



## **Ratification of Political Party Management by The Ministry of Law and Human Rights of The Republic of Indonesia (Analysis of The Authority of The Minister of Law and Human Rights in Legalizing The Management of Political Parties)**

Misbahul Munir<sup>1</sup>, Anna Erliyana Chandra<sup>2</sup>

<sup>1</sup>Indonesia University, Jakarta, Indonesia

Correspondence: Misbahul Munir, Indonesia University, Jakarta, Indonesia

Email: misbahulmunir.ali@gmail.com

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### **Abstract:**

Drama over the leadership of political parties is common in Indonesia. Most recently, the drama hit the body of the Democrat Party (Indonesia: Partai Demokrat). Some cadres of the "mercy" party held an Extraordinary Congress (KLB) in Deli Serdang. From this KLB, General Moeldoko (Presidential Chief of Staff) was elected as Chairman of the Democrat Party for the 2021-2025 period, replacing the definitive Chairman of the previous congress, Agus Harimurti Yudhoyono (AHY). As a result, some AHY supporters were inflamed and considered the Deli Serdang KLB invalid because it violated the Democrat Party's Articles of Association and Bylaws (AD/ART). Previously, similar chaos also occurred within other political parties, such as the United Development Party (PPP) and Functional Group Party (Golkar) in 2014-2015. This article uses a juridical-normative research form to dissect several substances relevant to the main topic. The approach used in this research is the case approach. This study finds several problems regarding the ratification of political party management by the Ministry of Law and Human Rights (Kemenkumham), including the strong potential for the Kemenkumham to intervene in the ratification of political party management, as well as their imprudence or lack of caution in various administrative decisions, causing legal uncertainty. The results of this research are to provide additional information to the public regarding the problems and dynamics of authorizing the management of political parties in Indonesia, as well as being a command and control for the Kemenkumham to carry out several its authorities that authorize the management of political parties to be held more professionally and carefully.

**Keywords:** Political party management, authority, ministry of law and human rights

### **1. Introduction**

The state is the manifestation of a political system. Constitutional democracies generally use a democratic political system (Regen, 2006). In a democratic country, general elections are essential to creating a clean and responsible government in certain positions. Miriam Budiharjo said that in most democracies, General elections are considered a symbol and a benchmark of democracy itself (Budiarjo, 2008).

General elections bridge the succession of leadership of a level of government. General elections allow the people's will to be accommodated peacefully following applicable legal provisions. The purpose of accommodating the will of the people is because each general election process is regulated through a detailed framework of rules and regulations as contained in each general election regulation, starting from the level of the Constitution, Law, technical rules, and even post-election dispute resolution techniques.

General elections are also an audit mechanism for the people to implement the duties and obligations of their representatives in Parliament or elected leaders. In line with Harun Alrasid, those general elections are a momentum for audits conducted by the people, especially the people in their electoral districts (Alrasid, 2004).

The active role of every people is one of the basic principles in organizing a democratic state (Thaib, 1993). Theoretically, one of the political infrastructures of citizens is political parties (Martosoewignjo, 2014). In the context of general elections, political parties have a central position as the main electoral locomotive. *Expressis verbis*, the Indonesian Constitution also emphasizes in Article 6A Paragraph (2) of the 1945 Constitution of the Republic of Indonesia that “Candidates for President and Vice President are proposed by a political party or a coalition of political parties participating in the general election before the implementation of the general election.”

As one of the instruments of democracy, the formation of political parties has several objectives. Political parties are built voluntarily based on a common will and ideals to fight for and defend the political interests of members, society, nation, and state, and maintain the integrity of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia (Peraturan Menteri Hukum dan HAM No. 34, 2017).

Ironically, dramatic events such as disputes over the structural management of political parties are like a chronic disease that continues to recur and is ready to hit any political party. This event seems to illustrate the phenomenon of the tip of the iceberg, a term to describe how a democratic institution called a political party is full of turmoil. Internal disputes over political party management are only the smallest visible part.

In Indonesia, the legal basis for the existence of political parties is based on the Law Number 8 of 2008 as an amendment to Law Number 2 of 2008 concerning Political Parties (Undang-Undang Partai Politik, 2008). Recently, the chaotic struggle for the leadership of a political party occurred in the Democrat Party (Indonesia: Partai Demokrat). Some of the party's cadres held an Extraordinary Congress (henceforth KLB- Kongres Luar Biasa) in Deli Serdang Friday, March 5, 2021. Presidential Chief of Staff Moeldoko was elected as Chairman of the Democrat Party for the 2021-2025 period replacing the previous Chairman, Agus Harimurti Yudhoyono (henceforth AHY).

Previously, the United Development Party (henceforth PPP-Partai Persatuan Pembangunan) and Functional Group Party (henceforth Partai Golkar-Partai Golongan Karya) experienced similar turmoil in 2014-2015. Interestingly, in this series of internal political party turmoil, concerns and even accusations from some parties about the Government's intervention efforts always emerged. This concern is undoubtedly based on various reasons, such as the Government is considered to have particular political preferences in each regime, and through the Ministry of Law and Human Rights (henceforth Kemenkumham-Kementerian Hukum dan Hak Asasi Manusia), the Government's authority to authorize the management of political parties is highly strategic as stipulated in Article 23 of the Political Party Law.

## **2. Method**

This research is in the form of juridical-normative. Normative juridical research places law as a system of norms and focuses on the object of legal studies conceptualized as norms. This type of research is conducted by examining library materials and secondary data only in the form of legal materials derived from legislation and other legal knowledge such as doctrine, legal theory, and legal opinion. As for typology, this research is descriptive-analytical. Descriptive-analytical research requires research to contain a description of the problem in a legal event and analyze it using laws and regulations.

## **3. Results and Discussion**

For several reasons, some people doubt that the Kemenkumham can be neutral and objective in resolving the problem of dualism in political party leaders. Based on the implementation of the authority and spectrum of practical politics owned by the Minister of Law and Human Rights (henceforth Menkumham-Menteri Hukum

dan Hak Asasi Manusia), public concerns about the potential for power intervention for political parties are still strong. Therefore, the State is responsible for independently strengthening the institutional construction of political parties without opening the slightest gap for intervention in the future. In addition, the authority of the Kemenkumham in validating the management of political parties must be carried out passively. Namely, the Kemenkumham can only accept the only decision of the Party Court (MP) determined by the Political Party through a legal mechanism. Suppose there is a dispute or dualism of management within a political party. In that case, Kemenkumham does not immediately issue a decision to record changes in political party management until the relevant parties resolve the dispute.

The allegations of the Government's involvement in a series of struggles for political party management seats certainly have a not-so-simple influence on the polarization of political parties in the country and even have significant implications for public distrust of the Government. Public distrust occurs because the Government is already considered to be playing an unfair and unethical power configuration.

Therefore, although this is a logical consequence of various public speculations regarding the Government's political preferences and the strategic position of the Menkumham in authorizing the management of political parties, it must be straightened out so that it does not become a wild ball that triggers a boomerang in the future. For this reason, the author considers it essential first to put forward the following theories as an analytical point to dissect further the substance of the problem of the article's main topic.

### *3.1 Theory of Democracy*

According to Kacung Marijan, democracy is characterized by 3 (three) main requirements, namely the existence of general elections, the participation of the people in government, and the guarantee of civil and political rights by the state to its people (Marijan, 2010). In an ideal setting, democracy places the people in the highest position so that their voices must be considered in all aspects of government, not just during general elections.

Until now, Indonesia still believes democracy is the most relevant political system to adopt. Quoted from Herlambang P. Wiratraman, there are at least several factors that underlie the reasons why Indonesia continues to use democracy as its political system. These factors include:

- a. democracy is believed to minimize the growth of government by cruel and cunning autocrats;
- b. democracy gives the people wider opportunities to determine their leaders;
- c. democracy provides opportunities for people to fight for their rights;
- d. democracy provides the most significant opportunity for the people to determine their alignments;
- e. democracy provides opportunities for relatively higher political equality;
- f. democracy provides the most significant opportunity for the people to determine their alignments;
- g. democracy provides opportunities for relatively higher political equality;
- h. democracy can increase the prosperity of its people (Wiratraman, 2009).

Furthermore, categorically, democracy can be divided into four, namely:

- a. procedural democracy, as proposed by Joseph Schumpeter and Huntington. They assert that democracy that relies on popular participation in elections is a form of democracy that can also be categorized as a minimalist model of democracy;
- b. aggregative democracy as proposed by Robert Dahl, who states that democracy is not sufficiently organized based on participation in elections, but the community must also be involved in shaping the content of laws, policies, and other public actions;
- c. deliberative democracy, as proposed by Dennis Thompson and Amy Gutmann, who think that formulating legislation must be based on logical reasons and following the needs of the people.
- d. participatory democracy. Benjamin Barber revealed that democratic values are based not only on self-government and rule rooted but also on how much people participate in making decisions directly (Wiratraman, 2009).

### *3.2 Theory of Authority*

Authority has an important position in the study of administrative law (Winarno, 2008). The importance of authority makes F.A.M. Stroink and J.G Steenbeek dare to state that it is the core concept of administrative law. Black's Law Dictionary defines "Authority" as legal power, a right to command or to act; the right and power of public officers to require obedience to their orders lawfully issued in the scope of their public duties (Winarno, 2008).

Authority is a formal power, namely power derived from the law, while authority is only about a "spare part" or a specific part of the authority. Normatively, authority is the ability granted by legislation to cause legal consequences (Lotulung, 1994). The authority possessed by government institutions such as Kemenkumham makes them regulate or issue decisions that must be within the scope of their authority and based on applicable law.

Kemenkumham's obligation to guide the scope of their authority based on applicable law has the consequence that the public can challenge them whether their various legal actions and the exercise of their authority are following their authority based on the provisions of laws and regulations (Undang-Undang Administrasi Pemerintahan, 2014). It means that the principle of legality in the implementation of authority is an important principle that should not be ignored (Undang-Undang Administrasi Pemerintahan, 2014).

#### *3.2.1 The Authority of Kemenkumham to Legalize the Management of Political Parties*

The authority of Kemenkumham to legalize the management of political parties is a directive from Article 23 of the Political Parties Law, which states that the management structure resulting from the change in the management of political parties at the central level must be registered with Kemenkumham no later than 30 (thirty) days from the formation of the new management. Furthermore, the new political party management structure will be determined by a ministerial decree no later than 7 (seven) days from receiving the requirements.

In the context of the Democrat Party case, initially, the structure of the Democrat Party management resulting from the Deli Serdang KLB, which established Moeldoko as the elected chairman, was officially registered by Kemenkumham. After that, there were various speculations and concerns among the public regarding the possible attitude of Kemenkumham, especially in terms of giving legality to legitimate management of the Democrat Party.

According to some circles from the AHY camp, Moeldoko is the Chief of Presidential Staff (henceforth KSP-Kepala Staf Kepresidenan), so it is almost sure that his management has a greater chance of being recognized by Kemenkumham as a fellow government agency. Here, their doubts and even disbelief that Kemenkumham can be neutral in resolving the issue of the dualism of the leadership of the Democrat Party are understandable.

This is confirmed by various academic analyses and even historical facts so far, which explain that there has always been a tendency for the Government only to recognize the management of political parties from its group or from groups that are not in opposition and critical of the Government. The conflict over the dualism of the management of PPP and the Golkar Party in 2014 can explain this. At that time, Menkumham, Yasonna H. Laoly showed his favor to the camp that was part of the Government's coalition partners.

On the other hand, it is also worth remembering that these concerns should not be exaggerated because the authority of Menkumham to authorize changes in the management of political parties can only be carried out in normal circumstances or if there is no conflict. If there is a dispute, Menkumham may not issue a decision to record changes in the management of the political party until the dispute is resolved by the relevant Party Court (henceforth MP-Mahkamah Partai). This follows Article 32 of the Political Party Law, which orders that internal political party disputes, including management disputes, must be resolved internally through a political party court or other designation.

Therefore, the basis for Kemenkumham to legalize one of the two management positions in a disputed political party must refer to the decision of the MP. Kemenkumham must not actively make unilateral decisions based on its subjectivity but must be passive, meaning it only gives legality or authorization to the legitimate management based on the MP's decision. It can answer the question of some parties about why in PPP's case, the Decree of the Ministry of Law and Human Rights Number M.HH-07.AH.11.01, which unilaterally legalized one of the management when internally the conflict had not been decided by the MP, caused a polemic so that the Menkumham Decree was then canceled by the Jakarta State Administrative Court (henceforth PTUN-Pengadilan Tata Usaha Negara). The court ordered that the management dispute be resolved by the internal political party or MP first.

Once the MP has issued its decision and determined the winning party, Kemenkumham can directly legalize the political party's management. However, this still leaves the opportunity for parties who object to Kemenkumham's decision to sue it at PTUN. In contrast, the district court can sue dissatisfaction with the MP's decision. This follows Article 33 of the Political Party Law, which states that if internal dispute resolution is not achieved, dispute resolution is carried out through the district court.

As a result, resolving internal political party management disputes is a very long process. Several stages of the settlement must be passed, namely first through the MP. If not satisfied with the MP's decision, the case continues to the district court, and the district court's decision is still open to challenge at the Supreme Court cassation level. Kemenkumham's authority is not the final determinant in this context but only follows up on MP and/or court decisions.

#### a. Golkar Party Conflict Resolution

The peak of the feud between the Abu Rizal Bakrie (Ical) and Agung Laksono (AL) camps occurred at the 2014 Bali National Conference. Ical was elected as Chairman of the Golkar Party by acclamation. In return, the AL camp held the Ancol National Conference, where AL was elected as Chairman of the Golkar Party. Both parties then submitted the new Golkar Party board registration to Kemenkumham.

However, through the Ministry of Law and Human Rights Decree No. M.HH-01.AH.11.01 of 2015, Kemenkumham ratified the general management of the Ancol National Conference version of the Golkar Party Central Executive Board (Indonesia: DPP-Dewan Pengurus Pusat). In response, Ical's camp filed a lawsuit against Jakarta PTUN on March 23, 2015, and the PTUN granted the case (Sengketa Kepengurusan Partai Golkar, 2015). The Ancol National Conference version of the Golkar Party (AL) immediately filed an appeal. After a long time, the PTUN's decision regarding the appeal finally favored the Munas Ancol camp by granting the appeal of the Agung Laksono camp. Furthermore, Ical's camp filed an appeal to the Supreme Court (MA), and the Supreme Court's decision accepted the appeal filed by the Chairman of the Golkar Party from the Bali National Conference (DPP Partai Golkar against Menkumham dan Agung Laksono, 2015).

The Supreme Court panel of judges returned to the original PTUN decision. The Supreme Court's legal reasoning in Decision Number 490 K/TUN/ 2015 stated, "The legal action of the Defendant (Kemenkumham) in issuing the object of the dispute is contrary to the general principles of good governance, especially the principles of accuracy and prudence. When deciding, the defendant should first seek a clear overview of the relevant facts and all the interests of the third parties involved. In the dispute a quo, it is proven that there is still a dispute over the validity of the changes in the management structure of the Golkar Party Central Executive Board. Therefore, the defendant should not have issued the decision of the object of dispute. This dispute is a state administrative dispute as referred to in the PTUN, both in terms of the object and subject of the lawsuit as well as the subject matter in question as specified in Article 1 point 8, Article 1 point 9, Article 1 point 10 and Article 47 as well as Article 53 paragraph (2) of Law Number 5 of 1986 concerning State Administrative Courts as amended several times last by Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning State Administrative Courts. Thus, the PTUN is authorized to examine, decide and resolve this dispute. That Defendant's legal action in issuing the object of the dispute is contrary to the general principles of good governance, especially the principles of accuracy and prudence, because Defendant should

have first sought a clear picture of the relevant facts and all the interests of third parties involved at the time of making the decision. In the dispute a quo, it is proven that there is still a dispute over the validity of the changes in the management structure of Golkar's DPP. Therefore, Defendant should not have issued the decision of the object of dispute. That the delay in the implementation of the decision on the object of the dispute is no longer relevant to be considered at this cassation level because the cassation decision has permanent legal force and must be implemented not only by the parties to the dispute but also generally applicable (*erga omnes*) because the decision of the PTUN is in the context of public law enforcement." (Amaliya & Widodo, 2016)

After that, Minister of Law and Human Rights Yasonna Laoly, on December 30, 2015, officially signed a decree on the revocation of Golkar's management from the Ancol National Conference. However, the revocation of the decree was not accompanied by the ratification of the Bali camp, so there is no definitive Golkar Party management. The Kemenkumham's stance that only revoked the decree of the Ancol National Conference version of Golkar Party's management and did not recognize the Bali National Conference Golkar Party's management has caused an uproar so that Kemenkumham is considered to show an unfair attitude, not even a few parties call it an act of Government intervention against one of the camps. Jamaludin Ghafur, for example, said that this indicates that the Minister of Law and Human Rights is not neutral but is more inclined to side with the Golkar Party management from the Ancol National Conference (Ghafur & Arif, 2017).

b. Conflict Resolution of the United Development Party (PPP)

In the case of PPP, the Ministry of Law and Human Rights Decree Number M. HH-07.AH.11.01 legalized one of the stewardships, even though the MP had not resolved the conflict internally. PTUN later annulled the decree, and the court ordered that the management dispute be resolved first by the PPP internally (Pembatalan SK Menkumham tentang Pengesahan Personalial DPP PPP 2016-2021, 2016).

It is in line with the provisions mentioned earlier that Kemenkumham, as a government party, should not issue any decree if the political parties in dispute have not yet contained the MP's decision. Only after the MP or court issues a binding decision and determines the winning party can Kemenkumham directly legalize the management of a political party.

c. Ratification of the Management of the Democrat Party

In the case of the Democrat Party, Kemenkumham announced the rejection of the Moeldoko version results of the Democrat Party KLB held in Deli Serdang, North Sumatra. The reported KLB results are considered not to meet several requirements, such as the non-completion of administrative requirements, namely the absence of a mandate letter from the Chairmen of the Regional Leadership Council (DPD) and the Governing Council Branch (DPC) of the Democrat party as the legal voting owner. For this reason, the General Chairperson of the Democrat Central Executive Board is still held by AHY, and the dualism of leadership in the Democrat Party ends.

Kemenkumham's stance was conveyed directly by Menkumham, Yasonna H. Laoly in a virtual press conference accompanied by the coordinating minister for political, legal and security affairs (Indonesia: Menko Polhukam-Menteri Koordinator Politik Hukum dan Keamanan), Mahfud MD on Wednesday, March 31, 2021. Kemenkumham said that the examination and verification were carried out following Permenkumham Number 34 of 2017 concerning Procedures for the Establishment of Legal Entities, AD/ART amendment, and Changes in Management of Political Parties. This examination was carried out on March 16, 2021, after receiving a letter from Moeldoko and Jhonny A. Marbun dated March 15, 2021, numbered 1/DPP.PD-06/III/2021, which submitted a request for ratification of the results of the Democrat Party KLB in Deli Serdang.

From the first stage of examination and verification, Kemenkumham submitted a letter-number AHU.UM.01.01-82 dated March 19, 2021, which essentially notified the Deli Serdang KLB to complete the required documents. Regarding this letter, KLB Deli Serdang organizers submitted several additional documents on March 29, 2021.

Kemenkumham has also given a sufficient time limit of seven days to complete the requirements as stipulated in Permenkumham No. 34 of 2017. Based on the examination results, Kemenkumham finally announced rejecting the Moeldoko version of the Democrat Party KLB because the administrative requirements were incomplete. Regarding this, Yasonna invited the Deli Serdang KLB to file a lawsuit in court if they felt the AD/ART were not following the Political Party Law.

### *3.2.2 Problems in the Ratification of Political Party Management by the Ministry of Law and Human Rights*

#### *a. Strong Intervention Potential*

As mentioned, the potential for Kemenkumham's intervention in ratifying political party management can be seen in the PPP and Golkar Party cases in 2014-2015. In the PPP case at that time, the PTUN verdict officially accepted the lawsuit of the Djan Faridz (PPP camp) and canceled the Kemenkumham Decree that legalized the Romahurmuzy camp's PPP structure, which was intended to correct the Kemenkumham Decree. The PTUN canceled the Kemenkumham Decree obtained by Romahurmuzy's party.

In his verdict, the Chairman of the Panel of Judges, when reading the verdict in the courtroom of the PTUN, East Jakarta, Wednesday, February 25, 2015, stated, "granting the plaintiff's lawsuit is accepted in its entirety, then canceling the Decree of the Minister of Law and Human Rights No. M.HH-07.AH.11.01 Year 2014". The panel of judges considered that the lawsuit occurred because the defendant, namely Kemenkumham, intervened in the internal conflict of political parties. The defendant's attitude was not careful and cautious and caused legal uncertainty (PPP (Djan Faridz) against Menkumham dan PPP (Muhammad Romahurmuzy), 2017).

#### *b. Minister as a Political Position*

The dynamic national political climate surrounding the implementation of the Indonesian presidential system is influenced by many factors, including the structural arrangement of the cabinet that assists the elected President for one period. Determining the cabinet's composition in the Indonesian presidential system of government is the prerogative authority of the President as contained in Article 22 of Law of the Republic of Indonesia Number 39 of 2008 concerning State Ministries. This law is a further elaboration of Article 17, paragraphs (1), (2), (3), and (4) of the 1945 Constitution.

This law contains all matters relating to the position, duties, functions, composition, formation, alteration, merger, and separation of ministries. In addition, there is also an explanation of their relationship with non-ministerial institutions. Ministers as elements of state administrators have an essential role in realizing the objectives of the state as mandated in the Preamble of the 1945 Constitution of the Republic of Indonesia. The purpose of the state is to protect all the people of Indonesia and all the independence and the land that has been struggled for, to improve public welfare, to educate the life of the people, and to participate in the establishment of a world order based on freedom, perpetual peace, and social justice. Therefore, since the proclamation of independence on August 17, 1945, the Government of the Republic of Indonesia has been determined to carry out state governance functions toward the aspired goals.

However, despite being the full authority of the President, filling ministerial positions in the cabinet cannot be separated from the services and political considerations of the winning party in the elections. The position of a political party or coalition of political parties that nominate the elected President has a powerful bargaining position in the preparation of the President's government structure through the cabinet (Syaputra, 2020). After the implementation of the 2014 presidential election, the elected President, Ir. Joko Widodo formed the Working Cabinet (Indonesia: Kabinet Kerja), which was announced on October 26, 2014. The composition of the Working Cabinet is filled with professionals and cadres of the political parties that support him. Based on their backgrounds, 14 ministers (41%) came from political parties, although there were still 20 ministers (59%) who came from professionals.

In his second term, President Joko Widodo, during the campaign period at that time, said that the portion for ministers from professionals would be more, namely around 55%, and for political parties as much as 45%. In fact, in the first year, the number of professional ministers was 53%, and ministers from political parties were

47%. (Damarjati, 2019) It means that although this is the President's prerogative, it indicates that the President is held hostage by various entrustments of the interests of his powerful supporting parties.

### *3.2.3 Reconstructing the Authority to Authorize the Management of Political Parties*

To this day, there are still many other problems within political parties that must be resolved. As described in the previous sub-discussion, ideally, the authority of the Kemenkumham in validating the management of political parties is carried out passively. Namely, Kemenkumham can only accept the only decision of MP determined by the Political Party through a legal mechanism.

If there is a dispute or dualism in the management of a political party, Menkumham does not immediately issue a decision to record changes in the management of a political party until the dispute is resolved first by the relevant parties. In this context, although there is still an opportunity for aggrieved parties to file a lawsuit against the PTUN against the Menkumham's decision and a lawsuit to the District Court against the MP's decision, at least the Menkumham has positioned itself neutrally and objectively in exercising its authority.

On the other hand, based on the exercise of authority and the practical political spectrum that Kemenkumham has had so far, public concerns about the potential for power intervention for political parties are still strong. Therefore, the State is responsible for independently strengthening the institutional construction of political parties without opening the slightest gap for intervention in the future. Political parties are the only vanguard of implementing electoral democracy. Its central and strategic position in supporting democracy requires the commitment of all parties to create impartiality and institutional independence for political parties.

## **4. Conclusion**

Conflict can mature a country's democratic experience. Internal political party conflicts can encourage the consolidation of a more mature democracy. However, the conflict emergence is also often a trigger factor for the democratic destruction order that has been built. Only well-institutionalized political parties can carry out their role as pillars of democracy.

One of the factors that cause frequent disputes over political party management is the laxity of the rules regarding party structural changes, such as the election of the general chairperson, including the lack of clarity regarding the organization of KLB and the status of the MP. The existing law leaves these matters regulated in the AD/ART of each political party so that they can be easily manipulated for the short-term interests of a handful of party elites.

As a result, the legal policy of the Law on Political Parties, which leaves the succession of the political party leadership to be regulated internally, is a dilemma. On the other hand, the attitude of Kemenkumham in determining the management of political parties must be professional, careful, and cautious. Thus, some people's doubts that the Government can be neutral and objective in solving the problem of dualism in the leadership of political parties can be dismissed and proven otherwise.

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