

# THE EFFECTIVENESS OF ARTICLE 31 OF LAW NUMBER 2 OF 2011 CONCERNING POLITICAL PARTIES

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## ABSTRACT

*Political parties are national organizations and are one of the important elements in a democratic country. Political parties as political institutions are responsible for providing political education to cadres as well as the general public. Political parties are one of the tools to be able to occupy public positions ranging from the executive to the legislature. Political education is one way or effort to realize a good and quality democratic country. This study aims to discuss and find out how the implementation or implementation of political education in Tuban Regency. The method used in this legal research is the Normative juridical method, Data in this study was obtained from the results of interviews and literature studies for analysis materials. The data analysis technique used is qualitative descriptive. The results showed that the implementation of political education in Tuban Regency has not been maximized both for cadres and for the wider community. Political education is carried out only ahead of the big agenda, namely before the elections both Pilkada, Pileg and Presidential Elections. Political education materials presented by political parties are still not so optimal or less applicable. This has an impact on the number of votes, changes in votes compared to the results of votes in the 2014 election. In addition, it also has an impact on the quality of Party cadres in carrying out party functions and objectives, and affects the level of political participation of the community in granting political rights.*

## INTRODUCTION

Political parties are an institution that is absolutely necessary in a democratic system, if you have chosen a democratic system in regulating the life of the nation and state, one of the important instruments in democracy is the institution of political parties. Without political parties, democracy cannot work well. Therefore, the life of democracy depends largely on the life and development of political parties. Political parties are one of the pillars in democracy. With the existence of political parties, the aspirations and desires of the people can be channeled properly (Budiardjo, 2003). The 1945 Constitution guarantees freedom of association and assembly, expressing thoughts orally and in writing. Political parties are one of the pillars of democracy, political parties are a means of obtaining or occupying a constitutional office or power. In a democratic system, it includes rights as citizens protected by the state such as the right to express opinions, the right to assemble and the right to organize.

Various policies issued by the Government are political products. One of the functions in the form of a political party is to provide understanding and provide political education to the wider community. In a democratic system, political parties are tools to realize the ideals of the nation and state. Through good political education can realize a good and quality democracy. Political education has the potential to shape the character, character, and responsibility of democratic citizens so as to achieve the goals of a more civilized nation. The role of political parties in providing political education becomes more important because it has a role as a means of distributing national values for the younger generation who have a strategic position in the life of the nation and state, political education is very important to be held.

As stipulated in Law No. 02 of 2011 Articles 31a and 31b, 31a "Political Parties conduct political education for the community in accordance with the scope of their responsibilities by taking into account justice and gender equality with the objectives of, among others: a). Increase awareness of the rights and obligations of the community in the life of society, nation and state; b). Increase political participation and community initiative in the life of society, nation and state; c). Increase independence, maturity and build national character in order to maintain national unity and unity (Ariani et al., 2020) (Saputro, 2015).

Currently, the political situation in Indonesia is not as desired, because all political parties, both old and new, are not optimal in providing political education. (Naning, 1983) This can happen like the rise of money politics, high abstention rates due to lack of public awareness in giving their rights to channel votes. (Nurdiansyah, 2015) Thus, problems regarding politics related to elections are very complex so that people are required to have more knowledge about politics. Political parties have an obligation to educate the public as stipulated in Law No. 2 of 2011 concerning Political Parties, that political parties have the obligation to carry out political education activities to the public.

The quality of our democracy is reflected in our awareness and maturity in politics. Political consciousness is the awareness of rights and obligations as citizens. (Surbakti, 1992) The level of political awareness is interpreted as a sign that people pay more attention to the problems of the nation and state in development. (Surbakti, 1992) The course of political life in Indonesia illustrates that four problems need to be linked to the discussion about how political parties organize themselves. These elements are how the relationship between the party and the party supporting community, the role of ideology in party life to obtain material means, which is also important for the smooth rotation of the party machine. (Sanit, 2008) In general elections, both legislative elections and executive elections (President and Regional Heads) the party must be able to simplify and present choices for its voters, educate the wider public and mobilize the public to actively participate in the party.

Related to how political parties gain votes or mass support, the National Awakening Party (PKB) is a political party based on religious Islam, with that the National Awakening Party targets nahdliyin citizens to actively participate in this party. The National Awakening Party (PKB) is a political party that is the biological child of the womb of Nahdlatul Ulama (NU), a party based on Islam, national nature or insight, oriented towards community, people, and justice, and seeks to develop Islamic cultural order and political behavior within the forum of the unitary state of the Republic of Indonesia (INDONESIA, 2004).

The political party founded by the largest community organization in Indonesia (NU) clearly relies on its strength in rallying the masses based on religious emotional connections. Religious primordialism is a powerful bridge between the masses and the party elite, just as in the previous general election which scored votes in fourth position after the Golkar Party, PKB in the previous general election appeared very well prepared. In districts, sub-districts to villages and hamlets there are leadership structures, other activities carried out regularly to educate and involve the people can touch the grassroots, naman with several statements about neutrality from NU whether PKB can still carve a victory like in 2019 (Karim & Maarif, 1983).

Based on the explanation above, in the author's opinion, political parties play an important role in carrying out political education, so that political parties will later be filled by reliable generations or cadres, besides that state officials produced or born from political parties can be qualified in running the wheels of government. For this reason, in order to produce good and quality output, the implementation of political education to increase political participation needs to be identified, one way that can be done is to conduct research.

The formulation of the problem in this study is how effective article 31 of Law number 2 of 2011 concerning political parties is in an effort to increase the number of votes for the 2024 election in Tuban

district. 2. What are the inhibiting factors of political parties in providing Political Education to the people in the District. Tuban.

## **METHODS**

This research uses a type of normative juridical research, namely literature study as secondary data or commonly called library research then discusses, listens and also compares conceptually with applicable laws and regulations on Regional and Village Governments. Furthermore, the type of non-doctrinal research is also used as a support, by conducting interviews with related parties in this study, if needed in an effort to achieve comprehensive results.

The type of approach used in this writing is the Normative Juridical approach, which is meant by the Normative Juridical approach, researchers move from legal theories or views that develop in legal science in reviewing the legal facts under study to then solve the problem being studied (Marzuki, 2010). This type of research is Normative Juridical with the type of data in this study consisting of primary data and secondary data. Primary data includes data in the form of interviews and observations in the form of experiences, opinions, statements obtained from the statements of sources or respondents. Secondary data in this study are in the form of documentation, minutes related to the author's research results and laws and regulations, including; (1) the Constitution of the Republic of Indonesia; (2) Law Number 2 of 2011 concerning Political Parties; (3) Law Number 7 of 2017 concerning General Elections; (4) AD/ART of the Development Persatan Party.

The primary data sources in this study were obtained in the form of experiences, opinions and statements or obtained from the results of research conducted in the field from political parties in Tuban to in constituencies. While secondary data sources Secondary Data, namely data obtained by studying various literature related to the problem under study. This data is grouped into two parts, First Secondary Legal Material, which is legal material that provides clarity on primary legal material consisting of books, research reports, scientific journals and other writings. Second, Tertiary Legal Materials, which are legal materials that provide clarity on primary and secondary legal materials such as legal dictionaries, general dictionaries Indonesian.

Data collection techniques are by extracting data from data sources that are grouped into two groups of data sources, namely: First, literature study, which is studying literature, applicable laws and regulations related to the problem under study. Second, Interview, which is to hold questions and answers directly to research respondents based on interview guidelines that have been prepared in advance. Data analysis is carried out in a qualitative descriptive manner, which takes data related to the problem to be studied so that it can be described descriptively, qualitatively and comprehensively, which describes the prevailing reality and still has something to do with applicable legal aspects. In empirical legal research, data processing is essentially an activity to systematize written legal materials. Systematization means classifying these written legal materials to facilitate analysis and construction work (Soekanto, 2007).

## **RESULTS**

### **A. Effectiveness of Political Education of the National Awakening Party of Tuban Regency**

A political party is an organization that is national in nature and formed by a group of Indonesian citizens voluntarily on the basis of common will and ideals to fight for and defend the political interests of members, society, nation and state and maintain the integrity of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution. (Puji & Qomariyah, 2021) According to article 1 number (4) of Law No. 2 of 2011, political education is a process of learning and understanding the rights, obligations and responsibilities of every citizen in the life of the nation and state. Political parties are required to provide political education and channel the political aspirations of their members as stipulated in article 13 letter e of Law No. 2 of 2011 concerning Political Parties. In accordance with Article 31 of Law No. 2 of 2011 concerning political parties, the purpose of political parties in political education for the community is, first, to increase awareness of the rights and obligations of the community in the life of society, nation and state. Second, increase political participation and community initiatives in the life of society, nation and state. Third, increase independence, maturity, and build national character in order to maintain national unity and unity

where political education is carried out to build ethics and political culture in accordance with Pancasila.

The importance of political education for all Indonesian citizens, it is our hope that political education applied in Indonesia is uniquely sourced from aspirations extracted from the personality and spiritual wealth of the nation itself and has been agreed upon nationally, for the sake of the establishment of the Republic of Indonesia, and for the achievement of the country's political goals, which are essentially a pure reflection of the hopes and aspirations of the nation / people of Indonesia. (Djakfar, 2009) If political education is then built in a certain social structure, for example in social organizations, parties, workers' groups, armed forces and others, then the main requirement for the procurement of political educational institutions is autonomy or independence (Kartono, 1989).

This independence from political education is not sufficiently guaranteed, the institution tends to be dangerous, and is used as a tool to indoctrinate the ideas of the rulers in order to lead the times, and paralyze the activities and creativity of the people or simply be used as a decoration of undemocratic state structures. Then it was used as a tool to manipulate and exploit the people. Therefore, political education must also contain teachings to dare to break down many lameness in society that cause misery to the people, leading to the level of true democracy and vital democracy. Political education also develops the critical power of society, while also showing the possibilities for the functioning of all political and social institutions more pragmatically and more efficiently. It starts with being aware of all the shortcomings, weaknesses and mistakes of the past, then correcting them in new ways that are appropriate, leading to innovation. In summary, political education must be able to improve the democratization process from society to nation. Political education is carried out in connection with the activities of:

- a. Deepening of the four pillars of nation and state, namely Pancasila, the 1945 Constitution, the Unitary State of the Republic of Indonesia and Bhineka Tunggal Ika.
- b. An understanding of the rights and obligations of Indonesian citizens in building ethics and political culture.
- c. Cadre of political party members in a tiered and continuous manner.

Political parties conduct political education for the community in accordance with the scope of their responsibilities by paying attention to gender equality with the aim to:

- a. Increase awareness of the rights and obligations of the community in the life of society, nation and state.
- b. Increase political participation and community initiative in the life of society, nation and state.
- c. Increase independence, maturity, and build national character in order to maintain national unity and unity. Forms of political education activities include seminars, interactive dialogues, training, social activities, workshops (Naning, 1982).

Political parties are a means for citizens to participate or participate in the management of the country. Today political parties are very familiar in our environment. As a political institution, a party is not something that by itself exists. In the democratic era like today, parties are very necessary, but currently public trust in political parties is falling dramatically marked by declining cadre quality, poor party structural positions, poor party management and higher abstention rates. This United Development Party of Malang City has a vision, namely "The realization of a society devoted to Allah SWT and the just, prosperous, moral, prosperous, ethical, democratic state, upholding the rule of law, respect for human rights, and upholding human dignity and social justice based on Islamic values". (Tuban PKB Struggle Program).

## **B. Inhibiting factors of political parties in providing Political Education to the people in Tuban Regency**

## 1. Political Education within the Party (Cadres)

Each political party has the highest rules in the form of the Articles of Association (AD) which are guidelines for the implementation of activities under it in every political activity. While the Bylaws (ART) rules to describe the content of the Articles of Association of political parties. Regarding political education, especially for internal party members and to carry out the party's AD / ART orders, there needs to be a good work program, namely a work program that is used as a basic benchmark in the implementation of political activities. One of the Tuban PKB work programs is related to political education, namely activities with the formation of internal members or party cadres starting from the lowest position or level of organizational structure, namely the Village / Branch level to the national or central level. Work programs related to the implementation of political education include various activities, including the fields of regeneration, public policy, community development. The activities are arranged in a planned party work program in a monthly term program and an annual program. The following is about the work program of DPC PKB Tuban related to political education programs.

## 2. Field of Regeneration

Discourse on political parties concerns how the function of political parties can run optimally in a country. In a democratic system like in this country, political parties have roles and functions that must be carried out, one of which is regeneration or political recruitment, because without political party recruitment there are no reliable and qualified cadres to be submitted in political contestations both at the national and regional or local levels. The function of political recruitment by political parties is the process of political parties finding and selecting new prospective members who are considered qualified to actively participate in the political process. In line with the function of political recruitment, the regeneration process also indirectly runs. Political recruitment and regeneration should be carried out by all political parties continuously, thus creating cadres who have broad insight into politics, are intelligent, have integrity and are free from corruption.

Recruitment carried out by political parties is not only carried out to find new party members, but also related to the issue of recruiting and nominating party members to occupy public office positions both in the government (executive) and the People's Representative Council (legislature). Political parties should recruit or regeneration from an early age because good cadre will affect the existence of the political party itself. Therefore, the National Awakening party of Tuban Regency tried to improve internally by carrying out a good cadre process.

The cadre process carried out by the Tuban PKB DPC is carried out in a conditional way, meaning it is carried out unscheduled, thus it needs to be considered because cadres are a very extraordinary asset because the future of the party is in the hands of qualified cadres. The political education that has been implemented by PKB has actually been running even though it is not so optimal, in fact, the political education provided to cadres and the general public is very influential on the party's own votes. In addition, political education in cadres has the potential to make cadres more qualified and with integrity that can bring the progress of the party organization.

Actually, what must be a common concern by the management structure is that most cadres who are members of the United Development Party are elderly people, this is because the Leadership Council of the National Awakening Party Branch of Tuban Regency is very limited in budget because the political assistance funds obtained are only small, for the regeneration of the National Awakening Party so far only relies on the contributions of party cadres who sit in the People's Representative Council Tuban Regency Area. Therefore, regeneration is less significant to recruit millennial youths to become Party cadres. As stated by the Chairman of the Branch Leadership Council of the National Awakening Party, Mr. H. Miyadi, S.Ag., MM. on October 5, 2023 (interview results) said; "The regeneration and implementation of political education has not been going very well, this is due to the limited budget we have, so we only rely on dues from



councillors from the United Development Party of Malang City and voluntary dues from structural administrators, usually some give mineral water, some contribute coffee and tea, snacks and others"

Regeneration and political education are two inseparable and very influential things for the success of political parties. The back and forth of an organization or political party depends on the cadres and how they are built. In this case, the National Awakening party of Tuban Regency prioritizes the family regeneration system and political education is carried out as simply as possible because it is hampered by the party's own financial situation.

### **3. Witness Training**

Since the beginning of the establishment of the national awakening party has always been actively involved in political activities both at the central level and at the regional or local level. The National Awakening Party of Tuban Regency is trying to revive autonomous bodies and organizational institutions close to it such as the One Nation Student Movement (GEMASABA), the National Youth Movement (GARDA BANGSA) and Perempuan Bangsa. In addition, the National Awakening Party Branch Leadership Council also formed a cadre group called the Member Communication Forum, whose members consisted of cadres in each branch throughout Tuban District. However, why the recent vote gains are increasingly lost and eroded. This is because the cadre system of the national awakening party has not been so optimal

From the results of the interview with the Head of Organization, membership and regeneration to become a member or cadre of the National Awakening Party of Tuban Regency is very easy. But the main concern after the cadre is legitimate or becomes a citizen of the Party, the cadre must be thoroughly nurtured and trained so that the cadre becomes a cadre of militant, loyalty, integrity and quality. To realize such a thing, the Leadership Council of the National Awakening Branch organizes political education for cadres and the general public who feel called to actively participate in political activities. Such as providing training to become witnesses who will later be included in the election monitoring team or internal party witnesses. The National Awakening Party has a good program because every new cadre is required to actively participate in political education activities organized by the National Awakening Party Branch Leadership Council such as workshops, socialization of party programs, socialization of regional regulations, socialization of laws and regulations and training to become witnesses in general elections. Thus, it is hoped that cadres can take responsibility for the glory of the party or be socially responsible to the wider community.

### **4. Seminar and Interactive Dialogue (Legal Perspective in Organizing and Readiness of Organizers in Legislative Elections)**

One form of activity in political education is by seminars for party members or cadres. These activities are like discussions to study a problem and try to solve the problem. In the seminar event not only raised political issues but also issues that developed in society. The seminar has the content of political education contained in it, namely the creation of understanding for cadres on various problems that develop in society. Tuban Regency as an area that has a dense population and the character of the community is so complex, the DPC PKB Tuban Regency needs learning or education to cadres in preparation for the 2024 elections that are safe, peaceful and far from conflict and division. The purpose of this activity is so that Tuban PKB cadres understand and are able to understand the threat of division and conflict before the election that can disrupt the unity and integrity of the nation. PKB is a political party based on Islam, such a religious position is also reflected in the party's work programs and efforts to fight for the aspirations of Muslims. Religion and politics cannot be separated for any reason because religion is the basis, guide and control of political behavior. So it is expected that politicians must prioritize moral political behavior. So if you look at it, PKB always puts forward a good attitude and beramar ma'ruf nahi munkar. In

addition, PKB positions religion as a motivation in politics, but politics is not the final goal, but politics as a means of achieving better goals for the benefit of the wider community. The social activities or social services that have been carried out by the Tuban PKB DPC, although not directly classified as campaigns, have political messages. Through this activity, it is hoped that it can influence the attitude of citizens so that during the election they can vote for PKP. The social activity program is one of the party's ways of realizing political education programs by improving the short-term political image typical of campaigns.

#### **5. Political Education to the Community (External Party)**

The challenge for political parties in the future is to restore and foster a sense of public trust. If you look at it lately, people have begun to be indifferent, bored, distant and distrust political parties. If conditions like this are not immediately overcome, over time people will leave political parties and this will endanger the democratic system in the future. The challenge of political parties in the future is mainly to restore public trust, as well as the political process and political nobility.

Public trust will not be created or born if the political process is still fraudulent, not transparent and blames each other, besides that many political elites are also still involved in dishonorable cases such as corruption cases, immoral cases, slander, mutual reproach and also money politics. PKP, one of the political parties breathing Islam. Political party cadres should be more active in the community to listen and absorb people's aspirations directly. Not only before the election is held just down to the community, but political parties or cadres of political parties must be willing to sit together and work and fight for the interests of the general public. Conditions like this contribute to impartiality and contribute to public distrust of political parties.

The lack of financial transparency of political parties is also the cause of people no longer trust political parties. Political parties are also only concerned with the interests of the party and its groups. One clear evidence of public distrust of political parties is the large number of candidates for Head of Daerah both for Governor and Regent and Mayor candidates who depart from individuals or independents.

Departing from the assumptions or things that happened in the community, PKB Tuban Regency to increase and foster public trust in this party seeks to increase the activities of political education that is maximal and good. In addition, it also provides programs that are Pro or pro-people. Various ways continue to be carried out by PKB to provide the best to the community through political education and the general public. For this reason, the implementation of political education to the community is sustainable to the community through several aspects. Political education according to Law No. 2 of 2011 concerning Political Parties,

With the upcoming elections to be held in a few months, PKP must be able to close ranks, increase solidity, foster solidarity, work ikhlas, and continue leadership regeneration and carry out political education to the general public in order to achieve two goals, namely succession of legislative elections and succession of presidential and vice presidential elections. By carrying out good political education, of course, what the party hopes is to maintain votes in the 2019 election. Related to that, good political education to the community is an important instrument to invite the public to be sympathetic to PKP. The implementation of political education can be carried out anywhere related to community activities such as conveying the party's vision and mission, party struggle programs, some party successes and socializing the laws and regulations that have been made. In terms of growing and creating public awareness of political parties.

Based on research and from the data obtained by the author, PKB Tuban Regency The author emphasizes 3 elements in the implementation of political education activities to the community, the first by bringing closer and carrying out leadership training for novice voters, the second optimizing the socialization of work programs and party vision to the general public, the third campaign by optimizing friendship with the community by directly coming to homes

maximizing methods campaigns through social media. Based on the above opinion, we can find that political education can be implemented through various means. The implementation of political education is not only carried out in schools or formal organizations, but can be done through the media and visiting people's homes. Because the most important thing is that this form of political education is able to increase political participation and political awareness of the community.

## CONCLUSION

Based on the results of the discussion on the Effectiveness of Article 31 of Law Number 2 of 2011 concerning Political Parties, several conclusions can be drawn, namely that political education carried out by the Tuban Regency PKB has been running even though it is not so optimal because the implementation is carried out only ahead of the big agenda, namely before the election. In the inhibiting factor of effectiveness or application in article 31 of Law No. 2 of 2011 concerning Political Parties, there are several things, including the Budget of political parties in implementing the regulation. And the lack of socialization about the function of political parties about the importance of political education.

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