

# STRENGTHENING DEMOCRACY THROUGH RECONSTRUCTION OF POLITICAL PARTY FUNDING ARRANGEMENTS IN INDONESIA

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**Abstract** - Political parties in Indonesia face severe problems, as evidenced by the weakening of their aspirational functions and the numerous corruption cases involving party members. One of the identified issues regarding political parties is their financial problems. The research was conducted using normative-empirical legal research methods. This research uses secondary data sources consisting of primary, secondary and tertiary legal materials. The methods used were the legislative approach and conceptual approach. The research results show that political parties in Indonesia have an uncontrolled flow of political party funds and a lack of transparency of party financial accountability. This condition has disrupted the Indonesian democratization process. Therefore, Efforts to reconstruct political party finances include limiting donations from political party members to avoid the domination of a handful of people (oligarchy) within political parties. Furthermore, the form of reconstruction must also target the funding report mechanism that emphasizes the principles of transparency and accountability.

**Keywords:** Political Party; Political Party Funding Arrangements; Democracy.

## Table of Contents

### Introduction

1. Financial Arrangements for Political Parties in Indonesia
2. Political Party Financial Arrangements in Several Countries
3. Improving Financial Arrangements for Political Parties in Indonesia

### RESEARCH METHODS

### CONCLUSION

### ACKNOWLEDGEMENT

## INTRODUCTION


For more than two decades, Indonesia has embarked on a phase of constitutional system reform. The reform era opened new hopes for a more democratic, transparent and accountable dynamics of state administration. However, after a long period of reform, the public questioned the purpose of the reform. The amendment of the 1945 Constitution as a result of the reform has little impact on society. After the constitutional amendment, corrupt practices in Indonesia increased (Magnis-Suseno, 2015).

The 2018 data states that 61.7 percent of perpetrators of corruption crimes handled by the KPK are members of political parties. This is evidenced by the large number of members and administrators of political parties who have been caught in corruption cases in the last ten years (Saifulloh et al., 2023). This fact is also exacerbated by the phenomenon of political party leaders being arrested by anti-graft agencies, as presented in the following data:

Tabel 1. Corruption cases of political party leaders

Nama	Partai	Kasus	Vonis
Anas Urbaningrum	Demokrat	Hambalang Project	14 th
Lutfi Hassan Ishaq	PKS	Beef Import Quota	16 th
Suryadharma Ali	PPP	Hajj Fund	10 th
Setya Novanto	Golkar	E-KTP Project	15 th
Romahurmuziy	PPP	Ministry of Religious Affairs Position Buying and Selling	2 th

Source: Processed by the author



The poor condition of political parties, in turn, also impacts the quality of democracy. According to the 2020 Democracy Index report released by The Economist Intelligent Unit (EIU), Indonesia ranks 64th in the world with a score of 6.3. This score is also the lowest for Indonesia in the last 14 years (Jati, 2021). This condition is undoubtedly a reflection of Indonesia's improvement, especially regarding the party system, which has yet to be maximized.

In the context of a representative democracy, the existence of political parties is inevitable (Sukriono, 2018). Therefore, the poor conditions experienced by political parties today certainly cannot be allowed to continue (Imansyah, 2012). One identification of the problems of political parties that occur lies in the regulation of Political party funding. As the engine of democracy, political parties need money to carry out their activities. However, the uncontrolled use of money in the political process can also erode the meaning of democracy (Sina Chandranegara et al., 2020). As is currently the case, political parties often concentrate on gaining access to finance. Thus, political parties, which should be a forum for accommodating the aspirations of the community, become a forum for the aspirations of financiers (Ardianto, 2019).

Political party activities in Indonesia can be grouped into three: daily operational activities, political education activities, and election campaign activities. It is essential to know that political party funding is the income and expenditure of political parties to finance party operational activities throughout the year, including financing political education and regeneration, secretariat financing, and party meetings (Junaidi, 2011).

Law No. 2 of 2008 concerning political parties, as amended by Law No. 2 of 2011, states that the sources of political party finance are membership fees, lawful donations, and state subsidies. Although the regulation of political party funding sources has been regulated in such a way, in practice, there are still many problems regarding political party funding. First is the problem of membership fees. The funding source for political parties from membership fees is complicated to expect. Second, there are no restrictions on donations from political party members. It is feared that this will give birth to the dominance of a handful of people in the body of political parties who can influence the direction of party policy (Faisal et al., 2018)

In a previous study, Pinilih mentioned that funds from revealed corruption cases were used for the benefit of winning elections. The article emphasizes political party finances related to election campaign funding (Pinilih, 2017). Whereas in this research, the focus of the study is on the operational finances of political parties. Field data from interviews with several political party administrators support this research.

The various problems found show that the issue of political party funding still needs to be improved. The lack of transparency in political party funding is one of the causes of the rise of political parties falling into the valley of corruption. Improving democracy is impossible without fixing the democratic machinery of political parties.

## RESEARCH METHODS

The research was conducted using normative-empirical legal research methods. This research uses secondary data sources consisting of primary, secondary and tertiary legal materials. The data collection technique used is a literature study supported by interviews. The approach method used is a statutory approach, conceptual approach and philosophical approach. Apart from that, in this research, the author also compares the legal concepts applied by the Netherlands and England. The comparative approach is one of the methods used in normative research which is used to compare or compare one legal institution (legal institution) from a legal system with legal institutions from another legal system or in another country (Muh. Aspar, 2015).

### 1. Financial Arrangements for Political Parties in Indonesia

The Ministry of National Development Planning identifies three problems with political parties, namely corruption, money politics, and the weakening of the representation function of political parties (Bappenas, 2016). The Ministry of National Development Planning also identified three main challenges to political parties, namely: strong patronage and clientelism relations, undemocratic mechanisms and systems within the party, and limited oversight and implementation. From the main problems of political



parties, there is a connection with the financial problems of political parties. Therefore, regulating political party funding is a crucial component to be considered in fixing party problems.

#### a. Political Party Financial Needs and Sources

In general, political party funding in a democratic system comes from three elements, namely, internal party sources, state finances, and community donations. In Indonesia, political party finances come from membership fees, lawful donations, and financial assistance from the State Budget/Regional Budget. However, in practice, there are various problems regarding the sources of political party funding.

First, membership fees embody the principle of democracy within political parties, namely from, by, and for members. This is based on the fact that members' political parties manage all members, and political party activities are directed to the interests of all members (Surbakti & Pramono, 2011). The Law on Political Parties and all political party bylaws state that membership fees are a source of income for political parties. However, in practice, membership dues as a source of finance do not run optimally; not all party members are required to pay party dues. Membership dues are only charged to members who sit in council seats (Haris, 2014).

Second, the purpose of community donations is for political parties to remain active in building communication with various elements of society (Surbakti & Pramono, 2011). The law regulates that lawful donations received by political parties come from individual members of political parties, individuals who are not members of political parties, and companies and business entities. The problem with donations to political parties is that there is no limit on donations from political party members. It is feared that this will lead to the dominance of a handful of party administrators who can later influence the direction and policies of the party.


Third, the purpose of state subsidies is to maintain the independence of political parties from the influence of capital from outside the political party (Abadi, 2020). In addition, state money subsidies are given for democratic education activities in the form of political education carried out by political parties to the community (G. Yudhianto, 2021). However, according to political parties, more than the amount of state aid is needed for the activities carried out by political parties (H. Desy, 2021). The amount of state financial assistance to political parties at the central level is Rp1,000.00 (one thousand rupiahs) per valid vote, political parties at the provincial level are Rp1,200.00 (one thousand two hundred rupiahs) per valid vote, and political parties at the district/city level are Rp1,500.00 (one thousand five hundred rupiahs) per valid vote.

**Tabel. 2 Total Acquisition of Financial Assistance for Political Parties at the Central Level**

Political Party	Vote Acquisition	Support Funds
Partai Demokrasi Indonesia Perjuangan	27.053.961	Rp27.053.961.000,00
Partai Gerakan Indonesia Raya	17.594.839	Rp17.594.839.000,00
Partai Golongan Karya	17.229.789	Rp17.229.789.000,00
Partai Kebangkitan Bangsa	13.570.097	Rp13.570.097.000,00
Partai Nasional Demokrat	12.661.792	Rp12.661.792.000,00
Partai Keadilan Sejahtera	11.493.663	Rp11.493.663.000,00
Partai Demokrat	10.876.507	Rp10.876.507.000,00
Partai Amanat Nasional	9.572.623	Rp9.572.623.000,00
Partai Persatuan Pembangunan	6.323.147	Rp6.323.147.000,00
Partai Persatuan Indonesia	3.738.320	Rp3.738.320.000,00
Partai Berkarya	2.929.495	Rp2.929.495.000,00
Partai Solidaritas Indonesia	2.651.361	Rp2.651.361.000,00
Partai Hati Nurani Rakyat	2.161.507	Rp2.161.507.000,00
Partai Bulan Bintang	1.099.848	Rp1.099.848.000,00
Partai Garuda	702.536	Rp702.536.000,00
Partai Keadilan dan Persatuan Indonesia	312.775	Rp312.775.000,00
Amount	139.972.260	Rp167.026.221.000,00

Sourced: BPS

#### b. Political Party Financial Accountability



The primary foundation of effective political party funding oversight is through a comprehensive accountability reporting system (Falguera et al., 2014). In addition to ensuring adequate transparency of political party funding, financial reports are also a prerequisite for enforcing rules on spending limits and donations. The purpose of political party financial reports is to provide financial information, performance and changes in the financial position of a political party to meet the interests of members, donors, governments and other parties that provide resources to political parties, as well as the wider community.

The regulation of political party funding accountability in Indonesia can be divided into two parts, namely, reports on funds sourced from donations and membership dues and reports on funds sourced from state financial assistance. First, about funding reports originating from donations and membership dues. The law confirms that political party administrators at every level of the organization prepare an accountability report on financial receipts and expenditures after the end of the relevant fiscal year. In addition, the law also regulates that the financial management of political parties is audited by a public accountant every 1 (one) year and announced periodically.

However, the law does not regulate the consequences of sanctions if political parties do not make financial reports sourced from donations and contributions. In addition, it also does not regulate the institution or institution that receives the financial report. In practice in the field, there are still many political parties that do not announce the results of audits of political party financial management.

Second, around funding reports sourced from State Aid. The law emphasizes that political parties must submit accountability reports on funding sourced from the APBN / APBD to the government after being examined by the Financial Audit Agency (BPK). Government Regulation No. 5 of 2009, Article 12, explained where political parties must conduct bookkeeping and maintain proof of receipt and expenditure of aid funds from the state. The format of the financial report is more clearly regulated in the appendix of the Minister of Home Affairs Regulation 36/2018. Political parties late in submitting reports can be subject to administrative sanctions in the form of suspension of funding assistance from the state.

Although normatively, the accountability report for state financial assistance has fulfilled the principles of transparency and accountability. However, its implementation needs to be revised. The Supreme Audit Agency revealed that not all political parties at the central level have proof of accountability for legal political party funding assistance funds. Meanwhile, at the regional level, the problems found by BPK are diverse (Sukmana, 2019).

## 2. Political Party Financial Arrangements in Several Countries

### a. Germany

Political parties in Germany will receive funding from the state if they gain votes in parliament, both at the Union Bundestag and Landtag levels. In addition, political parties will receive support from the state if they receive at least 0.5 percent of the vote in national elections. The funding political parties receive is €0.85 per valid vote won in the Bundestag.

For individual donations, political parties can receive €0.38 per person up to €3,300. Total donations must be audited and reported annually. Political parties must submit financial reports to the German Bundestag at the end of each year. If a political party fails to submit a financial report, it loses its right to state funding the following year (State Funding of Political Parties in Germany, n.d.)

### b. Turkey

According to Article 69 of the Turkish Constitution, the state must provide adequate financial means to political parties reasonably. The political parties law stipulates that the total budget for political parties is 0.25 percent of the state budget. The amounts to be paid to political parties annually are: first, two five-thousandths of the country's general budget revenue is divided between parties that received at least 10 percent of the vote in the previous general election. This money is distributed to the above parties in proportion to their vote share. Second, public funds are also given to all political parties that received between 7 and 10 percent of the vote in the previous general election. Thirdly, political parties also receive funding during the general election, with the budget tripling (IFES, 2015).

Since 2005, political parties in Turkey have received state funding for up to 90 percent of their expenses. Twenty percent of the state aid must be used for research, promotion, education and policy-making toward women. The courts audit political parties' revenues, expenditures and acquisitions. Political parties are required to submit reports at the end of each year.

### c. Brazil

In 2015, the allocation of state funds for political parties reached around USD 322 million. The distribution of party funds from the state is given according to the following criteria: 5% of the total budget amount is allocated equally to all political parties that have registered with the Ministry of Law. In comparison, the remaining 95% is allocated to political parties that have seats in parliament (Yanuarti, 2020). In addition to cash, state funding for political parties in Brazil takes the form of:

- 1) Free campaign advertising ahead of general elections.
- 2) Political parties are also entitled to broadcast rights on radio and television stations during non-election years to disseminate party-related information as stipulated in the law.
- 3) A consequence of providing free advertising and broadcasting rights is the prohibition of political parties to utilize paid publicity on radio and television networks during elections.

In addition to state aid, political parties in Brazil are also entitled to receive donations from individuals and legal entities. Donations from legal entities cannot come from foreign entities or governments, public bodies, state-controlled companies or foundations

## 3. Improving Financial Arrangements for Political Parties in Indonesia

As a political system, the democratic system must constantly be improved, especially the variables that support the democratic system, because democracy does not only guarantee equality in political life. More than that, democracy must also guarantee economic equality. According to Robert A. Dahl, a quality democracy will actively try to minimize the significant inequalities in the ability and opportunity for people to be able to participate effectively in political life to the extent of the distribution of resources, positions, and economic opportunities and by the distribution of knowledge, information, and cognitive skills (Dahl, 1992).

One of the variables that can be used as a democratic state in the contemporary era is as outlined by IDEA (International IDEA, 2020). In its study, IDEA revealed that five dimensions can be used as a measure of democracy:

- 1) Representative Government by measuring the extent of freedom and equality in accessing political power in the form of competitive, inclusive and periodic elections.
- 2) Meaningful human rights are realized through respect for civil liberties and make it possible for people to participate in the political process actively.
- 3) Oversight of the Government, especially of the executive, through effective supervision.
- 4) The impartiality of administrative decisions is realized through a process of political decisions that are implemented fairly and predictably
- 5) Citizen participation in available political tools and the degree to which people use them.

The variables above show that this dimension of representative government is related to the conception of electoral democracy. Thus, it requires supporting subdimensions, including clean elections, the realization of inclusive voting rights, free political parties, and a democratically elected government (International IDEA, 2020). From this, it is clear that the presence of political parties is essential in the life of democracy. However, the presence of political parties alone cannot necessarily guarantee the implementation of a quality democratic climate. A quality democracy must be supported by the existence of quality political parties as well, which are following their roles and functions (Yanuarti, 2020).

One of the strategies to improve political parties is by improving the financial arrangements of political parties. The various problems discussed suggest that these reform efforts can be carried out by limiting the donations of political party members and redesigning the mechanism of political party financial reports

### a. Member Donation Restrictions

As mentioned in the previous chapter, there are three types of financial contributions to political parties, namely: donations from members, donations from non-member individuals and donations from business entities or companies. Unlike the other two types of donations, member donations are not subject to restrictions (Sihidi et al., 2019). According to various studies, this needs to be anticipated because it is feared that it will give birth to the dominance of a handful of people or groups in party financing (Faisal et al., 2018). Thus, the democratic process within the party has shifted to oligarchic practices. This condition, according to Robert Dahl, is an unequal distribution of political resources. This is strongly related to the economy of market capitalism, an economic system that tends to create inequality in the distribution of growth results (Liddle & Liddle, 2012). This phenomenon is an obstacle to the improvement of democracy in modern countries.

Richard Kartz also mentioned that financing that relies on party elites contradicts the notion of democracy. According to him, this will result in a public policy-making process that is not based on the will of the majority of citizens but instead follows the interests of the party's capital sources (Surbakti & Pramono, 2011). This reason also makes several European countries restrict donations, both individual donations of members and non-members and donations from companies or business entities (Susanto, 2017).

Tabel 3. Income Limits of Political Parties in Europe

Negara	Batas Sumbangan (dalam Euro)
Finlandia	30.000
Belgia	4.000
Siprus	8.000
Irlandia	2.500
Perancis	7.500
Islandia	2.800
Yunani	15.000
Portugal	10.600
Spanyol	100.000

Source: D.R. Piccio (Susanto, 2017)

The data above shows that implementing funding restrictions on political parties in several countries has been pursued, so it is appropriate to do the same in Indonesia. Furthermore, restrictions on political party member donations should be applied as one of the steps in reconstructing political party financial arrangements aimed at ensuring the quality of democracy in the state process (Efriza, 2019).

#### b. Financial Accountability of Political Parties

In good governance, one thing that cannot be separated is accountability. Accountability is realizing transparency, efficiency, and effectiveness in the government process. Furthermore, accountability is also a form of accountability obligation for the success or failure in carrying out specific predetermined achievements through an accountability mechanism that is carried out periodically (Zuryani et al., 2016)

As an institution whose part of the source of funds comes from the APBN / APBD, political parties are included in public institutions. Therefore, political parties must carry out the principle of accountability in their activities, including the transparency of political party financial management in financial reports. More than that, political party financial reports can also provide information regarding financial position.

However, as mentioned in the previous discussion, the issue of accountability for political party finances still needs to be solved. This mainly lies in the financial statements, whose funds come from membership fees and donations. Public access to this type of financial report document is complicated, considering that not all political parties have the political will to open access to comprehensive funding reporting (U. Masdar, 2021).

The refusal of political parties to submit political party fund reports to the public is, of course, contrary to the principles of transparency and accountability. This is very concerning, considering that the current political party law does not explicitly regulate the presence of supervisory institutions that can control political parties in fulfilling their obligations to carry out annual financial reports, unlike the case with Law No. 2 of 1999, which requires political parties to submit annual financial reports to the

Supreme Court. Although later changes were made through Law No. 31 of 2002, the financial statements of political parties must then be submitted to the KPU (Junaidi, 2011).

Seeing the various problems that exist due to the looseness of the applicable rules, it is necessary to reconstruct the current Political Party Law. A quality democratic political system requires political parties that are not only functional and democratic but also institutionalized organizationally by adhering to the principles of accountability and transparency. There are at least 3 (three) forms of political party funding arrangements proposed by Alexander in his book *Financing Politics*, namely: First, public disclosure is in the form of easy access to various information. Second, expenditure limits to overcome the problems caused by cost overruns. Third, contributions restriction is an effort to avoid the emergence of parties who bind themselves to specific interests (Zuryani et al., 2016).

Furthermore, as a public institution, it is a necessity that the public needs to know how financial management is within political parties so that the public can know the extent of the performance of political parties in implementing activity programs related to the people. Because, in fact, the life of a political party must be connected to its constituents, where political parties need the amount of support from them (Cahyawat & Hoesein, 2021). Therefore, constituents should not only be placed as objects of political parties in gaining votes during the election season. Constituents, who are none other than the community itself, must be positioned as subjects with the right to know the process of state administration through political parties. In addition, as one of the pillars of democracy, political parties should play a role and be responsible for realizing a culture of openness for a better quality of democracy.

### CONCLUSION

The critical thing to be addressed in the financial problems of political parties in Indonesia is the uncontrolled flow of political party funds and the lack of transparency of party financial accountability. This has disrupted the democratization process within political parties, where the party's decision-making process is only by a handful of people with excess capital. In addition to hurting the internal democracy of political parties, it also harms the democracy of state life.


Efforts to reconstruct political party finances include limiting donations from political party members to avoid the domination of a handful of people (oligarchy) within political parties. Furthermore, the form of reconstruction must also target the funding report mechanism that emphasizes the principles of transparency and accountability. This can be done through stricter sanction rules and bringing back supervisory institutions that can apply sanctions for violations committed by political parties.

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