

JURNAL CITA HUKUM

Indonesian Law Journal



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Model Setting of Political Party System and Electoral Systems to Prevent Political Corruption*

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Abstract.

This study aims to analyze and examine the causes of political parties to systemic corruption and efforts to save them from corruption. Political parties are important actors in democracy in a country. Democracy manifests in the form of election, the main actor of the election is a political party. If the main actor of corruption is confirmed, democracy and elections will fall. The result is a bad stigma in political parties: democracy *yes* political party *no*. Based on the research result that the cause of political party of corruption: First, the placement of political party as an important agent in state structure of Indonesia Post-amendment of 1945 Constitution, but it is not balanced with recruitment model of political party cadre that meritocratic, integrity and, responsibility to the public. Secondly, financing for running the organization of political parties is very expensive, especially if the political parties are projected to win the seats of DPR/D, governor/regent/mayor and president. Third, the choice of model of legislative election system in 2009 and 2014 based on Law Number 10 Year 2008 and Law Number 12 the Year 2012 on General Election of Indonesian Legislative Election members are the most open-based voting proportional system. The recommendations for reforms to save political parties from corruption through party system and election system aspects are; to improve the recruitment model of political party cadre; making alternative for financing model of political party organization; tightening the requirements of political parties into election participants; eliciting election costs by returning to open proportional systems with sequence numbers, and designing alternative mixed-model electoral systems.

Keywords: Political Parties, General Elections, Political Corruption

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Model Pengaturan Sistem Partai Politik dan Sistem Pemilu Guna Mencegah Korupsi Politik

Abstrak.

Penelitian ini bertujuan untuk menganalisis dan mengkaji tentang penyebab partai politik (parpol) melakukan korupsi sistemik dan upaya penyelamatkannya dari korupsi. Parpol adalah aktor penting dalam demokrasi di sebuah negara. Demokrasi terwujud dalam bentuk pemilu, aktor utama pemilu adalah parpol. Jika aktor utamanya korupsi dipastikan demokrasi dan pemilunya terpuruk. Akibatnya muncul stigma buruk pada parpol: demokrasi yes parpol no. Penelitian ini merupakan penelitian hukum empiris (sosiologis) yang bersifat deskriptif-eksplanatoris. Karena penelitian ini adalah penelitian kualitatif, maka cara memperoleh data dilakukan dengan studi pustaka dan observasi. Teori yang digunakan adalah teori korupsi politik, teori sistem kepartaian dan teori sistem pemilu. Berdasarkan hasil penelitian bahwa penyebab parpol korupsi: Pertama, ditempatkannya parpol sebagai agen penting bernegara dalam struktur ketatanegaraan Indonesia Pascaamandemen UUD 1945, namun tidak diimbangi dengan model rekrutmen kader parpol yang meritokratis, berintegritas dan tanggungjawab pada publik. Kedua, pembiayaan menjalankan roda organisasi parpol sangat mahal, apalagi jika parpol diproyeksikan untuk meraih kursi DPR/D, gubernur/bupati/walikota dan presiden. Ketiga, pilihan model sistem pemilu legislatif tahun 2009 dan 2014 berdasarkan UU No.10/2008 dan UU No.12/2012 Tentang Pemilu Anggota DPR, DPD dan DPRD adalah sistem proporsional terbuka berbasis suara terbanyak. Adapun rekomendasi untuk reformasi menyelamatkan parpol dari korupsi melalui aspek sistem kepartaian dan sistem pemilu adalah; memperbaiki model rekrutmen kader parpol; membuat alternatif model pembiayaan organisasi parpol; memperketat syarat parpol menjadi peserta pemilu; mempermurah biaya pemilu dengan kembali ke sistem proporsional terbuka dengan nomor urut, dan merancang alternatif sistem pemilu model campuran.

Kata Kunci: Parpol, Pemilu, Korupsi Politik

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Introduction

Political Parties are important actors in democracy in a country. Democracy manifests in the form of election, the main actor of the election is a political party. Political parties are also the main actors in democracy that connect the interests of the people with the state and government,³ especially in the level of electoral democracy and *political democracy*. Both reflect *representative democracy*.

While the General Election is an important aspect of democracy used in the process of changing political power on a regular and continuous basis by involving broad public political participation. Thus able to give birth to the shift of political power on the basis of democratic procedures and approval of the people.

In Indonesia, democracy is interpreted as sovereignty in the hands of the people who are systematized into the state ideology, namely Pancasila which places the sovereignty of the people as its pillars that must uphold human values in accordance with dignity and human dignity. The Principles of Pancasila Democracy are summarized in the fourth precept. Pancasila can be seen to consist of the first precepts as the basic precepts, the second precepts as the first precepts, the third precept as the vehicle, the fourth precept as the means, and the fifth precept as the goal.⁴ William M. Reisinger, makes a number of variables about democracy one of them are a model of competition in pursuing power through elections and allowing fair mass participation.⁵

Miriam Budiharjo, said that six democratic governance conditions, one of them is the free elections.⁶ Jimly Asshidiqie also stated that one of the characteristics of a legal state is a democratic state and a limitation of power (general election).⁷

Therefore, the existence of political parties is very important not only because it is an eligible participant, but also an important agent in symbolic

³ Sees; H.A. Muktie Fadjar, *Parpol Dalam Perkembangan Sistem Ketatanegaraan Indonesia*, (Malang: In-TRANS Publishing, 2008), p. 16-17.

⁴ Fatkhurrohman, *Pembubaran Partai Politik di Indonesia, Tinjauan Historis Normatif Pembubaran Parpol Sebelum dan Sesudah Terbentuknya Mahkamah Konstitusi*, (Malang: Setara Press, 2010), p. 14-15.

⁵ William M. Reisinger, "Selected Definitions of Democracy" as cited by Suyatno, 2004, *Menjelajahi Demokrasi*, (Yogyakarta: Liebe Book Press, 2004), p. 33.

⁶ Miriam Budiardjo, *Dasar-Dasar Ilmu Politik*, (Jakarta: PT Gramedia, Jakarta, 2010), p. 60.

⁷ Jimly Assidiqie, *Konstitusi dan Konstitusionalisme Indonesia*, (Jakarta: Konstitusi Press, 2005), p. 154-162.

relation between the people and government. However, recently political party institutions are becoming public attention in Indonesia, due to corruption behavior by political party elites who are holding positions in the structure of political parties (Central, Provincial, District and City), in parliament (DPR RI and DPRD of Provincial, Regency/Municipality), as well as in the sovereign government (Minister/Governor/Regent/Mayor).

A number of survey institutions have always placed political parties as corrupt institutions, such as the Berlin-based *Transparency International*, Germany, releasing the 2013 *Global Corruption Barometer* which puts Indonesia one of 107 countries surveyed. The result is that five public institutions are categorized as the most corrupt institutions, namely police (4.5), parliament (4.5), courts (4.4), political parties (4.3) and civil servants (4.0).⁸

However, parliamentary institutions and political parties are not separated as different institutions from this survey, whereas between parliament and political parties is a thinly different institution because members of parliament are members of political parties. Therefore, if they were both equated in the sample survey, then it is very likely to be the first corrupt institution in Indonesia.

That is why public confidence in political parties is very low recently. See, for example, the survey results of the *Political Communication Institute* (Polcomm Institute) released on 9 February 2014 the majority of the public does not trust political parties. A public who do not believe the political party that is equal to 58.2 percent. Then those who say believe 26.3 percent, and states do not know by 15.5 percent. This level of public confidence is influenced by the crisis experienced by a number of political parties. There are three main factors that cause the crisis of public confidence in political parties. First, the number of political party cadre who are entangled in corruption cases. Second, the internal conflict of the party that appears in public. Third, the existence of ethical violations committed by political party cadre.⁹

While the survey results of Center for Political Research (P2P) LIPI in October 2012 states that 70% of Indonesian public is strongly believe in democracy as a political system appropriate for Indonesia compared with other systems. However, only 23% of Indonesians believe in political parties, because

⁸ Reza Syawawi, "Barometer Korupsi Indonesia", *Kompas*, 24th July 2013, p.7.

⁹ Survei: Mayoritas Publik Tak Percaya Partai Politik, *Kompas*, Sunday, 9th February 2014.

political parties behave paradoxically: corruption and unable to articulate the interests of their constituents.¹⁰

Two of these survey results really slap the existence of political parties in the public eye. Because it seems the public wants democracy, but the antipathy to political parties or democracy yes and political parties no. while running a democracy without a political party is impossible as stated by US political intellectual Clinton Rossiter, *No democracy without politics and no politics without parties*.¹¹

This is where the relevance of the need to come together to save political parties from corruption so that political parties can become an important agent of democracy, especially in running vital functions for the institutionalization of democracy and strengthening the capacity of political parties involved in participating in controlling the anticorruption government.

Political Party Theory and Party System

The political party comes from the Greek word "pars" which means "part" or "part of the whole". The political party therefore is an association of people who are equal, alike and aims that seek to win and achieve their political and social ideals together.¹² The sociological basis of political parties is on two things, namely: ideology and interests directed at efforts to gain power. Without these two elements, the political parties will not be able to identify themselves with their supporters.

The important role of political parties in addition to forming the structure of government systems adopted by a country also to establish a system of formation and political constellation in parliament. Both are conducted through electoral mechanisms that contain universal principles and principles of democracy.

In the treasury of political science distinguished between political parties and party system. This distinction is intended to clarify in analyzing the functions, roles and models in a democratic system. Mainly meant that there is no overlap between the two. Herbert Kitschelt, distinguishes three types of

¹⁰ Firman Noor, "Demokrasi Yes, Parpol No", *Koran Sindo*, 12 Oktober 2012, p.7.

¹¹ Clinton Rossiter, *Parties and Politics in America*, Itacha: Cornell University Press, 1960, p.1.

¹²<http://mediappr.wordpress.com/2007/09/13/pengantar-dasar-partai-politik-dan-demokrasi/>. Accessed on 23rd March 2011.

political parties: *the programmatic party, the charismatic party, and the clientelistic party*.¹³

Typology of the party system is measured based on the party structure in a country, especially in relation to other parties: whether it is cooperative or competing. There are three factors that affect the party systems namely: (1) the level of fragmentation; (2) the level of polarization and (3) the level of institutionalization. Some political scientists see only two factors: fragmentation and polarization to measure the ideological distance between parties in a country.¹⁴

Theory of Electoral System

The flow of globalization has had an impact on changes in political systems around the world one of them is the electoral system used. The global system consequently needs to harmonize between systems to interact globally in economic, political, social and legal activities *stretching out across the globe*.¹⁵ The practice of electoral systems in any country is not so pervasive of global influence, it can be said that now there has been a kind of globalization of general elections in global elections.¹⁶

There is a difference between the electoral system and the electoral process. In the general election there is actually a difference between the electoral system (*electoral laws*) with the electoral process. According to Douglas Rae *electoral laws* are:

“Those which govern the process by which electoral preferences are articulate as votes and by which these votes are translated into the distribution of governmental authority (typically parliamentary seats) among the competing political parties.”

The meaning, electoral laws and regulating rules are how elections are run and the distribution of election results. While the *electoral process* is a

¹³ Aurel Croissant and Wolfgang Merkel, “Political Party Formation in Presidential and Parliamentary System” on <http://library.tes.de/pdf-files/bueros/philippinen/50072.pdf>. Accessed on, 4th April 2011, 13.54 WIB.

¹⁴ Scott Mainwaring and Timothy R. Scully, eds., *Building Democratic Institutions: Party Systems in Latin America*, (Stanford: Stanford University Press, 1995), p.1.

¹⁵ Larry Cata Backer, 2007, *Harmonizing Law in an Era of Globalization, Convergence, Divergence, and Resistance*, (USA: Carolina Academic Press, 2007), p.3-26.

¹⁶ M. Marsh, “*Electoral Context*”, in *Electoral Studies Journal*, No.21: 2002, p.207-217.

mechanism that is run in the election, such as the mechanism of determining candidates, how to campaign and others.¹⁷

Two kinds of systems are commonly used in the world, namely: (1) proportional system and (2) nonproportional system or district system.¹⁸ There are at least four (4) families in the electoral system, namely: (1) *plurality/majority system*; (2) *proportional representation system*; (3) *mixed system*, and (4) *other systems*.¹⁹

Theory of Political Corruption

Corruption is unlawful and moral action because it misuses the power and authority possessed by a person for the benefit of himself, the group or other parties who seek mutual economic and political benefits. Because the perpetrator is a public official then his behavior can be called as political corruption. This is in line with the definition of political corruption by Wikipedia:

Political corruption is the use of powers by government officials for illegitimate private gain. An illegal act by an officeholder constitutes political corruption only if the act is directly related to their official duties, is done under color of law or involves trading in influence.²⁰

Artidjo Alkostra said there is a difference between political corruption and electoral corruption. Political corruption pays attention to unlawful searches or abuse of government office, whereas electoral corruption involves the purchase of voters' votes with money, promising positions or facilities, special gifts, coercion, intimidation and interference in free elections. From the constellation of the actors' component of action, and the consequences of political corruption can be constructed a hypothesis. The subject of political corruption is a person or body having a political position that commits an act against the law. Such actions have legal, political, economic, human and moral consequences. By such acts, the perpetrator intends to benefit himself, another

¹⁷ Ni'matul Huda, *Hukum Tata Negara*, (Jakarta: Rajawali Press, 2010, p.278.

¹⁸ Aurel Croissant, "Introduction" in *Electoral politics in Southeast & East Asia*, (Ed): Aurel Croissant, Friedrich-Ebert-Stiftung, Office for Regional Co-operation in Southeast Asia, Singapore, 2002, p.7.

¹⁹ Pippa Norris, "Choosing Electoral System: Proportional, Majoritarian and Mixed System", in *International Political Science Review*, Vol.18, No.3, (2007), p.299.

²⁰ http://en.wikipedia.org/wiki/Political_corruption.

person by abusing the authority, opportunities and means available to him due to political position.²¹

Factors Causing Politician, Political Parties and Political Corruption Election System.

First, political parties are important agents in the 1945 Constitution without any improvement in quality. Political parties are placed as important agents of the state in the construction of the 1945 Constitution post-amendment put political party as the main agent of democratic institutionalization in Indonesia. Political party cadre in the DPR has the function of legislation, calculation function and supervisory functions. The duties of the People's Legislative Assembly in the 1945 Constitution of the amendment result are to establish Laws, in accordance with Article 20 Paragraph (1), discussed the draft Law (RUU) with the President pursuant to the intent of Article 20 Paragraph (2), and discussed the state budget expenditure (RAPBN) with the president plan in accordance with Article 23 Paragraph (2).

Therefore, political parties have a very big role in influencing the state structure. Political parties even play a role in the process of legislative, executive and judicial candidacy. This function of political recruitment is so important not only in terms of the legitimacy of authority, but also to ensure the quality of the nation's leadership on some state institutions at the central and regional levels.

Officially the DPR (*House of Representatives*) has the duty, and function of legislation, budgeting and supervision over the course of the government, but with some powers, it has developed into a super body the oversight function run by the House of Representatives leads to parliamentary sovereignty.²²

Through its legislative authority, the House of Representatives has even granted the sole right of self to select public officials, such as the leadership of Bank Indonesia, the Indonesian Army Commander, the Chief of Police, and the leaders and members of the state commission that established through the Authority Act that should be attached to the president in a presidential opportunity for DPR to institutionalize "disruption" to the president. The

²¹ Artidjo Alkostra, *Korupsi Politik Di Negara Modern*, (Yogyakarta: FH UII Press, 2010), p.16-17.

²² Hendaradi, "Presidensial atau Parlementer," *Kompas*, 9th April 2008, p.6.

original constitutional design will balance the executive-legislative power ultimately caught up in the *heavy* DPR situation. There is an impression of the Indonesian government system is presidential, but more parliamentary flavor.²³

At the same time, however, it is not accompanied by a meritocratic party cadre recruitment model, minus morality and public responsibility. Many party cadres are recruited without educational selection, track record and organizational experience is adequate. Be a political party to be only able to recruit people "exile" or second class in social stupa in the community.²⁴

Second, the financing of political parties is very expensive. Unclear model of financing of political party organization for party survive. The financial investment side to meet the needs of the party is unlimited. At the same time, parties are institutions designed not with profit-seeking motives. Party is a nonprofit institution, but involves infinite investment.²⁵

While relying on state subsidies through the APBN (*the Indonesian Budget*) aid for inadequate political parties and inadequate party member contributions. Thus, there is no other way than to use the cadres of political parties in the DPR to become party agents in filling the party's financial cash void, as well as party cadres who hold ministerial positions, ministerial staff and ministerial special envoys who can as much as possible poured money coffers to the party cash of course by utilizing the positions they have.

The mode and the way that is done by Muhammad Nazaruddin Cs (General Treasurer of the Democratic Party) involving Menpora (*State Minister for Youth and Sports Affairs*) Andi Malaranggeng, Anas Urbaningrum and Angelina Sondakh in the case of Wisma Atlit Hambalang and done in the case of cattle imports in the Ministry of Agriculture involving President of PKS Luthfi Hasan Ishak.

The simulation conducted by Veri Junaidi, (2011), estimates the amount of one party expenditure by year around Rp. 51,2 billion, while the income of political party is only around Rp. 1,2 billion. The Inclusion of the political party from state subsidy is only Rp. 0,6 billion, the rest is obtained from individual contributions, is not party members. Relying on party members' dues is difficult

²³ Syamsuddin Haris, "Presidensial Cita Rasa Parlemitter", *Kompas*, 28 th November 2008, 4. In line with this, see, Bambang Kesowo, "Kemangkusan Pemerintah" *Kompas*, 19th January 2010, p.6.

²⁴ Agus Riewanto, "Memotong Mata Rantai Korupsi di Birokrasi dan Partai Politik", *Media Indonesia*, 7th December 2012, p, 10.

²⁵ Sigit Pamungkas, "Korupsi dan Politikus", *Kompas*, 7th August 2008, p.6.

to implement and can meet the target needs of the party, other than because there is no clear mechanism, as well as a definite amount through the arrangement of the party's AD/ART. That is why the most favorite party source is to utilize non-formal funds that tend to be dark and iniquitous.²⁶

Third, the choice of election system model is not appropriate. Based on the history of elections in the world, the choice of electoral systems can affect the high level of money politics practice in a country. Countries that choose a closed proportional system in which the role of political parties is strong enough in the election campaign, usually the cost of elections is very cheap. Because this model involves funding the organization of political parties and candidates are sufficient.

While countries that adopt the district system (majority) where the role of candidates is strong enough while the role of political parties is weak in the election campaign, usually the cost of elections to be expensive, because it must involve the third party (Success Team) in the campaign to highlight the role of candidates. The proliferation of general election fraud practices in 2014, especially money politics, is caused more by the choice of electoral system. Since the 2009 elections until 2014, the system adopted by Indonesia is the most open-based, open proportional system. This model clearly requires a relatively high cost of money politics, when compared to closed proportional systems with sequential numbers, as in the 1999 and 2004 general elections.²⁷

The choice of 2014 election system proportional to the majority of votes has implications for competition among political parties but among candidates. This model makes each candidate feel the need to spend as much as possible to win the voters' sympathy by justifying all means and various activities. As a result, competition in the 2014 election was not a competition over the platforms and programs of political parties but a money-based competition.

The rise of money politics practice in elections in 2014 is in addition to the choice of election system factor is also more and more pragmatic factor of voters who can no longer distinguish ideology among political parties and only able to mark the candidates who are most able to finance the needs of voters. Therefore, if the election of 2014, the number of voters' participation increased significantly compared to the previous elections or the declining abstain

²⁶ Agus Riewanto, "Parpol Biang Korupsi Sistemik," *Magazize Jakarta*, 9 December 2014, p.6.

²⁷ See statement from Agus Riewanto, "Menyoal Kecurangan Pemilu", *Republika*, 30 April 2014, p.6.

numbers, this is certainly not caused not by the awareness of voters autonomously to come to the polling station (TPS), but because mobilized by legislative candidates and various political parties gifts and some money.

The practice of money politics in the 2014 election has injured public expectations, that the 2014 election is much better than the previous elections. It turns out the best of the 2014 election is only on the aspect of the implementation process is relatively safe and smooth, but from the aspect of the substance is much worse than the previous elections, because the practice of money politics in the 2009 election is not lively from the 2014 election.

Moreover, when the political parties are projected to win seats in legislative elections, regent/mayor/governor elections, even the president. The reality of political costs is very expensive, ranging from renting party vehicles, the cost of candidate socialization, campaigns, even various social assistance. The direct election models introduced since 2004, 2009 and 2014 through direct presidential election (Presidential Election) and continued to direct elections (Local Leaders Election) from 2005 to 2017 has divided the society and confined people into a culture of transactional democracy.²⁸

This in turn encourages political parties to no longer have the political ideology of public empowerment programs, a clear vision of national development and the promotion of people's prosperity but the uniform ideology of political parties, namely the ideology of money.²⁹

Model Management System of Political Parties and Electoral System Prevents Political Corruption

First, reform the model of recruitment arrangement of political party cadre. 1). Strengthening and solidifying political organization as supporters in mobilizing the functions of political parties;³⁰ 2). The organization of political parties should be encouraged to be able to build and develop a fair and sustainable party recruitment system.³¹

²⁸ See Agus Riewanto, "Pilkada Biang Korupsi", *Suara Merdeka*, 16 Agustus 2010, p.6.

²⁹ About ideology see, Leon P.Baradat, *Contemporary Political Ideologies*, (Homewood, III: Dorsey Press, 1972), p.9-10.

³⁰ Wicipto Setiyadi, "Peran Parpol Dalam Penyelenggaraan Pemilu Yang Aspiratif Dan Demokratis" on <http://www.djbp.depkumham.go.id/htn-dan-puul/507-peran-partai-politik-dalam-penyelenggaraan-pemilu-yang-aspiratif-demokratis-html>, accessed on 12th September 2011, p.4

³¹ Sigit Pamungkas, *Pemilu Perilaku Pemilih dan Kepartaian*, (Yogyakarta: IDW, 2010), p.134.

The management of political parties must be professional and separate from the candidate's representatives. Political party management is divided into 3 components, namely: (i), cadre component of the people's representatives; (ii) the cadre components of executive officers; and, (iii), a professional management component.³² The organization of political parties should be encouraged to further improve the management of political parties and administration of political parties rather than just recruiting professional groups that have the ability to help win the election.³³

Second, the reform of the financing model of political party organization. The financing alternative of political party organization is important to think about to save political parties from corruption through obtaining allowed funds. The presence of volunteers in the 2014 presidential election that not only helped campaign for presidential candidates, but also supported campaign funds through mutual funding and voluntary contributions up to tens of billions of rupiah, for example for Jokowi up to 40 billion.³⁴

It is an exhilarating political phenomenon in the practice of democracy in Indonesia. Therefore, the aggregation of political party funds like this can be used as an alternative financing the organization of political parties in the future. Of course what is needed is the ability of political parties in carrying the political party program and giving birth to the cadres of political parties that are loved by the people. In addition, other financing alternatives may be in the form of acquisition of funds through a Party Owned Enterprise (BUMP). What is needed is the creation of a regulation capable of auditing political party funds and restrictions on the amount of ownership and donations that are not clear.

Moreover, what is needed is a transparent and accountable party fund management and the management of political parties based on non-personal professionals. The personal party fund management model has not been fully changed in the post-New Order era. It can be seen from the following

³² Jimly Assididqie, 2010, "Dinamika Parpol dan Demokrasi", dalam http://www.jimly.com/makalah/namafile/dinamika_partai_politik.doc. Diakses pada tanggal 27 Okt 2011.

³³ M. Qodari, "The professionalisation of Politics: The Growing Role of Polling Organizations and Political Consultants", in Edward Aspinel (eds), 2010, Edward Aspinall and Marcus Mietzner (editors), 2010, *Problem of Democratisation in Indonesia, Election, Institutions, and Society*, Institute of South East Asian Studies, Singapore. P.122-140

³⁴ <http://indonesia-baru.liputan6.com/read/2062241/anies-rakyat-iuran-sampai-rp-40-m-karena-percaya-jokowi-jk>.

indications:³⁵ 1). The character of donor relationships with political parties and candidates is still personal rather than institutional. There is never an open statement from institutions that provide political funds to the public. Likewise, the control of political funds will be more done by both candidates and their declared circles. Thus, actors who are entrusted with controlling political funds are more based on personal relationships with elites in parties or candidates; and 2). Party treasurers have no full control over political funds that enter the party. Treasurers may only have access to funds sourced from official aid, either in the form of a party subsidy or a party cadre donation, the rest of the funds and politics are controlled personally by a small circle of party elites.

Third, the reform of the arrangement model of conditions of political parties participating in a general election. More systemic sanctions are required to cut people or community groups in setting up new political parties, such as 1). The requirement to establish new political parties must meet the requirements of complete stewardship in all provinces, districts, and sub-districts; 2). It is necessary to regulate the provision of financial sanctions such as "*electoral fee*" in the form of a certain amount of deposit money to the state for political party who wants to participate in the election; 3). The law needs to regulate the need for the political parties to have special accounts on behalf of political parties with high nominal requirements as capital ownership of operational money at all levels of the political parties management. Fourth, it is necessary to set the age limit of political parties to become general election participants.

Fourth, the reform of the regulatory model fills the cost of a general election. Carry out "*electoral engineering*" to achieve a better-agreed electoral system framework based on agreed priorities.³⁶ In the context of Indonesia can be attempted to engineering to make the election costs be cheap by returning to open proportional system with the serial number as in the elections in 2009. The advantages of a proportional system with open candidates with variants of the serial number (*closed list system*) are: a). Increased loyalty of candidates to political party institutions; b). Increasing passion and enthusiasm to become a party official; c). Opens opportunities for qualified political party cadre to be elected in the election; and d). Harmonizing the recalling or intergovernmental

³⁵ Ari Dwipayana, "Reformasi Pemiayaan Partai Pemetaan Masalah dan Agenda Aksi Antikorupsi Di Sektor Politik", *the paper presented on 4th Indonesia Anticorruption Forum*, Double Tree hotel, Jakarta on 14-16 Juni 2014.

³⁶ Alan Wall, *Engineering Electoral Systems: Problems and Possibilities and Pitfalls*, (Den Haag: NIMD Knowledge, 2008), p.6.

arrangements between time (PAW) members of DPR.³⁷ Where since the election of the New Order³⁸ period until the Reform Order era in the Law on the Composition and Status of the MPR (*People's Consultative Assembly*), DPR (*House of People's Representatives*) the DPRD (*Regional House of Representatives*), the role of political parties is always more dominant in PAW against DPR / DPRD candidates than constituents or voters. Fifth, facilitate the election organizers to do recapitulation. Sixth, cutting the liberal competition model among candidates in one party, preferring money politics rather than competition on ideas of change. This is the practice of political liberalism, even extrapolate.

Fifth, the reform of the mixed electoral model system. Apply *Mixed Members proportional* (MPP) system, as applied in Germany, New Zealand, Mexico, Venezuela, Albania, Bolivia, Hungary, Italy, and New Zealand. This MPP attempts to take the positive side of these two systems, by covering each other's shortcomings. The pursuit of the PR system of the List variant is the degree of representation, whereas from FPTP is the accountability of the people's representatives to its constituents. Since this system combines the advantages of each PR and FPTP system, it will still be possible for popular candidates to be elected, such as artists via district or unpopular candidates through serial lists.

Just like a pure open proportional system, in MMP voters are equally given the right to vote for candidates from political parties at once. However, the choice of political parties and candidates is not parallel. Voters may vote for party A but for candidate from party B. In MMP, candidates are nominated in two lines, ie district lines (such as FPTP system)³⁹ and serial number list (such as PR systems). This MMP system will be able to accommodate the best of both world, since 1990-2004 there has been a change of system from PR, FPTP to MMP as many as 40 countries, namely 9 in Africa, 12 in Asia, 1 in Ocean, 12 in Europe, 3 in North America, and 3 in South America.⁴⁰

³⁷ See, Ni'matul Huda, *Dinamika Ketatanegaraan Indonesia Dalam Putusan Mahkamah Konstitusi*, (Yogyakarta: FH UII Press, 2011), p.159.

³⁸ Recalling product of new rezim is UU (legislation) No. 10, 1966 about the position of MPRS and DPR-GR.

³⁹ Hadar Gumay, dkk, *Laporan Kajian Undang-undang Pemilu: Sebuah Rekomendasi Terhadap Revisi Undang-undang No. 10 tahun 2008 tentang Pemilu Anggota DPR, DPD, DPRD Provinsi dan DPRD Kabupaten/Kota*, (Jakarta: Cetro, 2011). p.3.

⁴⁰ Federico Ferrara, *Mixed Electoral System: Contamination and It's Consequences*, (New York: Palgrave Macmilan: 2005), h, 24, as cited by Nico Harjanto, 2006, "Sistem Pemilihan Umum Campuran", dalam Indra J. Pilliang, 2006, *Disain Baru Sistem Politik Indonesia*, (Jakarta: CSIS, 2006), p.57.

Conclusion

Political, political parties and electoral systems to political corruption are: *First*, the placement of political parties as the important agent in the state structure of Indonesia Post amendment to the 1945 Constitution, but it is not balanced with the recruitment model of political party cadre that meritocratic, integrity and responsibility to the public. *Second*, financing for running the organization of political parties is very expensive, especially if the political parties are projected to win the seats of DPR/D, governor/regent/mayor and president. *Third*, the choice of model of legislative election system in 2009 and 2014 based on Law Number 10 the Year 2008 and Law Number 12 the Year 20012 About General Election of DPR, DPD and DPRD members is the most open-based open proportional system.

The regulation model of political party system and electoral system to prevent corruption corruption behavior are: (1) reforming the model of recruitment of political party cadre; (2) reforming the financing of political party organizations; (3) reforming the regulation of political party requirements into election participants; (4) reforming the regulatory model of eliciting election costs, and (5) reforming mixed electoral system arrangement models.

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