

DOI: <https://doi.org/10.38035/gijlss.v4i4.1158><https://creativecommons.org/licenses/by/4.0/>

Received: 01 July 2026 | Revised: 12 August 2026 | Accepted: 22 October 2026

The 2026 Election Bill as an Arena for Oligarchic Cartel Adaptation: Constitutional Court Decisions and Meaningful Participation in Contemporary Indonesia

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Abstract: This article examines Indonesia's 2026 Election Bill as an arena of oligarchic cartel adaptation within the country's electoral democracy. Building on prior research concerning oligarchic cartelization in the legislative process of the 2017 Election Law, it situates the analysis in the current context of Constitutional Court decisions, meaningful participation, and the regulatory agenda for the 2029 elections. Using a socio-legal approach and a conceptual-policy analysis design, the article examines five mechanisms of oligarchic cartel adaptation: legislative agenda control, the conversion of Constitutional Court decisions into new legal norms, the formalistic absorption of public participation, threshold redesign, and financial opacity. The article argues that electoral law reform should not be understood merely as a technocratic agenda, but as a contested field between democratic participation and oligarchic wealth. Constitutional Court decisions and meaningful participation may open opportunities for democratic correction. However, such opportunities can be neutralized when the legislative process remains controlled by actors who benefit from electoral rules. The article contributes by operationalizing the concept of oligarchic cartel adaptation as an evaluative framework for the 2026 Election Bill.

Keywords: 2026 Election Bill, Electoral Democracy, Electoral Threshold, Constitutional Court, Meaningful Participation.

INTRODUCTION

The planned revision of the Election Law within the regulatory framework for the 2029 elections cannot be understood merely as the technical work of statute-making. Electoral law determines the conditions of entry into the competitive arena, the design of nominations, the conversion of votes into seats, campaign financing, and the space for civic participation in determining the rules of democratic governance (Huda et al., 2025). Every revision of the Election Law, therefore, carries a strong dimension of legal politics. It not only regulates political actors, but is itself shaped by the very actors who will subsequently be governed by those norms (Pepinsky, 2025).

Indonesia's post-Reform electoral democracy exhibits a paradox that recurs with notable persistence. Procedurally, Indonesia holds periodic elections, maintains a multiparty system, conducts direct presidential elections, has electoral management bodies, and has a constitutional review mechanism through the Constitutional Court. Substantively, however, Indonesian democracy remains shadowed by high political costs, weak party accountability, the dominance of economic-political elites, and limited access for new political forces (Baker, 2023). Political parties still face serious problems of accountability and financial dependence, especially when campaign costs rise faster than institutional mechanisms of transparency (Yamin et al., 2024). It is at this juncture that the 2026 Election Bill becomes consequential. It will test whether electoral reform moves toward a more open democracy or instead renews existing protections for established parties and elites.

This article builds on the author's prior study of oligarchic cartelization in the legislative process of the 2017 Election Law (Hargens, 2019). That study demonstrated that electoral law can serve as an arena for collusion among political parties, business actors, and state bureaucracies to maintain access to power resources. In the legislative process of the 2017 Election Law, issues such as the presidential threshold, parliamentary threshold, electoral system design, and political funding could not be separated from the interests of dominant parties seeking to preserve their positions in electoral competition. Recent literature on party financing in Indonesia also shows that weak political finance regulation creates space for elite domination through non-transparent funding networks—which, to some extent, is prone to the emergence of oligarchic dominion in the electoral seasons (Hadiz & Robison, 2026; Winters, 2026).

Two camps of theories employed in this study include the party cartel theory and the oligarchy theory. Katz and Mair demonstrate that political parties can transform from societal representatives into components of a state structure that collectively maintains access to public resources, forming a cartel against challengers (Katz & Mair, 2009). Winters emphasizes that oligarchy operates through wealth-defense politics, namely the effort by wealthy actors to protect and expand material privilege through political instruments (Winters, 2011). Robison and Hadiz show that the collapse of authoritarianism did not automatically eliminate oligarchy. Rather, it drove the reorganization of old power structures through democratic institutions (Robison & Hadiz, 2004; Hadiz & Robison, 2026). In contemporary Indonesian politics, oligarchic power continues to operate through party vehicles, elite coalitions, and institutional reforms that formally use democratic language (Purnama et al., 2025; Winters, 2026).

The sharper question is not whether oligarchy persists in Indonesian democracy, but how oligarchic cartels adapt as old rules come under pressure from court decisions, public criticism, and demands for meaningful participation.

The academic problem this article addresses is not simply whether oligarchy still exists in Indonesian democracy. The sharper question concerns how oligarchic cartels adapt when older regulatory arrangements face pressure from judicial decisions, civil society criticism, and demands for meaningful participation. Cartels do not always defend the status quo frontally. They can absorb the language of reform, formally comply with court decisions, open forums for public participation, yet still direct normative design so that the structure of dominance does not change substantively. Studies on public participation in Indonesian lawmaking show that participation may remain formalistic when public input does not affect the substance of legal norms (Fajri, 2023). The problem becomes more serious when participation serves merely as procedural legitimation for decisions already shaped by elite bargaining (Mochtar et al., 2024).

The contemporary context renders this question increasingly urgent. The Constitutional Court's decisions on meaningful participation in statute-making have strengthened democratic

standards in the legislative process. The principle requires not only public attendance, but also the right to be heard, the right to be considered, and the right to receive an explanation (Mochtar et al., 2024). Decisions on the open proportional representation system and the presidential nomination threshold have further altered the legal-political terrain of Election Law revision. The abolition of the presidential threshold through Constitutional Court Decision No. 62/PUU-XXII/2024 has been read as an opening for broader electoral competition (Ropii et al., 2026). Yet constitutional correction does not automatically dismantle elite dominance. Legislators can change the form of norms without altering the logic of competition control.

The inquiry is designed to answer how the 2026 Election Bill becomes an arena for oligarchic cartel adaptation following Constitutional Court decisions and the strengthening of demands for meaningful participation in statute-making. Three sub-questions to answer are what patterns of oligarchic cartelization characterized prior electoral legislation, particularly in the 2017 Election Law, and how the Constitutional Court decisions and the meaningful participation principle altered the legal-political terrain of Election Law revision. The inquiry also examines whether the 2026 Election Bill represents democratic correction or a new form of oligarchic cartel adaptation. This focus is important because electoral law reform often addresses administrative problems while leaving deeper structural exclusion untouched (Huda et al., 2025).

The existing literature can be grouped into four clusters, each illuminating important dimensions while leaving significant analytical gaps that this article addresses. Party cartel literature explains the collusion among established parties to maintain state access, but has not adequately addressed how cartels adjust in response to judicial pressure and public demands for participation. Recent work on party cartels in Indonesia shows that cartelized politics weakens reform and reinforces political corruption (Lestari et al., 2025). However, the adaptive dimension of cartelization remains undertheorized.

Indonesian oligarchy literature explains wealth dominance in post-Suharto politics but has not specifically operationalized this influence in the context of the revision of the 2026 Election Bill. This creates a gap at the intersection of oligarchy theory and electoral law. Studies on Indonesian oligarchy and political dynasties show that economic elites continue to influence parties and public policy, but these studies rarely translate that influence into a concrete diagnostic framework for electoral legislation (Purnama et al., 2025). Furthermore, electoral integrity literature emphasizes the importance of fair competition and impartial rules. Yet it tends to focus on electoral administration rather than the statute-making process that produces the rules. This is a crucial blind spot for understanding structural exclusion in electoral law reform (Norris, 2014). The literature on meaningful participation has developed strongly in legislative contexts such as the Job Creation Law, but has not been widely applied to electoral legislation. This gap is significant because participation deficits in electoral lawmaking directly affect political rights and the structure of democratic competition (Wardana et al., 2023).

This article fills these lacunae by introducing the concept of oligarchic cartel adaptation: the capacity of party elites and oligarchic networks to maintain political dominance despite pressure from court decisions, civil society criticism, demands for meaningful participation, and electoral reform agendas. This concept differs from oligarchic cartelization in its original sense. Cartelization explains the pattern of collusion among parties, business actors, and the state. Oligarchic cartel adaptation explains the change in the cartel's *modus operandi* when the old structure faces institutional and public pressure. This distinction is necessary because Indonesian democracy has experienced not only institutional stagnation but also a narrowing of political contestation due to shifts in elite strategies (Baker, 2023).

METHODS

This article employs a socio-legal approach with a conceptual-policy analysis design. This methodological choice is grounded in the character of the object of study. The 2026 Election Bill is not merely a normative text, but a legal-political arena in which parties, legislators, the Constitutional Court, electoral management bodies, civil society, and economic-political networks converge. A socio-legal approach connects legal analysis to actors' interests, institutional design, and power configurations. This is relevant because lawmaking in Indonesia often shows a gap between formal procedure and substantive public influence (Hanum & Firmandayu, 2026).

The unit of analysis is the legal-political process of Election Law revision in the context leading toward the 2029 elections. The analytical focus is concentrated on five issues that directly determine access to electoral competition: the presidential threshold, the parliamentary threshold, the open proportional representation system, political funding, and public participation in the legislative process. These five issues are selected because each relates to the fundamental questions of who may enter the competitive arena, how competition is financed, and how the public may influence rule design. The same issues also appear in recent evaluations of Indonesia's electoral law, particularly regarding political competition, campaign finance, and democratic integrity (Huda et al., 2025).

Data Sources and Analytical Procedure

Three Categories of Data

1. Primary Legal Materials: The 1945 Constitution of the Republic of Indonesia, Law No. 7 of 2017 on General Elections, Law No. 12 of 2011 on the Formation of Legislation and its amendments, and relevant Constitutional Court decisions concerning meaningful participation, the electoral system, and nomination thresholds.
2. Academic Literature: Scholarship on party cartels, oligarchy, electoral integrity, political financing, and constitutional politics.
3. Policy Documents: The draft 2026 Election Bill, academic manuscripts, RDPU minutes, public input records, and faction position documents, subject to verification at the final stages of research.

Three-Step Analytical Procedure

1. Step 1: Map continuities from the 2017 Election Law to the 2026 revision agenda, identifying structural features of the legislative political economy that persist across reform cycles.
2. Step 2: Examine how Constitutional Court decisions and meaningful participation demands alter the room for maneuver available to legislators, and how these constraints are processed or circumvented.
3. Step 3: Operationalize the concept of oligarchic cartel adaptation through five indicators, namely agenda control, norm conversion, procedural absorption, threshold redesign, and financial opacity. These indicators are applied as a diagnostic framework to the 2026 Bill.

Because the final text of the 2026 Election Bill and the full record of its deliberations remain to be verified, this article does not claim the status of a final empirical study. It functions instead as a conceptual-policy analysis, providing an evaluative framework for subsequent empirical readings. This position is consistent with doctrinal and conceptual legal research that develops indicators before testing them against official legislative documents (Hanum & Firmandayu, 2026).

RESULTS AND DISCUSSION

Theoretical Framework: Cartel, Oligarchy, and Electoral Integrity

The theoretical framework of this article is layered. Party cartel theory explains why established parties can collude despite formally competing in elections. In the cartel model, parties orient themselves not only toward society but also toward the state as a source of financing, regulation, and protection of political position (Katz & Mair, 2009). This theory is critical to understanding why ideologically disparate parties can share common interests in maintaining a particular electoral design that privileges incumbency and constrains challengers. In Indonesia, weak party institutionalization and broad elite coalitions have made programmatic competition less decisive than access to state resources and control over nominations (Pepinsky, 2025).

Oligarchy theory explains why material wealth exerts disproportionate influence in electoral democracies. Winters emphasizes that oligarchs deploy material resources to defend wealth and political privilege (Winters, 2011). In the Indonesian context, oligarchy did not disappear after the Reformasi. It found new channels through political parties, elections, parliament, and public policy. Electoral democracy can thus function procedurally while simultaneously facilitating the dominance of economic-political elites. This produces a system that is formally democratic and substantively oligarchic. Recent studies on political financing show that parties remain vulnerable to donor dependence and informal business-political networks (Tambunan, 2021).

The central point of party cartel theory is the claim that parties collude to access state resources collectively, thereby creating institutional barriers to new entrants. The oligarchy theory argues that wealthy actors deploy material resources through political vehicles to defend and extend privilege. The concept of “oligarchic cartelization” refers to the fact that parties serve as vehicles for oligarchic interests, and electoral law becomes a fence against competitive challengers. Cartel adaptation, the term used in this study, implies that, under judicial and public pressure, cartels shift their modus operandi while preserving the logic of elite dominance. The shift is visible when elite actors adopt reformist language while maintaining unequal access to electoral competition (Baker, 2023).

The perspectives of electoral integrity and meaningful participation, as normative standards, are used to evaluate whether the revision of the Electoral Law strengthens or weakens democracy. This article employs the concept of electoral integrity. Norris emphasizes that electoral integrity extends beyond election day to encompass the entire electoral cycle, including legal design, financing, candidate registration, campaigns, administration, and dispute resolution (Norris, 2014). The quality of the Election Bill must therefore be measured by its capacity to establish fair competition and equal access, not merely by its ability to improve administrative procedures. A narrowly technocratic standard misses the structural dimensions of electoral exclusion.

Meaningful participation is positioned as a democratic standard in statute-making. This principle demands that the public not merely be invited to attend, but be granted access to information, opportunity to provide input, and assurance that such input is considered through rational deliberation. In Indonesia, the institutionalization of meaningful participation following the Constitutional Court's intervention remains incomplete, as implementation often stops at procedural formalities (Mochtar et al., 2024). In the context of the Election Bill, this demand is particularly acute because the legislators are themselves the actors who will be advantaged or constrained by the rules they draft. At this juncture, the risk of regulatory capture becomes high. Regulators can be controlled by actors with a direct stake in the regulatory outcome.

Operationalizing Oligarchic Cartel Adaptation: Five Mechanisms

The following table operationalizes the five mechanisms of oligarchic cartel adaptation as an evaluative framework applicable to the 2026 Election Bill. Each mechanism represents a distinct mode through which elite actors can absorb the form of reform while preserving the substance of dominance.

Table 1. operationalizes the five mechanisms of oligarchic cartel adaptation

Mechanism	Operational Definition	Indicators in the 2026 Bill	Required Evidence
Agenda Control	Control over which issues enter, are delayed, or are excluded from legislative deliberation	Political finance issues deprioritized; key documents not disclosed; opaque meeting agendas	Meeting schedules, Commission II minutes, Baleg/Prolegnas documents
Norm Conversion	Conversion of Constitutional Court decisions into new norms that formally comply but preserve competitive restriction	Threshold abolished but replaced by equally burdensome coalition, verification, or nomination requirements	MK decisions, draft Bill, academic manuscript, faction DIM
Procedural Absorption	Absorption of public criticism through participation procedures without substantive influence on article content	RDPU was conducted without an input matrix; no official response to public proposals	RDPU minutes, participant lists, written submissions, article-change matrices
Threshold Redesign	Reconfiguration of thresholds to preserve established parties' advantages	Parliament sets the threshold without a proportionality basis; nomination requirements remain exclusive	Draft Bill, wasted-vote data, seat distribution, faction positions
Financial Opacity	Sustaining non-transparency of party and campaign financing as a space for oligarchic influence reproduction	No real-time reporting; weak sanctions; large donors remain	

From the 2017 Election Law to the 2026 Bill: Continuity and Change in the Cartelization Arena

The 2017 Election Law represents a crucial reference point for reading how electoral law can become an arena of oligarchic cartelization. In the author's prior study, the legislative process of the 2017 Election Law revealed not merely technical debates about the electoral system, but a negotiation of interests among dominant parties seeking to preserve their access to power (Hargens, 2019). The parliamentary threshold, the presidential nomination threshold, political party requirements, and campaign financing served as instruments that determined how open the competitive arena would be to new political forces. The relationship between political financing and elite preservation has also been identified in later studies on party financing and corruption in Indonesia (Tambunan, 2021).

The 2026 Election Bill must be read in continuity with this history. The continuity lies in the persistence of the same structural issues: thresholds, the electoral system, nominations, political funding, and public participation. The change lies in new pressures that were less prominent in 2017. These pressures include Constitutional Court decisions on meaningful participation, decisions on the electoral system, and the correction of the presidential threshold. The Constitutional Court's meaningful participation doctrine has changed the formal standard of legislative process (Mochtar et al., 2024). The abolition of the presidential threshold has also changed the legal-political terrain of nomination rules (Ropii et al., 2026). The cartel, therefore, can no longer operate simply by preserving old norms. It must adapt its strategy by deploying the language of constitutionality, governmental effectiveness, party

simplification, and public participation, absorbing the form of reform without conceding its substance.

The revision of the 2026 Election Bill must consequently be tested through a more precise set of questions. Does normative change genuinely expand competitive equality, or does it merely relocate the instrument of restriction from one provision to another? If the presidential threshold is abolished but replaced by equally burdensome nomination requirements, what has occurred is not democratization but norm conversion. If public hearings are conducted without evidence that public input influenced the draft, what has occurred is not meaningful participation but procedural absorption. These questions reflect the need for measurable indicators for evaluating meaningful participation, particularly at the stage of outcome accommodation (Hanum & Firmandayu, 2026).

Constitutional Court Decisions as a Disruption That Can Be Absorbed

Constitutional Court decisions can disrupt the design of electoral cartels by invalidating norms that have historically advantaged established actors. MK Decision No. 91/PUU-XVIII/2020 is particularly significant because it links the formal validity of statute-making to meaningful public participation. In the context of the Election Bill, this standard requires that legislators make drafts public, provide space for input, and explain the grounds for accepting or rejecting public submissions. This procedural discipline limits the scope for closed-door cartel negotiation. The problem is that meaningful participation remains vulnerable to weak implementation when there is no clear obligation to trace public input into article-level changes (Hanum & Firmandayu, 2026).

MK Decision No. 114/PUU-XX/2022 on the electoral system is similarly consequential, affirming that the electoral system's design is not a purely technical matter but rather relates to constitutional principles of electoral democracy. The debate over open and closed proportional representation shows that electoral system design affects voter sovereignty, party control, campaign costs, and the risk of money politics (Risky et al., 2023). MK Decision No. 62/PUU-XXII/2024 on the presidential threshold, the full operative text of which remains to be verified in the article's final version, constitutes a crucial juncture in reading the transformed legal-political terrain of presidential nominations. Recent analysis argues that abolishing the presidential threshold broadens political participation and strengthens citizens' political rights (Ropii et al., 2026).

Court decisions do not always produce substantive transformation. In legislative politics, statute-makers can respond to court decisions with formal compliance while avoiding substantive change. This is where the concept of constitutional cartel becomes analytically operative. The cartel can accept Constitutional Court decisions as legal necessities but convert them into new norms that formally comply while substantively preserving control over competition. The analytical focus must therefore extend beyond asking whether the DPR complied with Constitutional Court decisions. It must ask whether such compliance produced more equitable competition. This distinction is important because public participation and judicial correction can lose democratic value when they do not change the substance of legal outcomes (Fajri, 2023).

Meaningful Participation: Democratic Correction or Procedural Legitimation?

Meaningful participation is a mechanism that can fracture cartel dominance during the formation of the Election Law. In electoral legislation, public participation is not a procedural accessory but a democratic prerequisite, because the rules being formed will determine citizens' political rights. Public hearings, consultations, and academic involvement must therefore be evaluated on the basis of their qualitative influence on substantive provisions. The legal literature on Indonesian lawmaking shows that public participation must not stop at

attendance or consultation. It must provide access to information, deliberative space, and institutional response (Wardana et al., 2023).

1. The following indicators define such meaningful participation.
2. Information Access: Whether the draft Bill, academic manuscript, faction DIMs, and meeting minutes are disclosed adequately and in advance of substantive deliberations.
3. Deliberative Access: Whether affected groups, non-parliamentary parties, young voters, women, persons with disabilities, electoral administrators, and civil society, are given equal opportunity to participate.
4. Influence Traceability: Whether public inputs are recorded in a matrix and traceable to specific changes in article content, creating an evidentiary chain of deliberative influence.
5. Duty to Give Reasons: Whether legislators explain the grounds for accepting or rejecting proposals from the public, a requirement that subjects elite decisions to deliberative accountability.

These indicators are consistent with the view that meaningful participation requires both process and outcome accommodation. The process dimension asks who participates, when participation occurs, and how participation is conducted. The outcome dimension asks whether public input is substantively incorporated into legal norms (Hanum & Firmandayu, 2026). Comparative studies also show that Indonesia still faces a gap between formal participatory regulation and substantive participatory practice (Saragih et al., 2025).

Without these four indicators, public participation risks becoming window dressing. Public forums are held, but the substantive content of norms has already been determined through elite negotiation. Participation of this kind does not weaken the cartel. On the contrary, it furnishes democratic legitimacy to decisions that remain under the control of dominant actors. This risk has been identified in the implementation of meaningful participation after the Job Creation Law controversy, where formal recognition did not guarantee consistent application (Mochtar et al., 2024).

Table 2. Testing Meaningful Participation: A Diagnostic Matrix

Indicator	Testing Question	Evidence That Must Exist
Information Access	Were the draft, academic manuscript, DIMs, and minutes disclosed before substantive deliberation?	Official DPR documents, Commission II/Baleg website, meeting archives
Deliberative Access	Were affected groups and non-parliamentary actors engaged on equal terms?	RDPU invitation lists, attendance records, and session minutes
Influence Traceability	Can public inputs be traced to changes in specific norms?	Input matrices and article-change tracking documents
Duty to Give Reasons	Did legislators explain the grounds for accepting or rejecting public input?	Written responses from DPR/Government, meeting

Electoral Thresholds as Instruments of Cartelization

Thresholds are the most politically sensitive issue in Election Law revision because they determine the distribution of access to electoral competition. Parliament frequently justifies the parliamentary threshold as an instrument for simplifying the party system. This framing cloaks a structural benefit for established parties in the language of democratic rationalization. Yet when threshold figures are set without a clear basis for proportionality, they can function as institutional fences, protecting established parties while limiting the representation of voters whose parties fail to clear the barrier. From the perspective of electoral integrity, thresholds must be evaluated not only for their effects on governmental effectiveness, but for their impact on vote equality and the right to representation (Huda et al., 2025).

The presidential threshold carries more direct consequences for access to presidential nominations. Recent literature on the abolition of the presidential threshold emphasizes that removing the barrier can open competition, but also requires mitigation design to prevent unmanageable fragmentation. However, mitigation must not transform into a new form of restriction. If the threshold is abolished and replaced by coalition requirements, verification procedures, or nomination processes that substantively maintain exclusion, then the revision has only changed the form of cartelization. This risk is important because presidential nomination rules determine whether political parties outside dominant coalitions can meaningfully participate in national leadership competition (Ropii et al., 2026).

1. Constitutional Legitimacy Test: Does the threshold serve a constitutionally legitimate purpose that can withstand judicial scrutiny, or does it primarily serve to protect incumbents from competitive challenge?
2. Necessity Test: Is the chosen instrument, the specific threshold level, genuinely necessary to achieve its stated purpose, or would less restrictive alternatives suffice?
3. Proportionality Test: Is the restrictive impact of the threshold proportionate to the benefits it aims to achieve? Wasted-vote data and seat distribution simulations must inform this assessment.

The proportionality test is essential because electoral thresholds can be defended as tools of party simplification, but they can also produce unequal representation. Legal studies on presidential nomination thresholds show that threshold requirements have long generated constitutional controversy because they affect the relationship between representation, governability, and citizens' political rights (Sabrina & Sukardi, 2024).

Open Proportional Representation, Political Costs, and Candidacy Oligarchy

The debate over the open proportional representation system cannot be adequately contained within a dichotomy between voter sovereignty and party strengthening. The open system allows voters to select candidates directly, but it also drives expensive personal competition. Candidates must compete not only against other parties, but also against fellow candidates within their own party. This dynamic increases campaign logistics requirements, including the need for volunteers, election witnesses, media presence, and voter mobilization. All of these demand substantial financial resources. Empirical and doctrinal studies on open-list proportional representation in Indonesia confirm that the system expands voter choice but also intensifies campaign costs and intra-party competition (Al-Hamdi et al., 2022).

Money politics, patronage, and clientelism constitute significant elements of Indonesia's grassroots electoral dynamics. Elections in Indonesia frequently operate through clientelistic networks linking candidates, brokers, and voters in transactional relationships. Studies of Indonesian vote buying show that electoral transactions are not incidental deviations, but recurring mechanisms within competitive electoral politics (Muhtadi, 2019). In legislative elections, money politics has also become more complex because it involves candidates, voters, brokers, party machinery, and sometimes electoral organizers (Aminuddin & Attamimi, 2019).

Within this context, the open proportional system can expand voter choice while simultaneously reinforcing a candidacy oligarchy if political costs are not controlled. The system's democratic potential is contingent on a parallel reform of political financing. This contingency is rarely honored in practice. Studies on the 2024 open proportional system found that direct voter choice did not automatically improve ideological representation, while campaign costs and money-driven politics remained serious weaknesses (Argoebie et al., 2025).

The open proportional system, in principle, expands citizen agency by enabling direct candidate selection. In practice, however, it intensifies the financial barriers to political entry. Only candidates with access to significant capital, whether personal wealth or oligarchic patronage, can sustain the logistics of intra-party competition across sprawling constituencies. A study using a SOAR analysis of Indonesia's open proportional system recommends stricter campaign finance regulation and expenditure control to reduce electoral misconduct (Milwan et al., 2025).

Such a dynamic produces what the article terms candidacy oligarchy: a condition in which the formal openness of candidate selection is captured by financially resourced actors, reproducing elite dominance at the individual rather than party level. The debate between open and closed systems, therefore, misses the structural point unless it is coupled with serious campaign finance reform. The same point appears in legal-political analysis of Indonesia's electoral system, which links open-list competition with money politics and clientelism (Risky et al., 2023).

Some possible reform requirements meant in this study include:

1. Campaign expenditure ceilings with effective enforcement
2. Real-time campaign finance reporting
3. Donor identity disclosure requirements
4. Independent audit of campaign accounts
5. Strengthened electoral supervisory authority
6. Effective sanctions for money politics violations.

Political Financing as the Heart of Oligarchic Reproduction

Political financing is the most decisive indicator of oligarchic cartelization. Political parties require substantial resources for organization, campaigns, surveys, election witnesses, media, and electoral consolidation. When official funding sources are insufficient, and transparency mechanisms are weak, parties tend to depend on large donors, resource-rich candidates, or business networks. This dependency shifts party accountability from voters to financiers. It fundamentally inverts the representative relationship that democratic theory presupposes. Marcus Mietzner indicates that the presence of money politics, aligned with the absence of party financing regulations, has been ruining Indonesian democracy thus far (Mietzner, 2013).

The problem is not merely the existence of money in politics. Modern parties require financial resources to perform democratic functions. The problem lies in weak regulation, weak accountability, and unclear use of political party funds. Mamonto and Gani (2022) argue that Indonesia's political party finance regulation primarily regulates sources of income but insufficiently regulates the use of party funds. Yamin and colleagues (2024) also show that financial assistance to political parties has not adequately solved accountability problems in Indonesian democracy.

Hargens (2020) demonstrates that oligarchy can intervene in the legislative process through interest relationships between political elites and economic networks, using cartelized methods, thereby, in his terms, creating an emerging “oligarchic cartelization” in contemporary Indonesia. These findings reinforce the argument that political financing must not be treated as an administrative issue. It is the primary entry point for the reproduction of oligarchic dominance. It is the mechanism through which economic power is converted into legislative power, and through which legislative power is converted back into economic privilege.

Campaign finance regulation in Indonesia also suffers from a dysfunctional design. Chandranegara and Bakhri find that campaign finance regulation often prioritizes administrative compliance, while accountability and transparency remain weak in practice

(Chandranegara & Bakhri, 2023). This weakness poses a risk of post-election corruption, as elected candidates may seek to recoup campaign costs by accessing state resources. High political costs can therefore produce transactional politics and corruption after elections (Satriawan & Angela, 2024).

1. **Real-Time Reporting:** Party and campaign finance reports must be submitted and published in real time, not post-election, to enable meaningful public and supervisory scrutiny. Campaign fund transparency is necessary because delayed reporting reduces citizens' and supervisory bodies' ability to assess the fairness of electoral competition while the contest is still ongoing (Marpaung & Indrayani, 2024).
2. **Donor Disclosure:** The identity of all significant donors must be publicly disclosed, eliminating the dark money channels through which oligarchic influence operates without accountability. Comparative research on Malaysia and Indonesia shows that legal clarity and enforcement capacity are key determinants of effective oversight in political funding (Kadir et al., 2025).
3. **Independent Audit:** Campaign and party finance accounts must be subject to an independent audit, with findings made publicly available and linked to electoral eligibility. The Jambi local election case demonstrates that weak sanctions and weak enforcement undermine the accountability of campaign finance regulation (Kabullah et al., 2020).
4. **Effective Sanctions:** Violations of finance regulations must carry sanctions proportionate to their electoral impact, reversing the current pattern of nominal penalties that produce no deterrent effect. When sanctions are weak, candidates and parties can treat violations as ordinary campaign costs rather than serious threats to electoral integrity (Syauket, 2022).

The 2026 Election Bill as an Arena of Oligarchic Cartel Adaptation

The 2026 Election Bill becomes an arena for oligarchic cartel adaptation because it unfolds in a context where political elites cannot entirely ignore Constitutional Court decisions and public criticism, yet still face powerful incentives to maintain control over the rules of competition. Cartel adaptation does not operate through total rejection of reform, but through the selective absorption and redirection of reform instruments. This section constitutes the core theoretical contribution of the article. It synthesizes the five mechanisms of adaptation identified in the framework and traces their potential operation in the legislative process of the 2026 Bill.

These five mechanisms demonstrate that electoral law reform can serve as a vehicle for cartel adaptation when it is not accompanied by strong public oversight and robust constitutional standards. The cartel's capacity for adaptation is precisely what makes it durable. It can simultaneously present the appearance of democratic responsiveness while preserving the architecture of elite dominance. Indonesian democratic decline has often occurred through formally legal measures that narrow political contestation while maintaining electoral procedures (Baker, 2023). Understanding this adaptive capacity is the prerequisite for designing oversight strategies capable of detecting and resisting it.

The following matrix provides a structured testing instrument for each dimension of the 2026 Election Bill, organizing the risk of cartel adaptation alongside the key evaluative questions and the evidence required to assess whether adaptation has occurred.

Table 3. Risk Matrix: Testing Cartel Adaptation in the 2026 Bill

Issue	Cartel Adaptation Risk	Key Evaluative Question	Data Required
Presidential Threshold	Threshold was abolished, and replaced by new requirements	Does the new norm open nomination access on	MK Decision 62/PUU-XXII/2024, draft Bill,

	equally restricting nominations	equal terms?	faction DIM
Parliamentary Threshold	Threshold maintained or adjusted to preserve established parties' advantages	Is the threshold proportionate to party simplification objectives?	Draft Bill, wasted-vote data, seat distribution simulations
Electoral System	Open/closed debate ignores political cost dimensions and candidacy oligarchy	Is the chosen system accompanied by campaign finance reform?	MK Decision 114/PUU-XX/2022, campaign data, Bawaslu reports
Political Financing	Donor secrecy and campaign spending opacity are preserved in revised norms	Does the Bill mandate real-time reporting and an independent audit?	KPU campaign finance reports, Bill provisions, and violation records
Public Participation	Public hearings are used as a formal legitimization without substantive influence	Does public input demonstrably affect article-level	

Implications for the 2029 Elections and Substantive Democracy

The implications of the 2026 Election Bill for the 2029 elections are substantial. The rules crafted in this revision will determine the quality of competition, access to nominations, opportunities for new parties, campaign costs, the quality of representation, and the space for civic participation. If the Election Law revision only updates procedures without dismantling the structure of cartelization, then the 2029 elections risk becoming more administratively orderly but substantively still controlled by established elites. This would represent a form of democratic regression beneath a procedural veneer of improvement. Democratic regression in Indonesia has been linked to elite consolidation, weakened opposition, and reduced political contestation (Baker, 2023).

Substantive democracy requires more than periodic elections. It requires fair competition, accountable parties, transparent political financing, independent electoral administrators, and public participation that influences policy. The 2026 Election Bill can become a moment of correction if legislators make transparency, proportionality, meaningful participation, and equal access their guiding principles, not merely their rhetorical commitments. The distance between principled commitment and operative design is precisely where cartel adaptation operates. This is why the evaluation of electoral law must integrate institutional design, political finance, and meaningful participation into a single, coherent framework (Huda et al., 2025).

1. Scenario A: Democratic Correction

Revision opens competition, strengthens representation, structures political financing, and guarantees consequential public participation. The 2029 elections become a genuine test of electoral equality.

2. Scenario B: Cartel Adaptation

Revision changes legal language without changing elite control logic. The 2029 elections proceed under new forms of the same institutional exclusions. Procedural democracy becomes the instrument of oligarchic reproduction.

If the revision is controlled by the logic of elite protection, the 2026 Election Bill will constitute a new form of cartel institutionalization. In such circumstances, electoral democracy continues to function, but political representation moves further from popular sovereignty. Democratic procedures would become instruments for reproducing oligarchic power, what this article terms oligarchic legalism: the use of formal law to maintain elite dominance with democratic legitimacy. The risk of oligarchic legalism is heightened when parties operate as vehicles for elite preservation rather than as channels of programmatic representation (Purnama et al., 2025).

CONCLUSION

This article answers three research questions. First, the patterns of oligarchic cartelization in the 2017 Election Law are visible in the use of electoral design as an instrument to restrict competition and protect established parties. Thresholds, the electoral system, and political financing became strategic nodes because they determine who can enter, survive, and benefit in the electoral political arena. The legislative process that produced these arrangements was not politically neutral. It was shaped by actors whose interests the resulting norms would serve. The persistence of similar issues in later electoral reform debates confirms that electoral law remains a site of political contestation rather than a neutral administrative instrument (Huda et al., 2025).

Second, Constitutional Court decisions and the principle of meaningful participation have altered the legal-political terrain of Election Law revision. Court decisions can disrupt established designs, while meaningful participation demands more open and more deliberative statute-making. However, this pressure does not automatically dismantle cartels because legislators can formally comply with court decisions while preserving competitive restrictions through new norms. The cartel's adaptive capacity is precisely what must be made visible through analytical frameworks such as the one developed in this article. The gap between formal participation and substantive participation remains one of the main weaknesses in Indonesian lawmaking (Mochtar et al., 2024).

Third, the 2026 Election Bill has the potential to constitute both a democratic correction and a new form of oligarchic cartel adaptation. The corrective potential materializes if the revision opens competition, strengthens representation, restructures political financing, and guarantees consequential public participation. The cartel adaptation potential materializes if the revision changes only the legal language without altering the structure of elite control over electoral competition. This possibility must be examined through evidence, including draft provisions, DIM documents, RDPU records, campaign finance rules, and official explanations of public input.

Theoretical Contribution: Oligarchic Cartel Adaptation

The theoretical contribution of this article is the development of the concept of oligarchic cartel adaptation. This concept explains that cartels do not persist merely through resistance to reform, but also through their capacity to absorb and redirect reform. Adaptation is the sophisticated mode of cartel survival in environments where formal compliance with democratic norms is required, but substantive accountability is not enforced. Recognizing this adaptive capacity shifts the analytical question from "has reform occurred?" to "has reform changed the structure of access and competition?"

The distinction between oligarchic cartelization and oligarchic cartel adaptation is not merely terminological. It represents a shift in analytical orientation that has practical consequences for reform design. If reform strategies target only the original form of cartelization, overt collusion and exclusionary norms, they will systematically fail to account for the adaptive reconfiguration of those arrangements in response to judicial and public pressure. An adequate evaluative framework must be dynamic, tracking not only what norms say but how they function in relation to the competitive interests they serve. Recent analysis of Indonesian democracy shows that elite strategies often change form while preserving substantive control over competition (Pepinsky, 2025).

Limitations and Directions for Future Research

Limitations of the Present Study

The principal limitation of this article lies in the need to verify primary documents of the 2026 Election Bill, including the official draft, academic manuscript, RDPU minutes,

faction DIMs, and party position documents. Because these materials remain to be verified at the time of writing, the article does not claim to be a final empirical study. It functions as a conceptual-policy analysis that establishes a framework for empirical testing in subsequent research.

This limitation is methodologically acknowledged and procedurally bounded. The analytical framework developed here is explicitly designed to be operationalized against primary documents when they become available. The value of the framework lies precisely in its capacity to guide subsequent empirical inquiry in a theoretically disciplined manner. This is consistent with research that treats meaningful participation as an operational concept requiring measurable indicators rather than abstract normative endorsement (Hanum & Firmandayu, 2026).

Directions for Future Research

Subsequent research must conduct process tracing using official documents, as well as in-depth interviews with legislators, electoral administrators, academics, civil society actors, and party representatives. This multi-method design will allow the concept of oligarchic cartel adaptation to be tested empirically against the actual legislative process of the 2026 Election Bill. Studies using interviews with political elites and campaign actors show that elite strategy and coalition-building can be better understood when documentary analysis is combined with actor-level evidence (Wadipalapa & Tyson, 2025).

Future work should also extend the framework to comparative electoral law contexts in Southeast Asia, where analogous dynamics of cartel adaptation under judicial and civil society pressure have been observed. Such a comparative extension would both test the framework's generalizability and refine its indicators through cross-national variation. Comparative work on political funding in Malaysia and Indonesia demonstrates that transparency and accountability depend not only on legal rules but also on enforcement capacity (Kadir et al., 2025).

The concept of oligarchic cartel adaptation developed here is intended as a durable evaluative instrument. It is applicable not only to the 2026 Election Bill but to any context in which electoral law revision occurs under conditions of elite interest, judicial pressure, and participatory demand.

Closing Reflection: The Stakes of Electoral Law Reform

This researcher reflects that the electoral law is no longer a technical instrument, but the architecture of political power. The 2026 Election Bill arrives at a juncture in Indonesian democratic history when the constraints on cartel operation are real but not yet decisive. Constitutional Court decisions have established new standards. Civil society demands have raised public expectations. The language of meaningful participation has entered the legislative lexicon. These are not trivial developments. They represent genuine pressure on the adaptive capacity of established elites.

Yet pressure is not transformation. The history of Indonesian electoral reform is a history of adaptive resilience by those with structural incentives to preserve their advantages. The 2029 elections will be shaped by the choices made in the 2026 legislative process, choices about thresholds, financing, participation, and representation that will define the competitive terrain for years to come. The measure of those choices is not whether the process was completed, but whether its outcomes moved Indonesia closer to the democratic promise of Reformasi: a political order in which power is genuinely accountable to the people it governs, and in which the rules of competition belong to all citizens rather than those who write them. The stakes are therefore institutional, constitutional, and distributive simultaneously.

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