

JURIDICAL ANALYSIS OF THE EXISTENCE OF PARTY COURTS IN RESOLVING INTERNAL POLITICAL PARTY DISPUTES (STUDY OF DECISION NUMBER 57/PDT.G/2015/PN.SBR)

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Abstract

Background. Political parties play a significant and strategic role in national life, holding key positions of power. Today's political parties frequently face internal and external issues, including disputes over leadership and financial matters. A common problem identified by the researcher is that despite many internal party disputes being resolved by party courts, the losing parties often challenge the decisions in a district court. This indicates that many of these disputes are not effectively settled by the party courts. This study's specific case exemplifies this issue, showing how the Central Executive Board of the Democratic Party's Party Court failed to properly exercise its authority in resolving a dispute over the results of the 2014 Cirebon Regency Regional Legislative Council (DPRD) election.

Objective. This research aims to examine the existence and legal authority of political party courts in resolving internal disputes. It also seeks to determine the legal force of the Democratic Party's Party Court.

Methodology. The study employs a normative juridical approach, analyzing primary legal sources such as legal theories, concepts, principles, and relevant laws and regulations.

Findings. The study concludes that the Central Executive Board of the Democratic Party's Party Court lacks the authority to resolve disputes related to election results.

Conclusion. Furthermore, the court was found to have disregarded the principle of legal certainty by issuing a decision without referring the case to the Constitutional Court for guidance.

Keywords: Political Party, Internal Party Dispute, Party Court



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INTRODUCTION

Indonesia is a constitutional democracy founded on the rule of law, not on absolute power. This principle, enshrined in Article 1, paragraph (3) of the 1945 Constitution, ensures the protection of human rights and safeguards citizens from state overreach. Within this framework, politics profoundly influences law, as legal norms are fundamentally a product of the political process. This political participation is channeled through political parties, which serve as a critical expression of the freedom of association—a cornerstone of a democratic system.

Political parties hold a vital position in the relationship between the government and its citizens. As defined by Law Number 2 of 2011, a political party is a voluntary national organization formed by Indonesian citizens with a shared vision to advance the political interests of its members and the nation. Beyond serving as a platform for expressing ideas and aspirations, parties play an essential role in a democracy by aggregating and articulating political interests, educating the public, recruiting leaders, and managing conflicts.

Despite their crucial function, political parties are not immune to internal and external conflicts, particularly concerning leadership and financial management. When these disputes among party elites are not handled effectively, they can escalate into broader vertical and horizontal conflicts, potentially destabilizing national political and security conditions. Such internal strife has been evident in several high-profile cases, including the 2014 leadership dispute within the Golkar Party between Agung Laksono and Aburizal Bakrie, which was initially handled by the party's internal court.

The legal framework for resolving these internal conflicts is outlined in Articles 32 and 33 of Law Number 2 of 2011 on Political Parties. Article 32 mandates that internal disputes—including those over management, member rights, and financial accountability—be resolved by the party's own court. The decisions of this court are intended to be final and internally binding. However, Article 33 allows for an appeal to the District Court if a resolution cannot be reached internally. This provision has created a significant practical problem, as many disputes that have already received a ruling from a party court are subsequently challenged in a District Court. This raises a critical question about the actual legal standing and effectiveness of party court decisions, as they appear to be neither final nor truly binding in practice. The ambiguity of the law and the absence of a standardized legal procedure for handling these cases within party courts further complicates the situation.

Given this context, this study aims to examine the legal existence and authority of political party courts in resolving internal disputes. Specifically, it analyzes the legal force of a party court's decision in light of its subsequent review by a state judicial body, as demonstrated in the case of Sumber District Court Decision Number 57/Pdt.G/2015/PN.Sbr.

METHOD

This study employs a normative juridical research method, which is a legal-doctrinal approach. This method is based on a thorough examination of primary legal materials, including legal theories, principles, concepts, and relevant legislation. It is also known as a library-based approach, involving a systematic review of legal texts, statutes, and other pertinent documents.

The primary approach utilized is the statute approach, which involves analyzing all laws and regulations relevant to the legal issue at hand. In this research, the focus is on legislation governing the resolution of internal political party disputes, specifically Law No. 2 of 2011 on Political Parties.

This research is also qualitative in nature. It focuses on analyzing legal norms found within legislation, court decisions, and the unwritten norms and practices that exist within society. For this study, the analysis specifically draws upon Law No. 2 of 2011 concerning Political Parties, the Articles of Association/Bylaws (AD/ART) of the relevant political party, and the decision of the Sumber District Court, specifically Decision Number 57/Pdt.G/2015/PN.Sbr.

DISCUSSION

The Existence of Party Courts in Decision Number 57/Pdt.G/2015/PN.Sbr

The judicial existence of party courts in Indonesia is articulated in Article 32 of Law Number 2 of 2011, which mandates that internal political party disputes be resolved through the Party Court. These disputes, as defined, include issues concerning leadership, member rights violations, dismissals without clear cause, abuse of power, financial accountability, and objections to party decisions. However, Article 33 provides a pathway for a legal remedy through the District Court if an internal resolution is not reached. This provision enables any individual who feels their rights have been violated to file a lawsuit against the party. Such a lawsuit, known as a *contentiosa* civil suit, brings a dispute for judicial examination and resolution.

In Decision Number 57/Pdt.G/2015/PN.Sbr, the Central Executive Board of the Democratic Party's Party Court was named as a co-defendant for issuing Decision Number Basiludin Sidqi
DOI 10.62885/consci.v1i1.926

268/DPP-PHPU/2014, which concerned a legislative election dispute. The core of the matter was an allegation by the defendant that the plaintiff had illegally inflated vote counts during the 2014 legislative election for the Cirebon Regency Regional Legislative Council (DPRD) in Electoral District VI.

The defendant, feeling aggrieved by the official vote count announced by the General Election Commission (KPU) on May 13, 2014, lodged an objection with the Democratic Party's internal election dispute team on August 14, 2014, 128 days after the alleged fraud occurred. However, the defendant failed to report the alleged vote fraud to the General Elections Supervisory Agency (Bawaslu) or the local Elections Supervisory Committee (Panwaslu), as required by Article 249 of Law Number 8 of 2012. Additionally, the defendant did not pursue legal action by reporting the alleged electoral crime to the Cirebon Resort Police for a criminal investigation, as stipulated in Supreme Court Regulation Number 2 of 2013. Furthermore, the defendant neglected to file a petition to annul the election results with the Constitutional Court within the mandated 3x24 hour window following the announcement of the national results, as required by Article 272 of Law Number 8 of 2012.

The judges in the Party Court, in adjudicating this matter, should have referred the case to the Constitutional Court for guidance before imposing any sanctions. Instead, the Party Court relied on simple, circumstantial evidence, neglecting the principle of legal-formal proof that requires both material and factual evidence. The court also failed to prove that the plaintiff had actually committed an election crime, even though such actions are clearly defined as criminal offenses in Articles 309 and 312 of Law Number 8 of 2012.

Based on the Sumber District Court's decision, the judges ruled that the Democratic Party's Party Court had disregarded the fundamental legal principle of *audi et alteram partem*—the right to hear both sides. The Party Court's panel of judges heard arguments and evidence from only one party, without considering the arguments and evidence presented by the other, thereby acting in a biased and unfair manner. The court appeared to be motivated by the plaintiff's refusal to sign a statement agreeing to abide by the Party Court's decision.

The Sumber District Court concluded that the Democratic Party's Party Court lacked the authority to resolve election result disputes. This authority belongs exclusively to state institutions like the KPU, Bawaslu, and the Constitutional Court. The court found that the defendant's action of bringing an election dispute to the Party Court was a bad-faith effort to illegitimately seize the plaintiff's position as a legitimate member of the Cirebon DPRD. By fabricating an offense, the defendant sought to have the plaintiff replaced through an interim

substitution (PAW). The Party Court's decision was deemed to have violated the principle of legal certainty by ignoring existing laws that explicitly govern the resolution of election disputes.

Legal Force of Political Party Court Decisions

The binding force of Party Court decisions is two-fold. First, a decision is considered absolutely binding (*kompetensi absolut*) in cases involving internal matters such as member rights violations, unjust dismissals, abuse of power, financial accountability, and objections to party decisions. Second, it is considered conditionally binding (*kompetensi absolut mutlak bersyarat*) in leadership disputes. In the latter, there is no legal recourse for party members against the Party Court's decision, unless the party lacks a court or the court fails to reach a decision, in which case the matter can be brought to a District Court.

However, the phrase "final and internally binding," as stated in Article 32, Paragraph (5) of the Political Parties Law, implies that the decision is only binding on the party's internal members and does not have legal standing for external parties, such as the government, judiciary, or the general public.

In the case of Decision Number 57/Pdt.G/2015/PN.Sbr, the defendant's objection was to the Party Court's ruling on an election result dispute, where the plaintiff was found to have violated the party's code of ethics. The plaintiff subsequently filed a lawsuit with the District Court. The District Court judges ruled that the Party Court's decision did not have internal binding force because it did not concern a leadership dispute and was issued in violation of due process principles.

Consequently, the Sumber District Court declared that the Party Court's Decision Number 268/DPP-PHPU/2014, regarding the 2014 internal election dispute, was legally null and void. This ruling demonstrates that the existence and legal authority of party courts are strictly limited and subject to oversight by the state judiciary, especially when their decisions overstep their jurisdiction or violate fundamental principles of law.

CONCLUSION

The Democrat Party's Central Leadership Council's Party Court lacks the authority to adjudicate disputes concerning election results. In Indonesia, the sole institutions authorized to oversee and conduct general elections are the General Election Commission (KPU) and the Election Supervisory Agency (BAWASLU), respectively. The Democrat Party's Party Court further disregarded the principle of legal certainty by issuing a verdict against the plaintiff (petitioner) without first referring the case to the Constitutional Court for a judicial review. This action is contrary to Law

No. 8 of 2012 concerning the General Election of Members of the House of Representatives, Regional Representative Council, and Regional Legislative Councils, which explicitly states that the Constitutional Court has the exclusive authority to resolve electoral result disputes.

According to Article 32, paragraph (5) of Law No. 2 of 2011, which amends Law No. 2 of 2008 concerning Political Parties, the decisions of the Party Court are final and internally binding for the party's management. This means that any internal issues or violations related to party management are considered absolute, and party members have no legal recourse to challenge these decisions. However, for other internal party disputes, such as violations of members' rights, unsubstantiated dismissals, abuse of authority, financial accountability issues, or objections to party decisions, dissatisfied parties may seek legal recourse through the District Court. The District Court's decision is considered a final judgment at the initial and last instance, with the option for an appeal to the Supreme Court for those who remain dissatisfied with the ruling.

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¹⁰ *Ibid.* hlm. 660.