

Parliamentary Threshold in Multi-Party System in Indonesia

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Abstract

The multiparty system is an obstacle that must be addressed. One of the instruments that can be used to transform the party system and presumably strengthen the presidential system implemented in Indonesia is the parliamentary threshold (Parliamentary Threshold). The parliamentary threshold is believed to be able to reduce the number of political parties that will enter representative institutions. So that there will be a simplification of the number of parties in the DPR with fewer parties, the support for the party system to the building of the presidential system that is adopted will be stronger. The research method used in this study is a Literature Review of various journal articles and books on Parliamentary Thresholds. The results of this study are the consequences of the multiparty system not only affecting the mechanism and efficiency of the discussion of draft laws and draft regional regulations in the DPR or DPRD, but also the government bureaucracy that must be held by many people as representatives of the winning political parties in the general election. People's representatives who sit in the legislature and government will fight for the aspirations of their supporters who are very varied. Among the impacts of the multiparty system that is important to note is the necessity of forming a governing coalition, which in practice in the past made it difficult for the government to set strategic policies because it took into account many factors.

Keywords: Parliamentary, Threshold, Multi-Party System, Indonesia

1. Introduction

One of the important issues that are often debated regarding the state administration system based on the 1945 Constitution is the issue of certainty regarding the government system. It has always been said that the 1945 Constitution adheres to a presidential system of government. At least such a system was originally envisioned as ideal by the drafters of the 1945 Constitution.¹

The consequence of the adoption of a presidential system of government is the separation of powers between the executive and legislative institutions. Ideally, a presidential system should coincide with minimizing the number of political parties because a multi-party system can create a vulnerability in the executive-legislative relationship. The Indonesian president was elected in the 2004 elections to the 2019 elections, for example, it is clear that the large coalition of government supporters that was formed after the presidential election not only did not guarantee the stability of political party support for the executive, but also never guaranteed the formation of an effective election result. This is because there are too many political parties participating in the election which also indicates too many different ideologies and interests.

As a democratic country, holding elections is a realization of the right of people's involvement to participate in designing and determining the course of government as well as being evidence of democratization in Indonesia. As quoted in many theories, democratic government essentially comes from the people, by the people, and for the people. In this concept, the highest sovereignty is actually in the hands of the people, which is carried out according to the provisions of the 1945 constitution.²

In the constitution it is written that in the 1945 Constitution of the Republic of Indonesia, namely Article 28 guarantees "freedom of association and assembly, expressing thoughts orally and in writing, etc., are stipulated by law". Therefore, it is clear that the establishment of an association, especially a political party, has been accommodated in our written constitution so that every citizen has the right to this.

Meanwhile, in the 2019 legislative election, the parliamentary threshold rule was re-established by Election Law Number 7 of 2017 which stipulates 4 percent of the national vote. This also did not stop the growth of political parties where at that time the number of political parties that passed administrative and factual verification increased to 16 political parties that were ready to compete for electoral votes. The results of the 2019 legislative elections, political parties that were able to penetrate the parliamentary threshold were 9 political parties, although the number of parties was reduced from the 2014 legislative elections by 10 political parties. Nevertheless,

Table of percentage of political parties participating in the 2009-2019 elections

Political Parties	General Election 2004	General Election 2009	General Election 2014	General Election 2019
		PT 2,5%	PT 3,5%	PT 4%
PDIP	18,53	14,03	18,95	19,33
GOLKAR	21,58	14,45	14,75	12,31
PPP	8,15	5,32	6,53	4,52
PKB	10,57	4,94	9,04	9,69
PAN	6,44	6,01	7,59	6,84
PKS	7,34	7,88	6,79	8,21
DEMOKRAT	7,45	20,85	10,9	7,77
HANURA		3,77	5,26	1,54
GERINDRA		4,46	12,57	11,81

¹Zainal AM Husein, Constitutional Law and the Pillars of Democracy: Fragments, Legal Thought, Media and Human Rights Prof. Jimly Asshiddiqie, (Jakarta: Constitution Press, 2005), page 108.

²Erfandi, Parliamentary Threshold and Human Rights in Indonesian Constitutional Law, (Malang: Setara Press, 2014), page 126.

NASDEM

6,72

9,05

Source : Processed from KPU & Central Statistics Agency data

The emergence of new political parties in a country is basically the decision of the political elite to enter the electoral arena as new contestants. There are three main considerations consisting of the cost of entering the arena, the surplus that can be obtained when in power (benefits of office) and the possibility of obtaining support from the voting party (probably of receiving electoral support).

Scott Mainwaring stated that the combination of a fractionalized party system and presidentialism is inductive to democratic stability because it easily creates difficulties in the relationship between the president and the congress. This opinion illustrates how a multiparty system and a presidential system are very difficult to combine. Because, it is very possible that there will be a situation where the party supporting the President is not the majority party in the DPR. Especially if the DPR is filled with many political parties. Such conditions will cause the space for tension between the executive and the legislature to be wide open. In the end, government instability is an inevitable consequence.³

The application of the parliamentary threshold is aimed at the following: First, to simplify the party system. Second, to create a strong presidential system supported by effective representative institutions. The effectiveness of representative institutions cannot be separated from the many or at least political power factions in the DPR. The fewer political parties in the representative institutions, the better the effectiveness of the implementation of the functions of the representative institutions. Third, the existence of a parliamentary threshold (Parliamentary Threshold) is a step to eliminate the practice of reincarnation of political parties that do not pass the Electoral Threshold to participate in the next election.⁴

2. Discussion

2.1 Political Parties

A political party is a group (class of people) who share the same opinion, agree, agree (especially in the political field). Both based on cadre parties or party structures monopolized by a group of prominent party members or those based on mass parties, namely political parties that prioritize strength based on the superiority of the number of members. In the Big Indonesian Dictionary (KBBI), a political party also means an association established to realize a certain political ideology.⁵

Political parties are a must in modern democratic political life. As an organization, political parties are ideally intended to activate and mobilize the people, represent certain interests, provide a way of compromise for competing opinions, and provide optimally legal and peaceful political leadership. In the modern sense, a political party is "a group that proposes candidates for public office to be elected by the people, so that they can overcome or influence government actions."⁶

Political parties have a very important position (status) and role (role) in every democratic system. The party plays a very strategic liaison role between government processes and citizens. Many even argue that it is political parties that actually determine democracy, as said by Schattschneider, namely "political parties created democracy". Therefore, the party is a very important pillar to strengthen the degree of institutionalization in any democratic political system. In fact, Schattschneider also said, "Modern democracy is unthinkable save in terms of the parties"⁷

Miriam Budiardjo explains the functions inherent in political parties as follows:⁸

- a. Party as a means of political communication

³ Ibid, p. 10

⁴ Ibid, p. 7

⁵ PK Poerwantana, Political Parties in Indonesia, (Jakarta: Rineka Cipta, 1994), p 6.

⁶ Abdul Mukthie Fadjar, Political Parties in the Development of Indonesian State Administration: Revised Edition, (Malang: Setara Press, 2013), page 13.

⁷ Jimly Asshiddiqie, Freedom of Association, Dissolution of Political Parties and the Constitutional Court, (Jakarta: Constitution Press, 2005), p. 52.

⁸ Miriam Budiardjo, Fundamentals of Political Science, (Jakarta: PT Gramedia Pustaka Utama, 2005), p. 163-164.

One of the tasks of political parties is to channel various opinions and aspirations of the people and to organize them in such a way that there is less confusion of opinion in society. In a modern society that is so vast, the opinions and aspirations of a person or a group will disappear like a voice in the desert, if they are not accommodated and combined with the opinions and aspirations of others who are similar.

b. Party as a means of political socialization

Political parties also play a role as a means of political socialization (instrument of political socialization). In political science, political socialization is defined as the process through which a person acquires attitudes and orientations towards political phenomena that generally apply in the society in which he is located. Usually the socialization process runs gradually from childhood to adulthood.

c. Political parties as a means of political recruitment

Political parties also function to find and invite talented people to actively participate in political activities as party members (political recruitment). In this way the party also expands political participation. The trick is through personal contact, persuasion, and others.

d. Political parties as a means of regulating conflict

In a democratic atmosphere, competition and differences of opinion in society are natural matters. If there is a conflict, political parties try to resolve it. In political practice, it is often seen that the functions mentioned above are not carried out as expected.

In this case, according to the author of several explanations above, that political parties have a major role in the progress of a country, in which they contain policies, governance of the state and society, so then if political parties do not form the nation's personality and instill noble values in the soul of their cadres, then it is impossible for this country to become a developed country.

Therefore, representative institutions, political parties and general elections are a unity. The activities of political parties such as fighting for their programs, conveying the aspirations they represent are held in representative institutions and generally members of the people's representatives consist of people from political parties.

2.2 Parliament and Political Party

The word "Parliament" comes from the Latin *parliamentum* or French *parler*, which can be interpreted as a place or body where representatives of the people talk to each other to discuss matters that are important to the people. Parliament developed along with the development of modern democracies that emerged as nation states, especially in the 19th century after the colonialism period.⁹

According to Jimly Asshiddiqie,¹⁰ In general, there are three representative principles known in the world, namely:

- a) political representation
- b) territorial representation
- c) functional representation

The building of a country's parliamentary system is regulated in its constitution. There are rooms that implement a one-chamber (unicameral) parliamentary system, others apply a two-chamber system (bicameral). The one-chamber parliament system is usually adopted by the state in the form of a unitary state, while the two-chamber parliament system is adopted by the federal state. However, the form of the state is not always in accordance with the parliamentary system adopted, because each country has its own variant. For example, Indonesia has a unitary state and a bicameral parliamentary system. The type of system chosen depends on the political, social, economic and ethnic circumstances.¹¹

Threshold is one of the elements in a multi-party system and a balanced representative election system which stipulates that a new political party can place its representatives in parliament if the political party manages to obtain a certain percentage of the total national vote. This is a mechanism to avoid flooding of sprinter parties into parliament. As a comparison, based on the experience of a number of countries in the world the application of the parliamentary threshold (Parliamentary Threshold) varies, for example Turkey

⁹Muchammad Ali Syafa'at, *Bicameral Parliament, Comparative Studies in the United States, France, the Netherlands, England, Austria, and Indonesia*, First Issue, June 2010, Malang, Universitas Brawijaya Press (UB Press), p. 28.

¹⁰Jimly Asshiddiqie, *Principles of Post-Reform Indonesian Constitutional Law*, BIP Gramedia Group, 2007, p. 154.

¹¹Dahlan Thaib, *Towards a Bicameral Parliament (Constitutional Study of the Third Amendment of the 1945 Constitution)*, Inaugural Speech in the position of Associate Professor in Constitutional Law at the Indonesian Islamic University (UII) Yogyakarta, May 4, 2002, p. 20.

10% (ten percent), Finland 5.4% (five point four percent), Germany 5% (five percent), Belgium 4.8% (four point eight percent), Sweden 4% (four percent), Norway 4% (four percent), Greece 3.3% (three point three percent), Austria 2.6% (two point six percent), Italy 2% (two percent),¹²

In Indonesia, in the 2019 legislative elections, several new political parties such as PSI, Perindo, and the Berkarya Party emerged but were unable to compete for electoral votes to penetrate the parliamentary threshold. From the survey results of two institutions, namely Populi Center & Median, it is explained that new political parties cannot compete due to the weakness of new political party figures unable to compete with established parties and the party ideology is similar to established political parties.¹³

According to Mainwaring, only four countries that adhere to a presidential system have succeeded in creating an effective and stable government, namely the United States, Costa Rica, Columbia, and Venezuela. In addition to countries that adopt a presidential system, the majority of countries that follow a parliamentary system are also successful in maintaining the stability and effectiveness of government, among others; Australia, Austria, Belgium, Canada, Denmark, Germany, Ireland, Netherlands, United Kingdom, New Zealand, Italy and so on. The combination of the presidential system and the multi-party system practiced in Indonesia does not produce an effective and stable government. The government system has a direct correlation to the effectiveness of government, because there is evidence that both systems of government are able to create effective government.¹⁴

The concept of parliamentary threshold was introduced for the first time in Indonesia during the discussion of Law Number 10 of 2008 concerning General Elections. At the beginning of the emergence of the parliamentary threshold concept, there were two issues that were highlighted in relation to the concept. First, regarding the amount of the threshold for representation for DPR seats. Second, the effort to apply the threshold results in the DPR to be applied nationally to the seats of regional parliaments, Provincial DPRDs and Regency/City DPRDs. These two issues are debated among political parties because the threshold for representation that is set will determine the life or death of a party.¹⁵

Parliamentary threshold, where the emergence of the parliamentary threshold is actually an effort made by the government and the DPR to simplify political parties in order to achieve the efficiency of political parties in government. Parliamentary threshold is needed as an instrument for simplifying political parties that aims to create political stability which will later give strength, authority, and dignity to the government. The reduced number of political parties in parliament is expected to reduce political fragmentation so that it has a positive impact on decision-making in parliament. The DPR RI is of the opinion that the parliamentary threshold is suitable to encourage political parties to work in the interests of the people,

The implementation of the parliamentary threshold began with the application of Law No. 10 of 2008 article 202 concerning the parliamentary threshold of 2.5%. In the 2014 election, the parliamentary threshold was again discussed by Parliament, which issued Law No. 8 of 2012, with a threshold of 3.5 percent of votes. Meanwhile, in the 2019 legislative election, the parliamentary threshold rule was re-established by Election Law Number 7 of 2017 which stipulates 4 percent of the national vote.

Law Number 17 of 2017 concerning the amount of PT which will apply in the election later. Currently, consolidation between political parties is often carried out to discuss arrangements for the 2024 election PT. The Golkar and Nasdem meeting also gave an opinion that there was an agreement that the amount was at 7% (okezone.com, 2020). While the party holding the most seats in the PDI-P parliament also proposed the amount of PT at 5% (Beritasatu.com, 2020).

After reforming the Indonesian constitution, it was amended in accordance with the demands of reform. Thus, giving birth to the paradigm of checks and balances between state institutions whose goal is

¹²Wiwin Suwandi, "Union of the Presidential Election Law and the Legislative Election Law in the Law on National Elections" Paper of the National Conference on Constitutional Law and Constitutional Award, Muhammad Yamin, in Ellydar Chaidir and Suparto, "Implications of the Constitutional Court's Decision on Simultaneous Elections on Nominations for President and Vice President in the 2019 General Election, UIR Law Review, Edition No. 1, Vol. 1, April, 2017, p. 10.

¹³Renaldi, A. (2019). Tracing the Causes of All New Parties Nyungsep in the 2019 Election. Retrieved from <https://www.vice.com/id/article/j5wq53/melacak-pemebaball-party-baru-nyungsep-dalam-pemilu-2019> accessed on 22 November 2021 at 16:57

¹⁴Journal, Dwi Rianisa Mausili, Presidential Threshold Anomaly in Indonesian Government System: Parliamentary Reduction in Indonesian Presidential System, University of Indonesia – Indonesia, page 37

¹⁵Muhammad Lukman Edy, Anthology of the Election Law. Jakarta: RMBooks, 2017 page 179

that power is not in one hand like in the New Order era. Representative institutions are a very practical way of enabling members of the public to exercise influence over those who carry out state duties. In addition, the main actors in democracy that link the interests of the people with the state and government are political parties, especially at the level of electoral democracy (electoral democracy) and political democracy (political democracy). Both reflect representative democracy (representation democracy).¹⁶

Parliament in a modern democratic system is the representative of the people, who are generally in charge of making laws and overseeing the running of government, and other functions that differ in each country. Therefore, political representation and the type of parliament are interrelated.

2.3 Analysis

Political parties are needed for democracy to function. There are at least three reasons why political parties are needed for democracy to function. First, political parties are the main channel of political representation. Second, political parties are the main procedure for managing government. Third, political parties as media to enforce democratic accountability.

The triggers for the existence of new parties even though the Parliamentary Threshold continues to be raised are as follows;

- a) Because people are not satisfied with the government's performance which tends to prioritize the interests of groups or parties, so people look for alternatives by choosing a new party.
- b) It is still difficult to identify the role of alternative contributions from individuals with large capital owners and their dominant corporations, so that it will trigger party declarators to create a new party.
- c) The existence of an element of political economy, the presence of an element of investors for business interests in order to strengthen one business is one element of the emergence of the enthusiasm of investors to create a new party.

According to the author, the consequences of a multi-party system not only affect the mechanism and efficiency of the discussion of draft laws and draft regional regulations in the DPR or DPRD, but also the government bureaucracy that must be held by many people as representatives of the political parties that win in the general election. People's representatives who sit in the legislature and government will fight for the aspirations of their supporters who are very varied. Among the impacts of the multiparty system that is important to note is the necessity of forming a governing coalition, which in practice in the past made it difficult for the government to set strategic policies because it took into account many factors.

In this case, the author makes a note that the party needs to be considered is not a goal but a means of struggle for the interests of the state and society as follows;

- a. The elitist party system must be eliminated, by distributing ownership shares widely to the public. Thus, the political world and party shares are not controlled or dominated by a group of party elites (oligarchs), but can slowly metamorphose into public property.
- b. eliminating the dominant role or capital control of certain people or leaders, and people behind the scenes, who also have an interest in the development of the political party
- c. Resetting the regulation of political parties is intended to limit the freedom of citizens to form parties by setting more stringent requirements.
- d. Registration of political parties to the Ministry of Law and Human Rights to obtain status as legal entities requires political parties to go through a process of research and/or verification of the completeness and correctness of all information in the Articles of Association contained in a notarial deed.

The multiparty system is an obstacle that must be addressed. Thus, one of the instruments that can be used to transform the party system and presumably strengthen the presidential system implemented in Indonesia is the parliamentary threshold (Parliamentary Threshold). The parliamentary threshold (Parliamentary Threshold) is believed to be able to reduce the number of political parties that will enter representative institutions. So that there will be a simplification of the number of parties in the DPR with a smaller number of parties, the support for the party system to the building of the presidential system that is adopted will be stronger.

¹⁶A. Mukthie Fadjar, Political Parties in the Development of the Indonesian State Administration System, Malang: IN-TRANS Publishing, 2008, p. 16-17.

3. Conclusion

In practice, since post-independence until now, the parliamentary threshold has not had a major impact on the simplification of political parties in parliament. In fact, multi-party is an absolute necessity that must be accepted which is seen as a normality in the era of Indonesian elections and democracy. The reality is that the implementation of the parliamentary threshold as a legal policy from 2009 to 2019 has not been able to reduce the number of political parties in parliament. This means that we must eliminate the view that the implementation of the parliamentary threshold is a surefire way to simplify political parties. On the other hand, the application also cannot stop the growth of political parties in Indonesia. Election history has noted that political parties will continue to grow as democracy in Indonesia develops.

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