



POLITICAL PARTY COUP: ANOMALIES WITHIN THE DEMOCRATIC PARTY

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ABSTRACT

The Democratic Party dispute raises the view that there is dualism within the Democratic Party. The issue of the Democratic Party Leadership Takeover Movement (GPKPD) led to the dismissal of several of its cadres. The dispute escalated with the holding of the Extraordinary Congress (KLB) in Deli Serdang on March 5, 2021. One of the things which triggered the holding of the KLB by the opposition was the management of Agus Harimurti Yudhoyono (AHY). Apart from being seen as not agreeing with Article 83 paragraph (2) letter b in the 2020 Democratic Party's Articles of Association and Bylaws, the validity of the AHY management along with the preparation of the Articles of Association and Bylaws in 2020 was also questioned by several cadres. In addition, the political dynasty by the Cikeas family was also highlighted. This Democrat Party dispute becomes more interesting to study because the AHY opposition's KLB involves an external party who is a state official. This article is socio-legal study that was carried out textually and critically to laws and regulations and policies. The undemocratic management and election of the general chairman in providing opportunities for other cadres to compete in a transparent and fair manner created internal turmoil that led to the dismissal of several cadres. There are anomalies within the Democratic Party with the increasingly clear Democratic Party as a dynastic party, undemocratic KLB arrangements, to the implementation of KLB which is a structural conflict of the Democratic Party with non-structural collectives.

Keywords: coup; extraordinary congress; dispute; political party; democratic party

INTRODUCTION

The chaos of the Democratic Party after the election of Agus Harimurti Yudhoyono (AHY) as the General Chairman of the Democratic Party for 2020-2025¹ has attracted public attention. Many things have become the subject of internal disputes within the Democratic Party, from the campaign among people who are dissatisfied with the party to prevent the establishment of a party dynasty by the Yudhoyono family², the 2020 Democrat Party's Articles of Association and Bylaws (AD/ART)

which are considered to have signs of political brutality³ and harm the democracy in Indonesia⁴, the implementation of the Extraordinary Congress (KLB) as a form of party coup from external parties⁵, to the involvement of external parties

¹ Tim CNN Indonesia, "AHY Terpilih Aklamasi Jadi Ketum Demokrat 2020-2025," *CNN Indonesia* (Jakarta, March 15, 2020), last modified March 15, 2020, accessed April 9, 2021, <https://www.cnnindonesia.com/nasional/20200315135849-32-483577/ahy-terpilih-aklamasi-jadi-ketum-Demokrat-2020-2025>.

² John Mcbeth, "Political Maneuvers Hint at Possible Widodo Third Term," *Asia Times* (Jakarta, March 9, 2021), last modified March 9, 2021, accessed April 9, 2021, <https://asiatimes.com/2021/03/political-maneuvers-hint-at-possible-widodo-third-term/>.

³ Atius Alfons, "AD/ART 2020 Demokrat Dinilai Pertanda Minimnya Demokrasi Di Internal Partai," *DetikNews* (Jakarta, March 14, 2021), last modified March 14, 2021, accessed April 9, 2021, <https://news.detik.com/berita/d-5492542/adart-2020-Demokrat-dinilai-pertanda-minimnya-demokrasi-di-internal-partai>.

⁴ Nicholas Ryan Aditya, "Kubu Kontra AHY Nilai AD/ART Partai Demokrat Kongres V 2020 Abal-Abal," *Kompas.Com* (Jakarta, March 9, 2021), last modified March 9, 2021, accessed April 9, 2021, <https://nasional.kompas.com/read/2021/03/09/18135301/kubu-kontra-ahy-nilai-ad-art-partai-Demokrat-kongres-v-2020-abal-abal?page=all>.

⁵ Hamid Awaludin, "Kudeta Dalam Partai Politik," *Kompas.Id* (Jakarta, March 8, 2021), last modified March 8, 2021, accessed April 9, 2021, <https://www.kompas.id/baca/opini/2021/03/08/kudeta-dalam-partai-politik/#>.

from the government (state palace) as the leader of the opposition party to AHY⁶.

Prior to the Extraordinary Congress of AHY opposition party, the issue of the Democratic Party Leadership Takeover Movement (GPKPD) or the Democratic Party coup caused 7 (seven) Democrat Party cadres to be dishonorably dismissed for being deemed involved and supporting the coup movement.⁷ One of the Democrat Party cadres who was dismissed for this reason was Jhoni Allen Marbun. He responded to the dismissal by filing a lawsuit to the Central Jakarta District Court, to sue AHY, Teuku Riefky and Hinca Panjaitan, with case number: 135/Pdt.G/2021/ PN Jkt.Pst, where the essence of the lawsuit is that the defendants committed unlawful acts, and declared invalid and/or null and void to 2 (two) decrees related to the imposition of sanctions and dismissal of him as a member of the Democratic Party.⁸

The feud between the two Democratic Party sides has given rise to the view that there is dualism within the Democratic Party, in which the opposition of AHY is led by an external party based on the results of the Extraordinary Congress which was held in Deli Serdang on March 5, 2021. The congress was deemed to have motives of Moeldoko's running for President in the 2024⁹ General Election representing the Democratic Party and the discourse on the amendment of the

1945 Constitution regarding the term of office of President to become three terms¹⁰.

3 (three) days after the KLB execution by the Moeldoko side, the AHY side followed up on it with the submission of documents on the legitimacy of the Democratic Party to the Directorate General of Legal Administrative Affairs (AHU). These documents contain data and facts collected by the AHY side which proved that the GPKPD through the Deli Serdang Extraordinary Congress by the Moeldoko side was illegal and unconstitutional. Considering that AHY was appointed as general chairman at the Democratic Party congress which was held on March 15, 2020, the ratification of the Democratic Party's Articles of Association and Bylaws through the Decree (SK) of the Ministry of Law and Human Rights (Kemenkumham) Number M.HH-09.AH.11.01 of 2020 which was signed on May 18, 2020, as well as the Decree of the Ministry of Law and Human Rights on the appointment of AHY as general chairman of the Democratic Party Number M.HH-10.AH.11.01 of 2020 which was signed on May 19, 2020.¹¹ The Moeldoko side itself only registered the results of the Deli Serdang Extraordinary Congress to the Ministry of Law and Human Rights on March 15 2021.¹²

The Ministry of Law and Human Rights officially rejected the change in the management and Articles of Association and Bylaws of the Democratic Party proposed by the Moeldoko side. This was conveyed directly by Yasonna F. Laoly

⁶ Nikson Sinaga, "KLB Partai Demokrat Pilih Moeldoko Jadi Ketua Umum," *Kompas.Id2* (Jakarta, March 5, 2021), last modified March 5, 2021, accessed April 9, 2021, <https://www.kompas.id/baca/nusantara/2021/03/05/klb-partai-Demokrat-pilih-moeldoko-jadi-ketua-umum/>.

⁷ Ardito Ramadhan, "Isu Kudeta Di Demokrat Yang Berujung Pemecatan 7 Kader," *Kompas.Com2* (Jakarta, March 1, 2021), last modified March 1, 2021, accessed April 9, 2021, <https://nasional.kompas.com/read/2021/03/01/07453731/isu-kudeta-di-Demokrat-yang-berujung-pemecatan-7-kader?page=all>.

⁸ Tim detikcom - DetikNews, "Polemik Pemecatan Kader Demokrat Berlanjut Ke Pengadilan," *DetikNews* (Jakarta, March 4, 2021), last modified March 4, 2021, accessed April 9, 2021, <https://news.detik.com/berita/d-5480117/polemik-pemecatan-kader-Demokrat-berlanjut-ke-pengadilan/3>.

⁹ Rakhmat Nur Hakim, "Beda Dualisme Demokrat Dengan Partai Lain, Litbakan Pejabat Istana Yang Bukan Kader," *Kompas.Com* (Jakarta, March 12, 2021), last modified March 12, 2021, accessed April 9, 2021, <https://nasional.kompas.com/read/2021/03/12/12104931/beda-dualisme-Demokrat-dengan-partai-lain-libatkan-pejabat-istana-yang-bukan?page=all>.

¹⁰ Rakhmat Nur Hakim, "Dualisme Demokrat, Dari Motif Pencapresan Moeldoko Wacana Tiga Periode Jokowi," *Kompas.Com* (Jakarta, March 15, 2021), last modified March 15, 2021, accessed April 9, 2021, <https://nasional.kompas.com/read/2021/03/15/12014091/dualisme-Demokrat-dari-motif-pencapresan-moeldoko-hingga-wacana-tiga-periode?page=all>; Mcbeth, "Political Maneuvers Hint at Possible Widodo Third Term."

¹¹ Tedy, "Kemenkumham Terima Laporan Demokrat Kubu AHY," *Biro Humas, Hukum Dan Kerjasama, Kementerian Hukum Dan Hak Asasi Manusia*, last modified 2021, accessed April 9, 2021, <https://kemenkumham.go.id/berita/kemenkumham-terima-laporan-partai-Demokrat-kubu-ahy>.

¹² Tim detikcom - DetikNews, "Kubu Moeldoko Daftar Kepengurusan PD, Begini Aturan Main Di Kemenkumham," *DetikNews* (Jakarta, March 16, 2021), accessed April 9, 2021, <https://news.detik.com/berita/d-5495268/Kubu-moeldoko-daftar-kepengurusan-pd-begini-aturan-main-di-kemenkumham/2>.

as the Minister of Law and Human Rights of the Republic of Indonesia. The rejection of the change in the management was based on administrative incompleteness, namely there is no structure of the Regional Leadership Council (DPD), Branch Leadership Council (DPC) and is not accompanied by a mandate from the chairman of the DPD and DPC. However, the Ministry of Law and Human Rights does not have the authority if the Moeldoko side sues the Democratic Party's Articles of Association and Bylaws to court if it is believed that the Articles of Association and Bylaws are not in accordance with the laws of political parties.¹³

Aisah Putri Buadri et al¹⁴ state that internal conflict and division of political parties is not a new problem in the history of parties in Indonesia. This problem has occurred since before independence and occurs in almost every period. One of the reasons for this is due to the failure to reach a common ground between the two sides as stated by Kamarudin.¹⁵

Internal conflicts and party divisions often occur. The history also records that party disputes and divisions have occurred in almost all of the ruling parties in the Indonesian parliament. The difference of the dispute of the Democratic Party and the disputes in previous political parties is the dualism of the Democratic Party with the general chairman from external party through an extraordinary congress without going through the mechanism for resolving political party disputes as regulated in the provisions of laws and regulations concerning political parties¹⁶.

¹³ Tim CNN Indonesia, "AHY Sambut Yasonna Tolak Moeldoko: Tak Ada Dualisme Demokrat," *CNN Indonesia* (Jakarta, March 31, 2021), accessed April 9, 2021, <https://www.cnnindonesia.com/nasional/20210331144834-32-624419/ahy-sambut-yasonna-tolak-moeldoko-tak-ada-dualisme-demokrat>.

¹⁴ Aisah Putri Budiatri et al., "Resume Penelitian Faksi Dan Konflik Internal Partai-Partai Politik Di Indonesia Era Reformasi," *Jurnal Penelitian Politik* Vol. 14, no. 2 (December 2017): 265-279.

¹⁵ Kamarudin, "Konflik Internal Partai Politik: Studi Kasus Partai Kebangkitan Bangsa," *Jurnal Penelitian Politik* Vol. 10, no. 1 (June 2013): 29-40.

¹⁶ Jonathan Pandapotan Purba, "Special Content: Dualisme Demokrat Dan Potret Kudeta Politik Indonesia," *Liputan6.Com* (Jakarta, March 12, 2021), last modified March 12, 2021, accessed April 9, 2021, <https://www.liputan6.com/news/read/4504503/special-content-dualisme-demokrat-dan-potret-kudeta-politik-indonesia>; Zainur Mahsir Ramadhan,

Based on the phenomena described above, there are 2 (two) interesting things to study namely (1) the movement model and leadership of the Democratic Party since its establishment until the coup carried out by cadres and/or former cadres of the Democratic Party; and (2) actions that give rise to anomaly within the Democratic Party.

RESEARCH METHOD

This article will be studied in socio-legal studies. These socio-legal studies were carried out textually, by critically analyzing the articles in laws and regulations and policies, and explaining the meanings contained in those articles that are detrimental and/or beneficial to certain groups.¹⁷ The data which was used are primary legal materials, namely laws and regulations relating to political parties and the 2020 Democratic Party's Articles of Association and Bylaws, while secondary legal materials were obtained from scientific articles discussing the case of the Democratic Party coup, as well as those quoted by the researchers from experts in several webinars and mass media. The two legal materials were reviewed and analyzed descriptive-qualitatively.

DISCUSSION AND ANALYSIS

A. The Model of Movement and Leadership of the Democratic Party

1. The Presence of Political Parties in Democratic System

The presence of political parties plays an important role in modern politics that is inseparable from the political system, both democratic and authoritarian.¹⁸ Samuel P. Huntington explicitly

"Pengamat: Dualisme Demokrat Berbeda, Ketum Dari Pihak Luar," *Republika.Co.Id* (Jakarta, March 7, 2021), last modified March 7, 2021, accessed April 9, 2021, <https://www.republika.co.id/berita/qplbgt409/pengamat-dualisme-demokrat-berbeda-ketum-dari-pihak-luar>.

¹⁷ Sulistyowati Irianto, "Memperkenalkan Studi Sosiologel Dan Implikasi Metodologisnya," *Dokumen Data Bphn.Go.Id* (Jakarta: Badan Pengembangan Hukum Nasional, 2013), last modified 2013, accessed March 28, 2021, http://www.bphn.go.id/data/documents/materi_cle_8_yg_ke-2prof_dr_sulistyowati_irianto.pdf.

¹⁸ Sahya Anggara, *Sistem Politik Indonesia*, ed. Beni Ahmad Saebani, Cet. I. (Bandung: CV Pustaka Setia, 2013). hal. 53

emphasizes the importance of political institutions for modern society, “[T]he achievement or maintenance of high level of community becomes increasingly dependent upon ... the strength and scope of its political institutions”¹⁹. The position (status) and central role of political parties to connect the government and the state with their citizens, according to Schattscheider, are “Political parties created democracy”²⁰.

According to Sahya Anggara, in a democratic political system, political parties usually carry out 4 (four) functions, namely (1) means of political communication; (2) means of political dissemination; (3) means of political recruitment; and (4) means of conflict management.²¹ In Indonesia itself, provisions regarding Political Parties are regulated in Law Number 2 of 2008 concerning Political Parties²² and Law Number 2 of 2011 concerning Amendment to Law Number 2 of 2008 concerning Political Parties.²³ The functions of Political Parties in Article 11 of Law Number 2 of 2008 concerning Political Parties are as a means of: (1) political education for members and the society; (2) creating a conducive climate to unify the nation; (3) absorbers, collectors, and intermediary of the society’s political aspirations for the formulation of state policies; (4) political participation of Indonesian citizens; and (5) as a means of political recruitment in the process of filling political positions. Among the 5 (five) functions of political parties, the emphasis is on Political Education for party members and the society in general²⁴, as in the explanation of the

Amendment to the Law, it is stated that as one of the pillars of democracy, political parties need to be organized and perfected in 2 (two) main things, namely First, the attitude and behavior of political parties that have an adequate membership selection and recruitment system and the development of a strong cadre system and political leadership. Second, maximizing the function of political parties through political education²⁵.

Broadly speaking, the constitutional democratic system in Indonesia accommodates the presence of political parties in order to realize people’s sovereignty, which is then carried out by holding general elections, where political parties play a role as election contestants²⁶. Unfortunately, when they have succeeded in fighting for seats in the election, many observers said that the elected members of the legislature tend to prioritize personal interests and the interest of the political parties they represent rather than the interests of the society²⁷.

2. The Presence of the Democratic Party

In the discussion of the meeting between AHY and the founding figures of the Democratic Party, 2 (two) days before the AHY opposition Extraordinary Congress was held, AHY said that SBY was the founding figure and initiator of the Democratic Party, even the naming of the party to the color of the party’s flag was also the idea and initiative of Susilo Bambang Yudhoyono (SBY).²⁸ As recorded in the historical records of the Democratic Party, the initiative to establish the Democratic Party was inspired by the defeat of SBY in the election of the vice-presidential candidate in the 2001 MPR (the People’s

¹⁹ A.A. Meleshevich, “Conceptual Framework and Operational Indicators of Political Institutionalization,” in *Party Systems in Post-Soviet Countries* (New York: Palgrave Macmillan, New York, 2007), 9–27.

²⁰ Monteiro. Josef M., “Implikasi Pembatasan Yuridis Pembubaran Partai Politik Terhadap Prinsip Demokrasi,” *Jurnal Hukum & Pembangunan* 40, no. 4 (2010): 488–504.

²¹ Anggara, *Sistem Politik Indonesia*. hal. 54

²² Republik Indonesia, *Undang-Undang Nomor 2 Tahun 2008 Tentang Partai Politik, Lembaran Negara Republik Indonesia Tahun 2008 Nomor 2, Tambahan Lembaran Negara Republik Indonesia Nomor 4801* (Indonesia, 2008).

²³ Republik Indonesia, *Undang-Undang Nomor 2 Tahun 2011 Tentang Perubahan Undang-Undang Nomor 2 Tahun 2008 Tentang Partai Politik, Lembaran Negara Republik Indonesia Tahun 2011 Nomor 8, Tambahan Lembaran Negara Republik Indonesia Nomor 5189* (Indonesia, 2011).

²⁴ Lihat Pasal 11 *Undang-Undang Nomor 2 Tahun 2008*

Tentang Partai Politik, Lembaran Negara Republik Indonesia Tahun 2008 Nomor 2, Tambahan Lembaran Negara Republik Indonesia Nomor 4801

²⁵ Lihat Penjelasan atas *Undang-Undang Nomor 2 Tahun 2011 Tentang Perubahan Undang-Undang Nomor 2 Tahun 2008 Tentang Partai Politik, Lembaran Negara Republik Indonesia Tahun 2011 Nomor 8, Tambahan Lembaran Negara Republik Indonesia Nomor 5189*

²⁶ M., “Implikasi Pembatasan Yuridis Pembubaran Partai Politik Terhadap Prinsip Demokrasi.”

²⁷ Anggara, *Sistem Politik Indonesia*. h.51

²⁸ Tim detikcom - DetikNews, “AHY Temui Tokoh Pendiri PD: SBY Penggagas Partai Demokrat!,” *DetikNews2* (Jakarta, March 3, 2021), last modified March 3, 2021, accessed April 9, 2021, <https://news.detik.com/berita/d-5479305/ahy-temui-tokoh-pendiri-pd-sby-penggagas-partai-Demokrat/1>.

Consultative Assembly) session.²⁹ The Democratic Party was registered on September 10, 2001 with the Department of Justice and Human Rights of the Republic of Indonesia (currently the Ministry of Law and Human Rights of the Republic of Indonesia), then on September 25, 2001, the Decree of the Minister of Justice and Human Rights Number M.MU.06.08.-138 was issued concerning the Registration and Ratification of the Democratic Party, then on October 9, 2001 the Department of Justice and Human Rights of the Republic of Indonesia issued the State Gazette Number 81 of 2001 concerning the Ratification of the Democratic Party and the Symbol of the Democratic Party³⁰.

3. Winning the General Election

The 2004 election was the beginning of learning democracy. The 2004 election had a heavy burden to restore the public's trust in democracy. The 2004 Legislative Election was the debut year of the Democratic Party's Legislative Election which immediately won the 5th place by winning 7.45% (8,455,225) of the total votes and obtaining 57 seats in the House of Representatives. The Democratic Party also called 2004 as "A Golden Decade for Indonesia", where SBY was elected as the President of the Republic of Indonesia. While leading this country, in his portal notes, it was stated that SBY had succeeded in bringing Indonesia to socio-political, economic, and defense-security stability. At the end of his reign, SBY has left a mature democratic system for the Indonesian people³¹.

The 2009 legislative election was the heyday of the Democratic Party where the party managed to become the winner of the 2009 legislative election with 150 seats (26.4%) in the House of Representatives of the Republic of Indonesia, with a total vote of 21,703,137 (20.4%). In the 2014 legislative election, the Democratic Party's vote acquisition fell drastically, only being able to acquire half of the total votes of the previous election (2009), which was 12,728,913 (10.19%)

²⁹ Partai Demokrat Provinsi D.I. Yogyakarta Dewan Pimpinan Daerah, "Sejarah Partai Demokrat," *DPD Partai Demokrat D.I.Y.*, accessed April 9, 2021, <http://Demokrat-diy.or.id/sejarah-dpd-pd-diy/>.

³⁰ Ibid.

³¹ "Timeline Sejarah Partai Demokrat," *Demokrat.or.Id*, accessed April 9, 2021, <https://www.Demokrat.or.id/sejarah/>.

with the fourth position out of the 10 ruling parties in the House of Representatives. In the 2019 legislative election, the total votes acquired by the party again decreased to 10,876,507 (7.77%) with the seventh position out of 9 parties in the House of Representatives³².

4. Dualism and Coup of the Democratic Party

Since officially becoming a new party in 2001 until now, the Democratic Party has changed its General Chairman 5 (five) times. In the leadership of the Democratic Party, SBY's charismatic leadership is considered as Democratic leadership, so that the party's cadres believe in the vision he carried out. This is also inseparable from SBY's background as an Honorary General, the 6th President of the Republic of Indonesia with 2 (two) terms of leadership.³³ However, this is contrary to Gede Pasek's statement³⁴ that SBY did not fulfill his commitment to include the names of cadres proposed by Anas Urbaningrum in the management of the Democratic Party as a result of the Extraordinary Congress in Bali in 2013.³⁵

SBY became the general chairman of the Democratic Party for the 2015-2020 term and it was ratified in the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.HH-24.AH.11.01 of 2017 concerning the Ratification of Changes in the Composition of the Central Executive Board of the Democratic Party for the 2015-2020 Term³⁶.

³² Ibid.

³³ Eli Murtiana, "Model Kepemimpinan Karismatik Susilo Bambang Yudhoyono Dalam Partai Demokrat [Skripsi]" (Jakarta: FISIP Universitas Islam Negeri Syarif Hidayatullah, 2017), p. 81 accessed April 9, 2021, https://repository.uinjkt.ac.id/dspace/bitstream/123456789/42846/1/ELI_MURTIANA-FISIP.pdf.

³⁴ KPU, "Daftar Riwayat Hidup Bakal Calon Anggota DPD" (Jakarta: kpu.go.id, n.d.), accessed April 9, 2021, <http://dct.kpu.go.id/images/dokumen/DPD/51/08.pdf>.

³⁵ Kurniawati Hasjanah, "Cerita Gede Pasek Di Balik KLB Demokrat Bali 2013, Kerelaan Anas Urbaningrum & Ungkit Janji SBY," *TribunJakarta.Com* (Jakarta, 2021), last modified 2021, accessed August 17, 2021, <https://jakarta.tribunnews.com/2021/02/28/cerita-gede-pasek-di-balik-klb-Demokrat-bali-2013-kerelaan-anas-urbaningrum-ungkit-janji-sby?page=4>.

³⁶ Republik Indonesia, *Keputusan Menteri Hukum Dan Hak Asasi Manusia Republik Indonesia Nomor: M.HH-24.AH.11.01 Tahun 2017 Tentang Pengesahan Perubahan Susunan Pengurus Dewan Pimpinan Pusat*

Then, SBY passed the baton of leadership to his first son, AHY, who on March 15, 2020 was declared elected unanimously in the 5th congress of the Democratic Party, as General Chairman of the Democratic Party for the 2020-2025 term³⁷, replacing his biological father. Meanwhile, SBY's second son, Edhie Baskoro Yudhoyono, held the position of Deputy General Chairman for the same term, which was ratified in the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.HH-15.AH.11.01 of 2020 concerning the Ratification of Changes in the Composition of the Central Executive Board of the Democratic Party for 2020-2025 Term³⁸.

One year later since the appointment of AHY, through the Honorary Board of the Democratic Party, in February 2021 the Democratic Party dismissed 7 (seven) cadres who were found to be proven to have discredited, threatened, incited, pitted against each other, persuaded the party's cadres and management in exchange for money and positions, and also spread slander that the Democratic Party has failed³⁹. The issue of the Democratic Party Leadership Takeover Movement (GPKPD) is getting louder, even one of the founders of the Democratic Party, Hengky Luntungan, considered that AHY was not able to lead the party and solve internal problems, so it was necessary to carry out an Extraordinary Congress, to save the Democratic Party⁴⁰.

The AHY opposition Extraordinary Congress was then held on March 5, 2021 in Deli Serdang by Moeldoko, who currently serves as the Presidential Chief of Staff. As an external party, he was elected and won the vote to become the General Chairman

of the Democratic Party as the AHY opposition, which is referred to as the Moeldoko side⁴¹.

Regarding political party disputes, it is regulated in the Political Party Law. Several types of disputes within political parties are mentioned in the explanation of Article 32 paragraph (1) of the Political Party Law No. 2 of 2011⁴², that political disputes include (1) disputes relating to management; (2) violation of the rights of members of a Political Party; (3) dismissal without a clear reason; (4) abuse of authority; (5) financial accountability; and/or (6) objection to a decision of a Political Party.

Law Number 2 of 2011 Concerning the Amendment to Law Number 2 of 2008 Concerning Political Parties	
Article 32	the function of the Political Party Court is to settle internal disputes of political parties. While the mechanism for resolving political party disputes itself.
Article 2 paragraph (4) letter m	The mechanism is regulated in the parties' Articles of Association
THE 2020 ARTICLES OF ASSOCIATION AND BYLAWS OF THE DEMOCRATIC PARTY	
Article 97	The Party Court carries out the settlement of the party's internal disputes based on reports from members/cadres/ and/or management of the party.

Article 32⁴³ itself states that the function of the Political Party Court is to settle internal disputes of political parties. Meanwhile, the mechanism for resolving political party disputes itself, according to Article 2 paragraph (4) letter m⁴⁴, is regulated in the party's Articles of Association. When referring to the 2020 Democratic Party's Articles of Association and Bylaws, it is regulated in CHAPTER XVI concerning the settlement of the party's internal disputes. Article 97 paragraph (1) of the 2020 Democratic Party's Articles of Association and Bylaws is the same as the explanation of Article 32 paragraph (1) of the Political Party Law No.2 of 2011 as mentioned above. Article 97 paragraph (2) states that the Party Court

Partai Demokrat Masa Bakti 2015-2020 (Indonesia, 2017), [https://infopemilu.kpu.go.id/download/verpol/dataPengurus/121/SK KUMHAM DPP 2017.pdf](https://infopemilu.kpu.go.id/download/verpol/dataPengurus/121/SK%20KUMHAM%20DPP%202017.pdf).

³⁷ Indonesia, "AHY Terpilih Aklamasi Jadi Ketum Demokrat 2020-2025."

³⁸ Republik Indonesia, *Keputusan Menteri Hukum Dan HAM RI Nomor: M.HH-15.AH.11.01 Tahun 2020 Tentang Pengesahan Perubahan Susunan Pengurus Dewan Pimpinan Pusat Partai Demokrat Masa Bakti 2020-2025* (Indonesia, 2020).

³⁹ Ramadhan, "Isu Kudeta Di Demokrat Yang Berujung Pemecatan 7 Kader."

⁴⁰ Dian Erika Nugraheny, "Ingin Selamatkan Partai, Pendiri Partai Demokrat Ingin KLB Bisa Segera Digelar," *Kompas.Com* (Jakarta, February 27, 2021), last modified February 27, 2021, accessed April 9, 2021, <https://nasional.kompas.com/read/2021/02/27/18575031/ingin-selamatkan-partai-pendiri-partai-Demokrat-ingin-klb-bisa-segera>.

⁴¹ Awaludin, "Kudeta Dalam Partai Politik."

⁴² Lihat penjelasan Pasal 32 ayat (1) Indonesia, *Undang-Undang Nomor 2 Tahun 2011 Tentang Perubahan Undang-Undang Nomor 2 Tahun 2008 Tentang Partai Politik, Lembaran Negara Republik Indonesia Tahun 2011 Nomor 8, Tambahan Lembaran Negara Republik Indonesia Nomor 5189*.

⁴³ Lihat Pasal 32, *Ibid*.

⁴⁴ Lihat Pasal 2 ayat (4) huruf m, *Ibid*.

shall carry out the settlement of the party's internal disputes based on reports from members/cadres/ and/or management of the party⁴⁵. Furthermore, Article 33 of the Political Party Law No. 2 of 2011 states that if the dispute resolution as referred to in Article 32 is not reached, then the next mechanism is carried out through a district court⁴⁶.

According to Alan Warre, regarding a General Chairman of a party who is elected based on the aspirations of the party cadres, if the election process is able to absorb all the aspirations of the cadres at the grassroots level, the party's internal democracy can be realized.⁴⁷ Arbi Sanit mentions two strategic ways in election of political party leader, namely (1) Revision of the cadre system of political parties, (2) changing the recruitment system for party leaders to become more transparent and open to all qualified candidates.⁴⁸ These strategic ways should be considered by political party leaders, so that the election of general chairman is no longer only based on the relationship of family members who occupy important positions, but is more transparent by providing opportunities for other cadres to compete openly and fairly, in order to minimize social turmoil or jealousy between the cadres.

According to Firman Noor, the Head of the Center for Political Research at the Indonesian Institute of Sciences (P2P-LIPI), there are two

perspectives on the Democratic Party crisis, namely the intervention and internal perspectives. The intervention perspective is state intervention, which can be performed directly or by proxy (through formal legal or funding). Meanwhile, from the internal perspective, there are three models of internal conflict, namely the conflict between structural party and structural party; structural party and non-structural party or individual; and structural party and collective non-structural party. The Democratic Party crisis falls into the third category of conflict model, namely structural party and collective non-structural party.⁴⁹ The Moeldoko side is categorized as a collective non-structural party. Apart from the fact that the Extraordinary Congress was held by cadres who had been dismissed, the Moeldoko side also did not have legal standing in terms of the legitimacy of the management.

B. Anomalies Within the Democratic Party

1. Dynasty Party

Jhoni Allen Marbun, a former member of the Democratic Party's Higher Council, said that he was determined to save the Democratic Party from Dynasty Party, from the Cikeas Family Party⁵⁰. Almost all parties' leaders have passed leadership positions to their family or close relatives, which creates anxiety for senior cadres who feel that there are other more competent cadres who should occupy these positions. AHY himself first entered politics in 2017 and lost the Jakarta's governor election⁵¹. AHY is also considered not as popular

⁴⁵ "ANGGARAN DASAR Dan ANGGARAN RUMAH TANGGA PARTAI DEMOKRAT 2020" (Jakarta: Dewan Pimpinan Pusat Partai Demokrat, 2020).

⁴⁶ Hingga tulisan ini disusun, keberlanjutan polemik partai Demokrat masih dalam proses persidangan di pengadilan negeri.

⁴⁷ Alan Warre, *Political Parties and Party System* (New York: Oxford University Press, 1996); Sulardi, "Membangun Demokratisasi Melalui Mekanisme Pemilihan Ketua Partai Politik," in *Konferensi Nasional Hukum Tata Negara Ke-3, Demokratisasi Partai Politik*, ed. Feri Amsari, Charles Simabura, and Khairul Fahmi (Padang-Bukittinggi: Pusat Studi Konstitusi (PUSaKO) Fakultas Hukum Universitas Andalas, 2016), 248–263, [https://minio1.123dok.com/dto3pdf/123dok/pdf/2017/10_12/87jcsv1592436705.pdf?X-Amz-Content-Sha256=UNSIGNED-PAYLOAD&X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=HBT28R878GBP52A279VA%2F20210818%2F%2F%2Fs3%2Faws4_request&X-Amz-Date=20210818T160417Z&X-Amz-S-](https://minio1.123dok.com/dto3pdf/123dok/pdf/2017/10_12/87jcsv1592436705.pdf?X-Amz-Content-Sha256=UNSIGNED-PAYLOAD&X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=HBT28R878GBP52A279VA%2F20210818%2F%2F%2Fs3%2Faws4_request&X-Amz-Date=20210818T160417Z&X-Amz-S)

⁴⁸ Mahrus Irsyam and Lili Romli, *Menggugat Partai Politik*, Ed. (Jakarta: Laboratorium Ilmu Politik FISIP UI, 2003); Sulardi, "Membangun Demokratisasi Melalui Mekanisme Pemilihan Ketua Partai Politik."

⁴⁹ Dwi Bowo Rahajo, "Peneliti Sebut Ada Dua Perspektif Penyebab Kemelut Di Partai Demokrat," *Suara.Com* (Jakarta, 2021), last modified 2021, accessed April 9, 2021, <https://www.suara.com/news/2021/02/27/134204/peneliti-sebut-ada-dua-persepektif-penyebab-kemelut-di-partai-Demokrat>; Febrianto Adi Saputro, "Pengamat Sebut Dua Hal Di Konflik Demokrat," *Republika.Co.Id* (Jakarta, February 27, 2021), <https://www.republika.co.id/berita/qp68gt328/pengamat-sebut-dua-hal-di-konflik-Demokrat>; Hasjanah, "Cerita Gede Pasek Di Balik KLB Demokrat Bali 2013, Kerelaan Anas Urbaningrum & Ungkit Janji SBY."

⁵⁰ Mabeth, "Political Maneuvers Hint at Possible Widodo Third Term"; Nugraheny, "Ingin Selamatkan Partai, Pendiri Partai Demokrat Ingin KLB Bisa Segera Digelar."

⁵¹ Abraham Utama, "AHY Jadi Ketum Demokrat, Antara Bayang-Bayang SBY Dan 'Ekspektasi Yang Terlampaui Besar,'" *BBC Indonesia* (Jakarta, March 18, 2020), last modified March 18, 2020, accessed April 9, 2021, <https://www.bbc.com/indonesia/indonesia-51930319>.

as SBY when he founded the Democratic Party, so that without a public position, AHY will face difficulty in boosting the Democratic Party's vote and his electability⁵². The Articles of Association and Bylaws of the 5th Congress Year 2020 is considered as an example of a political oligarchy that suppresses freedom of expression from the DPD and the DPC of the Democratic Party.⁵³

In the case of political elite, most public officials come from families where their relatives also serve. These elite have filled several government positions, often for generations, so that politics has become a kind of "family business".⁵⁴ A political family exists when two or more relatives hold public positions. If two or more families are connected by kinship, they are intertwined to form a kinship network.⁵⁵ This is one of the contributions in establishing the dynasty of the political elite.

2. Undemocratic Articles of Association and Bylaws

A senior politician from the Democratic Party, Amir Syamsuddin, said that "AHY must not repeat the bad history of young politicians of the Democratic Party who failed to continue the leadership because of corruption cases". Given that the second period of the heyday of the Democratic Party at that time had also bad mark regarding the many young politicians of the central management of the Democratic Party who were involved in corruption cases.⁵⁶

In the Articles of Association and Bylaws resulted from the 2020 Congress, Article 83 paragraph (2) letter b states that in order to hold an Extraordinary Congress, it requires at least a proposal from 2/3 of the DPD and 50% of the DPC, but it must be based on the approval of the Party's Higher Council, which is currently SBY. This is considered to kill the value of democracy in the Democratic Party⁵⁷. However,

⁵² Ibid.

⁵³ Aditya, "Kubu Kontra AHY Nilai AD/ART Partai Demokrat Kongres V 2020 Abal-Abal."

⁵⁴ Donn M. Kurtz II, "The Political Family: A Contemporary View," *Sociological Perspective* 32, no. 3 (1989): 331-352, <https://www.jstor.org/stable/1389121?seq=1>.

⁵⁵ Ibid.

⁵⁶ Utama, "AHY Jadi Ketum Demokrat, Antara Bayang-Bayang SBY Dan 'Ekspektasi Yang Terlampau Besar.'"

⁵⁷ Rakhmatulloh, "AD/ART Demokrat 2020 Dinilai Cacat, Pengamat: Celah Bagi Kubu KLB Menggugat,"

if it is calculated based on the number of votes, the Higher Council only consists of 9 people, the DPD with 68 votes, then the DPC with 514 votes from the regencies/cities⁵⁸. If so, then the majority vote is not determined by the number of votes, but by the level of position in the political party. One of the founders of the Democratic Party, Ilal Ferhard, stated that the Articles of Association and Bylaws of the Democratic Party resulted from the 2020 Congress was not recognized, because it was made outside the congress. If this statement is true, then the management of the AHY side is contrary to Law Number 2 of 2011 concerning Political Parties⁵⁹.

3. Extraordinary Congress

Mahfud MD, Coordinating Minister for Political, Legal and Security Affairs, said that the ban on Extraordinary Congress activities was not immediately carried out by the government, because a ban by the government would actually violate Law Number 8 of 1998 concerning Freedom to Express Opinions in Public.⁶⁰

The Deli Serdang Extraordinary Congress is considered to have violated the 2020 Democratic Party's Articles of Association and Bylaws, because the activity was held by former cadres who had been dismissed by the Democratic Party. ⁶¹ John Mcbeth said that the takeover of the Democratic Party will give the number of the ruling coalition, which is needed to change the presidential election system in the 2024 election,

Sindonews.Com (Jakarta, March 18, 2021), last modified March 18, 2021, accessed April 9, 2021, <https://nasional.sindonews.com/read/368082/12/adart-Demokrat-2020-dinilai-cacat-pengamat-celah-bagi-kubu-klb-menggugat-1616025830>.

⁵⁸ Alfons, "AD/ART 2020 Demokrat Dinilai Pertama Minimnya Demokrasi Di Internal Partai."

⁵⁹ Rakhmatulloh, "AD/ART Demokrat 2020 Dinilai Cacat, Pengamat: Celah Bagi Kubu KLB Menggugat."

⁶⁰ Nikolaus Harbowo, "Kalah Di Kemenkumham, Kubu Moeldoko Akan Tempuh Jalur Hukum," *Kompas. Id* (Jakarta, April 1, 2021), last modified April 1, 2021, accessed April 9, 2021, <https://www.kompas.id/baca/polhuk/2021/04/01/kalah-di-kemenkumham-kubu-moeldoko-akan-tempuh-jalur-hukum/>.

⁶¹ AchmadNasrudiYahya, "Mahfud:AHYKetumDemokrat Berdasarkan AD/ART 2020 Di Kemenkumham," *Kompas.Com* (Jakarta, March 7, 2021), last modified March 7, 2021, accessed April 9, 2021, <https://nasional.kompas.com/read/2021/03/07/16324811/mahfud-ahy-ketum-Demokrat-berdasarkan-ad-art-2020-di-kemenkumham?page=all>.

which is a sign of the possibility of President Jokowi's third term in office.⁶²

The Extraordinary Congress that was held in Deli Serdang was enough to shake the legal order regarding political party disputes. So far, we know that the execution of Extraordinary Congress or the split of the ruling parties' partnership is no longer a new thing, and so far, disputes have occurred in internal parties between cadres and cadres, the struggle for power/party management is also between cadres and cadres. The Deli Serdang Extraordinary Congress was too extraordinary because it was held by people who in fact could be considered as external parties to the party because they had been dismissed 1 (one) month before the Extraordinary Congress was held, and there was no administrative evidence of approval by the DPD and DPC representatives who wanted the Extraordinary Congress. This condition was exacerbated by the appointment of Moeldoko as General Chairman of the Democratic Party as a result of the Deli Serdang Extraordinary Congress. This phenomenon seems to describe the government's deprivation of the identity of the Democratic party. Even though Moeldoko's position does not represent the government, but his position as the Presidential Chief of Staff, a person close to the president, led to this conclusion.

4. Rejection of the Results of the Extraordinary Congress

The application for registration for the management of the Democratic Party as a result of the Deli Serdang Extraordinary Congress was registered on March 16, 2021, through letter number 01-DPP.PD-06/III/2021 dated March 15, 2021, and it was rejected by the government, in this case the Ministry of Law and Human Rights. From the first stage of verification, through letter number AHU.UM.01-82 dated March 11, 2021, the Ministry of Law and Human Rights asked the Extraordinary Congress organizers to complete the required documents in accordance with the provisions of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 34 of 2017 concerning Procedures for Registration of Establishment of Legal Entities, Amendment to the Articles of Association and Bylaws, and Changes in the

⁶² Mcbeth, "Political Maneuvers Hint at Possible Widodo Third Term."

Management of Political Parties⁶³. On March 29, 2021, the Extraordinary Congress organizers added several additional documents, but there were still requirements that have not been met, namely representatives of the DPD and DPC, and there was no mandate from the Head of the DPD and the Head of the DPC⁶⁴. Saiful Huda Ems, Head of the Department of Communication and Information of the DPP of the Democratic Party from Moeldoko's side, said that his side would take a legal settlement mechanism to obtain justice and to restore the dignity of the Democratic Party as a modern, transparent and democratic party.⁶⁵

C. Political Party Dispute Settlement Mechanism

Political parties as a forum for people's aspirations in which there are various social and political interactions as a manifestation of the hopes, aspirations, desires, visions and missions of the members or their management certainly cannot escape internal disputes as a socio-political dynamic. Disputes occur with various motives, one of which is the dualism of power within political parties. Differences of opinion and incompatible views become clichés that underlie every dispute, not only about politics but almost all disputes in society.

Anomalies that occur within a party can be one of the triggers for tension and division. As explained in the previous section of this article, the basic thing about dualism within a party is the existence of divisions. Divisions within a party usually occur for several reasons. According to Nazuruddin Sjamsuddin, Zukifli Hamid, and Toto Pribadi, divisions within political parties can be caused by three things:⁶⁶ (1) The ideological differences of the members; (2) Differences in the implementation of policies; (3) Leadership competition within the party.

⁶³ Republik Indonesia, *Peraturan Menteri Hukum Dan HAM RI Nomor 34 Tahun 2017 Tentang Tata Cara Pendaftaran Pendirian Badan Hukum, Perubahan Anggaran Dasar Dan Anggaran Rumah Tangga, Serta Perubahan Kepengurusan, Partai Politik* (Indonesia, 2018).

⁶⁴ Harbowo, "Kalah Di Kemenkumham, Kubu Moeldoko Akan Tempuh Jalur Hukum."

⁶⁵ Ibid.

⁶⁶ Nazuruddin Sjamsuddin, Zukifli Hamid, and Toto Pribadi, *Sistem Politik Indonesia* (Jakarta: Karunika, 1988), 5-6.

Meanwhile, according to H. Anto Djawamaku, there are several types of internal conflicts within political parties, namely:⁶⁷ “(1) The party does not have a clear platform, resulting in the absence of ideological ties among the party members. When there is a clique, personal or group division, it easily divides the party; (2) Single leadership factor and poor management. A political party leader figure which is too strong has the potential to kill the regeneration in the body of the political party concerned. Strong figures are often considered capable of unifying while at the same time cadres who have the same qualifications have never been prepared as potential replacements; (3) Viewed from the regeneration process that must be carried out, the failure to bring new figures in political parties shows the failure of political parties to carry out internal reforms, especially for revitalization and regeneration, especially because their high-ranking figures become symbols of institutions.”

From the description above, it is clear that the factors that cause divisions within a party are factors in the occurrence of leadership dualism. This is because dualism itself is clear evidence of division. The formation of the Democratic Party into a dynastic party in this case is a reflection of all of the factors stated above.

The most important thing from the overall dynamics of the dispute that occurs is how internal parties can immediately fix themselves and immediately resolve disputes that occur in order to save and sustain the party itself. In addition, the dispute within the Democratic Party has caused public confusion and concern, as conveyed by Siti Zuhro in a webinar themed “*Nanti Kita Cerita Tentang Demokrat Hari Ini*” (Later We Will Talk About the Democratic Party Today) in Jakarta.⁶⁸ Thus, it is necessary to immediately pursue anything that can resolve the ongoing dispute.

Mahfud MD states that disputes regarding dualism within a party is not the domain of the

government.⁶⁹ This statement implies that disputes regarding dualism must be resolved by internal parties. In general, Law Number 2 Year 2011 concerning Political Parties has accommodated the ways in which a political party dispute resolution can be taken and pursued.

The management of political parties is basically an internal affair of each party whose implementation is regulated with the Articles of Association and Bylaws of the party concerned. In this case, legally, external parties cannot intervene and neither can the government. Regarding this matter, it has been regulated quite clearly in Article 23 of Law Number 2 of 2011 concerning Political Parties. Furthermore, this is emphasized by Article 24 which requires parties to resolve disputes that occur within the body of the new party, where the Minister of Law and Human Rights can ratify the changes to the party’s management. This shows that internally the party must be able to resolve disputes that occur before submitting the changes in management to the government.

As an initial step, the settlement of political party disputes, including disputes over the management of political parties, must be carried out through an internal mechanism, namely through the Political Party Court. Then, the Political Party Court must examine and decide on the dispute within a period of 60 days as stipulated in Article 32 of the Political Party Law Number 2 of 2011. In the event that efforts to resolve the dispute over the management of a political party at the Political Party Court do not result in a settlement decision, then the dispute can be brought to the District Court as a court of first and last instance. The District Court concerned must decide on the case within 60 days of the lawsuit being registered. Towards the decision of the district court, a cassation can only be filed to the Supreme Court within 30 (thirty) days after the memorandum of cassation is registered at the clerk’s office of the Supreme Court, this is as regulated in Article 33 of the Political Party Law.

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⁶⁷ H. Anto Djawamaku, “Perpecahan Partai Politik, Pemberantasan Korupsi dan Berbagai Masalah Politik Lainnya,” *Jurnal Analisis CSIS* Vol. 34, no. 2 (2005): 126–127.

⁶⁸ *jurnalintelejen.net*, “Prof. R. Siti Zuhro: KLB Partai Demokrat Sumatera Utara Adalah Anomali Politik,” *Jurnalintelejen.Net*, last modified March 2021, accessed April 9, 2021, <https://jurnalintelejen.net/2021/03/07/prof-r-siti-zuhro-klb-partai-demokrat-sumatera-utara-adalah-anomali-politik/>.

⁶⁹ Hallo Jendela, “Mekanisme Penyelesaian Perselisihan Kepengurusan Parpol,” *Jendelahukum.Com*, last modified March 2021, accessed April 9, 2021, <https://jendelahukum.com/mekanisme-penyelesaian-perselisihan-kepengurusan-parpol/>.

⁷⁰ *Ibid.*

CONCLUSION

One of the things that caused a division within the Democratic Party was the party dynasty, namely the election of AHY as general chairman, which indicated that the party management was no longer open to anyone, but only to family/relatives. Although the media conveyed that AHY was unanimously elected in the 2020 congress, there are some cadres who do not like such a system. In addition to party dynasty, there is also an article in the 2020 Democratic Party's Articles of Association and Bylaws, namely Article 83 paragraph (2) letter b, which is considered to have killed the democratic value, namely the need for approval from the Democratic Party Higher Council if an Extraordinary Congress (KLB) is to be held. The Articles of Association and Bylaws were also considered to be compiled outside of the Congress, so they were not recognized by some of the party management members. It was these sparks that made the party's internal rebellion so big that an Extraordinary Congress was held in Deli Serdang with the intention of "saving the Democratic Party" to be more dignified. However, whatever the reason is, the settlement or decision making should be done elegantly, namely by taking a political party dispute settlement mechanism based on the laws and regulations, either by consensus settlement, through the courts or out of court.

SUGGESTION

From this GPKPD experience, the Political Party Law needs to anticipate the symptoms and impacts of deprivation of political party identities from external parties so that the initial goal of having political parties to enliven democracy can be realized, and is not easily usurped by unauthorized parties. For this reason, the Political Party Law needs to be reviewed and/or added by articles related to Extraordinary Congress held by external parties, along with the legal consequences.

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