IOSR Journal Of Humanities And Social Science (IOSR-JHSS)
Volume 27, Issue 11, Series 4 (November, 2022) 53-61
e-ISSN: 2279-0837, p-ISSN: 2279-0845.
www.iosrjournals.org

Authority of the Party Court in the Settlement of Internal Political Disputes in Indonesia

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Abstract:
Background:The growth of political parties goes hand in hand with conflicts and divisions, both in soft and hard ways. Conflicts and divisions in gentle ways can be seen in the birth of new parties formed by people who are new to politics and people who left the previous party. Conflicts and divisions in gentle ways can be seen in the birth of new parties formed by people who are new to politics and people who left the previous party. The purpose of this study is to analyze the authority of the Party Court in resolving internal political party disputes and the weaknesses of regulations that have not been fair in Indonesia. The research method uses the positivism paradigm. With a more prescriptive legal study, the method of approach using sociological juridical, descriptive analysis research type, types and sources of data used primary and secondary, data collection methods using observation, interviews, and literature study. The data analysis method used descriptive qualitative. The study results show that the Party Court's authority in resolving internal disputes of political parties in Indonesia is based on the Political Party Law. The authority to settle internal disputes of political parties is absolute (attribute van rechtsmacht) for the Party Court. The absolute nature of the authority of the Party Court, due to its position as an internal judiciary, makes it impossible for cases under its authority to be examined and tried by other Party Courts.
Key Word:authority, political parties, disputes, justice, Indonesia.

Date of Submission: 03-11-2022 Date of Acceptance: 16-11-2022

I. Introduction

One of the modern democratic institutions, recognized and accepted as a medium for consolidation, distribution, relocation, and representation of the aspirations of, values and interests of civil society by placing their representatives in government political positions, is a political party (Parpol). Regarding formation, political parties are established by a group of individual citizens who are civil legal entities (private) associations. Still, in terms of function, the establishment of parties is intended and aimed at the public interest. The combination of these two aspects places political parties as: first, democratic institutions that reflect the freedom and equality of every citizen to associate and gather to fight for the ideals of shared values and interests; and second, based on the results of the general election, placing their representatives in government political positions that represent the interests of the people on the one hand and the state on the other (quasi-private)[1].

The party's existence as a civil alliance causes the party to have a position with a very high level of independence (autonomy) in managing various affairs and interests internally and externally. This autonomy is guaranteed in the constitution. Therefore, the state is obliged to protect the existence of parties as one of the manifestations of freedom of association and assembly to express thoughts verbally and in writing in a democratic rule of law. In this context, the state guarantees not only freedom of association and assembly but also the availability of a legal framework that guarantees legal certainty in resolving internal party disputes fairly. The dispute resolution framework that is fast, certain, and fair not only encourages party institutionalization and autonomy but also becomes a means of preventing government intervention and arbitrariness in weakening party oversight functions, especially parties that are critical and opposed to various government policies when a party faced with internal conflict[2].

Conflict and peace are inherent in the formation of the party as an organization to institutionalize conflict into harmony. The growth and development of political parties go hand in hand with conflict and division, both in soft and hard ways. Conflicts and divisions in gentle ways can be seen in the birth of new parties formed by people who are new to politics and people who left the previous party. For example, the Prosperous Justice Party, the Hanura Party, the Gerindra Party, and the Nasdem Party. This prosperous justice is

not too much of a problem because going in and out of becoming a member or establishing a political party is a human right of every citizen. Conflicts and divisions in violent ways occur when there is a struggle for the internal management structure. The form is like the occurrence of counter-deliberations and dual management, which creates uncertainty about who is legitimate and has the right to party authority[3].

An example of internal party conflict is the management of the Golkar Party from 2015 to mid-2016. Two different camps held their respective National Conferences (Munas). The holding of the National Conference in Bali gave birth to a version of the management led by Aburizal Bakrie. In contrast, the National Conference in Jakarta gave birth to the management of Agung Laksono. The conflict between the two camps was successfully resolved through the Extraordinary National Conference (Munaslub), held in Bali, and succeeded in selecting SetyaNovanto as General Chair for the 2016-2021 period.

Similarly, the conflict befell the United Development Party (PPP). The Surabaya congress gave birth to the management under Muhammad Romahurmuziy, while the Jakarta congress gave birth to the management under DjanFaridz. The two camps are still in dispute in court. They entered the second round after the Ministry of Law and Human Rights approved the new management due to the Islah Conference held in PondokGede on April 22, 2016, under the leadership of Romahurmuziy. The PPP conflict and division should have ended with the Supreme Court Decision Number 504/K/TUN/2015, overturning Jakarta Administrative Court Decision Number 120/B/2015/PT.TUN.JKT., dated July 10, 2015, Jakarta Administrative Court Decision Number 217/G /2014/PTUN-JKT dated February 25, 2015. Amar The decision that did not expressly order to determine the management of the PPP because of the Jakarta congress caused the government, through the Ministry of Law and Human Rights (Kemenkumham), to re-establish the management of the results of the IslahPondokGede congress under the leadership of Romahurmuziy. DjanFaridz's camp is challenging the decision of the Ministry of Law and Human Rights. At the Jakarta State Administrative Court First Level, DjanFaridz's request was granted, and the government is currently appealing[4].

In 2016, internal conflicts and divisions also hit the Indonesian Justice and Unity Party (PKPI) management. Management dualism and mutual dismissal of fellow administrators and members are unavoidable. Symptoms of division began to emerge when General Chairman Sutiyoso, elected and inaugurated on April 13, 2010, was appointed Head of the State Intelligence Agency. Isran Noor was appointed as Acting General Chairperson, and Samuel Samson as Secretary General. The PKPI Extraordinary Congress (KLB), held on August 21, 2015, succeeded in electing and acclaiming Isran Noor as General Chair and Samuel Samson as Secretary General. In their journey, the General Chair and the Secretary-General experienced many different views regarding party policies, especially when determining the support for a pair of regional head candidates and deputy regional head candidates in the simultaneous regional head elections on February 15, 2017. Fires between the two were unavoidable, leading to the implementation of KLB, which gave birth to two managements. The KLB, organized by Secretary General Samuel Samson, gave birth to management with General Chair Hari Sudarno. The KLB carried out by the General Chair Isran Noor resulted in the management of PKPI with the General Chairperson Hendropriyono.

Settlement of internal political parties' disputes through the Party Court (MP), the resolution of management disputes after the enactment of Law Number 2 of 2011 concerning Amendments to Law Number 2 of 2008 concerning Political Parties (UU Political Parties), does not seem to have become an option accepted by almost all parties in resolving political parties. Internal disputes. The Ministry of Law and Human Rights has shown the same attitude when dealing with disputes between the Golkar Party and PPP. Article 32, paragraph (5) of the Political Party Law explicitly states, "The decision of the Political MP or other designations is final and internally binding in terms of disputes relating to management." The same problems also occur related to violations of member rights, dismissal of members, abuse of authority, financial accountability, and objections to party decisions. Based on the above explanation, the Party Court's authority in resolving internal disputes of political parties in Indonesia will be discussed[5].

II. Research Method

The paradigm in this research is post-positivism because the researcher develops thoughts and ideas on the regulations that are the authority of the political party courts in Indonesia. The statutory, conceptual, case, comparative, and analytical approaches are used. The research specification is descriptive-analytical. Secondary data sources as the primary data in this study include primary legal materials, secondary legal and tertiary legal materials, and Data Analysis Methods. The data analysis that the researcher uses is descriptive qualitative.

III. Result

A. Roles and Functions of Political Parties Courts in Indonesia

Provisions regarding the court of political parties in Law No. 2 of 2008 Jo. Number 2 of 2011 concerning Political Parties as regulated in Article 32 paragraph (2) states that strengthen the implementation of democracy and an effective party system by the 1945 Constitution of the Republic of Indonesia. It is necessary to strengthen

institutions and improve functions and roles. Political parties. The functions of political party courts in resolving internal conflicts are:

1. Political party courts in resolving internal party conflicts are regulated in articles 32 and 33 as follows:
    a. Political party disputes are resolved by internal political parties as regulated in the AD and ART.
    b. (2) Settlement of disputes by internal political parties, as referred to in paragraph (1), is carried out by a political party court or other designations established by political parties.
    c. (2) The composition of the political party court or other designations, as referred to in paragraph (2), shall be submitted by the political party leadership to the ministry.
    d. (2) Settlement of internal political party disputes, as referred to in paragraph (2), must be completed no later than 60 (sixty) days.
    e. The decision of the political party court or other designations that are final and internally binding in the case of disputes relating to management.
2. The provisions of Article 33 are as follows:
    a. If the dispute settlement, as referred to in Article 32, is not reached, the dispute settlement shall be carried out through a district court.
    b. District court decisions are decisions of the first and final level and can only be submitted to the Supreme Court for cassation.
    c. The case, as referred to in paragraph (1), is settled by the district court no later than 60 (sixty) days after the lawsuit is registered with the clerk of the district court by the supreme court no later than 30 (thirty) days after the memorandum of cassation is registered with the clerk of the Supreme Court.

As for what is meant by political party disputes in Article 32, paragraph (1) includes, among others:

1. management disputes.
2. Violation of the rights of members of political parties.
3. Dismissal for no apparent reason.
4. Abuse of authority.
5. Financial accountability.
6. Objection to political party decisions

In its existence, the political party court is an institution that will ensure the sovereignty of political parties is well maintained. The political party court is an institution that will oversee the respect for the highest power within the party and ensure that all internal processes follow the provisions of the applicable regulations. Even the court of political parties can be considered the foundation institution to ensure a political party's integrity. Comparison between Law no. 2 of 2008 concerning Political Parties with Law no. 2 of 2011 concerning Amendments to Law No. 2 of 2008 concerning Political Parties are as follows:

a. Political Party Dispute Resolution
b. Law No. 2 of 2008 in article 32, paragraph (1) states that political party disputes are resolved using deliberation and consensus. Meanwhile, Law No. 2 of 2011 explains that political party disputes are resolved by internal political parties as regulated in the AD and ART by a Political Party Court or other designations established by Political Parties.
c. Political Party Dispute Resolution Process
d. According to Law No. 2 of 2008, if consensus is not reached, then the process of resolving political party disputes is taken through the courts or outside the court. Dispute resolution outside the court can be made through reconciliation, mediation, or political party arbitration, whose mechanism is regulated in the AD and ART. However, in Law No. 2 of 2011 concerning Political Parties in dispute resolution, if it is not achieved through the court of political parties, the dispute resolution is carried out through the District Court.
e. First Level Examination Period
f. Law No. 2 of 2008 it is not explained how long it will take to resolve internal conflicts of political parties using deliberation and consensus, while Law No. 2 of 2011 concerning Political Parties explains that the resolution of internal party conflicts through the courts of political parties must be completed no later than 60 (sixty) days.
g. Examination Period for the District Court (PN) and the Supreme Court (MA).
h. Law No. 2 of 2011 concerning Amendments to Law No. 2 of 2008 concerning Political Parties describes an internal case resolved by the District Court no later than 60 (sixty) days since the lawsuit was registered with the Registrar of the District Court and by the Supreme Court. No later than 30 (thirty) days since the memorandum of cassation is registered with the Registrar of the Supreme Court

B. Procedural law applicable to the Court of Political Parties in Indonesia

The procedural law that applies to political party courts is not regulated in detail in the Political Party Law. In the Political Party Law, there are only provisions regarding the maximum settlement period of 60 (sixty) days

and the nature of the decisions of the political party courts in disputes relating to management. The unregulated procedural law of political party courts in Political Party Law will likely provide an opportunity for internal political parties to make their procedural law. The unregulated procedural law of political party courts is understandable because the administrators and members of a political party are, of course, the party who best understands the conditions and customs of the political party, including the mechanism (procedural law) that can be applied effectively in the context of resolving internal disputes[6].

Procedural law can be regulated in the articles of association, by-laws, or the political party court's regulations. Although there is a broad authority in making internal regulations, these provisions must not conflict with the provisions of the Political Party Law as a source of obtaining authority. For example, the settlement period in the party court is determined to be a maximum of 60 (sixty) days, and this provision certainly cannot be deviated by changing it to a longer one so that the settlement of disputes will be longer and more complicated.

The Competence of the Party Court (Objectum Litis) is conceptually related to the authority to adjudicate a case by the court, which is divided into two forms, namely absolute competence, and relative competence. Absolute competence, or in Dutch (attribute van rechtsmacht), is the absolute authority of a judicial institution to adjudicate. Meanwhile, relative competence (distribute van rechtsmacht) is the relative authority of a court to hear a case and can be transferred to the same court in another area. The competence possessed by the Party Court is the basis for its authority to decide a case. By Article 32, paragraph (1) of the Political Party Law, the competence of the Party Court is divided into two types, namely absolute competence, and relative competence[7].

Taking into account the construction of Article 32, paragraph (1) to paragraph (5), as well as Article 33, paragraph (1) to paragraph (3) of the Political Party Law, the authority to settle internal political party disputes is absolute (attribute van rechtsmacht) for the Party Court as long as a political party has established and has a Party Court by the Law on Political Parties, so long as there is no judicial institution that has the authority to adjudicate at the first level internal political party disputes. The absolute nature of the authority of the Party Court, due to its position as an internal judiciary, makes it impossible for cases under its authority to be examined and tried by other Party Courts.

Furthermore, the court's authority to adjudicate cases of internal political party disputes can be exercised if it fulfills two things: (1) political parties experiencing internal disputes do not yet have a Party Court; and (2) political parties have a Party Court, but the dispute resolution at the Party Court level is not reached. Therefore, the Party Court and the District Court are not at the same court level, so the authority to judge one another cannot be categorized as a relative authority (distribute van rechtsmacht)[8].

The absolute authority of the Party Court as the internal judicial institution of political parties authorized to adjudicate at the first level following the explanation of Article 32 paragraph (1) of the Political Party Law includes:

1. disputes relating to management;
2. violation of the rights of members of political parties;
3. dismissal without a clear reason;
4. abuse of authority;
5. financial accountability; and
6. object to the decision of the political party.

Based on Article 33 paragraph (1) of the Political Party Law, if the dispute settlement referred to in Article 32 is not reached. The dispute resolution is carried out through the District Court. The sentence, "…the dispute at the level of the Party Court is not reached…" can be interpreted in three ways, among others: first, the political party does not yet have or does not have a Party Court; second, there is no Decision, or the Party Court has not reached a Decision; third, the Party Court arrives at a decision, but the parties object to the said decision.

Among the Party Court's six powers, one authority is final and binding on all members of the Party Court that have issued its decision. This authority is regulated in Article 32, paragraph (5) of the Political Party Law, which stipulates that "The decision of the Political Party Court or other designations is final and internally binding in terms of disputes relating to management." There are no legal remedies that can be taken by party members or functionaries as long as the Party Court has decided to resolve internal management disputes. Such competence is more accurately referred to as conditional absolute competence. This competence is different from the other five competencies of the Party Courts, which allow legal action to the District Court if they do not accept the Decision of the Party Court, and can file an appeal to the Supreme Court if they do not accept the Decision of the District Court.

The five competencies are:

1. violation of the rights of members of a political party;
2. dismissal without a clear reason;
3. abuse of authority;

4. financial accountability; or
5. object to the decision of the Political Parties.

Even though the Party Court has reached a decision, if the parties are not satisfied with the Party Court's decision, then the parties can continue to resolve the dispute at the District Court. The competence of the District Court is relative because disputes can be submitted to the District Court following the agreement of the parties determined based on certain conditions. Based on this description, the competence of the Party Court can be divided into two forms: absolute competence and conditional absolute competence. Absolute competence is the absolute authority of the Party Court, and there are no legal remedies that functionaries or other members can take. This competence is if the Party Court decides on resolving the party management dispute[9].

C. The Parties (subjectum litis)

Those who can become parties to internal political party disputes at the Party Court and District Court are functionaries and members of political parties. Subjectum litis can be broadly divided into two types based on the objectum litis of the Party Court, namely: first, subjectum litis related to management disputes; and second, subjectum litis related to violations of the rights of members of a Political Party, dismissal for no apparent reason, abuse of authority, financial responsibility, and objections to the decision of a Political Party.

The subjectum litis related to internal disputes over the management of political parties, as referred to in the Elucidation of Article 32 number (1) of the Political Party Law, refers to Article 25 of Law Number 2 of 2008 concerning Political Parties. The conception of a dispute over the management of a political party, according to Article 25, is if the management of the result of the party's highest deliberation is rejected by at least 2/3 of the highest number of decision-making forums. By the formulation of the concept of the article, those who can become parties to the dispute over the management of a political party are: (1) at least 2/3 of the highest number of participants in the forum for decision-making by political parties who reject the resulting management; and (2) political party administrators produced by the highest political party decision-making forum. In addition to these provisions, legally it does not have legal standing to be a party that can file a dispute on the internal management of a political party. The minimum requirement of 2/3 members of the highest political party decision-making forum as parties who can file management disputes is not an easy requirement to fulfill. The decision of the Party Court regarding management disputes is final and binding so that other legal remedies are closed as long as the Party Court decides on dispute resolution[10].

Unlike the case with objectum litis related to (1) violation of the rights of members of a political party, (2) dismissal for no apparent reason, (3) abuse of authority, (4) financial accountability, and (5) objection to the decision of a political party. Each party member, individually or jointly, can be a party to submit a dispute to the Party Court if his rights feel that his rights have been harmed due to the actions or actions of the political party management. The decision of the Party Court on the objectum litis is not final and binding. Members who do not accept or are dissatisfied with the Party Court's Decision may submit a dispute resolution to the District Court. District Court decisions are decisions of the first and final level and can only be appealed to the Supreme Court. Affirmation of the position of District Court decisions as First Level Decisions a contrario does not categorize the Party Court as the first level judicial environment in resolving internal political party disputes. The Party Court is more than an administrative mechanism for resolving internal disputes according to judicial principles.

D. The meaning of the word-final and binding in the decision of the party court

Article 32, paragraph (5) reads, "The decision of the political party court or other designations are final and internally binding in the case of disputes relating to the management." This decision means that the government can implement the decision of the political party court. So that if the decision is not satisfied, it can be submitted to the court. So the meaning is that if there has been a decision of the political party court, it will be submitted to the government to be implemented so that it does not cause multiple interpretations. The mechanism used is given in the AD/ART of each party as a form of how each party resolves problems that occur so they can be resolved[11].

For this reason, the decision from the party court is made as a final and binding decision related to management issues so that there is legal certainty for the disputing parties so that the government can execute it because no further internal efforts can be made. However, what regulates the resolution of internal party disputes is not only resolved by the internal party but still leaves room for resolution through external parties. So, why is it called 'final' so that the government immediately decides 'this is the right candidate from this party? At the same time, people who were dissatisfied with the party court's decision filed a lawsuit. Once the court declares that it is different from what the party court decides, the government follows the court. So that the space remains, but at some point, there must be a decision first to decide which government can take part in the election and which one cannot take part in the election. Including which members of the House of Representatives whose membership was terminated, for example. So the government admits that the DPR

Member was dismissed, but at the same time, the government is also waiting for the court's decision to be submitted by the dismissed member[12].

While theoretically, what is meant by the decision is final and binding, it can be found in the Constitutional Court's decisions and the Consumer Dispute Settlement Agency (BPSK) so that the final and binding meaning can be seen from the meaning both in the decision of the Constitutional Court and the decision of the Consumer Dispute Resolution Agency (BPSK).

When talking about the meaning of the final decision in the decision of the Constitutional Court (MK), it means that the decision immediately has permanent legal force from the moment it is pronounced. As a result of the law, no legal remedy can be taken against the decision. At the same time, the meaning of binding decisions in the Constitutional Court Decision is that the decision does not only apply to the parties but to all Indonesian people. The decision of the Constitutional Court, which is final and binding, has its legal meaning. The phrase "final" in the Big Indonesian Dictionary is defined as "the last of a series of examinations," while the phrase binding is defined as "to tighten" or "to unite." Starting from this literal meaning, the phrase final and binding, related to each other like two sides of a coin, means the end of an examination process, has the power to bind or unite all wills and cannot be disputed.

Furthermore, if it is related to the final and binding nature of the Constitutional Court's decision, the literal meaning above means that all possibilities for legal action have been closed. When the decision is pronounced in a plenary session, then at that time, a binding force is born (verbindendekracht). The Constitutional Court's decision has the power to legally bind all components of the nation, including the object in dispute.

Likewise, the final nature of arbitration decisions and BPSK decisions cannot be appealed, appealed, or reviewed. However, specifically for the BPSK decision, although no appeal or cassation can be made against the BPSK decision, an objection can be filed against the BPSK decision to the District Court no later than 14 working days after receiving the notification of the decision[13].

So basically, the meaning of a decision that is final and binding in Law Number 2 of 2011 concerning Political Parties, if you look at the two previous regulations which regulate the meaning of final and binding, should not be resubmitted to be sued to the District Court with the sound of article 32 paragraph (5) This is due to the final meaning as in the Big Indonesian Dictionary and the meaning that has been applied in the previous regulations. So it is necessary to change the editorial in the Political Party Law so as not to create confusion and cause the assumption of legal uncertainty with the existence of these problems.

If we look at Article 469 Paragraph 1 of Law Number 7 of 2017 concerning General Elections, the Bawaslu Decision regarding the resolution of electoral process disputes is a final and binding decision, except for decisions on election disputes relating to: a. verification of the Election Contesting Political Parties, b. determination of the endless list of candidates for members of DPR, DPD, Provincial DPRD, and Regency/Municipal DPRD, and c. determination of the Candidate Pair. Paragraph 2 states that if the settlement of election disputes, as referred to in paragraph (1) letters a, b, and c carried out by Bawaslu, is not accepted by the parties, the parties may submit legal remedies to the State Administrative Court (PTUN).

Strengthening the Party Court is very much needed so that decisions fulfill the principle of justice. The purpose of this regulation is to prevent arbitrariness from high-ranking political parties so that the human rights of everyone can still be guaranteed in the law. However, although the Law on Political Parties has a good spirit for the creation of legal certainty, as well as justice, there are still some obstacles, such as the ineffectiveness of this regulation and the existence of the Political Party Court itself, so that the settlement is effective but still maintains legal certainty and justice, such as by strengthening the function and the status of the party Court as well as the decision of the Party Court. However, there is also a need for strong supervision of the Party Court so that it does not interfere, especially from party officials[14].

E. Analysis of Political Party Courts in Resolving Internal Party Conflicts According to Law Number 2 the Year 2011 concerning Political Parties

According to the Law of the Republic of Indonesia No. 2 of 2011 concerning Amendments to Law No. 2 of 2008 concerning Political Parties, in article 1 paragraph (1), which reads: Political parties are organizations that are national and are formed by a group of Indonesian citizens voluntarily based on the common will and ideals to fight for and defend the political interests of members, society, nation and state, and to maintain the integrity of the Unitary State of the Republic of Indonesia and the 1945 Constitution of the Republic of Indonesia.

The resolution of internal conflicts of political parties is regulated in Law No. 2 of 2011 concerning Political Parties as set out in Article 32 and Article 33. Article 32 of Law No. 2 of 2011 concerning Political Parties explains that the resolution of internal disputes of political parties can be carried out by a political party court or other designation established by the internal political party. Political party disputes are resolved by internal political parties as regulated in the AD and ART[15].

Disputes conflicts may occur within the body of a political party. However, in principle, the reason for establishing a political party is the unity of several common interests of several members. Resolving the conflict must be resolved to create a conducive atmosphere within the body of the political party concerned so that it can return to being solid and united in achieving the party's goals, vision, and mission.

The procedure for resolving internal political party conflicts refers to the provisions of Article 32 of Law No. 2 of 2011 concerning Political Parties, which states that:

a. Political party disputes are resolved by internal political parties as regulated in the AD and ART.
b. Settlement of disputes by internal political parties, as referred to in paragraph (1), is carried out by a political party court or other designations established by political parties.
c. The composition of the political party tribunal or other designations, as referred to in paragraph (2), shall be submitted by the political party's leadership to the ministry.
d. Settlement of internal political party disputes, as referred to in paragraph (2), must be completed no later than 60 (sixty) days.
e. The decision of the political party court or other designations that are final and internally binding in the case of disputes relating to management.

As for the internal disputes within political parties, of course, they must be resolved. In the provisions of Law No. 2 of 2011 concerning Political Parties regarding "political party disputes," stated in the explanation of Article 32 of Law No. 2 of 2008 in conjunction with Law No. 2 of 2011 concerning Political Parties, what is meant by "political party disputes include, among others:

1. management disputes.
2. Violation of the rights of members of political parties.
3. Dismissal for no apparent reason.
4. Abuse of authority.
5. Financial accountability and;
6. Objection to the decisions of political parties.

If the political party is deadlocked and even fails in the settlement through the court, then the next attempt to resolve it is to go to court. This settlement is stated in the provisions of Article 33 of Law No. 2 of 2011 concerning Political Parties, which states that:

1. If the dispute settlement referred to in Article 32 is not reached, the dispute settlement shall be carried out through the District Court.
2. District court decisions are decisions of the first and final level and can only be submitted to the Supreme Court for cassation.
3. The case, as referred to in paragraph (1), is settled by the district court no later than 60 (sixty) days after the lawsuit is registered at the district court's registry and by the Supreme Court no later than 30 (thirty) days after the cassation memorandum is registered with the Supreme Court's clerk.

Based on the contents of the provisions of the article, settlement through the courts is the last resort. If the settlement through the court of political parties is deadlocked or there is no satisfactory settlement for the disputing parties, it can be resolved through the courts. The settlement through the court implies that the result of the settlement in the form of a District Court decision is a decision of the first and last level and can only be submitted to the Supreme Court.

If a party experiences disputes, disputes and even internal conflicts, the main solution is to remain with the Political Party Court. Meanwhile, if it cannot be resolved through the Political Party Court, it will be resolved through the courts. This resolve means that if a party experiences a dispute, the settlement method cannot be directly resolved through the courts because it must be resolved first through internal party channels (in this case, the Political Party Court) following Law No. 2 of 2011 concerning Political Parties. Thus, resolving internal conflicts must be done properly, as the political party law mandates.

From the description above, resolving disputes or conflicts of a political party should be resolved through the court of political parties. However, in this case, the political party court's position must be strengthened so that the parties to the dispute within the internal party choose it as the best form of settlement. In addition to the need for strengthening the institutional courts of political parties, of course, by further clarifying the provisions of dispute resolution through laws and regulations, in this case, the provisions of Article 32 of Law No. 2 of 2011 concerning Political Parties, it is necessary to clarify the provisions of the article. So, there is no multi-interpretation of these provisions. Internal settlement through the court of political parties is expected to solve problems within a party to maintain the integrity and unity of the party for the greater purpose of the unity and integrity of the Unitary State of the Republic of Indonesia[16].

F. Fiqh Siyasah Against Political Party Courts in Resolving Party Internal Conflicts.

In Islamic politics, the emergence of parties began with a power conflict in the Ali and Muawiyah periods. During this period, two theories developed. Ibn Khaldun explained the theory with his expression.

According to the law, the peak of the dispute between the companions and the tabi'in was the difference in ijtihad in matters of religion and zhanni. So in this situation, two groups were formed. The first was the Ali group, and the second was the Muawiyah group. The essence of the problem is the allegiance of the caliph.

The Party Court in an Islamic political party is matched with a shura assembly which functions as the highest assembly to resolve a party conflict using deliberation. In language, the Shura Council is a place for deliberation. According to the term, it is a deliberative institution or body tasked with pursuing the people's interests through deliberation.

In today's life, shura can be said as deliberation, which means explaining existing cases, expressing, or submitting opinions, and exchanging opinions that ultimately produce an idea and a joint decision through deliberation. Islam is also a religion that encourages its adherents to adhere to the principle of shura (deliberation) in living the wheel of life. Because in addition to the rules in the Qur'an that oblige to follow these principles, shura is also the second basis of the Islamic system after justice.

Allah also encourages each of his people to conduct deliberation so that there is no misunderstanding between fellow believers. Three verses of the Qur'an explain deliberation, the first in Surah Al-Baqarah verse (233), which explains the domestic relationship between husband and wife in weaning children. The second is explained in the letter Ali-Imran verse (159) which explains that if you experience problems, including political problems, they must be resolved by way of deliberation, as a necessity in deciding the problems they face. And the third is contained in the Surah Ash-Shura verse (38), which explains the characteristics of the believer to accept (obey) the commands of his god, such as establishing prayer, paying zakat, completing affairs, and resolving by way of deliberation.

For Muslims, the Sunnah or Hadith is the second basis after the Qur'an. The meaning of as-Sunnah here is something that comes from the Messenger of Allah, be it in the form of deeds, words, or approval. From Abi Hurairah r.a, he said: Meaning: narrated from Uyainah, from Zurhi said: Abu Hurairah said: "I (Abu Hurairah) do not see anyone more deliberation than Rasulullah saw with his companions." From the above basis, all problems dealing with other people must be resolved through deliberation. The role or position of the shura in Islamic politics is to resolve disputes or conflicts within a party through deliberation[17].

With the instructions of the above verse, the Prophet cultivated deliberation among his companions. Many events were experienced by the Prophet and his companions and were resolved using deliberation. As well as 1) Fake news of the affair with Aisyah, the wife of the Prophet and Shafwan bin Mu'tal. 2) Ahzab War. 3) The position of the battle of badr. 4) The problem of prisoners of war at Badr, and so on. Historically, shura or deliberations have been carried out starting from the time of the Prophet, the period of al-Khulafa 'al-Rashidun, until now, when a problem is encountered, it is resolved by kinship or using deliberation.

As for how systems, forms, and other technical matters in conducting deliberation, Allah does not determine in detail. It is completely left to humans according to their needs and the challenges they face.

In the provisions of Islamic law, the organizational structure of the shura assembly is not limited in time and is flexible. This provision is why the Qur'an does not stipulate the requirements of the organizational structure, so it is easily adapted to the times.

Decision-making in deliberation does not mean an absolute majority vote must be followed. Sometimes, decisions are made based on a minority vote if it turns out that the opinion is more logical and better than the majority vote. So, deliberation is the essence of Islamic teachings that must be applied in the social life of Muslims. Deliberation can be done in any matter if it does not conflict with the general principles of Islamic law, including in resolving party disputes.

IV. Conclusion

The authority of the Party Court in resolving internal disputes of political parties that have not been fair and dignified is based on Article 32, paragraph (1) to paragraph (5), as well as Article 33, paragraph (1) to paragraph (3) of the Political Party Law as long as a political party has established and has a Party Court by the Law on Political Parties, so long as there is no judicial institution that has the authority to adjudicate at the first level internal political party disputes. The absolute nature of the authority of the Party Court, due to its position as an internal judiciary, makes it impossible for cases under its authority to be examined and tried by other Party Courts. The authority of the Party Court in resolving internal disputes of political parties has not been fair because the authority of the Party Court has not been optimal and needs to be strengthened.

V. Suggestion

Internal party conflicts should be resolved by optimizing and entrusting the role of the party court, and both parties should obey the final decision at the Party Court to the dispute.

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