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Simplifying the Multiparty System or Compromising Equality? Legal Challenges and the Current Political Landscape in Indonesia

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Article	Abstract
<p>Keywords: Constitutional Court; Election; Local Election; Multiparty System; Parliamentary Threshold.</p> <p>Article History Received: Aug 22, 2024; Reviewed: Jun 14, 2025; Accepted: Jul 23, 2025; Published: Jul 31, 2025.</p> <p>DOI: 10.28946/slrev.v9i2.4030</p>	<p>Political parties play a vital role in Indonesia's democratic system, functioning as key platforms for citizen participation and the representation of diverse interests. However, Constitutional Court Decision Number 55/PUU-XVIII/2020 introduced significant changes to the political party verification process, creating differential treatment based on previous electoral performance. This article explores the implications of this decision on the integrity of Indonesia's multiparty system and its broader democratic framework. Employing a normative legal research methodology, the study uses a qualitative-normative approach that incorporates statutory, conceptual, and comparative analyses. It also examines Constitutional Court Decision Number 62/PUU-XXII/2024 regarding the presidential threshold, reaffirming the importance of equal and fair electoral mechanisms for all political parties. Findings indicate that exempting certain parties from factual verification undermines the constitutional principle of equal treatment and risks reducing competitiveness and inclusivity in the political system. The research proposes coalition-building mechanisms as a potential solution to preserve political diversity while adhering to the electoral threshold requirements. This study contributes a novel perspective by integrating recent Constitutional Court decisions and critically analysing their effects on Indonesia's evolving democratic structure. It further recommends future research to assess the broader impacts of such reforms and to draw comparative insights from other democracies with consistent and equitable party verification practices.</p>

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INTRODUCTION

Political parties are integral to the democratic fabric of any nation, serving as critical platforms for citizen participation in the political process. Their existence is indispensable for fostering national unity and the state's democratic life. In Indonesia, political parties are constitutionally mandated to facilitate the nomination of presidential and vice-presidential candidates, highlighting their essential role within the governmental system. The quantity and nature of

political parties vary globally—Indonesia's multiparty system contrasts sharply with the single-party system of the People's Republic of China and the two-party system of the United States.¹ This diversity reflects each country's unique historical and political contexts, which shape their respective electoral frameworks and party systems.

The 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) assigns political parties the fundamental duties and functions of a democratic state. As such, political parties are not only vehicles for contesting elections but are also tasked with maintaining and enhancing democratic life. Their constitutional rights allow them to participate actively in the administration of state power, particularly through elections.² This involvement is not limited to merely running candidates for office. However, it extends to filling legislative and executive positions, provided that the parties meet the electoral threshold requirements, such as the 20% presidential threshold, which has since been challenged and annulled by the Constitutional Court Decision Number 62/PUU-XXII/2024 due to its inconsistency with constitutional provisions as the highest law.

General elections serve as a crucial mechanism for citizens to exercise their political rights, both as voters and as candidates. Elections are more than just a procedural exercise; they are the cornerstone of representative government, allowing for the formation of a government that truly reflects the will of the people.³ They are often described as the "political market," where various political actors compete for public support, culminating in a social contract between the electorate and the elected.⁴

The legal framework governing political parties and their participation in elections is significantly shaped by decisions of the Constitutional Court (Mahkamah Konstitusi, MK). The MK's rulings, which are grounded in the principles of constitutional democracy, provide an interpretive framework that aligns electoral processes with the values enshrined in the 1945 Constitution. By elaborating on general democratic principles, the MK ensures that these principles are operationalised in the electoral system, thereby upholding the integrity and fairness of elections.⁵ The MK's emphasis on justice is particularly crucial, as it underpins the principle that all political parties should have equal access and treatment throughout the electoral process, in accordance with constitutional and philosophical values.

Since the Reformasi era, Indonesia's political landscape has witnessed significant transformations. Although the number of political parties has decreased since the 1999 General Election, the quality of political parties and their ability to act as conduits for democratic aspirations have improved. Political parties today are no longer mere "vehicles" for the ruling elite, as was the case during the New Order era, but have become robust institutions capable of

¹ Simon Butt, "The Constitutional Court and Democracy in Indonesia," *Leiden: Brill*, 2015, 89–105.

² Marcus Mietzner, "Political Parties and Democracy in Indonesia," *Singapore: Institute of Southeast Asian Studies*, 2008, 64–78.

³ Neisa Angrum Adisti Febrian, Febrian, Iza Rumesten, Nurhidayatulloh Nurhidayatulloh, "Phenomenon of the Increasing Single Candidates and Backsliding Democratic Values in Indonesia," *Hasanuddin Law Review* 8, no. 3 (2022): 248–57.

⁴ Andreas Ufen Dirk Tomsa, "Party Politics in Southeast Asia: Clientelism and Electoral Competition in Indonesia, Thailand and the Philippines," *Routledge*, 2012, 142–60.

⁵ Bivitri Susanti, "The Constitutional Court in Indonesian Democracy: Institution Building and the Challenges of Consolidation," *Constitutional Review* 5, no. 2 (2019): 147–74, <https://doi.org/https://doi.org/10.31078/consrev521>.

channelling diverse interests into the political process.⁶ This evolution is in line with the broader trend of political development in Indonesia, where democracy is being implemented more consistently and transparently.

However, not all political parties are automatically eligible to participate in elections. To qualify, parties must meet stringent verification requirements, as stipulated in Article 173 of Law Number 7 of 2017 on General Elections and Article 2 of Law Number 2 of 2011 on Political Parties. These layered requirements reflect the underlying philosophy of a "simple multiparty system," which aims to streamline the number of parties participating in elections while maintaining a diverse political landscape.

The intent to maintain a simple multiparty system has not been consistently upheld, particularly in light of the Constitutional Court Decision Number 55/PUU-XVII/2020. This ruling introduced a dual verification system, wherein parties that failed to meet the parliamentary threshold in previous elections are required to undergo both administrative and factual verification to qualify for the next election. This bifurcation of verification processes has sparked debates about the fairness and consistency of electoral regulations, as it conflicts with the constitutional aim of a simplified yet inclusive multiparty system.⁷

While there has been considerable research on the role and function of political parties in Indonesia's democracy,⁸ there remains a significant gap in understanding the specific legal and practical implications of Constitutional Court Decision Number 55/PUU-XVII/2020. Previous studies have largely focused on the broader aspects of electoral justice and the simplification of the party system without thoroughly examining how this particular decision impacts the verification process and the overall fairness of elections. Furthermore, existing literature has not adequately addressed the potential long-term effects of this decision on the consolidation of Indonesia's multiparty system.⁹

The study lies in the significant legal and practical implications of the Constitutional Court's decision for Indonesia's electoral system. While existing literature has examined general issues related to party system simplification and electoral justice,¹⁰ it has not sufficiently explored how this decision—by introducing differential verification requirements—affects the constitutional principle of equal treatment among political parties. This study aims to fill this gap by critically analysing the legal ramifications of the Constitutional Court's decision, particularly in the context of its alignment with the constitutional principles of fair and equal treatment for political parties. The introduction of a dual verification process may inadvertently perpetuate inequality among political parties, challenging the principles of fair competition and undermining the constitutional goals of a simplified multiparty system. As Indonesia prepares for future elections, it is

⁶ Edward Aspinall, "Elections and Democracy in Indonesia," *Leiden: KITLV Press*, 2005, 49–52.

⁷ Andreas Harsono, "Indonesia's Democratic Transition: Status and Prospects," *Asian Survey* 50, no. 4 (2010): 796–820.

⁸ Muhammad Bahrul Ulum, "Indonesian Democracy and Political Parties after Twenty Years of Reformation: A Contextual Analysis," *Indonesia Law Rev*, 2020.

⁹ Dirk Tomsa, "Electoral Politics in Indonesia: The Pitfalls of Semi-Democracy," *Contemporary Southeast Asia: A Journal of International and Strategic Affairs* 41, no. 2 (n.d.): 157–79.

¹⁰ Anastasia Wahyu Murbani Arifin, Firdaus, Ihsanul Maarif, Bunyamin Bunyamin, Robi Asadul Bahri, "Reforming Indonesia's Electoral System: Legal and Policy Considerations," *Jambe Law Journal* 8, no. 2 (2025): 61–99.

imperative to critically examine how these legal developments will shape the political landscape and the democratic process at large.

RESEARCH METHODS

This study employs a normative legal research methodology, aimed at generating arguments, theories, or concepts that serve as prescriptive solutions to legal problems. The research is conducted using a qualitative-normative approach, incorporating philosophical, theoretical, and conceptual perspectives. This approach allows for an in-depth exploration of legal principles and their application in real-world contexts. This study employs a normative legal research methodology using a statutory approach to analyse relevant laws and regulations, a conceptual approach to explore underlying legal concepts and principles, and a comparative approach to contrast these findings with practices in other jurisdictions.¹¹ This paper provides information on the latest trend in research.¹²

ANALYSIS AND DISCUSSION

Legal Policy and Implications of Differential Treatment in Political Party Verification in Indonesia

The Constitutional Court's Decision categorises political parties into those required only to undergo administrative verification and those required to undergo both administrative and factual verification, raising significant legal policy concerns. This differentiation challenges the principle of equal treatment under the law, as enshrined in Article 27 paragraph (1) and Article 28D paragraph (3) of the 1945 Constitution. While the decision was purportedly made with considerations of justice, it paradoxically endorses unequal treatment among political parties, sparking debates over the fairness and integrity of the electoral process.

Critics argue that this legal framework allows for differential treatment that could result in electoral injustice. The provisions in the Court's decision are viewed as unjust, particularly because the fulfilment of the Parliamentary Threshold in the 2019 General Election should not serve as the sole criterion for determining the eligibility of political parties to participate in subsequent elections.¹³ By introducing new norms, the decision creates a legal distinction that undermines the principle of equal opportunity in governance, leading to potential discrimination in the political process.

The legal reasoning provided by the Constitutional Court suggests that differential treatment is not inherently unconstitutional when applied to different legal subjects under varying norms. However, in the context of elections, such treatment is particularly problematic as it impacts the fairness of political contestation. The Court itself acknowledged that all political parties, regardless of past electoral performance, should ideally undergo the same verification process to

¹¹ Irwansyah, "Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel," *Mirra Buana Media*, Yogyakarta, 2020.

¹² Shao-Hsun Keng, "Handout Research Topic Development," *Collage of Management*, National University of Kaohsiung, Taiwan, 2017.

¹³ Harold A Crouch, "Indonesia: Democratization and the Threat of Disintegration," *Southeast Asian Affairs*, no. 1 (2003): 127–44.

ensure equal and fair participation in elections.¹⁴ This is essential for upholding the integrity of the democratic process.

The principle of fairness is central to organising elections, as mandated by Article 22E paragraph (1) of the 1945 Constitution. The Constitutional Court's decision, however, undermines this principle by introducing unequal treatment, privileging parties that met the Parliamentary Threshold in the previous election by exempting them from factual verification. This approach not only challenges fairness but also raises concerns about legal certainty and the sustainability of the political party system in Indonesia.

The decision to categorise political parties into those subjected only to administrative verification and those required to undergo both administrative and factual verification challenges this principle by creating a legal dichotomy that inherently favours certain political entities over others. The differentiation in treatment between political parties based on their performance in previous elections contradicts the broader constitutional principles of fairness and equality. The Constitutional Court, in its decision, aimed to streamline the verification process to maintain electoral efficiency. However, this approach appears to undermine the constitutional mandate of equal treatment by exempting certain parties from the rigorous factual verification process. This exemption is particularly problematic because it introduces an element of privilege based on past performance, which is not necessarily reflective of the current organisational structure, leadership, or compliance with electoral laws.

The Court's decision could lead to electoral injustice, where newer or smaller parties are subjected to more stringent verification processes, potentially limiting their ability to participate fully in the electoral process. The reliance on the Parliamentary Threshold from the 2019 General Election as a criterion for exemption introduces a legal distinction that may disadvantage parties that did not meet this threshold, regardless of their current status. This distinction could lead to a skewed playing field, where established parties enjoy a smoother path to participation, while others face higher barriers, thus compromising the fairness and integrity of the electoral process.

The Constitutional Court's legal reasoning suggests that differential treatment is not inherently unconstitutional when applied to different legal subjects under varying norms. However, this justification is contentious when applied to the electoral context, where fairness and equal opportunity are paramount.¹⁵ The Court has previously acknowledged, in other rulings, the importance of ensuring that all political parties, regardless of their electoral history, undergo the same verification process to preserve the integrity of elections. In earlier rulings, such as Constitutional Court Decision Number 11/PUU-VI/2008 and Decision Number 52/PUU-X/2012, the Court emphasised the principle of equal treatment for all political parties, particularly in the context of verification and participation in elections. These decisions affirmed that the application of different standards without a clear constitutional justification could undermine the integrity of the electoral process. The deviation from this principle in Decision Number 55/PUU-XVIII/2020 raises concerns about consistency in judicial precedent and the Court's role in safeguarding democratic principles.

¹⁴ Patrick Ziegenhain, "Electoral Rules and Political Party Systems in Southeast Asia: A Comparative Analysis," *Journal of Current Southeast Asian Affairs* 30, no. 3 (2011): 3–24.

¹⁵ Marcus Mietzner, "Political Conflict and Democratic Consolidation in Indonesia: The Role of the Constitutional Court," *Journal of Contemporary Asia* 48, no. 1 (2018): 1–24.

The decision also has broader implications for Indonesia's multiparty system and the strength of its presidential government. The exemption of certain parties from factual verification contradicts the constitutional goal of simplifying the multiparty system to support a more effective presidential system. Political parties, being dynamic entities, require consistent scrutiny to ensure they continue to meet the necessary standards for participation in elections. Without such scrutiny, there is a risk that parties may participate without adequately meeting the required criteria, thereby weakening the electoral process and, by extension, the functioning of the government.

Notably, this concern was echoed in the dissenting opinions of three Constitutional Court justices in Decision Number 55/PUU-XVIII/2020, who argued that applying different verification standards to political parties based on past electoral success undermines the principles of legal certainty and equality before the law. They emphasised that all political parties, whether incumbents or newcomers, must be treated equally in the verification process to preserve electoral justice and public trust in democratic institutions. The dissenting justices also warned that selective verification could open the door to favoritism and erode the competitiveness of elections.

To address these concerns, it is recommended that Indonesia's legal framework governing political party verification be reconsidered. A more uniform verification process, where all parties, regardless of past electoral performance, are subjected to both administrative and factual verification, would better align with the constitutional principles of fairness and equality. Additionally, introducing coalition-building mechanisms could provide a pathway for smaller parties to meet the Parliamentary Threshold collectively, ensuring that their supporters are represented in the political process. This approach would maintain the goal of simplifying political parties while upholding the integrity and inclusivity of the electoral process.

This concern regarding differential verification standards for political parties based on past electoral performance highlights a critical tension in Indonesia's democratic process. The dissenting justices' arguments underscore the fundamental principles of legal certainty and equality before the law, which are cornerstones of a robust democratic system. By applying different standards to incumbent and new parties, the current system potentially creates an uneven playing field that could stifle political innovation and diversity. This approach may inadvertently entrench existing power structures, making it increasingly difficult for new voices and perspectives to emerge in the political landscape. To address these concerns, a comprehensive reform of the political party verification process is warranted.

Implementing a uniform verification system for all parties, regardless of their electoral history, would not only align with constitutional principles but also enhance the overall integrity of the democratic process. Coupled with the introduction of coalition-building mechanisms, this approach could strike a balance between the need for political stability and the importance of diverse representation. Such reforms would foster a more dynamic and inclusive political environment, where smaller parties can contribute meaningfully to policy discussions and

governance, ultimately strengthening Indonesia's democratic institutions and public trust in the electoral system.¹⁶

The exemption of certain parties from factual verification contradicts the broader constitutional goal of simplifying the multiparty system to strengthen the presidential system of government. Political parties are dynamic entities with organisational and leadership changes over time, necessitating consistent and thorough verification processes to ensure that all parties meet the required standards for election participation.¹⁷ Without such verification, there is a risk of allowing parties that no longer meet the necessary criteria to participate, thereby compromising the integrity of the electoral process.

Historically, Indonesia's multiparty system, as evidenced from elections between 1955 and 2019, consistently features more than two political parties meeting the parliamentary threshold.¹⁸ This characteristic is common in proportional representation systems, which often implement thresholds to manage the number of parties in parliament and ensure effective governance.¹⁹ However, the practice of setting thresholds must balance preventing excessive political fragmentation with ensuring minority party representation.

Indonesia's multiparty system, designed to support a diverse political landscape, is fundamentally tied to the effective functioning of its presidential system. The exemption of certain parties from factual verification not only complicates efforts to streamline the multiparty system but also risks weakening the structural integrity of the government. Political parties are dynamic entities, and their eligibility to participate in elections should be consistently monitored to ensure that they continue to meet the necessary criteria. Without thorough verification, there is a risk that the quality of governance could be compromised, as parties that no longer align with the required standards might still be allowed to compete.

To achieve a fair and equitable electoral process in Indonesia, the legal framework governing political party verification must be reconsidered. All political parties should be subject to both administrative and factual verification, regardless of their previous electoral success. This approach ensures equal scrutiny and maintains the electoral process's integrity. By adopting a more uniform verification process and considering mechanisms for coalition-building, Indonesia can enhance its electoral system in a way that respects constitutional principles and strengthens its democratic institutions. This legal policy reform is essential for ensuring equal treatment and maintaining the integrity of Indonesia's democratic process.

The Current Political Landscape on the Multiparty System in Indonesia: A Comparative Insights for Indonesia

The Constitutional Court's Decision has introduced significant changes to the political party verification process in Indonesia. One of the most notable changes is the differential treatment

¹⁶ Hadiwasito, Winarto. "Democratic Consolidation an Indonesian Unity Perspective." *Jurnal Lemhannas* 12, no. 1 (2024): 101-108.

¹⁷ Edward Aspinall, "The Limits of Proportional Representation: Ethnic Politics and the Indonesian Parliamentary Elections.," *Journal of East Asian Studies* 20, no. 2 (2020): 165–88.

¹⁸ Mahesa Rannie, "Legal Regulations for the General Election System in Indonesia from the 1955 Election to the Concurrent Election of 2019," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 20, no. 2 (2020): 247–64.

¹⁹ Diego Fossati, "The Resilience of Indonesian Democracy: Interest Groups, Civil Society, and Democratic Representation.," *Asian Journal of Comparative Politics* 6, no. 1 (2021): 50–67.

of political parties that met the Parliamentary Threshold in the previous election. While this decision aims to simplify the electoral process, it raises concerns about fairness and consistency, as it grants privileges to established parties, potentially undermining the competitive nature of elections and the democratic principles of equal opportunity.

This Constitutional Court decision introduced new rules that differentiate the treatment of political parties based on whether they met the Parliamentary Threshold in the previous election. This treatment contradicts the principle of equal opportunities in government as stipulated in Article 27, paragraph (1) and Article 28D, paragraph (3) of the 1945 Constitution. Such differential treatment undermines the fairness of elections, as fairness is a core constitutional principle in election administration. The decision allows political parties that passed the 2019 Election verification and met the Parliamentary Threshold to undergo only administrative verification, bypassing factual verification, which raises concerns about the equity and consistency of the electoral process.

Verification of political parties, both administrative and factual, has been part of efforts to strengthen Indonesia's presidential government system. Previous decisions, such as Constitutional Court Decision Number 53/PUU-XV/2017, emphasised the need for all political parties to undergo both types of verification, regardless of their performance in past elections. However, Decision Number 55/PUU-XVIII/2020 deviates from this by allowing parties that met the Parliamentary Threshold to avoid factual verification, thereby creating an uneven playing field. This discrepancy in the verification process could lead to a situation where parties are not equally prepared for elections, potentially weakening the overall democratic process.

The principle of fairness, as mandated by Article 22E paragraph (1) of the 1945 Constitution, is fundamental to the organisation of elections. It requires that all election participants be treated equally to ensure a balanced competition. However, the Constitutional Court Decision Number 55/PUU-XVIII/2020 diminishes this principle by introducing unequal treatment between political parties, essentially legitimising discrimination in the electoral process. The decision privileges parties that met the Parliamentary Threshold in the previous election by exempting them from factual verification, despite the fact that meeting this threshold does not necessarily correlate with fulfilling all the required criteria for election participation.

Factual verification, as defined by KPU Regulation Number 4 of 2022 (amended by KPU Regulation Number 11 of 2022), involves a thorough check of the documents required for political parties to participate in elections against real-world conditions. This verification process is crucial for maintaining the quality and integrity of the electoral process. However, the reliance on the Parliamentary Threshold as a basis for exemptions from factual verification undermines the verification process, as it conflates different aspects of political party performance. The verification process should ensure that all political parties, regardless of their past election performance, are equally scrutinised to uphold the standards of democracy and fairness in elections.

The discourse surrounding equitable treatment in the verification of political parties frequently posits that the primary issue resides external to the parties themselves, specifically within the institutional framework of the Election Commission (KPU), the Election Law, and the Constitutional Court's interpretations. Nevertheless, the attainment of fair competition is unattainable if intra-party democracy, which serves as the cornerstone of internal accountability,

remains deficient. The discourse surrounding equitable treatment in the verification of political parties extends beyond external factors to encompass internal party dynamics. While the institutional framework of the Election Commission (KPU), the Election Law, and the Constitutional Court's interpretations play crucial roles, the internal mechanisms within political parties are equally significant. The concept of intra-party democracy, which fosters internal accountability, is fundamental to achieving fair competition in the political landscape.²⁰

Intra-party democracy encompasses various elements, including transparent decision-making processes, inclusive leadership selection, and mechanisms for member participation. When these internal democratic practices are weak or absent, it can lead to power concentration, suppression of diverse viewpoints, and a lack of accountability within the party structure. This internal imbalance can manifest externally, affecting the party's ability to engage in fair competition and potentially undermining the broader democratic process. Therefore, addressing the issue of equitable treatment in party verification requires a holistic approach that considers both external institutional reforms and the promotion of robust intra-party democratic practices.

The right of nomination is often closed to ordinary members, the right to vote is concentrated among a small advisory council, candidates are frequently appointed by acclamation (without contestation), and term limits are not always accompanied by restrictions on the number of periods served. This shows how a hierarchical internal structure can create leadership that is difficult to hold accountable. When electoral regulations reduce the requirements for factual verification for incumbent or parliamentary parties, these entities may benefit from structural advantages despite lacking robust internal democratic processes. From this perspective, implementing universal factual verification for all parties, irrespective of their previous electoral performance, becomes a crucial mechanism to ensure that minimum democratic standards are upheld prior to their participation in national elections.²¹

Febrian et al. identify the increasing prevalence of single candidates in local elections as indicative of democratic backsliding.²² When institutional frameworks and verification processes disproportionately favor well-established parties, while imposing greater challenges on new or smaller parties, the outcome may be a reduction in voter choice, diminished policy contestation, and ultimately a decline in meaningful political participation. The observed correlation between the rise of single-candidate races and the erosion of democratic values supports the normative argument regarding differential verification. Specifically, the administrative verification applied solely to parties that have surpassed the parliamentary threshold, as opposed to the factual verification required for others, creates unhealthy incentive structures. Harmonizing verification standards, along with transparent incentives for coalition-building, may serve as a downstream solution to the issue of single-candidate elections.

The prevalence of single-candidate elections in local contexts raises significant concerns about the health of democratic systems. When institutional frameworks favor established parties,

²⁰ Lailam, Tanto, Putri Anggia, and M. Luthfi Chakim. "The Proportionality Test Models of Competing Rights Cases in the Civil and Common Law Systems: Lesson to Learn for Indonesia." *Hasanuddin Law Review* 10, no. 2 (2024): 206-225.

²¹ Ghafur, Jamaludin, and Saifudin Saifudin. "Intra-party Democracy: The Practices on the Election of Prosperous Justice Party President." *Sriwijaya Law Review* 4, no. 2 (2020): 154-171.

²² Febrian, Rumesten, Iza, Noer Nurhidayatulloh, and Neisa Angrum Adisti. "Phenomenon of the Increasing Single Candidates and Backsliding Democratic Values in Indonesia." *Hasanuddin Law Review* 8, no. 3 (2022): 248-257.

they create barriers for new or smaller political entities, effectively limiting the diversity of political voices and policy options available to voters. This imbalance can lead to a self-reinforcing cycle where dominant parties consolidate power, further marginalizing alternative perspectives and reducing the overall quality of democratic discourse.

The correlation between single-candidate races and democratic erosion highlights the need for reform in verification processes and party registration requirements. The current system, which applies different standards to parties based on their parliamentary representation, creates an uneven playing field that can stifle political innovation and responsiveness to evolving societal needs. By harmonizing verification standards and introducing transparent incentives for coalition-building, policymakers could potentially address the root causes of single-candidate prevalence. Such reforms would not only enhance the competitiveness of local elections but also reinvigorate citizen engagement in the political process, ultimately strengthening the foundations of democratic governance.

Furthermore, the principle of equality before the law is central to electoral justice and must guide all regulations affecting political participation. A recent study by Risky et al, emphasizes that equal political rights are a constitutional guarantee that cannot be eroded by procedural or institutional preferences.²³ The authors argue that when electoral regulations introduce distinctions between participants, the government must prove that the differentiation is based on objective criteria and is indispensable for achieving a legitimate democratic purpose. Otherwise, such measures violate the equality principle embedded in Articles 27(1) and 28D(1) of the Indonesian Constitution.

The study also highlights how formal equality (equal rules for everyone) and substantive equality (ensuring fairness in actual impact) must be balanced. In the context of political party verification, this means that allowing certain parties to bypass factual verification could create a double standard—formally justifiable but substantively harmful to smaller or emerging parties. The authors conclude that universal verification standards are a more faithful implementation of constitutional equality because they do not privilege incumbency or prior electoral success. By integrating these equality-based principles into the verification process, legislators and the Constitutional Court can ensure that simplification of the party system does not come at the expense of fundamental democratic rights.

As we explore potential reforms to enhance democratic participation, it is valuable to examine international examples that offer insights into managing multiparty systems effectively. Indonesia's multiparty political system presents unique challenges in balancing political diversity with effective governance. By examining the approaches of countries like Turkey, Russia, and Austria, Indonesia can gain valuable insights into refining its system for better political stability and democratic representation. These countries are particularly worth referring to because they each represent different models of managing a multiparty system within a presidential or semi-presidential framework. Turkey, for instance, has transitioned from a parliamentary to a presidential system while grappling with a fragmented party landscape, offering lessons on electoral thresholds and coalition dynamics. Russia demonstrates how a dominant party system

²³ Risky, Saiful, Sholahuddin Al-Fatih, and Mabarroh Azizah. "Political configuration of electoral system law in Indonesia from state administration perspective." *Jurnal Ilmu Hukum dan Konstitusi (Volkgeist)* 6, no. 1 (2023): 119-130.

can emerge within a multiparty framework, highlighting the risks of electoral centralisation and limited political competition. Austria, on the other hand, provides an example of a stable coalition-based parliamentary democracy, where proportional representation has been effectively balanced with governance efficiency. These comparative insights can help Indonesia assess the implications of its legal and institutional design choices on party system simplification and democratic consolidation.

Turkish Electoral System: Managing Fragmentation through Alliances

Turkey's political landscape is marked by a high level of fragmentation, which the government has sought to manage through strategic electoral thresholds and the encouragement of alliances. The recent lowering of the electoral threshold from 10% to 7% is a key strategy aimed at maintaining political diversity while ensuring governability. Smaller parties in Turkey often form alliances to pool votes and surpass the threshold, ensuring their representation in the Grand National Assembly. This approach has helped reduce political fragmentation while maintaining a diverse array of political voices.²⁴ Indonesia, which faces similar issues with political fragmentation, could consider a similar approach by slightly lowering its electoral threshold and promoting alliances among smaller parties. This could lead to a more streamlined and stable parliamentary system, enhancing governance while preserving democratic inclusivity.

Turkey's political system has many different parties, which can make governing difficult. To manage this, the government has set rules about how many votes parties need to get into parliament. They recently lowered this requirement from 10% to 7% of total votes. This change helps keep different political views represented while still making it possible to form a government. Smaller parties in Turkey often team up to get enough votes together to meet this requirement. This helps reduce the number of separate parties in parliament while still allowing different political ideas to be heard.

Indonesia has a similar issue with many political parties. The suggestion is that Indonesia could learn from Turkey's approach. By slightly lowering the number of votes needed to get into parliament and encouraging smaller parties to work together, Indonesia might be able to create a more stable government system. This could make governing easier while still keeping different political views represented.

Russian Party System: Addressing Dominance and Representation

Russia's political system is characterised by the dominance of the United Russia party, which consistently secures a majority in the State Duma. The Russian system, a mix of first-past-the-post and proportional representation, favors the dominant party, leading to stable governance but often at the expense of marginalising opposition parties.²⁵ For Indonesia, which also experiences dominance by a few major parties, this highlights the importance of reforms to ensure that smaller and opposition parties can still play a meaningful role in the legislative process. Electoral reforms that promote more equitable representation could help Indonesia create a more balanced and inclusive democratic process.

²⁴ Ali Çarkoglu, "Turkey's Electoral Threshold and Its Impact on Political Fragmentation," *Turkish Studies* 24, no. 2 (2023): 145–62.

²⁵ Richard Sakwa, "Russian Politics and Society," *Routledge*, 2022.

Russia's political landscape is dominated by the United Russia party, which has maintained a firm grip on power in the State Duma for years. This dominance is facilitated by Russia's hybrid electoral system, combining first-past-the-post and proportional representation elements. While this system ensures stability in governance, it often results in the marginalization of opposition parties, limiting their ability to influence policy-making and represent diverse viewpoints. The concentration of power in a single party has led to concerns about the erosion of democratic principles and the suppression of dissenting voices within the Russian political arena.

Indonesia, while not experiencing the same level of single-party dominance as Russia, faces similar challenges with a political system dominated by a few major parties. This parallel underscores the need for electoral reforms in Indonesia to foster a more inclusive and representative democracy. By implementing changes that promote equitable representation and provide smaller parties with meaningful opportunities to participate in the legislative process, Indonesia could create a more balanced political landscape. Such reforms might include adjusting electoral thresholds, revising campaign financing regulations, or modifying the allocation of parliamentary seats to ensure that a broader spectrum of political voices is heard and represented in the nation's governance.

Austria's Electoral Threshold: Balancing Inclusivity and Stability

Austria's multiparty system operates with a relatively low electoral threshold of 4%, allowing a wide range of political parties to gain representation in the Nationalrat, Austria's lower house of parliament. This low threshold helps to ensure that minority voices are represented, while also preventing excessive fragmentation that could complicate governance. Indonesia, which currently employs a 4% parliamentary threshold, shares similarities with Austria's system.²⁶ By maintaining this threshold, Indonesia can manage the number of parties while supporting effective governance, fostering a healthy democratic environment that balances inclusivity with functionality.

Austria's multiparty system, characterized by its 4% electoral threshold for the Nationalrat, exemplifies a delicate balance between inclusivity and effective governance. This low threshold allows for a diverse array of political parties to gain representation, ensuring that minority voices and niche political interests are not excluded from the legislative process. Consequently, the Austrian parliament often reflects a more nuanced and comprehensive representation of the electorate's political landscape. However, this system also necessitates coalition-building and negotiation among parties to form stable governments, which can sometimes lead to prolonged negotiations but ultimately fosters a culture of political compromise and cooperation.

Indonesia's adoption of a similar 4% parliamentary threshold draws parallels with the Austrian model, suggesting a commitment to maintaining political diversity while preventing excessive fragmentation. This approach allows Indonesia to nurture a vibrant democratic environment where various political ideologies can find representation. At the same time, it helps mitigate the risks of an overly fragmented parliament that could potentially hinder decision-making processes and policy implementation. By striking this balance, Indonesia aims to create a political landscape that is both inclusive and functional, fostering democratic participation while ensuring

²⁶ Wolfgang C Müller, "Electoral Systems and Party Systems in Austria," *West European Politics* 36, no. 2 (2020): 250–72.

that the government can operate effectively to address the nation's complex challenges and diverse needs.

Indonesia's multiparty system, like those of Turkey, Russia, and Austria, faces the challenge of balancing political diversity with stable governance. By learning from these countries, Indonesia can consider the following reforms:

- 1) **Threshold Management:** Indonesia could follow Turkey's example by adjusting its electoral threshold to manage party fragmentation while still allowing for political diversity. Encouraging pre-election coalitions among smaller parties could streamline parliamentary representation and enhance political stability.
- 2) **Balanced Representation:** Drawing from Russia's experience, Indonesia could implement reforms to ensure that smaller and opposition parties are not marginalised, thus fostering a more balanced and inclusive democratic process.
- 3) **Inclusivity and Stability:** Like Austria, Indonesia can maintain broad representation while preventing excessive fragmentation by keeping a relatively low electoral threshold. This ensures that a wide array of parties can participate in governance, avoiding the pitfalls of an overly fragmented parliament.

While Indonesia shares challenges with other multiparty systems, the approaches of Turkey, Russia, and Austria provide specific strategies that Indonesia could adapt to its political context. By refining its party system and electoral laws, Indonesia can enhance the effectiveness of its governance while upholding the democratic principles central to its political identity. The key lies in balancing inclusivity with stability, ensuring that all political voices are represented while maintaining a functional and effective government.

Indonesia's approach to political party verification, especially following the Constitutional Court Decision Number 55/PUU-XVIII/2020, appears to create an uneven playing field by allowing certain parties to bypass factual verification based on their past performance. This decision contrasts with practices in other countries where verification processes are applied more uniformly, ensuring that all parties, regardless of their history, undergo the same scrutiny.²⁷

For instance, Germany's consistent application of a 5% threshold across all elections and the focus on factual verification ensure that only well-supported parties enter the legislative process, without compromising the integrity of the system. Similarly, the U.S. and UK systems, although less fragmented, maintain fairness through simple and transparent verification processes that do not privilege established parties based on past performance. Indonesia could benefit from adopting a more uniform verification process, similar to Germany's, that applies equally to all parties, regardless of their previous electoral success. This would help maintain the competitive nature of elections and ensure that all political parties are equally prepared to participate, thereby strengthening the overall democratic process.

The Constitutional Court's Decision has undoubtedly introduced significant changes to the political party verification process in Indonesia, with far-reaching implications for the country's democratic landscape. While the decision was intended to simplify the electoral process and streamline the multiparty system, it has instead raised concerns about fairness, consistency, and

²⁷ Luthfi Widagdo Eddyono, "The Constitutional Court and Consolidation of Democracy in Indonesia," *Jurnal Konstitusi* 15, no. 1 (2018): 1–26.

the principle of equal opportunity. By allowing established parties that met the Parliamentary Threshold in the previous election to bypass factual verification, the decision creates an uneven playing field, potentially compromising the integrity of the electoral process.

In a democratic system, the principle of fairness mandates that all political entities be subjected to the same level of scrutiny to ensure that elections are competitive and inclusive.²⁸ The differential treatment of political parties, as sanctioned by this decision, risks undermining these democratic values by privileging certain parties over others, based solely on past electoral success. This approach not only contradicts the constitutional principles of equality and fairness but also threatens to weaken the broader democratic process by potentially marginalising smaller or newer political parties.

Introducing a coalition system for parties that do not meet the parliamentary threshold could be a viable solution, allowing smaller parties to collaborate and meet the threshold collectively. Such a system, used in countries like Albania and Italy, ensures that smaller parties' supporters are represented while maintaining the goal of political party simplification.²⁹ Moreover, the experience of other countries with more consistent verification processes, such as Germany, suggests that applying uniform standards to all political parties—regardless of their electoral history—can help maintain a more balanced and competitive political environment. By adopting a similar approach, Indonesia could ensure that all political parties are equally prepared and vetted, thereby upholding the integrity of its elections and strengthening its democratic institutions.

In conclusion, while the Constitutional Court's decision seeks to address the challenges of a multiparty system, its implementation could inadvertently create new problems by introducing inequality into the political process. To safeguard the principles of democracy and fair competition, Indonesia must consider revising its approach to political party verification, ensuring that all parties are held to the same standards, regardless of their past performance. This would not only reinforce the fairness and inclusivity of the electoral process but also contribute to the long-term stability and effectiveness of Indonesia's political system.

CONCLUSION

The Constitutional Court Decision Number 55/PUU-XVIII/2020 introduces a significant shift in Indonesia's political party verification process by creating differential treatment based on past electoral performance. While the decision aims to simplify the multiparty system, it inadvertently raises concerns about fairness and equality, principles that are central to Indonesia's democratic framework. The exemption of certain political parties from factual verification, based solely on their previous success, challenges the constitutional guarantee of equal treatment under the law and could lead to a less competitive and inclusive political landscape.

Future research should focus on a comprehensive analysis of the long-term effects of this Constitutional Court decision on Indonesia's multiparty system. A comparative study with other democratic systems, such as Germany or the United Kingdom, where uniform verification

²⁸ Suripno Suripno Kusdarini, Eny, Anang Priyanto, Sri Hartini, "Roles of Justice Courts: Settlement of General Election Administrative Disputes in Indonesia," *Helijon* 8, no. 12 (2022).

²⁹ Benjamin Reilly, "Democracy and Diversity: Political Engineering in the Asia-Pacific," *Oxford University Press*, 2006, 89.

processes are implemented, could provide valuable insights. Additionally, examining the potential benefits of reintroducing a more consistent verification process across all political parties in Indonesia, regardless of past electoral performance, could help ensure the integrity and fairness of the electoral process, ultimately strengthening Indonesia's democracy.

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