

Indonesia's Party Court: Jurisdictional Ambiguity, Overlapping Authority, and the Structuring of Rule of Law of Political Parties Law (No. 2/2011)

Achmad Sodik Sudrajat

Politeknik STIA LAN Bandung, Jl. Hayam Wuruk no 34 – 38, Bandung, Jawa Barat, Indonesia.

Email: achmad.sodik@poltek.stialanbandung.ac.id

ABSTRACT

The creation of the Political Party Court was a first step towards party accountability and cohesion, as per Law No. 2 of 2011 in relation to Political Parties (Republic of Indonesia). Despite its crucial function, the position of the law in Indonesia is still unclear, and it frequently competes with official courts like the Constitutional Court. The interpretation of Article 33 (1) and (2) has shown that it can potentially create legal instability and interfere with the resolution of disputes, undermine the legitimacy of democratic elections, or subvert decisions made by the constitutional court. Additionally, the Party Court's ambiguity in its jurisdiction undermines the legal credibility of final Constitutional Court decisions, despite extensive research being undertaken on its role in election conflicts. Additionally, there is a significant research gap in assessing the specific legal and institutional procedures. In order to understand how the Constitutional Court's decisions can impact Indonesian general elections, this paper examines the legal uncertainties that arise from party disputes. By using a qualitative juridical-normative technique, the study investigates statutes, court opinions, and doctrine in relation to election law. It concludes by indicating that "party courts" operate in ambiguous jurisdictions, often with decisions reflecting factional interests or conflicting formal court conclusions, leading to judicial incoherence. The lack of proper regulatory control amplifies this ambiguity. Besides suggesting significant legislative amendments to standardize internal party procedures, the study provides a theoretical framework for investigating the interaction between quasi-judicial institutions and upper courts.

Keywords: Party Court, Political Party Law, Constitutional Authority, Electoral Judicial Review, Overlapping Authority.

I. INTRODUCTION

Today, political parties play a vital intermediary role between citizens and the state in modern democracies as not only instrumentalities of democratic accountability but representatives of politics (Daly & Jones, 2020; Khaitan, 2020). Their institutional function of federating interests, structuring political competition, and selecting candidates makes them a necessary condition for the existence of party democracy. The integrity of the internal procedures of

political parties, including dispute resolution mechanisms, is essential for ensuring the rule of law and electoral justice. This is so because political parties' impact on the composition of representative bodies is achieved by selecting their candidates and mobilising their votes. Thus, preserving public confidence in democratic institutions depends on ensuring that internal conflicts are settled transparently and legally.

Elections, on the other hand, offer a fundamental tool for building democratic government as well as a procedural way to convert votes into legislative or executive seats (Fauziah et al., 2022; Suparto & Admiral, 2019). For the system's basic elements—such as electoral districts, nomination processes, voting models, and electoral formulas—to operate properly, strong institutional and legal guarantees are required. Internal party disputes, such as when elected politicians lose their seats due to party-level disagreements, undermine the legitimacy of election results (Akmaluddin, 2024; Mayasari et al., 2025). As a result, resolving internal party conflicts is considered significant to maintaining democratic legitimacy and electoral integrity, in addition to being an organizational problem.

Indonesia's experience demonstrates how unresolved intra-party disputes can endanger democratic institutions' stability and election results' predictability. Numerous well-known cases, ranging from the replacement of elected legislative candidates to competing leadership claims within parties, show how party court rulings can conflict with electoral regulations and judicial decisions (Fauziah et al., 2022; Suparto & Admiral, 2019). As a result, numerous internal party disputes led to the cancellation of a vote winner who received enough votes to be elected to the legislature (Akmaluddin, 2024). For instance, in the most recent legislative election, Tia Rahmania, a PDIP member of the House of Representatives, received the most votes in the Banten I

electoral district (Mayasari et al., 2025). According to the results of the KPU recapitulation, Tia received 37,359 votes. Bonnie Triyana, who received 36,516 votes in the legislative election in the Banten I Electoral District, took Tia Rahmania's place in KPU Decree Number 1368. The Party Court, however, chose to replace her.

In addition to these incidents, a number of cases involving internal party disputes have caught Indonesians' attention (Fauziah et al., 2022; Suparto & Admiral, 2019; Syahrial & Jalal, 2023). Party courts face a number of difficulties, such as situations in which some political groups disregard court decisions, government interference, and doubts about the objectivity of court members, many of whom have strong connections to the parties they decide cases involving (Suparto & Admiral, 2019). Additionally, gaps in the regulatory framework, like the flaws in Minister of Law and Human Rights Regulation Number 34 of 2017, can create legal ambiguity and make it difficult for party structure changes to be formally approved (Suwito, 2024).

Despite being intended as a final and binding mechanism for internal disputes, the Political Party Court's decisions are still subject to political influence, a lack of independence, and uneven enforcement (Pattiapon, 2020). Article 33 paragraphs (1) and (2) of the Political Parties Law permit challenges before the Supreme Court and District Court, resulting in overlapping jurisdictions and systemic uncertainty that could be seen as an attempt to protect party members from decisions made by party courts with political motivations. It is feared that the party court's membership composition, which comes from within the political party itself, could result in biased decisions due to the lack of independence in decision-making. However, the provisions in Article 33 paragraphs (1) and (2) also show the party court's continued weak position as a body for resolving internal political party disputes in Indonesia

because it is only an internal party organ and not a part of the judicial body that is part of the judicial power. However, under the Political Party Law, there is still an opportunity to file an objection in accordance with Article 33 paragraphs (1) and (2), which provides an opportunity to take legal action in the District Court and Supreme Court in case of failure to achieve dispute resolution.

Normatively speaking, the application of Art. Section 33 of the electoral law has introduced systemic indeterminacies into the adjudication of disputes involving political parties. The implications of these indeterminacies negatively affect the legal status of the electoral winners as well as the legitimacy of the electoral results in the long run. This means that the existing legal system not only raises questions about the stability of the institutions of the parties themselves but also challenges the legitimacy of the rule of law itself in the country. Notwithstanding the significance of these questions in contemporary scholarship, very little work has been done related to the legal architecture of the Party Court of Indonesia (Fauziah et al., 2022; Suparto & Admiral, 2019), providing very little information on how the legal system, institutions, and judges work together to make the electoral adjudication system of parties effective.

The systemic incongruities exposed by this research demonstrate the pressing need to study the Party Court not only from a purely organizational or internal perspective but from a constitutional perspective as well, as being part of the electoral justice system of the Indonesian State as a whole. In this way, this research is informed by the following guiding research questions: Firstly, what is the legal status of the Party Court within the Indonesian legal and constitutional system? Secondly, to what extent do incongruities surrounding the mandatory status of the Party Court under paragraphs (1) and

(2) of Article 33 affect legal certainty, electoral justice, as well as the constitutional unity of the Indonesian legal order?

Existing scholarship on constitutional and electoral adjudication has predominantly focused on the macro-level authority of the Constitutional Court in safeguarding democratic principles (Baidhowah, 2021; Paradita & Triadi, 2024; Thohir & Sukriono, 2023). Previous scholars similarly show how constitutional courts may be instrumentalized in populist or authoritarian contexts (Kovalčík, 2022). However, the literature on the subject granted surprisingly little attention to the judicial process at the micro level in the political parties, more specifically, the party court. The judicial decisions can create an impact on the legitimacy of the candidates and are often in opposition to the judicial decision. There is a major gap in the literature regarding the judicial certainty in the Indonesian constitutional framework.

Thus, this particular study intends to fulfill this legal/institutional gap through a systematic analytical approach that is able to situate the Party Court in the context of the general justice system guaranteed in the constitution. The originality of this particular study is located in the integrative approach of this particular study, as this particular study can connect statutory interpretations as well as an approach of an institutional nature in this context as a way of comprehensively understanding how the Party Court, as well as the inconsistencies that may emerge as a consequence of Article 33 in Law Number 2 of 2011, may create integrity in the context of electoral processes in Indonesia.

II. RESEARCH METHODS

This research uses a normative juridical research methodology that differentiates itself due to its conceptual, statutory, and comparative approach of analyzing “the Party Court case.” For its data collection, the researchers

conducted extensive library research in reliance on primary sources in terms of legal documents such as statutes, regulations, and judicial decisions, in addition to secondary sources such as books and academic literary works written in relation to political parties and judicial power. The approach in conducting legal juridical research strictly relates to this juridical topic. The approach in this juridical research applies “The Statute Approach.” This methodology is employed to analyze:

1. Law Number 2 of 2011 on Concerning Political Parties (Republic of Indonesia), particularly Articles 32, 33, and 34, which deal with the Party Court as the mechanism to handle disputes inside the party.
2. The Constitution of the Republic of Indonesia of 1945 (UUD 1945), particularly Article 1 Paragraph (3), is the basis for the principle of the rule of law.
3. Law No. 7 of 2017 on General Elections (Republic of Indonesia), concerning the possible overlap of authority between the Election Supervisory Body (Bawaslu), the State Administrative Court (PTUN), and the General Election Commission (KPU) with the Party Court.

By this approach, the analysis emphasizes the handling of the disharmony among regulations as the production of jurisdictional ambiguity. Using the context of the qualitative data analysis in the legal research, the approach examines: the extensive examination on the primary documents on the laws, such as the law number 2 in 2011, along with the decision on the Constitutional Court and the decision on the Party Court, in defining a basic understanding on the context of the laws and their applications; and the examination in the existing academic literatures and publications in defining the context on the reconstructions in the research on the existing theoretical and context frameworks. In this case, the examination in the legal research examined and

processed the manner and the position of the political party dispute resolution institution in Indonesia, and the possible reconstructions.

III. RESEARCH RESULTS AND ANALYSIS

A. Democratic System in Organizing Elections

Democracy can be described as a form of governance by the people. The concept of conducting democracy in politics is not completely in conflict with conducting democracy in an educational organization, but basically, democracy injects life into education, whether in the planning, control, or assessment stage (Putra & Hijri, 2022). The concept of democracy involves the establishment of the election process as a fundamental part of its operation, in an effort to ensure that the will of the people is represented in their form of governance. The election process in a democracy is in itself a very complicated procedure, taking into account the casting of votes.

Consequently, the basics of constitutional government are identifiable. Moreover, democracy is also considered an institutionalization of freedom, that is, the basic rights to equality before the law, which has to be owned by every society to be actually considered to be in a democracy. Consequently, one of the basic changes in the 1945 Constitution is the provision in Article 1, paragraph (2) of the 1945 Constitution. Article 1, paragraph (2) of the 1945 Constitution reads, "Sovereignty is in the hands of the people, and is carried out entirely by the People's Consultative Assembly". Then, it was changed during the time of the third amendment to the 1945 Constitution so that the formulation reads, "sovereignty is in the hands of the people and is carried out according to the Constitution."

The application of people's sovereignty is conducted through an election, which is the mechanism for the citizens to elect their leaders. These include the

election of the President and Vice President as a team, along with the election of the representatives to the legislative bodies, such as the House of Representatives, the Regional Representatives Council, and the Regional Legislative Councils. These elected representatives are tasked with the oversight of governance, representation of the political will of the people, as well as the determination of the laws that represent the legal foundation for all entities in the Republic of Indonesia in the execution of their respective duties. As the foundation of democracy, the conduct of elections is an extremely vital platform for citizens to express their will in the political field, elect qualified representatives to the legislative bodies, as well as elect the President and the Vice President legally (Huda et al., 2025).

B. Political Parties in a Democratic System

A political party is an organized formation established with the intention of shaping and molding public policies according to certain predefined ideological tenets and interests. This can be accomplished either by exercising direct control over the government's power or by facilitating public involvement in the electoral process itself. A political party is an organized group of persons who work to acquire or retain control over the government on behalf of the party's leadership. This power, in return, represents a tool for providing its members with material as well as ideological advantages.

Four major roles played by the political parties in a democratic state. Firstly, they act as a platform for reconciling the diverse public interests. Secondly, they play a very important role in training the public to be politically conscious individuals. Thirdly, an important role in these parties' roles includes acting as a mediator between the government of the state and public opinion, hence allowing the voice of the people to be heard in the government's decision-

making processes. Lastly, these parties play an important part in the selection of the leaders of the public who are able to exhibit an element of open-mindedness, apart from being effective in their administrative work.

The primary significance that political parties play in a democratic system thus requires that democracy itself remains the motivating force underpinning their performances (Daly & Jones, 2020). Therefore, this condition requires an in-depth understanding of what democracy entails in itself, playing an absolutely integral role in political parties' performances in terms of expediting political maturity attainment. It is also absolutely pivotal to realize that democracy itself, in itself a conceptual notion, remains an absolutely impartial notion in itself. This in itself requires that governmental superstructure and political structure are subject to a checks and balances process that provides perfect balance and monitoring in both governmental superstructure and political structure itself.

For an actual democratic climate to emerge and thrive, an institutional mechanism within the government has become an imperative that would enable and ensure continuous and systematic democratic processes. This would promote empowerment in popular politics, and as such, enhance the economy, social life, and culture of the people, who constitute the actual foundation and cornerstone of the democratic political system itself (Daly & Jones, 2020; Khaitan, 2020).

However, the objective of this empowerment can be made realistic and actual by ensuring that an ambience that promotes mutual trust and cooperation exists and is sustained within and through the political superstructure and infrastructure, where this same trust constitutes the actual foundation and cornerstone for the success and continuity of democracy itself (Daly & Jones, 2020; Khaitan, 2020; Kristiyanto et al., 2023). Trust would enable

free communication and interactions actively and positively that would ensure that the government becomes responsive and accountable to the needs and desires of its citizenry (Kristiyanto et al., 2023).

The challenge of establishing such a trust would be complicated by issues already identified in Indonesian society in relation to how political money should be practiced. Whereas in political money practice in Indonesia presents a complex enforcement environment (Kurnia, 2024), in relation to two kinds of laws: electoral criminal laws and electoral administrative laws. The presence of these laws usually raises concerns and challenges regarding one's ability to enforce political money practices and uphold key principles of electoral justice (Fahmi et al., 2020).

C. General Election

Elections are a part of a working democracy wherein people vote to choose who decides on behalf of the country. This is how, in a democracy, all citizens have a say in what the government does and what should be done. Elections give rights to people to decide what they want for their country. If elections are fair and people can say whatever they think without fear, then the results show what most people want. This is so because people can express their opinions freely and hold meetings with others to discuss things. The results of the elections are a way to know what a community really wants. Elections are crucial for a country to know what people want, like its citizens. This open atmosphere provides a chance for legitimacy by allowing diverse voices to be heard and ensuring that elected officials are truly accountable to the people they represent. Thus, more than providing a means to transfer power, a free and fair election also affirms the basic principles of democratic governance through the validation of the public mandate.

The general election is a means to actualize the sovereignty of the people through the creation of organs of government that reflect the voice and interests of the people. The idea of the general election arises from the system of democracy employed by our countries. How we view democracy as a form of government ("a government of the people, by the people, and for the people") shows that the public has control over the government through elections and appointing officials who serve to implement policies for the public good. Thus, the process of general elections is one of the steps that realizes the sovereignty of the people. Elections provide a means for citizens to select their government officials and indicate the type of government they desire. At the same time, citizens inform themselves about the policies the new government will pursue. For many democratic societies, elections serve as the foundation from which to measure the effectiveness of a democratic system and help to reflect the general will of the citizens through their representatives (Hiariej & Stokke, 2022; Putra & Hijri, 2022).

While popular sovereignty states that the people are the ultimate source of authority for a government and can create their own governmental structures and objectives as a nation as a whole, applying this principle proves to be difficult because representative democracy is the only way for individuals to express the many and varied interests of an entire population in relation to how they are governed. Representative democracy (also known as "indirect democracy") allows the sovereign people to act through representatives that they elect. Because direct governance is too complicated and cumbersome, representatives serve as intermediaries between the population and the government, allowing for the effective passage and implementation of policies that reflect the needs and wants of the entire nation. This delegation of authority does not mean that the essence of popular sovereignty is lost; rather, it

preserves popular sovereignty by providing citizens with ways to participate in the legislative process and direction of the government. By electing representatives, citizens are empowered to have a say in the creation of laws and policies and to influence the overall direction of the nation, thereby holding their government accountable for serving its people.

The representative democratic system is also a mechanism that allows for the translation of the will of the People through the representative nature of that system. The Political Parties have an important role as the mechanism through which the People communicate their needs and wants to the Government (Kartabrata, 2023). The Constitutional Court Decision No. 114/PUU-XX/2022, which declared that political parties must have an active, direct, and open participation in elections, is one way to reinforce the role of political parties as a critical component of our democratic system. This court decision represents a shift toward a recognition of the role of political parties as a key to the development of a high-quality and dignified election consistent with the Constitution.

A number of comparative studies on elections have reaffirmed their position as an instrument of representative democracy. As has been illustrated in earlier studies (Hiariej & Stokke, 2022; Putra & Hijri, 2022), not only do elections serve as a means of operationalizing the concept of popular sovereignty, but they also serve as a clear indicator of the level of democratic development achieved by any given country. At the same time, as stated by Kartabrata (2023) and the Constitutional Court Decision No. 114/PUU-XX/2022, the quality of the electoral process in Indonesia is directly correlated to the extent to which political parties play their role as mediators between the citizens and the state. This is consistent with the view that free and fair elections do not guarantee democracy unless there are institutionalized party systems that are

structured to provide internal democratic processes and to ensure accountability. These views provide an alternative interpretation of the true legitimacy of elections, one where the ability of elections to produce substantive representation is dependent upon the processes used by the parties to select their candidates as well as the way in which the parties themselves are organized. Therefore, the point of intersection of electoral integrity and party governance in this context can be regarded as an important element of democratic development in the country, with political parties in particular having outgrown their primary role in elections and now having a crucial constitutional role in the sovereignty of the people.

D. The Position of the Party Court in Law Number 2 of 2011 concerning Political Parties

As mandated by the 1945 Constitution of the Republic of Indonesia, freedom of association, assembly, and expression of opinion are human rights that must be implemented to strengthen the spirit of nationalism in the democratic Unitary State of the Republic of Indonesia. The right to associate and assemble is then realized in the formation of Political Parties as one of the pillars of democracy in the Indonesian political system. In the history of political parties in Indonesia, the reality shows that political parties have played a significant and strategic role in the struggle for independence and the implementation of the principles of Indonesian democracy. Political parties were born to realize the idea that the people are a factor that participates in the political process. Political parties are an important tool for the people to realize their political goals and can also participate in fighting for and voicing their aspirations or interests.

Political parties are a required component for democracy, and hence, laws governing political parties are necessary to ensure that political parties grow positively, remain healthy, are functional, and fulfil their role adequately. Poerwantana (1994) outlines that political parties are an essential element in the current democratic political culture. As an institution, modern political parties should encourage citizens to participate in democratic processes, represent specific interests, resolve competing views through consensus, and facilitate or assist in providing the legal and peaceful transfer of political authority. Thus, in its most current definition, a political party is made up of citizens who nominate candidates for positions in Government through elections so that they can influence and control how the Government operates.

According to Article 32 of Law Number 2 of 2011 concerning Political Parties, the Regulation governing the resolution of disputes within political organizations is clearly defined (Andriyanto, 2023; Poenene et al., 2023). This article provides a system for resolving internal conflicts, with an emphasis on the obligation of the parties to resolve their disputes internally as outlined in their party constitution and bylaws. As an initial requirement, political parties must resolve all disputes through internal channels, as is outlined in the party's constitution and bylaws. To facilitate this process, political parties must set up an internal judicial body or court that will adjudicate internal disputes whenever possible. The leadership of the political party must provide the composition of this internal judicial body or court to the Ministry for official records. Furthermore, the rule stipulates that all disputes within the political organization have to be settled within 60 days from the time of the filing of a request for the resolution of the dispute. This means that all decisions reached in the internal courts of the political party are final and tied up in the administration of the political party.

Generally, all these pieces of legislation establish the Political Party Court as a "quasi-judicial" body (Bolleyer et al., 2019). The legislatively mandated powers of this Court were developed and established by the Political Parties themselves. In addition, the mandatory requirement for the Ministerial Declaration of the existence of the Political Party Court was enacted to promote transparency and accountability. Finally, exclusive jurisdiction regarding internal disputes related to each Political Party's governance and operations rests with the Political Party Courts, and their rulings are considered to be "final" within the confines of the individual Political Parties.

Article 32 (2) of the Political Parties Act is a major shift from the previous Political Parties Act, Law No. 2 of 2008, which did not include any provision for a Political Parties Court. The current Law introduced the Political Party Tribunal to ensure the resolution of the various disputes that have been pending in Indonesian Political Parties for a long time. The establishment of a Political Party Tribunal for Political Parties in Law 2 of 2011 is meant to bring a modern means to a defined end for the resolution of internal conflicts in Political Parties. The Act ensures Political Parties have the capacity to defend and preserve autonomy and are in a position to deal with their internal conflicts fairly and efficiently.

The function of the party tribunal is similar to that of a State Judiciary. The tribunal has a similar function to that of a judge. In that capacity, the tribunal is the official forum for resolving intra-party disputes as authorized by the Political Party Law. However, from an institutional perspective, the Party Tribunal functions within the party and as part of its internal structure. The Indonesian Party Tribunal does carry out a judicial-like function, but it is not considered to be an independent branch of the judiciary, nor is it part of the

judiciary. The Indonesian Party Tribunal is, therefore, best understood as a quasi-judicial body that exists within the political party's internal structure.

The previous theories or opinions of the scholars previously held that Political Party Courts were not considered Judicial Bodies as defined by the Constitution (Kharismawan et al., 2023; Suparto, 2022; Sutarman et al., 2024); however, with an increasing demand to have it recognized as a Judicial Body, Article 24 paragraph (2) of the 1945 Constitution should be taken into account (Zairudin, 2022). The 1945 Constitution states in Article 24, paragraph (2) that the "Judicial Power" is performed by the Supreme Court, together with Judicial Bodies that are under the Supreme Court, such as General Courts, Religious Courts, Military Courts, Administrative Courts, and the Constitutional Court, therefore limiting the definition of Judicial Bodies.

Regarding Article 33, paragraph (1) of the Political Parties Act, it can be concluded that no attempt can be made to resolve issues of leadership within political parties. "To summarize the statement made about Article 33 paragraph (1), that article intends not include any sort of dispute regarding the management of a political party. Therefore, Article 33 paragraph (1) does permit political parties to maintain management disputes without any sort of resolution by the Party Court. This means that this provision does not provide for an interpretation contrary to the intent of Article 28D of the Constitution of 1945, which provides for the protection of legal certainty." On the other hand, the weakness of the establishment of the Party Court is the lack of clear and well-defined standard operating procedures as outlined in Article 32 of the Political Parties Act.

Discussions surrounding Law No. 2 of 2011 converge on the recognition that the establishment of a Political Party Court represents a significant institutional innovation aimed at managing intra-party disputes within a

democratic legal framework. The issue under discussion in relation to Law No. 2 of 2011 centers on the fact that those supporting the establishment of a Political Party Court agree on the importance of an institutional innovation with regard to handling intra-party conflicts in a democratic legal system (Andriyanto, 2023; Poenene et al., 2023). Nevertheless, the issue can also be seen as inconclusive in relation to whether or not the court has a legal status and a basis in the constitution (Andriyanto, 2023). Though Bolleyer et al., (2019) argue that political party courts from their perspective believe in the idea of a quasi-judicial system and an important role in ensuring internal judiciary responsibility in political forums, on the other hand, there are also arguments brought out by other authors (Kharismawan et al., 2023; Suparto, 2022; Sutarman et al., 2024) who insist the relation to whether or not the court can properly follow Article 24(2) in relation to the Constitution of the Indonesian Government in 1945, stating in its stipulations that judicial power was vested in the formally established State Court.

This disagreement underlines the ongoing conflict between the universally recognized principle of party autonomy and the constitutional obligation of judicial independence. Zairudin (2022) even urges a more liberal interpretation of the constitutional definition of judicial power regarding the establishment of party internal courts, assuming, without doubt, that the party internal courts are full-fledged institutions acting adjudicatively fairly and impartially. There is a consensus among academics regarding the creation of a gap in the Indonesian legal system, which arises largely from the establishment of the Political Party Court, which aims, in particular, at protecting political parties from politics in handling their conflicts, but the Political Party Court does not have specific procedural rules or standards related to the rule of law

in governing the legal process, which negatively affects the functionality or credibility of the Political Party Court mechanism in handling the conflict.

E. Party Court decisions in the rule of law system

The critical role of law in determining the actions and policies of government leaders, and therefore all decision-makers acting on behalf of government, has been highlighted through a review of the key features of the rule of law, the concept of authority, and the concept of legal certainty. Specifically with respect to national governance, state governance, and society, the Constitutional Court serves as an entity to resolve issues/disputes related to the outcome of elections (Blessing, 2023; Fauziah et al., 2022; Syahrial & Jalal, 2023). The exclusive jurisdiction of this Court includes disputes involving not only different political parties' candidates but also disputes involving candidates of a particular political party (Anggriawan et al., 2022; Suparto & Admiral, 2019). As a result, the Political Party Court cannot determine an internal party dispute as it relates to legislative election results; nor does it have the jurisdiction to nullify the election of the Regional Legislative Councils.

Actions taken by government officials without the authority to do so are considered null and void. There are also various forms of inappropriate authority (*onbevoegdheid*): for example, an action may fall outside of the government's authority due to the type of action involved (*onbevoegdheid ratione materiae*), geographic location (*onbevoegdheid ratione status loci*), or time frame when the action is taken (*onbevoegdheid ratione temporis*). Each of these three attributes must be fulfilled for a government's action to receive legal recognition; if not, then a legal defect exists, rendering it invalid and/or ineffective. According to Article 17, paragraphs 1 & 2 of the Law on State Administration, government officials cannot misuse their position of authority.

Misuse would include the following: (1) exceeding one's authority; (2) mixing inappropriately one type of authority with another; (3) acting arbitrarily. Article 18, paragraph 1 of the Law on State Administration explains that exceeding authority occurs when a government official's decision or action: (1) exceeds the term of office or validity time frame of their authority; (2) exceeds the geographic boundaries of their authority; or (3) violates existing statutory laws and regulations. Exceeding authority could also arise if the government official issues an arbitrary decision or takes an arbitrary action under one of the below-noted circumstances identified in Article 18, paragraph 3 of the Law on State Administration: (a) without lawful authority; or (b) contrary to a final and binding court ruling.

As a result, decisions made by the Political Parties' Court, regarding party members' alleged breach of law concerning the outcome of the legislative elections and invalidation of the elected PDP members would be classified as a result of a misuse of authority based on the following two classifications of violations: Excessive Abuse of Authority and Arbitrary Abuse of Authority. Therefore, these decisions are void ab initio and have no legal effect (Mahara et al., 2024; Suparto, 2022). Legislative elections and decisions regarding internal party disputes related to the results of Legislative Elections have no legal effect when related to the creation of any order that affects the rights of elected PDP members to participate in the political process, as established in Article 33 of the Political Party Law. The plaintiff's lawsuit should request the district court to declare the Political Party Court's decision "void ab initio and of no legal effect".

If the Political Party Court is asked to arbitrate an internal dispute within a political party regarding results from legislative elections, the Political Party Court can follow these procedures: First, the Political Party Court will enable

both the affected parties to negotiate between themselves before looking at the case in trial. If both parties can come to an agreement during the mediation process, this agreement will then be recorded by the MPP in the Political Party Council's ruling, which is considered final and carries with it the authority of law. The Political Party Council serves the purpose of allowing for independence and professionalism within the political parties and is empowered to exercise judicial powers within the political party context to strengthen the autonomy of political parties in executing their roles as democratic institutions and ultimately creating the means for the Political Party Council to fulfil its role as a mediator in resolving disputes between internal political party members.

Although the Political Party Court is an official body, it does play a role in both the law-making and judiciary of Indonesia. The Political Party Court was established as an alternative to the traditional judiciary as a result of the Political Party Law (Law No. 2 late 2011) and is intended to settle disputes within political parties. Besides deciding cases between members or leaders of political parties, the Political Party Court commonly makes decisions that affect the structure of constitutional and election laws. With regard to decisions made by the Political Party Court, several matters of importance have arisen concerning the relationship between the right of a political party to manage itself and its duty to comply with the laws of Indonesia. Further, where the Political Party Court reaches a decision that is in contravention of the decision of a formal Judicial Body, such as the Constitutional Court of Indonesia, questions have arisen concerning the role of the hierarchy of laws and the duty of the Political Party Court to conform with the ideals of constitutional laws.

Recent studies have enriched the understanding of how constitutional courts and quasi-judicial bodies interact with one another in the legal

framework of Indonesia. Thohir & Sukriono (2023) identified that the Constitutional Courts have a central role in the maintenance of constitutional authority and the retention of order in the country's legal framework. Paradita & Triadi (2024) found that although Constitutional Courts' decisions had been developing toward the period of elections, such decisions brought about challenges due to the tension between judicial interpretation and politics. That eventually means that the ability of Courts to create a playing field continuously in electoral justice is relatively weak. On the other hand, could present another perspective by showing examples from other countries that have become occupied with populist regimes. This perspective has shown that, in some cases, the Court was manipulated by populist regimes to maintain political power.

Similar concerns arise as a result of Indonesia's likelihood of using internal party mechanisms for the purpose of providing legitimacy to the elite in controlling and manipulating the judicial branch using legal means. Further, Baidhowah (2021) provides an argument that the Constitutional Courts of Indonesia serve as a check on democracy and might also contribute to diminishing the impacts of democratic backsliding through principled judicial decisions. Expanding on this, Sulistyowati et al. (2021) argue that there needs to be stronger mechanisms put in place to ensure that judicial decisions become binding and consistently enforced. Finally, Suparto et al. (2023) presented a structural perspective and pointed out the absence of a leading Electoral Court as the most important institutional gap in addressing the limits of competence among Constitutional Courts, administrative tribunals, and political party courts.

The connection between the Party Court and the overall rule of law is characterized by a strong constitutional tension. According to prior studies

(Blessing, 2023; Fauziah et al., 2022; Syahrial & Jalal, 2023), the jurisdiction of the Constitutional Court is limited to only electoral disputes, thus providing the foundation for both certainty and fairness concerning the election outcomes. Studies conducted by Mahara et al. (2024), Suparto (2022), and Suparto & Heryansyah (2022) indicate that if Party Courts go beyond this jurisdiction by attempting to invalidate elected candidates, the Party Court is abusing its discretion as per the principles of administrative law, and its decisions will therefore not have any legal effect. All of the above-referenced studies agree that the Party Court will only be considered legitimate if it complies with the legal and proportionality principles when rendering decisions. However, some researchers believe that, regardless of its limitations, the Party Court can still be used as a venue for resolving internal political disputes before moving to the state courts, thus supporting Indonesia's efforts to integrate the management of democratic conflict into its governance system (Anggriawan et al., 2022; Suparto & Admiral, 2019). As such, while the Party Court must operate under the jurisdiction of the Constitutional Court, with better procedural clarity as well as enhanced oversight of the Party Court's processes, the Party Court could evolve from being an institution that creates legal uncertainty into an institution that works in conjunction with the current legal framework in Indonesia, the developing rule of law.

From the results of this study, it is obvious that there is much confusion between the powers of the Constitution and the legitimation of political actions by the Party Court. When established, the Party Court was expected to ensure stronger representation of internal democracy through the implementation of laws. From evidence, it is also apparent that verdicts handed down by the Party Court are always influenced by the wishes of members of various factions and elites in an attempt to abuse the tools available to them, as evidenced by

Kovalčík (2022) and Suparto et al. (2023), which illustrates the fragility of Indonesia's electoral adjudication system.

In the sense that there is no acknowledged hierarchy in the enforcement of decisions from the Party Court, there might also be situations in which decisions rendered from the Party Court may end up negatively affecting the jurisprudence of the Constitutional Court, and this may result in a negation of the rule of law. The Party Court may, however, serve as a viable alternative forum for settling disputes through the principles of procedural justice if the functioning of the Party Court is carried out in a way that is compatible with the principles of transparency and subject to judicial review. The Party Court is now faced with a crucial challenge in that it can choose to abide by the rule of law in the Indonesian constitution or continue with the fostering of a culture of selectiveness in the application of the rule of law in favor of the political elite as opposed to the integrity of the institution. In a bid to enhance the rule of law in Indonesia, the Party Court can choose to enhance its system of checks and balances.

F. Jurisdictional Ambiguity and Potential Abuse of Authority: Reflection on Tia Rahmania Case

The political Party Court's ruling to alter the list of legislative candidates as determined by the KPU, is beyond their jurisdiction. This decision was made based on the Court's judgment regarding a legally recognized dispute, which is then classified as null and void. The ruling from the Party court that was deemed null and void, as it exceeded legal authority, indicates that the Party Court has attempted to exceed its jurisdiction as defined in the Party's statutory documents - Articles of Association and Bylaws (AD/ART) and legally. Therefore, the ruling is rendered moot and thus of no effect. In regard to

limiting the authority of the Political Party Court (MPP), we should look at the Normative Basis for the MPP's authority as defined by the laws of the Republic of Indonesia.

The MPP, as a vehicle for dispute resolution in internal party disputes, is addressed and regulated under Law No. 2 of 2011 on Political Parties (Republic of Indonesia). Article 32 of Law 2/2011 states that internal party disputes can only be resolved through an internal party court/tribunal. Furthermore, Article 32. Paragraph 5 states that any decision rendered by the Party Court: "... shall be considered final and binding on the internal parties in management (Kepengurusan) disputes." If the internal resolution cannot be reached, the dispute may be brought to the district court, as regulated in Article 33 of the same Law.

The conclusion derived from legal literature, and other sources of law, including normative and jurisprudential literature, establishes that the MPP's final and binding authority (absolute competence) is restricted to the resolution of management disputes only, and that the remainder of disputes (all non-management disputes) including violations of members' rights, unlawful dismissal, misuse of authority, and opposition to the decision(s) of another party are to be filed with the appropriate district court if the MPP cannot or will not resolve the dispute. This indicates that the MPP is not a general court, with unlimited authority; its powers are limited by law, the constitution of the parties, and the by-laws (AD/ART) of the parties. The normative determination of the MPP's authority is established through the laws established and by the statutes and internal rules (AD/ART) governing the MPP. If, therefore, the MPP acts beyond the limits of its authority, such as by deciding a matter other than a management dispute, or by exceeding the provisions of the parties' (AD/ART) Constitution or by-laws, then there is a basis for challenging that act as an ultra

vires act (beyond the authority of the MPP). Ultra vires is generally understood to mean "beyond the powers." An ultra vires action is generally recognized in the context of administrative/public law and organizational law as being unlawful, and therefore, an ultra vires act is invalid.

The same principle can be directed towards the classical Rule of Law advocated by Dicey (1915). It requires the Supremacy of Ordinary Law, such that no one can be punished or lose anything without an attributable violation of the law, proven in ordinary courts. It is possible to apply the same reasoning to non-state internal organs such as political parties. For example, the MPP acts beyond its authority when it resolves a matter that is, by virtue of the law, the AD, or the ART, beyond the object of internal dispute. Such a decision can be, in principle, regarded as "ultra vires" and, consequently, legally out of existence.

As an example, Tia Rahmania was a member of the PDIP Political Party. After being accused by the PDIP's internal MPP of "inflating votes" during the 2024 Legislative Election, she was dismissed from the PDIP. Because of this, Tia Rahmania was not allowed to be sworn into the House of Representatives. Tia then filed a lawsuit against the PDIP MPP in the general court system (i.e., at the Central Jakarta District Court).

According to Putusan PN JAKARTA PUSAT Nomor 603/Pdt.Sus-Parpol/2024/PN Jkt.Pst, (February 20, 2025), the Panel of judges considered the fact that the vote-counting documents did not sufficiently prove Tia had engaged in vote padding, as the allegation in the MPP verdict is inaccurate; therefore, her removal and the nullification of her inauguration are factually incorrect. Nevertheless, the party has appealed to the Supreme Court; the PN Jakpus verdict is not yet final (*inkracht*). The Political Party Court, as an internal body, has its powers circumscribed and usually deals with internal party

conflicts, breaches of the code of conduct, discipline, AD/ART infringement, and other issues of internal structure. When the MPP issues a verdict that is beyond the said limited powers, for instance, in the face of baseless allegations, or usurping a position strictly meant for external jurisdictions (courts/state legal processes), the verdict is susceptible to classification as “ultra vires” and to be null and void by law (void ab initio).

This case serves to clearly illustrate this vital jurisdictional boundary. After being dismissed by the Political Party Court of the PDIP, Tia's inauguration as a member of the DPR was canceled. Central Jakarta District Court subsequently ruled that the allegations of vote inflation had not been substantiated, emphasizing that Fuller (1964) concept of internal morality of law underlies all laws. In establishing that MPP disciplinary action is legally enforceable only if based upon a legal decision that meets Fuller's principles of legality (Fuller, 1964), the disallowance of an MPP disciplinary action by a state court further indicates that these fundamental principles of legality and procedural fairness have been violated, regardless of whether the decision is otherwise considered ultra vires. The existence of an external court mechanism provides citizens with the means to test the limits placed upon them by an MPP rule or decision, thereby supporting the Principle of Equality Before the Law (Dicey, 1915).

The following table summarizes the criteria for evaluating the Party Court's decision in the Tia Rahmania case and its respective implications:

Table1. Law Criterion, Fulfillment, and Implication in Tia Rahmania Case

Criterion	Fulfillment	Implication
Decision based on facts (vote inflation), which later turned out to be factually incorrect (no inflation)	Yes, the District Court (PN) stated the accusation was unproven	Opens room for argument that the Political Party Court (MPP) decision is materially flawed

Political Party Court exceeds its normative authority (e.g., establishing election facts, not merely the internal code of ethics)	Difficult to prove clearly; depends on the AD/ART and the scope of internal party authority.	Requires study of the AD/ART (constitution and bylaws) and internal party regulations
Political Party Court decision is considered internally and externally binding (dismissal, cancellation of inauguration)	Yes, the MPP decided on dismissal, and the party informed the KPU that the inauguration was to be canceled.	Individual political rights are lost.
Existence of an external mechanism (court) to test internal party decisions	Yes, Tia sued at the District Court, and the District Court examined the facts and made a different decision.	Shows that the internal party decision can be subjected to counter-testing (conceptual judicial review)

Source: Developed for this study (2025).

The Table 1 above mentioned contains a court case where the internal party decision of the ruling by the MPP (PDIP) has serious consequences (in this case, for the removal from office and not being allowed to hold office) but can be subject to the ability of the courts to review and ultimately reverse the findings of fact regarding whether or not the internal party's MPP decision was based on factual error(s) by way of finding evidence, etc. To use that case to demonstrate the *ultra vires* (beyond authority) of the MPP decision to declare it null and void, the party must provide further legal arguments regarding the party's AD/ART, the scope of the authority granted to the MPP and its duties under the AD/ART, the internal procedures (due process) in the application of the authority of the MPP, and the proper form of procedural validity and verification of the supporting evidence used to support the decision of the MPP. Thus, the argument presented is that the case of Tia should be more properly

classified as a materially/procedurally flawed decision, rather than an ultra vires decision. The reason is that the PN's (Provincial Authority) voiding of the MPP decision was not based on the MPP's alleged lack of authority, but rather upon the inadequacy of proof of both the claims of vote inflation and that Margaret had committed vote fraud. To successfully prove an ultra vires action of the MPP, an in-depth review of both the AD/ART and the normative limits of the authority of the MPP must be provided.

IV. CONCLUSIONS

Although the Political Party Court (MPP) performs some quasi-judicial functions and is thus unique in Indonesian law, its jurisdictional limitations have been defined (and clarified) by Law No. 2 of 2011 Regarding Political Parties. In this respect, the MPP should be viewed as the internal dispute resolution mechanism for political parties. The MPP's ultimate competence to issue definitive and binding decisions (absolute competence) has been legislatively restricted to the dispute resolutions regarding the management of a political party. Therefore, any ruling issued by the MPP that is not related to the internal management of a political party, including but not limited to unilaterally changing a political party's nominee list and/or adjudicating the substantive issues surrounding elections, constitutes an exercise of ultra vires jurisdiction by the MPP because it goes beyond its allowable scope of authority and is therefore a nullity in the eyes of the law. Such an interpretation clarifies that the MPP is not an independent judicial branch; rather, its findings, including findings based on pure chance or those where there has been a clear procedural defect, remain subject to state court review and oversight, which has the authority to consider all of the facts.

There is uncertainty around how laws related to Political Parties will be applied or may conflict with other jurisdictions. Urgent policy reforms must be initiated to develop a path forward, through the issuance of policy reform proposals, to address these issues, and also the establishment, through research, of clear research priorities. To address this need for clarity regarding jurisdictional boundaries and authority to resolve disputes within an organizational context, the following should take place. First, the Political Party Law must be amended to define in detail, on a mandatory basis, what types of disputes fall outside the legal authority of the Political Party Court to determine as a final authority on an issue, thus providing clarity for all Political Parties. Second, both the MA and MK Courts must publish clarifying decisions to establish uniformity in the manner in which internal party rules and state law interface and ensure that the decisions made by parties do not fall outside of the legal authority that each has been granted; thus, preventing the potential for any decisions made to be considered null and void. In addition, the Policy should also require all final decisions made by Political Party Courts to be publicly published, as well as strengthen the oversight responsibilities of the Supreme Court regarding the procedural validity of internal party decisions. A standardized structure for internal party procedures should also be established, which must comply with due process requirements and contain strict evidence verification protocols to reduce the number of materially and procedurally defective decisions. Finally, it is important for future academic research that scholars continue to conduct comparative analyses to evaluate how the MPP functions in relation to similar mechanisms of internal dispute resolution used by political parties throughout the world. Moreover, scholars should continue to perform empirical research on whether the decisions made through the MPP

help to stabilize political parties and contribute to democratic consolidation in Indonesia.

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