

Equity and Equality in Legal Safeguards for the Rights and Duties of Political Party Members

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Abstract

This article constitutes an examination of the legal protection of the rights and obligations of political party members, focusing on the crucial role of political party members in maintaining the health and dynamics of the political process. Additionally, this article comprehensively outlines the rights and obligations that govern the behavior of political party members. This research was conducted using the normative legal research method by analyzing primary and secondary legal materials, and applying normative or prescriptive analysis techniques. The analysis results indicate that the rights of political party members include the right to associate, assemble, express opinions, engage in politics, and obtain public office. Meanwhile, the obligations of political party members encompass concrete actions such as practicing Pancasila, upholding state integrity, participating in national development, upholding the supremacy of law, conducting political education, ensuring the success of general elections, and ensuring financial transparency. Furthermore, this article proposes improvements to Law No. 8/2008 in conjunction with Law No. 2/2011 to enhance the protection of the rights and obligations of political party members. This includes the important role of supervisory institutions and law enforcement agencies in safeguarding the rights and obligations of political party members, as well as ensuring compliance with the principles of democracy and the supremacy of law within the scope of political parties. In conclusion, this article provides a significant contribution to understanding the participation, rights, and obligations of political party members in the legal and democratic context of Indonesia.

1. Introduction

The role of political party members in a democratic system is crucial in maintaining the health and dynamism of the political process.¹ As representatives of the populace, political party members serve as platforms for the manifestation of societal aspirations and interests as a whole. In this regard, their presence not only reflects diverse perspectives but also serves as the primary guardians to ensure that every individual's voice is accommodated in governance. Active participation by political party members forms the cornerstone in preserving the democratic system. Through their involvement in campaigns, general elections, and various other political activities, political party members not only embody the spirit of democracy but also foster overall public participation. The consequence is increased societal engagement in political decision-making processes, thereby bolstering governmental legitimacy.

Beyond representing society's voice, political party members also play a crucial role in governance. As elected representatives, they bear the responsibility of drafting laws, ensuring

¹ Narinder K. Dogra and Varinder Singh, "Democracy and Political Parties," *The Indian Journal of Political Science* 75, no. 1 (January 2014); Sushil Chandra Singh, "Role of Political Parties," *The Indian Journal of Political Science* 11, no. 2 (April 1950).

governmental transparency, and overseeing the effective implementation of public services.² Their active engagement in these processes serves as the frontline defense to ensure that policies genuinely reflect societal needs and expectations.

The importance of political party members also encompasses aspects of political education. They serve not only as political actors but also as conveyors of information regarding party policies, ideologies, and objectives.³ By providing better understanding to the public, political party members help create a knowledge base that enables informed decision-making and active involvement in the democratic process. Moreover, the role of political party members extends to leadership development. Their participation within the party provides opportunities for learning and growth, thereby cultivating individuals capable of leading both within the party and within governmental structures. Thus, political party members become crucial agents in maintaining the continuity and sustainability of democratic values.

Political party members' roles encompass not only representation and participation in the political process but are also closely related to rights and obligations as key elements in political party dynamics. Rights and obligations form the moral and legal foundation governing members' behavior, creating structures that encourage responsible participation in line with democratic principles.⁴ Political party members' rights serve as instruments enabling them to fulfill their roles effectively. The right to express opinions, propose policies, and participate in decision-making processes is central to effective representation. Through these rights, party members can act as agents of change, bringing societal aspirations into the party structure, thereby creating an inclusive environment responsive to diverse perspectives. However, rights cannot stand alone without corresponding obligations. Political party members' obligations establish the basis of their responsibility to the party, society, and the democratic system as a whole. The obligation to support and abide by party rules, behave ethically, and be accountable for decisions made are integral parts of the social contract between party members and society. Political party members' rights and obligations play a role in ensuring accountability and transparency. The right to oversee government actions and ensure compliance with democratic principles is an expression of party members' responsibility. Conversely, the obligation to act with integrity, avoid corruption, and work for the public interest forms the foundation for fair and just public service. In political education, political party members' right to provide information and teach party values is a way to build better understanding among the public. However, the obligation to convey information honestly, impartially, and respect freedom of expression is an important aspect in maintaining the integrity of political education.

One of the main challenges is the potential mismatch between individual party members' rights and party policies or objectives. Individual rights to express opinions and participate in decision-making may conflict with party policies or agendas. Such conflicts can arise when members feel their rights are limited or overlooked, while the party strives to

² E. Spencer Wellhofer and Timothy M. Hennessey, "Political Party Development: Institutionalization, Leadership Recruitment, and Behavior," *American Journal of Political Science* 18, no. 1 (February 1974): 135, <https://doi.org/10.2307/2110658>.

³ Wellhofer and Hennessey.

⁴ Jimly Asshiddiqie, "Penguatan Dan Penataan Partai Politik Di Masa Depan," *Jurnal Ketatanegaraan* 5, no. 1 (November 2017).

maintain coherence and consistency in its platform. Another issue is the obligation of party members to support party rules and objectives, which can also be a source of conflict. Disagreements with internal rules may occur, especially if members feel the rules do not adequately reflect their values or interests. Unclear or inconsistent rule-setting and enforcement can lead to dissatisfaction and conflict within the party. Another challenge is internal competition or personal ambitions among party members. The right to compete in internal elections or hold leadership positions can create intense dynamics of competition. Unmet individual ambitions or feelings of inequality can trigger internal conflicts, affecting the stability and effectiveness of the party. The interplay between rights, obligations, and potential conflicts creates complex dynamics within the internal life of political parties. How parties address these conflicts can determine their resilience and their ability to remain relevant players in the democratic system. Therefore, it is important to continue developing internal mechanisms that promote inclusivity, transparency, and fairness, so that parties can become healthy vehicles for political representation and empowerment of political party members. By presenting normative analysis regarding legal protection of the rights and obligations of political party members, the purpose of this article is to strengthen understanding of the participation and dynamics of the rights and obligations of political party members in the legal and democratic context. The problem formulation to be addressed includes considerations regarding the legal framework concerning the rights and obligations of political party members, and whether such legal protection can safeguard rights and obligations in a democratic political system. There has been no research specifically examining the rights and obligations of political party members. Most studies have focused more on organizational structure, political strategies, and the general internal dynamics of political parties, but have overlooked the aspect of members' rights and obligations. This research not only fills a gap in the literature but also provides a deeper understanding of the role of individuals within political parties, which can impact the fulfillment of political party members' rights and obligations.

2. Methods

This study is a legal research employing the normative legal research method. According to Peter Mahmud Marzuki⁵, normative legal research is a process of identifying legal rules, legal principles, and legal doctrines to address legal issues faced. The legal materials utilized encompass both primary and secondary legal sources. As defined by Peter Mahmud Marzuki, primary legal materials are authoritative legal sources, implying they possess legal authority. In this context, primary legal materials consist of legislation, official records, or documents in the legislative process, as well as judicial decisions. The primary legal materials used include the Constitution of the Republic of Indonesia of 1945; Law Number 2 of 2008 concerning Political Parties (Law No 2/2008); Law Number 2 of 2008 concerning Political Parties and Law Number 2 of 2011 concerning Amendments to Law Number 2 of 2008 concerning Political Parties (Law No. 2/2011). Secondary legal materials, on the other hand, are resources that aid in analyzing and comprehending primary legal materials. Secondary legal materials can also be defined as publications on law that are not official documents. Examples of secondary legal materials include textbooks, legal dictionaries, legal journals, and commentaries on court

⁵ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2016).

decisions. These legal materials are then analyzed using normative or prescriptive analysis techniques to find answers to the research questions formulated within this study.

3. Results and Discussion

3.1. Examining Justice and Equality in Political Party Membership Rights

Within the framework of the 1945 Constitution of the Republic of Indonesia, the rights of political party members reflect the fundamental principles of democracy and freedom recognized as the basic rights of every citizen. Article 28E (3) of the 1945 Constitution emphasizes the right of every person to associate, assemble, and express opinions. This right, which also involves political party members, forms the foundation of political participation within an organizational framework that articulates common interests. It provides a platform for party members to engage intensively in discussions, decision-making, and policy formulation. Additionally, the right to engage in politics, as regulated by Article 27 (1) of the 1945 Constitution, reinforced by Article 43 (1 and 2) of Law Number 39 of 1999 concerning Human Rights (Law No. 39/1999), serves as the basis for the active role of political party members in the country's political life.⁶ This right acknowledges that every citizen has the right to participate in political activities, including political party members who contribute to policy formulation and implementation. In the context of political thought, the right of every citizen to engage in politics forms the basis for the role of political party members, fostering rich and diverse political dynamics and allowing each party member to make a significant contribution to shaping their party's direction and vision.⁷

The importance of the rights of political party members to express opinions is further emphasized in Article 28E (3) of the 1945 Constitution. This right enables political party members to play a critical role in voicing their views on party policies, political issues, and other social conditions. The right to express opinions serves as a crucial instrument in promoting constructive dialogue and discussion. By weaving together their perspectives and ideologies, party members can actively participate in shaping public opinion and enriching political debates. The freedom to express opinions forms the basis for diverse discussions and the formation of opinions within the context of democracy. Furthermore, the 1945 Constitution grants every citizen the right to hold public office and participate in governance. This right provides political party members with the opportunity to run for public office and, if elected, contribute directly to governance and policymaking.

The protection of the rights of political party members is not merely a legal formality but an essential foundation for ensuring internal party democracy and providing freedom of expression to its members. Law No. 2/2008 provides a strong basis for the protection of party members' rights, establishing clear and firm principles to uphold fairness, equality, and active participation within the context of party membership. Article 14 (2) of Law No. 2/2008 stating that party membership is voluntary, open, and non-discriminatory ensures that any citizen agreeing with the Articles of Association (AD) and Bylaws (ART) can become a member without discrimination. This creates an inclusive space for participation, where diverse

⁶ Muten Nuna and Roy Marthen Moonti, "Kebebasan Hak Sosial-Politik Dan Partisipasi Warga Negara Dalam Sistem Demokrasi Di Indonesia," *Jurnal Ius Constituendum* 4, no. 2 (September 2019).

⁷ Thomas Christiano, "The Basis of Political Equality," in *Political Epistemology* (Oxford University Press/Oxford, 2021), 114–34, <https://doi.org/10.1093/oso/9780192893338.003.0008>.

segments of society can voice their aspirations within the political realm. Furthermore, Article 15 (2) of Law No. 2/2008 grants party members the right to determine policies and the right to vote and be elected. This principle emphasizes that party members have an active role in policy formulation and the selection of party leaders. Thus, internal democracy is not merely a formality but a process involving real participation from members.

Moreover, Article 16 (1) of Law No. 2/2008, which explains the reasons for terminating party membership, provides clarity and assurance that the termination process must comply with existing regulations. This not only protects members' rights from potential abuse of power but also ensures that any action taken is in line with principles of fairness and transparency. Furthermore, the internal democratic principles upheld by this law provide opportunities for political parties to be forums for aspirations and ideological pluralism. With guaranteed rights, party members can actively steer the party's direction and elect leaders who align with their shared vision. A living internal democracy makes political parties a true reflection of the will and interests of their members. Additionally, Article 16 (1) of Law No. 2/2008, which regulates the termination of party membership, ensures that this process is not only legal but also ethical and consistent with principles of fairness. Thus, members' rights are not only recognized at the beginning of their membership but also protected throughout their journey within the political party.

Law No. 2/2008 also pays special attention to the importance of fair and gender-equitable political education⁸, as stated in the preamble of the law. Focusing on political education as an integral part of the rights and obligations of party members reflects legislative awareness of the role of education in shaping more informed and engaged party members in the democratic process. The importance of political education in this law has significant implications for developing awareness of the rights and obligations of party members. Through fair and gender-equitable political education, party members are given the opportunity to better understand political structures, policy-making processes, and their impacts on society. Gender-neutral education creates an equal foundation for party members, eliminating knowledge disparities and ensuring that every individual, regardless of gender, can participate optimally in political life. Furthermore, the understanding of rights and obligations acquired through political education promotes meaningful political participation. Well-educated party members are more likely to be proactive in the party's decision-making process, making political parties more dynamic and inclusive.⁹ Thus, the aspect of political education in this law is not just an effort to protect individuals' rights to quality political education but also to enrich the quality of internal party democracy itself.

Political parties emphasize the importance of recognizing the inherent rights of every individual as the primary basis for realizing sustainable internal democracy. In this discourse, political parties advocate for respect for democracy, the rule of law, human rights, and the

⁸ Nila Sastrawati, "Peran Negara Dalam Pendidikan Politik Perspektif Gender," *JURNAL SIPAKALEBBI* 5, no. 1 (June 30, 2021): 90–107, <https://doi.org/10.24252/jsipakallebbi.v5i1.21563>.

⁹ Yosua Hiskia Morong, "Akuntabilitas Kaderisasi Partai Politik Dalam Menjaga Kualitas Anggota Legislatif," *POLITICO: Jurnal Ilmu Politik* 12, no. 4 (November 2, 2023): 597–606, <https://doi.org/10.35797/jp.v12i4.52233>.

principle of justice as fundamental foundations that cannot be compromised.¹⁰ Acknowledging these rights reflects the commitment of political parties to ensuring the sustainability of a healthy internal democracy. Recognizing the rights of individuals in the context of internal party democracy is not merely rhetorical but reflects a deep commitment to protecting the rights of party members as a vital aspect of the internal democratization process.¹¹ By providing participatory space for members at every stage, political parties build a responsive and dynamic environment. This not only creates opportunities for various perspectives to develop but also emphasizes that political parties advocate for inclusivity and pluralism in decision-making processes. Political parties recognize that party members play a crucial role in strengthening the structure of internal democracy. Active participation of party members at every management level is an indispensable foundation in building a democratic and open system. This understanding is consistent with the spirit of the law, which emphasizes the importance of party members' participation as the main pillar in creating a strong and dynamic internal democracy. Thus, recognizing individuals' rights in the context of internal party democracy is not just a formal obligation but a genuine commitment to building an inclusive, transparent, and responsive system to members' aspirations.¹² Concrete steps taken to realize this commitment will strengthen the legitimacy of political parties in the eyes of the public and have a positive impact on efforts to strengthen democracy as a whole.

The importance of recognizing the rights of political party members within the framework of justice and equality depicts a crucial aspect in the construction of an inclusive and responsive internal democracy. These rights are not merely formal legal formalities but also essential foundations for ensuring active participation of members in every stage of the political process. Referring to internal party democracy, the principles of justice and equality should not be underestimated.¹³ Recognition of members' rights, such as the right to express opinions, the right to access information transparently, and the right to participate in decision-making, is a crucial step in building an inclusive political environment. Without strong recognition of these rights, the risk of group or elite domination within political parties can threaten the principles of democracy that should be upheld. Granting rights to party members signifies the party's commitment to preserving diversity of views and perspectives within it. By providing sufficient space for various voices and opinions, political parties create an inclusive platform for their members to actively contribute to policy formation and party direction. Recognition of members' rights within the context of justice and equality is not just a formality but a significant step in building a solid foundation for a healthy and sustainable

¹⁰ Valeriya Kamenova, "Internal Democracy in Populist Right Parties: The Process of Party Policy Development in the Alternative for Germany," *European Political Science Review* 13, no. 4 (November 22, 2021): 488–505, <https://doi.org/10.1017/S1755773921000217>.

¹¹ José María Maravall, "The Political Consequences of Internal Party Democracy," in *Controlling Governments* (Cambridge University Press, 2001), 157–201, <https://doi.org/10.1017/CBO9780511611414.008>.

¹² Kamenova, "Internal Democracy in Populist Right Parties: The Process of Party Policy Development in the Alternative for Germany."

¹³ Thomas Poguntke and Susan E. Scarrow, "Intra-Party Democracy and Representation," in *The Oxford Handbook of Political Representation in Liberal Democracies*, ed. Robert Rohrschneider and Jacques Thomassen (Oxford University Press, 2020), 322–39, <https://doi.org/10.1093/oxfordhb/9780198825081.013.16>.

internal democracy.¹⁴ Only by ensuring that every member has equal access to the political process and can participate equally, political parties can claim to represent the interests of all members fairly and proportionally.

The recognized principles of democracy in the 1945 Constitution provide assurance of the rights of every citizen to associate, assemble, and express opinions, including for political party members. These principles not only serve as constitutional foundations but also create an important stage for party members to engage in vital processes such as discussions, decision-making, and policy formulation.¹⁵ Every party member has equal access to internal political dynamics, regardless of background or social status. This means that political parties must provide a fair and inclusive space for all members to actively participate in carrying out party functions. The democratic principles reflected in the 1945 Constitution also emphasize the importance of participatory and inclusive decision-making. By involving all members in decision-making processes, political parties can ensure that the policies generated represent the aspirations and interests of various segments of society.

Law No. 2/2008 *juncto* Law No. 2/2011 provides a basis for protecting the rights of political party members by stipulating that membership in a political party must be voluntary, open, and non-discriminatory. These principles create an important foundation to ensure inclusive participation, where every individual from various segments of society has an equal opportunity to voice their aspirations in the political arena. By affirming that party membership is voluntary, the law ensures that no pressure or coercion could hinder individuals' freedom to join their chosen political party. This ensures that every member enters the political party based on personal awareness and conviction, not external coercion. The principles of open and non-discriminatory membership provide assurance that political parties must not differentiate their members based on background, ethnicity, religion, gender, or other discriminatory factors. As a consequence, political parties are expected to mirror the diversity of society, reflecting pluralism and inclusivity in political representation.

Regarding political education, the importance of fair and gender-equitable political education, as mandated by Law No. 2/2008, underscores the awareness of the need to address knowledge disparities and ensure equal participation from all party members. Through equitable political education, party members are given equal opportunities to better understand political processes and their roles within them, free from gender discrimination. Fair and gender-equitable political education is a crucial foundation in building inclusive and democratic political parties. By ensuring that every member, regardless of gender, has equal access to knowledge and understanding of politics, political parties can enhance the quality of their internal democracy.¹⁶ Politically educated members will be better able to contribute to

¹⁴ Paul S. Herrnson, "The Roles of Party Organizations, Party-Connected Committees, and Party Allies in Elections," *The Journal of Politics* 71, no. 4 (October 2009): 1207–24, <https://doi.org/10.1017/S0022381609990065>.

¹⁵ Ekawahyu Kasih, "Pelaksanaan Prinsip- Prinsip Demokrasi Dalam Sistem Politik Di Indonesia Guna Mewujudkan Keadilan Sosial Bagi Seluruh Rakyat Indonesia," *Jurnal Kajian Lemhannas RI* 34, no. 1 (June 2018).

¹⁶ Hariyanti Hariyanti, Cecep Darmawan, and Iim Siti Masyitoh, "Peran Partai Politik Dalam Meningkatkan Partisipasi Politik Kader Perempuan Melalui Pendidikan Politik," *Jurnal Civics: Media Kajian Kewarganegaraan* 15, no. 1 (May 31, 2018): 74–85, <https://doi.org/10.21831/jc.v15i1.17659>.

the party's decision-making process and advocate for policies that benefit all members. Fair and gender-equitable political education can be an effective instrument in strengthening internal party democracy, ensuring meaningful and inclusive political participation from all members, and creating a stronger foundation for a democratic and just political system.

Recognition and protection of the rights of political party members within the framework of justice and equality are key pillars in the construction of a solid and responsive internal democracy. These steps are crucial in affirming a strong foundation for the sustainability of political parties as quality democratic institutions. By ensuring equal access to political participation and fair political education, political parties shape an inclusive and dynamic environment. This means that every member has an equal opportunity to contribute to policy formation, decision-making, and the direction of the party. By applying the principles of justice and equality, political parties can guarantee that every member's voice is heard and respected, regardless of background or social status. These steps also strengthen the legitimacy of political parties in the eyes of the public. When political parties can create an inclusive and responsive environment, it demonstrates their ability to accommodate various interests and advocate for fair representation for all members. Thus, political parties become more relevant and are seen as vehicles capable of representing the interests of society as a whole. Not only that, but the recognition and protection of members' rights within the framework of justice and equality also have a positive impact on strengthening democracy as a whole. When political parties consistently practice democratic values internally, it sets a strong example for the general public. The public becomes more confident in the political process and more motivated to actively engage in political life, thereby strengthening democracy as an empowered system. Recognizing and protecting the rights of political party members within the framework of justice and equality is not just a formal effort but a crucial step in building a solid foundation for internal party democracy and strengthening democracy broadly at the national level.

3.2. Justice and Equality in Political Parties: Evaluating Members' Obligations

The obligations of members serve as moral and ethical foundations guiding individual behavior within their membership. Law No. 2/2008 *juncto* Law No. 2/2011, along with the ethical aspects and internal norms of the party, provide a legal framework and principles for enforcing these obligations. Examining the essence of party member obligations, several dimensions reflect the roles and responsibilities of individuals in the context of political participation.

1. members must uphold and implement the principles of Pancasila, abide by the 1945 Constitution, and adhere to legislation.
2. they must maintain and defend the integrity of the Unitary State of the Republic of Indonesia.
3. members should participate in national development.
4. they are to uphold the supremacy of law, democracy, and human rights.
5. they are responsible for political education and channeling the political aspirations of their members.
6. they are to ensure the success of general elections.
7. members must maintain records, keep lists of donors and the amount of contributions received, and be transparent to the public.

These obligations underscore the significant role of political party members in strengthening democracy and national life. Members must understand and practice the nation's fundamental values, ensuring that political parties do not contradict basic national principles. Moreover, they are responsible for preserving and defending the unity of the nation, participating in national development, and upholding the supremacy of law, democracy, and human rights. They must also provide political education to members and effectively channel their political aspirations. Finally, members are tasked with ensuring the success of general elections and maintaining transparency and accountability in party finances.

These obligations are not merely a collection of formal rules but moral and ethical foundations guiding individual behavior within the dynamics of party politics. Through understanding and applying these obligations, members can play constructive and responsible roles in building internal party democracy and, more broadly, strengthening political participation in national life. While the obligations outlined in Law No. 2/2008 are essential for shaping the role of political parties within the framework of democracy, there are criticisms regarding these obligations.

First, obligations related to preserving national unity and upholding Pancasila and the Indonesian constitution may limit freedom of speech and organization if political parties use these obligations to restrict their members' freedom to express opinions or criticize government policies. Second, obligations related to political education and representing the political aspirations of constituents may become ineffective if political parties do not provide sufficient space for their members to participate in decision-making processes. Third, requirements for maintaining records, ensuring financial transparency, and engaging in political education may burden small or newly established political parties, hindering their development and participation in the political process. Fourth, obligations related to upholding the supremacy of law, democracy, and human rights may become ineffective if political parties do not impose strict sanctions on members who violate these obligations, reducing the integrity and credibility of political parties in the political landscape.

Several criticisms outlined regarding the obligations of political party members suggest the need for evaluation and improvement of these obligations to be more effective in promoting democratic values and strengthening the role of political parties in nation-building. The obligations of political party members affirm the importance of ethics and morality as guiding principles for their participation in party politics. Ethics and morality serve as vital foundations for fulfilling the role of political party members, especially in the context of justice and equality. This means that the obligations of political party members serve as indicators of individual roles in strengthening democracy and nation-building.

Ethics and morality serve as filters that guarantee that every political action taken by party members aligns with the principles of inclusive and responsible democracy. The obligation of political party members to adhere to ethics and morality is not only individual responsibility but also a collective commitment to maintaining the integrity and legitimacy of political parties. When party members act with integrity and morality, it strengthens public trust in the political process and solidifies the foundation of democracy. These obligations indicate that political participation is not just about personal or group interests but also about

social and moral responsibility to the nation and society. By understanding and fulfilling these obligations, political party members demonstrate their commitment to creating a healthy, fair, and inclusive political environment. This is not just about maintaining individual integrity but also about building a strong foundation for sustainable and evolving democracy in Indonesia. Through awareness of ethical and moral obligations, political party members can become positive agents of change, driving the growth of democracy and the welfare of society at large.

Specifically, the obligation of political party members to practice Pancasila, implement the 1945 Constitution, and comply with legislation manifests a commitment to understanding and practicing the nation's fundamental values. These principles indicate that political parties must operate within a clear legal framework and ensure that party interests do not contradict fundamental national principles. The obligation to practice Pancasila emphasizes the importance of understanding and implementing the basic values that are the foundation of the Indonesian state. Pancasila as the state foundation containing values such as social justice, democracy, unity, humanity, and belief in God, must guide every action and decision taken by political parties. Implementing the 1945 Constitution is a binding obligation for every political party to ensure that all party activities and policies are in line with the country's constitution. The 1945 Constitution establishes basic principles governing the system of government and the rights of citizens, so political parties must operate within the limits set by the highest laws of the country. Compliance with legislation is part of the responsibility of political parties to operate under applicable law. By complying with the law, political parties demonstrate their commitment to maintaining order and justice in the political process and to preventing actions that contradict the principles of the state.

Moreover, political party members have an obligation to uphold the supremacy of law, democracy, and human rights, which are the main pillars emphasizing the important role of political parties in ensuring the protection of individual rights and maintaining the balance of power in a country. Members have a significant responsibility to ensure that the political parties they represent act under the democratic and just principles that underpin the state. By firmly holding the obligation to uphold the supremacy of law, democracy, and human rights, political parties can be at the forefront of maintaining stability and justice in a country. Political party members play a crucial role in fulfilling this responsibility by ensuring that the political parties they advocate for always remain on track with the democratic and just principles that have been established.

3.3. Balancing Justice and Equality: Strengthening the Protection of Party Members' Rights and Obligations

Political parties play a crucial role in the democracy of a nation.¹⁷ As vehicles of political participation, political parties must provide strong protection for the rights and obligations of

¹⁷ Zainal Abidin Saleh, "Demokrasi Dan Partai Politik," *Jurnal Legislasi Indonesia* 5, no. 1 (2008); Hasanuddin Hasanuddin, "Peran Partai Politik Dalam Menggerakkan Partisipasi Politik Rakyat," *Nakhoda: Jurnal Ilmu Pemerintahan* 17, no. 2 (March 7, 2019): 94, <https://doi.org/10.35967/jipn.v17i2.7062>; M. Alpi Syahrin and Imelda Sapitri, "Peran Partai Politik Dalam Demokrasi Perwakilan," *EKSEKUSI* 2, no. 2 (October 1, 2020): 146, <https://doi.org/10.24014/je.v2i2.10767>; Maurice Duverger, *Partai Politik Dan Kelompok-Kelompok Penekan*, ed. Laila Hasyim and Afan Gaffar, 2nd ed. (Jakarta: Bina Aksara, 1984); Asshiddiqie,

their members. This is essential to ensure that political parties function as inclusive platforms for political participation that adhere to democratic principles and human rights. Therefore, efforts are needed to enhance legal protection for the rights and obligations of political party members, including drafting clear provisions, providing effective dispute resolution mechanisms, and promoting political education and legal awareness among party members. Based on this, political parties can function as healthy platforms for political participation and contribute positively to the democracy of a nation.¹⁸

To improve Law No. 2/2008 in conjunction with Law No. 2/2011 to provide better protection for the rights and obligations of political party members, several improvement steps can be considered:

1. Consultation with Stakeholders: Engage in consultations with various stakeholders, including political party members, legal experts, and civil society organizations, to gather input and feedback regarding necessary improvements to the law.
2. Strengthening Internal Democracy: Enhance provisions governing internal democracy within political parties, including more transparent and participatory mechanisms for selecting party leadership, and ensuring that party decisions are based on consensus and member participation.
3. Human Rights Protection: Ensure that the law provides strong protection for the human rights of political party members, including the right to not experience discrimination based on political views, gender, or other backgrounds.
4. Dispute Resolution Mechanisms: Strengthen internal dispute resolution mechanisms within political parties by establishing clear and fair procedures for resolving disputes among party members.
5. Political Education and Legal Awareness: Incorporate provisions that encourage political education and legal awareness among political party members, so they understand their rights and obligations and can actively participate in political life.
6. Independent Oversight: Strengthen the role of independent oversight bodies to ensure that political parties comply with the law and respect the rights and obligations of members, and impose sanctions if necessary.

By implementing these steps, Law No. 8/2008 *juncto* Law No. 2/2011 can be improved to provide better protection for the rights and obligations of political party members in a democratic political system. These steps will help ensure that political parties function as inclusive platforms for political participation and adhere to democratic principles and human rights.

Furthermore, in the context of safeguarding the rights and obligations of political party members, oversight and law enforcement agencies play a crucial role. The effectiveness of these institutions can be reflected through several concrete aspects. First, monitoring of Internal Party Violations becomes a primary focus, where oversight and law enforcement agencies can monitor and enforce compliance with internal rules and procedures within political parties. Through investigations into alleged violations of ethics, finance, or party procedures, these institutions can take necessary legal action.

"Penguatan Dan Penataan Partai Politik Di Masa Depan"; Jimly Asshiddiqie, "Partai Politik Dan Pemilihan Umum Sebagai Instrumen Demokrasi," *Jurnal Konstitusi* 3, no. 4 (2006).

¹⁸ Agus Dedi, "Implementasi Prinsip- Prinsip Demokrasi Di Indonesia," *Jurnal MODERAT* 7, no. 1 (2021).

Additionally, protecting the rights of party members is equally significant. Oversight and law enforcement agencies can serve as avenues for political party members who feel their rights have been violated by the party or fellow members. By providing legal protection, these institutions can uphold the rights of party members under applicable laws. Moreover, they also play a role in upholding justice and transparency, especially in resolving internal conflicts within political parties involving the rights and obligations of members. By ensuring that the conflict resolution process is conducted fairly, transparently, and under the law, these institutions contribute to upholding internal democratic principles within political parties.

Lastly, oversight and law enforcement agencies have a responsibility to enforce laws against violations committed by political party members in the context of their rights and obligations. With the authority to conduct investigations, prosecutions, and law enforcement under applicable laws, these institutions provide assurance that legal violations will be dealt with firmly. Thus, oversight and law enforcement agencies play an integral role in safeguarding the rights and obligations of political party members. With effective oversight and law enforcement, party members can feel safer and protected in exercising their rights and obligations. Alongside this, political parties can function more transparently, accountably, and in line with democratic principles, contributing positively to the health of a nation's democracy.

4. Conclusions

The rights and obligations of political party members play a crucial role in building a strong and sustainable foundation for democracy. These rights create a platform for party members to engage intensively in the process of discussion, decision-making, and policy formulation within the party. In the context of justice, these rights ensure that every party member has equal access to voice opinions and influence policy direction, without discrimination based on background, social status, or wealth. Meanwhile, the obligations of political party members create a moral and ethical foundation that guides individual behavior within their membership, ensuring that the party functions as an inclusive platform for political participation that adheres to democratic principles and human rights. Equality within political parties is necessary to ensure that all members have an equal opportunity to participate and influence decisions. Without equality, the risk of domination by certain groups or individuals may increase, which can reduce pluralism in discussions and undermine the essence of democracy itself. Therefore, political parties need to uphold the principle of equality in every aspect of their membership, from the selection process to decision-making. To enhance legal protection for the rights and obligations of political party members, improvements to Law No. 2/2008 *juncto* Law No. 2/2011 are needed, as well as strengthening the role of oversight and law enforcement agencies in safeguarding the rights and obligations of political party members. These steps are important to ensure that any violation of rights or abuse of obligations by political party members is dealt with firmly and fairly, without bias. Justice in law enforcement is a prerequisite for the sustainability of democracy and maintaining the integrity of political institutions. Thus, political parties can function as healthy platforms for political participation and contribute positively to the democracy of a nation. When the rights and obligations of political party members are well protected and the principle of equality is upheld, political parties can become drivers of positive change in

society, representing diverse interests, and promoting inclusion and fairness in the political process.

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