

Democratizing Political Parties Institution Through Checks and Balances Mechanism

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Abstract - Political parties are the most important tools in creating a democratic society. But this only happens when they organize themselves democratically, not oligarchical as what is seen at almost all political parties in Indonesia. Most of party management is left entirely to a handful of people or even to only one person, the chairman. Thereby, the political party design is very dependent on the general chairman. The chairman power becomes very infinite and tends to be authoritarian. In fact, one-man-centered power will only lead to corrupt and undemocratic leadership. There should be a balancing institution within the institution of political parties to conduct the mechanism of checks and balances and the general chairman authoritarianism can be minimized or even prevented completely. At last, it is expected that there is a process of democratization within the internal political parties as absolute environment for political parties to become the pillar for the upholding of democracy of the nation.

Keywords: *democratization, political parties, checks and balances*

1. Introduction

Since the reform era of 1998, the Indonesian state administration system has undergone a very fundamental change; it was the change of authoritarianism to democracy regime.¹ Thus, the stride over it was not easy. There were many sacrifices to be paid by all components of the nation, either materials or even many lives at stake. For Indonesia, the democratic process is a process which drains for much cost, energy, and mind.

Nowadays, the effort to realize a fully democratic country cannot necessarily be said as a success process without obstacles. There are many challenges and obstacles which must be faced by this nation to reach out the maturity stage of democracy. Fleeting observations show that the rate of democratic process is not as linear as what we consciously roll the jargon of "total reform". Although the optimism on this concept is very high, there always be social reality which shows the discrepancy between *Das Sein* and *Das Sollen*. According to Heru Nugroho, the most worrying political phenomenon in today's social life is the emergence of endless ruling elite conflicts, internal conflicts of major parties threatening party disintegration - encouraging the emergence of social and political distrust, the acts of violence of the masses who want to impose their will, and the violence committed by politicians, government officials,

¹This remarkable political change by an American political expert on Indonesia is called as amazing change, an interesting phenomenon characterized by a process of democratization in various areas of life, not only in the political sphere but also in the economy, the management of natural resources, education, culture, etc.

and religion figures.² Nevertheless, beyond all capabilities and limitations, these challenges and barriers can well be passed so the optimism of future well-developed democracy always remains in the pulse of every Indonesian. At least, compared to neighboring Asian countries, many political academics have observed that the process of consolidating democracy in Indonesia shows a better positive direction.³

Basically, the transition from the New Order which represented the authoritarian regime to a democratic one has been going on for approximately 19 years. Yet, Indonesia has never been in the consolidation stage of established democracy. With all this condition, it can only be said that Indonesia is still at the stage of democratic transition.

Samuel P. Huntington argues that the transition process of a nation from authoritarian to democratic regime must at least pass through three phases: (i) demolition of authoritarian regimes, (ii) democratic transition, and (iii) democratic consolidation. Huntington notes that the transition phase is a very risky situation because this phase will determine whether the nation will move forward to consolidate democracy or it will return to the previous authoritarian regime. The experiences of many countries have shown that although attempts to overthrow authoritarian rule have been traversed with bloods, yet many of them have failed in the transition so that the ideals of creating a democratic country is a total failure. Therefore, reflecting on the above experiences, Indonesia's transition process should not fail.

There are many factors which determine the success or failure of a nation's democratic transition process (including Indonesia). One of them is largely determined by the role and performance of its political parties. Even political parties are the main pioneer of democracy's development as Schattschneider stated that "political parties created democracy". Thereby, political parties are important pillars to strengthen the degree of institutionalization in any democratic political system, as it is also stated that "modern democracy is unthinkable save in terms of the parties".⁴ It is quite logical in a system of representative democracy, political parties are the main cantilever. Thus, Clinton Rossiter's statement that "No America without democracy, no democracy without politics, and no politics without parties" was not even surprising, or as Richards Katz said, "modern democracy is party democracy".⁵ The strengthening of political parties as the main actors of democracy is expected to have a weakening impact on the return of old regime. Juan J. Linz has repeatedly asserted that the political parties which were born after political reform in a country should be encouraged more

²Heru Nugroho, *Terpaan Demokrasi Global dan Pasang Surut Demokratisasi di Indonesia*, Foreword, in John Markoff, *Gelombang Demokrasi Dunia: Gerakan Sosial dan Perubahan Politik*, Pustaka Pelajar, Yogyakarta, 2012, p. Xiii

³D. Webber, 2005, *A Consolidated Patrimonial Democracy? Democratization in Post-Suharto Indonesia*, paper was presented in the workshop "Post-Cold War Democratization in the Muslim World: Domestic, Regional, and Global Trends," from 14-19 April in Granada. As quoted by Aisah Putri Budiatri, *Pelembagaan Sistem Kepartaian Di Bawah Sistem Demokrasi Indonesia (1998 - Now)*, *Jurnal Penelitian Politik*, Volume 12 No. June 1, 2015, p. 50

⁴Jimly Asshidiqie, *Pengantar Ilmu Hukum Tata Negara Jilid 2*, Jakarta: Sekretariat General of the Constitutional Court, 2006, p. 153.

⁵Kacung Marijan, *Sistem Politik Indonesia: Konsolidasi Demokrasi Pasca-Orde Baru*, Second Edition, Kencana, Jakarta, 2011, p.59.

democratically to give a weakening impact on the possibility of the rise of old power that wants to disrupt the ongoing transition of democracy.⁶

Unfortunately, not all political parties have contributed positively to the development of democracy. Some of them actually have been becoming obstacles to the way of democracy itself. In terms of quantity, compared to the new order era, the reform era's political parties experienced remarkable development. However, this is not even followed by a quality improvement. It is true what has been pointed out by Luky Sandra Amalia that the increasing number of parties who enter to the parliament is not always directly proportional to the performance's improvement of existing representation system.⁷ On the other hand, Samuel P. Huntington had reminded that only strong and institutionalized parties are promising to the establishment of good democracy.⁸

One of the fundamental issues which causes poor political parties in Indonesia is the lack of good and democratic party management, and there is even the tendency of political parties to be managed oligarchical. As a result, the division and dualism of leadership have become inevitable so that the ideals of realizing well-institutionalized political parties are increasingly difficult to achieve. The Netherlands Institute for Multiparty Democracy (IMD) defines the institutionalization of political parties as a condition in which political parties have resilience and endurance, is able to cope with the crisis, and present alternative government that can be trusted by the people.⁹ One of the political parties' major obstacles in the process of institutionalization is the existence of institutional political parties' personalization. It is a symptom in the organization where there are certain groups of people who control the organization of political parties and tend to acknowledge the party as theirs. The lack of separation between personal and organizational affairs hence occurs consequently. This attitude becomes the factor of disagreement and division within internal political parties.

Historically, conflicts and divisions have been an integral part of the institution of political parties in Indonesia. Lili Romli stated that:¹⁰

From the movement to the reform era, political parties have always been hit by conflicts. At the movement era, the conflicts strucked the Indonesian National Party (PNI) which resulted in the emergence of Parindra and the National Education Party. Likewise, with Sarekat Islam (SI), which was divided into SI Red and SI White.

In the post-independence period, the conflicts also hit the Masyumi Party. The Masyumi's supporters were out one by one, created PSII, then followed by NU. Conflicts also occurred among nationalists, there were two kinds of PIR, they were PIR Hazairin and PIR Wongsonegoro.

⁶Muradi, Penguatan Partai Politik sebagai Pembangunan Demokrasi Efektif, *Journal of Paramadina University*, Vol. 2, March 2006, p. 183-184.

⁷Luky Sandra Amalia, Evaluasi Sistem Kepartaian di Era Reformasi, *Jurnal Penelitian Politik*, Volume 10, No.2 December 2013, p. 146.

⁸Syamsuddin Haris, *Masalah-Masalah Demokrasi dan Kebangsaan Era Reformasi*, Yayasan Pustaka Obor Indonesia, Jakarta, 2014, p. 174

⁹Bawono Kumoro, Menakar Kualitas Institusionalisasi Partai Politik dalam Sistem Multipartai di Indonesia, *Opinion Column at Indonesian Center for Political Research Institute*, accessed from <http://www.politik.lipi.go.id/kolom/kolom-2/politik-nasional/890-menakar-kualitas-institusionalisasi-partai-politik-dalam-sistem-multipartai-di-indonesia>, on May 28, 2017.

¹⁰Lili Romli, Mekanisme Penyelesaian Konflik Partai Politik, is available at <http://lipi.go.id/berita/political-conflict-party-politik/1394>, accessed on June 2, 2017.

In the New Order, there were only two political parties, namely the United Development Party (PPP) and the Indonesian Democratic Party (PDI). These two parties which were founded from parties' fusion were also hit by endless conflicts. The conflicts occurred in PPP were generally caused by differences between NU and MI. NU then left the PPP in 1984. While PDI's conflicts were due to the presence of Megawati who later brought her supporters out of PDI and founded PDI Perjuangan.

In the reform era, the "old disease" still presents in our political parties. One of the examples is the conflict which occurs in Golkar, so then many new parties were founded, such as MKGR, PKPI, and PKPB. The conflicts in PPP then also resulted in the founding of the United Party (PP) and PPP reformation, which later became the Star Reform Party (PBR). Likewise, conflicts in PDIP caused the emergence of National Party of Independence Bulls (PNBK), the Indonesian Parties of the Fatherland (PITA), the People's Democratic Struggle Party (PDPR), and the Democratic Reform Party (PDP). Conflicts in PBB set up the occurrence of PAS and PII while conflicts in PKB also resulted in the founding of PKD and PKNU. At last, conflicts in PD successfully created the NKRI Party.

Interestingly, one of the factors causing divisions within political parties, especially in the reform era, was caused by the disappointment among the administrators and elites of political parties against the arbitrary attitude perpetrated by the chairman of the political parties as a consequence of the oligarchical political parties' management.¹¹ The arbitrariness could be the dismissal of political party member without any reasonable cause or even just because he or she has different political views from the chairman's. In addition, the authority of DPP (*Dewan Pimpinan Pusat*/central executive board) and the party's general chairman to recall party's cadres in legislative board is conducted without any clear indicator, etc. The chairman's arrogance is generated by his strong position so he becomes the main determinant on the party's policy. All existing political parties show a condition in which there is no sharing and balance of power. All power is centered in the hands of the chairmen.

The Law on Political Parties has indeed regulated the Court of Party which has the authority to solve party's internal conflicts. Nevertheless, the Court's decisions are not considered effective enough to solve the political parties' problems. The facts showed that from the internal conflict's settlement of Golkar and PPP by the court, none of the decisions is obeyed by the political parties so the dispute settlement is forced to be proceeded to trial. The cause of the court's non-authority is due to its insufficient power to compel the political parties (especially to the chairman/heads of political parties) to comply with its decision. On the other hand, this institution even does not have full independence due to the strong role of heads from political parties in filling and determining the

¹¹ Mardiyanto Wahyu Tryatmoko mentioned that there are at least 3 (three) reasons underlying the formation of several new political parties. First, the emergence of a new party as a fraction of the old party is more likely caused by the old politician's disappointment with the "party ruler" political style. Second, the confidence of party politicians to demonstrate their more marketable abilities compared to when they were still in the old position. Third, for politicians in an entirely new party, they will try to sell their personality by developing networks and support from their position in the party. However, the current and trending phenomenon in Indonesia today is the solidification of the cadres' politics. Mardiyanto Wahyu Tryatmoko, *Strategi Kontemporer Partai-partai Politik di Indonesia 2004-2009*, Jurnal Penelitian Politik, Vol. L No. 1, 2004, p. 112.

composition of the court's members. As a result, the court has no strong bargaining power when it is faced to heads of political parties.

This condition causes the chairman have full control over party's policy so that in some cases, his or her decision is very authoritarian and, in some ways, ignores the existing rules. Unfortunately, the political parties as the main pillars of democracy must be able to demonstrate to the public that their institutions are managed democratically as the requirement that the party is capable of developing democratic country. Political parties will not be able to carry out mandate as the driving force to the growth of nation's democracy if in their own internal practices, they have contradictory principles to those of democracy. The necessity for political parties to apply internal democracy to create a democratic life at the state level is affirmed by Ramlan Surbakti:

In the political system of democracy, political parties are the main means and actors of political power. All political activities, ranging from seeking power to the use of power, involve political parties as actors. Therefore, political parties must be internally democratic, either in terms of contents, processes or even the objectives. The political process of creating and administering government will be democratic only if the political party as the actor is internally managed democratically.¹²

Whatever the reasons are, the absolute power cannot be justified. It will give the power holder the opportunity to act arbitrarily and even straddle the rule of law. Based on the descriptions above, this paper will examine the urgency of democratization of political party institutions through the mechanism of checks and balances.

2. Separation of Powers, Checks and Balances

In the context of state power, there is a division or separation of powers into three branches (*trias politica*). The concept of *trias politica* was firstly stated by John Locke (1632-1704) and Montesquieu (1689-1755). In general, the doctrine of *trias politica* teaches about the importance of division or separation of powers in the administration of government to avoid the absolute power due to concentration of power in the hands of one person or one organ. This concept should be significant referring to the history of one-centered power which always creates tyranny. Madison states that: the accumulation of all powers, legislative, executive and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed or elective, may justly be pronounced the very definition of tyranny.¹³

John Locke, as stated in his book 'Two treatises on civil government', divides power into three powers: *First*, the legislative is the power to make laws and regulations. *Second*, the executive is the power to enforce the law and prosecute in case of violation occurs. *Third*, the federative is the power to protect the security of the state in relation to other countries or in other words the power to engage in foreign relations.

Montesquieu's view of the separation of powers is not really much different from what John Locke had argued. It can even be stated that Montesquieu's

¹²Ramlan Surbakti and Didik Supriyanto, *Mendorong Demokratisasi Internal Partai Politik, Partnership for Governance Reform*, Jakarta, 2013, p. 11.

¹³Alexander Hamilton, James Madison, John Jay, *The Federalist Papers*, (J & A McLean New York 1738), Isaac Kramnick (Editor), Penguin Books, London, 1987, p.303.

division of power is the improvement of the weakness or lack of the concept of John Locke's trias politica. One of Montesquieu's highlights of John Locke's theory is the absence of an autonomous institution of power to punish those who violate the laws. The control function is carried out by the actual institution implementing the law made by the legislative, which is the executive.

In contrast to John Locke who incorporated judicial power into executive power, Montesquieu regarded the judicial power as an independent power. This is because in his day-to-day work as a judge, Montesquieu knows that the executive power is different from the power of the court. On the other hand, the power of foreign relations, which John Locke called as federative power, is put into executive power.¹⁴ Thereby, the division of power according to Montesquieu as described in his book '*L'Esprit des lois*' (the spirit of law) is the legislative, executive and judicial power. Then according to I.M. Rautenbach and E.F.J. Malherbe, within the constitutional framework the meaning of the terms legislative, executive and judicial authority are of importance: (a) Legislative authority – it is the power to make, amend and repeal rules of law. (b) Executive authority – it is the power to execute and enforce rules of law. (c) Judicial authority – it is the power; if there is a dispute, to determine what the law is and how it should be applied in the disputes.¹⁵

The division of power into several branches of power in which each branch of power can only be held by one person is then commonly known as the 'separation of power'. In a view from A.W. Bradley and K.D. Ewing, there are at least three meanings of separation of powers which developed in the United States and France's state administration system, i.e.:

The meaning of separation of powers in United States of America and France shows a variety of meanings. The concept may mean at least three different things: (a) That the same person should not form part of more than one of the three organs of government, for example, that ministers should not sit in parliament; (b) that one organ of government should not control or interfere with the work of another, for example, that the executive should not interfere in judicial decisions; and (c) that one organ of government should not exercise the functions of another, for example, that ministers should not have legislative powers.¹⁶

Although the separation of powers is more widely known and applied in the field of state/ governmental power, the idea is actually applicable at all levels of power in both state and non-state organizations such as political parties. This is because 'the iron law of power' (wherever and wherever it may be), if it is only concentrated on one person, it absolutely will only lead to a dictatorship and abuse of power. Lord Acton stated that power tends to corrupt, absolute power corrupts absolutely. Therefore, based on the statement above, the balance/ separation of power will also be an appropriate in the field of political parties.

3. Discussion

¹⁴Miriam Budiardjo, *Dasar-Dasar Ilmu Politik*, Twenty-two Edition, PT. Gramedia Pustaka Utama, Jakarta, 2001, p. 152.

¹⁵I.M. Rautenbach & E.F.J. Malherbe, *Constitutional Law*, 4th edition, Lexis Nexis Butterworths, Durban, 2004, p. 78.

¹⁶A.W. Bradley and K.D. Ewing, *Constitutional and Administrative Law*, 13ed, Longman, United Kingdom, 1998, p. 84.

3.1. Political Parties and NGOs

Political parties are not the only institutions supporting democracy. The existence of interest groups, pressure groups, and non-governmental organizations (NGOs) is also a supporter of democracy. Furthermore, there is synergy between NGOs and political parties to build effective solutions for the needs or citizen's interests. It is stated that:

The activities of these NGOs are often described as contributing to the 'demand' side in politics, i.e. to serve citizens in a constructive sense, to make their needs known. At the same time, political parties provide the 'supply' side by helping bring the interests and needs of citizens into proposals, policies, and laws.¹⁷

However, substantial difference also lies among political parties, NGOs and other pressure groups. According to Ichlasul Amal, a political party is formed to influence the course of government by applying candidates for public officials. While interest and pressure groups prefer means of persuasion and propaganda in their efforts to influence government. Political parties' activities cannot be separated from roles associated with state management, whereas interest and pressure groups are not directly related to these activities.¹⁸ The same thing is also stated by Miftah Thoha that a political party is formed to run political power. This function is performed by political parties either through government formation process or when political parties function as opposition to government. These functions are very important in determining national policy. Political parties can not be separated from power. Precisely, political parties are formed just to gain power both in the executive and legislative institutions.¹⁹ Ramlan Surbakti even explicitly stated that the main function of political parties is to seek and retain power in order to realize programs that are based on particular ideology. In carrying out the function, political parties in the democratic political system perform three activities that includes; selection of candidates, campaigns, and carrying out government functions (legislative and/or executive).²⁰

Although political parties' position is more important than non-political organizations (from their functions filling and running state power), the facts show otherwise. In fact, societies are more respectful to NGOs than to political parties because NGOs perform better in meeting public expectations than political parties. It is confirmed by Michael O'Relly's statement that:

Political parties must recognize that in order to gain political 'space' from public, they are now competing with NGOs, lobby groups for specific issues, ecological and environmental organizations, human rights groups, women's groups, regional development organizations, ethnic support groups. It is due to the more prominent focus of these groups and organizations, they can gain and maintain public credibility and build clear, more successful public messages than most political parties. Therefore, it is

¹⁷Erica Breth, (Editor), *Praktek-Praktek Terbaik dari Partai Politik - Partai Politik yang Efektif: Membangun Solusi-solusi dari Partai Politik dan Kelompok Masyarakat Sipil untuk Kepentingan Warga Masyarakat*, National Democratic Institute for International Affairs (NDI), 2030 M Street, NW, Fifth Floor Washington, DC, 2008, p. 5-6.

¹⁸Ichlasul Amal, Introduction, in Ichlasul Amal (editor), *Teori-Teori Mutakhir Partai Politik*, PT. Tiara Wacana Yogya, 1996, p. Xvii-xviii.

¹⁹Miftah Thoha, *Birokrasi dan Politik di Indonesia*, Ninth Edition, PT. Raja Grafindo Persada, Jakarta, 2012, p. 96-97.

²⁰Ramlan Surbakti, *Memahami Ilmu Politik*, Grasindo, Jakarta, 2010, p. 149.

important for political parties to adapt to this new reality, especially where they relate to and learn from the groups or organizations.²¹

3.2. Problems on Political Parties of the Reform Era

Political and state experts agree to argue that the quality of a country's democracy depends on the performance of its political parties. Achmad Roestandi as former of Indonesian Constitutional Court argued that:

Political parties are political infrastructures, while state institutions are the political superstructures. Therefore, the state of political parties will be reflected in state institutions. If this logic is followed by a conclusion, that the state of 'paralyzed political party' will result in a state institution that is 'withered', the state of a lame political party will result in a limping state institution. To expect the establishment of a healthy state institution, then political parties should be treated for 'medicine'.²²

Unfortunately, in most of relatively new democratic countries, political parties are more like a 'burden' or a problem rather than solution and initiator to solve people's problems. Like it or not, those conditions also happen in Indonesia in democratic transition era after the authoritarian regime of the new order.²³ The existence of political parties in the reform era is not as linear as its functions, which is to serve as one of the democracy pillars that will fight for the aspirations and interests of the people. Instead of fighting for people's interests and needs, or at least the constituents, the facts show that political parties tend to be busy struggling for power of office and money. The problems faced by the society, i.e. injustice, poverty, insecurity, and the threat of fear of horizontal and vertical conflicts, are left unsolved instead.²⁴

In general, all political parties in Indonesia have two problems, those are internal and external problems. Internally, most political parties in Indonesia are not managed in a democratic way and even oligarchic instead. Lili Romli stated that:

One of the fundamental problems faced by political parties in the reform era is political parties are trapped in an oligarchic form in the strategic decision-making process. At present, the tendency shows that political parties' decision-making is closed and only determined by a small group of party elites. The problem of internal mechanisms in decision-making is characterized by the existence of centralization. The role of central board is still dominant and sometimes different from regional aspirations.²⁵

Externally, political parties are considered by the public as the main source of broken democratic life of the state due to inappropriate behaviors of the political elites and their cadres in ethical and legal violations. By 2017, the House of Representatives is considered by the public as the most corrupt institution. The

²¹Erica Breth, (Editor), Op., Cit, p. 5.

²²H. Achmad Roestandi, Peran dan Masa Depan Partai Politik (Antara Dongeng dan Kenyataan), in Rofiqul-Umam Ahmad, (Editor), Constitution and Indonesian State Adimistration System: Thought Prof. Dr. Jimly Asshiddiqie, SH and Legal Experts, Jakarta: The Biography Institute, 2007, p. 196

²³Syamsuddin Haris, Partai, Pemilu, danParlemen Era Reformasi, Yayasan Pustaka Obor Indonesia, 2014, Jakarta, p. 67.

²⁴Lili Romli, Institutional Issues of Political Parties in Indonesia Post the New Order, Journal of Political Research LIPI, Vol. 5, No. 1, 2008, p. 24.

²⁵Ibid, p. 25.

predicate refers to the results of the Global Corruption Barometer (GCB) survey published by Transparency International Indonesia (TII). The GCB survey was conducted in 16 Asia Pacific countries in July 2015-January 2017 to 22,000 respondents. For Indonesia, the survey took place from April 26 to June 27, 2016 with 1,000 respondents in 31 provinces.²⁶ These condition actually describes the face of political parties in Indonesia, represented by their members at the House. Based on the results of this survey, it can also be concluded that political institutions are the most corrupt institutions in Indonesia according to public perception. This then makes people no longer have the maximum confidence in political parties. The survey results of the Indonesian Survey Institute (LSI) on public opinion with the theme of "Political Party in the Public Eyes: Performance Evaluation and Political Regeneration Survey" conducted on 10-18 January 2015 show that the public perceives negatively on the function of political parties as a place of public aspiration. Political parties are considered to rather fight more for their own interests to get a position or power rather than to fight for the interests of the people.²⁷

The data and facts above show that political parties have failed to become 'locomotive of democracy growth' in Indonesia. The failure of political parties to transform themselves as political institutions that can be trusted by the people will not only cause disruption of government life, but also endanger the life of democracy itself. The example is the emergence of the power of fascism in Western Europe. If viewed more thoroughly, it started from the failure of political parties to carry out their duties and functions. Instead of being key government power which are supported by the public, political parties prior to the rise of the fascist regime were seen as the cause of many issues that created people's frustrations.²⁸

The most fatal thing that will happen as a result of negative condition of political party performance is the emergence of anti-party sentiment attitude in some Indonesian people. Anti-party sentiments are minor attitudes of citizens to political parties concerning their existence or behavior. In general, anti-party sentiment emerges as a long-term primary socialization process, and/or citizens' response to the dissatisfaction on political party's performances in the government, party organization management, and 'grassroots' parties'.²⁹

According to Torcal, et al, as quoted by Sigit Pamungkas, there are two forms of anti-party sentiment. *First*, reactive anti-party is a critical attitude of citizens in responding to their dissatisfaction with the elite's performance and political party institutions. This negative view is the product of the contrast or inconsistency between appointments, ideological labels, and politician rhetoric on one hand, and citizens' perceptions of the actual performance of democracy and political elite on the other.³⁰

²⁶ Jadi yang Paling Korup, DPR dan Partai Politik Seharusnya Malu, is available at <http://nasional.kompas.com/read/2017/03/09/15054321/jadi.yang.paling.korup.dpr.dan.partai.politik.seharusnya.malu?page=all>, accessed on June 30, 2017.

²⁷ Survey Report "Partai Politik di Mata Publik", is available at <http://www.lsi.or.id/riset/436/Rilis-LSI-Partai-Politik-diMata-Publik>, accessed on June 30, 2017.

²⁸ Firman Noor, Kegagalan Partai Politik Menarik Simpati Rakyat: Urgensi Sebuah Paradigma Baru Partai Politik, Jurnal Penelitian Politik, Vol 4, No 1, 2007, p. 50.

²⁹ Sigit Pamungkas, Partai Politik: Teori Dan Praktik di Indonesia, Revised Edition, Institute for Democracy and Welfarism, Yogyakarta, 2012, p. 225.

³⁰ Ibid, p. 226.

Second, cultural anti-party is an expression of non-concession to the existence of political parties in a country. In contrast to reactive anti-party, which still tolerates the presence of political parties but citizens are disappointed with their performance, the cultural anti-party of citizens does not like the presence of political parties themselves.³¹

Meanwhile, Daalder stated that anti-party sentiment can be divided into 4 (four) attitudes, those are:

First, the denial of party, which denies the role of party legitimacy, and views the party as a threat to a good society. *Second*, the selective rejection of party, which sees certain types as 'good' party types and other as 'bad' types. *Third*, the selective rejection of party system, which sees a particular party system as 'good' and other as 'bad' party systems. *Fourth*, the redundancy of party, the group sees that anti-party sentiment is a logical consequence of a period in which the party loses its relevance as other political actors in democracies such as mass media, individuals, interest groups and pressures. The new actors seem to take over the main function of the party in which the party has played a role.³²

The attitude of anti-party sentiment in Indonesia has shown its signs. In various public surveys conducted by the Indonesian Survey Institute (LSI) and Saiful Mujani Research and Consulting (SMRC) since 2004, it has consistently been found that people tend to have negative views on political institutions and politicians. Because the politicians are filling the House of Representatives, the perception of the House is consistently negative. According to LSI, in early 2015, the level of public confidence in political parties and the House of Representatives was at the range of 50 percent. It was the lowest mark compared to the 83 percent of public confidence in the President, 81 percent of the Corruption Eradication Commission, and 83 percent of the Indonesian National Army. The mark was even lower in 2014, after legislative and presidential elections. In October 2014, the confidence in political parties and parliament was in the range of 40 percent.³³

3.3. The Urgency of Checks and Balances in Internal Political Parties

External problems faced by all political parties in Indonesia actually emerged as a result of internal problems of the management of non-democratic political party institutions in which the leadership character of the chairman generally tends to be oligarchic type. The research from Aisah Putri Budiatri shows that all political parties in Indonesia are very dependent on a handful of people or even only one figure. Budiatri notes that among the political parties, PDI-P and the Democratic Party are examples of parties consistently controlled by only one political party elite namely Megawati in PDIP and Susilo Bambang Yudhoyono in the Democratic Party. Unlike the parties that are controlled by one political elite, there are several other parties that are also personalistic. However, what distinguishes them from PDIP and Democrat Party is the process of regenerating the party elite. Other parties, although are still strongly influenced by one or a few party elites, conduct leadership change. Consequently, political parties are not led or controlled by only one elite.³⁴ Based on these

³¹Ibid

³²Ibid, p. 227.

³³Djayadi Hanan, Parpol dan Persepsi Publik, Kompas, Saturday, April 11, 2015.

³⁴Aisah Putri Budiatri, Op., Cit, p. 47-48.

characteristics, it can be classified two types of political parties in Indonesia, namely: *First*, the party with authoritarian leadership which means the party is organized according to an authoritarian leadership personality and the people closest to them. These leaders often set up parties, appoint their boards, and decide for themselves how to accept members, thereby claiming the party as their private property.³⁵ *Second*, the Party is centered on certain figures. This type involves organizations where there are number of figures -individuals with prominent positions in economics, government and society- that form collective leadership. Often, as in the European tradition, this one-figure centered party develops liberalization and democratization at an early stage when it searches political representation in society. However, this form is not developed into wider mass participation.³⁶

As a result, in the institution of political parties, there are two characters or models of cadres and party officials, namely opportunistic cadres and nominative cadres. The difference between the two is based on the criteria that the opportunistic cadres are those who are appointed and included into the elite ranks of the party and even become candidates in the legislative election due to factor of closeness to the chairman and not from the result of 'breeding' from within. Usually, this kinds of cadres do not possess struggle value and only aim at personal gain. On the other hand, nominative cadres are people who become cadres of political parties because they have the ability and capability as party officials and have a strong desire to realize the vision and mission of their parties. On this regard, Mardiyanto Wahyu Tryatmoko argues that the emergence of the phenomenon of opportunistic cadres is actually the result of an oligarchic system or a large power held by a handful of people in the governance of political parties.³⁷

The strength of the oligarchic leadership model and the tendency to personalize within the party leadership body is also described by Lili Romli:

Organizationally, political parties belong to a modern organization due to the specialization and differentiation of the division of tasks and functions that are reflected in the organizational structure. However, in the management and operation of organizations, political parties tend not to be based on the principles of modern organization. Today, some political parties have not demonstrated as a well-established and modern party with solid political infrastructure but are more likely sustained and supported by certain figures. The party leadership even tends to be personalized.³⁸ Consequently, there are many parties' policy decisions tend to be not and/or less transparent participatory. Rather, they are determined by a handful of party elites. The feudal culture will then rises, promoted by the party elite by creating a single, powerful culture which then produces an oligarchic system.³⁹

³⁵Thomas Meyer, *Dari Partai Kepemimpinan Otoriter ke Partai Massa*, Third Edition, Friedrich-Ebert-Stiftung (FES) Indonesian Representative Office, Jakarta, 2012, p.18.

³⁶*Ibid*, p. 19-20.

³⁷Mardiyanto Wahyu Tryatmoko, *Strategi Kontemporer Partai-Partai Politik di Indonesia 2004-2009*, Jurnal Penelitian Politik, Vol. L No. 1, 2004, p. 117.

³⁸Lili Romli, *Penguatan Pelembagaan Partai Politik*, in Fahrudin Salim (Editor), *PPP dan Politik Identitas: Pergulatan Islam dan Politik di Indonesia*, Fraction of United Development Party, Jakarta, 2011, p. 160-161.

³⁹*Ibid*

Personalization of the management of political parties in Indonesia is at least characterized by several characters. *First*, the difficulty in making a succession or a change of leadership. Leadership changes tend to be impersonal. In some cases, political parties are even difficult to find figures of party leaders and presidential candidates. *Second*, the change of leadership in the body of political parties creates political factions. This political faction eventually pushes some of its cadres out of the party and form a new party. *Third*, the strong influence of the culture and the behavior of the divided society is characterized by strong political references on the basis of ethnicity, religion, class, and city/village. Patrimonial cultural factors, patron-clients, and patriarchs that are still be upheld by some Indonesian people becomes a distinctive influence for the strengthening of the party as an increasingly closed organization and the strengthening of party oligarchy. *Fourth*, the inclusion of family or kinship into the structure of political parties and control of politics at national and local level.⁴⁰

The implications of personalization and leadership oligarchy within this political party will not only lead to many opportunistic cadres,⁴¹ but it has also been the cause of many internal party conflicts. This is inseparable from the fact that the personalization of political parties has changed the way of party management into the traditional direction. The dominance of the political party's chairman figure determines the formation and members of the party board. According to Daniel Dhakidae, the strengthening of party oligarchy in the party system in Indonesia has been causing fundamental problems for the sustainability of the political parties involved. First, it causes the despair of some unaccommodated cadres. Second, if this oligarchy thickens into an opportunist, it can lead to the disappointment of constituents. And ultimately the third, it will split the party into several other parties, and or later lose the votes for the party.⁴²

Therefore, completion of personalization issues and leadership oligarchy can be the solution to the various problems faced by political parties in Indonesia. One attempt to reduce the oligarchy and patron client character at some political parties can be done by influencing each party's decision on issues of the importance of providing opportunities for other party cadres to actualize within the party's internal,⁴³ or in other language, the democratization is needed in the internal of political parties.

One way for political parties to implement democracy in every decision-making is to build a balancing power in the governance structure of political parties so that there will be checks and balances. The powerful central officials, especially the party chairman, is caused by the absence of balancing power. The Central Executive Board (*DPP/Dewan Pimpinan Pusat*) and the general chairman of political parties are almost single players in party management. It is not uncommon for decisions made by DPP and the chairman to be in contrary with the aspirations of the board at the regional level. DPP and the chairman can

⁴⁰ Moch. Nurhasim, *Kegagalan Modernisasi Partai Politik di Era Reformasi*, Jurnal Penelitian Politik, Vol. 10 No. 1, June, 2013, p. 22.

⁴¹ Opportunism or oligarchy within the party actually has significant potential for the acquisition of votes. Because after all, what the elite (board) thinks is not the same as what the cadre or the mass feels. Obviously, the disappointed cadres will turn into swing voters or undecided voters if their candidates are not in the expected position. See Mardyanto Wahyu Tryatmoko, Op., Cit, p. 117.

⁴² Ibid, p. 118.

⁴³ Muradi, Op., Cit, p. 183-184.

determine who will survive as a board and be recalled for very subjective reasons. Even party cadres who are occupying positions in the legislative or executive, their fates are 100% in the hands of the chairman of the political party because at any time they can be dismissed from their positions. Tragically, this chairman enormous chairman power in practice is often used in ways that violate the rules.

The Law on Political Parties has actually provided that in addition to the DPP's board that runs party power on a regular basis, there is also the Court of Party whose functions and duties are to solve every problem that arises in the party's internal. The Law Number 2 Year 2011 on Amendment to Law Number 2 Year 2008 regarding Political Parties in Article 32 regulates as follows:

- 1) Political Party disputes are resolved by internal political parties as regulated in the Articles of Association and Household;
- 2) The settlement of internal political party disputes as referred to in paragraph (1) shall be conducted by the Court of Party or other designation established by a Political Party;
- 3) The composition of the Court of Party or other designations as referred to in paragraph (2) shall be submitted by the Leaders of Political Parties to the Ministries;
- 4) The resolution of internal political party disputes as referred to in paragraph (2) shall be completed no later than 60 (sixty) days;
- 5) The verdict of the Court of Party or any other title is final and internally binding in terms of disputes concerning stewardship.

The existence of the Court of Party can actually be a counterweight to the absolute head/chairman powers, because of its position as a verdict on conflict among party cadres or between cadres and party officials. Therefore, if there is a decision of the chairman of a political party that is considered arbitrary to the detriment of the interests of a certain cadre, then the concerned cadre can file an objection to this institution. Functionally, the Court of Party is a party organ that can minimize or even prevent the occurrence of dictatorship within the institution of political parties.

Unfortunately, the existence of the Court has not been strong yet, some of its decisions are still often ignored by the parties so that the hope that this institution can prevent the leadership and judiciary in the party body has not been fully achieved. The case of Golkar and PPP is a concrete example of the powerlessness of the Court of Party in resolving the existing conflict because of the lack of respect and voluntary submission to the Court's decisions. As a result, internal political parties' conflicts must be resolved through external agencies (brought to trials) and even involve the intervention of Law and Human Rights minister. The conflict resolution involving external sides of the parties actually further complicates the situation due to the strong dimension of political interests. The conflict does not increasingly find a way out. Instead, things get worse and complicated. Thus, the existence of the Court of Party is not only expected to be a balancing power for the chairmanship of the chairman, but also prevent the admission of external power interventions that potentially further aggravate the situation.

Supposedly, the Court of Party should not be positioned as an institution with limited authority at only resolving conflicts of dualism of stewardship as what has been practiced so far. It can also becomes the authorized institution to solve conflicts or differences of views among the party cadres, between party cadres

and the party leaders/chairmen, and even prosecutes any violation of party rules by anyone. Thus, it is expected that the Court of Party can become a balancing force over all potential arbitrariness of DPP and leaders/chairmen of political parties. Hopefully, political parties in Indonesia will be governed based on the existing rules and not based on the taste of a handful of elites or even just based on the desire of its chairman alone.

One of the challenges in making the Court of Party a balancing power over the party's chairmanship is on the aspect of neutrality. The trial practice of the Court that has been going on shows that members of the Court of Party tends to be injustice and partisan to one of the sides. To prevent this, the election of members of the Court should be highly selective based on criteria of ability and integrity, not on the basis of closeness to the chairman. Even if necessary, political parties also open up opportunities for people outside the party to become members of the Court of Party.

4. Conclusion

The presence of political parties is a necessary condition in building a democratic country. However, not all political parties with their existence will automatically improve the democratic process. Some of them just become an obstacle to the way of democracy itself. Only strong and institutionalized parties promise to build a good democracy. If the main task of political parties is to develop a nation's democratic life, before carrying out the mandate, political parties must democratize themselves first. Without this, it is impossible for political parties to be able to develop democratic values in the midst of people's lives. One of the challenges of political parties' democratization is the overpowering influence of a handful of elites or even a general chairman in the management of political parties, who later emerges oligarchical and even authoritarian. To avoid this, there needs to be a division of power within political parties to create mechanism of checks and balances to prevent the concentration of power in the hands of only one person who may abuse power.

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