



# THE AUTHORITY OF THE CONSTITUTIONAL COURT TO DECIDE ON THE DISSOLUTION OF POLITICAL PARTIES

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## **Abstract**

The Constitutional Court (MK) has the constitutional authority to decide on the dissolution of political parties as stipulated in Article 24C paragraph (1) of the 1945 Constitution and Law Number 24 of 2003 concerning the Constitutional Court. However, to date, this authority has never been exercised due to limited legal standing, which is only granted to the government as the applicant. This condition creates an imbalance between the constitutional ideals that place the people as the holders of supreme sovereignty and exclusive and elitist legal practices. This study uses a normative juridical approach with a descriptive-analytical nature and a prescriptive research type. Primary and secondary legal materials are analyzed qualitatively to examine the urgency of expanding legal standing in the dissolution of political parties as an effort to strengthen substantive democracy in Indonesia. The results of the study indicate that restrictions on legal standing are contrary to the principles of the rule of law, constitutional justice, and public participation. Through a multi-access legal standing model involving the government, independent institutions, and civil society, the authority to disband political parties can be exercised more objectively, transparently, and democratically. Legal reformulation of Article 68 paragraph (1) of the Constitutional Court Law and PMK Number 12 of 2008 is an urgent need to realize a participatory and just legal system. Thus, expanding legal standing is a strategic step in building a substantive, participatory, and integral constitutional democracy in Indonesia.

**Keywords:** Constitutional Court, constitutional justice, Dissolution of Political Parties, Legal Standing, Substantive Democracy.

## INTRODUCTION

The Constitutional Court (Mahkamah Konstitusi, hereinafter referred to as MK) is a state institution established as an embodiment of the principle of checks and balances within Indonesia's constitutional system. Its constitutional authority extends not only to the judicial review of laws against the Constitution (Undang-Undang Dasar, UUD), the resolution of election disputes, and the settlement of disputes over state authority, but also to the dissolution of political parties as stipulated in Article 24C paragraph (1) of the 1945 Constitution (Putra, 2025). This authority affirms that the MK is not merely an ordinary judicial body, but rather the guardian of democracy responsible for safeguarding the integrity of the national political system in accordance with constitutional principles and Pancasila as the state ideology (Asshiddiqie, 2006). However, to date, the authority to dissolve political parties has never been exercised, indicating a fundamental problem in the implementation of the MK's constitutional functions.

According to Putra (2025), the MK's failure to exercise its authority in dissolving political parties is primarily due to normative factors—specifically, the limitation on who has the right to file a petition for the dissolution of a political party (legal standing). Based on Article 68 paragraph (1) of Law No. 24 of 2003 concerning the Constitutional Court, the only entities entitled to submit such a petition are government bodies, represented by the Minister of Home Affairs or the Attorney General. This restriction is further reinforced in Article 3 paragraph (1) of the Constitutional Court Regulation No. 12 of 2008, which stipulates that only the government has the authority to propose the dissolution of a political party (Nasution, 2018). Consequently, there is no legal avenue for the public, independent institutions, or civil society organizations to file such petitions, even when they hold legitimate constitutional interests in the preservation of democracy. This condition creates an imbalance between the constitutional ideal that positions the people as the holders of supreme sovereignty and the legal practice that restricts public access to constitutional justice (Hadjon, 1987).

This restriction on legal standing has generated several issues. First, it renders the MK's authority ineffective, as its exercise depends entirely on the will of the government (Putra, 2025). Second, it creates a significant potential for conflicts of interest, particularly when the political party in question is part of the ruling coalition (Fauzi & Rahayu, 2020). In such cases, the government may be reluctant to file for dissolution even if the party is proven to have violated constitutional principles. Conversely, if the dissolution is directed at opposition parties, it may be perceived as an act of political suppression. Therefore, a legal system that grants exclusive authority to the government risks undermining the rule of law and opening the door to the politicization of justice in the process of political party dissolution (Juwita, 2019).

In a Rechtsstaat (rule-of-law state), every exercise of power must be constrained by law rather than political will (Azhar, 1995). This principle requires that all legal mechanisms, including the dissolution of political parties, be implemented objectively, transparently, and accountably. The MK, as a constitutional body, occupies a strategic position in overseeing political parties that deviate from democratic values. However, the current limitations on legal access render this supervisory role passive and ineffective (Wignjosoebroto, 2018). In this context, expanding legal standing is not merely a procedural necessity but a constitutional imperative to ensure public participation in safeguarding democratic integrity.

As political institutions, political parties play a central role in state governance through political recruitment, political education, and the articulation of public aspirations (Setiawan, 2019). However, in practice, many parties deviate from democratic principles and, in some cases, contradict the nation's ideology. In such situations, the dissolution of political parties

becomes a legal instrument to protect the Constitution from destructive ideologies. According to Putra (2025), the function of political party dissolution by the MK is not intended to restrict freedom of association but rather to ensure that political freedom does not erode the constitutional order. Therefore, the dissolution of political parties should be viewed as a mechanism for enforcing substantive democracy, not as a violation of citizens' political rights (Fauzi & Rahayu, 2020).

Substantive democracy, as described by Robert Dahl (1989), is measured not only by the conduct of elections but also by the extent to which citizens participate in political processes and exercise oversight over state institutions. Within this framework, expanding legal standing is essential to transform citizens from mere legal objects into active subjects in constitutional guardianship. If such rights are monopolized by the government, democracy risks degenerating into a procedural and elitist form (Arifah et al., 2024). Thus, the legal system must provide equitable access to all societal elements possessing legitimate constitutional interests.

In comparative law, several countries have implemented more participatory mechanisms for political party dissolution. In Germany, Article 21 paragraph (2) of the Basic Law of the Federal Republic of Germany authorizes the Bundesverfassungsgericht (Federal Constitutional Court) to dissolve political parties whose aims or activities contravene democratic principles and human rights. Petitions may be filed by the federal government, the parliament, or authorized independent institutions (Bundesverfassungsgericht, 2018). Similarly, in Turkey, the Constitutional Court may process the dissolution of political parties based on reports and evidence submitted by the Attorney General, state institutions, or civil organizations (Putra, 2025). These systems demonstrate that public participation enhances legal legitimacy and prevents judicial institutions from becoming politicized.

In Indonesia, the restriction of legal standing exclusively to the government contradicts the principle of open access to justice. According to Asshiddiqie (2006), constitutional justice must encompass two dimensions: substantive justice and procedural justice. Substantive justice concerns fair laws that reflect public interests, whereas procedural justice demands mechanisms that are transparent and participatory. When citizens are denied access to file for the dissolution of political parties, constitutional justice risks becoming a mere legal formalism devoid of substantive meaning. Therefore, reformulating legal standing norms is essential to actualize the MK's role as both the guardian of the Constitution and the protector of democracy.

Furthermore, the issue of legal standing has implications for human rights protection. Article 28E paragraph (3) of the 1945 Constitution guarantees every individual the freedom of association, assembly, and expression. However, these freedoms may be limited when they conflict with constitutional values, as provided in Article 28J paragraph (2). Thus, political party dissolution must be understood as a legal measure to maintain the balance between individual rights and state interests (Juwita, 2019). The process must therefore be fair, transparent, and participatory to ensure that citizens' rights are protected without compromising democratic stability.

The Indonesian Democracy Index (IDI) released by the Central Statistics Agency (BPS, 2023) reveals that Indonesia's democratic quality continues to face significant challenges, particularly in civil liberties and the role of democratic institutions. One key indicator is the weak oversight of political parties and limited accountability in political processes. By expanding legal standing, citizens can directly participate in maintaining the integrity of the political system through legal means. This step not only strengthens the rule of law but also enhances public trust in the MK as an independent institution that genuinely protects the constitutional rights of the people (BPS, 2023).

In conclusion, expanding legal standing in political party dissolution is not merely a technical reform but a crucial part of the broader agenda of developing substantive democracy in Indonesia. This reform aims to strengthen the MK's role as both the guardian of the Constitution and the defender of citizens' political rights. According to Putra (2025), the Constitutional Court must move beyond a passive stance and become an active actor in preserving democratic purity. To achieve this, the national legal system should provide legal standing to independent bodies such as the National Human Rights Commission (Komnas HAM), the General Election Commission (KPU), and civil society organizations. Only through such inclusivity can constitutional justice be fully realized and Indonesia's democracy evolve toward a substantive, participatory, and just system.

## RESEARCH METHODS

This study employs a normative legal research design (*yuridis normatif*), which aims to examine the existing body of positive law and legal principles related to the Constitutional Court's authority in dissolving political parties, particularly in the context of expanding legal standing as an effort to safeguard substantive democracy (Putra, 2025). The normative legal approach is used because the issue under study concerns the structure and application of legal norms within Indonesia's constitutional system. This approach views law as a system of norms that must be analyzed through formal legal sources such as legislation, legal doctrines, and judicial decisions (Marzuki, 2014).

The nature of this research is descriptive-analytical, providing a systematic, factual, and accurate overview of the legal aspects related to the Constitutional Court's authority in dissolving political parties, while also analyzing the regulations governing legal standing within the framework of constitutional law (Nasution, 2018). The descriptive-analytical approach aims not only to describe existing legal norms but also to analyze the gap between *das sollen* (what ought to be) and *das sein* (what is) in constitutional practice (Putra, 2025). Through this approach, the study demonstrates that the current limitation on legal standing in the dissolution of political parties has not yet fully reflected the principles of substantive democracy and constitutional justice (Fauzi & Rahayu, 2020).

This research is classified as prescriptive legal research, which seeks to provide recommendations or formulate new legal concepts to address deficiencies in existing norms (Asshiddiqie, 2006). In this context, the prescriptive approach is applied to propose a model for expanding legal standing in the dissolution of political parties, ensuring its alignment with the principles of the rule of law, public participation, and constitutional justice. The research employs several approaches:

1. Statutory approach, used to examine the legal norms governing the Constitutional Court's authority and political party dissolution as stipulated in the 1945 Constitution, Law No. 24 of 2003 jo. Law No. 8 of 2011 on the Constitutional Court, and Law No. 2 of 2008 on Political Parties.
2. Conceptual approach, used to understand the concepts of constitutional justice, substantive democracy, and legal standing based on legal theory and scholarly perspectives.
3. Comparative approach, used to compare Indonesia's mechanism of political party dissolution with practices in other countries such as Germany and Turkey (Bundesverfassungsgericht, 2018; Putra, 2025).

The legal materials used in this research are classified into three categories: primary, secondary, and tertiary legal sources. Primary legal materials include relevant legislation, such

as the 1945 Constitution, the Constitutional Court Law, the Political Party Law, and the Constitutional Court Regulations related to political party dissolution (Nasution, 2018). Secondary legal materials consist of books, scholarly articles, legal journals, research reports, and expert opinions related to the research theme (Asshiddiqie, 2006; Wignjosoebroto, 2018). Tertiary legal materials include legal dictionaries, encyclopedias, and regulatory indexes used to clarify legal terminology and concepts (Hadjon, 1987).

The collection of legal materials is conducted through library research, by examining primary, secondary, and tertiary sources related to the Constitutional Court's authority and political party dissolution (Marzuki, 2014). The collected materials are then selected based on their relevance to the research focus—specifically, the limitations and potential expansion of legal standing within the framework of constitutional democracy. This process involves reading, identifying, quoting, and classifying legal materials that support the research arguments.

The analysis of legal materials is carried out using qualitative analysis, which interprets legal norms through legal reasoning and constitutional theory. This qualitative method allows the researcher to draw deductive conclusions—from general legal norms to specific cases (Putra, 2025). After the analysis, the materials are systematically organized by comparing relevant legal provisions and constitutional practices, followed by the formulation of prescriptive legal recommendations. The results of this process are used to construct the argument that expanding legal standing is both necessary and urgent to strengthen the Constitutional Court's role as the guardian of the Constitution and the protector of substantive democracy (Fauzi & Rahayu, 2020; Putra, 2025).

In conclusion, the overall research methodology is designed to examine in depth the legal issues surrounding the limitation of legal standing in the dissolution of political parties and to propose conceptual solutions that reinforce Indonesia's democratic system. Through normative, prescriptive, and comparative approaches, this study is expected to make both theoretical and practical contributions to the development of constitutional law and to support the reform of legislation toward a more democratic and participatory legal framework.

## **RESULTS AND DISCUSSION**

### **Normative Analysis of the Constitutional Court's Authority in the Dissolution of Political Parties**

The Constitutional Court (Mahkamah Konstitusi, hereinafter MK) occupies a strategic position within Indonesia's constitutional system as the guardian of the constitution. This authority is explicitly stipulated in Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which provides that the MK has the power to review laws against the Constitution, settle disputes concerning the authority of state institutions, decide on the dissolution of political parties, and adjudicate disputes over election results (Putra, 2025; Asshiddiqie, 2006). In this context, the authority to dissolve political parties represents the manifestation of the MK's role in safeguarding the integrity of the political system based on Pancasila and the principles of constitutional democracy (Azhary, 1995; Nasution, 2018).

Nevertheless, the Constitutional Court has never exercised its authority to dissolve a political party since its establishment in 2003. This situation indicates the presence of structural and normative obstacles that render this authority passive or a dormant power (Putra, 2025). In practice, the MK can only adjudicate the dissolution of a political party if a petition is filed by a party with recognized legal standing. According to Article 68 paragraph (1) of Law No. 24 of 2003 concerning the Constitutional Court in conjunction with Law No. 8 of 2011, the only

entities possessing legal standing to submit a petition for the dissolution of a political party are government representatives – specifically, the Minister of Home Affairs or the Attorney General (Nasution, 2018).

This limitation carries significant constitutional consequences, as it excludes public and independent institutional participation in safeguarding the purity of democracy (Fauzi & Rahayu, 2020; Hadjon, 1987). Under the principle of checks and balances, governmental power must be subject to oversight and control by multiple elements, not solely by the executive branch (Asshiddiqie, 2006). Such a restriction makes the MK a passive institution, dependent on governmental will, and consequently unable to effectively oversee political parties that deviate from constitutional values (Putra, 2025).

Theoretically, in a *Rechtsstaat* (rule-of-law state), political power must never stand above the law. All governmental actions and policies must adhere to the principle of the rule of law and ensure substantive justice (Azahary, 1995; Wignjosoebroto, 2018). The restriction on legal standing contradicts this principle, as it renders the implementation of the MK's authority political rather than independent. Therefore, a legal reformulation of legal standing is a constitutional necessity to enable the Constitutional Court to perform its function effectively, objectively, and in accordance with the ideals of constitutional democracy (Putra, 2025; Nasution, 2018).

### **Weaknesses in the Regulation of Legal Standing in Political Party Dissolution**

The restriction on petitioners in cases of political party dissolution constitutes the primary weakness in the implementation of the Constitutional Court's (MK) constitutional function. Article 68 paragraph (1) of the Constitutional Court Law and Article 3 paragraph (1) of Constitutional Court Regulation No. 12 of 2008 explicitly state that only the government has the authority to file such petitions (Nasution, 2018). According to Putra (2025), this provision not only limits legal rights but also creates a potential conflict of interest, as the government itself is part of the political structure composed of those very parties.

If the violating party belongs to the ruling coalition, the government is unlikely to request its dissolution. Conversely, if the party in question is part of the opposition, such a move could be perceived as political repression. Thus, the existing legal mechanism risks being manipulated for political purposes (rule by law) instead of serving to uphold constitutional justice (rule of law) (Juwita, 2019; Putra, 2025).

Furthermore, the restriction on legal standing excludes the public from playing a role in safeguarding the democratic system. Article 1 paragraph (2) of the 1945 Constitution affirms that sovereignty resides in the people and is exercised according to the Constitution. This implies that citizens have both the constitutional right and responsibility to protect the political system from deviations from democratic principles (Asshiddiqie, 2006). Granting the exclusive right to the government undermines public participation and contradicts the essence of substantive democracy (Dahl, 1989; Arifah et al., 2024).

This limitation also affects the MK's effectiveness in upholding constitutional principles. The MK becomes reactive rather than proactive, as it can only act upon receiving a valid petition. In practice, this hinders efforts to maintain a fair and healthy political system. As Putra (2025) emphasizes, political party dissolution should not be seen as a restriction of political freedom but rather as a constitutional safeguard against ideologies and political practices that threaten *Pancasila* and the 1945 Constitution (Nasution, 2018).

Thus, the weaknesses in regulating legal standing are fundamental and have direct implications for the realization of constitutional justice. A paradigm shift is needed within the

national legal system—one that moves beyond formal power structures and embraces broader public participation to achieve substantive justice (Putra, 2025; Wignjosoebroto, 2018; Asshiddiqie, 2006).

### **Relevance of Expanding Legal Standing in the Perspective of Substantive Democracy**

Substantive democracy emphasizes not only electoral mechanisms but also active public participation in all aspects of political and legal life (Dahl, 1989). According to Putra (2025), expanding legal standing serves as a constitutional means of realizing substantive democracy, allowing citizens to safeguard constitutional values through legal channels.

Public participation in constitutional adjudication aligns with the principle of popular sovereignty. When citizens are granted the right to file petitions for the dissolution of political parties that deviate from democratic norms, the system of checks and balances is strengthened, preventing political domination by certain groups (Fauzi & Rahayu, 2020; Arifah et al., 2024). Such expansion would also reinforce the MK's independence from executive interests and enhance the moral legitimacy of its decisions.

In the broader context of democratic development, Samuel P. Huntington (1991) introduced the concept of The Third Wave of Democratization, which refers to the global shift toward democratic governance from the mid-1970s to the early 1990s. This wave saw numerous authoritarian regimes transition toward more participatory, law-based political systems. Indonesia was among the countries profoundly influenced by this wave, particularly after the 1998 Reform Era, which marked the end of authoritarian rule and the birth of constitutional democracy (Huntington, 1991; Putra, 2025). Within this framework, the establishment of the Constitutional Court and its authority to dissolve political parties represent milestones in the consolidation of democracy through legal institutions.

According to Indonesia's Democracy Index report (BPS, 2023), the nation continues to face significant challenges concerning civil liberties and the functioning of democratic institutions. One major issue is the limited participatory mechanisms in legal and policy processes. Expanding legal standing would allow citizens to use legal means to monitor political parties and ensure that the political system adheres to constitutional principles (BPS, 2023).

From the perspective of constitutional justice, Asshiddiqie (2006) emphasizes that substantive justice must coexist with procedural justice. Restricting legal standing exclusively to the government creates an imbalance between these two forms of justice. Therefore, a legal reform enabling the participation of independent institutions and civil society in political party dissolution would strengthen a participatory and democratic constitutional system (Nasution, 2018; Putra, 2025). Expanding legal standing is thus not merely a procedural innovation but a manifestation of efforts to realize just and democratic governance—where law functions as both a restraint on power and a channel for citizen participation (Azahary, 1995; Wignjosoebroto, 2018).

### **Comparative Legal Analysis: Germany and Turkey**

From a comparative legal standpoint, several countries have implemented more participatory mechanisms in political party dissolution. In Germany, the authority of the Federal Constitutional Court (Bundesverfassungsgericht) is provided under Article 21 paragraph (2) of the Basic Law of the Federal Republic of Germany. The Court may dissolve political parties deemed a threat to the democratic order, with petitions permitted from the federal government, parliament, or independent bodies (Bundesverfassungsgericht, 2018). This mechanism reflects

open access to constitutional justice and reinforces the principles of substantive democracy (Putra, 2025).

Similarly, in Turkey, the Constitutional Court's authority is regulated under Article 69 of the Constitution of the Republic of Turkey. Petitions for the dissolution of political parties may be filed by the Attorney General, state institutions, or civil organizations if a party is found to contradict the principles of secularism or national integrity (Putra, 2025). These participatory models demonstrate that expanding legal standing does not create political instability; instead, it strengthens the legitimacy of the legal system and enhances public trust in constitutional institutions (Wignjosoebroto, 2018).

**Table 1.** Comparison of the constitutional court duties (Countries: Indonesia, Germany, and Turkey)

<b>Duties of the Constitutional Court of Indonesia</b>	<b>Duties of the Constitutional Court of Germany</b>	<b>Duties of the Constitutional Court of Turkey</b>
<p>Adjudicate at the first and final instance with decisions that are final and binding on:</p> <ul style="list-style-type: none"> <li>- Judicial review of laws against the 1945 Constitution.</li> <li>- Disputes concerning the authority of state institutions whose powers are granted by the 1945 Constitution.</li> <li>- Dissolution of political parties.</li> <li>- Disputes over general election results.</li> </ul>	<p>Judicial Review - The Constitutional Court may examine whether a law is consistent with the Basic Law (Grundgesetz). The petition may be submitted by:</p> <ul style="list-style-type: none"> <li>- The Federal Government,</li> <li>- State governments (Länder), or</li> <li>- One-quarter of the members of the Bundestag.</li> </ul>	<p>Constitutional Review (Judicial Review) - The Court examines whether laws, presidential decrees, and parliamentary rules of procedure comply with the Constitution of the Republic of Turkey, both in form and substance.</p> <p>This review may be:</p> <ul style="list-style-type: none"> <li>- Abstract review: upon the request of the President, certain political parties, or at least one-fifth of the members of Parliament.</li> <li>- Concrete review: upon the request of another court when a constitutional issue arises in a pending case.</li> </ul>
<p>Ruling on the House of Representatives' opinion that the President and/or Vice President is allegedly:</p> <ul style="list-style-type: none"> <li>- Violating the law by committing treason, corruption, bribery, other serious crimes, or</li> <li>- Engaging in disgraceful conduct, and/or</li> <li>- No longer meeting the requirements to serve as President or Vice President.</li> </ul>	<p>Constitutional Complaint (Verfassungsbeschwerde) - German citizens may file a constitutional complaint if they believe their constitutional rights have been violated by acts of government, including decisions of ordinary courts.</p>	<p>Adjudicating the Dissolution of Political Parties - The Court has authority to dissolve political parties deemed to be in conflict with the fundamental principles of the Constitution, such as secularism, democracy, or national integrity.</p>
<p>Ruling on disputes concerning the results of regional head elections (Pilkada) - Based on powers previously granted through Constitutional Court decisions and implementing</p>	<p>Disputes Between State Institutions - The Court resolves disputes between federal institutions (for example, between the Bundestag and the Federal Government) regarding their</p>	<p>Adjudicating Disputes of Authority Among State Institutions - The Court decides disputes concerning the division of powers among high state institutions.</p>

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regulations, although this authority has recently been transferred back to other judicial bodies (Administrative Court or Supreme Court, depending on the latest regulations). Providing rulings on the DPR's opinion regarding alleged violations by the President/Vice President (as mentioned above).	constitutional rights and powers.	
	Advisory Function – The Court may provide opinions to the President regarding the temporary suspension of members of the Regional Representative Council (DPD) or the House of Representatives (DPR/DPRD) suspected of committing criminal offenses.	Disputes Between States or Between a State and the Federal Government – The Court adjudicates constitutional conflicts between federal states (Länder) or between Länder and the central government.
	Presidential Impeachment Procedure – The Court handles the impeachment process against the Federal President if he is accused of violating the law or the Constitution seriously.	Examining and Deciding Impeachment Cases – The Court adjudicates impeachment cases against the President of the Republic of Turkey and cabinet members accused of crimes related to their official duties.
	Oversight of Political Party Finances – The Constitutional Court reviews and approves annual financial reports of political parties, including public funding they receive.	Dissolution of Political Parties – The Court has authority to dissolve political parties proven to violate the fundamental principles of democracy and the Constitution (e.g., extremist or anti-democratic parties).
	Constitutional Interpretation – The Court may be requested to provide an official interpretation of provisions of the Basic Law.	Individual Application (Constitutional Complaint) – Since 2012, Turkish citizens may file individual applications to the Constitutional Court if they believe their constitutionally guaranteed rights have been violated by the state.
	Control Over Referendums (in certain cases) – When a constitutional referendum is held, the Court may review the validity of the procedures.	

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The comparative study of Germany and Turkey demonstrates that public participation in the process of political party dissolution is a crucial component of modern democracy. Public involvement serves not as a threat to political stability but as an essential mechanism of social control over state power (Fauzi & Rahayu, 2020). In this light, Indonesia must reform its legal framework to accommodate the rights of independent institutions and civil society to obtain legal standing in such cases, in line with the principle of open access to constitutional justice (Asshiddiqie, 2006; Putra, 2025).

### **Formulating a Model for Expanding Legal Standing in the Indonesian Context**

Putra (2025) proposes a multi-access legal standing model as a conceptual solution to the current limitations surrounding who may file for the dissolution of political parties in Indonesia. This model seeks to balance legal oversight and public participation by extending petition rights to three categories of actors: the government, independent institutions, and civil society organizations. Under this system, the Constitutional Court (MK) would function more democratically, transparently, and accountably (Asshiddiqie, 2006; Nasution, 2018).

In this framework, the government retains primary authority due to its administrative responsibility for maintaining political stability and overseeing party development. However, independent bodies—such as the General Elections Commission (KPU), the National Commission on Human Rights (Komnas HAM), and the Ombudsman—should also possess legal standing when serious violations against democracy, human rights, or electoral integrity occur (Putra, 2025; Fauzi & Rahayu, 2020).

In addition, civil society organizations with proven constitutional interests and public legitimacy should be allowed to submit petitions, provided they meet specific administrative requirements. To prevent misuse, the Court should apply criteria such as strong preliminary evidence, organizational credibility, and a demonstrated constitutional interest (Asshiddiqie, 2006; Wignjosoebroto, 2018).

Putra (2025) further suggests establishing a preliminary review chamber within the Constitutional Court to screen applications before full hearings. This mechanism ensures that all petitions comply with due process of law and are free from political motives. Through such safeguards, the dissolution of political parties can be conducted objectively, transparently, and in harmony with democratic constitutional principles (Hadjon, 1987; Dahl, 1989).

Ultimately, the multi-access model reinforces the notion that law is not the exclusive domain of formal institutions but also a medium for public participation and empowerment. Broader civic involvement in constitutional processes enhances legal legitimacy and curbs potential abuses of power, positioning law as a tool for citizens to uphold constitutional justice (Azhary, 1995; Arifah et al., 2024).

### **Implications of Expanding Legal Standing for Democratic Development**

The expansion of legal standing carries significant implications across legal, political, institutional, and social dimensions. From a legal standpoint, reforming legal standing strengthens the principle of access to constitutional justice, ensuring that all citizens enjoy equality before the law, as guaranteed by Article 28D(1) of the 1945 Constitution (Nasution, 2018).

In political terms, this reform enhances the accountability of political parties. When the public can legally petition the Court to dissolve parties that breach constitutional norms, it promotes self-discipline and ideological integrity within political institutions (Fauzi & Rahayu,

2020). Thus, expanded legal standing serves as a preventive mechanism against democratic backsliding.

At the institutional level, the Constitutional Court gains greater legitimacy as an independent body. The current limitation makes the MK a reactive institution, dependent on government initiative. With public access, it can evolve into a proactive constitutional guardian, reinforcing checks and balances among branches of power (Asshiddiqie, 2006; Putra, 2025).

In social terms, expanding legal standing fosters a culture of constitutional awareness (constitutional culture). Public participation promotes legal consciousness and transforms democracy from a procedural formality into a substantive and participatory system. According to the 2023 Indonesian Democracy Index (BPS, 2023), low civic engagement remains a challenge; thus, greater legal access can serve as a catalyst for deeper democratic maturity (Wignjosoebroto, 2018).

Over time, this reform will strengthen institutional integrity by ensuring that government, political parties, and the judiciary function within a mutually accountable constitutional framework. Democracy, then, evolves from a mere electoral procedure into a substantive, participatory, and just political order (Dahl, 1989; Putra, 2025).

### **Prescriptive Analysis: Recommendations for Legal Reform**

Based on the findings, comprehensive legal reformulation of legal standing norms in political party dissolution is imperative. Putra (2025) recommends amending Article 68(1) of Law No. 24 of 2003 (as amended by Law No. 8 of 2011) so that not only the government but also independent institutions and qualified civil actors may file petitions before the Constitutional Court. This revision is essential to ensure that the Court's powers are exercised effectively and democratically.

In addition, the Constitutional Court Regulation No. 12 of 2008 on Procedures for Party Dissolution should be amended to include clauses governing non-governmental petitioners, preliminary screening procedures, and criteria for assessing initial evidence. Such provisions maintain procedural prudence while safeguarding public access (Nasution, 2018; Fauzi & Rahayu, 2020).

Reformulation must also adhere to the principle of due process of law, guaranteeing fairness, transparency, and the right of all parties to be heard. In this regard, the MK must act as both the moral guardian of politics and the protector of fundamental constitutional rights (Asshiddiqie, 2006; Hadjon, 1987).

Moreover, legal reform must integrate constitutional morality, as emphasized by Wignjosoebroto (2018), who argues that law cannot stand apart from public ethics. Thus, revising legal standing should go hand in hand with civic education and political literacy, ensuring that public participation is constructive rather than disruptive (Azahary, 1995; Putra, 2025).

In conclusion, the prescriptive recommendations of this study underscore that revising legal standing is not merely a technical legal adjustment but part of a broader effort to build a mature, just, and participatory democracy (Fauzi & Rahayu, 2020; Juwita, 2019; Arifah et al., 2024).

### **CONCLUSION**

The Constitutional Court's authority to dissolve political parties is a crucial mandate to safeguard Indonesia's democratic integrity. However, this power remains unused due to restrictive legal standing that limits the right to file such petitions solely to the government. This

constraint weakens the Court's independence and its role as the guardian of the constitution and democracy. Expanding legal standing is therefore essential to ensure public participation and strengthen constitutional justice. A multi-access model that allows not only the government but also independent institutions and civil society to initiate party dissolution would promote greater accountability, transparency, and democratic balance. In essence, broadening legal standing is not merely a legal reform but a strategic step toward a more participatory and substantive democracy in Indonesia where the rule of law, public sovereignty, and constitutional justice coexist in harmony.

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