



Constitutional responsibility of political parties as pillars of democracy in the perspective of Indonesian constitutional law

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Info Artikel :

Diterima :
20 April 2025
Disetujui :
24 Mei 2025
Dipublikasikan :
25 Mei 2025

ABSTRACT

Democracy is a fundamental principle within the Indonesian state system as reflected in the 1945 Constitution (UUD 1945), where political parties play a key role as a pillar in bridging the people and the government. The constitutional responsibility of political parties within the Indonesian constitutional system encompasses not only compliance with the law but also moral and ethical aspects in realizing a clean, transparent, and accountable government. This study aims to examine the regulation of the constitutional responsibility of political parties from the perspective of Indonesian constitutional law, as well as the relationship between this responsibility and the quality of democracy that is fostered. The research method used is normative legal research with legislative, conceptual, and documentary study approaches. The analysis is conducted qualitatively to explore the understanding of the implementation of the constitutional responsibility of political parties and its impact on the quality of democracy. The findings indicate that, although clear legal provisions exist regarding the role of political parties, their implementation still faces significant challenges, such as the practice of money politics and the pragmatic tendencies of parties. Therefore, stricter supervision is necessary to ensure that political parties fulfill their constitutional responsibilities effectively, thereby improving the quality of democracy in Indonesia. This study is expected to contribute to the development of constitutional law theory and practice, as well as strengthen the role of political parties in reinforcing Indonesia's democratic system.

Keywords: Democracy, Political Parties, Constitutional Responsibility, Indonesian constitutional law



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INTRODUCTION

Democracy constitutes one of the fundamental principles within the constitutional system of the Republic of Indonesia, as enshrined in the 1945 Constitution of the Republic of Indonesia (UUD 1945). As a system of governance expected to promote the welfare of the people, democracy requires active participation from various elements of society, one of which is political parties. Political parties hold a strategic role in political life, as they are mandated to channel the aspirations of the people, nominate candidates for leadership positions, and safeguard public policies that reflect the interests of the people.¹ According to the 1945 Constitution of the Republic of Indonesia, political parties hold a vital position in supporting the establishment of a democratic system of government. Political parties in Indonesia are regulated under Law Number 2 of 2011 concerning Political Parties, which affirms that political parties serve the function of nominating members of the legislature and executive officials. Accordingly, political parties do not merely serve as intermediaries between the people and the government, but also bear constitutional responsibilities to realize a clean, transparent, and accountable government within the framework of a substantive democracy.²

The constitutional responsibility of political parties within Indonesia's constitutional system refers to the obligation to carry out state functions as regulated by the constitution and laws. Political

¹ Anom Wahyu Asmorojati and Fauzan Muhammadi, "Law, Politics, and Women: How Were Aisyiyah's Cadres Involved in the Party?," *Varia Justicia* 17, no. 1 (2021): 19–40, <https://doi.org/10.31603/variajusticia.v17i1.4573>.

² Wahyu Widodo, Sapto Budoyo, and Toebagus Galang Windi Pratama, "The Role of Law Politics on Creating Good Governance and Clean Governance for a Free-Corruption Indonesia in 2030," *The Social Sciences*, 2018, <https://eprints.upgris.ac.id/1184/>.

parties must play an active role in upholding and enforcing the democratic principles enshrined in the 1945 Constitution, such as free, fair, and honest elections, as well as the protection of citizens' political rights. However, the challenge lies in how political parties can maintain their integrity to avoid being caught in pragmatic political practices that disregard constitutional and public interests.³

Although political parties are normatively established with noble objectives—as key pillars of democracy to channel public aspirations, facilitate political participation, and cultivate leaders of integrity—their practical implementation within the Indonesian constitutional system often falls short of these ideals. In practice, many political parties tend to prioritize the pursuit of power and short-term pragmatic interests over fulfilling their constitutional responsibilities. This is evidenced by the lack of sustainable cadre development, overreliance on dominant political figures, and the prevalence of money politics during electoral processes and public policy-making. As a result, the role of political parties as intermediaries between the people and the government, as well as drivers of democratic life, has been undermined by a growing public distrust. The discrepancy between the ideal purpose of political parties and their actual conduct raises serious concerns about the quality of democracy in Indonesia and the effectiveness of the prevailing legal framework. Therefore, a thorough legal examination of the constitutional responsibilities of political parties within the framework of Indonesian constitutional law is essential to assess the extent to which they fulfill their functions in accordance with the principles enshrined in the 1945 Constitution of the Republic of Indonesia and relevant legislation.⁴

In Indonesia's constitutional law system, the regulation of the constitutional responsibilities of political parties is governed by several legal provisions, including the 1945 Constitution and Law No. 2 of 2011 concerning Political Parties. One important aspect of this regulation is how political parties function as policy-making agents that support democracy. Political parties must be responsible for ensuring that the decisions made, both at the legislative and executive levels, align with the principles outlined in the constitution, such as clean government, non-corruption, and prioritizing the public interest.⁵ However, despite the existence of clear legal regulations, the implementation of the constitutional responsibilities of political parties in Indonesia still faces many challenges. One of these challenges is the practice of money politics, which often occurs during the electoral process and the recruitment of legislative candidates. Furthermore, there is a tendency for political parties to prioritize pragmatic interests over constitutional principles in carrying out their functions. Therefore, there needs to be stricter oversight of political parties to ensure that they truly fulfill their constitutional responsibilities for the realization of quality democracy.⁶

As a pillar of democracy, political parties must be able to maintain diversity and accommodate the interests of all segments of society. From the perspective of Indonesia's constitutional law, political parties function as a channel for the aspirations of the people, which must be carried out with full responsibility. Therefore, the constitutional responsibility of political parties is not only limited to compliance with laws and regulations but also includes a moral and ethical responsibility to prioritize public interests and to realize better democratic quality.⁷

High-quality democracy is measured by the extent to which democratic principles, such as political freedom, human rights, and public accountability, are realized in practice. The constitutional responsibility of political parties greatly influences the quality of democracy. Political parties that perform their duties well will be able to create a more transparent, participatory, and accountable political process. Conversely, if political parties fail to carry out their responsibilities, the resulting

³ Lalu Subandari, "Evaluasi Pengawasan Dana Kampanye Partai Politik Peserta Pemilu Tahun 2024 Di Indonesia" (Universitas Islam Indonesia, 2024), <https://dspace.uui.ac.id/handle/123456789/49624>.

⁴ Subandari.

⁵ Esther Kamau and Gillian MacNaughton, "The Spirit of Human Rights: Universal Health Coverage in Makueni County, Kenya," *Health and Human Rights* 26, no. 2 (2024): 25, <https://pmc.ncbi.nlm.nih.gov/articles/PMC11683578/>.

⁶ Abdulai Kuyini Mohammed, "An Evaluation of the Quality of Democracy of Ghana," *Democracy and Security* 19, no. 4 (2023): 347–88, <https://doi.org/10.1080/17419166.2023.2220140>.

⁷ Kholifatul Syadiyah, Salsabilla Azzahra Niesma Putri, and Hayat Hayat, "The Role of Public Administration Ethics in Realizing Clean and Transparent Governance," *Jurnal Ilmu Administrasi Negara (JUAN)* 12, no. 2 (2024): 116–24, <https://doi.org/10.31629/juan.v12i1.7053>.

democracy will be of low quality, and may even foster authoritarianism or dictatorship.⁸ The constitutional responsibility of political parties and the quality of democracy in Indonesia are closely related. Political parties that consistently adhere to constitutional principles will produce a better political process, which in turn will improve the quality of democracy. Conversely, if political parties fail to fulfill their constitutional responsibilities, the quality of the resulting democracy will be jeopardized. Therefore, it is important to further examine the relationship between the two, as well as how mechanisms of oversight and law enforcement can enhance the role of political parties in realizing a higher quality democracy.⁹

Previous research conducted by Murtani et al., stated that strengthening the code of ethics, the role of the Constitutional Court's Honorary Council, and revitalizing the basic principles of justice such as independence, impartiality, and accountability are absolute prerequisites in maintaining public trust in the constitutional justice system in Indonesia.¹⁰ In Khusnul Catur Prasetya and Zamroni Ishaq research, according to Law No. 2 of 2011, one of the functions of political parties is to provide political education as a means of education for the wider community to become Indonesian citizens who are aware of their rights and obligations in community life.¹¹ Other research states that political parties function as organized groups that seek to achieve and maintain power through general election mechanisms, with the aim of implementing various public policies.¹² Experts often identify various important functions of political parties that are needed to ensure the smooth operation of democracy. According to Almond and Powell, these functions include political socialization, political recruitment, and the articulation and aggregation of interests. The purpose of the process of strengthening democracy is to build strong legitimacy, so that all stakeholders believe that the democratic system is the best choice for society. Previous research discussed the responsibilities of political parties or their functions in general. In contrast to previous research, the novelty of this research lies in the perspective of Indonesian constitutional law.

Based on the previous background explanation, it is highly interesting to discuss the topic in the form of a legal journal with the title: The constitutional responsibility of political parties as a pillar of democracy in the perspective of Indonesian constitutional law. This study aims to examine the regulation of the constitutional responsibilities of political parties from the perspective of Indonesian constitutional law, as well as the relationship between these responsibilities and the quality of democracy that is fostered.

RESEARCH METHOD

This research uses a normative legal research method aimed at analyzing the role of political parties as a pillar of democracy in the perspective of Indonesian constitutional law. Based on the thoughts of Peter Mahmud Marzuki, this research examines various regulations, legal principles, and legal doctrines relevant to the constitutional responsibility of political parties.¹³ This research employs a legislative approach, a conceptual approach, and the technique of legal material search through document analysis. The analysis is conducted using a qualitative approach to obtain a comprehensive

⁸ Hal Brands, "Democracy vs Authoritarianism: How Ideology Shapes Great-Power Conflict," *Survival* 60, no. 5 (2018): 61–114, <https://www.tandfonline.com/doi/abs/10.1080/00396338.2018.1518371>.

⁹ Muhammad Sarkani, Mada Apriandi, and Henny Yuningsih, "Handling of General Election Crimes in the Framework of Realizing Democratic and Responsible General Elections," *Khazanah Sosial* 7, no. 1 (2025): 32–50, <https://journal.uinsgd.ac.id/index.php/ks/article/view/44650>.

¹⁰ Murtanti Fajarrani Devi et al., "Runtuhnya Pilar Demokrasi Akibat Politik Dinasti: Menelisik Jejak Hitam Nepotisme Anwar Usman," *Media Hukum Indonesia (MHI)* 2, no. 6 (2025), <https://doi.org/10.5281/zenodo.15483861>.

¹¹ Khusnul Catur Prasetya and Zamroni Ishaq, "Fungsi Partai Politik Dalam Pendidikan Politik Masyarakat," *JOSH: Journal of Sharia* 3, no. 01 (2024): 62–68, <https://doi.org/10.55352/josh.v3i01.805>.

¹² Muhammad Darlis Pattalongi et al., "Aktualisasi Fungsi Partai Politik Terhadap Penguatan Demokrasi Di Indonesia," *Jurnal Rectum: Tinjauan Yuridis Penanganan Tindak Pidana* 6, no. 1 (2024), <https://doi.org/10.46930/jurnalrectum.v6i3.4772>.

¹³ Gunawan Arifin et al., "Enhancing The Role Of Political Parties In Advancing Political Education As A Foundation For Democracy," *Fiat Justisia: Jurnal Ilmu Hukum* 19, no. 1 (2025): 73–92, <https://doi.org/10.25041/fiatjustisia.v19no1.4026>.

understanding of the implementation of the constitutional responsibilities of political parties and their impact on the quality of democracy in Indonesia.

The types of legal sources analyzed are articles in the 1945 Constitution of the Republic of Indonesia (UUD 1945) relating to political parties and democracy, Law Number 2 of 2008 concerning Political Parties, which regulates the formation, functions, and responsibilities of political parties, Law Number 7 of 2017 concerning General Elections, which regulates the role of political parties in the election process, and decisions of the Constitutional Court or other courts relating to political party or election disputes. Interpretation is carried out using Systematic Interpretation which describes how legal sources are interpreted in the context of the Indonesian legal system as a whole, including the relationship between political parties, voters and the state.

RESULT AND DISCUSSION

Regulation of the Constitutional Responsibilities of Political Parties as Pillars of Democracy in the Constitutional Law System of Indonesia

In the democratic constitutional system of Indonesia, political parties occupy a strategic position as a manifestation of the people's sovereignty. The existence of political parties is not merely understood as a political entity, but also as part of the constitutional structure that bears the responsibility of ensuring the substantive and sustainable implementation of democracy.¹⁴ Constitutionally, the role of political parties is affirmed in Article 1, paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that "sovereignty is in the hands of the people and is exercised according to the Constitution." In this context, political parties are instruments for implementing the sovereignty of the people, and they must comply with and adhere to constitutional norms in carrying out their functions.¹⁵ The normative regulation regarding political parties is governed by Law Number 2 of 2011 on Amendments to Law Number 2 of 2008 on Political Parties. This provision emphasizes that political parties function as a means for political education, leadership cadre development, articulation and aggregation of public interests, as well as oversight of the implementation of governance.¹⁶ These functions are not merely administrative but are an integral part of the constitutional responsibilities of political parties within the Indonesian constitutional system.

According to the constitutional function theory proposed by C.F. Strong, a constitution functions not only as the highest legal instrument but also as an institutional and political framework that organizes the relationship between state power and citizens.¹⁷ In this framework, political parties are subjects obligated to perform constitutional functions to ensure the balance of power and the protection of the people's rights. The institutional responsibility of political parties within the state administration system is reflected through the obligation to uphold internal democracy principles, transparency, and accountability. Law Number 2 of 2011 mandates that political parties have a Statute and Bylaws (AD/ART) that guarantee a democratic decision-making mechanism.¹⁸ This principle serves as the legal foundation for the legitimacy of political parties in nominating candidates and formulating public policies.

From a constitutional law perspective, the existence of political parties is also closely tied to the system of checks and balances, which is a hallmark of Indonesia's presidential system. Political parties within the legislative branch play a strategic role in exercising oversight over the executive

¹⁴ Fernando Casal Bértoa, "Political Parties or Party Systems? Assessing the 'Myth' of Institutionalisation and Democracy," *West European Politics* 40, no. 2 (2017): 402–29, <https://doi.org/10.1080/01402382.2016.1216921>.

¹⁵ Marco Hardianto, "Perubahan Undang-Undang Oleh Putusan Mahkamah Konstitusi Dalam Kacamata Pasal 1 Ayat (2) Kuhp," *Indonesia Criminal Law Review* 1, no. 2 (2022): 2, <https://scholarhub.ui.ac.id/iclr/vol1/iss2/2/>.

¹⁶ "Undang-Undang Nomor 2 Tahun 2011 Tentang Perubahan Atas UU No. 2 Tahun 2008 Tentang Partai Politik, Pasal 11" (n.d.).

¹⁷ Pál Sonnevend, András Jakab, and Lóránt Csink, "The Constitution as an Instrument of Everyday Party Politics: The Basic Law of Hungary," in *Constitutional Crisis in the European Constitutional Area* (Nomos Verlagsgesellschaft mbH & Co. KG, 2015), 46–123, <https://www.nomos-elibrary.de/en/10.5771/9783845261386/constitutional-crisis-in-the-european-constitutional-area>.

¹⁸ Muhammad Mutawalli Mukhlis et al., "Democratization or Extra-Constitutionalism: Ideas for Limiting the Term of Office for Chairmen of Political Parties in Indonesia," *Jambura Law Review* 6, no. 2 (2024): 367–402, <https://doi.org/10.33756/jlr.v6i2.24116>.

branch.¹⁹ Therefore, the constitutional responsibility of political parties is not limited to the internal dimension but also involves a control function within the state structure. However, empirical reality shows deviations in the implementation of constitutional responsibilities by political parties. The phenomenon of party oligarchy, weak internal democratization, and involvement in money politics are indicators that normative regulations have not been fully and effectively implemented. This creates challenges in realizing a democracy that is both high-quality and has integrity.

In the perspective of the theory of popular sovereignty developed by Jean-Jacques Rousseau, power ultimately derives from the general will (*volonté générale*) and must be used for the collective interests of society.²⁰ Political parties, in this context, are an extension of the will of the people. Therefore, when parties deviate from their constitutional responsibilities, they directly undermine the principle of popular sovereignty. Recognizing the importance of the role of political parties as pillars of democracy, comprehensive reforms are needed for the party system in Indonesia. These reforms include restructuring the party financing system to ensure transparency, strengthening oversight mechanisms by independent institutions such as the General Election Commission (KPU) and the Election Supervisory Body (Bawaslu), as well as enhancing political education for the public.²¹ Political parties can optimally carry out their constitutional role in supporting a democratic legal system. The regulation regarding the constitutional responsibilities of political parties has a clear place within Indonesia's constitutional law system. However, the effectiveness of the implementation of these responsibilities heavily relies on the institutional integrity of the parties, consistent law enforcement, and the active participation of the public as the holders of sovereignty.

The relationship between the constitutional responsibilities of political parties and the quality of democracy created within the constitutional law system of indonesia

In the constitutional framework of Indonesia, political parties play a central role in forming a legitimate government through the electoral process. The existence and function of political parties have been clearly regulated in the 1945 Constitution of the Republic of Indonesia (UD NRI), as part of the state's democratic structure. The constitutional responsibilities borne by political parties significantly influence the quality of democracy that is realized. In this regard, the theory of the rule of law (*Rechtsstaat*) provides a normative framework that requires the power exercised by political parties to always adhere to the prevailing legal principles, in order to achieve a just and equitable state.²² Every political party in Indonesia has responsibilities explicitly outlined in the constitution, which include the party's functions as a means of political participation, political education, and aggregation of public interests. Law Number 2 of 2011 on Political Parties elaborates on this, where parties are required to ensure that the power gained through elections is accountable to the constitution and the people. In the context of a rule of law state, all public power obtained through elections must be exercised in accordance with applicable legal provisions, and must not exceed the boundaries established by law.²³

The modernization of democracy affirms the central position and pivotal role of political parties within the political and constitutional system. This centrality can yield positive impacts on the functioning of democracy. However, when internal democracy within political parties is neglected, it may produce adverse effects. This article offers an integrative analysis of the construction and assessment of the level of internal democracy in Indonesian political parties. Employing doctrinal legal research combined with mixed methods (qualitative and quantitative), the study draws on primary legal

¹⁹ Elijah Ambasa, "The Influence of Executive-Legislature Relations on Legislative Oversight in Kenya, 2008-2013," 2019, <https://erepository.uonbi.ac.ke/handle/11295/165993>.

²⁰ Tamunosiki Victor Ogan, Etorobong Godwin Akpan, and Sampson Obok Edodi, "The Jean Jacques Rousseau Concept of the General Will: A Critique," *International Journal of Peace and Conflict Studies* 6, no. 2 (2020): 48–62, <https://journals.rcmss.com/index.php/ijpcs/article/view/268>.

²¹ Muhammad Febriansyah, Muhamad Takiyuddin Ismail, and Norazam Mohd Noor, "Competing Not Complementing: KPU, Bawaslu, and the Dynamic of Election Monitoring in PEMILU 2019," *Asian Journal of Political Science* 28, no. 3 (2020): 275–93, <https://doi.org/10.1080/02185377.2020.1781670>.

²² Joana Rafaela Vilaça Pinto, "The Interplay between Political Parties and Public Reason: How Can Political Parties Promote John Rawls' Public Reason?" (Universidade do Minho (Portugal), 2023), <https://search.proquest.com/openview/be4ea38d242d491f8ceb046339d6aec4/1?pq-origsite=gscholar&cbl=2026366&diss=y>.

²³ "Undang-Undang Nomor 2 Tahun 2011 Tentang Partai Politik, Pasal 11" (n.d.).

materials, secondary sources, and non-legal references. The key finding of this research is the formulation of an index of internal party democracy in Indonesia, which comprises six dimensions: political participation, political education, competition, representation, responsiveness, and transparency. These dimensions are used to evaluate the internal democracy of political parties, classified into five levels: Very Democratic (VD), Democratic (D), Moderately Democratic (MD), Undemocratic (UD), and Highly Undemocratic (HUD). Based on the assessment results, only two parties—Partai Amanat Nasional (PAN) and Partai Demokrasi Indonesia Perjuangan (PDIP)—are categorized as Democratic, while the remainder fall under the Moderately Democratic category.²⁴

In a rule-of-law state, the quality of democracy is not only measured by the conduct of elections but also by how the principles of law are implemented in the governance process. Political parties serve as intermediaries between the people and state institutions through elected representatives in the legislature. In line with the principles of *Rechtsstaat*, all power exercised must be within the corridor of just law and must not deviate from the constitutional values that have been mutually agreed upon. If political parties fail to carry out these responsibilities, the quality of the democracy being built will be at risk.²⁵ The constitutional responsibility of political parties is not only normative but also has a substantive impact on the quality of democracy. A high-quality democracy requires political parties to perform their functions with transparency, accountability, and fairness. If political parties become entangled in deviant political practices, such as corruption or money politics, it can be assured that the democracy that is realized will lose its essence as a means to achieve welfare and social justice. This clearly contradicts the principles of *Rechtsstaat*, which demand that every holder of power comply with the law.²⁶

Although theoretically political parties have clear responsibilities in accordance with the constitution, in practice, obstacles are often encountered, such as undemocratic political cultures within the parties and weak legal implementation. From the perspective of the rule of law, this reflects a deviation from the core principle of the rule of law itself, which is that power must be limited by law and aimed at serving the public interest. Therefore, the rule of law requires strict supervision over the implementation of political party functions to prevent abuse of power.²⁷ One of the characteristics of a rule of law state is the existence of an effective supervision mechanism over the exercise of state power, including that carried out by political parties. This supervision is conducted by various independent state institutions, such as the General Election Commission (KPU) and the Election Supervisory Body (Bawaslu), as well as judicial bodies like the Constitutional Court. In this context, the concept of *Rechtsstaat* demands that every action taken by political parties must be legally accountable to the people and the state. This supervision is crucial to ensure that political parties do not engage in actions that contradict the constitution and applicable laws.²⁸

If political parties fail to carry out their responsibilities properly, the resulting legislation tends to reflect the interests of a select few rather than the general public. For example, laws that are passed may disproportionately benefit a small group of political elites or specific interest groups, which clearly contradicts the principle of the rule of law that requires laws to serve the public interest. Conversely, in a rule of law state, every piece of legislation must be founded upon values of justice that protect all segments of society.²⁹ To strengthen the position of political parties as executors of constitutional

²⁴ Vanessa A Boese, "How (Not) to Measure Democracy," *International Area Studies Review* 22, no. 2 (2019): 95–127, <https://doi.org/10.1177/2233865918815571>.

²⁵ Leif Sundberg, "Electronic Government: Towards e-Democracy or Democracy at Risk?," *Safety Science* 118 (2019): 22–32, <https://doi.org/10.1016/j.ssci.2019.04.030>.

²⁶ Ronald Car, "Introduction: Leftist Constitutionalism and the *Rechtsstaat*: The Ongoing Relevance of a Historical Controversy," in *Searching for a Leftist Constitutionalism: The German Left vs the *Rechtsstaat* 1848-1949* (Springer, 2024), 1–20, https://link.springer.com/chapter/10.1007/978-3-031-62098-0_1.

²⁷ Tran Quoc Hung, Huang Yong Peng, and Nguyen Thi Lien, "Significance of Judicial Independence in the Law Governed by the Rule of Law in Vietnam," *International Journal of Criminal Justice Sciences* 16, no. 2 (2021), <https://ijcjs.com/menu-script/index.php/ijcjs/article/download/53/13>.

²⁸ Anthony Tshwarelo Malapane, "The Effects of the Oversight Role of Legislatures in Promoting Good Governance in South Africa with Specific Reference to the Gauteng Legislature" (University of Limpopo, 2019), <http://ul.netd.ac.za/handle/10386/3167>.

²⁹ Giuliano Amato, Cesare Pinelli, and Benedetta Barbisan, "Rule of Law vs Majoritarian Democracy," 2021, <https://www.torrossa.com/it/resources/an/5289885>.

responsibilities within a rule of law state, reforms are needed across various aspects — including internal party reform, transparency in political financing, and a merit-based legislative candidate selection system. All of these measures must be grounded in a clear and enforceable legal framework. Such reforms are essential to ensure that the rule of law continues to operate in accordance with the principles of justice and democracy.³⁰ As part of their constitutional responsibilities, political parties must educate the public regarding their political rights and the means by which they can actively participate in a sound and democratic political process. Political education based on constitutional understanding will enhance public participation in overseeing the conduct of political parties. Therefore, such education must be directed at increasing legal awareness among citizens, enabling them to become individuals who are conscious of their rights and obligations in accordance with the principles of the rule of law.³¹

Within the framework of the *Rechtsstaat* (rule of law), the constitutional responsibilities borne by political parties significantly influence the quality of democracy that is realized. If political parties are able to fulfill their responsibilities properly and in accordance with the principles of the rule of law, the resulting democracy will be substantive rather than merely procedural. Conversely, if political parties fail to carry out their duties in an accountable and transparent manner, the rule of law—which should serve as the foundation of democracy—will be jeopardized, and the quality of democracy will inevitably decline.³²

Previous research conducted by Sirajuddin, stated that the effectiveness of the objectives and functions of political parties greatly determines how good or bad the influence that will be caused in the country. The entry of political parties as participants in the general election in the democratization process to sit in the central and regional executive and legislative bodies which are constitutionally regulated in the 1945 Constitution, provides a very large space for political parties to make their influence in the state system in Indonesia. Because it is from these political party cadres who will become the people's representatives to determine important and strategic policies in the country, so that the existence of political parties is very influential in the state system in Indonesia.³³ In the study by Safira, political parties have two roles as public legal entities and private legal entities so they must carry out both roles both in terms of roles and responsibilities as well as rights and obligations. The ideal concept of a political party as a legal entity is to be able to carry out its rights and responsibilities as a public legal entity and a private legal entity.³⁴ Other studies state that in the Indonesian democratic political system, political parties have a very important position and role in the state mechanism by becoming a strategic link between government processes and citizens. Political parties still have problems with internal democratization, finance, cadre formation and an election system that does not support the identification of political parties in society, these various problems weaken political parties in realizing democratic legal products. There needs to be strengthening of political parties both internally and externally, namely cadre formation to increase idealistic resources, changes to political party laws to provide financial independence with strong funding from the state, building party solidarity to avoid state intervention and changes to the simultaneous election system. As well as, regulating the standardization of internal decision-making of political parties. In addition, it is important to have a legal norm control mechanism for the AD/ART of Political Parties.³⁵

³⁰ Katharina Hausler et al., “Human Rights, Democracy and Rule of Law: Different Organisations, Different Conceptions?” (FRAME, 2016), <https://repository.gchumanrights.org/bitstream/handle/20.500.11825/83/Deliverable-3.4.pdf?sequence=1>.

³¹ Nugroho Noto Diharjo et al., “Human Rights and Constitutional Sovereignty in the Context of the Struggle for Legal Justice,” *Bacarita Law Journal* 4, no. 2 (2024): 174–84, <https://doi.org/10.30598/bacarita.v4i2.12985>.

³² Patrick Weller and Liz Young, “Political Parties and the Party System: Challenges for Effective Governing,” in *Institutions on the Edge?* (Routledge, 2020), 156–77.

³³ Sirajuddin Sirajuddin, “Eksistensi Partai Politik Dalam Sistem Hukum Ketatanegaraan Di Indonesia,” *Lex Administratum* 4, no. 1 (2016), <https://ejournal.unsrat.ac.id/index.php/administratum/article/view/11099>.

³⁴ Aulia Dina Safira, “Implikasi Status Hukum Partai Politik Sebagai Badan Hukum Dalam Sistem Hukum Indonesia,” 2022, <https://dspace.uii.ac.id/handle/123456789/39163>.

³⁵ Pascal Wilmar Yehezkiel Toloh, “Politik Hukum Penguatan Partai Politik Untuk Mewujudkan Produk Hukum Yang Demokratis,” *JAPHTN-HAN* 2, no. 1 (2023): 141–68, <https://japhtnhan.id/index.php/japhtnhan/article/view/60>.

The constitutional responsibility of political parties as pillars of democracy in the perspective of Indonesian constitutional law is very important to ensure that political parties function effectively and accountably. Here are some proposed reforms, how to implement them, and lessons that can be learned from international practices, namely Political Education and Public Awareness, by Increasing political education for the community to understand the role and responsibilities of political parties. Implementation Conducting political education programs in schools and communities, as well as information campaigns that explain the rights and obligations of voters and the role of political parties in democracy. In addition, it can be done to Increase Funding Transparency by Strictly regulating the sources and use of political party funds, including donations from individuals and corporations.³⁶ Implementation a mandatory reporting system for all political parties to disclose their funding sources openly. This can be done through an online platform that is accessible to the public.

Lessons from International Practice, Party Funding Model in Germany, Germany has a transparent party funding system, where political parties receive funds from the state based on the number of votes obtained. This ensures that political parties have incentives to participate in elections honestly and accountably.³⁷ Indonesia could consider this model to reduce political parties' reliance on large donations from individuals or corporations that can influence policy. Accountability in Canada has strict laws on campaign finance and political party accountability. All donations must be reported, and there are limits on the amount that individuals can donate.³⁸ Adopting a similar approach in Indonesia could help prevent corruption and increase public trust in political parties. Sweden has a strong political education program that teaches citizens about the political system and the role of political parties. This helps create a more informed and active electorate. Implementing a political education program in Indonesia could increase public participation in the democratic process and strengthen political party accountability.³⁹

The proposed reforms to increase the constitutional responsibility of political parties in Indonesia should be comprehensive and involve a wide range of stakeholders. By learning from successful international practices, Indonesia can create a political system that is more transparent, accountable, and responsive to the needs of the community. This will strengthen democracy and ensure that political parties serve as solid pillars in the governance system.

CONCLUSION

Political parties in the Indonesian constitutional legal system bear constitutional responsibility as executors of popular sovereignty and are obligated to perform their functions democratically, accountably, and transparently in accordance with the principles of the rule of law. However, the effectiveness of this role is highly dependent on the institutional integrity of political parties, the consistency of law enforcement, and public participation in ensuring that the democracy being realized genuinely reflects the will of the people and adheres to constitutional supremacy.

Within the framework of the *Rechtsstaat* (rule of law), political parties are constitutional entities holding primary responsibility in realizing substantive democracy. Therefore, the quality of democracy in Indonesia's constitutional legal system greatly depends on the extent to which political parties fulfill their functions in an accountable, transparent, and law-abiding manner, to ensure that power is exercised in the public interest and does not deviate from constitutional principles of justice. The implementation of constitutional responsibility by political parties is not merely formalistic, but requires a normative commitment to the fundamental values of democracy. When these functions are carried out consistently,

³⁶ Susan E Scarrow, "Political Finance Regulation and Equality: Comparing Strategies and Impact," in *Handbook of Political Party Funding* (Edward Elgar Publishing, 2018), 103–24, <https://doi.org/10.4337/9781785367977.00012>.

³⁷ Mohammad Arif and Moch Andry Wikra Wardhana Mamonto, "Adapting to Democratic Norms: Party Financing Regulations in Indonesia and Germany Compared," *Journal of Law, Politic and Humanities* 4, no. 4 (2024): 520–31, <https://doi.org/10.38035/jlph.v4i4.347>.

³⁸ Iddo Porat, "Buying Democracy: The Regulation of Private Funding of Political Parties and the Press After My Vote Counts," *Constitutional Court Review* 11, no. 1 (2021): 503–31, <https://doi.org/10.2989/CCR.2021.0018>.

³⁹ Abdul Kadir et al., "Women and Family Based Voter Education Strategy to Increase Community Participation in Elections in Buton, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (2024): 1346–71, <https://doi.org/10.22373/sjhk.v8i3.24050>.

political parties can serve as key pillars in safeguarding the integrity of the system of governance. Conversely, failure to uphold this legal mandate will erode public trust and threaten the legitimacy of democracy itself.

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