



## Institutional Arrangements of the Political Party Wing on the Functions of Political Parties

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### Abstract

**Introduction to the Problem:** In post-constitutional reform, every political party seeks to maximize each component within its party structure. One feature that has direct contact with the society is the political party wing, which is an essential resource in the regeneration of political party in internalizing its ideology and the development of the militancy character that can be done more efficiently. The institutional arrangements of the political party wing so far are still minimal. The limitations of the organizational structures of the political party wing have an impact on the uncertainty regarding the institutional organization of their wing organization.

**Purpose/Objective Study:** This article identifies and examines the implication of the provision on the political party wing towards the institutional clarity of their wing organization; and the implications of the institutional arrangements of the political party wing on the functions of the political party.

**Methodology:** This article uses normative legal research that analyses relevant secondary data related to the political party wing. This study concluded that the political party wing could be regulated as a public legal entity that is a part of the political party or an independent legal entity.

**Findings:** This study indicates that the unclear provision regarding the political party wing is the potential to provide diverse interpretations by the political party in its institutional wing organization which is counterproductive or offers no meaning to the realization of the functions of the political party.

**Paper Type:** Research Article

**Keywords:** Political Party; Public Legal Entity; Wing Organization

### Introduction

It is widespread for a democratic country to provide a forum or space for the people to express their opinions and aspirations. Freedom of association, assembly, and freedom of speech are essential features of a democratic country. A political party has a specific role in the process of democratization (Randall & Svåsand, 2002) (Kambo, 2017). Besides, people were given the right to actively participate in politics and government, for example, becoming members of the House of Representatives (*Dewan Perwakilan Rakyat*). Unlike the members of the Regional Representative



Council (*Dewan Perwakilan Daerah*), to nominate themselves as members of the House of the Representatives and House of the Regional Representatives, they must first be a member of a political party. Therefore, a political party can be analogous as a vehicle for those who want to use their rights to actively participate in the government. The political party is a means to absorb and generate people's aspirations in the life of the nation and state (Kumar, 2004) (Speijcken, 2012). The political party also enjoys the status as a pseudo-public institution, where it is not a government institution nor a private institution (Cipto, 2007). As a bridge to the aspirations of the people, the political party must have a systematic formation or structure so that it can work effectively and efficiently. One of the ways is by forming a Political Party Wing organization or *onderbouw*. constructing and owning a Political Party Wing Organization is the right of every political party, as stated in Article 12 Point j of the Political Party Law of 2008 as Amended by Political Party Law of 2011. Unfortunately, the Political Party Wing Organization has only been mentioned twice in Article 12 Point j along with elucidation in Political Party Law of 2008.

In the elucidation of Article 12 Point j of Political Party Law of 2008 states that the Political Party Wing Organization is an organization formed by and/or declares itself as a political party wing organization following the statutes and laws of each political party. Those indicate that each political party has the authority to determine the construction of their Political Party Wing Organization. As a result, there is no standardized reference for political parties to form the Political Party Wing Organization. In practice, the regulation of Political Party Wing Organization refers to the Community Organization Law of 2017. At the same time, the Political Party Wing Organization is an extension of the political party in carrying out its duties, functions, and roles.

Hence, the actions carried out by the Political Party Wing Organization are vague. Who should be held accountable if the Political Party Wing Organization carries out prohibited legal acts? Is the Political Party Wing Organization itself liable because it is registered as a Community Organization? Conversely, the legal liability and sanction will be given to the political party because the Political Party Wing Organization is part of a political party? Considering the role of Political Party and Political Party Wing Organization, it is imperative for the state to determine the status and position of the Political Party Wing Organization. Its status, form, and function define the responsibility for all the actions, activities, and deeds they have done. This article would like to examine the following research questions, among others: (a) What is the implication of the provision on political party wing towards the institutional clarity of their wing organization? (b) What are the implications of the institutional arrangements of the political party wing on the functions of the political party?



### **Research Method**

This legal research uses a normative approach and legal history. One of which is to identify whether the law regulates a matter and how the rule is applied. Sources of this study are secondary data sources consisting of primary legal materials, secondary legal materials and tertiary legal materials. The primary legal materials in this study include legislation concerning the political party, especially those related to political party wing organizations. Secondary legal materials consist of literature, law journal, and articles related to political party organization structure. In contrast, tertiary legal materials are materials that explain primary and secondary materials consisting of dictionaries, legal dictionaries, and so on. Two approaches carry out the analysis technique; first, the normative approach is used to determine the position and function of the political party wing organization under the applicable legal provisions and its implementation practices, both in the form of administrative decisions and court decisions. Second, the legal history approach includes the history of legal norms and the application of legal norms. The historical approach is used in research which not only emphasizes a specific time but to understand the past. This research requires the interpretation of known facts from historical materials. The documents will be analyzed to reconstruct what happened in the past following the context at that time.

### **Results and Discussion**

#### **Roles of the Political Party**

Political party's extra-legislative organization has taken on essential roles in the past century and a half of electoral democracy ([Scarrow et al., 2017](#)). In many countries, they now routinely serve as key transmission channels for organizing representation, helping to translate popular demands into legislative initiatives, and acting as gatekeepers to determine which candidates have a chance of being elected ([Scarrow et al., 2017](#)). According to Scarrow and Webb, the political party often serves as a vehicle for popular mobilization, and an actor with the capacity to selectively distribute resources and professional expertise; it can leverage all these assets to help politicians obtain and retain electoral offices. Because the party's choices are consequential for which interests and ideas get represented, the party's organization can also be arenas for internal disputes, with different factions vying to select leaders, control party manifestos, or contact their representatives on party executive boards. For all these reasons, understanding a party's extra-legislative organization can offer valuable insights into the ways that the party channels its political participation and affects representation. Yet political party organization is far from uniformity; moreover, the party can change its internal constitution much more frequently than countries would to their constitutions. Even in countries with similar political institutions and similar experiences with democracy, the political party uses different procedures to make its most important decisions and follow different approaches when attempting to mobilize their supporters. And in some countries, the party's extra-legislative structures are relatively weak in comparison with their legislative



parties or with the resources at the disposal of individual politicians ([Scarrow & Webb, 2017](#)).

According to Carl J. Friedrich, a political party is a group of human beings, stably organized to secure or maintain for its leaders the control of a government, with the further objective of giving to members of the party, through such control ideal and material benefits and advantages ([Friedrich, 1951](#)). The political party in the democratic political system has functioned as the representation in the presence and also a representation of an idea ([Asshiddiqie, 2015](#)). Based on Article 1 Paragraph 1 of the Political Party Law of 2008, the political party is defined as a national organization and founded by a group of Indonesian citizens willingly over the common will and ideals to fight for and defend the political interests of its members, society, nation, and state, along with maintaining the integrity of the Unitary Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. A political party is a tool to strengthen freedom of association, assembly, and freedom of expression as a bit of effort to create a healthy national life in the Unitary State of the Republic of Indonesia which is independent, united, sovereign, righteous, and prosperous, as well as democratic and based on the law.

A political party is established by a notary deed of political party establishment as a legal entity; therefore, it is authorized by the Ministry of Law and Human Rights. A political party must have statutes and laws as references in the operation of itself. According to Article 10 of the Political Party Law of 2008, the purposes of the political party are divided into:

1. General objectives of a political party:
  - a. realizing the national ideals of the Indonesian people as referred to the Preamble of the 1945 Constitution;
  - b. maintain and preserve the integrity of the Unitary Republic of Indonesia;
  - c. develop a democratic life based on Pancasila by upholding the sovereignty of the people in the Unitary State of the Republic of Indonesia; and
  - d. raise prosperity for all Indonesian people.
2. Specific purposes of a political party:
  - a. increase the political participation of members and the community in the context of organizing political and governmental activities;
  - b. fight for the ideals of political parties in the life of society, nation, and state; and
  - c. build the ethics and political culture in the life of the community, nation, and state.

Accordingly, Political Party indeed aims to realize the ideals of the nation by increasing the active and passive political participation of the community. Based on Article 11 paragraph (1) of the Political Party Law of 2008, the functions of the political party are:



- a. political education for members and the wider community to become Indonesian citizens who are aware of their rights and obligations in the life of society, nation, and state;
- b. the creation of a climate conducive to the unity and integrity of the Indonesian people for the welfare of humanity;
- c. absorbing, gathering, and channeling the political aspirations of the people in formulating and determining state policies;
- d. political participation of Indonesian citizens; and
- e. political recruitment in the process of filling political positions through democratic mechanisms with due regard to gender equality and justice.

Weissenbach divided the roles and functions of the party into 3 (three) different domains, namely: (1) the functions of the political party in general elections; (2) the function of the political party as an organization; and (3) the function of the political party in government (Weissenbach, 2010). It can be seen that political party have several functions, namely as a means of political education, political articulation, political communication, political socialization, political aggregation, and recruitment. Thus, political party influence the political system for the achievement of a democratic state (Basalamah, 2018), and Indonesian citizens will have awareness in political life.

The Political Party Law also installed the rights and obligations of the political party, as stated in Articles 11 and 12 of the Political Party Law of 2008. For a political party to work productively, effectively, and efficiently, institutionalization is needed so that it is not only becoming a political crowd. According to the Indonesian Dictionary, institutionalization is the process, method, or action of institutionalizing. The institutionalization of the political party is defined as a process in which parties become established in terms of integrated patterns of behavior, attitudes, and culture (Bahasa, 2008). Weissenbach developed the most advanced concept and measurement framework on the institutionalization of the political party. Weissenbach developed the criteria for the institutionalization of the political party with a combination of the following 7 (seven) dimensions: organization, internal party democracy/internal party democracy, program, autonomy, roots in society, coherence, and local and regional integration (Weissenbach, 2010). Here is the following explanation for the 7 (seven) dimensions mentioned above:

1. Organization. There are administrators of the organization who regularly work on all levels of the organization for the interests of the political party.
2. Inner party democracy/internal party democracy. The internal decision-making process uses a bottom-up mechanism. Where the political party decisions always consider the aspirations of its members, and the policies are coordinated by the leader and all members among all levels.
3. Program. A political party must make policies and programs that is match its ideology.



4. **Autonomy.** The political party is capable of putting itself independently between the individuals and the social group outside the political party.
5. **Roots in Society.** The political party arose deeply rooted in society and gained stable support.
6. **Local and Regional Integration.** The political party cooperates with the regional and local political parties or public benefit-based organizations.

One of the ways to institutionalize a political party is by forming a Political Party Wing Organization. The forming of Political Party Wing Organization is a right for every political party, as stated in Article 12 Point j of the Political Party Law of 2008. Political Party Wing Organization is an extension of the political party in carrying out its duties, functions, and roles.

### **Organ Theory to Defining Political Party Wing Organization**

In the post-reformation era, the number of political parties has increased sharply, so that contestation in the General Elections is increasingly competitive. Every political party strives to maximize every component that exists in its party structure. One of the features that are in direct contact with the community is the Political Party Wing Organization because it is an essential source in the regeneration of political party to internalize its ideology and to ease the development of militancy character compared to the regeneration of other community organizations. the Political Party Wing Organization contributes significantly to political parties in the efforts to implement, socialize and disseminate party programs and policies. As for the form aspect, it can take the form of youth organizations, student organizations, women’s organizations, professional organizations, and religious organizations. According to Wicaksono and Ginting in 4 (four) political parties, at least the variations in the forms of the Political Party Wing Organization were captured, among others ([Wicaksono & Ginting, 2020](#)):

**Table 1.** Variations in the Forms of Political Party Wings Organization in 4 Political Parties in Indonesia

No.	Form	Political Party			
		Indonesian Democratic Party of Struggle ( <i>Partai Demokrasi Indonesia-Perjuangan</i> )	Functional Groups Party or Golkar Party ( <i>Partai Golongan Karya</i> )	Prosperous Justice Party ( <i>Partai Keadilan Sejahtera</i> )	Democratic Party ( <i>Partai Demokrat</i> )
1	Youth	Indonesian Young Bull ( <i>Banteng Muda Indonesia</i> )	Triple Work Young Front Golkar ( <i>Barisan Muda Tri karya Golkar</i> )	Echo of Justice ( <i>Gema Keadilan</i> ), Asia Pacific Youth and Students Foundation ( <i>Yayasan</i> )	Democratic Youth Force ( <i>Angkatan Muda Demokrat</i> ), Indonesian Democratic



			Young Front Golkar Party (Barisan Muda Partai Golkar)	<i>Pemuda dan Pelajar Asia Pasifik), School Da'wah Task Force (Gugus Tugas Dakwah Sekolah)</i>	Youth Force ( <i>Angkatan Muda Demokrat Indonesia</i> ), Unity Indonesia Youth Force ( <i>Angkatan Muda Indonesia Bersatu</i> )
2	Student	Red and white cadets ( <i>Taruna Merah Putih</i> )	Young Generation of Indonesian Reform (angkatan muda pembaruan Indonesia)	Indonesian Muslim Student Action Unit ( <i>Kesatuan Aksi Mahasiswa Muslimin Indonesia</i> )	Red and White Student Movement ( <i>Gerakan Mahasiswa Merah Putih</i> )
3	Women		Golkar Party Women's Unity ( <i>Kesatuan Perempuan Partai Golkar</i> )	Women and Family Resilience ( <i>Bidang Perempuan dan Ketahanan Keluarga</i> )	Democratic Women of the Republic of Indonesia, ( <i>Perempuan Demokrat Republik Indonesia</i> )
4	Profession	Indonesian Farmer Fishermen Movement ( <i>Gerakan Nelayan Tani Indonesia</i> )	Kosgoro 1957 Central Indonesian Employee Organization ( <i>Sentral Organisasi Karyawan Swadiri Indonesia</i> )  Working Together Family Meeting ( <i>Musyawah Kekeluargaan Gotong Royong</i> )	Justice Workers Union ( <i>Serikat Pekerja Keadilan</i> ), Indonesian Prosperous Farmers and Fishermen Association ( <i>Perhimpunan Petani Nelayan Sejahtera Indonesia</i> ), Central for Indonesia Reform	Democratic Scholar Movement ( <i>Gerakan Cendekiawan Demokrat</i> )



5	Religion	Baitul Muslimin	Islamic Theologian Troops ( <i>Laskar Ulama</i> ), Islamic Dakwah Council ( <i>Majelis Dakwah Islammiyah</i> ), <i>Al Hidayah</i> Recitation ( <i>Pengajian Al Hidayah</i> )	Tarbiyah Group ( <i>Kelompok Tarbiyah</i> )	Ikhwanul Muballighin
6	Volunteer	Volunteer for Indonesian Democracy Struggle ( <i>Relawan Perjuangan Demokrasi Indonesia</i> )	Banyan Volunteers ( <i>Relawan Beringin</i> )	Indonesian Volunteers ( <i>Relawan Indonesia</i> )	Indonesian Blue Volunteers ( <i>Relawan Biru Indonesia</i> )

Source: (Wicaksono & Ginting, 2020)

Observing the various forms of Political Party Wing Organization is essential to see how to govern it. So far, the regulations related to Political Party Wing Organization are only found in Article 12 Point j of the Political Party Law of 2008, which states that a political party has the right to form a political party wing organization. Furthermore, the explanation of Article 12 Point j of the Political Party Law stated that the Political Party Wing Organization is an organization formed by and/or declaring itself as a political party wing under the Statutes and laws of each Political Party.

Political party and Political Party Wing clearly have legal relationships, and the main issue is both of them have legal responsibility for each other. To answer that question, we can use three theories of corporate legal personality that were played against each other. The theories are aimed to explain the rationale for the status of the groups as entities bearing legal rights and duties. It was assumed that the nature of the rationale had a bearing on the magnitude and range of these rights and duties. The first theory to appear both in Germany and in the Anglo-American world is the state-grant theory, also called the fictitious personality theory, the artificial personality theory, the concession theory or the hierarchical theory (Phillips, 1994). Grant theory viewed groups as obtaining their legal status by way of incorporation. Incorporation was a monopoly of the state. Only the state could incorporate groups and grant them legal personality. The state attached rights and duties to the legal personality at its discretion. The state created a corporate personality in the realm of public law





(Harris, 2020). The second theory is the contract, aggregate, or partnership theory. Groups become legal entities by a voluntary and consensual undertaking of their members (Phillips, 1994). This undertaking has a constitutive status-creating consequence, namely: the birth of a new legal entity. It is a legal birth but one that takes place in the realm of private, rather than public law (Widiyono, 2013). The third theory, which was founded in Germany and later imported into Britain and the United States, initiated the discourse is the real entity theory, also called the natural entity theory (Lin, 2019) (Nkem, 2019). This theory holds that the real and social existence of a group makes it a legal person. The corporate entity is pre-legal or extra-legal. The law does not create it; it is bound to recognize and respect its real existence (Phillips, 1994).

If we use the natural entity or organ theory for political party wing organization, *subjectum juris* can be classified as human (*naturlijke persoon*) and association (*vereniging*). In the beginning, the legal subject that is recognized by the law is only human being (*naturlijke persoon*), but along with time, unions of people were born. They have a common interest and are able to carry out legal actions, which are then identified as an association (*vereniging*) (Chandranegara & Paputungan, 2020). Rights and obligations are inherent in every subject of law, including association. According to Utrecht, a legal entity is a body that, according to the law, is in power or has the authority to be a sponsor of rights, which has no soul, or more precisely, which is not human (Santosa, 2019). Article 1653 of the Indonesian Civil Code stated, besides the existence of an actual corporation (*eigenlijkemaatschap*), four unions of people are also recognized as legal entities (*vereeningen van personen*) called associations (*zedelijkelichamen*) (Prananingrum, 2014):

1. the association established by a public authority (*Op openbaargezagingesteld*);
2. recognized associations (*erkend*);
3. permitted associations as allowed (*geoorloofdtoegelaten*);
4. the association established for a particular purpose that is not contrary to law or decency (associations established by the private sector).

In terms of the procedures of establishment, associations can be classified as both legal and non-legal entities. A legal entity association is established by a notary deed and authorized by the Ministry of Law and Human Rights. Meanwhile, an ordinary or non-legal entity association is not established with a notarial deed and suffices to be registered to the Ministry of Home Affairs. Non-legal entity association is subject to Community Organizations Law of 2017. In this regard, the Political Party Wing Organization is, in fact, an association, but whether it is a legal entity or a non-legal entity, it has never been regulated in statutory regulations. According to the organ theory, a legal entity such as a human becomes a "*verbandpersoblich keit*" which is a body that transforms its will using the tools or organs of the body. For example, its members or management are like humans who say their will through their mouth or their hands if the intention is written on paper.



What they (*organen*) decide is the will of the legal entity. A legal entity is not an abstract thing, but it does exist. A legal entity is not an asset without subject matter, but it is an entire organism. The goal of a legal entity is to become collectivity, irrespective of the individual. The legal entity is a '*verband persönlichkeit*' which has a *gesamtwille*. Each association is a legal entity. Since the quality of legal subject in humans also cannot be captured by the five senses and act without the unity of a person's form but by the actions of that person's organs. Then legal entities are legal subjects.

Thus, the Political Party Wing Organization is an organ in an organ. It is still counted as a separate organ that has a management structure even though, according to the statutes and laws of the political party, it is still part of that political party. However, Political Party Wing Organization has its manager, its asset, duties, authority, and its interests. Hence, a particular regulation is necessitated.

### **Consolidating Institutional Law Arrangements of Political Party and Its Wing**

Political Party Wing Organization has a very crucial role in the process of recruitment and regeneration of members of the political party, mass mobilization for electoral interest, and to help absorb people's aspirations and to socialize the political party that surrounds them. Forming a Political Party Wing Organization is a right for every political party. Therefore, a political party can separate or distribute its task for recruitment and regeneration to every Political Party Wing Organization. The Political Party Wing Organizations contribute significantly to their political party in the implementation, socialization, and dissemination of their political party policies and programs (Haris et al., 2016). Political Party Wing Organization is also often used to socialize the political party's ideology and policy. So that people can get to know them and easily identify a political party that suits them. Political Party Wing Organization should be seen as a vessel to fulfill the freedom of association and assembly that cannot be limited only by statutes and bylaws of each political party. Some political parties with their initiative regulate it in their statutes and bylaws, but some other political parties do not implement the same thing. This phenomenon can be seen in the following table:

**Table 2.** List of the Political Parties that Regulate Political Party Wing Organization in Their Statutes and Laws

No.	Name of The Political Party	Regulation in Their Statues and Bylaws
1	Partai Golongan Karya (Golkar)	Regulated
2	Partai Kebangkitan Bangsa (PKB)	Regulated
3	Partai Gerakan Indonesia Raya (Gerindra)	Regulated
4	Partai Demokrat	Regulated
5	Partai Hati Nurani Rakyat (Hanura)	Regulated
6	Partai Persatuan Indonesia (Perindo)	Regulated



7	Partai Gerakan Perubahan Indonesia (Garuda)	Regulated
8	Partai Berkarya	Regulated
9	Partai Solidaritas Indonesia (PSI)	Regulated
10	Partai Keadilan dan Persatuan Indonesia (PKPI)	Regulated
11	Partai Demokrasi Indonesia Perjuangan (PDIP)	Not mentioned (mentioned as institution)
12	Partai Persatuan Pembangunan (PPP)	Not mentioned (mentioned as autonomous agency)
13	Partai Bulan Bintang (PBB)	Not mentioned (mentioned as autonomous agency and special agency)
14	Partai Amanat Nasional (PAN)	Not mentioned (mentioned as institution and autonomous agency)
15	Partai Nasdem	Not mentioned (mentioned as institution and autonomous agency)
16	Partai Keadilan Sejahtera (PKS)	Not Regulated

The inexistence of a definite regulation by the state causes the political party to hesitate in regulating its Political Party Wing Organization in more detail within its internal rules ([Mahardika, 2020](#)). The institutionalization process of the political party will be inadequate as long the political party still bears the unique structure of the leader ([Ridha, 2017](#)). Consequently, it is necessary to find the equilibrium between the interests of the political party, the interests of the Political Party Wing Organization, and the interests of the public through a precise composition of regulations. The legal side of the importance of regulation is to determine whether or not the Political Party Wing Organization can receive a commission from local government budget allocations, particularly by grants. So far, most of the Political Party Wing Organizations in the regions are the routine recipients of grants and tend to be the party's "pocket money" for the sake of collecting public budgets ([Abdulhadi, 2020](#)). Not only that, Article 59 of the Community Organization Law of 2017 states that Community Organizations are also prohibited from collecting funds for political party. In practice, the regulation of Political Party Wing Organization is often linked with Community Organization. Nevertheless, Nasim stated there are differences between those two as described in the following table:



**Table 3.** Differences between Political Party Wing Organization and Community Organization

Key Points	Political Party Wing Organization	Community Organization
Position	Under the political party	Independent and autonomous
Form	Not a community organization	Community organization
Relationship with political parties	Command—Political party as the central organization	Separated—only a "voluntarily" on a specific period
Characteristic	The public organization, not private because they are part of the political party	An organization for the sake of its group
Legal basis	Ideally regulated by the Political Parties Act, not Community Organizations Law or by authorities of the Ministry of Home Affairs or other ministries	Community Organizations Law
Needs of the legal basis (Legal entity)	It is included in the substance of the regulation of the Political Parties Act—part of the organization of political parties. Some have a legal entity as a foundation or other legal entity.	"depends"—some have legal entities—foundation, etc.; because some of them are <i>profit-oriented</i> .

Source: (Nurhasim, 2020)

Other than the table above, in Community Organization Law of 2017, it is explicitly stated that Community Organization is prohibited from using names, symbols, flags or image markings that have similarities in principle or whole with words, logos, banners, or signs of other Community organizations or political party. In Article 59, paragraph (2) Point b of the Community Organization Law of 2017, Community organization is prohibited from collecting funds for the political party. Community organization is not only in national scope, but it is possible to have its local coverage. The purpose of community organization is not political but more on the participation in social development. In more specific matters, the functions of Political Party Wing Organization can also be a vessel to educate the society to have intellectual, emotional, and spiritual intelligence which are needed on critical thinking and public political participation enhancement in a democratic environment, to guide, assist, and advocate the society so that they dare to demand and uphold their political rights.



Linking a community organization to a Political Party Wing Organization is as same as activating a time bomb. The Political Party Wing Organization will initially identify itself as a community organization that is not affiliated with the main political party, but when people have put their trust in the election season, the Wing will then show its fangs and openly support certain political party. Somehow, it re-changes its function to be a political party once more in gathering and generating public supports. When the election season has passed, it will return as a community organization, deactivating itself, or some will even disperse. This is the time bomb resulted from the overlapped regulation, political partisans will always surround the community organization, and then, they will get off track from their original goal. By the end of the day, the community organization will be created by a political party to collect public supports and not to its designated purpose, as stated in the Community Organizations Law of 2017. People are fooled, and their interests are also injured. Not only that, this time bomb also applies to the political party. This will become problematic if the Political Party Wing Organization does prohibit legal actions and is not carried out in the interests of their main political party. Who should be held accountable? Is the Political Party Wing Organization itself liable because it is registered as a Community Organization? Conversely, the legal liability and sanction will be given to the political party because the Political Party Wing Organization is part of a political party?

Therefore, it is essential to regulate the Political Party Wing Organization as a chapter in the Political Party Law or perhaps as a new law entirely, considering the close relationship and the role of the Political Party Wing Organization the society, state, and the political party that covers them. Starting from the basic idea that the organization of the political party wing is established to support the existence of a political party, it is necessary to see whether the limitations of political party wing organization have an impact on the implementation of the functions of the political party. In other words, it is necessary to examine whether the limitations have an impact on their contribution to the functions of the political party. Normatively, the functions of the political party as regulated in Article 11 of the Political Party Law of 2008 are as follows:

1. Facilities for political education for members and the wider community in order to become an Indonesian state that is aware of its rights and obligations in the life of society, nation, and state;
2. Facilities for creating a conducive climate for the unity and integrity of the Indonesian nation for the welfare of society;
3. Absorbers, collectors, and channels the political aspirations of the society in formulating and stipulating state policies;
4. Means of political participation for Indonesian citizens; and
5. political recruitment in the process of filling political positions through democratic mechanisms by taking into account gender equality and justice.



The lack of clarity and limitations regarding the organization of the political party wing, especially through the ownership mechanism of the political party wing, creates limitations for the organization of the political party wing to contribute to the functions of the political party as mentioned above. In fact, the limitations and uncertainty of organizational arrangements for the wing of a political party have caused the existence of the wing of a political party to be counterproductive or giving no meaning to the realization of the functions of the political party. Borrowing the thoughts of Huntington and Nelson, that political participation is the activity of citizens who act as individuals to influence decision-making by the government (Huntington & Nelson, 1976) (Von der Mehden, 1977). Thus, this is actually in line with the entity formed by the initiative of the community, which is later recognized as a wing organization of a political party. This becomes the justification that the political party wing organization that was born from the initiative of the community becomes the manifestation of a means of community political participation that is in line with the function of political parties. Thus, the *sui generis* arrangement, especially for political party wing organizations that can be formed by the community initiatives, is a crucial thing to hold because it stimulates the people's political participation. Besides, the organization of the political party wing can also be used as a means in the candidacy level to share what materials and skills the candidate should have as well as what outcomes will be produced at each level, both related to the roles that will be taken by the candidate.

### Conclusion

Limitations and unclear arrangements regarding the organization of the wing of a political party have implications in the form of providing the potential for various interpretations by the political party on its institutional wing. At least through Article 12 Point j of the Political Party Law and its explanation, it can be understood that the existence of a political party wing organization can come from 2 (two) ways, namely: (a) the formation of a political party wing organization through the formation of a political party; and/or (b) the ownership of a political party wing Organization through self-declaration by an entity as a political party wing. The second way raises its own problems, especially related to the clarity of the entity before it is finally recognized as a political party wing organization in the statutes and laws of the political party. Therefore, a *sui generis* arrangement is needed, which becomes a complete reference for the wing organizations of the political party.

The implication of institutional arrangements of the organization of the political party wing on the function of the political party is that it creates limitations for the organization of the political party wing to contribute to the functions of the political party as regulated in the Political Party Law. The limitations and obscurity of the organization of the wing of the political party cause the counterproductivity in the existence of the organization of the wing of the political party as it gives no meaning to the realization of the function of the political party.



The regulation on Political Party Wing Organization is still minimal. Therefore, the urgencies to regulate Political Party Wing Organization is still needed to avoid multi-interpretation that could lead to the political system and political party complication. We suggest the regulation of the Political Party Wing Organization specified as a chapter in the upcoming amendments of Political Party Law, or perhaps the regulation can be carried out as a new law. The regulation should emphasize the legal status of Political Party Wing Organization and their relationships with the political party that covers them. Thus, our recommendation related to the regulation of Political Party Wing Organization includes, first, regulation on the mechanisms and procedures to form Political Party Wing Organization. Second, regulation on status of Political Party Wing Organization as a public legal entity. Third, the purposes and functions of Political Party Wing Organization. Forth, types of Political Parties Wing organizations based on their field, such as women, youth, task force, etc. Fifth, rights and obligations of Political Party Wing Organization. Sixth, regulation on the relationships of Political Party Wing Organization and the political party, either Affiliated Institution to Political Party or Legally Part of Political Party. Seventh, the mechanism and membership requirements as well as Political Party Wing Organization management. Eleventh, the funding of Political Party Wing Organization (independent or from the political party's budget). Ninth, sanctions and Dismissal of the Political Party Wing Organization.

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