enactment of political party laws during this period was carried out by Hungary in 1989 at a time of political transition.

Lauri Karvonen also confirmed that the implementation of political party arrangements which is identified with the fourth wave of democratization.<sup>49</sup> Furthermore, Widow wrote that the number of countries that rewrote the constitution at that time had influenced the arrangement of political parties which was marked by the inclusion of provisions on political parties in the constitution.<sup>50</sup> The formal recognition of political parties

as described above by countries with established democracies has a different attitude, as stated by Miller and Sieberer, that in an established democracy the comprehensive arrangement of political parties to recognize the role of political parties is not considered an urgent need.<sup>51</sup>

According to Katz, three main things need to be included in the drafting of rules about political parties, namely:<sup>52</sup> As for the principle that has relevance to this research is the principle of determining the criteria for who is eligible to participate in general elections or this principle is related to the requirements to be established as an election participating organization as a differentiator from other organizations (To determine what constitutes a political party).

Furthermore, regarding the arrangement of political parties, Anika Gauja warned the importance of understanding and paying attention to the public and private dichotomy because this will be the basis for determining the extent to which the state and law regulate the activities of political parties, and determine what activities should be regulated.<sup>53</sup> Concerning the public and private dichotomy, Epstein (1986) and Biezen (2004) are quoted as saying by Katz, that although the rhetoric of private organizations remains prominent, the empirical trend embraces the public utility model by recognizing that parties perform public functions and granting special and special rights.<sup>54</sup>

Informing regulations on political parties, Widow proposed five models of political party arrangement:<sup>55</sup> First, the prescription model is a model related to regulation leading to restrictions on the formation of political parties, but not by categorizing a political party organization as violating the law or illegal, but by refusing political parties to become legal entities. This is done by not explicitly mentioning political parties in the constitution, but not mentioning political parties in the constitution as a special feature of adopting a prescription model in one country. Second, The Permission Model is a regulatory model whose norm content does not specifically regulate party

<sup>46</sup>Commission, Democracy, and Law, "GUIDELINES ON POLITICAL PARTY REGULATION BY OSCE / ODIHR AND VENICE COMMISSION Adopted by the Venice Commission at its 84 Th Plenary Session ( Venice , 15-16 October 2010 )."

<sup>47</sup>Richard S Katz and Peter Mair, "The Cartel Party Thesis: A Restatement," *Perspectives on Politics*, 2009, 753–66.

<sup>48</sup>Casal-bértoa, Piccio, and Rashkova, "Party Law in Comparative Perspective."

<sup>49</sup>Karvonen, "Legislation on Political Parties: A Global Comparison."

<sup>50</sup>Janda, *Political Parties and Democracy in Theoretical and Practical Perspectives: Adopting Party Law*.

<sup>51</sup>Katz and Crotty, "Handbook Partai Politik."

<sup>52</sup>Richard S Katz, "Reform Parties Through Legal Regulation."

<sup>53</sup>Anika Gauja, "Legislative Regulation, Judicial Politics and the Cartel Party Model," *Contemporary Challenges of Politics Research Workshop, Cogee, Australia, 31 October, 2011, 1–17*.

<sup>54</sup>Ingrid Van Biezen, "Political Parties as Public Utilities," *Party Politics* 10, no. 6 (2004): 701–22.

<sup>55</sup>Kenneth Janda, "How Nations Govern Political Parties," *Prepared for the 20th World Congress of the International Political Science Association, Fukuoka, Japan, 9-13 July 2006, 2006*.

membership, for example how parties are organized, how to elect party leaders, and how to fund/finance the organization. Third, The Promotion Model is a regulatory model that is to promote, further regulate, and encourage. The government sometimes not only forms laws regulating party activities but also regulates its formation. To apply a regulatory model that supports the existence and continuity of many parties is carried out through the electoral law, by implementing a representative proportional electoral system in a multi-member district that produces many parties compared to simple plurality voting in a single-member district. Fourth, The Protection Model is a model that protects against strife and loss. The most extreme form of protection is protection for a party to exist as a single party. Fifth, The Prescription Model is a regulatory model that is to issue orders and dictate. Issuance of these orders to correct the wrongs of the party through laws governing the wrongs of the parties. In extreme conditions, the government seems to say that the state adopts a multi-party system, but in reality, the state controls the organizational behaviour of political parties.

The guarantee of the rights to freedom of association, expression, and opinion is the basis for the functioning of democracy in people's lives. Political parties as an organ that serves to unite political will must be able to enjoy the right to freedom of assembly and association formulated by the Venice Commission in OSCE / ODIHR.

Party laws influence the format and function of the party system through the formulation of norms that will determine the number of new political party entrants,<sup>56</sup> specifically related to the phenomenon of the proliferation of party law in Europe, it is assessed that it has the potential to develop political party organizations and party systems.<sup>57</sup> Karvonen said that substantively the legal norms that affect the life of political parties are registration and membership requirements, party prohibitions and administrative legal sanctions.<sup>58</sup> The basic objective of Party Law is to determine who has the right to be recognized as a political party; to regulate the forms of activity in which political parties can be involved, and regulating internal organizational

forms and acceptable political behaviour by political parties.<sup>59</sup>

Based on the views of experts in this study, it focuses on the political party simplification law that has been in effect in Indonesia about the Constitution, special party laws, and election-specific laws in the period 2004-2019.

If it is argued in Moleenaar's words that the Constitution is the most special part in regulating political parties.<sup>60</sup> So in the context of the Indonesian constitution, political parties only get special treatment after the amendment of the 1945 Constitution of the Republic of Indonesia through the formulation of Article 6A paragraph (2) and Article 22E paragraph (3) in principle, the formulation of basic norms gives legitimacy to treatment as an organization with a special position. Compared to other organizations in the form of granting rights as an organization that can nominate pairs of candidates for President and Vice President and organizations that have rights to general election ballot papers (general election participants). Related to the existence of the formulation of the article in the perspective of legal science as taught by Kelsen<sup>61</sup> referred to as *grundnorm*, if it is correlated with the principles of constitutional theory, the entire legal system in a country should be based on the constitution.<sup>62</sup> Thus, it can be understood that the efforts of further regulation on the life of a political party must be based on the constitution.

Since entering the reformation phase, Indonesia has produced several legal politics which have been concretised through the ratification of laws and regulations which formulate the norms to regulate the life of political parties, in particular, the laws and regulations containing the simplification norms of political parties in 2004, 2009 and 2014 will be described.

#### 4.1. Political Law of Simplification of 2004 Election Political Parties

The 2004 general election was the first general election held after the reform wave, although 2004 was

<sup>56</sup>Ekaterina R. Rashkova and Ingrid van Biezen, "The Legal Regulation of Political Parties: Contesting or Promoting Legitimacy?," *International Political Science Review* 35, no. 3 (2014): 265–74, doi:10.1177/0192512114533981.

<sup>57</sup>Fransje Molenaar and Ingrid van Biezen, "The Europeanization of Party Regulation," in *ECPR Joint Sessions of Workshops*, 2010, 22–27.

<sup>58</sup>Kosova Institute and Transparency International Kosova Democratic, "REVIEW OF PRACTICES OF LAW ON POLITICAL PARTIES REVIEW OF PRACTICES OF LAW ON POLITICAL PARTIES," no. March (2017).

<sup>59</sup>Richard S Katz, "Reform Parties Through Legal Regulation,,"

<sup>60</sup>Fransje Molenaar, "Legitimising Political Party Representation: Party Law Development in Latin America," *International Political Science Review* 35, no. 3 (2014): 324–38, doi:10.1177/0192512114526763.

<sup>61</sup>FX. Adji Samekto, "Menelusuri Akar Pemikiran Hans Kelsen Tentang Stufenbeuthetheorie Dalam Pendekatan Normatif-Filosofis," *Jurnal Hukum Progresif* 7, no. 1 (2019): 1, doi:10.14710/hp.7.1.1-19.

<sup>62</sup>Kusnu Goesniadhie Slamet, "Harmonisasi Hukum Dalam Perspektif Perundang-Undangan," *Jurnal Hukum IUS QUIA IUSTUM* 11, no. 27 (2004): 82–96, doi:10.20885/iustum.vol11.iss27.art8.



the first year that elections were held to elect members of the House of Representatives and the election for the President and Vice President indicated the potential for some negative impacts. This argument becomes a guide for state institutions entrusted with the authority to determine the direction of official state policy. In 2004, he agreed on the legal politics of simplifying the party system in Indonesia through the political party law and the general election law.

The simplification of legal politics for political parties is carried out through an agreement to ratify Law Number 31 of 2002 concerning Political Parties as the first law born after reform replacing Law Number 2 of 1999 concerning Political Parties. In this law, political parties are defined as political organizations formed by a group of citizens of the Republic of Indonesia voluntarily based on a common desire and aspirations to fight for the interests of members, society, nation, and state through general elections. The idea of legal politics for simplifying the party system is set forth through an agreement on the requirements for the formation of political parties, that political parties can be established by Indonesian citizens aged 21 (twenty-one) with a notary deed containing the Articles of Association and Bylaws as well as the national level management structure.

In addition to administrative provisions, the political party simplification of legal ideas is carried out by limiting the principle of political parties that cannot conflict with Pancasila and the 1945 Constitution of the Republic of Indonesia. The idea of simplifying political parties by regulating funding sources for the management of political party organizations is only allowed to come from membership fees with a maximum limit of Rp. 200,000,000 (two hundred million rupiahs), legal donations in the form of money, goods, facilities, equipment and services with a maximum limit of 800,000,000, and state budget assistance provided proportionally to political parties based on the acquisition of seats in the institution people's representatives.

The idea of simplifying the party system does not stop at granting administrative obligations, this reflection identifies the requirements that must be met by political party organizations to obtain legal entity status from the Ministry of Justice. The concretization of the idea of simplifying the party system was carried out by requiring the submission of a notary deed of the establishment of a political party, name, symbol, and picture that had nothing in common with other political

parties. Besides, the determination of the authorities in simplifying political parties is reinforced by starting to require proof of party management as much as 50% (fifty percent) of the total number of provinces in Indonesia, each province concerned must have management of 50% (fifty percent), and 25% (twenty-five percent) in each district/city concerned and has offices.

The simplification of legal politics of political parties through the idea of terms of obtaining legal entity status has led 30 (thirty) political party organizations to obtain party legal entity status by the Ministry of Justice.

Furthermore, the idea of simplifying the party system is also carried out through the political party law by passing Law Number 12 of 2003 concerning the Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council. This effort is marked by limiting political parties with the status of party legal entities to obtain special privileges in the form of access to ballot papers or being designated as political parties participating in general elections. three) management of all Provinces in Indonesia, 2/3 (two thirds) of the entire number of provinces concerned and has at least 1/1000 (one thousandth) members of the total population, as well as names, symbols of political parties and permanent offices then submitted to the General Election Commission.

Based on the official state policy through the political party law, it has led to the simplification of the political parties participating in the general elections from 30 (thirty) legal entity political party organizations to 24 (twenty-four) political parties participating in the general elections. This fact shows that the idea of simplifying political parties in official state policies through the election law for members of the People's Representative Council, Regional Representative Council and Regional People's Representative Council can direct the simplification of the party system of political parties in the process of determining political parties participating in the general election. However, if you understand the party system based on the number of political parties, the policy has not answered the need for a simple party system in the form of 3-5 political parties that are presented to voters.

Also, the formulation of norms that reflects political wills to simplify the party system appears in the agreement to validate the requirements for political parties to participate in the general election in the next

period which must meet the threshold for the number of seats acquired known as the electoral threshold,<sup>63</sup> in terms of the threshold by Lijhpart, it is defined as a threshold as a minimum number of seats won in the lower-tier district and/or a minimum percentage of a total national vote, while in Indonesian it is matched with a threshold which means an acceptable level or tolerated, namely: obtaining at least 3% of the number of seats in the DPR; Obtaining at least 4% of the number of seats in Provincial DPRD spread over at least ½ (half) of the number of provinces throughout Indonesia; or obtain at least 4% of the number of seats in Regency / City DPRDs spread over ½ (half) of the number of Regencies / Cities in Indonesia. Based on the provisions of the electoral threshold of 24 (twenty-four) political parties participating in the general election, 17 (seventeen) political parties have succeeded in obtaining seats in parliament and 7 (seven) political parties have succeeded in reaching the electoral threshold, as well as indicating that there are 7 (seven) which is automatically entitled to access the ballot papers of the general elections.

#### **4.2. Political Law of Simplification of 2009 Election Political Parties**

The argument is that in the results of the 2004 general election which featured the simplification of legal politics of political parties Law Number 31 of 2002 has not optimally accommodated the development of society, so it is deemed necessary to reform legal politics to simplify the party system. Finally, escorting policymakers, a year before entering the period of a general election to formulate political wills to simplify the party system by ratifying Law Number 2 of 2008 concerning Political Parties as the basis for the formation of political party organizations and legal entities in the 2009 general election. In a change in the direction of legal politics, the simplification of the party system is carried out by reformulating norms through the addition of conditions for the establishment of political party organizations, concretized through the minimum number of founders, namely 50 (50) Indonesian citizens (WNI) aged 21 years with an obligatory composition of 30% (thirty) percent of women, as well as with a notary deed that includes the Articles of Association at least containing: the principles and characteristics of the party, vision, and mission,

names, symbols and pictures, the objectives and functions of the party, organization, domicile, and decision-making, party regulations and decisions, political and financial education of political parties and Bylaws.

The impact of the 2004 general election results was related to the party system, which indicated that law politics was not yet able to design a party system into a simple party system, which gave birth to the idea of simplifying the party system. Not only agreed on changes in the legal politics of simplifying the party system through the political party law, but in the same year, it was also agreed that changes in the legal politics of simplifying the party system through the general election law by ratifying Law Number 10 of 2008 concerning the General Election of Members of the House of Representatives, Regional Representative Council, and Regional People's Representative Council.

Furthermore, the policy of simplifying political parties stipulates that to become a public legal entity, political party organizations must meet the following requirements: ownership of the party's deed of the establishment; names and symbols/pictures that are not the same as other parties; having a permanent office and having management in at least 60% of the total number of provinces, 50% in the regency/city concerned and having an account in the name of the party. Things that must also be considered to become a political party legal entity are the principles / ideological requirements and characteristics of the party that political parties can include certain characteristics and reflect the will and ideals of political parties that do not conflict with Pancasila and the 1945 Constitution. Based on the description of the requirements above, then political party organizations that meet all the requirements are entitled to the status of a public legal entity. Also, in this law, the norms regulating the simplification of political parties are reflected in the financial arrangements of political parties, including membership fees, other legal sources, and financial assistance from the State Expenditure Budget and the Regional Expenditure Budget proportionally based on the votes acquired.

In the second paragraph, it is explained that the legal politics of party system simplification is the same as the 2004 general election period which is also carried out through the general election law which is concretized through the addition of requirements to be determined as a political party participating in the

<sup>63</sup>Piccirilli, G. (2016). Maintaining a 4% Electoral Threshold for European Elections, in Order to Clarify Access to Constitutional Justice in Electoral Matters Italian Constitutional Court Judgment of 14 May 2015 No. 110. *EuConst*, 12, 164.

general election, including having management in 2/3 (two-thirds number of provinces, management in 2/3 (two thirds) of the number of districts/cities in the province concerned, the central management is at least 30% (thirty percent) filled by women, has members of at least 1000 one thousand people or 1/1000 (one-thousandth) of the total population in each management of a political party as evidenced by ownership of a membership card, in 2009 the requirement was added to have a permanent office for the management of the province and district/city and submit names and symbols of political parties to the KPU.

As for the choice of political parties participating in the 2004 general election that did not reach the threshold for vote acquisition as described above, they can participate in the 2009 general election by choosing to join the political parties participating in the elections that succeeded in obtaining seats in the 2004 general elections, joining political parties that did not get seats. use the name and image mark of a political party so that it fulfils the minimum number of seats or re-participates in verification by fulfilling all the requirements to be established as a political party participating in the elections as described above.

In addition to the additional requirements to be designated as a political party participating in the general election, the most significant change in political party simplification law was carried out through an agreement which in principle limited the right to access to a seat in the House of Representatives, which is generally known as the Parliamentary Threshold. It is stipulated that participating in the determination of seat acquisition in the House of Representatives is only for political parties that achieve a national legal vote threshold of at least 2.5% (two point five percent). In concept, this policy change from the concept of an electoral threshold to a parliamentary threshold.

In connection with the existence of norms that adopt the parliamentary threshold concept, in 2009 he was requested to the Constitutional Court for interpretation because the applicant deemed it contrary to the 1945 Constitution of the Republic of Indonesia. By the Panel of Justices of the Constitutional Court through Decision Number: 3 / PUU-VII / 2009 states that the norms regulating the threshold requirements for obtaining national legal votes for political parties to place legislative candidates in Parliament are constitutional, as for the opinion of the Court that the determination of norms regarding the existence of political parties is

open. legal policy, even if read in detail it can be interpreted that the Court's decision strengthens the norms regulating threshold on the basis that threshold is a natural thing for simplifying political parties.

Thus, based on the political law of the 2009 general election party system through the political party law and the general election law, Indonesia has led to a condition where the number of political parties participating in the election reaches 38 (thirty-eight) and the number of political parties entitled to obtain valid votes. national 2.5% (two points five percent) as many as 9 (nine) political parties.

If we determine the party system based on the number of political parties, we will find that the imposition of norms on threshold requirements can reduce the number of political parties participating in the election by (38) thirty to (16) sixteen political parties. However, the number of political parties cannot be categorized as a simple party system as the concept of a simple party system referred to in this study.

#### **4.3. Political Law of Simplification of 2014 Election Political Parties**

Referring to the election results in 2009, policymakers deemed it necessary to make changes related to the political party law and the general election law as a new direction for simplifying the legal politics of political parties. We can trace the new direction of legal politics of simplification of political parties in the formulation of Law Number 2 of 2011 concerning Amendments to Law Number 2 of 2008 concerning Political Parties and Law Number 12 of 2012 concerning General Elections of Members of the House of Representatives, the House of Representatives. Regional Representatives and the Regional People's Representative Council.

In a change in the direction of political party simplification, several changes are regulated in the form of additional requirements for the establishment of political parties including the formation of political parties is established by a minimum of 30 (thirty) Indonesian citizens (WNI) aged 21 years in each province, registered by a minimum of 50 (fifty) founders representing all-party founders with a notarial deed, including 30% (thirty percent) female representation. The notarial deed is complemented by the Articles of Association and Bylaws and management at the national level. About the financial arrangements for

political parties, there has not been any change, that the financial sources of political parties include: membership fees, legal contributions, and financial assistance from the State Budget and the Regional Budget.

To obtain status as a legal entity, political party organizations register with the Ministry of Law and Human Rights which includes requirements in the form of a notary deed of establishment of a political party, a name, symbol, or image that has no substantive similarity or all of it with the name, symbol or image mark. which has been used legally by another Political Party following statutory regulations, management in each province and at least 75% (seventy-five percent) of the number of districts/cities in the province concerned and at least 50% (fifty percent) of the number of districts in the regency/city concerned; permanent offices at the central, provincial, and regency/city levels until the final stage of general elections; and accounts in the name of political parties.

Political parties wishing to participate as political parties participating in the general election in the 2014 election implementation must meet the following requirements: having status as a legal entity in accordance with the law on political parties, having management in all provinces, having management in 75% (seventy five percent) the number of regencies / cities in the province concerned; having management in 50% (fifty one hundred) of the number in the regency / city concerned; Include at least 30% (thirty percent) women's representation in the management of central political parties; having members of at least 1,000 (one thousand) people or 1/1000 (one thousandth) of the total population in the management of a political party as evidenced by the ownership of a membership card, has a permanent office for management at the central, provincial and regency / municipal levels up to the stage at the end of the election, submitting the names, symbols and symbols of political parties to the KPU, and submitting the election campaign fund account numbers on behalf of the political parties to the KPU.

The above provisions do not apply to political parties that have met the threshold for vote acquisition in the previous election, as concretized through the formulation of norms that political parties participating in the election which meet the national valid votes are determined as political parties participating in the next election, while political parties that do not reach the threshold for valid votes nationally can participate in

general elections provided that they meet all the requirements as described above.

In addition to adding registration requirements to become a political party, the 2014 general election also changed the legal political pendulum to simplify the party system by raising the Parlement threshold that political parties must obtain from the 2.5% figure applied in the 2009 elections. shifted to 3.5%. This provision emphasizes that to enter the stage of division of seats in parliament, political parties must meet the minimum vote acquisition threshold requirement of at least 3.5% (three points five percent) of the number of valid national votes. It is important to underline that the application of the parliamentary threshold requirement only applies to the determination of seat acquisition in the People's Representative Council, not including in determining seats in the Provincial Regional People's Representative Council and Regency / Municipal Blood People's Representative Council as referred to in the Decision of the Constitutional Court Number: 52 / PUU-X / 2012 in essence points 14 and 19 states that the phrases of the Provincial DPRD and Regency / Municipal DPRD are contrary to the 1945 Constitution of the Republic of Indonesia.

With the enactment of the provisions for the parliamentary vote threshold which becomes 3.5%, it can simplify political parties from twelve political parties to ten political parties that have the right to allocate seats in the DPR. However, this provision shows that it has not been able to direct the formation of a simple party system as is the simple party system referred to in this paper.

## 5. DISCUSSIONS

The design of the choice of official state policy lines so that there is a simplification of the party system since entering the reform era is mainstreamed through the political party law by adding to the requirements for the establishment of political party organizations and the requirements for obtaining the status of a political party legal entity at each general election period. Mainstreaming the idea of official state policy is structured by granting the requirements to become a political party participating in the general election as well as the requirements for obtaining a seat in the House of Representatives by raising the parliamentary threshold. The design threshold policies open legal and constitutional policy, but what is important to note is that the determination of the threshold number must be formulated based on proportionality calculation, if you look at the history of the birth of the parliamentary

threshold number policy in Indonesia, it is not done with a long debate process.

Unfortunately, changes in the legal political party simplification pendulum from period to period (2004, 2009, and 2014) have not been able to lead the party system to a simple party system, namely 3-5 (three-five) political parties. Also, the simplification of the party simplification system only tends to focus on simplifying the party system of general election results or simplifying the party system in parliament, even though the need for a simple party system is also required at the general election stage, especially if it is correlated with the general election system adopted in general elections 2009-2014, namely a proportional general election system. This, if seen from the perspective of voters, tends to make voters difficult to make choices due to a large number of candidates for legislative members in each electoral district with a large number of parties participating in the general election, it is even more complex if the correlation with the election mechanism is carried out simultaneously, namely: selecting candidates central legislative members, candidates for provincial legislative members, candidates for district/city legislative members, elect candidates for regional representatives and elect presidential and vice-presidential, candidates as the Constitutional Court Decision Number: 14/PUU-XI/2013, in the end, has the potential to have implications for quality general election results.

Concerning this reasoning, ideally, state official policymakers begin to shift the paradigm of simplifying the party system by focusing on simplifying the party system for election participants, this is to make it easier for voters to choose and sort each candidate so that it is hoped that the combination of a simple party system and a proportional electoral system can produce quality election results.

In the end, the premise-press building above leads us to understand the correlation of the simple party system of 3-5 political parties at the general election stage has the potential to affect the quality of the general election results, not only stop at quality election results, the simple party system structure at the general election stage is projected so that Quality election results are capable of producing quality government or responsible government as the spirit of a democratic system.<sup>64</sup>

Furthermore, if we examine the political ideas of the simplification of the party system based on the ideas of Kenneth Janda about models of political party arrangement. It appears that the choice of legal politics in the state's official policy to simplify political parties in 2004, 2009, and 2014 general election periods was concretized through the political party law adopting the Prescription Model political party arrangement model, this model is characterized by regulations that lead to restrictions on the formation of political parties, but not a way of categorizing a political party organization as breaking the law or illegal, but by refusing a political party to become a legal entity.

In the Indonesian context, this model is identified in the formulation of norms that govern the details of prohibitions for political parties based on or having ideologies and having party characteristics that are contrary to Pancasila (start fundamental norm) and the 1945 Constitution of the Republic of Indonesia (ground norm). Therefore, political parties that violate the prohibition of principles/ideologies and characteristics as stipulated in the law, will be subject to sanctions in the form of refusing to register a political party organization to become a political party legal entity. This means that by refusing to grant legal entity status, it also confirms that a political party organization is not entitled to obtain the right to general election ballot papers or does not obtain the right as a political party participating in the general election. The prescription model of the party system simplification model adopted by Indonesia through the political party law has also been identified as adopted in America, but differs at the level of norms where the US has concretized the idea of this model in a system of fundamental norms, namely the constitution during the first amendment with the formulation of norms as follows:

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

Still, in the object of reviewing the same official state policies (political party laws) with the same ideas as the political party regulation model, it shows that the state's official policy adheres to the Permission Model which specifically regulates party membership, for example how to organize parties, how to do it. choosing party leaders and how to fund/finance the organization. This

<sup>64</sup>Ulsani, F. G., Prastika, R. A., Herlin, H., & Mamonto, M. A. W. (2019). Menggali Nilai Sir'i'Na Pacce sebagai Tinjauan Sosiologis Pembentukan Perda Anti Korupsi. *Pleno Jure*, 8(2), 37-46.

is identified through the norms that govern how funding/funding organizations or regulations regarding sources of funding for political parties, this model is identified as being adopted in Andorra, but the difference between Indonesia and Andorra lies in the level of regulatory norms in Indonesia is regulated in law while in Germany regulated in the constitution, besides that the scope of the regulation is different where Andorra regulates activities related to how to run the organization. With the formulation of norms as follows:

*Andorrans have the right freely to create political parties. Their functioning and organization must be democratic and their activities lawful. The suspensions of their activities and their solution is the responsibility of judicial organs.*

In addition to adhering to the two models of political party regulation above, the political idea of simplifying the party system in Indonesia also adopts the Promotion Model which is identical to the arrangement to support the existence and continuity of many parties, this is reflected in the general election law by implementing a representative proportional electoral system. This model of political party regulation has also been adopted by the Republic of Congo by applying the norms regulating the provision of subsidies to political parties from the state budget, this aspect of regulation has also been adopted by Indonesia. This means that in Indonesia the regulation of the Promotion Model political parties is regulated on two aspects, namely adopting a proportional electoral system and giving subsidies to political parties. The adoption of the Promotion Model political party arrangement in the Republic of Congo regarding the provision of subsidies to political parties is identified in the norm with the following formula:

*The States assure the financing of political parties. The law determines the conditions and the modalities of the financing of political parties.*

Although the political party law regulates the threshold requirements for vote acquisition to simplify political parties, if analyzed based on the political party regulation model, the norm can be categorized as part of the Protection Model, where the existence of a threshold requires that the determination of political parties cannot be based on the subjective desire of the government but must be based on a law that has been

previously determined. In other countries, namely Syria, it has also adopted the protection model political party arrangement, but it is different from Indonesia where the adoption of the Syrian protection model is the most extreme form, to protect one party, namely the Ba'th party:

*The leading party in the society and the states shall be the Socialist Arab Ba'th Party. It shall lead a patriotic and progressive front seeking to unify the resources of the people's masses and place them at the services of the Arab nation's goals.*

## 6. CONCLUSIONS AND FURTHER RESEARCH

During the reformation period in 2004, 2009 and 2014, the political party simplification system adopted democratic law politics. However, until now the simplification of legal politics of political parties has only led to the simplification of parliamentary political parties, while further simplification of political parties is needed in general elections. The legal politics of simplifying political parties in four phases have not led to a simple party system, namely 3-5 political parties participating in the election and parliament. The political party regulatory model adopts four models including the prescription model, permission model, promotion model, and protection model, as adopted in America, Germany, the Republic of Congo, Andorra, and Syria. It is important to consider in future law politics, namely: the determination of the threshold for vote acquisition must be based on rational calculations taking into account the element of proportionality in detail.

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