CHAPTER TWO

LITERATURE REVIEW

A. Political Party

Political party was first born in Western-European countries. With the widespread notion that the people are the factor to be reckoned with and embraced in the political process, the political party has been spontaneously born and developed into a liaison between the people on the one hand and the government on the other.[1]

In Indonesia, the growth and development of political parties already exist in colonial times. The growth and development of political parties at that time tended as a means of struggle to free Indonesia from the clutches of colonialism. In those days there were many standing political organization organizations formed by movement figures. It seems that each group attempts to establish political power as a means of struggle.[2]

The first organization to emerge as a political power was the Sarekat Dagang Islam (SDI) founded by H. Samanhudi, and in 1912 under the leadership of HOS Tjokroaminoto, the SDI showed as a significant political power. In the struggle and movement, the SDI was non-cooperative against Dutch colonialism. Unfortunately as a major political power at that time, in its development, SDI experienced an acute split.

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[1] Muhadam Labolo and Teguh Ilham, *Op.Cit.* p. 1.
[2] Luky Sandra Amalia, *Op.Cit*, p. 36.

The split was marked by the birth of three groups, namely red-leaned (communist), radical fanatic, and nationwide.[3]

Besides SDI, there are other political parties formed during the Dutch colonialism, namely Indische Partij established by Douwes Dekker in 1921. The party was formed on the basis of broad nationalism towards Indonesian independence. The party was dissolved by the Dutch and not recognized its establishment. The Communist Party of Indonesia (PKI) is one of the parties that also has an important role in the history of the Indonesian movement. This communist party was based on Marxism-Leninism by Karl Marx.[4]

Another non-cooperative party to Dutch colonialism was the Indonesian National Party (PNI), founded by Soekarno and his friends in 1927. This party is Marhaenism as its main principle. Marhanaesim is the ideology initiated by Soekarno himself as a modification of Indonesian socialism.[5] The other parties developed during these times were the Indonesian Party founded in 1931, Gerindo Party formed in 1937, Partai Persatuan Indonesia (Parpindo), Partai Rakyat Indonesia (PRI), and Partai Indonesia Raya (Parindra).[6]

During the Japanese occupation, all political parties were dissolved. Instead, the Japanese formed mass organizations, this is quasi-party. To embrace all nationalist organizations, the Japanese formed Poesat Tenaga Rakjat (Poetera), in 9 March 1943,

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[3]*Ibid.*
[4]*Ibid.*
[5]*Ibid* p. 38.
[6]*Ibid.*

led by four series: Soekarno, Hatta, Ki Hajar Dewantara, and KH. Mas Mansoer. Their activities were always suspected and considered as dangerous so the Japanese dismissed Poetera.[7]

In February 1944 the Japanese formed the Hokokai Java (Association of the Resurrection of the People). This organization is directly under the government's control. As for Muslims, Japan sponsors Masjumi, a set of Islamic organizations. Under the conditions during the Japanese occupation period, where there was no political party there was only mass organization, so the Indonesian people had no political power as a means of struggle.[8]

Meanwhile, after independence the development of political parties continue to grow up. The development of political parties was divided into two namely, before the Reformation and after the Reformation. The period Before the Reform was divided into three periods, namely Liberal Democracy period (1950-1959), Guided Democracy period (1959-1965) and New Order Period. At the Liberal Democracy period which was Indonesia implements the parliamentary system, the influence of political parties on the course of government is remarkable. It is proven that Indonesia experienced seven cabinet changes from 1950 to 1959 due to the no-confidence motion from the House of Representatives.[9]

The unstable political condition and the government at that time could not be separated from the strong interest and desire of each political party to control the

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[7] *Ibid.*
[8] *Ibid* p. 39.
[9] Muhadam Labolo and Teguh Ilham, *Op.Cit.* p. 103.

government. Political instability in the center that lasted long enough finally made the region angry because they feel neglected by the center so the rebellion happens in everywhere to demand independence. As the situation became increasingly out of control, Presiden Soekarno issued a Presidential Decree on the dissolution of the Constituent Assembly and the re-enactment of the 1945 Constitution, as the elected Constituent Assembly failed to form a constitution.[10]

Guided Democracy period or called the Old Order period, according to Miriam Budiardjo was marked by the president domination, the limited role of political parties, the development of communist influence, and the widespread role of ABRI as a political element. At this time the political party was no longer free to express as in the period of Liberal Democracy because the political party activities were very limited. Through the Presidential Decree 1959 Soekarno slashed political parties at that time until the remaining ten parties included NU and PNI as well as communist groups. Not only dissolved political party, Soekarno also abolished the House of Representatives 1955 election's results and replace it with the House of Representatives of Gotong Royong whose the members were appointed directly by the President. The death of the political party was marked by the absence of second election in 1960.[11]

Furthermore, during the New Order Period (1966-1998), political parties also experienced a setback due to restrictions by President Soeharto. The government with Law No. 3 of 1973 pressed the numbers of political parties that were initially quite

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[10]*Ibid.*
[11]*Ibid,* p. 104.

a lot to three social political power consisting of two political parties namely PPP and PDI and other is Golkar. This causes the political party not able to channel the people aspirations because the dominant of government role. This was seen from the election results of the New Order as much as six times the election is always turned off by Golkar, a government party. Meanwhile, the other two parties are just used as accessories of democracy.[12]

In the Reformation era, political parties seemed to be separated from all the problems that had been restricted. The authoritarian New Order regime changed into the democratic reform regime. The first president in reform era, is B.J. Habibie who reapply the multiparty system. In addition, political parties are also allowed to have not to make Pancasila as a party ideology. The enthusiasm of the people in politics at that time was remarkable, in 1999 there were 141 political parties and 48 of them were eligible to participate in the election.[13]

After the development of political party in Indonesia, we should know what the political party truly is. A political party is a group organized to gain control of government in the name of the group by winning the election to public office.[14] Same as Giovanni Sartori, political party is a political group who participated in the election and through it was able to place their candidates in public positions.

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[12] *Ibid.*

[13] *Ibid,* p. 105.

[14] Joseph A. Schlesinger, "The New Americal Political Party", *American Political Science Association,* Vol. 79, No. 4 (Dec., 1985), p. 1153 DOI: 10.2307/1956523

Etymologically, Jimly Assiddiqie mentions that "the party" comes from the English "part", which means "part or class". The word "party" refers to the class as a grouping of people based on certain similarities such as goals, ideology, religion, even interests. In its development, the word "party" is more associated to political organizations, is community organizations in politics.[15]

Etymologically, according to Inu Kencana Syafiie, the word of "politic" is an Arabic translation of the word *Siyasyah* which is then translated into tactics, or in English called "Politic". Based on Indonesian Complete Dictionary, "tactics" itself means trickery, slippery action, sense, policy. Based on this understanding, politic is the chosen way to achieve a goal.[16]

From above explanation, the scholars give the definition on political party in order to understand the political party itself. These are the definitions from the scholars:

1. Miriam Budiharjo defines that political party is an organized by group whose the members have the same orientation, values and ideals. The aim of this group is to get political power and take political positions, usually by constitutional ways to implement their policies.

2. Carl J. Friedrich defines that political party is stably organized group or individuals group and have goals to take and defend the government control for party's leader and based on this control the party members are get benefits that are ideal and material.

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[15] G. J. Wollhoff, 1955, *Pengantar Ilmu Hukum Tata Negara Republik Indonesia,* Djakarta, Timun Mas NV p. 9.

[16] Inu Kencana Syafiie, 2002, *Sistem Politik Indonesia,* Bandung, Refika aditama p. 4.

3. R. H. Soltou explain that political party is a group or group of citizens who are more or less organized, that act like one political entity, who make use of the choice power, intended to control the government and carry out their general policies.

In Indonesia, the regulation about political party is regulated by Law No. 2 of 2011 on Amendment of Law No. 2 of 2008 on Political Party. Based on Law No. 2 of 2008 on Political Party, Political Party is an organization which is national and formed by a group of Indonesian citizens voluntarily on the basis of the same will and visions to fight for and defend the interests of political members, community, nation and state and maintain the integrity of the Unitary of Republic of Indonesia based on Pancasila and The 1945 Constitution.

Political party can be classified in some categories even though actually this classification is an ideal type that hard to find in reality, but this is useful for understanding. The classification of political party is as follows:[17]

1. Principle and orientation. Based on this criteria political party is divided into three types, such as:

   a. Pragmatic, political party that has program and activity that not bound rigidly to a doctrine and certain ideology.

   b. Doctrinaire, political party that have some program and concrete activities as ideology description.

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[17]Nur Hidayah, *Partai Politik,* http: //staffnew.uny.ac.id/ upload/132309997 /pendidikan/PARTAI+POLITIK. pdf accessed on October 3rd 2018 at 1:46 p.m

c. Interest, political party that is formed and managed on the basis certain interest, like the farmers and worker who want to participate directly in government.

2. Social basis and purpose. Almond categorizes into 4 types based on the social basis, that are:

   a. Political party in which the members come from all social strata, that are high class, middle class, and lower class;

   b. Political party in which the members only come from among groups that have certain interest, such as businessman, worker and farmer.

   c. Political party in which the members only come from certain religion that are Islam, Buddhist, Catholic, Protestant, Hindu and others.

   d. Political party in which the members come from certain culture only, such as tribes, language and certain region.

Based on the purpose, it is divided into three types, which are:

a. Party of group representative. The purpose of this party is gathering various groups to won a seat in parliament like Barisan Nasional in Malaysia.

b. Nation building party. The purpose is to create national unity and usually squeeze the narrow interest like Aksi Rakyat Party in Singapore.

c. Mobilization party. The party purpose to mobilize the community towards achieving the goals set by the party leader, while group participation and representation to be excluded or ignored.

B. Party System

Party system is a behavior and interaction among a number of political parties in political system.[18] Among experts, there are differences in classifying the existing party systems. Maurice Duverger classifies party systems based on the number of parties, while Giovani Sartori classifies them based on the existing ideological distance between parties. In case of Indonesia, because only adopt the party system based on number of party, the author only explain that party system.

Maurice Duverger divides the party system into three, namely single party system, two-party system and multiparty system.

a. Single Party System

Single party system is a system dominated by one party in parliament. The form of a single party system is single totalitarian, authoritarian, and dominant party. Totalitarian single party system is a party that controls government and military, even all aspects of people's lives. Meanwhile, authoritarian single party system is controlled by government and military. Another case is with dominant single party system. In this system there is only one dominant party (continuously obtaining support for power) even though there is more than one party.[19] The countries that apply single party system are some countries in Africa such as Eritrea, Western Sahara, Cuba, and China.[20]

b. Two-party System

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[18] Ramlan Surbakti, 2007, *Memahami Ilmu Politik,* Jakarta, Gramedia Widiasarana Indonesia, p. 113.
[19] Luky Sandra Amalia, *Op.Cit,* p. 14.
[20] Muhadam Labolo and Teguh Ilham, *Op.Cit.* p. 32.

As the name implies, this system is a party system in which there are two main parties that compete in the general election. Small parties only influence if in the election the difference between the votes of both parties is very small. In this system there is a clear division of tasks: the party that wins the election as the ruling party, while the losing party in the election becomes an opposition loyal to government policy.[21]

In essence, there is few differences between the political principles and objectives between the two parties. The difference is only at the point and how to solve the problem.[22] The countries that apply this system are UK, USA, Canada, Philippines, and New Zealand.[23]

c. Multiparty System

The multiparty system is a system consisting of more than two dominant political parties. According to Maurice Duverger, as quoted by Miriam Budiardjo, this system is a product of a pluralistic society structure. In this system almost no one wins the election absolutely. Therefore, a coalition is absolutely necessary to strengthen the government. However, coalition support can be withdrawn at any time. In addition, in this system there is no clear position of the opposition party because at times the opposition party can be part of government. In other words, in

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[21] Luky Sandra Amalia, *Op.Cit,* p. 15.
[22] *Ibid.*
[23] Muhadam Labolo and Teguh Ilham, *Op.Cit.* p. 33.

this system there are fickle tactics according to the crucial situation faced by each political party.[24]

C. General Election

For better understanding of the electoral system meaning, it is better to know that democracy, conceptually, is the background of the general election. Started from the meaning of democracy which means government from the people, by the people and for the people,[25] then this means that the power of the state is in the hands of the people and all the state actions are determined by the people. To achieve this understanding, general elections are believed to be a way to elevate the existence of the people as the highest sovereignty holders in the state.[26]

General election is one of tools to evaluate the quality of democracy in a state, besides using various freedoms protection (freedom of expression, freedom of the press, and freedom of religion) and equality before the law. Sulastomo argues that with general election, a country is believed to be able to build a nation in accordance with the aspirations of its people in a sustainable, orderly and peaceful. With the general election, it can create life of nation and state that can protect the rights of every citizen, so to encourage the creativity of each individual to play a role in build up their nation.[27]

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[24] Miriam Budiardjo, 2008, *Dasar-dasar Ilmu Politik,* Jakarta, Gramedia Pustaka Utama, p. 417.
[25] A.A. Said Gatara and Moh. Dzulkiah Said, 2007, *Sosiologi Politik: Konsep dan Dinamika Perkembangan Kajian*, Bandung, Pustaka Setia p. 190.
[26] Muhadam Labolo and Teguh Ilham, *Op.Cit,* p. 11.
[27] Sulastomo, 2001, *Demokrasi atau Democrazy,* Jakarta, RajaGrafindo Persada p. 5.

Conceptually, Ibnu Tricahyono stated that the general election is an instrument to realize the people sovereignty who intends to form a legitimate government and articulate the aspirations and interests of the people.[28] As a tool to realize the sovereignty of the people, the elections are held directly, publicly, freely, secretly, honestly and justly for the realization of democracy that upholds freedom and equality before the law.

Technically, Andrew Reynolds stated that the election is a method which is the votes obtained in the election translated into seats that won in parliament by the parties and candidates. General election is an important tool to elect the people's representatives who will actually work in their behalf in the state's policy-making process.[29] Pratikno also resolved the same thing; he stated that the general election is a form of communication for the voice of the people to the people's representative (seats).[30]

The purposes of holding the general election are four, namely:

a. To enable an orderly and peaceful transition of government leadership;

b. To enable the replacement of officials who will represent the interests of the people in representative institutions;

c. To implement the principle of people sovereignty;

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[28] Ibnu Tricahyono, 2009, *Reformasi Pemilu Menuju Pemisahan Pemilu Nasional dan Lokal*, Malang, In Trans Publishing p. 6.

[29] Andrew Reynolds, 2001, "Merancang Sistem Pemilihan Umum" dalam Juan J. Linz, dkk., *Menjauhi Kaum Penjahat: Belajar dari Kekeliruan Negara-negara Lain,* Bandung, Mizan p. 102.

[30] Pratikno, 2004, "Proses, Tahapan dan Sistorsi Politik dalam Pemilu 2004" dalam M. Faried Cahyono and Lambang Trijono, (Eds), Pemilu 2004: Transisi Demokrasi dan Kekerasan, Yogyakarta, CSPS Books p.75.

d. To implement the principle of citizen's human rights.

In a democratic life, election is a substantial process of refreshing a government. It is said to be a refresher because the elections conducted regularly is a way to regenerate the leadership to prevent the emergence of the authoritarian leadership. Through the election, the people evaluate the performance of their previous elected officials. Thus, the leaders of the people who are members of legislative body as well as who occupy executive positions are selected and self-supervised by the people.[31]

General election can be aspirational and democratic if it fulfills several requirements. First, election must be competitive; it means that election participants must be free and autonomous. Second, elections are held regularly, the meaning is election must be held regularly with clear time intervals. Third, election must be inclusive; it means every community groups must be having the same chance to participate in election. There are no groups that treated with discrimination in election process. Fourth, the voter must be given flexibility to consider and discuss alternative choices in a free atmosphere, not under pressure, and access to get broad information. Fifth, the election organizers must be impartial or independent.[32]

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[31] Muhadam Labolo and Teguh Ilham, *Op.Cit.* p. 52.
[32] Artis, "Eksistensi Partai Politik dan Pemilu Langsung dalam Konteks Demokrasi di Indoensia", *Jurnal Sosial Budaya*, Vol. 9 No. 1 (January-July 2012), p. 59.

Based on Article 2 of Law No. 7 of 2017 on General Election, general election is held based on principles of direct, public, free, confidential, honest and fair. Those principles can be explained, as follows[33]:

a. Direct

Direct principle means that the election is carried out directly by those who are entitled and cannot be represented. If those who are entitled is not able to use their voting rights, it is better to cast the vote rather than be represented by someone else. But people with disabilities can ask other people for help to give a sign on their choice, in the limit of help it is not interpreted by the representative so that the person is directly using his right to vote.

b. Public

This principle means that general elections are held nationally and not only for members of representative institutions in certain regions. This principle is explained subjectively, the right to vote is given to all citizens who have fulfilled the requirements. On the other hand, objectively the public principle means the benefits of the election for the interest of the people in general and not for certain groups.

c. Free

Free principle requires an atmosphere and guarantee that a person can freely make their choice. Freedom of choice is the basic principle of election and therefore the voters are free to choose.

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[33] Moh. Mahfud MD, 2012, *Politik Hukum di Indonesia,* Jakarta, Rajawali Press, p. 83.

d. Confidential

The confidential principle requires assurance that each choice of voters is not known by others. Therefore, there is no justification for marking (such as giving a number or specific code) on a proof letter. This principle is very important to avoid psychological problems among the voters who may choose differently from one another.

e. Honest

This principle means that election must be carried out correctly, without any cheating and falsehood. Honesty must be reflected from the beginning of implementation until the determination results (counting).

f. Fair

This principle demands that every citizen must be treated equally without distinguishing degrees, socio-economics, gender, skin color, and so on. Special treatment given to certain groups is contrary to this principle, as well as the giving of suffrage which is only limited to those who can read.

After the principles, general election also has electoral system to run it well. There are two systems generally known by the community, namely proportional system and district system. Political experts see a relationship between party system and electoral system. Proportional system is usually applied in multiparty system, while the district system is usually considered suitable for two-party system.

In the district system, the entire territory of the country is divided into districts (according to the number of seats contested). For a district only one seat is contested in a representative institution. In this system to become a winner the competing parties are only required to obtain more votes than rivals without the provision of at least the difference to be achieved. The seat of representative institution in a district is obtained by the party that has the most votes. While the votes obtained by other parties will be wasted or do not have representatives. In district system there are consequences of over-representation or under-representation. Over-representation is the acquisition of seats in the House of Representative by a winning party which is actually bigger than the votes obtained. While under-representation is a situation that shows the acquisition of seats by a party in a representative institution that is smaller than the proportion of votes at the national level.

The proportional system is based on the idea that the number of seats obtained by an election contestant is in accordance with the number of votes obtained in the election because each seat can be achieved with a certain number of votes. For this purpose a certain number of votes are determined as the price of a representative seat. For example, every 300,000 votes obtained by a party will get one seat. Thus a party that gets 900,000 votes means getting 3 seats in a representative institution.

However, the district system and proportional system have their advantages and disadvantages that are:

Table No. 1

The Advantages of District System and Proportional System

No.	District System	Proportional System
1.	The relationship between representatives and district residents is closer due to the small district. The candidates are usually very familiar in the district.	Representative means that each vote is counts and practically no vote is lost. This gives the possibility for small group to continue to obtain seats even in small portions.
2.	More encouraging integration. The parties usually join the main party.	There are no consequences of over representation and under representation.
3.	More guarantee the stability of the government because there are not too many parties.	
4.	Simple and easy to implement.	

Source: Moh. Mahfud MD, 2012, *Politik Hukum di Indonesia,* Jakarta, Rajawali Press, p. 79.

Table No. 2

The Disadvantages of District System and Proportional System

No.	District System	Proportional System
1.	Less attention to the existence of small parties and minority groups, especially if this small joint is scattered in various districts.	Facilitate the fragmentation and emergence of new parties so that they tend to push to increase the number of parties. The urge is not integration but sharpen differences that might actually be small.
2.	Less representative means that the loser party in one district will lose the meaning of all their votes obtained because the votes are no longer counted for the purpose of filling the seats.	The representative feels closer to the party than to the region that chooses him because the party is considered more prominent than someone personality.
3.	There are consequences of over representation and under representation.	Making it difficult to build a stable government because there are too many parties.

Source: Moh. Mahfud MD, 2012, *Politik Hukum di Indonesia,* Jakarta, Rajawali Press, p. 80.

Looking at the meaning of the general election in the context of the rule of law is that Indonesia which is a rule of law (*rechstaat*) with the foundation of Pancasila and the 1945 Constitution means that all activities in the state life must be justified before the law. This means that general election that is the legitimate way for selecting official candidates, both executive and legislative, serve as a platform for the public to determine their opinions. In addition, the government is obliged to guarantee the freedom of every citizen in expressing his or her opinion and aspiration as long as it is within the determined legal corridor.[34]

D. Democratic Consolidation

Democracy is derived from the words *demos* and *cratein. Demos* means people and *cratein* means power. Thus power is in the hands of the people, it means the power for, by and from the people.[35] As Giddens argues that democracy basically implies a political system which is the people hold the supreme power, not the king or the nobility.[36]

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[34] *Ibid.*

[35] Inu Kencana Syafiie, 1994, *Sistem Pemerintahan Indonesia,* Jakarta, Rineka Cipta p. 131.

[36] AntonyGiddens, 1994, *Beyond Left and Right: The Future of Radical Politics,* Cambridge, Polity Press p. 330.

Meanwhile according to Joseph Schumpeter, the narrow sense of democratic is a political method, a mechanism for electing political leaders. The citizens are given the opportunity to elect among the competing political leaders who reach the votes. The ability to elect among political leaders during this election is called democracy.[37]

To run the democracy, Indonesia needs democratization. Democratization is a transition to a more democratic political regime. Samuel Huntington mentions that there are three possible models of democratization, namely (1) transformation (reform), democratization occurs when the ruling elite pioneered the process of democracy realization. (2) Replacement (*ruptura*), namely democratization occurs when opposition group pioneered the process of democracy realization, and authoritarian regime collapse. (3) Trans-placement (*ruptforma*), is democratization occurred when a result of joint action between government and opposition groups.[38]

Thus, according to Giuseppe, democratization has two aspects, namely democratic transition and democratic consolidation. Transition of democracy is the starting point between the authoritarian regime and democratic regime. The transition begins with the collapse of the old authoritarian regime, which is followed or ended by the ratification of political institutions and new political rules under democracy. According to Laurence Whitehead, the process of democratic consolidation involves a commitment principal increase of all society elements to the rule of democracy.[39]

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[37] Tadjuddin Noer Effendi, 2003, *Demokrasi dan Demokratisasi,* Yogyakarta, PustakaPelajar p. 14.
[38] Agus Riewanto, "Sinergitas Pemilihan Presiden 2009 dengan Sistem Presidensialisme Murni dan Konsolidasi Demokrasi di Indonesia" *UNISIA,* Vol. XXXI No. 70, December 2008 p. 365.
[39]*Ibid.*

Originally, the term "democratic consolidation" is meant to describe the challenge of making new democracies secure, of extending their life expectancy beyond the short term, of making them immune against the threat of authoritarian regression, of building dams against eventual "reverse waves".[40] Constitutionally, a democratic regime is consolidated when governmental and non-governmental forces alike, throughout the territory of the state, become subjected to, and habituated to, the resolution of conflict within the specific laws, procedures, and institutions sanctioned by the new democratic process.[41]

Morlino defines democratic consolidation as the process of adapting and establishing democratic structures and norms that is accepted as legitimate by the civil society, in part or in full. Either formulates two conditions for the emergence and democratic consolidation, namely, first, there should be compromise between the dominant actors and social groups. This compromise centers on the definition of collective objectives of power and the modalities of participation in the decision-making process. Second, there should be development of social consensus.[42]

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[40] Andreas Schedler, "What is Democratic Consolidation?", *Journal of Democracy,* 9.2 (1998) p. 91.
[41] Iwan Satriawan and Khairil Azmin Mokhtar, "The Constitutional Court's Role in Consolidating Democracy and Reforming Local Election", *Constitutional Review,* Volume 1 No. 1 (May, 2015) p. 109.
[42] *Ibid.*