

INTERNAL TRANSPARENCY OF POLITICAL PARTIES UNDER INDONESIAN POLITICAL PARTY LAW: A RULE OF LAW PERSPECTIVE ON LAW NUMBER 2 OF 2011

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Abstract

Internal transparency constitutes one of the fundamental principles for strengthening democratic governance and the rule of law within political parties. Despite the enactment of Law Number 2 of 2011 concerning Political Parties, persistent concerns remain regarding the implementation of transparent decision-making, democratic political recruitment, and accountable financial management. This study aims to examine the extent to which Law Number 2 of 2011 regulates the internal transparency of political parties and evaluates its conformity with the principles of the rule of law. This research employs normative legal research using statutory and conceptual approaches. Legal materials consist of primary and secondary legal sources analyzed through qualitative legal interpretation. The findings indicate that Law Number 2 of 2011 has established a comprehensive legal framework governing internal transparency through provisions on internal decision-making, political recruitment, and financial accountability. Nevertheless, the effectiveness of these provisions remains constrained by weak institutional enforcement, limited public oversight, and political culture that has not fully embraced democratic accountability. This study contributes by proposing that strengthening internal transparency requires not only regulatory improvement but also institutional supervision and the development of democratic political culture to reinforce constitutional democracy and the rule of law in Indonesia.

Keywords: *Political Parties; Internal Transparency; Rule of Law; Democratic Governance; Political Party Law.*

I. INTRODUCTION

Political parties constitute one of the principal institutions of constitutional democracy because they function as the primary channel through which citizens participate in political representation, leadership recruitment, and public policy formulation. Consequently, the quality of

democracy is closely associated with the quality of internal governance within political parties. In recent years, however, various issues concerning opaque decision-making, elite domination, internal conflicts, weak financial accountability, and non-transparent candidate recruitment have raised significant concerns regarding the institutional integrity of

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political parties in Indonesia. These challenges indicate that democratic legitimacy cannot be achieved solely through competitive elections but also requires transparent and accountable governance within political parties themselves.

Indonesia is a country that adheres to a democratic system. Miriam Budiardjo explained that the state is an integration of political power, namely the main organization that is the center of the implementation of power. The state is also understood as an instrument (agency) of society that has the authority to regulate relationships between individuals in social life as well as to organize and control various symptoms of power that arise in society¹. Every democratic state must guarantee the administration of the state based on the law called the democratic law state (*demokratische rechtsstaat*).² Through democracy, every citizen is given the obligation to exercise political rights in order to determine the sustainability of the State, including Indonesia which is a democratic state based on the rule of law. According to Siti Hasanah,³ In the state of law, all state

institutions are based on authority derived from the law and all things are regulated in the law, including the democratic process in Indonesia.⁴ In a democracy, the people have an important role because the highest sovereignty is in the hands of the people.⁵ And Pancasila as the ideology of the State is not just a philosophical doctrine, constitutional symbolism, but as a guide for the formation of political parties and the implementation of general elections.

General elections for democratic countries are an important agenda and a political mechanism that can accommodate good competition between political parties or election participants. Conceptually, the electoral system is interpreted as an instrument to translate votes in elections into seats won by parties and candidates that greatly determine how quality elections are realized. Furthermore, the electoral system is to convert votes in a general election into seats won by parties and candidates.⁶

The election system determines the pattern of political parties that determine

¹ Dewi Asmawardhani, Nurjannah Septyanun, et.al, *Hukum Kepemiluan*, Cet.1 (PT. Literasi Nusantara Abadi Grup, 2024), pg. 1

² Yusdiyanto Yusdiyanto, 'Makna Filosofis Nilai-Nilai Sila Ke-Empat Pancasila Dalam Sistem Demokrasi Di Indonesia', *FIAT JUSTISIA: Jurnal Ilmu Hukum*, 10.2 (2017), 259–72 <<https://doi.org/10.25041/fiatjustisia.v10no2.623>>.

³ Siti Hasanah and Idea Islami Parasatya, 'Pengawasan Ombudsman Dalam Penyelenggaraan Pelayanan Publik Berdasarkan Undang-Undang Nomor 25 Tahun 2009', *Media Keadilan: Jurnal Ilmu Hukum*, 10.1 (2019), 33 <<https://doi.org/10.31764/jmk.v10i1.1102>>.

⁴ A. Rohman, 'Sisi Positif Dan Negatif Demonstrasi Pada Negara Demokrasi Dimasa Pandemi', *Binamulia Hukum*, 9.2 (2020), 153–170.

⁵ and S. Danmadiyah S. Insiyah, X. Nugraha, 'Pemilihan Kepala Daerah Oleh Dewan Perwakilan Rakyat Daerah: Sebuah Komparasi Dengan Pemilihan Secara Langsung Oleh Rakyat', *Supremasi Huk. J. Penelit. Huk.*, 28.2 (2019), 163.

⁶ Jovano Deivid Oleyver Palenewen and Murniyati Yanur, 'Penerapan Sistem Pemilu Di Indonesia Pasca Reformasi', *Wacana: Jurnal Ilmu Sosial Dan Ilmu Politik Interdisiplin*, 9.2 (2022), 502–20 <<https://doi.org/10.37304/wacana.v9i2.7766>>.

political parties in the authority to recruit, control and manage their representatives in parliament and have strong implications for the political culture of political parties. Indra Pahlevi in his article entitled Dynamics of the Transitional Election System in Indonesia stated that the election results have not shown the completion of the debate on the electoral system that is suitable for use because it still produces many political parties in parliament which results in ineffective parliamentary performance.⁷

This reality often experiences contradictions because political parties are not only a matter of function and position, but also interests. Political parties must strategize and secure their influence in facing challenges internally and externally. Political parties are often preoccupied with the never-ending agenda of reconciliation and consolidation. Political interests even obscure ideologies and programs that should be the main platform to increase electability. Some political parties are still busy with the work of easing internal conflicts such as the succession of political party chairmen, the determination of recommendations for national and regional leader candidates, and the distribution of the

distribution of serial numbers and constituencies for legislative candidates.⁸ So that it also affects the perception index of the party, even though political parties are the main subject of the democratic system, but it is not uncommon to have to appear democratic and conflictual due to the resistance of interests.⁹ As a result, trust in the government is low due to the many government agendas that have not satisfied the public, this is also very determined by the face of political parties as government shapers.

In such a position, political parties should appear to give a positive impression to all citizens. The number of corruption cases that hit political party elites has greatly affected the trust (trust). As part of the democracy indicator, the corruption index is also influenced by how democratization takes place within political parties. A report by Transparency International Indonesia (TII) released the corruption perception index (GPA) in 2020, placing Indonesia in 102nd place out of 180 countries. One of the factors is in the political field.¹⁰ The decline of democracy contributed to *varieties of democracy* illustrates that corruption is still

⁷ Indra Pahlevi, 'Dinamika Sistem Pemilu Masa Transisi Di Indonesia', *Politica*, 5.2 (2014), 111–35.

⁸ Fatni Erlina, 'Dinamika Sistem Pemilu Dan Demokratisasi Partai Politik Di Indonesia Pasca Reformasi', *Kosmik Hukum*, 23.2 (2023), 200 <<https://doi.org/10.30595/kosmikhukum.v23i3.16640>>

⁹ Maria Madalina dan Alan Adityanta, 'Analisa Terhadap Mekanisme Penyelesaian Konflik Internal

Partai Politik Ditinjau Dari Prinsip Demokrasi', *Res Publika: Jurnal Hukum Dan Kebijakan Publik*, 1.1 (2017), 1–23.

¹⁰ 'Ardito Ramadhan, "Indeks Persepsi Korupsi Indonesia Pada 2020 Turun Jadi 37, Peringkat 102 Di Dunia", <https://nasional.kompas.com/read/2021/Indeks-Persepsi-Korupsi-Indonesia-Pada-2020-Turun-Jadi-37-Peringkat-102-v-Di-Diakses-24/08/2025/>'.

dominant and occurs deeply in the political system in Indonesia.

These conditions demonstrate that the issue of internal transparency is no longer merely an organizational matter within political parties but has evolved into a constitutional issue directly affecting democratic governance and the rule of law. Weak transparency in internal party management potentially undermines public trust, limits political participation, and weakens the accountability of representative institutions. Therefore, evaluating the adequacy of Indonesia's legal framework governing internal transparency has become increasingly important in strengthening democratic institutions.

Previous studies have primarily examined political parties from the perspectives of electoral systems, political institutionalization, internal conflicts, and party financing. Studies by Erlina (2023) emphasize the relationship between electoral systems and political party democratization, while Thohir (2017) discusses the dynamics of political parties in strengthening democratic governance. Other studies focus on corruption, accountability, and political recruitment within political organizations. Nevertheless, these studies generally analyze political parties from institutional or political perspectives without specifically examining the legal framework governing internal transparency under Law

Number 2 of 2011 from the perspective of the rule of law.

Despite the growing body of literature on political party governance, limited attention has been devoted to examining whether the legal framework established by Law Number 2 of 2011 adequately guarantees internal transparency in accordance with the principles of the rule of law. Existing studies rarely integrate legal analysis concerning decision-making, political recruitment, and financial accountability into a comprehensive framework of constitutional democracy. Accordingly, there remains a significant research gap concerning the effectiveness of legal regulation in promoting transparent internal governance of political parties.

Unlike previous studies, this article does not merely evaluate political party practices but analyzes the legal architecture governing internal transparency through the perspective of the rule of law. The novelty of this research lies in integrating three essential dimensions of political party governance—decision-making, political recruitment, and financial accountability—into a unified legal analysis aimed at strengthening constitutional democracy and democratic governance in Indonesia.

Based on these considerations, this study aims to analyze the regulation of internal transparency under Law Number 2 of 2011 concerning Political Parties, evaluate its conformity with the principles of the rule of

law, and formulate recommendations for strengthening transparent and accountable political party governance in Indonesia.

II. RESEARCH METHODS

This study employs normative legal research (doctrinal legal research) to examine the legal framework governing the internal transparency of political parties in Indonesia.¹¹ Normative legal research is appropriate because the study focuses on analyzing legal norms, statutory provisions, legal doctrines, and constitutional principles regulating political party governance, particularly those stipulated in Law Number 2 of 2011 concerning Political Parties. The research seeks to evaluate whether the existing legal framework adequately reflects the principles of the rule of law, democratic governance, and institutional accountability.

The research adopts two complementary approaches. First, the statutory approach is employed to examine constitutional and legislative provisions concerning political parties, including the 1945 Constitution of the Republic of Indonesia, Law Number 2 of 2011 concerning Political Parties, and other relevant regulations governing political institutions. Second, the conceptual approach is applied to analyze legal doctrines and theoretical

perspectives relating to the rule of law, democratic governance, transparency, accountability, and political party institutionalization. These approaches enable a comprehensive assessment of the consistency between legal norms and the theoretical foundations of democratic constitutionalism.¹²

The legal materials used in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include the Constitution, statutory regulations, and official legal documents governing political parties. Secondary legal materials comprise books, peer-reviewed national and international journal articles, legal commentaries, and previous research discussing political party law, constitutional law, democratic governance, transparency, and accountability. Tertiary legal materials include legal dictionaries, encyclopedias, and official reports that support the interpretation of legal concepts.¹³

Legal materials were collected through library research by systematically identifying, classifying, and reviewing relevant legal sources. The collected materials were subsequently analyzed using qualitative legal analysis through grammatical, systematic, and teleological interpretation.¹⁴ The analysis was conducted deductively by examining the

¹¹ Muhaimin, *Metode Penelitian Hukum*, cet. I (Mataram: Unram Press, 2020) <www.uptpress.unram.ac.id>.

¹² Ishaq, *Metode Penelitian Hukum Dan Penulisan Skripsi, Tesis, Serta Disertasi*, cet. I (Bandung: Alfabeta, 2017) <www.evalfabeta.com>.

¹³ MH mukti Fajar ND, Yulianto Achmad, *Dualisme Penelitian Hukum Normatif Dan Empiris*, Cet.V (Yogyakarta: Pustaka Pelajar, 2019).

¹⁴ Nurul Qamar dan Farah Syah Reza, *Metode Penelitian Hukum Doktrinal Dan Non-Doktrinal* (Makasa: Cv Social Politic Genius (SIGn), 2020).

relationship between statutory norms, legal theories, and the principles of the rule of law to assess whether Law Number 2 of 2011 provides an effective legal framework for ensuring internal transparency within political parties. This analytical framework also forms the basis for proposing recommendations to strengthen democratic governance and institutional accountability within Indonesia's political party system.

III. RESULTS AND DISCUSSION

The 1945 Constitution of the Republic of Indonesia, subsequently written by the 1945 Constitution of the Republic of Indonesia, formulated the Indonesian state as a constitutional democracy where sovereignty is in the hands of the people, and the rule of law as the principles of the administration of the Indonesian state.¹⁵ Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia states that *"Sovereignty is in the hands of the people and is carried out according to the Constitution"* and paragraph (3) states *"The State of Indonesia is a state of law."* which affirms that the people are the holders of the highest power in Indonesia, and explicitly hints that the law in the Indonesian state normatively has a very basic and supreme

position. However, its implementation is regulated by the constitution (Constitution).¹⁶

The legal basis that regulates political parties in Indonesia is Law Number 2 of 2011 concerning Political Parties, hereinafter abbreviated as the Law. No.2/2011 among others regulates decision-making in political parties, political recruitment, and political party finance in an effort to encourage the creation of democratic and accountable party institutionalization and leadership, as well as encouraging the strengthening of the party base and structure at the community level, when associated with the theory of the state of law that each state of law has a foundation of legal order and is the basis for the validity of action. Because in the state of law there is a belief that state power must be exercised on the basis of good and fair law.¹⁷ The concept of the state of law (*Rechtsstaat or Rule of Law*) is the idea of an ideal form of state, which is always expected by humans to be realized in life.¹⁸

Although Law Number 2 of 2011 establishes the organizational framework of political parties, the regulation of internal transparency remains predominantly procedural. The law specifies organizational structures, decision-making mechanisms, and financial reporting obligations; however, it

¹⁵ Susanto, 'LIPI: Demokrasi Indonesia Dibayangi Oligarki', *Mediaindonesia.Com Diakses Pada 29 Desember 2025*.

¹⁶ Imam Syaukani dan A. Ahsin Thohari, 'Dasar-Dasar Politik Hukum' (Jakarta: Rajawali Pers, 2004), p. 83.

¹⁷ Bernadetha Aurelia Oktavira, 'Pengertian Rule Of Law Dan Penerapannya Di Indonesia', *Https://Www.Hukumonline.Com Diakses Tanggal 20 November 2025*.

¹⁸ Siti Hasanah, *Sistem Pemilu Dan Kualitas Produk Legislati Di Indonesia* (yogyakarta: Genta Publishing, 2016).

provides only limited provisions concerning public access to internal information, participatory decision-making, and effective accountability mechanisms. Consequently, legal compliance is often interpreted as merely fulfilling administrative obligations rather than ensuring substantive transparency. This condition indicates that the existing legal framework has not yet fully operationalized the principles of openness and accountability that constitute essential elements of the rule of law.

The principles that are considered an important characteristic of the State of Law according to Arief Sidharta, Scheltema, formulated his views on the elements and principles of the State of Law in a new way, which includes 5 (five) things as follows:¹⁹

1. Recognition, respect, and protection of human rights that are rooted in respect for human *dignity*.
2. The enactment of the principle of legal certainty. The State of Law aims to ensure that legal certainty is realized in society. Law aims to realize legal certainty and high predictability, so that the dynamics of coexistence in society are '*predictable*'. The principles contained in or related to the principle of legal certainty are:
 - a) The principles of legality, constitutionality, and the rule of law;

- b) The principle of law establishes various sets of regulations on the way in which the government and its officials carry out governmental actions;
 - c) The principle of non-retroactivity of legislation, before binding a law, must first be promulgated and announced properly;
 - d) The principles of a free, independent, impartial, and objective, rational, fair and humane judiciary;
 - e) The principle of non-liquet, the judge should not reject the case for the reason that the law does not exist or is unclear;
3. Human rights must be formulated and guaranteed protection in laws or the Constitution.
 4. The Enactment of Equality (*Similia Similius* or *Equality before the Law*). In the State of Law, the Government may not privilege a particular person or group of people, or discriminate against a particular person or group of people. In this principle, it is contained
 - a) the guarantee of equality for all persons before the law and government, and
 - b) the availability of a mechanism to demand equal treatment for all citizens.

¹⁹ B. Arief Sidharta, 'Kajian Kefilsafatan Tentang Negara Hukum', *Jentera (Jurnal Hukum)*, "Rule of

Law", *Pusat Studi Hukum Dan Kebijakan (PSHK)*, 3.2 (2004), 124–25.

5. The principle of democracy where everyone has the same right and opportunity to participate in government or to influence government actions. For this reason, the principle of democracy is realized through several principles, namely:

- a) The existence of a mechanism for the election of certain public officials that are direct, public, free, confidential, honest and fair which is held periodically;
- b) The government is responsible and can be held accountable by the people's representative body;
- c) All citizens have the same possibility and opportunity to participate in the political decision-making process and control the government;
- d) All government actions are open to criticism and rational scrutiny by all parties;
- e) Freedom of opinion/belief and expression of opinions;
- f) Freedom of the press and information traffic;
- g) Draft laws must be published to allow for effective citizen participation.

6. The Government and Officials carry out their mandate as public servants in order

to realize the welfare of the community in accordance with the goals of the state concerned. This principle contains the following:

- a) The general principles of proper insurrection;
- b) The fundamental conditions for the existence of human beings with human dignity are guaranteed and formulated in laws and regulations, especially in the constitution;
- c) The government must rationally organize each of its actions, have clear and successful goals (*doelmatig*). This means that the government must be held effectively and efficiently.

A state of law is not just a country that has laws. But a system built on the principle of the rule of law (*Supremacy of Law*) which rests on the constitution and laws and regulations. According to Jimly Ashiddiqie.²⁰ All problems are solved by the law as the supreme guideline which in essence the real supreme leader of the state is not a man, but a constitution that reflects the supreme law. In line with his opinion, Albert Van Dicey stated that *the Supremacy of law* that has the highest power in a country is law (rule of law). While Stahl argues that the concept of the state of law called *reschstaat* includes an important element that the administration of government

²⁰ Jimly Ashiddiqie, *Constitution and Constitutionalism in Indonesia* (Jakarta: Secretariat General and Constitutional Court Clerkship, 2006).

is based on law.²¹ Meanwhile, according to Sri Soemantri, one of the most important elements of the state of law is that the government carries out its duties and obligations must be based on laws or laws and regulations.²² In the formation of a democratic state of law, the existence of political parties is an important asset.²³ Therefore, political parties must be run on the basis of the State constitution and the law.

From the perspective of the rule of law, internal transparency should not be viewed merely as an ethical standard but as a legal obligation that guarantees accountability, equality, and public participation. Political parties exercise public functions by nominating legislative candidates, recruiting political leaders, and influencing public policymaking. Therefore, transparency in internal governance directly affects the legitimacy of democratic institutions. The findings of this study indicate that Law Number 2 of 2011 has recognized transparency in a formal sense but has not established sufficiently effective legal mechanisms to enforce compliance or provide sanctions for non-transparent internal practices. As a result, the implementation of transparency largely

depends on the willingness of political parties rather than on enforceable legal obligations.

According to the country's Constitution, the strengthening of the position of political parties has a source of postulate in article 28 of the 1945 Constitution that the statement of association and gathering is the most valuable instrument for the people who want to give a broader role to the interests of the state, namely by forming political parties as a pillar of democracy. The position of political parties that are pillars of democracy affects the quality of democracy itself.²⁴ The role of political parties in the development of a country determines the direction of democracy and is an inseparable part of the modern democratic system. The better the role of political parties and the optimal functioning, the better quality democracy will be, and vice versa. The challenge is how to organize political parties and make them function democratically.²⁵

In Indonesia, political parties are the main pillar.²⁶ This can be seen in the system of government in Indonesia where the main control of the state is in the hands of the executives, namely the President and Vice President. Meanwhile, the existence of the President and Vice President who were

²¹ Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme di Indonesia*, (Jakarta: Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi, Cet. I, 2006), hlm. 122.

²² Sri Soemantri, *Bunga Rampai Hukum Tata Negara Indonesia*, (Bandung : Alumni, 1992), hlm. 29.

²³ Muhammad Thohir, 'Dinamika Partai Politik Indonesia Untuk Membangun Negara Hukum Indonesia Yang Demokratis', *Jurnal Studi Sosial Dan Politik*, 1.2 (2017), 145–54.

²⁴ 'Fungsi Partai Politik Di Indonesia Dan Pentingnya Sistem Integritas', *Https://Aclc.Kpk.Go.Id. Diakses Tanggal 20 November 2025*.

²⁵ Thomas Meyer, 'Peran Partai Politik Dalam Sebuah Sistem Demokrasi: Sembilan Tesis' (jakarta: Friedrich-Ebert-Stiftung (FES) Kantor Perwakilan Indonesia, 2012), p. 26.

²⁶ Andrew Shandy Utama, 'Pengaturan Partai Politik Di Indonesia', *Andrew Law Journal*, 2.2 (2023), 44–52.

nominated previously must be based on the proposal of the political party. In the 1945 Constitution Article 6A paragraph (2) states that "*Presidential candidates and Vice Presidential candidates are proposed by political parties or a combination of political parties*". This means that this right is exclusively owned by political parties called the 1945 Constitution.

Meanwhile, legally, the legal basis that regulates political parties in Indonesia is Law Number 2 of 2011 concerning political parties²⁷ as an amendment to Law Number 2 of 2008, which is expected to provide a more concrete portion related to the role and function of political parties in the state structure. The provisions in the Law related to political parties must of course be amended with the aim of making improvements to political subjects/actors and objects in the Republic of Indonesia in order to create a good understanding of the current rules on political parties and to have a significant impact on the role of political parties in Indonesia. Basically, the formation of political party regulations is aimed at strengthening the ideology of the 1945 Constitution. As for the form of the substance of the existing regulations, political parties are obliged to uphold the sovereignty of

the people in the Unitary State of the Republic of Indonesia.²⁸

The findings of this research are consistent with previous studies emphasizing that internal democracy and transparency constitute essential prerequisites for strengthening political party institutionalization. However, unlike previous studies that primarily discuss political transparency from institutional or political perspectives, this study demonstrates that the legal framework itself contains normative limitations that weaken the implementation of transparency. Accordingly, the present research contributes by positioning internal transparency as a legal issue closely related to constitutionalism and the rule of law rather than solely as a matter of political ethics.

If you look at the general explanation sheet in Law Number 2 of 2011, it will be found that the law requires the establishment of the structuring and improvement of political parties as the main pillar of democracy to realize a democratic political system and be able to support the establishment of an effective presidential system. In its efforts, the arrangement in question is aimed at two things, namely.²⁹

²⁷ Explanation: Law Number 2 of 2011 concerning Political Parties regulates the establishment, management, funding, and function of political parties in Indonesia as organizations formed voluntarily by citizens to fight for political interests and maintain the integrity of the Republic of Indonesia. The law also emphasizes accountability through audited and published financial reporting obligations, as well as

rules on democratic political recruitment and women's representation

²⁸ Primus Supriono, 'Pemilu Sebagai Pintu Kedaulatan Rakyat', *Https://Kab-Klaten.Kpu.Go.Id. Di Akses Tanggal 20 November 2025*.

²⁹ Lihat Penjelasan Atas UU Nomor 2 Tahun 2011 bagian I UMUM

1. Forming the attitudes and behaviors of political parties that are patterned or systemic so that a political culture is formed that supports the basic principles of the democratic system. This is shown by the attitude and behavior of political parties that have an adequate membership selection and recruitment system and develop a strong cadre and political leadership system; and
1. Maximizing the function of political parties, both the function of political parties to the people through political education and cadre and effective political recruitment to produce cadres of prospective leaders who have skills in the political field. Amendments, insertions, and deletions of articles contained in Law Number 2 of 2011 as tabled above immediately delete all provisions of regulations or other articles contained in Law Number 2 of 2008. As described, democracy in Indonesia that runs dynamically does require a change in order to maintain a better stability of the presidential system. Moreover, the changes contained in Law Number 2 of 2011 are more about the main matters regulated in the structuring and improvement of political parties in Indonesia, such as the requirements for the formation of political parties, the requirements for the management of political parties, changes in the AD/ART, recruitment, and political

education, financial management of political parties and the independence of political parties, which will indeed run dynamically from time to time.

Ideally, indeed, a nation built with a democratic political system will certainly produce a good state system. The role of political parties as a pillar of democracy in Indonesia must be established in this situation. Law Number 2 of 2011 is actually in accordance with the mandate of the 1945 Constitution and synergizes with the concept of party management in the modern era. Law No. 2 of 2011 as a form of refinement of Law No. 2 of 2008 has accommodated many important things, ranging from party and organizational membership, recruitment, cadre education and training, political party programs, political communication, democracy, party conflict resolution, women's representation quotas, to political party financing.³⁰ Law Number 2 of 2011 concerning political parties in the internal transparency of political parties has 3 (three) main aspects, namely; Aspects of decision-making, political recruitment and financial of political parties whose provisions are contained in it. As described in general in table 1.

Table 1. Regulations in Decision Making, Political Recruitment and Finance of

³⁰ Deny Kurnia Atmadja, 'Kajian Paradigmatik Mengenai UU No. 2 Tahun 2011 Sebagai Perubahan Atas UU No. 2 Tahun 2008 Tentang Partai Politik Dalam

Perspektif Ketahanan Nasional Di Indonesia.', *Dinamika Hukum*, 3.2 (2022), 80–102.

**Political Parties in Law Number 2 of 2011
concerning Political Parties**

No.	Transparency Pattern	Article	Description
1.	Decision Making	27	Political party decision-making at each level
		28	Decision-making according to the AD/ART of political parties
2.	Political Recruitment	29	Selection and regeneration of candidates for Members, legislatures, regional heads and presidents are democratically selected in accordance with the AD/ART and laws and regulations.
3.	Political Party Finance	34 s/d 35	Financial resources and their management
		36	Prohibition of Certain sources of funds
		37, 38	Financial reporting and auditing

			obligations by public accountants
		39	Transparent financial manager and table accounts

Data Source: Processed from Law Number 2 of 2011 concerning Political Parties

Based on this, it can be seen that the principle of transparency has been explicitly regulated in Law Number 2 of 2011 concerning Political Parties through ten articles spread across several chapters, namely two articles on decision-making, one article related to the recruitment of political parties, and seven articles that regulate political party finances. In addition, there is a delegation of the authority to form regulations to the political party itself in the context of the preparation of the Articles of Association/Bylaws (AD/ART), which is a direct mandate of the political party law.

Thus, there are two institutions that issue rules regarding political parties. First, the state through its products in the form of laws and regulations as stipulated in Law No. 2 of 2008 concerning Political Parties (No. 2/2008) and Law No. 2/2011. Second, the internal of the political party itself through the AD/ART of

the political party.³¹ Based on article 1 number 2 of Law No. 2/2011 which is referred to as the Articles of Association of Political Parties, hereinafter abbreviated as AD, is the basic regulation of political parties, while the Household of Political Parties, hereinafter abbreviated as ART, is a regulation formed as an elaboration of the AD.

The effectiveness of legal regulation should not be measured solely by the existence of statutory provisions but also by their practical implementation and enforceability. Although Law Number 2 of 2011 provides legal obligations concerning organizational governance and financial accountability, empirical developments indicate that internal decision-making processes remain highly centralized, financial disclosure is often limited, and public oversight mechanisms remain weak. These circumstances suggest that the current regulatory framework has yet to achieve substantive transparency capable of strengthening democratic governance.

Comparative legal experience demonstrates that several democratic countries have established stronger legal mechanisms to ensure internal transparency within political parties. Germany, for instance, requires political parties to publish audited financial reports and guarantees transparent internal elections under the *Political Parties Act* (*Parteiengesetz*). Likewise, the United

Kingdom imposes strict reporting obligations through the Electoral Commission, enabling effective public oversight of party finances and organizational activities. Compared to these jurisdictions, Indonesia's legal framework remains relatively limited in providing enforceable transparency standards and independent supervisory mechanisms. This comparison indicates the need for regulatory reform to strengthen democratic accountability.

AD/ART of a political party is also called a party constitution, which is a form of official laws and rules that regulate ethics and procedures of organizational behavior as if all members of a certain political party function as the basis of the law and the party's constitution in carrying out organizational activities. Thus, the provisions regarding AD/ART can be understood as the operational implementation of the law, so that the AD/ART of political parties has a position as applicable laws and regulations within the internal scope of political parties. The ideality of the above legal instruments is a guarantee of the principles of constitutional democracy, and internally can strengthen the democratization of political parties.

Based on the findings of this research, strengthening internal transparency requires an integrated governance model consisting of four interrelated elements: (1) transparent

³¹ Seftia Azrianti at al, 'Protection of Political Parties from Political Party Personalization', *DIMENSION*, 9.3 (2020), 600.

internal decision-making procedures; (2) merit-based and publicly accountable political recruitment; (3) mandatory disclosure of audited financial reports; and (4) effective institutional supervision involving electoral management bodies, public institutions, and civil society organizations. These four components should function simultaneously to ensure that political parties operate consistently with the principles of democratic governance and the rule of law.

This research contributes theoretically by integrating the concepts of internal transparency, democratic governance, and the rule of law into a comprehensive legal framework for political party governance. Practically, the study offers recommendations for strengthening legal regulation through clearer transparency obligations, stronger institutional oversight, and enhanced public participation, thereby supporting more accountable and democratic political institutions in Indonesia.

IV. CONCLUSION

This study concludes that Law Number 2 of 2011 concerning Political Parties has provided a formal legal framework for regulating internal transparency through provisions on organizational governance, political recruitment, internal decision-making, and financial accountability. From the perspective of the rule of law, these provisions demonstrate the state's commitment to establishing legal certainty and institutional

governance within political parties. Nevertheless, the existing legal framework remains predominantly procedural and has not yet ensured substantive transparency capable of strengthening democratic accountability.

The findings further indicate that the implementation of internal transparency is constrained by limited legal enforcement mechanisms, weak institutional supervision, and political practices that continue to prioritize elite interests over participatory governance. Consequently, compliance with transparency obligations largely depends on the internal commitment of political parties rather than on effective legal sanctions or external oversight. This condition weakens public trust and reduces the effectiveness of political parties in performing their constitutional functions within a democratic system.

This research contributes to the development of political party law by demonstrating that internal transparency should be recognized not merely as an organizational principle but as an essential element of the rule of law and democratic governance. The novelty of this study lies in integrating legal certainty, accountability, transparency, and democratic participation into a comprehensive legal framework for evaluating political party governance.

Accordingly, future legal reform should strengthen the regulatory framework governing internal transparency by

introducing clearer legal obligations, independent supervisory mechanisms, mandatory public disclosure of party governance and financial management, and more effective sanctions for non-compliance. These reforms are expected to reinforce democratic accountability, enhance public trust in political institutions, and strengthen constitutional democracy in Indonesia.

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