

“Party Wing” Organizations as Potential Political Party Lawbreakers

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Abstract

Political parties and political party wings are organizations that play a role in democracy in Indonesia. Apart from that, there are still community organizations that appear to have no political affiliation but actually play a role in democratic contestation, then sporadically, almost every year before the election, similar community organizations emerge, which generally called volunteers. Political parties and their wing organizations have the same responsibility in building democracy, but we often find that party wing organizations can become an extension of political parties, committing various violations of campaigning rules or breaking the law in general; Here there is an intersection of whether political party wing organizations are subject to Law No. 2 of 2011 concerning political parties, or the law on social organizations. Researchers examine the problems of the existence of OSP in the Indonesian legal system, especially the phenomenon of legal violations. This research uses a normative juridical approach using legal norms that apply in Indonesia. At the end of the research, it was concluded that party wing organizations are more appropriately regulated in the political party law than in the law on social organizations, and violations are the responsibility of the parent political party.

1. Introduction

The democratic system that we adopt provides the widest possible space for all children of the nation to lead the country through an organization called a political party (parpol). Political parties are houses that unite ideas and people who have old concepts so that they are united in a container called a political party. Political parties were born with spontaneity in Europe, when the transition from feudal to democracy was a means of connecting the people and the government.

Law No. 2 of 2011 amending Law No. 2 of 2008 concerning Political Parties,

article 1 number (1), states that a political party is a national organization formed by a group of Indonesian citizens voluntarily based on a common will and ideals to fight for the political interests of members, society, nation, state and maintain the integrity of the unitary state of the Republic of Indonesia based on the basic law of the Republic of Indonesia.¹ As a pillar of democracy, political parties have at least several important functions in a country, including (1) means of political communication, (2) means of political socialization, (3) means of political recruitment, and (4) means of conflict regulation.² The institutionalization of political parties in a democratic country is a representation of the face of democracy in that country, even in the context of oligarchy, it is political parties that create democracy, not the other way around, therefore political parties must be carefully and strictly regulated so that the purpose of a party does not deviate from the original purpose of its establishment. In Indonesia, political parties get indirect legitimacy through the 1945 Constitution after fourth amendments, in article 28E paragraph 3 which reads "*everyone has the right to freedom of association, assembly, and expression*" according to professor Jimly Assidique, the guarantee in article 28E paragraph 3 does not make the importance of special arrangements related to political parties set aside;³ is arrangement is very important so that democracy in Indonesia is in line with article 28J of the 1945 Constitution, which is not *excessive* in using human rights and must pay attention to the rights of others, therefore systematic regulation of political parties to provide guarantees so that democracy in Indonesia runs properly and does not lead to *excessive* democracy. In response to this, the legislature or DPR together with the government formed Law No. 2 of 2011 concerning political parties as a juridical basis for the community in forming, fostering, and running a political party as a means of channeling political ideas and gathering. In course of this law weaknesses have been deemed necessary to immediately improve to keep up with the development of today's political constellation.

One of the things that need to be improved in the political party law is more detailed arrangements related to party-wing organizations which have become an anomaly in the political world; we. the reference or legal basis for the

¹ Pasal 1 ayat 1, UU. No. 2 Tahun 2011 tentang Perubahan atas UU. No. 2 Tahun 2008 Tentang Partai Politik

² Ibnu Shina Candranegara, "Kegiatan Organisasi Sayap Partai Politik Yang Bertentangan Dengan UUD 1945 Sebagai Alasan Pembubaran Partai Politik Oleh Mahkamah Konstitusi (MK)," Jurnal penelitian hukum DE JURE, Vol. 20, No.1, 2020, p. 131

³ Jimly Asshiddiqie, 2007, Pokok Pokok Hukum Tata Negara Indonesia, Jakarta:PT. Bhuna ilmu populer, p.710

formation of “party wing” organizations (in Indonesian abbreviation is OSP) is article 12 letter J of the political party law (underbouw of political party). The reference or legal basis for the formation of party-wing organizations is Article 12 letter J of the Political Parties Law of 2011, which states that political parties have the right to have “party-wing” organizations, but it is not further explained regarding the position of these party wing organizations; while in the explanation of the article, it is stated that organizations called wings of political parties are organizations declaring themselves as wings or formed by political parties by the AD and ART of political parties.

Almost all political parties in Indonesia have party wing organizations (OSPs) to capture certain vote segments, for example, nationalist parties such as the Indonesian Democratic Party of Struggle (PDIP) which formed Baitul Muslimin Indonesia (Bamusi) to attract Muslim votes and the Working Group Party (Golkar) which has the Young Generation of Golkar Party (AMPG) as well as the Development Unity Party (PPP) which has Angkatan Muda Kabbah (AMK) to target young voters. OSP in the international context can be equated with *civil society organizations*, which are expected to work with political parties, more effectively than outside the system for the advancement of democracy and the state;⁴ more simply OSP / OCSs can be a bridge (in the middle) between the community and politicians. Most political parties in Indonesia see the opportunity for *vote-getters to be* women because Indonesia's population is more women than men, so almost all political parties have wings in charge of women's OSP; this is based on one of the facts that in 2014 legislative elections women's representation was 17.32% in the DPR RI, 25.76% in the DPD, 16.15% in the Provincial DPRD; and 14.15% in the Regency / City DPRD; while no less important data on women who served as Ministers amounted to 23.5%, as Governor 3%, Deputy Governor, Mayor / Regent 14%.⁵

This raises the question of whether the OSP is a separate legal subject or subordinate to the party because conceptually the work of the OSP is solely for the party. Based on social characteristics according to Raphael Turner and Lewin Killian, it is divided into 3, namely, the first is the value-oriented movement of the movement, characterized by the commitment of members to the agreed principles,

⁴ Sam van Der Staak and Raul Cordenillo, Political Parties And Citizen Movements In Asia And Europe (Political Parties and the Citizen: The Current State of Affairs, Asia-Europe Foundation (ASEF), the Hanns Seidel Foundation (HSF), International IDEA Institute for Democracy and Electoral Assistance, 2014. pp.186-187

⁵ Nur Imam Subono, dkk. 2017. Modul Pembekalan Calon Legislatif, Kemenppa, Jakarta, p. vi

the second is the orientation towards power which is characterized by the pursuit of status, power and recognition and the third is oriented towards participation which is characterized by only voicing deficiencies in society.⁶

According to B. Anshori based on the classification of the movement, OSP is included in the second group, namely movements with power and status orientation. Therefore, OSP and political parties are a unity that is difficult to separate because as a social movement oriented towards power political parties and OSP both aim for power, but both have fundamental differences, namely, political parties are legal entities and even the political party law requires political parties to be legal entities.⁷ Ideally, an OSP has an effective relationship with its parent political party.⁸

This is in line with what Jimly Asshiddique said by pointing to Article 2 paragraph (1) of the German political party law, that political parties are associations of citizens and therefore can have the status of a legal entity (*rectus person*), however, political parties as legal entities cannot be the parent of other legal entities. individual citizens are the only legal subjects who are members of this political party's legal entity as *natuurlijke personen*.⁹

Problems related to the legal status of OSP itself are not the only problem that surrounds this wing organization because of the unclear arrangements for the existence of OSP in addition to functioning to boost the vote acquisition of political parties, but its existence also causes many problems at the community level, therefore currently regulating OSP is something *urgent* and changes must be made so that the political party law can become an umbrella regulation that provides a breakthrough by considering the political dynamics of the day and the interests that must be regulated so that the vagueness in the regulation is no longer used as a legal loophole; then The formulation of the problem in this research is, which party should be responsible for the problem of law violations, which are committed by political party wing organizations ?

2. Research Methods

⁶ Raphl turner & Lewis Killian, Collective Behavior, dalam Ahmad Anshori dkk, "Menakar Kontribusi Islam Sayap Partai Politik Terhadap Masyarakat Muslimin Yogyakarta", Asian Journal of Da'wah Studies, Vol 14, Nomor 1, 2013, p.30.

⁷ Dwi Putri Cahyati & Merdiansa Paputungan, 2019. Problematika Pembubaran Organisasi Sayap Partai & Implikasinya Terhadap Partai Politik, Yogyakarta: PSHK FH UII, pp. 11-12

⁸ Ali Rido, Formulasi Hubungan Organisasi Sayap Partai Politik Dengan Partai Politik Di Indonesia, Conference: Simposium Hukum Tata Negara, Yogyakarta: UII, Mei 2020, pp. 3-4

⁹ *Op.cit*, p.8

The norm in this writing is that the author uses a normative writing method in which he uses an approach to the law and also examines the nature of the legal regulations concerned according to Jonny Ibrahim normative research is a mechanism for exploring a truth from

scientific logic.¹⁰ In line with this, Philipus M. Hardjo and Tatiek S. Djatmiati's normative legal research always depart from the scientific basis of the law that is carried out by legal science.¹¹ The research used will be more encouraging in describing the principles of law, and the hierarchy of laws and regulations, and the authors try to dissect more in the aspect of conceptual studies based on the thoughts of experts and doctrines that develop in legal science.¹²

This research is referred to by P. Mahmud Marzuki that normative legal research is a process of finding legal rules, legal principles, and legal doctrines to answer the legal issues at hand. Therefore, the choice of this research method is normative law relating to principles and legal norms that apply in Indonesia.¹³ This research intends to conduct an in-depth study related to bankruptcy law theoretically and practically in Indonesia, therefore the main variables in this research are laws and regulations, government regulations, and other regulations. The reasoning carried out is a deduction and induction reasoning based on normative legal aspects.¹⁴

3. Results And Discussion

A. OSP as a loophole for political party law violations

As a wing organization, of course the work of OSP is to increase the electability and interest of the community to vote for the political party that is the parent of OSP, political work is indeed very positive and legitimate in a democratic country as long as it uses methods that are not against the law, generally activities such as holding house renovations, social services, blood donors, and the like. These activities that are carried out regularly will directly

¹⁰Vidya Prahassacitta, August-2019. "*Penelitian Hukum Normatif Dan Penelitian Hukum Yuridis*", <https://business-law.binus.ac.id/2019/08/25/penelitian-hukum-normatif-dan-penelitian-hukum-yuridis/> diakses 22 Maret 2023

¹¹ Philipus M hardjodan dan tatiek sri Djamiatun, 2016. *Argumen Hukum*, Yogyakarta:Gadjah Mada University, p.3

¹² Roni Sulistyanto Luhukay, "Pemenuhan Jaminan Kesehatan Dalam Pervectif Peraturan Pemerintah Nomer 83 tahun 2013", *Jurnal Ilmiah Living Law*, Vol 13 no 2, Juli 2021, p.114

¹³ Subhan Hadi, 2009) *Hukum Kepailitan Prinsip, Norma Dan Praktek Di Peradilan*, Fajar Interprana Grafika, p.117

¹⁴ *Ibid*, hal 18

improve the positive image of political parties in the community.

But apart from these positive things, party organizations are also a place for political parties to bypass the existing legal rules because OSP is not a legal entity that is subordinate to a political party institutionally. After all, as explained above, only individual legal subjects can become members of a political party while OSP is its legal entity that is not included in the legal entity of a political party. This causes OSP not to be affected by the prohibitions

contained in the political party law because OSP follows the regulations in the mass organizations law. This legal loophole is utilized by unscrupulous members of political parties to bypass or violate the rules contained in the Political Party Law through OSP, starting from violations of laws related to general crimes such as violence and the like, as well as specific such as corruption. The issue of the legal relationship between political parties and community organizations (ormas) has also been debated up to the Constitutional Court; actually, whether a political party is dissolved, also includes the necessity of dissolving all organizations that become 'underbody' or not. Or vice versa, if an organization has the status of a mass organization, but its objectives and program of activities are purely in the political field, for example, in the past Hizbut Tahrir Indonesia, further whether such an organization should not be understood as a mass organization or political party only, and also regulated in a single law governing political parties.¹⁵

The law on political parties has included prohibitions and sanctions contained in Article 40 and Article 48:¹⁶

- a. Political parties are prohibited from using the same name, symbol, or image mark as:
 - 1) Flag or emblem of the Republic of Indonesia
 - 2) State institution emblem or government emblem
 - 3) Names, flags, symbols of other countries, or international bodies/institutions
 - 4) Name, the symbol of the organization, separatist movement, or banned organization
 - 5) The name or image of a person or which has similarity in principle or its entirety with the name, symbol, or image mark of another political party.

¹⁵ FA. Alexander GS. dan Sundoyo, (2020). Omnibus Law As Simplification Of Legislation In Indonesia, The 6th Proceeding International Conference And Call Paper, Sultan Agung Islamic University, pp. 42-43

¹⁶ Lihat pasal 40 UU. No. 2 Tahun 2011 tentang Perubahan atas UU. No. 2 Tahun 2008 Tentang Partai Politik

- b. Political Parties Are Prohibited
 - 1). Conducting activities that contradict the 1945 Constitution and laws and regulations or
 - 2). Conducting activities that jeopardize the integrity and safety of the Indonesian republic.
- c. political parties are prohibited
 - 1). Receiving from or giving to foreign parties donations in any form that is contrary to the laws and regulations.
 - 2). Receiving donations of money, goods, or services from any party without stating a clear identity. receiving donations from individuals or legal entities that exceed the limits set by law.
 - 3). Receiving or requesting funds from state-owned enterprises, regional-owned enterprises, village-owned enterprises, and other designations.
 - 4). Using factions in the People's Consultative Assembly, People's Representative Council, and Regional People's Representative Council as a source of funding for political parties.
- d. Political parties are prohibited from establishing business entities or owning shares in business entities
- e. Political parties are prohibited from adhering to and developing and spreading communism, marxism and Leninism.

The prohibitions described above are limited to regulating things that are prohibited for political parties but do not regulate what is prohibited for OSP because after all OSP was born from the Political Party Law even though OSP was later considered as a different entity. If you refer to Law Number 17 of 2013 concerning Community Organizations, then OSP can be equated with non-legal entity community organizations.¹⁷ However, this is not entirely true because the Law on Community Organizations is not always a legal entity, and is established freely by 3 or more people as a representation of the constitutional mandate of the 1945 Constitution which explicitly provides the right to freedom of speech and association. However, OSP emerged through the rights granted to political parties as a representation of the rights to freedom of association, freedom of assembly,

¹⁷ Pasal 10 ayat 1, Undang-undang Nomor 16 Tahun 2017 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2017 tentang Perubahan atas Undang-Undang Nomor 17 Tahun 2013 tentang Organisasi Kemasyarakatan Menjadi Undang-Undang

and freedom of expression and thus OSP emerged through subsequent rights.¹⁸

In addition to the potential prohibitions set out in article 40 of the Political Party Law that could potentially be violated by OSP as the party's arm, potential violations of the law also occur if ASN is found to be a member or administrator of OSP. Article 2 paragraph 1 of Government Regulation Number 37 of 2004 expressly prohibits the state civil apparatus from becoming administrators and members of political parties.¹⁹ This article only mentions the prohibition of becoming party administrators and members but does not mention what if ASN becomes a member or administrator in OSP, of course, this is a big note because it has the potential to disturb the neutrality of ASN because OSP and parties are like a pinang in two or there is no difference even though juridically the two can be different legal entities

Apart from the legal loopholes described above, at least there are still some serious notes in our political system regarding violations of the law that are often committed by wing organizations, especially concerning elections. Some of the violations that occur include,

a. Stealing the Campaign Start

In introducing themselves to voters, each party is given a campaign period agreed upon by the DPR and KPU for 75 days before the voting takes place, within this period the party is given the freedom to express itself to introduce itself to the public as long as it does not conflict with existing regulations.

However, this campaign period does not seem to apply to the OSP where even at

this time, when the election is still quite long, each OSP has heated up to introduce their parent party to the public, starting from the installation of flags or attributes in all corners of the city to motorized vehicle convoys which are quite common to be witnessed by the people of Jogja considering that GPK, which is the OSP PPP, often convoys around the city with its characteristic exhaust.

This is arguably not a big thing but if we use a fair election perspective then this is very unfair where parties with OSP that are rich in resources step over small or new parties that have absolutely nothing similar to these parties. As a result, the number of new parties or small parties becomes very low because when they can only start the campaign by the existing agreement on the other hand the OSP

¹⁸ Ibnu Sina Chandranegara & Merdiansa Paputungan, "Kegiatan Organisasi Sayap Partai Politik Yang Bertentangan Dengan UUD 1945 Sebagai Alasan Pembubaran Partai Politik Oleh Mahkamah Konstitusi", Jurnal penelitian hukum DE JURE, Vol 20 No. 1, 2019, p.131

¹⁹ Lihat pasal 2 ayat 1 peraturan pemerintah (PP) No. 37 Tahun 2004

of other parties is already on the move.

b. Misuse of Houses of Worship and Places of Education

The use of houses of worship is prohibited for political or campaign purposes, this is confirmed in Article 69 letter I of Law No. 1 of 2016, but because places of worship and education are potential places in dredging upvotes, especially Muslim votes. This is not a mere figment of the imagination, both Islamist and nationalist parties are equally scrambling for the masses of Muslims, we can see the number of Islamic-style OSPs in the body of nationalist political parties, even to gain the votes of Muslims. There are so many ways that are finally done to smooth out the socialization activities or party campaigns in OSP houses of worship will be easier to enter than the party itself considering the identity of the party is very striking and easy to report, but if the one who does it is OSP it will be very difficult to follow up so the use of houses of worship to gain votes will be massive with the difficulty of being touched by Bawaslu though.

c. *Black campaign*

Black campaigns are often used by political parties or constituents to trip up their political opponents to cause public antipathy towards the candidates concerned, therefore this is strictly prohibited in existing democratic practices because it greatly injures the existing democratic values. Regulations regarding black campaigns in several regulations regarding regional head elections are regulated in Law No. 8 of 2015 concerning the Election of Governors, Regents, and Mayors.

The use of black campaigns is certainly very dangerous because it stretches the social community and even worse it will cause divisions among the nation's children, even Law No. 7 of the 2017 General Elections has not regulated firmly about *black campaigns*. Article 280 paragraph 1 of the Election Law explicitly explains that the act of inciting and fighting against each other will be rewarded with a maximum imprisonment of 2 years.²⁰ This regulation does strictly bind the contestants to campaign according to what is regulated by laws and regulations, but this regulation still cannot bind the OSP to submit and comply with the prohibition of black campaigns. It is the OSP that is used to launch this despicable action because even if the OSP is charged, it will not cause accountability for the party or contestant it promotes. Reflecting on the previous election, there were a lot of black campaigns carried out by OSP, for example when one of the OSP

²⁰ Pasal 280 ayat 1 huruf D, Peraturan Pemerintah Pengganti Undang-Undang Republik Indonesia Nomor 1 Tahun 2022 Tentang Perubahan Atas Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum

leaders was reported to the Police Criminal Investigation Unit because he was suspected of forging a detention letter to the attorney general on behalf of Joko Widodo regarding the procurement of Transjakarta buses.²¹ Of course, this was done to kill the character of political opponents who were contesting the presidential election. Even things like this repeatedly occur as in the 2019 election where supporters of certain candidate pairs narrate that if the opposing candidate is elected, it will antagonize certain religions. This is very dangerous when the issue of Ethnicity, Race, Religion, and Intergroup (SARA) is commoditized in political campaigns because it will disrupt existing social stability when elections are supposed to be a joyful event for people's democracy.

This legal loophole is then potentially utilized by OSP to commit structured and massive violations so that the rules that should bind political parties to become weak in the face of this OPS considering the formation of a big question of whether OSP supervision is still in the domain of KPU and Bawaslu or already in a different field. These problems arise when there is no clear status of each OSP regarding its legal entity so that when it has a legal entity that is different from the party, it cannot be held accountable to the party even though the political work done is solely gain party votes, this gap is the strongest reason why OSP regulation needs to be done in Indonesia.

The improvement of our democratic life in this reform era should be every line that raises the potential to damage the life of democracy needs to be faced seriously. This is our commitment as a nation that the election must be honest and fair to the parties in the sense that all parties related to the election must be strictly regulated and supervised in order to improve the quality of our elections towards better elections.

d. Fund Collection

The wings of political parties are explicitly easier to see the form and name, but the phenomenon that exists is that many volunteers have sprung up ahead of the Presidential election, especially 1-2 years before the legislative election; here it is more unreachable by law because it is often not yet a legal entity, but it is clear that it accommodates and mobilizes the masses for political purposes. In terms of democracy and public awareness, OSP and these volunteers show positive things towards democracy and national insight; however, there should be signs that can

²¹ Pratomo, A.Y., 2014. "Kubu Jokowi polisikan Ketua sayap partai, Ini tanggapan Gerindra", Merdeka.com diakses melalui <https://www.merdeka.com/politik/kubu-jokowi-polisikan-ketua-sayap-partai-ini-tanggapan-Gerindra.html>. 1 Maret 2023

regulate. OSP wings and volunteers are quite vulnerable to the collection of funds for political activities or work, which is an opening for violations of the law. The phenomenon in Indonesia is that at least we observe that OSP and these volunteers in the post-election period will expect to receive a portion or even funds when the supported party/figure wins, of course, this is fairly logical reciprocity, and on the other hand, there is no specific regulation regarding the position of OSP and post-election volunteers.

B. Party Wing Organization Settings

As mentioned above, OSP was born from the political party law which is the right of the party to form it, but the explanation is not elaborated in depth. when referring to regulations on organizations, it refers to Law Number 16 of 2017 about Community Organization (civil),²² and the Law on Mass Organizations to find out fundamentally about the meaning of organizations, simply article 1 of the mass organizations law states that community organizations are organizations formed voluntarily by the community.²³

The fundamental difference between the Law on Mass Organizations Article 1 paragraph 1 and the Law on Political Parties Article 12 letter J is that in the Law on Mass Organizations, it is not stated that OSP is a community organization but in the Law, on Political Parties it is only stated that OSP is an organization without the diction of the word community. However, the word OSP organization can be traced to the form of OSP in more depth, this is because the Law on Political Parties does not explain in depth about the form of OSP itself, so to find out we need to compare comprehensively using the norms listed in the Law on Mass Organizations.²⁴

The organizational form in the Law on Mass Organizations is regulated in Articles 10, 11, 12, 13, 16, 18 and 19, which stipulate that the organization can be in the form of a legal entity or not. Organizations with legal entities are based on members while organizations in the form of foundations are not based on membership. Organizations that do not have a legal entity must have a registered certificate (SKT).

²² UU No. 16 Tahun 2017 tentang Penetapan Peraturan Pemerintah Pengganti UU. No. 2 Tahun 2017 tentang Perubahan atas UU. No. 17 Tahun 2013 tentang Organisasi Kemasyarakatan Menjadi Undang-Undang

²³ Pasal 1 ayat 1 UU. No. 16 Tahun 2017 Tentang Penetapan Peraturan Pemerintah Pengganti UU. No.2 Tahun 2017 Tentang Perubahan Atas UU. No. 17 Tahun 2013 Tentang Organisasi Kemasyarakatan Menjadi Undang-Undang

²⁴ Hifdzil Alim, "Pengaturan Sayap Partai Politik: Bentuk, Relasi Dan Pertanggung Jawaban Hukum", Hukum, makalah dalam Simposium Hukum Tata Negara, di FH UII, 2019, p 2

Although the form of OSP is close to the form of mass organizations, OSP also has differences with mass organizations where OSP automatically has the right to use symbols, names, and attributes of political parties and also has the right to raise money for campaign purposes, this is different from mass organizations that do not have this right. This then raises the question of whether the OSP authorized to use the attributes of party signs is an OSP that has the same legal entity as the party as the parent or is limited to OSP that declares itself affiliated with certain political parties. Legal entities and clear lines of coordination between the OSP and the parent party are not only to show recognition of the OSP but will affect the determination of responsibility for violations committed by the OSP.

Regulating the OSP firmly and well is an obligation because this is part of the community's anxiety that needs to be responded to by policymakers. because not only is the OSP used to carry out acts of lawbreaking but also the community has its trauma against the OSP historically this happened when the People's Democratic Front (FDR) OSP of the Indonesian Communist Party (PKI) committed crimes of humanity that were so heinous in the past that this sense of trauma continues to haunt the people.²⁵

The number of potential violations committed by OSP must be homework for its policymakers to regulate OSP regulations systematically so that the legal loopholes committed by OSP can be minimized because by regulating OSP more strictly, the possibility of political parties committing fraud or actions is prohibited so that Indonesian democracy can run in a better direction because political parties are one of the institutions that become the joints of democracy.

Regulations or laws must be regulated as well as possible to realize certainty, justice, and also the distribution of benefits for the wider community, based on diversity. Political review of the law formation process by achieving political goals, therefore the political content in a law determines the quality of the resulting law.²⁶ The DPR must prioritize the public interest, not just the interests of the elite. quoting the opinion of Walter Lippman that it is in the public interest if this issue is chosen together, seen clearly, considered rationally and acts not only in its interests but in the interests of others as well.²⁷

²⁵ Racmat Susatyo, 2008. Pemberontakan PKI Musso di Madiun, Bandung:Koperasi ilmu pengetahuan sosial, p. 32

²⁶ Arfianto Purbolaksono, "Menakar Urgensi Revisi UU pilkada-UU Parpol", Update Indonesia, Vol. IX, No. 06, Mei 2015, pp. 14-15

²⁷ *ibid*

A strong political will is needed to regulate this because legal changes can only be made through political channels, as Mahfud MD said that if law is a goal and ideal then politics is the way to achieve these ideals. therefore the legal politics of regulating OSP is certainly something that needs to be seriously studied considering that this problem is not an easy thing.

The will of politicians who are in power certainly have the authority to make regulations related to OSP because they are the ones who decide. However, it is no secret that they are the ones who enjoy the existence of OSP because apart from increasing OSP votes, it can also be used for various things within the scope of political party interests.

Inadequate regulation of OSP, which is filled with young people, is very detrimental to the sustainability of Indonesian democracy, especially in the reform era; after we want to shift from the era of authoritarianism to a healthy democracy, in fact we still open wide gaps that will degrade our democracy. In addition to the various violations of the political party law committed by OSP, they have also committed several acts of anarchism such as fighting and disturbing public order.

This is a simple example of the misuse of OSP that causes public unrest and disturbance, in addition to several clashes between OSP and the masses of other mass organizations. This action in the future must have regulations regarding the responsibility of political parties for their OSP so that respect for others as contained in article 28 J can be achieved; if regulation through law requires a lot of money and time, it can also be at a minimal/ simple level through KPU / Bawaslu regulations, to welcome the 2024 Election.

4. CONCLUSIONS

Party-wing organizations are part of a dynamic in democratic life because of their militancy and diverse ways of supporting political parties, this uproar should be managed properly and wisely so that the OSP's enthusiasm in supporting its champion party is not misguided and creates new problems.

The regulation of OSP in Indonesia is currently considered very urgent in its regulation considering that so far the OSP regulation itself has not been clear and in the political party law it is only explained that having OSP is the right of political parties without further explanation of how the mechanism of formation, guidance, legal status and procedures for running OSP in Indonesia. the lack of clarity in this arrangement then becomes a gap for political parties in committing many violations of the law because so far there are no clear rules regarding the legal responsibility of political parties for OSP which are proven to have

committed acts prohibited by law.

Awareness and strong legal politics are key in regulating OSP because so far the problems that continue to occur within the scope of political parties seem to be ignored, politicians are in a comfort zone to change this because like it or not they are the ones who enjoy all this ambiguous system. the problem of politics in Indonesia can no longer be considered negligently, public awareness must encourage policymakers to renew the regulation of political parties in general and the regulation of OSP in particular.

The discourse on the revision of the political party law had surfaced when internal conflicts plagued several political parties in 2015, culminating in internal conflicts within the Golkar party and PPP, because of this conflict the party could not register candidates for regional heads until there was a decision from the supreme court.²⁸ This revision discourse is only to accommodate political interests, there is no in-depth discussion of existing regulatory issues so the regulation of political parties in Indonesia is less clear. The ripples of this revision discourse are only temporary, there is no serious discussion by factions in the DPR RI so this discourse finally disappears.

The seriousness of politicians still needs to be questioned regarding their commitment to building a healthy political ecosystem with good regulations instead of enjoying the legal confusion arising from unclear regulations. OSP regulation is one of the visionary steps in politics because as a political party tool OSP is not only part of the rights of political parties but must also be attached to an obligation in it, namely the obligation to comply with the prohibitions contained in Law Number 2 the Year 2011 and must also be attached to political parties if in the future OSP violates the law, political parties must be held legally responsible. After describing the legal issues related to OSP, the author realizes that some things must be updated in our political party law to move towards a better direction. The suggestions from the author of things that need to be updated and regulated in more detail include:

1. Revise the political party law as soon as possible by taking into account today's political developments, but if it is too urgent, regulations can be issued under the law.
2. OSPs should be required to be subject to the same restrictions as their parent/affiliated political parties.

²⁸ Khairul Fahmi, K. Oct. 2016. *"The Urgency Of Revising The Political Party Law"*, available at <https://nasional.sindonews.com/berita/1146795/18/urgensi-revisi-uu-parpol>, diakses 2 Maret 2023

3. OSP arrangements must be more detailed because the existing Political Party Law does not provide clear legal protection related to OSP.
4. Community involvement must be encouraged in the revision of the Political Party Law so that it can truly provide benefits for the nation, state, and people, not just provide benefits for the elite or a handful of people.
5. Regulating the legal status of OSP so that it is clear whether it is subject to the Law on Mass Organizations or the Law on Political Parties, while the author argues that because mass organizations should be neutral, OSP should be regulated under the Law on Political Parties.

The five suggestions are things that need to be considered by policymakers in regulating OSP political parties (as underbouw) in particular and political parties in general. the key to implementing change is strong political will, therefore the community must jointly encourage the revision of the Political Party Law to be more progressive and better in terms of legal content. On the other hand, there is a process of conflict of interest among the political elite regarding the implementation of the 2024 elections which will use closed proportional or open proportional, in this case, the author suggests that the people's right to democracy not be reduced by the argument of closed proportional, because it will have an impact on increasing the number of white groups (golput).

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Legislation:

1945 Constitution

Law Number 16 of 2017, concerning Stipulation of Government Regulations in Lieu of Law Number 2 of 2017 concerning Amendments to, Law Number 17 of 2013 concerning Community Organizations becomes Law Number 8 of 2015 concerning the Election of Governors, Regents and Mayors

Government Regulation in Substitute of Law Republic of Indonesia Number 1 of 2022 concerning Amendments to Law Number 7 of 2017 concerning General Elections

Government regulation Number 37 of 2004 Concerning The Prohibition Of Civil Servants From Becoming Members Of Political Parties