

CHAPTER ONE

INTRODUCTION

A. Background of Research

In the 2014 elections, the requirement for participation of political party was getting stricter. Law No. 2 of 2011 on Political Party requires political party to establish branch office in 100 percent of total province in Indonesia, 75 percent of total regency/municipality, and 50 percent of total sub-district in the regencies/ municipalities in the provinces where they establish the branch office.¹ Every political party that seeks to participate in the 2014 elections has to pass the verification process by the General Election Commission. The Constitutional Court states that if there is any change in the requirement, all political party must obey the new regulation.

In line with the equality before the law principle², the election management bodies should never treat new parties differently from old parties (those that were participating in the 2009 elections). If a party is imposed with a certain requirement, that requirement should also be imposed to other parties as well. There were 12 national parties and 3 Aceh's local parties considered as eligible to participate in the 2014 elections, and

¹ Political Party Act 2011 (Undang – Undang Nomor 2 tahun 2011 tentang perubahan atas Undang – Undang Nomor 2 tahun 2008 tentang Partai Politik)

² The Court mentioned the following Constitutional provisions: Article 27(1) granted citizens the right to equality before the law and in government, Article 28 D (1) to equality before the law, and Article 28 I (2) freedom and protection from discriminatory treatment

there were 22 ineligible parties. Ten out of those twelve parties won at least one seat in the parliament.

Meanwhile, the requirement for participation in the 2019 elections become stricter than before. This is because of the need to improve the political party system and to make sure that the participating parties fulfill all the requirements to compete in the election. One of the tasks of political party is to provide political education to the public. The political party that fails to meet the legal requirements should be the one that is unable to deliver such task properly. The requirements for political party must establish branch office in 100 percent province, 75 regency/municipality, and 50 percent sub-district in the regency/municipality in the province where they establish the branch office.³

Related to the issue, Article 173 (1) Law Number 7 Year 2017 on general elections states that “The arrangement of the political parties that has passed the verification process and wishing to join the General Election to be done by the Commission for the General Election”⁴ . Based on this article, all new political parties have to be verified and should have the qualification of fine before joining the General Election in 2019. The verification process is done by the Commission for the General Election.⁵

³ Djohan Rady “A Comparison of Requirements for Political Party in Elections of 1999 to 2014”, <http://rumahpemilu.org> viewed on November 12, 2017 at 12:12 a.m.

⁴ See The Translation of Law Number 7 Year 2017 Article 173 about General Election

⁵ The General Elections Commission (KPU) is the body that organizes elections in Indonesia. Its responsibilities include deciding which parties can contest elections, organizing the voting and announcing the results and seats won in the various branches of the government.

The general election commission should be convinced that the respective political party is really qualified and is able to join the General Election. The political party that does not pass the required qualification standard should not be allowed to join the general election.⁶ This procedure have been applied in the general election of 2014 and it will be applied to the new political parties which want to join the general election of 2019. However, for the existing political parties that had joined the general election in 2014, they could register directly to join the general election in 2019 using the result of the political verification of 2014. From the explanation above, the researcher is interested in examining the topic of “The Analysis of Political Party Verification: A Comparative Study between Law No. 8 of 2012 and Law No. 7 of 2017 on General Elections.

⁶ A general election is an election in which all or most members of a given political body are chosen. These are usually held for a nation’s primary legislative body, as distinguished from by elections and local elections.

B. Research Problem

1. How is the Regulation on political party verification in the general election 2014 and 2019?
2. What are the similarities and differences of political party verification between the law No. 8 of 2012 and law No. 7 of 2017?

C. Objective of Research

The objective of the research are:

1. Understanding the regulation on political party verification in the general election of 2014 and 2019.
2. Analyzing the similarities and differences of political party verification between the law No. 8 of 2012 and law No. 7 of 2017.
3. Proposing suggestion for a better mechanism of verification of political party.

D. Benefit of Research

The benefits of the research, are:

1. Theoretical Benefit

This research provides the understanding for political party, government and others supported instruments. This research can be used as comparison study materials toward development related to the political party verification on general election of 2014 and 2019.

2. Practical Benefit

This research suggests recommendation for a better verification system of political party in the future. Besides, it is also expected to provide information and advice for practitioners, government and political party in the general elections.