



Independence of The General Election Commission in Carrying Out Factual Verification of Political Parties General Election Participants

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Abstract

Political parties are an important aspect that determines the quality of holding good general elections, because political parties are the first door for candidates for government administration. Find out what are the requirements for political parties to become participants in the General Election (PEMILU) and how to carry out factual verification of political parties. The statutory and analytical approach through literature studies related to the factual verification of political parties participating in general elections. There are parties that were previously declared ineligible, then later after taking legal or administrative measures they were passed, meaning that there was implementation that was not optimal or error in the field.

Keywords: Democracy; KPU, Factual Verification; Political Parties; General Elections

Introduction

Pancasila is the basis of the state and is the basis of democracy in Indonesia. Pancasila is considered capable of solving various problems that exist in the joints of life, including democracy (Persada & Wisnaeni, 2020). The key to creating democracy is in general elections. Elections in Indonesia are a manifestation of democracy and a means for all people to express sovereignty to the Government and the State. The people's sovereignty can be realized through the General Election (PEMILU) process to determine which representatives can run and oversee the running of government

(Djuyandi, 2014). Democracy is very important for the people who run it, because democracy is the right to determine the way of life of a country (Husen, 2019), democracy is also interpreted as the surrender of power from the people to the government (Salam, 2020).

Indonesia today is actually guarded by democracy, and one of the institutions that guards democracy is the General Elections Commission (KPU). The KPU's role is very urgent in maintaining the spirit of democracy in Indonesia, because the KPU works from start to finish, starting from verifying political parties, conducting General Elections (PEMILU) to announcing the final results. The KPU is an institution that is expected to be able to carry out an honest, fair, clean and transparent general election process (P. M. Marzuki, 2005).

Apart from the KPU, political parties (Parpol) are also a very vital component in the continuity of democracy, political parties have a constitutional responsibility as a place for people to entrust their aspirations to realize the shared aspirations of the Indonesian people and to maintain and maintain the existence of the State (Nurdin & Pasha, 2019). The constitution has given a great responsibility to political parties (PARPOL), which is why political parties are an important aspect in a democratic country.

Ahead of the General Election (PEMILU) there will always be political parties (PARPOL) that want to become general election participants, but political parties cannot be allowed to thrive, there must be established criteria, because political parties are also an important aspect that determines the quality of its implementation. Good general elections (Amir & Mustafa, 2021). From the data released by the General Election Commission (KPU) in the 2024 general election, there are 40 political parties that have registered with the General Election Commission (KPU) as candidates for the 2024 general election (Pemilu). Of these, those who have passed the administrative verification stage 24 parties. Then at the next verification stage, the KPU stated that there were 9 political parties in the DPR RI that passed and there were also 9 non-parliamentary political parties that passed the factual verification stage.

Meanwhile, 6 other parties were declared ineligible. Of the 9 non-parliamentary political parties that passed were the Indonesian Solidarity Party (PSI), the Indonesian Awakening Party (PKN), the Hanura Party, the Gelora Party, the Perindo Party, the Crescent Star Party (PBB), the Garuda Party, the Labor Party and the Ummat Party (KataData.co.id, 2022). The interesting thing is that the Ummat Party was only declared as an election participant after this party filed a lawsuit against the Election Supervisory Body (Puteri et al., 2020). This then becomes the question, why was it previously declared ineligible? Similarly, the verification of the previous election, the Crescent Star Party (PBB) and the Indonesian Justice and Unity Party (PKPI) were declared not to have passed the verification. Later, after the parties filed a lawsuit, they were declared entitled to take part in the General Election [10]. This issue then becomes the question, how is the factual verification carried out by the

KPU? Because if we look at a number of examples of existing cases where there were parties that were previously declared ineligible, then later after taking legal or administrative measures they were passed, meaning that there was implementation that was not optimal or error in the field, this is of course detrimental to parties that were previously declared not conditional, because the party must expend more energy to participate in the General Election. The performance or independence of the KPU is definitely in doubt. Moreover, the KPU is an election management body whose presence is guaranteed and protected by the 1945 Law, and because of that it is categorized as an institution known as *constitutional importance* [5].

Elections are the key to creating democracy. In Indonesia, elections are considered a key to democracy and a means for the people to declare their sovereignty over the state and government (Haryono, 2019). Election implementation standards always refer to the existence of an implementing body that is independent and impartial, especially from the government or from certain parties (Mochtar, 2016). Therefore, the KPU as the implementing agency must be neutral because the KPU is the executor and decision maker, so that later the resulting policies or decisions will not favor anyone. This issue then sparked researchers to conduct more in-depth research or studies regarding the requirements for political parties participating in the General Election (PEMILU) and how factual verification of political parties is carried out. Research is very important as a series of investigative efforts to collect existing data systematically to increase knowledge, and is also an organized effort to investigate a particular problem that requires an answer (Rizki A et al., 2021). research related to the electoral system and political parties has been widely researched, but research specifically related to the verification of political parties is still very minimal, and even then only research from the socio-political aspect is not from the legal aspect, this is what distinguishes this research from other studies.

Methods

This research method uses normative legal research, the purpose of which is to test a norm or provision that applies by examining literature or secondary data (Irwansyah, 2020). The approach used is the statutory and analytical approach. The collection of legal material sources is carried out through literature studies related to the object of research, namely literature related to the general election commission, democracy, political parties and factual verification.

Discussion and Result

Party System and Election System

Since the founding of the Indonesian state, the founding fathers of the nation have thought about the election format and party format, the multi-party system is a system that was developed at the beginning of independence with the issuance of a

Government Declaration which called on all Indonesian people to participate in filling independence by establishing political parties (Mustiani et al., 2022). This multi-party system is then used continuously until now, this also makes elections always busy with new political parties.

During the old order era, restrictions on political parties were carried out through Presidential Decree No. 7 of 1959. After that, during the New Order era, the number of political parties was also limited. The first election held in the New Order era was only 9 political parties plus political organizations that could participate (Effendy, 2022). In the 1977 election, the government again imposed a limit on the number of parties. Participating political parties that had existed before were forced to merge until the number of participants was only 3 (three), 2 (two) political parties and 1 (one) working group (Golkar). NU, PSII, PERTI and Parmusi merged to form the United Development Party (PPP). PNI, Parkindo, the Catholic Party, IPKI, and the MURBA Party merged to form the Indonesian Democratic Party (PDI). "Then based on Law Number 3 of 1975 it was stated that the participants in the general election were the United Development Party (PPP), the Indonesian Democratic Party (PDI), and the Working Group (GOLKAR)".

In the reformation era, the government continued to carry out policies so that Indonesia would become a strong country and ready to become a fully democratic country, several reform policies in the political sector, namely the issuance of Law Number 2 of 1999 concerning Political Parties, but in fact there were more and more political parties that had sprung up, there were 181 registered political parties, but only 48 political parties were deemed eligible and able to take part in the 1999 elections.

After the 1999 election, the country again tried to build a simple multiparty *system*. This simplification of political parties is through an "*electoral threshold*" *system*, the point is to use the seat acquisition threshold (Effendy, 2022). Of the various efforts made by the government to improve election organizers and participants, all of them aim to be able to build a healthy democratic climate.

In 2024, a democratic party will be held again, conditions for election participants have been made beforehand to control potential election participants, namely political parties. Even though political parties have been officially *established*, political parties do not automatically become election participants, political parties must go through a verification mechanism and must be declared eligible. political parties must register with the General Election Commission (KPU) (Abdullah, 2009).

Political parties register by attaching an application letter signed by the general chairman and secretary or other designations in the central management of the *political* party, as well as completing the required documents in full. Furthermore, the KPU conducts administrative verification in advance of the registered political parties. In the general election law, political parties must have "*legal entity status in accordance*

with the Law on Political Parties; have management throughout the province; has management in 75 % (seventy five percent) of the number of regencies/cities in the province concerned; has management in 50 % (fifty percent) of the number of sub-districts in the relevant regency/city; include at least 30% (thirty percent) of women's representation in the management of political parties at the central level; has members of at least 1,000 (one thousand) people or 1/1,000 (one per thousand) of the total population in the management of a political party as referred to in letter c as evidenced by ownership of a membership card; has a permanent office for management at the central, provincial and district/city levels until the last election stage; submit names, symbols and symbols of political parties to the KPU; and submit election campaign fund account numbers on behalf of political parties to the KPU”.

Factual Verification of Political Parties

Each country has the right to regulate its own elections, but good elections must follow universally applicable election standards, which will later be used as the basis for making election regulations in each country (Aris, 2021). These standards are the result of the experience of countries that have previously held elections in their own country as an implementation of a democratic system. Including in Indonesia, where at the beginning the general election process also followed the countries that had carried out the election first, then in the long journey of Indonesian independence which had held elections many times, of course, they also had experience in conducting elections which could then be used as evaluation material in upcoming elections.

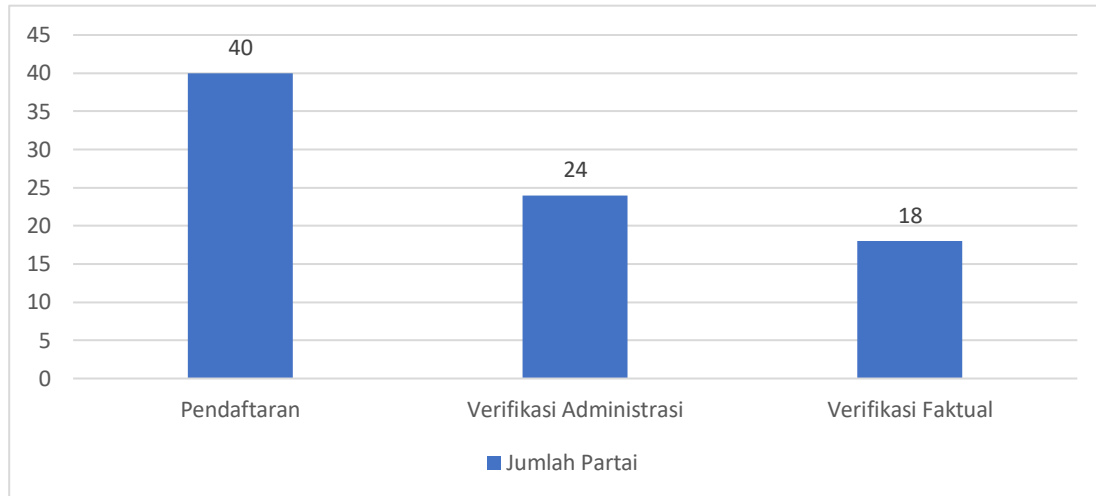
All political parties (political parties) wishing to compete in general elections must participate in the registration and fulfill all the requirements, both old and new political parties, all of which must be verified by the KPU, after being declared eligible, then the KPU will then determine them as election participants (Amir & Mustafa, 2021). Political parties participating in previous elections that won seats in the DPR were only subject to administrative verification, while non-parliamentary and newly established political parties had to undergo administrative and factual verification. After verification, the KPU must immediately announce the political parties participating in the election no later than 14 months before voting day (Putra et al., 2019).

The process of verifying political parties carried out by the KPU is a very important stage, because it is the first entry point for political parties to be able to enter and seat their cadres [18] . Verification is an attempt to prove the truth of the conditions that have been determined to become election participants. Asrinaldi argues that political parties must be verified, there are at least four reasons why political parties must be verified, namely;

- a) There is no guarantee that political parties that have passed the verification of the previous General Election can again meet the requirements stipulated in the new Election Law.
- b) Many political party offices have been closed. In fact, there are almost no activities going on in that office, especially if the political party doesn't have seats in the DPRD.
- c) There is a lot of data on political party membership that is not appropriate and there are indications of manipulation being carried out by political party officials.
- d) There is overlap in political party membership, because many local figures accept and are willing to join the political parties that ask for their hand, not to mention some people who often change or switch political parties. So that there are people who are registered in more than one party (Putra et al., 2019)

The process of carrying out the registration and verification of political parties must be in accordance with legal regulations, political parties candidate for election contestants are required to deposit the complete required documents, registration is carried out in a centralized manner, namely party officials at the central level to the KPU RI, while party administrators at the regional level submit attachments in the form of Membership Cards (KTA) and Electronic Identity Cards (KTP)/Certificate (Suket) as membership lists to Regency/Municipal KPU. The factual verification process is carried out by sending officers to the regions. When the factual verification is carried out, the officer checks the correctness of the location of the office, the number of members, and the status of the cadres of all parties. Officers will be very thorough in verifying by looking at the correctness of the location of political party offices in the area. The process of verifying election participants often raises various problems. The KPU as a party with verification authority faces a variety of problems, both when carrying out administrative verification and factual verification in the field (Erick et al., 2019).

In 2022, administrative verification has been carried out for 40 political parties, the result is that 24 political parties have met the administrative requirements, including 9 parliamentary parties, 5 parties participating in the 2019 non-parliamentary election and 4 new parties. So that a total of 18 political parties have passed factual verification, these 18 political parties will participate in the 2024 election. For a clearer analysis, this can be seen in graph 1.



Graph 1. Number of parties at each stage of verification for the 2024 election

Conclusion

The verification process carried out by the general election commission (KPU) was able to eliminate political parties. Where, parties that are not ready or do not meet the specified conditions cannot become election participants. It's just that in every even the last two elections, there have always been problems with factual verification, there have been differences of opinion between the KPU and the political parties themselves, there have been political parties that were initially deemed not to meet the requirements for factual verification, but when the political parties took legal action, then the parties these political parties were included as election participants as the PBB and PKPI had faced at the 2019 election stage and the Ummat Party at the 2024 Election stage. Ideally, the KPU should really carry out thorough and transparent verification so that no political parties are harmed or benefited anymore. Political parties that meet the requirements must be passed and political parties that do not meet the requirements cannot be passed, so that public confidence in the independence of the KPU is maintained.

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