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## **Criticism of the Existence of Political Parties in the National Long Term Development Plan**

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### **Abstract**

The existence of law aims to provide security and order and guarantee the existence of welfare that is obtained by the community from the State as the umbrella of society. Rules of law in addition to human interests against the dangers that threaten them, also regulate the relationship between humans. A society that is developing rapidly within the state is influenced by the changing times, so that needs must be met according to the times. For this reason, contextual law is needed in the sense that it can accommodate social practices in society by being regulated by legal norms. Legal teachings that can be applied in order to create a correlation between law and society, namely social laws that are stronger and more advanced than teachings created by individual law. This legal articulation will create a law that is in accordance with the aspirations of the community, therefore the estuary of law is not only justice and legal certainty, but the aspect of expediency must also be fulfilled.

**Keywords:** criticism, existence, political parties, development plan, RPJPN

### **Introduction**

National development is a series of sustainable development efforts covering all aspects of the life of society, nation and state, to carry out the task of realizing national goals as formulated in the Preamble to the 1945 Constitution of the Republic of Indonesia. The series of development efforts contain development activities that take place non-stop, by raising the level of social welfare from generation to generation (Muhammad Budiana & Willya Achmad, 2022). The implementation of these efforts is carried out in the context of meeting the needs of the present without compromising the ability of future generations to meet their needs. The 2005–2025 National Long-Term Development is a continuation of the previous development to achieve development goals as mandated in the Preamble to the 1945 Constitution of the Republic of Indonesia. For this reason, in the next 2 years, it is very important and urgent for the Indonesian people to reorganize various steps, including in the field of management of natural resources, human resources, environment and institutions so that the Indonesian nation

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can catch up and have an equal position and strong competitiveness in the association of the international community. (Siregar et al., 2022)

Long-term planning is more inclined towards visionary thinking activities, so that its preparation will focus more on the participation of segments of society who have visionary thinking such as universities, strategic institutions, individual visionary thinkers and elements of state administrators who have sports competence. think rationally while still prioritizing the interests of the people at large as the subject as well as the goal for whom development is carried out. Therefore the national long-term development plan as outlined in the form of the vision, mission and direction of national development is the product of all elements of the nation, society, government, state institutions, community organizations and political organizations. (Safrizal Rambe & Zulkarnain, 2022)

The following development sectors are covered in the 2005-2025 RPJPN Law: (Yessi Anggaraini 2005) a. Socio-Cultural and Religious Life b. Economy c. Science and Technology d. Facilities and infrastructure e. Politics f. Defense and security. g. Law and Apparatus h. Territory and Spatial Planning, and i. Natural Resources and Environment. The national legal system will continue to be pursued in the reform era through various means, in accordance with the National Development Program in the field of law: (Suriyati Hasan, 2018)

When talking about development, the law becomes an important issue because it is inseparable from various problems or issues related to the substance of the law itself. This problem can be seen for the first time in p legal definition. Many jurists differ in their interpretation. This is caused by different points of view in understanding the law. Lawrence M. Friedman describes how complex and extensive and very varied what is called law, so that most people do not find a definite definition of law. Because the law does not only deal with theorizing, but also plays a role at the practical level. What is in theory is not always identical with actual practice. Legal experience gained in the field can provide a definition in accordance with what has been experienced by legal practitioners. That is what then there are two kinds of law that are well known, namely law in book (law in theory) and law action (law in the practice of legal actors). (Airlangga 2019) The difference between law in theory and law in practice lies in moral values. Law in moral institutions relates to good human behavior. Law is like putting forward a requirement that a good legal life is created from members of society who live well too. (Absori and Ahmadi 2017)

The progress of democracy can also be seen by the growing awareness of people's rights in political life, which in the long run is expected to further stimulate the public to be more active in participating in taking initiatives for the management of public affairs. This progress is inseparable from the growing role of political parties, non-governmental organizations and other civil society organizations. However, the development of the vision and mission of political parties has not been fully in line with the development of awareness and the dynamics of social and political life in society and demands for democratization. (Wutoy et al., 2022)

Political parties position themselves as central to the regulation of people's democratic life. One of the specific objectives of Article 10 paragraph (2) of the Law of the Republic of Indonesia Number 2 of 2008 concerning Political Parties is to build political ethics and culture in the life of society, nation and state. Then its function is stated in Article 11, namely the creation of a conducive climate for the unity and integrity of the Indonesian nation for the welfare of society. But the facts on the ground in 2019 when the elections were rolled out there

was a lot of identity politics that led to election crimes and crimes against humanity. The problem is that the description of what is contained in the text of the law is blurred in its application, so that a study of legal science needs to be done to improve it towards the development of a more Pancasila law. (Suhaimi, 2018)

The purpose of the Law of the Republic of Indonesia Number 2 of 2008 concerning Political Parties as part of the direction of development is ultimately hampered due to dominating egocentric interests. It is as if there is a legal and moral dichotomy, law appears in the Law of the Republic of Indonesia Number 2 of 2008 concerning Political Parties while Moral appears from what is in the interests of political parties. Speaking of law does not approach the issue of interests to achieve legal effectiveness in an ideal legal system, but to achieve all of this (Kurniawan & Handayani, 2022), law must be placed in a configuration of human rights values based on Pancasila. Based on these problems, the author is interested in examining more deeply the legal issues, namely:

1. Why Can't the Law on Political Parties Be Applied Properly in Election Events?
2. How is the Existence of Political Parties in Building State Life?

## **Literture Review**

### *Legal Political Theory*

According to Sudarto, Legal Politics is:

- a) Efforts to realize good regulations in accordance with the circumstances and situation at one time;
- b) Policies from the state through authorized bodies to establish the desired regulations which are expected to be used to express what is contained in society and to achieve what is aspired to.

Starting from this understanding, Sudarto explained that carrying out legal politics means holding elections to achieve the best statutory results in the sense of fulfilling the requirements of justice and efficiency. On another occasion he stated that carrying out "legal politics" means an effort to create laws and regulations that are in accordance with the circumstances and situation at a time and for the future. (Sudikno Mertokusumo, 2011)

### *Legal System Theory*

The Theory of the Legal System (the Theory of Legal System) in which there are three main elements of a legal system which include Structure, Substance, and Culture (Culture). The legal structure according to Friedman is " *The structure of a system is its skeletal framework ; ...the permanent shape, the institutional body of the system .* " This means that the structure of a system is its framework; a permanent form, the institutional body of the system. Legal substance is " *The substance is composed of substantive rules and also about how institutions should behave* " . (Lawrence M. Friedman 1975) This means that the substance of law consists of substantive rules as well as how institutions should behave. Legal Culture according to Friedman is " *It is the element of social attitude and value. Behavior depends on judgment about which options are useful or correct. Legal culture refers to those parts of general culture-customs, opinions, ways of doing and thinking-that bend social forces toward or away from the law.* " This means that legal culture is an element of social attitudes and values. Behavior depends on judgments about which choices are useful or correct. Legal culture

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refers to those parts of general culture—customs, opinions, ways of doing and thinking—that deflect social forces towards or away from law.

Lawrence M. Friedman's Legal System Theory has been used as a reference in preparing national legal development plans. This is evidenced by the publication of the Legal System Theory in the Law of the Republic of Indonesia Number 17 of 2007 concerning the National Long-Term Development Plan (RPJPN) 2005-2025. In the Appendix, it is stated that legal development is directed at the realization of a national legal system originating from Pancasila and the 1945 Constitution. Legal development includes the development of materials, structures including legal apparatus and legal infrastructure, as well as creating a society that has awareness as well as a high legal culture to realizing a rule of law, and creating a just and democratic society. (Priyo Hutomo Puslemasmil, 2021)

### ***Human Rights Theory***

Manfred Nowak states that there are four principles of human rights, namely *universality*, *indivisibility*, *interdependence* and interrelated. Rhoda KM Smith added other principles, namely equality and non- *discrimination*. Some say that the principle of indivisibility, *interdependence* and interrelated is a derivative principle of the universal principle. (Rhoda E. Howard, 2000) The government is no longer just protecting someone from violating or having their rights violated, but must make efforts to fulfill these rights.

### **Research Method**

The writing of this paper uses the legal research method, namely through a series of processes to find legal rules, legal principles, and relevant legal doctrines to answer the legal issues at hand. As with the perspective of legal science, while the type of research in writing this journal is normative juridical (*legal research*), namely research conducted by examining various formal legal rules such as political party laws and other regulations as well as literature that contains theoretical concepts that then linked to the writing of this journal. The assessment of this type of research is carried out by analyzing various legal rules including laws, regulations that contain theoretical concepts with problems that will be discussed later in this journal. These rules are then linked to the issues to be discussed in this journal. (Peter Mahmud Marzuki, 2016)

### **Results and Discussion**

#### ***The Role of Political Parties in Realizing the National Development Mandate***

The 2005–2025 National Long-Term Development is a continuation of the previous development to achieve development goals as mandated in the Preamble to the 1945 Constitution of the Republic of Indonesia. Political parties are the mother and womb of the nation's leaders so that political parties are part of the national long-term development plan as outlined in the form of vision, mission and direction of national development are products of all elements of the nation, society, government, state institutions, social organizations and political organizations. (Anggriawan et al., 2022)

Analysis of development plans must be linked between law and morals, so that the legal system can run ideally. Political parties are part of the direction of development in which there are interrelated structures, cultures and substances, as in the following cases:

- a). Law requires morals;
- b). Laws are codified and more objective than unwritten morality;
- c). Law is related to external actions, while moral concerns a person's inner self;
- d). Morality is “the drink of the law”. Legal norms and moral norms both contain rules that serve as guidelines for humans to behave, and;
- e). Law concerns normative and spiritual binding morally when believed in the heart, while morality is only related to the attitude of the human mind.

If you look at the driving organs of political parties, they are humans, humans are not technology, so they move on the basis of will. Look Ahead Election 2009 and/or 2014, if viewed from the legal substance it consists of substantive regulations issued by the Government in preparing One package the lawact field political Which covers UU Political party, UU Election Member MPR, DPR, DPD, and DPRD, Presidential and Vice Presidential Election Law, and Susduk Law MPR, DPR, DPD, and DPRD to replace the previous law. Specifically regarding the replacement of the Political Party Law, on 6 December 2007 a Political Party Law Which new has Approved together by DPR And Government For replace The 2002 Political Party Law which was later promulgated became Law Number 2 of 2008 on January 4, 2008.(Foni & Perdana, 2022)

In the discussion, the discourse that emerged was enthusiasmt to limit or reduce the number of political parties. However, the lawthe Actually No too Far different with UU Political party 2002. (Fadjar 2012) Three years later, there was Law Number 2 of 2011 to amend UU Number 2 Year 2008. In in provision Constitution This, seen change quite a lot about the provisions stipulated in the law previously. The changes referred to are 17 articles with additions 1 chapter new. Whereas on level paragraph, there is 27 paragraph Which changed withaccompanied there is addition 14 paragraph new. From many change the, there is a number of controversy about condition formation And registration party political as body law, condition management, And also which needed nation Indonesia to front. (Fadjar, 2006)

The direction of development starts from space scope agenda improvement in in between push ongoing selection leadership party Which democratic And institutionalization leadership collegially and democratically because the party is essentially a vessel selection leadership in in system democracy. The improvement is only in the textual context but the legal culture is not in line with what is expected. It is clear that the political dowry determines who will become the leader candidate proposed by a political party. (Suwarta 2020) So that changes are only textual in the context of political parties. The author sees that the legal and moral dichotomy peaks when the human life system enters today's modern era.

Law and morals become two entities as well as terminologies that cross each other between reality and understanding in this century. In the past, when the epistemology of knowledge rested on the supernatural powers of the world of divinity and gods, law and morals identified with each other. Law is understood as moral and moral is law in construction. Law is the vessel, moral is the content. In a certain sense, nondichotomous identification occurs. Law is moral and moral is law. Such things can no longer be easily recognized in the modern life system, especially in terms of holding elections. When the epistemology of knowledge shifts and stands on the logical reality of nature, or ontologically rests on materialism, the legal and moral realities become separate and contradictory. Morals are then positioned as the product of the divine ideal world, and law is positioned as the fruit

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of social life or the human rational world. (J Sudar Minta 2019) We'll see how many members of the legislature or regional leaders have been caught by the Corruption Eradication Commission, what really needs to be changed is not just textual in the legal system but inspires a legal culture based on Pancasila as a guideline in politics to create ideal political parties in holding elections. (Ibrahim & Madjid, 2018)

### ***The Existence of Political Parties in Building State Life***

For more than 77 years since Indonesia's independence, or to be precise from From 1945 to 1998 when the national reform took place (53 years since independence) in the field of constitutional *law* experienced many studies associated with political studies including study to party political (Rovshan, 2023). During period government President Sukarno And President Soeharto, the cycle of power has stagnated, so it is dynamic democracy No can grow with naturally Which possible development views critical about problem political state administration. (Salman Luthan, 2019)

The political parties in the current parliament will show off feelings and teeth at the same time to fight it out for the system and format election Which agreed in Constitution profitable himself or minimum No harm his party, especially endanger existence himself. In the Indonesian context, a difficult combination of presidential systems With multiparty, this can be seen, among others, in the following political realities (Kawwami, 2023). First, the election of the President on a minority basis, as it seems, is not it only on the figure of President Susilo Bambang Yudhoyono with a party basis Democrats (56 from 550 chair DPR), but Also happen on President Abdurrahman Wow (PKB 51 from 500 chair DPR) including Megawati (PDI-P 153 seats out of the 500 seats in the DPR). Second, the formation of the DPR without a majority power so that possible must coalition. Although win legislative elections Good PDIP on year 1999, Golkar on Year 2004 or Democrat on year 2009 However For guard stability in executive Still need partners coalition. Third, creation cohabitation or coalition politically between The president and vice president were elected as a result of differing support bases between them. Such a difference is of course a problem in itself Which potentially become constraint effectiveness government. (Alvin S. Johnson, 2006)

This problem arises as a result of morals being positioned as a product of the divine ideal world, and law being positioned as a product of social life or the human rational world. Because law is considered realistically rational, and morals are idealistic-irrational, modern society only gives law a wider space for existence, compared to the opportunity to revive morals. (Kusuma 2015) In this context, the legal and moral dichotomy is understood as an epistemological problem. The dichotomy does not stop, because the influence of epistemology has implications for the phenomenon of social and legal systems on a hegemonic scale. On the other hand, awareness of moral truth is also not completely eliminated from people's lives. Meanwhile, the legal truth that is accepted in the consciousness of the majority is increasingly strong in its influence in the modern life system. (Wulandari Light 2020)

One of the systems of state life lies in the existence of political parties which are very important in a democratic country. Issue about country democracy No only related with problem majority And minority of supporters as the author's review above, but more to

guaranteed HAM Which Also needed role from political parties. Democracy is fully a majority rule without notice rights minority is dictator majority on minority. (Fitrah Dimiyati, 2017) On the other hand, it is not a democracy if the government contradicts it will majority. Will public in system democracy formed discussion Which sustainable between majority And minority Which produce compromise as a natural part of democracy. The compromise is formalized in the form of legislation is a way out of conflict by a the norm that not entirely in accordance with the interests of one party and not entirely also contrary with party other. (Gourley & Khamis, 2023)

The relationship between Human Rights (HAM) and political parties lies on determination *Parliamentary Thresold* Which there is in UU Election. something matter Which often time talked about And discussed especially in era reform This about subtraction rights political inhabitant country Which give her voice to Wrong One party However party Which concerned No can voicing his voice Because No passed perlementery theresold. Dynamics HAM more respected and more attention in the reform era than the era before reform. It should be remembered that in terms of fulfilling rights, we live No Alone And We life socialize with oran other. Connection HAM with existence party political No regardless from constitutional history of the Republic of Indonesia. Based on a review of the history of party law political in A system government parliamentary. In in system government parliamentary No There is something separation Which firm between executive with the legislature. This is because parliament has a duty to form government or cabinet. Connection with system democracy parliamentary. (A. Hamid S Attamimi, 1990)

The implications of authoritarianism Which time practiced in dialectics nationality slow gradually will replaced position by party political Which own Spirit enforcement HAM in reach his power . Well-being publicas objective patriotic in draft country law modern in the praxis only will achieved with accommodate right fundamentals. Right Fundamental Man is right Which need umbrella law For ensure uphold rights Aasi Man the. Country *Rechstaat* is A a state based on law, the most ideal place/home for its upholding Right Fundamental Man.

Likewise with political parties, people will be given freedom and legally guaranteed to be able to participate in government and run the country with demands for protection, enforcement and promotion as implementation from right base in accordance with regulation current regulation. However, if democracy in Indonesia Which be marked with exists party political No restricted by legislation, the goals of the state as contained in the constitution will not ever reached. Freedom of association in political parties must be formatted to achieve state goals. the reality of anarchist freedom that occurred, in 2005, when protesting against Presidential Decree number 36 of 2005 concerning land use for public purposes which was carried out through demonstration actions, this proves that political resistance based on land issues is still very strong and has a broad mass appeal among left movement. This means that laws calculated in the format of interests will cause massive chaos. Political parties must be able to reformat that Law is for Humans, not Humans for Law.”

## **Conclusion**

On in fact party political formed own A objective Which glorious with role can help internal development process country goals Which aspired to. by therefore its institutional

strengthening through the Law of the Republic Indonesia Number 2 Year 2011 About Change On Constitution Number 2 of 2008 concerning Political Parties, but see the application process for achieving the essence of the goals of these political parties is still far from what it was be our hope. The achievement of these goals is hampered because of the legal culture, such as the many internal problems of the party, especially cadres who stumble on corruption, problem the happen because ineffective application function of the political party itself. Therefore the effectiveness of the goals and functions of political parties very determine How Good or bad influence Which will in generate under construction country.

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