

LEGAL REFORMULATION OF LEGISLATIVE ELECTIONS IN REALIZING PANCASILA DEMOCRACY IN INDONESIA

Dwanda Julisa Sistyawan

Program Studi Doktor Hukum, Fakultas Hukum, Universitas Diponegoro
Jl. Imam Bardjo, SH., No. 1, Kampus Pleburan, Semarang
dwandajs@students.undip.ac.id

Abstract

This research aims to analyze and reformulate the legislative election law in Indonesia to realize Pancasila democracy. The study suggests three key reformulation strategies: revising the Parliamentary Threshold to uphold popular sovereignty, improving the financial governance of political parties to combat corruption and money politics, and enhancing the accountability of political parties. By aligning with Pancasila principles, these reforms aim to strengthen the electoral system and uphold democratic values. The study emphasizes the importance of legal measures that do not violate the Constitution while empowering lawmakers to establish transparent electoral rules. Ultimately, the research advocates for legal reforms that promote fair elections, combat corruption and ensure accountability within political parties to uphold the ideals of popular sovereignty and democracy in Indonesia.

Keywords: *Reformulation; Legislative Election; Pancasila Democracy.*

Abstrak

Penelitian ini bertujuan menganalisis dan mereformulasi hukum pemilihan umum legislatif di Indonesia untuk mewujudkan demokrasi Pancasila. Studi ini menyarankan tiga strategi reformulasi kunci: merevisi Parliamentary Threshold untuk menjaga kedaulatan rakyat, meningkatkan tata kelola keuangan partai politik untuk melawan korupsi dan politik uang, serta memperkuat pertanggungjawaban partai politik. Dengan berpegang pada prinsip-prinsip Pancasila, reformasi ini bertujuan untuk memperkuat sistem pemilu dan menjunjung tinggi nilai-nilai demokrasi. Studi ini menekankan pentingnya langkah-langkah hukum yang tidak melanggar Konstitusi sambil memberdayakan pembuat kebijakan untuk menetapkan aturan pemilu yang transparan. Pada akhirnya, penelitian ini mendorong reformasi hukum yang mempromosikan pemilu yang adil, melawan korupsi, dan memastikan akuntabilitas dalam partai politik untuk menjunjung tinggi nilai-nilai kedaulatan rakyat dan demokrasi di Indonesia.

Kata Kunci: *Reformulasi; Pemilu Legislatif; Demokrasi Pancasila.*

A. Introduction

The Preamble, and particularly its fourth paragraph, of the 1945 Constitution provides the foundation for, and the national goals to be achieved by, Indonesia's legal reform efforts since independence was proclaimed on August 17, 1945. The articulation of these national goals makes clear that there are two primary national goals: the first is to ensure the safety of the entire Indonesian people, and the second is to advance the general welfare of all Indonesians by the

principles of Pancasila. To improve efficiency, fairness, and consistency, legal reform is defined as the process of analyzing existing statutory and regulatory frameworks and making changes to them.¹

The criteria for a democratic state are laid forth and met in the 1945 Constitution, therefore it is consistent with the democratic principle. There is power that is dispersed according to function, authority, and position in connection to the division of power into numerous institutions. in one nation proves that its administration is representative, rather than autocratic.² According to the time-honoured idea of popular sovereignty, authority ultimately rests with the populace. Habermas can reconcile these ideas with the realities of modern society by employing concepts of power discourse. According to Habermas, this basic concept describes the interaction between executive and discursive authority. The unique findings of Habermas are significant: There are two discourse notions derived from the two parts of the word "democracy": power (Kratos) and the people (Demos).³

After implementing the Reform Order, elections were conducted three times with various system and mechanism adjustments. Elections were conducted in 1999 under President BJ Habibie's transitional administration, which was guided by Law Number 3 of 1999 Governing General Elections. Elections for the People's Representative Council, Regional Representative Council, and Regional People's Representative Council were held in 2004 under the auspices of Law Number 12 of 2003. The vote that took place in 2009 was governed by Law No. 10 of 2008. The People's Representative Council, Regional Representative Council, and Regional People's Council elections conducted in 2014 were governed by Law Number 8 of 2012.⁴ Under the auspices of Law Number 7 of 2017 on Elections, the 2019 Vote was conducted on the same day as the Presidential Vote.

A democracy founded on the nation's noble character, which values kinship and mutual collaboration, is the model to be established and defended in Indonesia.⁵ Pancasila, the foundation of the state, must also serve as the foundation for establishing democracy in Indonesia. Democracy,

¹ Teguh Prasetyo, *Pembaharuan Hukum Prespektif Teori Keadilan Bermartabat* (Malang: Setara Press, 2017).

² M.D. Mahfud, *Dasar Dan Struktur Ketatanegaraan Indonesia* (Jakarta: Rineka Cipta, 2001).

³ F Budi Hardiman, *Demokrasi Deliberatif Menimbang Negara Hukum Dan Ruang Publik Dalam Teori Diskursus Jurgen Habermas* (Yogyakarta: Kanisius, 2009).

⁴ Dwanda Julisa Sistyawan, *Pelaksanaan Pemilihan Umum Legislatif Dalam Sistem Ketatanegaraan Republik Indonesia* (Yogyakarta: Komojoyo Press, 2021).

⁵ Lita Tyesta Addy Wardhani Listiya, Farid Ibrahim, and Adissya Mega Christia, "Koherensi Sistem Pemilihan Kepala Daerah Di Indonesia Terhadap Nilai-Nilai Demokrasi Pancasila," *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (n.d.): 305–318, <https://doi.org/10.14710/jphi.v2i3.305-318>.

or Pancasila, is the foundational ideology of Indonesia. Democracy is the Pancasila-inspired and -encouraged conception of democracy.⁶ From 29 May to 18 August 1945, the Investigative Body for Preparatory Efforts for Independence and the Preparatory Committee for Indonesian Independence (PPKI) met to discuss the fundamental principles of the Republic of Indonesia, which included the concept of Pancasila Democracy. Pancasila Democracy is the name given to the political system that will be used to regulate national and state life in Indonesia after the Investigative Body for Preparatory Efforts for Independence approved Ir. Soekarno's concept of Pancasila as the basis of the philosophy of the Republic of Indonesia on June 1, 1945.⁷ Soekarno saw democracy through the lens of a kinship-based (*gotong-royong*) system. At the very least since Soekarno wrote "Nationalism, Islam, and Marxism" in 1926, this focus on kinship has been represented. In this article, the author celebrates the vital relevance of cooperation between the three revolutionary groups that make up the "Spirit of Asia" and inspire the Indonesian people's struggle. Although they all refer to the same entity, there are distinguishing features among the three forces, in his view. The three major ideologies of our time are nationalism, Islamism, and Marxism.⁸

The influence of political parties in Indonesia's election system has diminished as a result of recent reforms. Due to the lack of change in the electoral system following Suharto's fall from power and the list election system's availability for legislative elections, candidates were encouraged to adopt an electoral strategy focused more on individual voters and less on the political parties that nominated them.⁹ Due to these changes, candidates and politicians in Indonesia are now less inclined to maintain loyalty to their parties throughout their terms, opting instead for practical agreements made at the start of campaigns. Historically, candidates heavily relied on party leaders in the 1999 and 2004 elections, engaging in financial transactions to secure support from key party members. The prevalent issue of vote buying and selling termed a "dawn attack" or "pre-election bribery," remains a significant concern. Enhancing the electoral system and administration by learning from past successes and failures is crucial. While each electoral

⁶ Subandi Al Marsudi, *Pancasila Dan UUD 1945 Dalam Paradigma Reformasi* (Jakarta: Raja Grafindo Persada, 2012).

⁷ Nur Wahyu Rochamdi, *Kewarganegaraan 2* (Jakarta: Ghalia Indonesia, 2007).

⁸ Yudi Latif, *Negara Paripurna: Historisitas, Rasionalitas, Aktualitas* (Jakarta: Gramedia Pustaka Utama, 2011).

⁹ Edward Aspinall and Ward Berenschot, *And, Democracy for Sale, Pemilu, Klientelisme, Dan Negara Di Indonesia* (Jakarta: Yayasan Pustaka Obor Indonesia, 2019).

system has its pros and cons, adherence to legal, democratic, and fair practices is essential to uphold the principles of the rule of law.¹⁰

By the sounds of it, the issue at hand has something to do with how Indonesia may reform its legislative election law to realize Pancasila democracy. One significant study by Wisnaeni & Herawati delves into the politics of Pancasila-based democracy in Indonesia, emphasizing the importance of upholding the ideals of democracy as outlined in the Constitution.¹¹ The research underscores the notion that democracy in Indonesia is guided by wisdom and the sovereignty of the people, aligning with the principles of Pancasila. This study highlights the foundational role of Pancasila in shaping Indonesia's democratic landscape, particularly in legislative elections. Moreover, Sarah & Suatmiati explore the general election system in Indonesia, focusing on the legal framework established by Law Number 7 of 2017. The study reveals that Indonesia utilizes an Open Proportional System for electing members of the Legislative Assembly, emphasizing the legal mechanisms that govern the electoral process. This research provides valuable insights into the legal structures underpinning legislative elections in Indonesia and their alignment with democratic principles. Additionally, Wardani delves into the Regional Representative Council within Indonesia's governance system, examining the efficacy of the bicameral system in promoting democratic governance. By analyzing the role of the Regional Representative Council, this study underscores the importance of effective legislative bodies in ensuring democratic representation and stability within the state.¹² Furthermore, Prawira discusses election violations and law enforcement in Indonesia, emphasizing the significance of upholding the constitutional mandate of sovereignty residing with the people. This study underscores the critical role of election laws in safeguarding the integrity of the electoral process and ensuring compliance with constitutional principles.¹³

This research paper delves into the multifaceted aspects of parliamentary election legislation reform in Indonesia with the overarching objective of advancing Pancasila Democracy. By adopting an interdisciplinary approach that integrates insights from political science, law, and political sociology, this study seeks to identify specific characteristics that could instigate

¹⁰ M.D. Mahfud, *Hukum Dan Pilar-Pilar Demokrasi* (Yogyakarta: Gama Media, 1999).

¹¹ Fifiana Wisnaeni and Ratna Herawati, "The Politics of Law of Pancasila-Based Democracy in Indonesia as the World's Third Largest Democracy," *Academic Journal of Interdisciplinary Studies* (2020), <https://doi.org/10.36941/ajis-2020-0059>.

¹² Raden Siti Rachmah Wardani, "Regional Representative Council in the Indonesian State Governance System: A Study of the Bicameral System," *SIGN Jurnal Hukum* 5, no. 1 (2023): 1–16, <https://doi.org/10.37276/sjh.v5i1.228>.

¹³ Syailendra Anantya Prawira, "Election Violation and Election Law Enforcement in General Election in Indonesia," *Jurnal Hukum Volkgeist* 4, no. 1 (2019): 25–34, <https://doi.org/10.35326/volkgeist.v4i1.424>.

substantial transformations in the parliamentary election process. The primary focus is on exploring innovative strategies that have the potential to enhance inclusive political representation and reinforce Pancasila principles within Indonesia's parliamentary democracy. Key areas of investigation include the evolving dynamics of political engagement, the influence of information technology, and the promotion of inclusivity in electoral processes..

B. Research Method

This study employs Normative Juridical Research within legislative, conceptual, and historical contexts to analyze Indonesia's election laws. The statutory method focuses on legislative provisions, statutes, and regulatory frameworks, while the conceptual approach delves into Pancasila's ideal democracy, democracy theory, public involvement, and the role of elections in establishing a representative government. The historical approach examines the evolution of Indonesia's election laws and practices, highlighting significant changes and their impact on the current electoral system. Utilizing secondary legal sources such as legal documents, academic papers, and government reports, the research gathers and analyzes data systematically. Qualitative study and interpretation of legal documents and theoretical perspectives are employed to comprehend Indonesian election dynamics within the framework of Pancasila Democracy.

C. Discussion

Democracy in Indonesia encounters significant challenges, particularly in the context of elections. One of the major issues affecting the democratic process in Indonesia is the prevalence of high-cost politics and money politics during elections, especially in parliamentary elections.¹⁴ In light of these challenges, there have been calls for electoral reform in Indonesia to combat 'money politics' and strengthen the electoral system.¹⁵ So, elected officials don't have to worry about providing aid to their constituents, but they need to consider the payoff to their efforts in the political arena. Political corruption, particularly in the form of money politics, has significant implications for the behaviour of elected officials and the overall democratic process. Research indicates that exposure to corrupt behaviour by politicians can decrease trust in political

¹⁴ Sri et.al Wahyuni, "Empowerment Of Anti-Money Political Villages To Create Elections With Integrity," *International Journal Of Community Service* 3, no. 2 (2023): 110–114, <https://doi.org/10.51601/ijcs.v3i2.186>.

¹⁵ Olli Hellmann, "Electoral Reform in Asia: Institutional Engineering against 'Money Politics'," *Japanese Journal of Political Science* 15, no. 2 (2014): 275–298, <https://doi.org/10.1017/S1468109914000073>.

institutions and satisfaction with democracy.¹⁶ Therefore, it is necessary to reformulate the election law so that the causes of not implementing people's sovereignty by Pancasila democracy and the birth of corrupt practices in elections that are not by Pancasila democracy can be corrected. This reformulation can be done in three ways, namely as follows:

1. Parliamentary Threshold Reformulation

Putting into practice Article 1(2)'s definition of people's sovereignty Elections are used to implement laws like the one from 1945's Constitution. The 1945 Constitution, reflecting the country's decision to adopt a presidential form of government, established a framework for holding elections that made the electorate the ultimate source of legitimacy for all branches of government, including the legislature (represented by the People's Representative Council, regional representatives, and regional people's councils) and the presidency.¹⁷ This is stated in paragraphs (1) and (2) of Article 22E of the Constitution of 1945. It's fair to say that the persons who have served in the executive and legislative branches of government have done so because they were elected to those posts via elections.

What does the parliamentary threshold mean for the exercise of people's sovereignty as it is put into practice? People's freedom is restricted since votes cast for candidates do not directly translate into elected positions. As a platform from which to run for office, the party falls short of the legislative threshold of support. Grace Natalie, Tsamara Amany, Giring Ganesha (Indonesian Solidarity Party), Titiek and Tommy Suharto (Working Party), and Yusril Ihza Mahendra (Blood Star Party) all received significant votes in the 2019 legislative elections, but their parties did not meet the parliamentary threshold and therefore they did not go to Senayan.¹⁸ If lawmakers keep raising the parliamentary threshold from its current 4% to increasingly higher levels after each election, the situation will only worsen.

According to simulated 2009 election results from the Center for Electoral Reform (Cetro), this 2.5% barrier prevented 19 million votes from being translated into seats in parliament. There would be an estimated 23 million wasted votes if the legislative threshold was increased to 3-4%. If the threshold were increased to 5%, 32 million votes would be disregarded.¹⁹ The findings of

¹⁶ Miguel Carreras and Sofia Vera, "Do Corrupt Politicians Mobilize or Demobilize Voters? A Vignette Experiment in Colombia," *Latin American Politics and Society* 60, no. 3 (2018): 77–95, <https://doi.org/10.1017/lap.2018.25>.

¹⁷ Agil Oktaryal, "Mengkaji Ulang Ikhtiar Penguatan Sistem Presidensial Melalui Penerapan Ambang Batas Parlemen (Parliamentary Threshold) Dalam Pemilihan Umum Di Indonesia," in *Konferensi Nasional Hukum Tata Negara Ke-5* (Batusangkar, 2018), 6–7.

¹⁸ Syifa Hanifah, *Maju Lewat Partai Kecil, 5 Tokoh Populer Ini Terancam Gagal Ke DPR*, 2019.

¹⁹ Saldi Isra, *Pemilu Dan Pemulihan Daulat Rakyat* (Jakarta: Themis, 2017).

Harun Hussein's simulation utilizing data from the 2014 election are similar. Applying this percentage to the 2014 election would mean that just six of the twelve parties running for office (the PDIP, Gerindra, Golkar, Democrats, PKB, and PAN) would be guaranteed seats in the People's Representative Council. There were 34.56 million invalid ballots or 27.7 per cent of the total number of votes cast in the country. Six parties failed to meet the threshold and their votes were burned: PKS, Nasdem, PPP, Hanura, PBB, and PKPI.²⁰

That the quality of government plays a significant role in determining support for democracy. How democracies function and deliver on their promises can influence citizens' perceptions and support for the democratic system.²¹ Higher quality of government is positively associated with support for democratic ideals across democracies, with a stronger effect observed in younger democracies.²²

In a presidential democratic system, legislative thresholds should be to streamline parties in parliament, various electoral system instruments like electoral district size and the method of counting votes to become seats have become or contain hidden thresholds (hidden threshold). This is because the parliamentary threshold, which is a formal threshold, has been replaced by the requirements of political parties participating in the election. Second, because the democratic decision-making procedure in parliament is too cumbersome and ineffective. The goal of reducing the polarization of political power in parliament may be better attained if this threshold is raised; for instance, if the restriction on establishing fractions is raised to 10-15% of the number of seats in the People's Representative Council. All efforts to strengthen the government system and increase the effectiveness of parliamentary performance in a democracy like Indonesia's, which uses a presidential government system, must be carried out in constitutional ways and not violate the principles of popular sovereignty. A high legislative threshold may be detrimental to the notion of people's sovereignty in elections since it leads to the loss or waste of legitimate votes.

Future election regulations should improve the presidential system while respecting people's sovereignty. Instead of a parliamentary threshold, stricter criteria for political parties to run for office can be implemented. Additionally, improving electoral district sizes and vote-to-seat counting methods can simplify party representation in Parliament. Political parties in the DPR

²⁰ Ibid., xxx.

²¹ Frida Boräng, Marina Nistotskaya, and Georgios Xezonakis, "The Quality of Government Determinants of Support for Democracy," *Journal of Public Affairs* 17 (2017): 1–2, <https://doi.org/10.1002/pa.1643>.

²² Alexander Wuttke, Konstantin Gavras, and Harald Schoen, "Have Europeans Grown Tired of Democracy? New Evidence from Eighteen Consolidated Democracies, 1981–2018," *British Journal of Political Science* 52, no. 1 (2022): 416–28, <https://doi.org/10.1017/S0007123420000149>.

should have 10-15% of seats to form a faction, allowing for a functional presidential system, an effective parliament, and balanced political power. These measures ensure all legitimate votes are respected and the will of the people is upheld.²³

2. Reformulation of Political Party Financial Governance

Money politics, clientelism, dynastic politics, and other election frauds undermine the efficacy of democracy in realizing prosperity and social justice at every level of government from the presidency to the legislature to the village head.²⁴ Therefore, reforming the financial structures of political parties is something that may be done in addition to law enforcement to address this issue. The three parts of this new formulation are as follows:

a. Increasing State Assistance to Political Parties.

Political party finances if classified, are used for two things, namely:²⁵ First, party organizing costs, which include things like secretariats, office rent, frequent meetings, travel to regions, and congresses, all of which take place outside of actual campaigning. Second, the money is spent on political campaigns, including everything from party marketing to mass media advertising to printing billboards, posters, and stickers. Funding both expenses and revenues puts political parties in an uncomfortable position when battling for the ideas and ambitions of the people, which aren't always in line with those who are providing the money.²⁶

Too many moving parts in political party expenditures mean that parties in Indonesia require significant resources to compete in the political arena. It is hoped that if a political party has a solid financial foundation, it will be able to run a campaign in the upcoming election that steers clear of corrupt practices. This would include, among other things, the funding of a level playing field for all candidates; if parties chip in to cover everyone's campaign costs, then no candidate with more money will have an unfair advantage over one with less. One strategy to lessen the prevalence of corruption inside political parties is to increase the funding they get from the state. One of the issues with corrupt practices so far has been the financial stability of political parties, which places

²³ Oktaryal, "Mengkaji Ulang Ikhtiar Penguatan Sistem Presidensial Melalui Penerapan Ambang Batas Parlemen (Parliamentary Threshold) Dalam Pemilihan Umum Di Indonesia," 10–11.

²⁴ Mustafa Habib, "Kiblat Negara Demokrasi Dari Berbagai Representasi (Kajian Pemilu Indonesia)," *Jurnal Berbasis Sosial* 1, no. 1 (2020): 1–23.

²⁵ Heroik Mutaqin Pratama, *Reformasi Keuangan Partai Politik* (Jakarta: Kompas, 2017).

²⁶ Mei Susanto, "Model Alternatif Pendanaan Partai Politik," *Kajian* 22, no. 3 (2017): 221–240, <https://doi.org/10.22212/kajian.v22i3.1514>.

a heavy weight on party members, particularly those who have achieved success in obtaining executive and legislative government positions.

State funding for political parties is mandated by law in Indonesia. Political parties can raise funds through membership dues, lawful contributions from individuals and corporations, and government funding. Membership dues are collected from members holding legislative or executive positions but have limited impact on regular party members. Lawful contributions from individuals and corporations are allowed but may lead to influence over party policies. Government funding is prioritized for political education and is distributed based on the number of votes a party receives. However, the amount provided per vote is relatively low, indicating a need to expand governmental support for political parties. Funding is distributed equitably among political factions.

Including this help has obvious benefits, including to begin, it reduces the frequency with which political party members solicit unlawful contributions, freeing up legislators and executives to concentrate on doing a better job for the people they serve. Second, political parties can keep their independence and give power back to their people if they get more funding from the state. Due to financial restraints, political parties have opened the door for investors to make substantial contributions, consolidating power in the hands of a small group of elites. By providing more funding from the state, we may prevent oligarchs from buying influence in political parties and lessen parties' reliance on outside investors. Third, reverting political parties from private to public entities may be accomplished by increasing governmental financial aid to parties. To this point, political parties have seemed to be autonomous groups with the sole purpose of enforcing their agendas. A primary role of political parties is to consolidate and articulate public interests within the framework of people-friendly public policy. That the state provides funding for political parties suggests that these organizations serve a public purpose, maybe by consolidating and articulating public interests within the framework of people-friendly governmental policy. That the state provides funding for political parties suggests that these organizations serve a public purpose, maybe by consolidating and articulating public interests within the framework of people-friendly governmental policy. State funding for political parties is evidence that these organizations serve a public purpose.²⁷ Because the money political parties get originates from the public, adding governmental help to parties may at least raise their accountability to the public.

²⁷ Reza Syawawi, "Memutus Oligarki Dan Klientisme Dalam Sistem Politik Indonesia Melalui Pembaharuan Pengaturan Pendanaan Partai Politik Oleh Negara," *Jurnal Legislasi Indonesia* 18, no. 1 (2021): 139–152.

b. Financial Audit of Political Parties by State

Increasing the state's funding for political parties should go hand in hand with greater financial disclosure and accountability. This is because the public funds the state, which in turn provides money to political parties. The public should be entitled to know how these funds were used. According to BPK Regulation Number 2 of 2015 concerning Examination of Accountability Reports for Political Party Financial Assistance, the BPK is obligated to audit each party's financial statements and may impose sanctions, such as reducing the amount of state financial assistance, for the following year if discrepancies are found.

c. Open and Periodic Reporting of Election Campaign Funds to the Public Through the Media.

Transparent campaign reporting is another change that might be implemented to lessen the influence of vote-buying in politics. Online media that is compatible with the Bawaslu and KPU systems (including information in the forthcoming election laws) are used to send reports directly to Bawaslu, as required by law. Vote-buying and other forms of money influence in politics may be reduced with the use of publicly accessible and transparent portals detailing campaign funding.

3. Rearranging Patterns of Political Party Accountability

Rearranging patterns of political party accountability in Indonesia is a critical issue that has been highlighted in various academic studies. The accountability and transparency of political parties in Indonesia, particularly concerning financial aid, have been identified as weak due to limited research in this area.²⁸ The lack of accountability for political party cadres further exacerbates this issue.²⁹ Research has also pointed out the failure of political parties to carry out political recruitment transparently and democratically.³⁰

First, if a political party is found to have engaged in money politics or misused public funds, that party's funding from the state will be reduced the next year. This is the first degree of punishment for a political party that violates the country's financial management. It will have a

²⁸ Gita Desipradani and Fauzie Senoaji, "Financial Aid Accountability and Transparency Partai Amanat Nasional East Java," last modified 2023, https://doi.org/10.2991/978-2-38476-022-0%5C_23.

²⁹ St..et.al Salmah, "Un-Accountable Political Party Xyz: Is the Bridge Towards Corruption?," *The International Journal of Accounting and Business Society* (2021), <https://doi.org/10.21776/ub.ijabs.2021.29.1.6>.

³⁰ Fahri...et.al Bachmid, "Un-Accountable Political Party Xyz: Is the Bridge Towards Corruption?," *The International Journal of Accounting and Business Society* (2022).

significant negative effect on political parties because state funding is often used for party organizing, which includes things like secretarial work, office rent, regular meetings, regional visits, and congresses that take place outside of the actual election cycle. expenditure on political marketing, advertising in the mass media, printing billboards, posters, stickers, and so on all add up to campaign expenditure, which is utilized to win the party in elections. This kind of accountability is meant to serve as a deterrence for political parties to stop engaging in corrupt activities that threaten the stability of our democratic system.

Second, any political party that has been sanctioned will be barred from running in the next election. This is the second degree of responsibility. The ultimate purpose of political parties is to participate in and win elections; thus, if a party is sanctioned to not participate in the next election, it will end or even prolong the existence of political parties, making these penalties serious. Such penalties may be imposed on political parties if they are found to have mismanaged state funds, to have engaged in election-related "money politics," or to have otherwise misused public funds. For such punishments to be justified, it is necessary to conduct in-depth research on the size of the percentage of breaches committed by political parties.

Third, the collapse of corrupt political parties. If a political party is found to have committed or received a flow of cash due to corruption, they will face severe penalties. Political parties should prioritize the well-being of their constituents in their planning and action. The cadres who win elections and take office at the national and local levels must prioritize the needs of the people above those of the political parties they represent.

Edmund Burke argued that representatives serve more than just their voters after they are elected. They must act in the community's best interests and not that of a select few.³¹ Because of this, a cadre or candidate from a party who will take a seat of power at the executive or legislative levels will only become a politician for his party while he is still outside the power system, and he will become a servant of the state once he has held the seat of power.

Sanctions in the form of dissolution should be applied to political parties in the future that commit crimes of corruption. The definition of a company was expanded to include political parties in Law 31 of 1999 and Junto Law 20 of 2001, both intended to combat corruption crimes. Corruption of political parties is permitted by law. The primary penalty for violations of the Corruption Crime Act for companies is a fine of up to one-third the amount involved. Further consequences include forfeiture of ill-gotten gains, payment of restitution, closure for up to a year,

³¹ Edmond Burke, "Speech to the Electors of Bristol," *The Founders' Constitution* 20, no. 1774 (n.d.): 446–448.

and the loss of privileges. The formula "closure of companies" is used in the Corruption Crime Law, making it difficult to apply closure provisions to political parties. Evidenced by the transition from self-rule to reform.³²

There are three possible outcomes if political parties were to collapse. The government initiates a suspension action in district court against political parties that have committed infractions. If the government wins this case and there is no further appeal, the Constitutional Court will be asked to dissolve the political party. Second, the government may petition the Constitutional Court to dissolve a political party that has violated the law. Third, even if a political party is found to have violated the law, the government may still seek to have it suspended by appealing the case to the Constitutional Court. Dissolution of political parties may occur for several reasons, including violations of law (such as the Corruption Crime Act).³³

D. Conclusion and Suggestion

The reformulation of legislative election laws in Indonesia to realize Pancasila democracy involves several key steps. Firstly, enhancing the Parliamentary Threshold (PT) electoral system to safeguard voters' rights is crucial. By establishing criteria for creating factions in the People's Representative Council, rather than relying on PTs, which can undermine people's sovereignty, a more effective structure can be implemented. This may involve setting the threshold for parties to create factions in the DPR at 10-15% of the total seats to ensure a manageable number of groups, facilitating efficient governance and clear political polarization. Secondly, increasing state support for political parties, conducting financial audits, and promoting transparency in election campaign funding through media disclosure can enhance financial management within political parties. These measures aim to combat money politics and party corruption, aligning with the principles of Pancasila democracy. Thirdly, holding political parties accountable is essential. Sanctions against corrupt parties should be as stringent as those against individuals. Strengthening state support for parties should be accompanied by improved financial transparency and accountability mechanisms. As pillars of Pancasila democracy, political parties should prioritize welfare and social justice, necessitating robust accountability measures in cases of fund misappropriation or corruption. Legislators can enact concrete steps to reformulate legislative election laws in Indonesia towards realizing Pancasila democracy. This may involve replacing the Parliamentary

³² Zainal Arifin Mochtar, "Pertanggungjawaban Partai Politik Yang Melakukan Tindak Pidana Korupsi," *Mimbar Hukum* 31, no. 2 (2019): 157, <https://doi.org/10.22146/jmh.29199>.

³³ Ibid.

Threshold clause with thresholds for group formation in future election legislation, incorporating provisions for regular disclosure of election funding and campaign activities through online media, and including regulations for imposing severe penalties on parties engaged in electoral fraud and malpractices like money politics and clientelism. These legislative actions are essential to strengthen the electoral system and uphold the democratic values enshrined in Pancasila.

REFERENCES

- Aspinall, Edward, and Ward Berenschot. *And , Democracy for Sale, Pemilu, Klientelisme, Dan Negara Di Indonesia*. Jakarta: Yayasan Pustaka Obor Indonesia, 2019.
- Bachmid, Fahri...et.al. “Un-Accountable Political Party Xyz: Is the Bridge Towards Corruption?” *The International Journal of Accounting and Business Society* (2022).
- Boräng, Frida, Marina Nistotskaya, and Georgios Xezonakis. “The Quality of Government Determinants of Support for Democracy.” *Journal of Public Affairs* 17 (2017): 1–2. <https://doi.org/10.1002/pa.1643>.
- Burke, Edmond. “Speech to the Electors of Bristol.” *The Founders’ Constitution* 20, no. 1774 (n.d.): 446–448.
- Carreras, Miguel, and Sofia Vera. “Do Corrupt Politicians Mobilize or Demobilize Voters? A Vignette Experiment in Colombia.” *Latin American Politics and Society* 60, no. 3 (2018): 77–95. <https://doi.org/10.1017/lap.2018.25>.
- Desipradani, Gita, and Fauzie Senoaji. “Financial Aid Accountability and Transparency Partai Amanat Nasional East Java.” Last modified 2023. https://doi.org/10.2991/978-2-38476-022-0%5C_23.
- Habib, Mustafa. “Kiblat Negara Demokrasi Dari Berbagai Refresentasi (Kajian Pemilu Indonesia).” *Jurnal Berbasis Sosial* 1, no. 1 (2020): 1–23.
- Hanifah, Syifa. *Maju Lewat Partai Kecil, 5 Tokoh Populer Ini Terancam Gagal Ke DPR*, 2019.
- Hardiman, F Budi. *Demokrasi Deliberatif Menimbang Negara Hukum Dan Ruang Publik Dalam Teori Diskursus Jurgen Habermas*. Yogyakarta: Kanisius, 2009.
- Hellmann, Olli. “Electoral Reform in Asia: Institutional Engineering against ‘Money Politics’.” *Japanese Journal of Political Science* 15, no. 2 (2014): 275–298. <https://doi.org/10.1017/S1468109914000073>.
- Isra, Saldi. *Pemilu Dan Pemulihan Daulat Rakyat*. Jakarta: Themis, 2017.
- Latif, Yudi. *Negara Paripurna: Historisitas, Rasionalitas, Aktualitas*. Jakarta: Gramedia Pustaka Utama, 2011.
- Listiya, Lita Tyesta Addy Wardhani, Farid Ibrahim, and Adissya Mega Christia. “Koherensi Sistem Pemilihan Kepala Daerah Di Indonesia Terhadap Nilai-Nilai Demokrasi Pancasila.” *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (n.d.): 305–318.

<https://doi.org/10.14710/jphi.v2i3.305-318>.

M.D. Mahfud. *Dasar Dan Struktur Ketatanegaraan Indonesia*. Jakarta: Rineka Cipta, 2001.

Mahfud, M.D. *Hukum Dan Pilar-Pilar Demokrasi*. Yogyakarta: Gama Media, 1999.

Al Marsudi, Subandi. *Pancasila Dan UUD 1945 Dalam Paradigma Reformasi*. Jakarta: Raja Grafindo Persada, 2012.

Mochtar, Zainal Arifin. "Pertanggungjawaban Partai Politik Yang Melakukan Tindak Pidana Korupsi." *Mimbar Hukum* 31, no. 2 (2019): 157. <https://doi.org/10.22146/jmh.29199>.

Oktaryal, Agil. "Mengkaji Ulang Ikhtiar Penguatan Sistem Presidensial Melalui Penerapan Ambang Batas Parlemen (Parliamentary Threshold) Dalam Pemilihan Umum Di Indonesia." In *Konferensi Nasional Hukum Tata Negara Ke-5*, 6–7. Batusangkar, 2018.

Prasetyo, Teguh. *Pembaharuan Hukum Prespektif Teori Keadilan Bermartabat*. Malang: Setara Press, 2017.

Pratama, Heroik Mutaqin. *Reformasi Keuangan Partai Politik*. Jakarta: Kompas, 2017.

Prawira, Syailendra Anantya. "Election Violation and Election Law Enforcement in General Election in Indonesia." *Jurnal Hukum Volkgeist* 4, no. 1 (2019): 25–34. <https://doi.org/10.35326/volkgeist.v4i1.424>.

Rochamdi, Nur Wahyu. *Kewarganegaraan 2*. Jakarta: Ghalia Indonesia, 2007.

Salmah, St..et.al. "Un-Accountable Political Party Xyz: Is the Bridge Towards Corruption?" *The International Journal of Accounting and Business Society* (2021). <https://doi.org/10.21776/ub.ijabs.2021.29.1.6>.

Sistyawan, Dwanda Julisa. *Pelaksanaan Pemilihan Umum Legislatif Dalam Sistem Ketatanegaraan Republik Indonesia*. Yogyakarta: Komojoyo Press, 2021.

Susanto, Mei. "Model Alternatif Pendanaan Partai Politik." *Kajian* 22, no. 3 (2017): 221–240. <https://doi.org/10.22212/kajian.v22i3.1514>.

Syawawi, Reza. "Memutus Oligarki Dan Klientlisme Dalam Sistem Politik Indonesia Melalui Pembaharuan Pengaturan Pendanaan Partai Politik Oleh Negara." *Jurnal Legislasi Indonesia* 18, no. 1 (2021): 139–152.

Wahyuni, Sri et.al. "Empowerment Of Anti-Money Political Villages To Create Elections With Integrity." *International Journal Of Community Service* 3, no. 2 (2023): 110–114. <https://doi.org/10.51601/ijcs.v3i2.186>.

Wardani, Raden Siti Rachmah. "Regional Representative Council in the Indonesian State Governance System: A Study of the Bicameral System." *SIGN Jurnal Hukum* 5, no. 1 (2023): 1–16. <https://doi.org/10.37276/sjh.v5i1.228>.

Wisnaeni, Fifiana, and Ratna Herawati. "The Politics of Law of Pancasila-Based Democracy in Indonesia as the World's Third Largest Democracy." *Academic Journal of Interdisciplinary Studies* (2020). <https://doi.org/10.36941/ajis-2020-0059>.

Wuttke, Alexander, Konstantin Gavras, and Harald Schoen. "Have Europeans Grown Tired of Democracy? New Evidence from Eighteen Consolidated Democracies, 1981–2018." *British Journal of Political Science* 52, no. 1 (2022): 416–28. <https://doi.org/10.1017/S0007123420000149>.