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Modification of Political Party Law in the Reform of the Electoral System

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ABSTRACT

The regulation of political parties in Indonesia is currently fragmented across multiple statutes, creating normative disharmony, weak internal democracy oversight, and inadequate integration between party organizational life and electoral functions. This study examines the forms and problems of this fragmentation and proposes a codification model as a reform agenda for Indonesia's electoral system. Using normative legal research with statutory, conceptual, and comparative approaches, the study analyzes primary and secondary legal materials qualitatively. The findings reveal that party regulations are dispersed across the Political Party Law, Election Law, Regional Election Law, electoral management regulations, and Constitutional Court decisions. This sectoral regulation results in procedural gaps in candidate recruitment, weak enforcement of internal democratic standards, inconsistent dispute resolution, and separated oversight of party financing and campaign funds. To address these challenges, the study offers a layered-integrative and proportional codification model. This model establishes an umbrella law on political parties and party democracy as lex generalis, while the Election Law and Regional Election Law remain as lex specialis. The model incorporates minimum standards for internal democracy, transparent candidacy, integrated financial accountability, independent compliance monitoring, and proportionate sanctions. It also proposes the establishment of a Party Compliance Body and an Integrated Party Compliance System. The codification is expected to strengthen legal certainty, enhance party accountability, improve internal democracy, and support the development of a more integrity-based and representative electoral system. This reform should be completed before the 2029 Election to ensure a more transparent, accountable, and just democratic process.

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INTRODUCTION

Political parties occupy a strategic position in a democratic state, as they function as a means of interest articulation, political education, leadership recruitment, and a bridge between citizens and government institutions (Surbakti, 2010). In a multiparty presidential system such as Indonesia's, the role of political parties not only determines the configuration of parliamentary representation but also influences the nomination processes for president, vice president, regional heads, and legislative members. Therefore, the quality of electoral democracy cannot essentially be separated from the quality of institutional design, governance, and internal democratic mechanisms of political parties (Romli, 2016).

Normatively, the existence of political parties in Indonesia has obtained a constitutional basis through the guarantee of freedom of association, assembly, and expression as stipulated in Article 28 and Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia. At the statutory level, the regulation of political parties is primarily contained in Law Number 2 of 2008 concerning Political Parties, as amended by Law Number 2 of 2011. This law regulates matters such as party formation, leadership structures, membership, political education, political recruitment, party finance, and the resolution of internal disputes. However, the regulation of the electoral functions of parties is not confined to the Political Party Law regime but is also dispersed across Law Number 7 of 2017 concerning General Elections, Law Number 10 of 2016 concerning Regional Head Elections, regulations of the General Elections Commission, regulations of the Elections Supervisory Body, and various Constitutional Court decisions.

This dispersal of regulations indicates that political party law in Indonesia has developed in a sectoral manner and has not been integrated into a coherent legal design. The Political Party Law tends to regulate parties as legal entities, while the Election Law and the Regional Election Law position parties more as participants and endorsers of candidates in electoral competitions. Consequently, a rather sharp separation exists between the regulation of internal party life and the regulation of the external role of parties in elections. In fact, the processes of candidacy, political recruitment, candidate selection, financial management, and internal conflict resolution have a direct impact on the quality of electoral competition and political representation.

This problem is evident, among other things, in recruitment and candidacy practices that remain heavily influenced by party elite decisions. In many cases, the mechanisms for determining legislative candidates, regional head candidates, and presidential candidates do not always follow open, competitive, and participatory procedures. Research by Safa'at, Permadi, and Wiranto (2024) on the internal democracy index of political parties demonstrates that internal party democracy should be measured through several dimensions: political participation, political education, competition, representation, responsiveness, and openness. These findings are important because they show that internal democracy is not merely an organizational matter but a substantive prerequisite for the formation of a healthy representative democracy.

On the other hand, legal regulation has not been fully capable of ensuring the linkage between internal party democracy and accountability in electoral contests. Although the norms on political recruitment in the Political Party Law mandate parties to conduct recruitment democratically and openly, operational standards concerning selection procedures, member participation, transparency in candidate selection, and mechanisms for cadre objections have not been adequately formulated. This situation grants political parties broad discretionary power in determining their internal mechanisms. At the same time, state oversight of these processes is also limited because the law focuses more on administrative verification of parties and electoral stages than on the quality of internal democracy practiced by parties (Ghafur, 2022).

Regulatory fragmentation is also visible in the aspect of political financing. Party finances are regulated under the Political Party Law, while campaign funds are separately regulated under the Election Law and KPU technical regulations. This separation may create difficulties in comprehensively monitoring fund flows, particularly when the relationship between party organizational financing, candidacy financing, and campaign financing cannot be mapped in an integrated manner (Faturrahman, 2024). From the perspective of democratic governance, transparency in party funding and campaign funds is an essential element to prevent conflicts of interest, transactional politics, and abuse of power. Therefore, the regulation of party finances should not be positioned as a mere administrative issue but as part of the design for electoral integrity.

The problem of legal disunity in political party law has become increasingly relevant following developments in Constitutional Court rulings concerning the electoral system. Constitutional Court

Decision Number 116/PUU-XXI/2023, for instance, stated that the 4 percent parliamentary threshold provision remains applicable for the 2024 Election but must be amended for the 2029 Election and subsequent elections by considering a proportional methodology and variables (Constitutional Court, 2024). This decision demonstrates that changes in the electoral design cannot be separated from the renewal of political party law. Policies regarding the parliamentary threshold, party verification, candidacy, the representation system, and the relationship between parties and voters constitute an interconnected whole (Nanda & Ferdinansyah, 2025).

Previous studies on political parties have generally focused on internal democracy, parliamentary thresholds, party system fragmentation, political financing, or partial institutional reform. Romli (2016), for example, highlights issues of political party reform and the party system in relation to the tendency toward multiparty fragmentation in Indonesia. Meanwhile, studies on the parliamentary threshold have largely concentrated on the relationship between party simplification, the effectiveness of the presidential system, and the proportionality of representation (Solihah, Rahmatunnisa, & Witianti, 2018). Although important, these studies have not specifically formulated the codification of political party law as an instrument for harmonizing party organizational law, election law, regional election law, funding regulations, internal democracy, and dispute resolution mechanisms.

Based on these conditions, the codification of political party law becomes relevant to examine as an agenda for electoral system reform in Indonesia. Codification in this study is not understood as merging all election-related laws into a single omnibus law. Rather, codification is understood as a process of reorganizing political party legal norms through the establishment of an umbrella legal framework capable of unifying principles, minimum standards, obligations, oversight mechanisms, and sanctions for political parties. Such a framework is necessary so that regulations on internal democracy, recruitment and cadre development, candidacy, representation of vulnerable groups, funding, transparency, dispute resolution, and party accountability can be arranged harmoniously.

The novelty of this research lies in offering a layered model of political party law codification. This model positions the party law as a basic regulatory instrument for party institutions and internal democracy, while the Election Law and Regional Election Law continue to regulate the stages and technical aspects of electoral competition. Thus, this research does not stop at critiquing regulatory overlaps but offers a design for the normative relationship between political party law, election law, regional election law, electoral management regulations, and constitutional court decisions. Through this approach, the codification of political party law is expected to strengthen legal certainty, enhance party accountability, encourage internal democracy, and support the establishment of a more integrity-based and representative electoral system.

On the basis of the above description, this research poses three research questions: first, what is the form and what are the problems of the fragmentation of political party law regulations within the Indonesian legal system; second, why is the codification of political party law necessary within the electoral system reform agenda; and third, what model of political party law codification can strengthen internal democracy, party accountability, and electoral integrity in Indonesia.

RESEARCH METHODS

This research employs a normative legal research method, treating law as a norm examined through legislation. The approaches used include a statutory approach to examine the Political Party Law, the Election Law, the Regional Election Law, and electoral management regulations. Primary, secondary, and tertiary legal materials were collected through library research and then analyzed qualitatively using descriptive-analytical and prescriptive methods. The analysis was directed toward identifying the forms of fragmentation in political party law and formulating a model of codification capable of strengthening internal democracy, electoral integrity, and political party accountability in Indonesia.

RESULTS AND DISCUSSION

1. Fragmentation of Political Party Law Norms in Indonesian Legislation

Political parties are institutions that hold a central position in representative democracy. Parties function not only as instruments for the articulation and aggregation of societal interests but also carry out political education, leadership recruitment, public official nomination, electoral support mobilization, and policy direction setting through representation in legislative and governmental bodies (Surbakti, 2010; Romli, 2016). In modern democratic systems, the quality of political parties determines the quality of democracy itself. Parties that are not managed democratically, transparently, and accountably risk producing elitist, transactional, and citizen-detached representational practices (Cross & Katz, 2013).

Constitutionally, the existence of political parties is linked to the guarantee of freedom of association, assembly, and expression as contained in Article 28 and Article 28E paragraph (3) of the 1945 Constitution. However, the 1945 Constitution does not explicitly formulate the position, functions, limitations, or principles of internal party democracy. The Constitution provides more indirect recognition of political parties through the mechanisms of presidential and vice-presidential nomination, the submission of candidates for DPR and DPRD members, and the role of parties in forming democratic governments (Asshiddiqie, 2019). Consequently, the legal construction of political parties in Indonesia is largely shaped through statutes, technical regulations of election organizers, and judicial decisions.

At the statutory level, Indonesian political party law is primarily built through Law Number 2 of 2008 concerning Political Parties, as amended by Law Number 2 of 2011. This law regulates the establishment of political parties, leadership requirements, party rights and obligations, political education, political recruitment, financial management, changes in leadership, and the resolution of internal party disputes. In this construction, parties are positioned as legal entities possessing organizational autonomy to draft their articles of association and bylaws, determine leadership structures, and conduct internal processes in accordance with democratic principles.

However, the function of parties as legal entities cannot be separated from their function as election participants and candidate endorsers. This electoral function is not comprehensively regulated in the Political Party Law but is instead dispersed across Law Number 7 of 2017 concerning General Elections, as amended by Law Number 7 of 2023, and Law Number 10 of 2016 concerning the Election of Governors, Regents, and Mayors. The Election Law regulates party verification, legislative candidacy, presidential and vice-presidential candidacy, campaigns, campaign funds, the parliamentary threshold, and dispute resolution concerning electoral processes and results. Meanwhile, the Regional Election Law regulates the role of political parties in proposing pairs of regional head candidates, coalition formation, candidacy requirements, and disputes related to electoral stages.

This dispersal of norms indicates that Indonesian political party law is formed through a sectoral regulatory pattern. The Political Party Law regulates the institutional and internal organizational dimensions, while the Election Law and Regional Election Law regulate the dimension of electoral competition. In practice, these two dimensions are difficult to separate. The internal mechanisms of parties in determining chairpersons, leadership structures, cadre development, candidate selection, and the distribution of nomination endorsements directly determine the quality of democratic contestation. Therefore, the separation of regulations concerning internal party life and electoral functions creates a space of discontinuity between organizational norms and electoral norms.

The first problem arising from this fragmentation is the weak regulation of internal party democracy. The Political Party Law indeed states that party leadership shall be elected democratically through deliberation in accordance with the articles of association and bylaws (Article 22 of Law No.

2 of 2008 jo. Law No. 2 of 2011). However, these provisions have not provided minimum standards regarding transparency in leadership elections, term limits, member involvement, voting mechanisms, protection of internal minority groups, or objections to election processes. Consequently, the concept of democracy in the law is largely left to the interpretation of each party through its articles of association and bylaws. According to Ghafur (2022), internal party democracy cannot be adequately understood merely as the existence of formal procedures in the articles of association and bylaws but must be reflected in decision-making practices, power distribution, leader selection, and member involvement. Thus, a party cannot be considered democratic merely because it holds deliberative forums or congresses if the determination of leadership and strategic policies is actually controlled by a limited elite. In the Indonesian context, heavy reliance on central elite authority often results in members and regional structures lacking sufficient influence in determining strategic party decisions (Ghafur, 2022).

Normative fragmentation is also evident in the regulation of political recruitment and candidacy. The Political Party Law stipulates that the recruitment of party members, candidates for DPR and DPRD members, regional head candidates, and presidential and vice-presidential candidates must be conducted democratically and openly in accordance with the articles of association and bylaws and statutory regulations (Article 29 paragraphs (1) and (2) of Law No. 2 of 2008 jo. Law No. 2 of 2011). However, these provisions are not accompanied by strong oversight instruments to assess whether the candidacy process is genuinely open, merit-based, and accountable. Conversely, the Election Law and Regional Election Law are more oriented toward fulfilling the administrative requirements of candidates and nomination stages rather than assessing the internal party process of candidate selection.

This condition creates a gap between procedural democracy in elections and substantive democracy within parties. Elections may be conducted directly, generally, freely, secretly, honestly, and fairly, but the candidate determination process preceding the electoral stages does not necessarily satisfy the principles of openness and participation. From the perspective of democratic law, the issue of candidacy is crucial because the candidates proposed by parties constitute the gateway to political representation. When candidate selection occurs in a closed and centralized manner, voters are ultimately presented only with choices predetermined by internal party elites (Safa'at, Permadi, & Wiranto, 2024).

Another problem concerns political financing. The management of political party finances is regulated under the Political Party Law, particularly regarding sources of funds derived from member dues, legally permissible donations, and financial assistance from the state or regional budgets. Meanwhile, campaign funds are regulated separately under the Election Law and KPU regulations. This separation of regimes creates problems because party political activities in practice cannot always be clearly separated between organizational needs, candidacy costs, campaign activities, and political support mobilization. In studies on political party funding accountability, the main issue is not merely the limited amount of funds received by parties but also the weak transparency and audit mechanisms concerning both sources and uses of funds (Faturrahman, 2024). When party finances and campaign funds are regulated under different systems, the potential relationship between donors, candidates, party elites, and public policy cannot be comprehensively monitored. This funding fragmentation may open space for high-cost politics, conflicts of interest, and political transactions that are difficult to trace legally.

Beyond organizational and funding issues, fragmentation of political party law is also evident in the mechanism for resolving internal disputes. Article 32 of the Political Party Law stipulates that party disputes shall first be resolved through a party court or other similarly designated body established by the party. The party court's decision is final and internally binding with respect to disputes concerning leadership. If internal resolution is not achieved, the dispute may be submitted to a district court and subsequently appealed to the Supreme Court.

Theoretically, this mechanism reflects respect for party organizational autonomy. However, in practice, this mechanism may actually create legal uncertainty, especially when the party court is not independent of the disputing factions. In Constitutional Court Decision Number 78/PUU-XIII/2015, the Court affirmed that dualism in leadership may hinder parties from performing their primary functions by creating ambiguity as to which authority is entitled to manage party administration, conduct recruitment, and carry out other political functions (Constitutional Court, 2016). This decision demonstrates that internal party disputes cannot be viewed merely as private organizational matters, as leadership conflicts may directly impact the democratic process and election administration.

Institutional competence issues further reinforce the fragmentation of political party law. The Ministry of Law and Human Rights is authorized to approve legal entity status and changes in party leadership, the KPU is authorized to verify political parties as election participants and receive candidate registrations, Bawaslu handles election process disputes, the Supreme Court handles cassation appeals in internal party disputes, while the Constitutional Court reviews the constitutionality of laws and decides election result disputes. These authorities each have their own legal basis, but inter-institutional relationships have not always been systematically formulated. In certain cases, contested internal leadership changes may affect election participant verification, candidate registration, or the validation of party administrative documents.

This regulatory fragmentation is aggravated by developments in Constitutional Court decisions affecting the electoral legal design. Constitutional Court Decision Number 116/PUU-XXI/2023 on the parliamentary threshold shows that the design of the electoral system cannot be separated from issues of the party system. The Court upheld the 4 percent parliamentary threshold for the 2024 Election but ordered the legislature to reformulate the threshold norm for the 2029 Election and subsequent elections based on clear methodology and variables (Constitutional Court, 2024). This decision signals that electoral reform must be conducted more integratively, as regulations concerning the parliamentary threshold, political representation, party simplification, and democratic quality are closely interrelated (Nanda & Ferdinansyah, 2025).

Based on the above description, the legal construction of political parties in Indonesia can be understood as a system dispersed across several legal regimes: party institutional regime, election regime, regional election regime, political funding regime, dispute resolution regime, and state oversight regime. This fragmentation is not always negative, as each area has its own regulatory specificity. However, fragmentation becomes problematic when it is not accompanied by harmonization principles, clear division of authority, operational internal democratic standards, and integrated accountability mechanisms. Therefore, political party law reform needs to be directed toward unifying the relationship between internal party life and its electoral functions within Indonesia's democratic system.

2. The Urgency of Codifying Political Party Law

The codification of political party law is necessary because the Indonesian legal system still sharply separates the regulation of parties as political organizations from their role as primary actors in electoral competition. Law Number 2 of 2008 concerning Political Parties, as amended by Law Number 2 of 2011, essentially regulates party formation, leadership, membership, political education, recruitment, sources of funds, and internal dispute resolution. Meanwhile, the role of parties in verification as election participants, legislative candidacy, presidential and vice-presidential candidacy, regional head candidacy, campaigns, campaign funds, and the parliamentary threshold is regulated under Law Number 7 of 2017 concerning General Elections and Law Number 10 of 2016 concerning Regional Head Elections.

This dispersal of norms creates a fundamental problem because internal party life is inseparable from the quality of election administration. The processes of cadre selection, leadership determination,

legislative candidate nomination, distribution of regional head endorsements, and party fund management directly determine the quality of candidates and political representation offered to voters. Therefore, electoral reform cannot be sufficiently achieved by improving voting procedures, vote counting systems, or dispute resolution mechanisms for election results. Reform must also be directed at reforming political parties as the primary gateway to power recruitment. According to Ghafur (2022), there is a gap between the legal ideal of internal party democracy and party practices in the reform era. Normatively, parties are required to develop democratic life through deliberative mechanisms, open recruitment, and political education. However, in practice, strategic decision-making remains concentrated among certain elites, particularly in the determination of leadership and candidacies. This condition shows that the existence of democratic norms in legislation does not automatically produce substantive internal democracy. Codification of political party law is needed to transform general norms into minimum legal standards that can be measured, monitored, and enforced with consequences for violations (Ghafur, 2022).

The urgency of codification is also linked to the need to build legal certainty. A regulatory system scattered across various laws may create differences in orientation, terminology, mechanisms, and even competent institutions handling party matters. The Political Party Law places internal disputes as matters that must first be resolved through the party court, then through district courts and cassation before the Supreme Court (Articles 32–33 of Law No. 2 of 2008 jo. Law No. 2 of 2011). Conversely, the Election Law recognizes election process disputes within Bawaslu's authority and election state administrative disputes that may proceed to the state administrative court (Law No. 7 of 2017; Bawaslu Regulation No. 9 of 2022). In certain situations, internal leadership disputes may affect the determination of election participants or candidate submissions, but the available legal channels do not always provide a fast, integrated, and certain mechanism.

Codification is needed to reorganize the relationship between party autonomy and the public interest in elections. Parties are indeed organizations formed based on freedom of association and have the right to manage their own internal affairs. However, this autonomy is not absolute because parties exercise significant public functions, including determining public office candidates, channeling citizen aspirations, receiving state financial assistance, and influencing state policy formation. From the perspective of constitutional democracy, the greater the public function exercised by parties, the greater the demand for transparency, accountability, and democratic oversight (Surbakti, 2010; Bulmer & Choudhry, 2025).

This need becomes more evident in the aspect of recruitment and candidacy. The Political Party Law indeed requires parties to recruit candidates for DPR and DPRD members, regional heads, as well as presidents and vice presidents democratically and openly (Article 29 paragraphs (1) and (2) of Law No. 2 of 2008 jo. Law No. 2 of 2011). However, these norms have not been supplemented with clear parameters regarding capacity-based selection, information disclosure, member involvement, cadre objection mechanisms, conflict-of-interest prohibitions, or objective reasons for candidate determination. As a result, the candidacy process can potentially become an elite discretionary space that is difficult to challenge legally. Codification can formulate minimum candidacy standards, for example, mandatory open selection, process documentation, publication of candidate criteria, cadre protection, and independent complaint mechanisms (Safa'at, Permadi, & Wiranto, 2024).

Codification is also important for integrating the regulation of party financing and campaign funds. Thus far, political party finances have been regulated under the Political Party Law regime, while campaign funds are regulated under the Election Law regime and KPU technical regulations. This separation may hinder comprehensive monitoring of political fund flows, especially when there is a relationship between party operational costs, candidacy costs, campaign funds, and donor interests. Non-transparent political financing has the potential to generate high-cost politics, candidate dependence on funders, transactions in the candidacy process, and risks of abuse of office after

candidates are elected (Faturrahman, 2024). The KPK also places political reform and election governance as part of its strategic anti-corruption agenda in the KPK Strategic Plan 2025–2029 (KPK Regulation No. 2 of 2025). Thus, the codification of political party law needs to include a funding oversight design that integrates sources and uses of party organizational funds, candidate contributions, political donations, and campaign funds into an open and auditable reporting system.

The following urgency relates to the refinement of the representation system and party design leading up to the 2029 Election. Constitutional Court Decision Number 116/PUU-XXI/2023 stated that the 4 percent parliamentary threshold remains applicable for the 2024 Election, but the legislature is required to amend this norm for the 2029 Election and subsequent elections. The Court assessed that the regulation of the parliamentary threshold must be formulated based on clear, proportional methodology and variables in accordance with the principles of popular sovereignty and electoral justice (Constitutional Court, 2024; Nanda & Ferdinansyah, 2025).

This decision demonstrates that electoral system reform can no longer be conducted partially. The parliamentary threshold is linked to representation design, the number of parties in parliament, government formation, the effectiveness of the presidential system, and the political rights of voters and parties (Solihah, Rahmatunnisa, & Witianti, 2018). In March 2026, the Constitutional Court again stated that a new challenge to the parliamentary threshold norm could not yet be substantively examined because the legislature had not made the revisions as ordered in Decision Number 116/PUU-XXI/2023 (Constitutional Court, 2026). This situation reinforces the urgency of comprehensive electoral regulatory reform before the 2029 Election.

In this context, the codification of political party law can serve as an instrument to link electoral design reform with the improvement of party institutions. Codification need not be understood as merging the entire Political Party Law, Election Law, and Regional Election Law into a single omnibus law. A more realistic approach is to establish an umbrella law on political parties and party democracy that contains principles and minimum standards, while the Election Law and Regional Election Law continue to regulate the technical aspects of electoral competition administration.

Through this model, codification can perform at least four functions. First, a harmonization function, aligning norms on internal democracy, recruitment, candidacy, funding, disputes, and oversight. Second, an integration function, connecting internal party life with the external electoral functions of parties in elections and regional elections. Third, an accountability function, making parties not only accountable to elites and members but also to voters and the public. Fourth, a preventive function, closing spaces for transactional politics, conflicts of interest, political corruption, and abuse of power through clearer regulations and measurable oversight.

The need for codification also finds theoretical support from the idea of internal party democracy. Safa'at, Permadi, and Wiranto (2024) developed an internal party democracy index that places participation, political education, competition, representation, responsiveness, and openness as essential elements for assessing the quality of party democracy. This framework shows that internal democracy should not stop at formalities of congresses or national deliberations but must become a normative measure for all party decision-making processes. Codification can transform these elements into legal indicators that parties must comply with, especially in leader selection, cadre development, candidacy, and strategic decision-making.

Ultimately, the codification of political party law is necessary because electoral system reform cannot be separated from the institutional reform of political parties. Honest and fair elections will not fully produce quality democracy if candidates are determined through closed procedures, political finances are not transparent, leadership disputes are not resolved conclusively, and parties lack accountability mechanisms to members and voters. Therefore, codification must be positioned as a legal reform agenda that reorganizes the relationship between political parties, voters, election administrators, and the state within a more transparent, accountable, and just democratic system.

3. A Relevant Model of Political Party Law Codification for Electoral System Reform

The reconstruction of political party law cannot be sufficiently achieved by adding administrative obligations to the Political Party Law. The needed reform is a reorganization of the relationship between internal party life and its electoral functions. Political parties are indeed organizations born from freedom of association, but at the same time they exercise public functions because they determine political office candidates, receive state financial assistance, and play a role in government formation and popular representation (Bulmer & Choudhry, 2025; Asshiddiqie, 2019). Therefore, the codification of political party law must be directed toward building a balance between party autonomy and accountability obligations to members, voters, and the state.

The need for such reconstruction is reinforced by Ghafur's (2022) study, which shows that the regulation of internal party democratization in Indonesia remains general and abstract, without firm sanctions for parties that neglect the principles of internal democracy. Meanwhile, Safa'at, Permadi, and Wiranto (2024) formulated six dimensions of internal party democracy: political participation, political education, competition, representation, responsiveness, and openness. These six dimensions can serve as a basis for transforming the concept of internal democracy from a mere normative principle into measurable legal compliance standards.

On this basis, this research offers a Layered-Integrative and Proportional Codification Model. This model does not aim to merge the entire Political Party Law, Election Law, and Regional Election Law into one large law. Instead, codification is directed at establishing an umbrella law that contains basic standards of party democracy, while the technical aspects of electoral competition remain regulated in the Election Law, Regional Election Law, and election management regulations. This approach is relevant because internal party regulation must be proportionally limited to avoid excessive state intervention in freedom of association.

a. Form of Codification

The proposed form of codification is the establishment of a Law on Political Parties and Party Democracy to replace and simultaneously improve upon Law Number 2 of 2008 concerning Political Parties, as amended by Law Number 2 of 2011. This law would function as a lex generalis that sets minimum standards for all aspects of party life, ranging from party formation, membership, internal democracy, cadre development, recruitment, candidacy, finance, internal disputes, to party accountability to the public.

Meanwhile, the Election Law and Regional Election Law would remain as lex specialis, regulating the stages, technical candidacy requirements, campaigns, voting and vote counting, result determination, and election dispute resolution. The relationship between these three legal regimes must be built through clear referencing norms. For example, legislative and regional head candidacy may only be conducted by parties that meet the procedural candidacy standards set forth in the umbrella party law (Article 6A paragraph (2) and Article 22E paragraph (3) of the 1945 Constitution; Law No. 7 of 2017; Law No. 10 of 2016).

This model also proposes the establishment of a Party Compliance Body as an independent institution with limited authority to conduct compliance audits, examine annual party reports, receive complaints concerning violations of internal democratic procedures, and issue periodic party compliance reports. This body should not have the authority to determine party ideology, assess party political choices, or replace the functions of the KPU and Bawaslu in election administration. Its function is limited to monitoring compliance with established legal standards. To support this body's work, an Integrated Party Compliance System should be developed. This system would serve as a space for integrating data on legal entity status, leadership structures, articles of association and bylaws, financial reports, audit results, cadre development programs, candidacy mechanisms, and internal dispute decisions. This integration does not mean that all internal party information is disclosed to the

public. Information related to member identities, personal financial data, and sensitive internal documents must remain protected under the principles of personal data protection (Law No. 27 of 2022 concerning Personal Data Protection).

b. Basic Principles of the Codification Model

The model of political party law codification must be built on several basic principles. First, the principle of party autonomy and limited state intervention. The state must not standardize the organizational structure, ideology, or political strategies of parties. State regulation is justified only to ensure minimum standards of openness, equality of participation, fair procedures, and financial accountability (Asshiddiqie, 2019). Thus, each party may continue to use deliberative models, conventions, direct elections, or other mechanisms as long as they meet the standards of democracy and transparency.

Second, the principle of substantive internal democracy. Internal democracy cannot be proven solely by the existence of congresses or national deliberations. Internal democracy must be evident in member involvement, reasonable leadership competition, group representation, access to information, responsiveness to cadre aspirations, and openness in strategic decision-making (Safa'at, Permadi, & Wiranto, 2024). This standard makes the six dimensions of internal democracy indicators of compliance, not merely academic concepts.

Third, the principle of electoral integrity and traceability of political financing. Codification must ensure that the processes of cadre development, recruitment, candidacy, and funding are not artificially separated. Non-transparent candidate recruitment and untraceable political costs may encourage political bribery, donor dependency, and abuse of office after candidates are elected (Faturrahman, 2024). Therefore, party financial oversight must be linked to campaign fund reports and candidacy financing.

Fourth, the principle of transparency balanced with personal data protection. Transparency is needed to provide voters with information on funding sources, use of state aid, candidacy mechanisms, and party compliance with democratic standards. However, transparency should not become an obligation to disclose membership lists, personal financial data, or internal documents unrelated to the public interest (Law No. 27 of 2022).

Fifth, the principle of accountability, proportionality, and remediation. Sanctions should be directed toward encouraging corrective party behavior, not merely punishment. Minor administrative violations should be preceded by corrective orders and clear deadlines. Heavier sanctions, such as fines or suspension of state financial assistance, may only be imposed for serious or repeat violations. Party dissolution should not be used as an administrative instrument and remains within the authority of the Constitutional Court under Article 24C of the 1945 Constitution.

Sixth, the principle of pluralism and equal opportunity. Codification must not benefit only large parties or those with parliamentary seats. Non-parliamentary parties must still have equal access to procedural certainty, information, dispute resolution, and oversight mechanisms. This principle is important so that party reform does not become an instrument for strengthening party oligarchy (Romli, 2016).

Seventh, the principle of legal certainty and inter-regime synchronization. Every norm in the party law must have a clear relationship with the Election Law, Regional Election Law, KPU regulations, Bawaslu regulations, and legal entity administration provisions. This synchronization is necessary so that disputes concerning leadership, candidacy, or funding do not create inter-institutional conflicts of authority.

c. Implementation Stages of Codification

The first stage is regulatory audit and mapping of party issues. The government and the DPR need to inventory all norms dispersed across the Political Party Law, Election Law, Regional Election Law, KPU regulations, Bawaslu regulations, and Constitutional Court decisions. This audit should map

normative overlaps, regulatory gaps, authority conflicts, and weaknesses in oversight of internal democracy and political funding.

The second stage is the preparation of an evidence-based academic manuscript with meaningful participation. The drafting of the bill should involve parliamentary and non-parliamentary parties, party cadres, civil society organizations, women's groups, persons with disabilities, academics, election administrators, auditors, and the public with an interest in electoral reform. Such participation is not sufficiently met by socialization forums but must fulfill the rights to be heard, to have opinions considered, and to receive explanations regarding submitted inputs (Constitutional Court, 2021; Law No. 13 of 2022).

The third stage is simultaneous legislative harmonization. The establishment of the Law on Political Parties and Party Democracy must be followed by amendments to relevant norms in the Election Law and Regional Election Law. This harmonization is important, especially regarding the design of the parliamentary threshold, candidacy systems, political funding, and dispute resolution mechanisms. Constitutional Court Decision Number 116/PUU-XXI/2023 has affirmed that changes to the parliamentary threshold regulation must be completed before the start of the 2029 Election stages and must involve groups with an interest in election administration (Constitutional Court, 2024). Harmonization must also take into account Constitutional Court Decision Number 62/PUU-XXII/2024, which declared Article 222 of the Election Law on the presidential nomination threshold contrary to the 1945 Constitution and no longer legally binding (Constitutional Court, 2025). Consequently, political party law reform must reorganize the relationship between the right of participating parties to nominate a president and the design of political coalitions without reviving restrictions that have been declared unconstitutional.

The fourth stage is the establishment of institutions and compliance infrastructure. The Party Compliance Body should be formed through an open, independent selection process free from party domination. At the same stage, the Integrated Party Compliance System is developed to integrate organizational data, financial reports, audit results, candidacy procedures, and internal dispute decisions. This system should have classifications for public data, restricted data, and confidential data (Law No. 27 of 2022).

The fifth stage is the transition period and organizational adjustment. Political parties should be given a reasonable time to adjust their articles of association and bylaws, cadre development procedures, leadership election mechanisms, candidacy procedures, and accounting systems. This transition period is important to ensure that codification does not become an administrative burden that threatens party pluralism.

The sixth stage is the phased application of sanctions and periodic evaluation. Oversight should be preceded by administrative corrections, assistance, and remedial obligations. Sanctions should only be imposed proportionally when parties fail to comply with corrective orders or commit repeat violations. Every oversight decision must be subject to review through administrative objection mechanisms and independent judicial review (Law No. 48 of 2009 concerning Judicial Power).

Thus, the novelty of this research lies in offering a layered-integrative and proportional codification model. This model not only proposes the establishment of a new law but also builds a structured relationship between internal democratic standards, political financing integration, compliance oversight, data protection, dispute mechanisms, and proportional sanctions. The codification of political party law in this model becomes an instrument for strengthening the quality of parties as democratic organizations and as primary actors in the conduct of integrity-based elections.

CONCLUSION

The fragmentation of political party law regulations in Indonesia occurs because aspects of party institutions, internal democracy, political recruitment, funding, candidacy, and dispute resolution are scattered across the Political Party Law, the Election Law, the Regional Election Law, election management regulations, and Constitutional Court decisions. This condition creates normative disharmony, weak oversight of internal democracy, separation of party finance and campaign fund regulations, and uncertainty in resolving party disputes. Therefore, electoral system reform must be accompanied by the codification of political party law through an umbrella law that connects internal party life with its electoral functions. The layered-integrative and proportional codification model can strengthen internal democracy, electoral integrity, and party accountability without eliminating organizational autonomy.

Recommendations

The legislature needs to prepare a Law on Political Parties and Party Democracy in a participatory and integrated manner with the Election Law and Regional Election Law. The codification needs to include standards for internal democracy, cadre development, open candidacy, integrated financial reporting, effective dispute resolution mechanisms, independent oversight, and proportional sanctions. This reform should ideally be completed before the 2029 Election stages to ensure legal certainty and the quality of representative democracy.

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