



Political Party-Free Representation System: Indonesia's Possibility for State Philosophy Approach

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Abstract— Political Parties are allowed by the Indonesian Constitution to propose candidates for the People's Representative Council (DPR) at general elections. However, the presence of Political Parties in the Parliament is not stated in the constitution. As an example of open legal policy, the Law regulates the existence of Political Parties in the Parliament. The Constitution of the State of the Republic of Indonesia of 1945 guarantees adopting a representative system in Indonesia without political parties based on direct sovereignty, according to a study on normative law using a philosophical approach.

Keywords— politic, party free, representation, democratic

I. INTRODUCTION

After communism collapsed in the Eastern Bloc, confidence in political parties as the cornerstone of democracy grew. But in practically every nation that has a republican system of government, despotism also exists. Not the standard state, but the regime and private states are the products of authoritarianism. Achieving people's sovereignty in the economy and governance is challenging because of the government's propensity for collusion with financial interests. This state of affairs is frequently brought about by the Parties' involvement in European politics, which puts the Parties in a dangerous situation.[1] Writing "Is Democracy the Problem?" Thomas Carothers. that America's political polarization is notably great, contributing to the country's relatively low level of shared political objectives.[2]

Political parties are also feeling less trusted in Indonesia. According to a July 2022 survey report on Indonesian Political Indicators, public trust in political parties is the lowest among other state political organizations.[3] The development of widespread distrust of political parties is being addressed in many works and expert opinions.

Gaining insight into the distinctions in viewpoints between radical and moderately ideological voters could have far-reaching implications for political parties' tactics and prior research on the psychology of voters. The escalation of polarization in Western democracies,

for instance, has been linked to alterations in the locations of electors or political parties. Subjective polarization results from the translation of ideological polarization: voters who hold extreme views distance themselves further from non-supported parties because they perceive that such parties have potent positions and the radical nature of their own ideology.[4] The significance of elections in democratic political systems for aligning the actions of governments with the desires of the electorate has primarily influenced the examination of political competition, or more precisely, electoral competition.

The Indonesian Constitution grants Political Parties complete autonomy as nominees for national, provincial, and local/municipality legislative members and supporters of executive leader candidates (president, governor, regent, or mayor). This unique office was created in the 2000 post-reformation constitutional revision. While the Constitution does not govern the Parties as Parliament members, it implicitly acknowledges them as participants in the general election. Politicization, on the other hand, occurs when the Parliament uses the political parties' factions as tools and draws them in through legislation. As a result, political parties serve as both the state government's superstructure (or backbone) and the infrastructure of democracy.

Political parties control all branches of government, including the legislative branch and the executive branch coalitions, which in turn influence various aspects of the judicial branch. Since political parties control the government, the concepts of power separation and the checks and balances system must be revised. The current phenomenon results from oligarchy elitists within the Political Party's institutional framework compromising their interests. To end oligarchy consolidation and despotism and to fortify the state system in building good governance, some crucial suggestions for nullifying political parties in the representative system are put forth.[5]

II. LITERATURE REVIEW

In a unitary state, the sovereignty principle refers to geographical and people sovereignty.[6] Recognition of people's rights is known as people sovereignty, and recognition of territorial rights is known as Mosi Integral of territorials to unite into a single nation. In practical terms, it refers to the Amir and Purnomowati mandate thesis as an imperative, accessible, and representational mandate. The current mandate procedure is representative because the provider and the recipient are affiliated with the political party either as an organization or as a reduced portion within the parliament.

The relationship between political parties and the country and government takes three forms: First, political parties are widely acknowledged and defended as necessary instruments in the fight for independence from colonial powers. Second, political parties cannot be accepted or regarded as instruments or a washila (intermediary) in the post-independence process. Thirdly, the reason the authorities detest political parties is that inside them, there are two options: either they represent the people's desires, or they bring an interest that undermines and upsets the stability of the authority. However, political parties are a prerequisite for democracy and are frequently found under republican administration systems. Therefore, in Indonesia's political history, the ruling class has typically formed coalitions or fusions of political groups.

Political parties are crucial in democratic elections, supporting the executive branch and the body that selects lawmakers. As such, their dominance demonstrates passive sovereignty (closed proportional democracy), while the democratic people signify active independence (open proportional democracy). Political parties still dominate either active or passive liberty. According to Article 4 of Law Number 7 of 2017 on Political Parties, political parties select and suggest parliamentary candidates. As a result, the people decide who the political parties

now favor. The widespread fear stemming from the dominance of political parties among members of privileged economic groupings is that residents fill these positions.[7]

III. METHOD

The constitution is the subject of examination in this study, which makes it normative. This study uses a legal philosophy framework to examine the effects of political parties and representative systems on constitutions' ontology, epistemology, and axiology. Since the formal form is the analysis's object, qualitative inductive analysis is used in this formal legal study. The Republic of Indonesia's 1945 Constitution's articles and paragraphs about political parties and the representative system serve as the study's primary source of information. Survey findings, periodicals, and books serve as secondary sources of legal information. All data is gathered, and qualitative and inductive analyses are performed.

IV. RESULT AND DISCUSSION

Several solutions for reviving democracy in the parliament have not yet been provided by state administration studies[8]. This research will provide insight into the renovation of parliamentary democracy through the elimination of political party membership in the Parliament, as it also leads to the expulsion of political parties from the DPR-DPRD (the House of Representatives of the Republic of Indonesia – Regional Representatives Council).[9] This epistemological concept refutes skeptics' claims that a democracy cannot exist without political parties. According to the skeptic, the lack of political parties in parliament makes it more challenging to ratify laws since they will be susceptible to unstable authority and governance.[10]

After taking those two weaknesses into account, the concept of representation without political parties offers the following suggestions for solutions:

1. Generally speaking, there is no indication of political party involvement in the law-making process in the Indonesian Parliament. The structure of the government and parliament serves as the conduit for the entire aspiring channel and institutional internal process. The law-making process is not explicitly mentioned in the infographic, even though the fraction of political parties played a part in the drafting of the draft law, the creation of Prolegnas (National Legislative Program) by Legislative Institutions, the DPR's coordination of Prolegnas with the Law and Human Rights Institution and the Regional Representative Council, the DPR's drafting of Prolegnas, the preparation of the academic paper, the submission of the results of harmonization to the DPR leadership, the plenary meeting on the DPR-initiated proposed draft law, any necessary revisions, the submission of the refinement result to the President, the joint discussion of the draft law between the DPR and the ministers that occurs on two levels, and the President's validation of the Draft Law enacted after that is.[11]
2. The apprehensive possibility of instability frequently arises throughout the legislative process in the Parliament. An unstable situation arises because there is a tug-of-war between the political party factions, each emphasizing its interests [12]. These political parties, which are often personal in character and only loosely affiliated with political party institutions, are frequently in constant conflict with the oligarchy, which seeks to profit from the outcomes of laws. Constitutional law aims to transform instability into stability by creating a representation system immune to oligarchy consolidation. The political tranquility that results from a compromise among politicians who have close relations with political parties is recognized as the attitude of stability in the present study of politics and constitutional law. This might be referred to as democratic manipulation in the dictatorship.[13]

Political parties' position and function as the people's representative in governing the state and federal government would be eliminated if they were removed from the representation system. During this screening process, individuals elect the most outstanding citizens via a stringent testing procedure before voting. However, this concept permits political parties to actively back the President, Vice President, and the executive branch of the Province, Regency, and Municipality. Building a new, pure unicameral or pure bicameral constitutional structure is realizing this paradigm. The pure form derives from humans alone, without any party endorsement. The people will directly influence a government led by the leaders of the winning political parties' cadres. This idea differs from the prevalent notion that political parties run their affairs. Voting for the preferred political party for all positions of power is done by making people feel like willing slaves.

V. CONCLUSION

The difficulty in attaining people's sovereignty in governance and the economy stems from the government's propensity to collude with financial interests. Political parties wield authority over every branch of government, including the legislative and executive branches, through coalitions that affect many judicial branch facets. This research leads to two conclusions: First, the Constitution provides a formal legal framework for establishing a representation system devoid of political parties. Second, representation devoid of political parties will result in a new, pure, unicameral form of the parliament, enhancing good governance.

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