



# *Multi-Political Parties Simplification Through Political Party Verification in Indonesia*

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**Abstract**—Although guaranteed in the constitution, the multi-party system implemented in Indonesia has several weaknesses, primarily related to the many choices of parties (multi-party) offered to the Indonesian people. With so many choices of political parties, the people are confused as to which political party is the best and which legislative candidates they should choose. Besides, they do not know in depth about the character of these political parties; they also do not know the legislative candidates well. It is as if they are forced to know or understand the political parties and their legislative candidates without getting enough time to learn and understand the characteristics of political parties and legislative candidates, who are pretty several of whom they will vote for during the general election. One of the solutions proposed to overcome this problem is the simplification of political parties through political party verification. This paper analyzes efforts to simplify political parties through political party verification in Indonesia. The paper will discuss the background of the problem of political party fragmentation, the various political party verification mechanisms implemented in Indonesia, and the impact of these mechanisms on the number of political parties. The paper will also discuss some challenges in implementing political party verification and alternative solutions for political party simplification. Political party verification has successfully simplified the number of political parties in Indonesia. However, the existing verification mechanism still has some weaknesses, such as a lack of transparency and accountability and the potential for abuse by political actors. Therefore, improving the political party verification mechanism is necessary to make it more effective and fair. In addition to political party verification, alternative solutions to simplify political parties also need to be considered, such as implementing a higher parliamentary threshold and voluntary mergers of political parties.

**Keywords**—Political Party verification; Multi Party; simplification of political parties; political party verification mechanism.

## I. INTRODUCTION

Indonesia adopts a multi-party system as a logical consequence of the many parties that have grown in Indonesia. In the reform era, Law No. 2/1999 was issued as amended by Law No. 31/2002 on Political Parties, which gave the people freedom to establish political parties. This made political parties grow like mushrooms. The existence of many political parties has many people worried that it would result in an unhealthy life of democracy because many existing political parties do not carry out the role and function of political parties as they should, which is the fragmentation of political parties.

In light of these challenges, there exists a promising opportunity to streamline the number of political parties in Indonesia. As outlined in the General Elucidation of Law Number 31 of 2002 on Political Parties, the

objective is to achieve societal and national goals from a comprehensive perspective, promoting a strong and simplified multi-party system.

In a simple multi-party system, working together towards national synergy will be easier. The government can no longer act arbitrarily to limit and prohibit the establishment of political parties, let alone dissolve them. The simplification is done naturally by the people's selection through general elections by applying the electoral threshold as referred to in Election Law Number 3/1999 Article 39 as amended by Law Number 12/2003 Article 9 letters a, b and c which apply the electoral threshold rules or thresholds that must be met for political parties that will participate in the general elections. If it does not reach the electoral threshold, the party must dissolve itself or create a new party. From the results of the 1999 and 2004 elections, many political parties did not meet the electoral threshold, so many political parties fell, dissolved themselves, and changed into new clothes. Establishing a political party must fulfill various requirements stipulated in Article 2 of Law Number 31/2002 concerning Political Parties.

Political parties in Indonesia can also be simplified. Based on ideology, the number of political parties can be united in the same ideological group. Secular groups (nationalist and populist nationalists) and religious groups (conservative Islam and Moderate Islam) can be benchmarks for applying the electoral threshold percentage. In addition, the party system and electoral system are closely related to the existence of political parties in a country. Still, the system must be adjusted to the local cultural background so its implementation can run well. In changing the system, the objective conditions of a country's society must also be considered, and the system cannot be imposed purely because of the different cultural backgrounds of a nation.

Regarding the polemics over verifying political parties participating in the elections, what must be considered in making political decisions are, first, the variables of the old political parties (participants in the 2014 elections). Second, new political party variables (which still need to be verified as candidates for the 2019 elections). Third, the variable of the election organizer, in this case, the General Election Commission (KPU), and fourth, the variable of the Constitutional Court Decision. By looking at these four variables, political decisions before the Constitutional Court Decision related to the judicial review of the political party verification article must pay attention to or accommodate inputs from old political parties, new political parties, and the KPU so that political policies temporarily taken before the Constitutional Court Decision reflect democracy. Not only is a democracy based on one party's perspective, but what needs to be achieved is a democracy, which results from compromise by the principle of deliberation for consensus.

## II. LITERATURE REVIEW

### A. Overview of Political Party Verification

Political parties have a critical position and role in all countries that implement a democratic system. Political parties play a strategically important link between the government process and citizens. Many argue that political parties genuinely define democracy and political parties create democracy. Political parties are a form of institutionalization, as a form of freedom to express ideas, thoughts, opinions, and beliefs in a democratic society. This democracy is manifested in the organization of elections. All electoral political parties must be fact-checked. Failing to verify them will lead to discrimination among political parties participating in the election and negatively impact the implementation stages.

The post-New Order reform has successfully reinvigorated democracy in Indonesia through the expansion of political parties. Since the 1998 reform, new political parties have emerged, reinstating the presence of political diversity that was once suppressed during the New Order era. The 1999 elections witnessed the participation of 48 political parties, prompting the public to reevaluate their political inclinations and sparking renewed enthusiasm for democracy. This abundance of political options has empowered individuals who were previously confined to specific parties during the New Order era.

Reformasi brought three fundamental changes to the electoral system itself in Indonesia:

1. The multi-party system was returned in 1955 from the previous tripartite system only during the New Order era.
2. Since 2004, elections have been held twice to elect people's representatives through parliament and then through direct presidential elections.
3. By Government Regulation 6/2005 concerning Regional Head Elections, the ratification, appointment, and dismissal of regional heads and deputy regional heads are held per the provisions of Law Number 32/2004.

Since the 2019 General Elections, many new political parties have emerged to compete. On May 24, 2016, the Ministry of Law and Human Rights officially opened the registration for political parties as legal entities to become candidates for the 2019 elections. On that day, six political parties were registered:

1. The People's Party
2. Indigenous Party
3. Ideals Party

4. Indonesian Labour Party
5. Beringin Karya Party (Berkarya Party)
6. Indonesian Solidarity Party (PSI)

According to Law No. 2/2011 on Political parties, to pass the legal entity examination, political parties must have a limit in each province and at least 75 percent of the number of districts/cities involved. In addition, there must be a minimum of 50,000 sub-districts in the regencies/municipalities concerned. The Indonesian Solidarity Party (PSI) was the only political party to pass the Ministry of Law and Human Rights examination in 2016. Six political parties participated in the verification process, but only PSI passed on 7 October 2016.

The process of establishing a political party is a procedure that must be followed by citizens who intend to form a political party so that it can attain the status of a legal entity. Separate legislation outlines the requirements for political parties to participate in general elections, ensuring that once political parties achieve legal entity status, they can become election participants and place their representatives in representative institutions, achieved through general elections. The provisions regulating the institution of the DPR are also detailed in separate laws that govern aspects such as organizational structure, membership, rules of procedure, and decision-making mechanisms.

The status of a political party as a legal entity must be constitutionally protected. However, the protection initially provided by Law 2/2008 and Law 10/2008 to political parties' legal entity status was removed by Article 51 paragraph (1) of Law 2/2011. Political parties hold a significant role within the system of the 1945 Constitution, which explicitly grants them constitutional rights. Consequently, political parties are not only part of the democratic infrastructure but also integral to the democratic mechanisms as outlined in the 1945 Constitution. Therefore, it is imperative that political parties receive legal certainty to safeguard their constitutional rights.

#### *B. Constitutional Court Decision on Political Party Verification*

Decision by the Constitutional Court (regarding Political Party Verification) examined Law Number 7/2017 on General Elections in the context of the 1945 Constitution. The petition for judicial review was submitted by the Islamic Peace and Security Party (IDAMAN), with Chairman Rhoma Irma and Secretary General Ramdanyah representing the party. The applicants aimed to have Article 173 of the Election Law reviewed, which states that "Political parties participating in the election are political parties that have been determined/passed verification by the KPU." They requested the Constitutional Court to find the phrase "has been determined" in Article 173 Law Number 7/2017 unconstitutional and without binding legal force. Furthermore, they contested both Article 173 and Article 222 of the same law on similar grounds.

In its ruling, the Constitutional Court partially granted the petition, declaring that the phrase "has been determined" in Article 173, of Law Number 7/2017 is contrary to the 1945 Constitution and therefore has no binding legal force. The Court rejected the rest of the petition and ordered the publication of its decision in the State Gazette of the Republic of Indonesia. This ruling underscores the principles of judicial independence, emphasizing impartiality and the separation of the judiciary from political actors, in alignment with the rule of law.

Thus, the existence of the Constitutional Court essentially determines the course of law enforcement and justice in a democratic state of law. This shows that with the independence of judges, law enforcement in a country can run well. In deciding cases, judges must undoubtedly have the competence to apply their independence, including two very fundamental things, namely honesty, and justice, to be impartial to anyone. Public distrust of the judiciary is dangerous for the rule of law and democracy. However, in recent years, the public's trust in a free, independent judiciary and the absence of intervention from any party has experienced a very serious polemic if there is no effort by the judiciary to carry out its existence as the guardian of the constitution.

In deciding the case related to Article 173 of the Election Law regarding verifying political parties, the judge can be seen as prioritizing justice and not taking sides with any party. Let's look closely at the legal considerations to avoid different or discriminatory treatment of political parties. The method chosen is to verify political parties to all political party candidates for the general election 2019 so that political party candidates for the 2014 elections and new political parties in 2019 have the same opportunity to fight to become candidates for the general election. This is also in line with the role of judges in creating a free and impartial judiciary where judges exercise the authority stipulated in the 1945 Constitution and its derivative rules; judges can apply moral values and their integrity in resolving cases handled fairly by being guided by the judge's conviction by prioritizing the values of justice.

The decision of the Constitutional Court about Political Party Verification resolves that there is an obligation for political parties as candidates for elections to qualify for factual and administrative verification by the decision so that the General Election Commission must verify all political parties is undoubtedly in line with the

principles of the rule of law and democracy, namely to provide justice and equality before the law and also shows the strengthening of democracy. Factual and administrative verification must not be done to maintain the meaning of simplifying political parties in strengthening the presidential system of government. The implementation of verification of political parties is undoubtedly fundamental because political parties are pillars of democracy and holders of citizens' aspirations. So, it can be said that the good of political parties will also be sound for the democratic process organized by a country. Thus, the principle of justice for political parties in terms of verification must fulfill the elements of equality, balance, and harmony between one party and another. Thus, the Constitutional Court Decision about Political Party Verification regarding the verification of political parties in its verdict states that the phrase "has been determined" in Article 173 of Law Number 7/2017 on General Elections is contrary to the 1945 Constitution and has no binding legal force.

The judges have applied the values of justice, ensuring that political party verification is required for all candidates in the 2019 general elections. In the Constitutional Court's Decision about Political Party Verification, particularly concerning the verification of political parties, the judges were guided by the constitution and upheld the principles of a free and impartial judiciary within a state governed by law.

Judicial independence is crucial for enhancing the implementation of the rule of law in a democratic state. This independence allows judges to decide cases without external pressure, enabling them to deliver decisions that uphold justice, legal certainty, fairness, and the utility of the law, in line with the principles of a democratic state governed by law.

### *C. The Constitutional Court decision has led to multi-party simplification.*

Following the Constitutional Court's decision, the General Election Commission (KPU) is required to amend its regulations regarding the registration, verification, and determination of political parties for elections to the People's Representative Council (DPR) and the Regional People's Representative Council (DPRD). Several technical aspects need revision, including the definition of verification, to ensure a common understanding among legislators, election organizers, and voters. Notably, the General Election Commission Regulation (PKPU) Number 11/2017 needs modifications, particularly concerning the requirement for 30 percent women's representation in the leadership of political parties at the national and regency/city levels, as specified in Article 21(e), Article 33(2)(d)(b), and Article 34(2)(b).

The KPU must maintain a robust and up-to-date database to conduct thorough verifications, particularly since numerous political parties have participated in previous general elections. This database is crucial for ensuring that all verification processes are accurate and comprehensive. The 30% women in management, tenure and membership is only compared with historical data. The most significant difficulty is proving membership of 1,000 or 1,000 of the total district population. However, this difficulty can be overcome if electronic population data is well integrated. Based on General Election Commission Regulation No. 11/2017, membership verification is carried out by gathering members of political parties and verifying the truth and suitability of the member's identity on the membership card and electronic identity card or certificate with a census procedure or simple sampling method.

The DPR and the Government as lawmakers need to perform a supervisory function over the General Election Commission in the preparation of PKPU so that it does not contradict and is in accordance with the intent of the law. The government, specifically the Ministry of Home Affairs, can also support the General Election Commission (KPU) in conducting regional verifications by providing population data and other forms of technical assistance.

The desire to simplify political parties has become increasingly intense, especially with the existence of Law No. 10/2008 on the General Election of Members of the DPR, DPD, and DPRD. Theoretically, the presidential system adopted in Indonesia is more suitable than a simple multi-party system. In contrast, Indonesia's previous multi-party system was more suited to a parliamentary system. There are many ways to limit the number of political parties in parliament, including electoral hurdles or parliamentary hurdles introduced by Germany. The parliamentary threshold in Indonesia, particularly in the 2009 General Elections, which is regulated in Law No. 10/2008, explains the applicable provisions in Article 202, namely.

- (1) Political parties running in the General Election must meet a minimum threshold of 2.5 percent of the total number of valid national votes as included in the determination of the acquisition of DPR seats; and
- (2) The provisions, referred to in paragraph (1), do not apply to the determination of the acquisition of seats for the Provincial DPRD and Regency/City DPRD.

The application of verification to political parties is an effort to realize healthy and non-discriminatory election contestation. Four reasons need to be considered. First, there is no guarantee that political parties that have passed verification in the 2014 elections can fulfil the requirements set by the new Election Law. However, the political dynamics in the regions change very quickly and dynamically. Moreover, people also pay attention to the behavior of political party elites at the national level, which has dramatically disappointed the community

and will undoubtedly change the way they view political parties, which ultimately affects their willingness to become members of political parties. This phenomenon also leads to public dissatisfaction with party performance which tends to decline (cf. Grönlund & Setälä, 2007). The requirement for the number of political party memberships is an absolute requirement that must be fulfilled. The evidence is that many administrators and members of a political party boldly declare that they have left their political party membership because they are disappointed with the policies of their party management. This also explains that, generally, our society has not made the ideology and manifesto of political parties the basis of consideration for them to join political parties.

Moreover, people at the grassroots are still inconsistent in expressing their support for political parties. This will affect the requirements that political parties must fulfill in the verification. Therefore, the membership of a political party may decrease and even not meet the minimum standards set by the law. Secondly, this verification process also needs to be done because a year after the elections are held, most political party offices have closed. There are almost no political activities that should be carried out especially if the political party does not get the votes to occupy DPRD seats. How could the party communicate well with its constituents if the party office is often closed. Therefore, it is not surprising that before each political party verification is carried out, many shophouses, shops, and rented houses are temporarily borrowed by their administrators so that they can be identified as political party management offices. Unfortunately, the loaned office is not permanent or representative of a modern office. This condition also includes 12 political parties considered to have passed without verification by the Election Law. If political party offices are like this, how can there be good communication between the party and its constituents? Third, the reality in the field also shows that many political party membership data are invalid and indicated to be manipulated by their administrators. Therefore, public support through party membership cards must be re-verified for all political parties. Consequently, the seriousness of the election organisers is needed to verify and validate it again. It is common knowledge that in the verification process, many election organizers in the regions are indicated to have "played" with political parties to pass verification. Therefore, it is an obligation for all political parties that intend to become election participants to follow this verification process again. This is clearly contrary to the desire to realise elections with integrity.

### III. METHODS

This research uses a qualitative approach with a literature research method related to verifying political parties participating in the elections. Data is collected from secondary sources derived from books, journal articles, mass media coverage, relevant research results, and materials on the Internet. All data obtained is sorted and grouped by the problems studied so that conclusions can be drawn from the research questions posed.

### IV. RESULTS AND DISCUSSION

#### *A. Implementation of Political Party Verification for the Simplification of General Election Participants*

The Constitutional Court's Decision about Political Party Verification, which confirmed the facts for all political parties involved in the election year, highlights the ineffectiveness of reducing the number of election participants, as most elections feature over ten political parties. The four local parties in Aceh are not the only examples to consider.

Factual verification of political parties from the district to the provincial level, given the participation of over ten political parties, is likely to yield limited results. This is attributed to malpractices during the verification process, stemming from time constraints and the extensive coverage area. With 416 regencies and 98 cities requiring verification, and the 2019 simultaneous presidential and legislative elections further straining KPU personnel, verification malpractices are almost inevitable due to limited human resources and heavy workloads.

Evidence of these issues can be seen in several post-election parties whose offices have closed, particularly in districts and sub-districts outside Java. Research by Aldho Syafriandre et al. found numerous instances of overlapping political party memberships and double ID cards, especially among new or troubled parties with dual management or shared office addresses. These factors complicate the verification team's efforts to determine the correct management addresses for verification.

KPU produces regulations that provide equal treatment for all election participants while maintaining institutional independence. Although the Election Law provides a "specialty" for political parties participating in the previous election to no longer need to be verified, the KPU also understands that at the time of registration, all political parties, new and old, have the same obligations. They must submit the required documents mandated by the Election Law. Only later, during factual verification, does the "specialty" make old political parties take a different verification "path" with new parties. However, the KPU's understanding was firmly

rejected in the consultation forum on the draft KPU Regulation on registration, verification, and determination of political parties participating in the 2019 Elections. However, believing that the principle of equal treatment is in line with the regulation in the Election Law, the KPU still formulates a clause stating that all political parties must register with the KPU by bringing complete required documents. The third chapter reviews the Political Party Information System (SIPOL), which is a step forward in organizing the 2019 elections. A system that has yet to be successful.

When it was first applied to the registration and verification of political parties participating in the 2014 elections, SIPOL showed promise. The KPU was able to 'force' political parties to fill in data on management, offices, membership, and other fulfillment information through SIPOL. The use of SIPOL significantly streamlined the work of organisers in checking the fulfilment of political party registration requirements. The data is now partially accessible to the public through the online election information page. However, when declared ineligible by the KPU, several political parties then questioned SIPOL to the Election Supervisory Agency. In Bawaslu's decision, SIPOL was then ruled out, considered not mandatory, but could still be used as a tool in the verification process of political parties participating in the election.

Notes and inputs for improving political party verification stages in the future. In this section, the KPU's notes on the political party verification stage are presented, sourced from a survey involving the provincial KPU and district/city KPU within the framework of SWOT analysis (strengths, weaknesses, opportunities, and threats). The survey shows that the factors that become strengths are the adequacy of the legal umbrella as the basis for the implementation of the registration and verification stages of political parties, the adequacy of the budget, the good motivation of the KPU work unit, as well as the technical guidance provided and the existence of technical instructions. Meanwhile, factors detected as weaknesses included high policy dynamics, only some work units were familiar with SIPOL, and SIPOL's readiness could have been more optimal. Respondents also indicated several opportunities, including encouragement from Bawaslu to re-examine the results of political party verification, a judicial review by civil society groups on the constitutionality of the regulation that political parties participating in previous elections do not need to be verified, and stakeholders involved in monitoring in a transparent manner and data available in soft and hard files that are useful for the public. Meanwhile, a factor that can pose a threat is that the verification process is often only completed when the next stage is about to begin. Other factors include data input deadlines that must be adhered to due to regulation changes and disruptions to SIPOL.

There were also constructive criticisms from electoral stakeholders, such as political parties and civil society. Criticism was mainly directed at the difference in verification methods after the Constitutional Court's decision, which ordered all political parties, both old and new, to be verified. This method difference only partially provides equal treatment for new parties that have already undergone factual verification with heavier methods. However, the disappointment was mainly conveyed by new political parties to the makers of the Election Law. This chapter also discusses some discourses that can be addressed further to improve the implementation of the stages of registration, verification, and determination of political parties participating in the next election, including the possibility of SIPOL being implemented sustainably as a form of modernization of political parties, as well as discussing changes in the substance of registration and verification of political parties participating in future elections.

#### *B. Verification Processes That Need to Be Reviewed*

Registration and verification of political parties as election candidates takes place at three levels: the central, provincial, and district/city levels. Political parties that have received their registration files undergo administrative research for 30 days. The KPU will then submit a copy of the administrative research results minutes to the political party administrators at the central level and to Bawaslu. According to the rules, the political party liaison officer must receive a copy of the minutes a maximum of two days after the administrative research ends. Political parties then have 14 days to complete documents that are declared ineligible. During that period, improvements can and should only be made to documents declared unqualified or ineligible. In addition, the requirements for political parties to participate in elections and whether all parties need to be verified are also essential to discuss. Several elements of civil society have already put forward their proposals in this regard. The Joint Secretariat for the Codification of the Election Law, consisting of several electoral activists and academics, proposes different requirements in the Academic Paper of the Draft Law on Elections (2016). They propose that political parties eligible to participate in the elections should meet the following criteria:

1. Hold seats in the People's Representative Council (DPR).
2. Hold seats in the Provincial People's Representative Council (DPRD) in at least 50 percent of the provinces in Indonesia.
3. Hold seats in the District/City People's Representative Council (DPRD).

The current political party verification process needs to be reviewed to determine whether the current model of political party verification and elections is still ideal as it is now or whether there needs to be

improvements. The discussion or review of the political party verification process can be done after the 2024 elections. The political party verification process could be carried out strictly, so that new parties will no longer easily emerge that confuse the public. This is a crucial step in ensuring the integrity and stability of our political system. Parliamentary Threshold (PT) can be a bridge to create large and strong political parties in the future while simplifying parties. The parliamentary Threshold is considered more effective in simplifying parties in a reasonable manner and does not violate the rights of association and assembly of all Indonesian citizens. This is done with the aim that political parties are not only formed to participate in elections, but also so that political parties function properly, so that political parties can become vehicles and suggestions for improving the welfare of the people and the people will respect political parties again because in reality democracy cannot exist without political parties.

## V. CONCLUSION

Implementing stricter political party verification is anticipated to yield several positive outcomes, including a reduction in the number of political parties. With more stringent requirements, many parties that do not meet the qualifications will likely be disqualified, leading to fewer parties participating in elections. This can minimize public confusion when selecting political parties and facilitate the formation of stable coalitions. Additionally, improving the quality of political parties is another expected benefit. Stricter requirements should ensure that those parties passing verification have superior organizational structures, stronger mass bases, and more coherent ideologies. This, in turn, can enhance the quality of democracy in Indonesia. Moreover, a stronger party system is anticipated. With fewer but higher-quality political parties, the system in Indonesia is expected to become more robust and capable of playing a constructive role in the democratic process and national development. A simplified number of parties will also make it easier for the public to evaluate and choose the political parties they will support in general elections, thus reducing confusion and enhancing informed decision-making.

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