



Reform of the Law on Political Party Dispute Resolution in Indonesia to Realize Legal Certainty

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Abstract: Political party disputes in Indonesia frequently raise serious issues that have implications for political stability and the sustainability of democracy. To date, the mechanism for resolving political party disputes still faces various problems, ranging from dualism of authority, inconsistent decisions, to weak implementation of laws and regulations. These conditions result in legal uncertainty that can reduce public trust in the legal system and democracy. Therefore, legal reform in resolving political party disputes is needed to provide a more effective, consistent, and certainty-oriented mechanism. This study uses a normative juridical approach by examining the provisions of the 1945 Constitution of the Republic of Indonesia, Law Number 2 of 2011 concerning Political Parties, Law Number 7 of 2017 concerning General Elections, and relevant Constitutional Court Decisions. Conceptual analysis is also used to assess the need for legal reform to strengthen legal certainty and democratization. The results of the study indicate that legal reforms for resolving political party disputes can be directed at three main things: (1) strengthening the role of an independent judiciary free from political intervention, (2) harmonization of regulations between political party laws, election laws, and judicial regulations, and (3) the application of the principles of justice, certainty, and benefit in a balanced manner. With legal reforms, it is hoped that the resolution of political party disputes can be more effective, just, and realize legal certainty which is the main foundation for the consolidation of democracy in Indonesia.

Keywords: Legal Reform, Political Party Disputes, Legal Certainty

INTRODUCTION

Political parties play a strategic role as a vehicle for citizens to express their aspirations, participate in the political process, and form a government through democratic mechanisms (Hermawan, 2020). Political parties are a key pillar of a democratic system, serving as a bridge between the people and the state (Khotimah, 2022). Political parties also serve as institutions that articulate diverse societal interests, thus influencing public policy and national political stability (Hidayatuddin & Jamba, 2024). Without strong and accountable political parties, democratic mechanisms risk becoming ineffective (Saputra, Setiadi, & Thohari, 2024). The function of political parties extends beyond electoral contestation to

shaping public opinion and overseeing government operations (Kurniawan & Handayani, 2022).

Internal disputes within political parties arise from various factors, including leadership disputes, differences in vision and mission, and power struggles at the local and central levels (Budiatri et al., 2018). Such disputes can trigger protracted conflicts if they lack a clear resolution mechanism. The impact of internal disputes is not limited to conflicts between members but can also undermine public trust in the political party (Oktaviani & Fadlian, 2021). Internal party instability often impacts the party's performance in the political process, including general elections. Unresolved internal conflicts can lead to political fragmentation, which is detrimental to the entire democratic system (Hannan & Busahwi, 2021).

The current regulations governing the resolution of political party disputes in Indonesia are contained in Law Number 2 of 2011 concerning Political Parties. This provision establishes internal dispute resolution mechanisms through the Party Court and general courts (Poenene, Palilingan, & Watulingas, 2023). Although these regulations exist, practice in the field demonstrates weaknesses in their implementation. One of the main problems is the unclear status of Party Court decisions and the limited effectiveness of oversight (Azzahra, 2022). It creates uncertainty that can trigger further conflict.

The 1945 Constitution affirms the principle of the rule of law through Article 1 paragraph (3), which requires that all state administration be based on law and not solely on power. This principle serves as the foundation for all political mechanisms and the implementation of democracy in Indonesia. Political parties, as the primary actors in the democratic system, must operate in accordance with applicable legal principles (Toloh, 2023). Compliance with the law ensures the legitimacy of political decisions and prevents the domination of power by certain groups. Adherence to the rule of law also fosters a sense of justice among party members and the wider community (Syafitri & Santos, 2025).

Constitutional democracy positions political parties as institutions that play a role not only in elections but also as a balancing force within the government structure (Safa'at & Permadi, 2024). The status of political parties is regulated to ensure diversity of voices and prevent monopolization of power. Political parties must be able to channel public aspirations in a structured and transparent manner (Rahayu, Ayuningsih, & Aulia, 2024). A democratic system requires political parties that are able to maintain internal integrity and respect the rights of their members. The presence of healthy political parties is an indicator of political stability and the quality of democracy in a country.

Gustav Radbruch's theory of legal certainty emphasizes that laws must be clear, consistent, and enforceable so that society can regulate its behavior in accordance with applicable norms (Meidaniasari, 2025). Unclear or ambiguous laws can create uncertainty and conflict, including within the internal structures of political parties. Radbruch emphasized the importance of a balance between justice, certainty, and the utility of law (Rahmanto, 2025). The application of this theory requires that every dispute resolution mechanism have a strong legal basis and predictable outcomes. Legal certainty serves as a means to prevent prolonged conflict within political parties.

Hans Kelsen emphasized that law is a hierarchical and logical system of norms, where each norm derives legitimacy from a higher norm (Rinaldi et al., 2025). This concept is relevant for understanding the regulatory structure for resolving political party disputes, including the role of the Party Court and general courts. Kelsen emphasized the importance of adherence to legal procedures as a tool for achieving legitimacy and system stability (Amalia, Bakry, & Sepriano, 2025). By understanding the hierarchy of norms, internal party conflicts can be managed through legitimate and legally acceptable procedures. It emphasizes the need for a systematic legal structure that can be followed by all parties.

Political party disputes not only create internal problems but also affect inter-party relations and interactions with other state institutions. Unresolved conflicts can lead to political uncertainty, impacting governance and public policy. Political stability is a key indicator for investors, the public, and other countries in assessing the quality of democracy. Weak resolution mechanisms will exacerbate these conditions, making the existence of clear rules crucial. Efforts to regulate internal disputes must ensure order and sustainable political legitimacy (Navasari & Nuralim, 2022).

Internal disputes often arise from a lack of transparency in decision-making and the distribution of power within parties. Unclear procedures can trigger conflicts of interest that are difficult to resolve without formal legal intervention. This highlights the need for regulations that provide operational guidance and effective resolution mechanisms. Every party member needs to understand their rights and obligations to minimize disputes. Procedural certainty is a crucial foundation for the smooth functioning of party political activities (Wicaksono, 2023).

Healthy political parties require a balance between internal autonomy and accountability to the law and society. Internal mechanisms must align with national legal norms to ensure legitimate party decisions. This balance ensures party stability and the ability to contribute to sustainable democracy. Parties that lack clear dispute resolution mechanisms risk fragmentation and a crisis of confidence. Therefore, strengthening the legal framework and internal structures is an urgent need for Indonesian political parties.

METHOD

The research method used in this study is normative juridical with a statutory and conceptual approach, which allows for systematic analysis of the applicable legal framework and the underlying theoretical basis. The statutory and regulatory approach focuses on a review of the 1945 Constitution, Law No. 2 of 2011 concerning Political Parties, Law No. 7 of 2017 concerning Elections, and relevant decisions of the Constitutional Court and the Supreme Court, to understand the provisions, mechanisms, and practices of political party dispute resolution. The analysis is conducted by examining the norms, principles, and legal provisions governing management, member rights, and internal and external dispute resolution procedures, thus identifying legal loopholes, inconsistencies, and potential conflicts of authority. The conceptual approach is used to examine relevant theories, including the concepts of the rule of law, democracy, and legal certainty, thus providing a broader framework for assessing the effectiveness of existing legal mechanisms. The combination of these two approaches allows research to be not only descriptive and normative, but also critical and analytical, by providing recommendations for legal reform based both on applicable legal norms and on the basic principles of legal theory that support the stability and legitimacy of political parties.

RESULT AND DISCUSSION

Legal Certainty in the Settlement of Political Party Disputes

Internal disputes in political parties are a type of dispute that frequently arises at various levels of the party structure. These disputes typically relate to party management, including changes in leadership or organizational structures at the central and regional levels. These conflicts arise from differences in vision, interests, or power struggles among party members. Such disputes can disrupt party performance and lead to internal instability. Parties that lack a clear dispute resolution mechanism are vulnerable to fragmentation and loss of public trust.

Interim replacements (PAW) of legislative members from within political parties are also a source of internal disputes. PAW often creates tension because it relates to the

constitutional rights of legislative members and party decisions. Some members may feel disadvantaged if the PAW process is perceived as non-transparent or procedural. These disputes require a clear resolution mechanism to avoid legal uncertainty. Such conflicts not only impact individual members but also the party's image and stability.

Membership disputes arise when members are expelled, suspended, or reinstated after suspension. These issues typically arise from violations of the code of ethics or internal differences in political views. The absence of clear formal procedures can lead to prolonged conflict. Aggrieved party members often seek external legal recourse, creating tension between internal decisions and formal law. Effectively handling membership disputes requires certain rules that are acceptable to all parties.

Internal financial disputes are also a significant source of conflict. Party fund management, internal audits, and budget distribution often give rise to disputes between members and administrators. Unclear financial oversight procedures increase the risk of misuse and claims of unfairness. Such disputes have the potential to impact the party's public image and undermine member trust. Internal regulations and existing legislation must provide certainty regarding the rights and obligations of each party regarding party finances.

Article 32 of Law Number 2 of 2011 serves as the primary legal basis for regulating internal party disputes. This provision establishes the scope and mechanism for dispute resolution at the internal party level. The article also emphasizes the role of the Party Court as the institution that resolves internal disputes. Despite this provision, its practice still creates uncertainty and differing interpretations. This highlights the need for a clear understanding of the procedures and authorities stipulated in the Political Party Law.

External disputes arise when the Party Court's decision is challenged or brought to a formal judicial institution. These disputes can include filing a lawsuit with the District Court or an appeal to the Supreme Court. Parties dissatisfied with internal decisions often resort to formal legal channels in an effort to secure certainty or protect members' rights. External disputes reflect the interaction between party law and national law. The case of the 2021 Democratic Party Extraordinary Congress (KLB) in Deli Serdang provides a clear example of how internal conflict can spill over into the formal legal realm and impact the party's legitimacy.

The Extraordinary Congress (KLB) of the Democratic Party in Deli Serdang on March 5, 2021, demonstrates how internal party conflict can spill over into the formal legal realm and impact the party's legitimacy (Tempo, 2021). This KLB was initiated by several parties dissatisfied with the leadership of Agus Harimurti Yudhoyono (AHY). They appointed Moeldoko as their chairman. However, it was not approved by the Democratic Party's High Council, led by Susilo Bambang Yudhoyono (SBY), raising questions about its legitimacy. The Ministry of Law and Human Rights rejected the approval of the Extraordinary General Meeting (KLB) management. Moeldoko's camp filed a lawsuit with the Jakarta Administrative Court, which was subsequently rejected because the KLB did not meet the party's Articles of Association (AD/ART). A judicial review lawsuit filed with the Supreme Court was also rejected in August 2023, arguing that the management dispute must first be resolved through the Party Court. This case underscores the importance of internal party dispute resolution mechanisms and demonstrates the risks of dual leadership and its impact on the stability and legitimacy of political parties in the public eye.

The Party Court plays a crucial role as an institution that resolves internal disputes with final and binding decisions. The Party Court's decision is expected to be the final point for internal disputes. The procedure for submitting a dispute to the Party Court involves a formal mechanism that members and administrators must comply with. The Party Court's function is to maintain independence, ensure fairness, and render valid decisions in accordance with

party regulations. The Party Court's authority provides an internal legal basis for consistently enforcing organizational decisions.

The procedure for submitting a dispute to the Party Court requires documentation, evidence, and formal arguments. Every party member has the right to file a dispute if they feel aggrieved. The Party Court is tasked with reviewing the facts, listening to the relevant parties, and making a decision based on the party's internal rules. This mechanism is designed to ensure a fair, transparent, and acceptable process for all parties. Clarity of procedure is key to avoiding claims of injustice and further conflict.

General courts also play a crucial role when internal disputes cannot be resolved in the Party Court or when a party's decision is deemed unlawful. Submitting a dispute to the District Court allows the aggrieved party to receive a formal legal assessment. The cassation procedure to the Supreme Court, as stipulated in Article 33 of the Political Parties Law, provides an additional oversight mechanism for first-instance court decisions. Decisions by general courts can impact the legitimacy of the party and ensure that members' rights are respected. The boundaries of authority between the courts and the Party Court are crucial elements that must be considered to avoid overlap.

Duality of authority often arises between the Party Court, the District Court, and the State Administrative Court. This unclear boundary of authority gives rise to conflict when a dispute is submitted to more than one institution simultaneously. Parties, members, and courts face the challenge of differing legal interpretations. Conflicting jurisdictions can slow dispute resolution and create legal uncertainty. Real-life cases demonstrate how this dualism can lead to confusion and harm for all parties involved.

Inconsistent rulings are a serious problem in party dispute resolution. Similar cases often receive different outcomes in the Party Court or formal courts. These differing rulings create uncertainty for party members and administrators seeking legal certainty. The impact is not limited to individuals but also affects the party's image and legitimacy in the public eye. The inconsistent rulings emphasize the need for clear standards in legal procedures and considerations.

The conflict between Article 32 and Article 33 of the Political Party Law creates contradictory regulations that have the potential for abuse. This legal loophole allows for the politicization of disputes, where certain parties attempt to exploit the unclear rules. The conflicting regulations create the risk of multiple interpretations, complicating the dispute resolution process. Parties and members need clear legal guidance to ensure disputes are handled fairly. These differing norms are a major factor in the emergence of legal uncertainty.

The impact of legal uncertainty on party stability is significant. Unresolved disputes can lead to internal divisions, weaken party performance, and disrupt the political process. Party members feel their rights are unprotected, leading to decreased motivation and trust. Legal uncertainty also impacts public perception of party integrity. Parties that fail to consistently enforce internal regulations face reputational risks and reduced legitimacy.

Legal uncertainty impacts democracy more broadly. When parties are unstable, the political process becomes inefficient and the quality of democracy declines. Protracted internal disputes can disrupt elections and public representation. Public trust in the political system as a whole is eroded. This situation underscores the importance of legal certainty as a foundation for a healthy democracy and optimally functioning political parties.

Internal disputes, dualism of authority, and inconsistent decisions demonstrate the complexity of the political party dispute resolution system in Indonesia. Existing laws provide a basic framework, but their implementation still faces significant challenges. Every aspect of the dispute, from membership, management, PAW, to finances, requires clear, transparent, and acceptable procedures. Systematic arrangements help mitigate internal

conflict and maintain party political stability. Legal certainty is a key element in ensuring parties remain able to function as pillars of democracy.

Contradictory regulations and inconsistent practices require serious attention from all relevant parties. Political parties need to understand and respect their internal rules and applicable national regulations. Members and administrators need certainty about their rights and obligations to minimize conflict. Apparent and predictable legal processes are a means of ensuring justice. Legal certainty is fundamental to the sustainability of a healthy democracy and the effective functioning of political parties.

Legal Reform in the Settlement of Political Party Disputes in Indonesia

Current regulations for political party dispute resolution face fundamental weaknesses that create legal uncertainty. Decisions by the Party Court, which should be final and binding, are often contested or not fully accepted by all parties within the party. Clarity regarding the Party Court's authority and the status of its decisions remains weak. This situation allows for differing interpretations by party members and external parties. Such uncertainty has the potential to disrupt internal party stability and undermine public trust in the organization's integrity.

Legal loopholes are another factor that amplifies the risk of conflict. The dual authority between the Party Court, the District Court, and the State Administrative Court (PTUN) creates space for the same dispute to be submitted to more than one institution. These differing interpretations of the rules increase the likelihood of conflicting decisions. Aggrieved party members may feel their rights are not being respected. This situation highlights the need for clearer and more integrated regulations so that the authority of each institution can be understood and applied consistently.

The politicization of internal disputes is also a serious problem. Internal party procedures that are not always followed by opportunities for certain parties to exploit disputes for political gain. This undermines the principle of justice and creates instability at the organizational level. Politicized internal conflicts can spill over into the formal legal realm and generate public controversy. Parties need mechanisms to protect internal processes from political interference and ensure that every decision is made independently.

Legal certainty is a necessity that cannot be postponed. Dispute resolution mechanisms must be clear and structured to prevent protracted internal conflicts. Party members need certainty regarding applicable procedures and the legal consequences of their actions. A transparent system can prevent misunderstandings and further disputes. Legal certainty is the foundation for organizational stability and public trust in political parties.

A system that prevents external manipulation or intervention is also crucial. Without clear rules and effective oversight mechanisms, external parties can attempt to influence the outcome of internal disputes. Such intervention has the potential to damage the party's integrity and undermine the legitimacy of its leadership. Strong internal mechanisms and independent oversight are crucial for protecting parties from external interference. This also enhances party credibility in the eyes of members and the public.

Strengthening the Party Court is one strategic solution. The Party Court needs to be affirmed as an independent quasi-judicial body to ensure its decisions are fair and final. This institution must have transparent mechanisms and structured procedures to ensure consistent resolution of all disputes. Clear and final decisions provide certainty for all parties and prevent the recurrence of disputes. The independence of the Party Court is key to maintaining internal justice and organizational stability.

The transparency of the Party Court's internal mechanisms also needs to be strengthened. Procedures for filing disputes, providing evidence, and determining decisions must be accessible and understandable to party members. Good documentation and an

accountable system reduce the risk of conflict and uncertainty. Every member has the right to know the basis for the decisions made. This transparency fosters a sense of fairness and legitimacy in internal processes.

Harmonizing regulations is a crucial next step. Law No. 2 of 2011 concerning Political Parties needs to be aligned with Law No. 7 of 2017 concerning Elections to avoid overlapping authority. Inconsistencies between these two regulations often lead to conflicts between the Party Court, the District Court, and the State Administrative Court. Harmonizing regulations provides clear guidance for all parties involved. This reduces the risk of multiple interpretations and protracted disputes.

Regulatory revisions are also needed to close the gap in judicial dualism. Ambiguous provisions allow the same dispute to be submitted to different institutions simultaneously. Revised regulations should establish a clear hierarchy and procedures to ensure the authority of each institution is clear. The revision helps maintain consistency and fairness in dispute resolution. Certainty regarding procedures and institutional authority is a key factor in the success of a dispute resolution system.

The establishment of a dedicated institution for resolving internal party disputes is a viable alternative. A judicial party court can serve as both a mediator and an independent adjudicator in resolving internal disputes. This institution provides a legally recognized, formal pathway for resolving internal disputes. With a dedicated institution, internal conflicts can be managed more systematically and provide more transparent legal protections for party members.

The finality of the Party Court's decisions needs to be strengthened. The final and binding nature of their decisions must be emphasized so they cannot be challenged in public courts. Certainty of decisions provides internal stability and maintains the legitimacy of party management. Members and administrators clearly understand the boundaries of valid and irrevocable decisions. It prevents additional disputes stemming from uncertainty about decisions.

Access to justice for party members must be guaranteed. Every member who feels aggrieved has the right to file a dispute and receive legal protection as stipulated in Article 28D, paragraph 1 of the 1945 Constitution. Transparent and fair procedures ensure that these rights are fulfilled without discrimination. This system helps maintain a sense of justice and members' trust in the party. Legal certainty and access to justice are interconnected in building organizational integrity.

Dispute resolution procedures must be transparent, fair, and easily accessible. Clear documentation, consistent guidelines, and mechanisms understood by all parties are prerequisites. It helps prevent protracted conflicts and provides certainty for members involved in disputes. A transparent system also reduces the opportunity for manipulation and politicization of disputes. Open procedures build trust and legitimacy for the party in the eyes of the public.

Comprehensive legal reforms enhance the internal stability of political parties. Strengthening the Party Court, harmonizing regulations, revising rules, and establishing a specialized institution are key pillars. Finality of decisions and access to justice for members emphasize the principle of legal certainty. These measures also protect parties from external interference and internal politicization. Political parties with clear and fair dispute resolution systems are better able to function as pillars of democracy.

Every aspect of these legal reforms must be implemented in an integrated manner. No single solution is sufficient to address the complexity of internal party disputes. Collaboration between legislators, party officials, and legal institutions is key to effective implementation. The legal certainty created will increase the legitimacy of the management and strengthen

member trust. The final result is a stable, professional party capable of playing an optimal role in the democratic system.

CONCLUSION

The current separation of political party dispute resolution mechanisms still exhibits numerous weaknesses that have the potential to create legal uncertainty for members, administrators, and the public. Decisions by the Party Court, which should be final, are frequently questioned, while the dual authority between the Party Court, the District Court, and the State Administrative Court (PTUN) raises the risk of differing interpretations and inconsistent application of the law. This situation not only undermines the legitimacy of party management but can also trigger prolonged internal conflict, undermine member trust in internal mechanisms, and impact broader political stability. Cases such as the 2021 Deli Serdang Democratic Party Extraordinary Congress (KLB) demonstrate how internal conflict can spill over into the formal legal realm, demonstrating the urgency of legal reform that provides certainty, transparency, and protects the rights of all parties involved.

The need for legal reform is crucial to strengthening democracy and ensuring political parties function as pillars of stable and credible organizations. Legislators need to review Law No. 2 of 2011 concerning Political Parties and Law No. 7 of 2017 concerning Elections to harmonize them and close loopholes that allow for dual authority. Strengthening the Party Court or establishing a specialized, independent judicial institution can ensure that decisions on internal disputes are final and binding, while preventing politicization and external intervention. Consistent enforcement of legal certainty will ensure the protection of party members' rights, create a fair internal system, and strengthen the party's legitimacy and stability as an integral part of a healthy democracy.

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