

## REGULATION OF POLITICAL PARTIES IN LEGISLATIVE AND PRESIDENTIAL ELECTIONS IN CONSTITUTIONS IN VARIOUS COUNTRIES

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**Abstract:** Political parties are organizations that exist as a consequence of a democratic state that is closely related to general elections. Indonesia will hold simultaneous elections in a few years, of course, studies and references are needed that can help perfect the regulation of political parties and elections. The study can be carried out using the constitutional comparison method because most countries regulate the provisions of political parties and elections in the constitution, for example in Indonesia it is regulated in the 1945 Constitution. The purpose of this study is to determine the arrangement of political parties in elections based on the constitution in each country. The results of the research are expected to be used as an academic reference regarding the regulation of political parties and elections in Indonesia. The research method used is normative legal research by utilizing primary and secondary legal materials which are then analyzed qualitatively. The author uses the constitutions of 42 countries in the world. The results of the study show that political parties are still institutions that are trusted as parties that have the right to submit candidates for legislative and presidential candidates in many countries. There are still more countries that give political parties the exclusive right to nominee such candidates than countries that allow independent candidates. The results of the study show that political parties are still institutions that are trusted as parties that have the right to submit candidates for legislative and presidential candidates in many countries. There are still more countries that give political parties the exclusive right to nominee such candidates than countries that allow independent candidates. The results of the study show that political parties are still institutions that are trusted as parties that have the right to submit candidates for legislative and presidential candidates in many countries. There are still more countries that give political parties the exclusive right to nominee such candidates than countries that allow independent candidates.

**Keywords:** Political Parties, Legislative and Presidential Elections, Comparison of the Constitution

## 1. INTRODUCTION

The definition of a political party as expressed by Carl J Friedrich is "A political party is a group of human being, stably organized with the objective of securing or maintaining for its leaders the control of a government, with the further objective or giving to members of the party, through such control ideal and material benefits and advantages".<sup>1</sup>

Political parties have an important role in the state administration system in Indonesia. One of them will fill public positions through the mandate representation system.<sup>2</sup>

Satya Arinanto argued that there are three important elements in a democratic state as requirements for reviving political life, namely: 1) freedom of expression in general elections; 2) freedom of expression on the platform; 3) press freedom.<sup>3</sup>

When discussing democracy, it cannot be separated from general elections, because general elections are an instrument as a crystallization of the embodiment of people's sovereignty. So, when talking about representation, it is impossible to remove him from the general election. As stated by Burns, "Today democracy is more likely to mean a representative democracy or in Plato's term a republic in which all the people do not actually make the laws or administer them but choose the one who do".<sup>4</sup>

In a democracy, elections are not only a means so that the people's right to participate in the administration of government is still realized. Elections also function: (i) as the main source for recruiting politicians with political parties as a means of determining candidates, (ii) to form a government, and (iii) to limit authoritarian government behavior or policies that are no longer approved by the people so that they can be controlled in elections. next.<sup>5</sup>In the end, the function of elections is a means to legitimize politics for the government in power. It was through elections that the idea that government needed the consent of the governed could be rationalized.<sup>6</sup>

However, elections are not the only instrument of democracy but must also be supported by organizations and the rule of law to support cooperative communication and cooperation as stated by Gingham Powell, namely "Elections are not the only instruments of democracy. They must be helped by other organizations and by rules that encourage communication and cooperation."<sup>7</sup>

The general election is a parameter of a democratic country, although it does not automatically become a valid parameter to measure the quality of a country's democracy. In an authoritarian government, for example, elections are nothing more than a ritual to hide the authoritarian power they exercise.<sup>8</sup>

The parameter that an election is a good democratic process must fulfill at least seven things.<sup>9</sup>One, all adults have voting rights. Two, the election is done regularly. Three, all

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<sup>1</sup>Friedrich, Carl J. (1967). *Constitutional Government and Democracy: Theory and Practice in Europe and America*. Waltham Mass: Blaisdell Publishing Company, p. 419.

<sup>2</sup>Oktaviani, Hevi Dwi. (2021). Settlement of Disputes in the Management of Political Parties in Indonesia. *Journal of Positum*, Vol.6, No.2, 236-237.

<sup>3</sup>Arianto, Satya. (2005). *Constitutional Law and Democratization in Indonesia*. Jakarta: Faculty of Law University of Indonesia, p. 62.

<sup>4</sup>Burns, James Mac Grenor. (2010) as quoted in the *Procedural Law of the Constitutional Court*. Jakarta: Secretariat General and Registrar of the Constitutional Court, p. 214. See, Zoelva, Hamdan. (2016). *Controlling Constitutionalism*. Jakarta: Constitution Press, p. 193.

<sup>5</sup>Finally, Sigit. (2009). *Regarding Elections*. Yogyakarta: Laboratory of the Department of Government Science and the Faculty of Social and Political Sciences, Gajah Mada University, p. 4-5. See, Zoelva, Hamdan, Ibid.

<sup>6</sup>*Ibid.*, p. 194.

<sup>7</sup>G. Bingham Powell, J.R. (2000). *Elections as Instruments of Democracy: Majoritarian and Proportional Visions*. USA: Yale University Press, p. 4.

<sup>8</sup>Zoelva, Hamdan, *Op.cit.*, p. 194.

<sup>9</sup>*Ibid.*

legislative seats are subjects that are chosen and competed for. Fourth, no substantial group was denied the opportunity to form a party and nominate a candidate. Five, election administrators must act fairly; no legal exceptions, non-violent, non-intimidating candidates to introduce views or voters to discuss. Sixth, the choice is made freely, confidentially, calculated and reported honestly, and converted to a seat as determined by the regulations. Seven, the results of the selection are stored safely and the rest are stored until the results of the selection are obtained.

According to Mackenzie, democratic elections will be sustainable if they are supported, among others, by an independent court that interprets election regulations, and an honest, competent and non-partisan administrative body to conduct elections. Furthermore, the court in question must be able to resolve disputes or electoral disputes that arise. The dispute is not only about the results, but also in all stages/processes of the election administration. This is to ensure that the election results are the true voice of the people, so that those who represent the people in government institutions are in accordance with the wishes of the people. For this reason, the independence and impartiality of the two institutions is the key to the successful implementation of democratic elections.

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General Elections (Election) in Indonesia are divided into Executive Elections (to elect the President and Vice President), Legislative Elections (to elect members of the DPR, DPD and DPRD) and Regional Head Elections (to elect Governors at the provincial level and elect Regents/Mayors at the provincial level). Regency/City).

In a democratic country, the legislature is needed to maintain the balance and stability of the country. In order not to create an authoritarian and arbitrary government.<sup>10</sup>

Elections are regulated in detail in the Indonesian constitution as stated in the 1945 Constitution and the regulations under it. Understanding the constitution is the beginning of all kinds of basic regulations regarding the first joints to enforce the big building called the state.<sup>11</sup> In the context of the constitution that applies internationally as it will be used to compare it with the constitutions of various countries, Eric Barendt's definition of the constitution is used, namely "the constitution of a state is written document or text which outlines the powers of its parliament, government, courts, and other important national institution"<sup>12</sup> and the definition of constitution as stated by KC Wheare FBA, namely a document or several documents that contain certain rules and provisions that are basic and basic in nature regarding the state administration of a country.<sup>13</sup>

The use of the above definition is intended to limit the understanding of the constitution that will be used in this article in making comparisons with other countries, namely limited to the constitutions in various countries that are written and codified, not including conventions

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<sup>10</sup>Fadlian, Aryo. (2019). The Relationship between the Constitution and the Duties of Representative Institutions in a Democratic State from the Viewpoint of State Science. *Journal of Positum*, Vol.4, No.2, 128.

<sup>11</sup>Prodjodikoro, Wirjono. (1977). *Principles of State Administration in Indonesia*. Jakarta: Dian Rakyat, p. 10.

<sup>12</sup>Barendt, Eric. (1998). *An Introduction to Constitutional Law*. London: Oxford University Press, p.1.

<sup>13</sup>Wheare, KC (1975). *Modern Constitution*. London: Oxford University Press, p. 14.

or customs that apply in a country even though it is seen as part of the constitution. from its constitution.

The purpose of the comparison of the constitution is to find out how political parties are arranged in elections. So that the results can be used as a reference to improve the arrangement of political parties in Indonesia. Considering that in a few years, Indonesia will hold Simultaneous Elections for the first time so that a lot of studies are needed from academics to perfect the regulations regarding political parties and elections. The purpose of writing this article is to find out the extent to which political party arrangements in organizing general elections according to the constitution in various countries.

## 2. RESEARCH METHODS

This type of research is normative legal research. The data used is secondary data consisting of primary legal materials and secondary legal materials. The collected legal materials are then analyzed qualitatively.<sup>14</sup>

## 3. RESULTS AND DISCUSSION

### 3.1. Regulation of Political Parties in Legislative and Presidential Elections and Exclusive Rights of Political Parties in Submission of Candidates for Legislative and Presidential Candidates according to the Constitution in Various Countries

To find out the role of political parties in the Legislative and Presidential Elections as well as the regulation regarding the exclusive rights for political parties to nominate candidates for Legislative Members according to the constitutions in various countries, a research has been carried out by sampling the constitutions in force in 42 (forty two) countries in the world. The 42 countries used as the sampling test for this research are spread across 5 (five) continents, with the European continent as the largest sample with 21 (twenty one) countries, more details can be seen in the following table:

**Table 1. List of Constitutional Trials by Continent**

No	Continent	Number of Countries
1	Africa	7
2	America	6
3	Asia	6
4	Australia	2
5	Europe	21
Amount		42

The research was conducted by conducting an inventory of articles related to political parties in the constitutions in force in 42 (forty two) countries. The inventory is further narrowed in scope by identifying specific articles. Furthermore, identification is also carried out regarding whether or not there is a provision in the constitution which states that political parties are the only parties entitled to nominate candidates for Legislative Members and Presidential Candidates.

### 3.2. Arrangement of Political Parties in Legislative and Presidential Elections According to the Constitution in Various Countries

From the results of the identification that has been carried out, it is known that of the 42 (forty two) countries studied, 19 (nineteen) countries include articles related to the role or involvement of political parties in general elections in their constitutions, as many as 21

<sup>14</sup>Irwansyah. (2020). Legal Research "Choice of Methods and Practice of Article Writing". Yogyakarta: Mirra Buana Media, p. 65.

(twenty) one) states include articles related to political parties but not related to their role in general elections in their constitution, and only 2 (two) countries do not contain articles related to political parties. The recapitulation of the identification results for each of these countries is presented in the following table:

**Table 2. Recapitulation of the Role of Political Parties in Elections in the Constitutions of Various Countries**

No	Country	Continent	Constitution		
			No Political Party Arrangements	There are Political Party Regulations But Not Related to Elections	There are Political Party Arrangements in Elections
1	2	3	4	5	6
1	Albania	Europe			<input type="checkbox"/>
2	Algeria	Africa		<input type="checkbox"/>	
3	Angola	Africa			<input type="checkbox"/>
4	United States of America	America	<input type="checkbox"/>		
5	Argentina	America			<input type="checkbox"/>
6	Armenia	Europe		<input type="checkbox"/>	
7	Australia	Australia			<input type="checkbox"/>
8	Austria	Europe			<input type="checkbox"/>
9	Azerbaijan	Europe			<input type="checkbox"/>
10	Bahrain	Asia	<input type="checkbox"/>		
11	Russia	Europe		<input type="checkbox"/>	
12	Italy	Europe		<input type="checkbox"/>	
13	Estonia	Europe		<input type="checkbox"/>	
14	Ethiopia	Africa			<input type="checkbox"/>
15	Fiji	Australia			<input type="checkbox"/>
16	Finland	Europe			<input type="checkbox"/>
17	Georgia	Europe			<input type="checkbox"/>
18	German	Europe		<input type="checkbox"/>	
19	South Korea	Asia		<input type="checkbox"/>	
20	Zambia	Africa			<input type="checkbox"/>
21	Greece	Europe			<input type="checkbox"/>
22	Hungary	Europe		<input type="checkbox"/>	
23	China	Asia		<input type="checkbox"/>	
24	Congo	Africa		<input type="checkbox"/>	
25	Croatia	Europe		<input type="checkbox"/>	
26	Czech	Europe		<input type="checkbox"/>	
27	Timor Leste	Asia			<input type="checkbox"/>
28	Ecuador	America			<input type="checkbox"/>
29	El Salvador	America			<input type="checkbox"/>
30	Nicaragua	America			<input type="checkbox"/>
31	Portugal	Europe		<input type="checkbox"/>	
32	Philippines	Asia			<input type="checkbox"/>
33	Belarus	Europe		<input type="checkbox"/>	
34	Brazil	America			<input type="checkbox"/>
35	Bulgaria	Europe		<input type="checkbox"/>	

No	Country	Continent	Constitution		
			No Political Party Arrangements	There are Political Party Regulations But Not Related to Elections	There are Political Party Arrangements in Elections
1	2	3	4	5	6
36	Cambodia	Asia		<input type="checkbox"/>	
37	Guyana	Africa		<input type="checkbox"/>	
38	Romania	Europe		<input type="checkbox"/>	
39	Madagascar	Africa		<input type="checkbox"/>	
40	Spanish	Europe		<input type="checkbox"/>	
41	France	Europe			<input type="checkbox"/>
42	Latvia	Europe		<input type="checkbox"/>	
Total			2	21	19

Of the 42 (forty two) countries studied, there are 40 (21 + 19) countries that regulate matters related to political parties in their constitutions, this illustrates that political parties are recognized as having a large role by countries in the world. so it needs to be regulated directly in the constitution. Furthermore, the distribution of 19 (nineteen) countries that directly include the role of political parties in the general election in their constitutions for each continent can be presented in the following table:

**Table 3. Recapitulation of the Role of Political Parties in Elections in the Constitution by Continent**

No	Continent	No Political Party Arrangements	Constitution	
			There are Political Party Regulations But Not Related to Elections	There are Political Party Arrangements in Elections
1	Africa	0	4	3
2	America	1	0	5
3	Asia	1	3	2
4	Australia	0	0	2
5	Europe	0	14	7
Amount		2	21	19

What matters are regulated in the constitutions of the 19 (nineteen) countries related to the role of political parties in the general election are described further according to their distribution on each continent as follows: (information in the articles below is a summary or the essence of the arrangement of an article, not a full translation of the articles.

**a) Africa**

**1) Angola**

The articles related to the role of political parties in general elections in the Angola State Constitution can be briefly presented as follows:

- (1) Article 4 paragraph (1) which states that political parties have the right to participate in universal general elections;
- (2) Article 60 paragraph (1) which states that a political party or coalition of political parties with a certain predetermined number of votes is the only party that can nominate a presidential candidate;
- (3) Article 66 letter a which states that the President is obliged to ask for consideration from the political parties represented in the DPR to appoint the Prime Minister;

- (4) Article 80 paragraph (1) which states that a political party or coalition of political parties is the only party that can nominate candidates for members of the DPR in the general election, even though the party may nominate citizens who are not members of that party; and
- (5) Article 85 which states that an elected member of the DPR will lose his/her seat, among others, if he/she leaves the political party that carries him/her at the time of the election.
- (6) election.

## **2) Ethiopia**

Articles related to the role of political parties in general elections in the Constitution of the State of Ethiopia can be briefly presented as follows:

- (1) Article 80 paragraph (1) which states that the political party that wins the most votes in the general election has the right to form an executive government; and
- (2) Article 73 which states that the government is formed by a political party or coalition of political parties that wins a majority vote in the DPR.

## **3) Zambia**

The article related to the role of political parties in general elections in the Constitution of the State of Zambia is Article 34 which states that presidential candidates running in general elections must be sponsored or promoted by political parties.

## **b) America**

### **1) Argentina**

The articles related to the role of political parties in the general election in the Argentine State Constitution can be briefly presented as follows:

- (1) Section 38 which states that political parties are entitled to participate in elections for public office;
- (2) Section 54 which stipulates that political parties act as proponents of candidates for the Senate; and
- (3) Section 99 which states that political parties act as carriers for candidates for members of Congress (House of Congress).

### **2) Ecuador**

Articles related to the role of political parties in general elections in the Constitution of the State of Ecuador can be briefly presented as follows:

- (1) Article 80 paragraph (1) which states that only legally recognized political parties can nominate candidates in any general election, so that every candidate in any election must be affiliated with a political party;
- (2) Article 56 which states that Members (deputies) of the National Congress as legislative bodies are selected from a list of candidates proposed by political parties;
- (3) Article 57 which states that Members of the national parliament who are elected must be affiliated with a political party; and
- (4) Article 74 which states that the requirements to become President include, among others, being affiliated with a political party and being directly elected by an absolute majority in the general election.

### **3) El Salvador**

The articles related to the role of political parties in the general election in the Constitution of the State of El Salvador can be briefly presented as follows:

- (1) Article 80 which states that a political party or coalition of political parties that obtains a specified vote limit nominate candidates for President and Vice President for general elections;
- (2) Article 151 which states that one of the requirements to become President is, among others, affiliation with a political party;
- (3) Article 151 which states that the political party or coalition of political parties that obtained the largest number of votes in the previous presidential election is entitled to elect members of the General Elections Council; and
- (4) Article 151 which states that political parties have the right to monitor the implementation of general elections.

**4) Nicaragua**

The article related to the role of political parties in the general election in the Constitution of the State of Nicaragua is Article 173 point 7 which states that political parties are involved as participants in the general election.

**5) Brazil**

The article related to the role of political parties in general elections in the Brazilian Constitution is Article 17 which states that political parties are involved as participants in the general election.

**c) Asia**

**1) Timor Leste**

Articles related to the role of political parties in the general election in the Constitution of the State of Timor Leste are Article 85 letter d and Article 106 paragraph (1) which states that a political party or coalition of political parties with a majority in Parliament appoints the Prime Minister to be appointed by the President.

**2) Philippines**

The articles related to the role of political parties in the general election in the Philippine Constitution can be briefly presented as follows:

- (1) Article 6 paragraph (7) which states that political parties holding votes in the Senate and DPR have the right to appoint 6 of the 9 Judges of the Election Court in accordance with the proportion of votes represented; and
- (2) Article 6 paragraph (18) which states that political parties holding votes in the Senate and DPR are entitled to appoint 12 Senators and 12 Members of the DPR as members of the Appointment Commission in accordance with the proportion of votes represented.

**d) Australia**

**1) Australia**

The article related to the role of political parties in elections in the Australian Constitution is Section 15 which states that replacements for vacant positions in the Senate can only be submitted by the same political party.

**2) Fiji**

The article related to the role of political parties in general elections in the Fiji State Constitution is Section 71 which states that political parties play a role as bearers of candidates for members of the DPR. Members of the DPR can lose their mandate if they are dismissed by their political party.

**e) Europe**

**1) Albania**

The articles related to the role of political parties in general elections in the Albanian State Constitution can be briefly presented as follows:



- (1) Article 64 which states that Parliament consists of 140 deputies/members. 100 people are selected by direct election by zone. 40 people were selected looking for a list of names submitted by political parties according to the proportion of votes won;
- (2) Article 68 which states that candidates for members of parliament are proposed by political parties or coalitions of political parties, as well as direct voters (individuals); and
- (3) Article 96 which states that a political party or coalition of political parties has the right to nominate a candidate for Prime Minister to the President.

**2) Austria**

The article related to the role of political parties in general elections in the Austrian Constitution is Article 26 which states that political parties have the right to nominate their members as representatives in the General Elections Board in accordance with the proportion of votes obtained from the results of previous elections.

**3) Azerbaijan**

The article related to the role of political parties in general elections in the Azerbaijan State Constitution is Article 89 which states that political parties are the bearers of candidates for members of Parliament (Milli Majilis). Members of Parliament may lose their mandate if dismissed by their political party.

**4) Finland**

Articles related to the role of political parties in general elections in the Finnish State Constitution can be briefly presented as follows:

- (1) Article 25 which states that the right to nominate candidates in a parliamentary election belongs to a registered political party and, as provided for by law, by a group of people who have the right to vote; and
- (2) Article 54 which states that the right to nominate a candidate in the Presidential election is held by the registered political party from which the candidate list of at least one Representative was elected to parliament in the most recent parliamentary election, as well as by the group of twenty thousand people who have the right to vote. Election times and procedures in the presidential election are stipulated by law.

**5) Georgia**

The article related to the role of political parties in general elections in the Georgian Constitution is Article 70 which states that presidential candidates can only be nominated by political parties or community groups with no less than 50,000 supporters.

**6) Greece**

The article related to the role of political parties in elections in the Greek Constitution is Article 29 which states that political parties act as participants in elections and can receive financial support during elections from the state.

**7) France**

The article related to the role of political parties in general elections in the French State Constitution is Article 4 which states that political parties are involved as participants in general elections.

Based on the explanation above, it can be concluded that the arrangement of political parties according to the constitution in various countries in the election of the President or other executive institutions as well as in the legislative election is as follows:

- a) Act as a participant in the general election for the election of the President or the executive or legislative institutions;

- b) Propose a presidential candidate in direct presidential elections, or nominate a candidate for prime minister in the formation of a cabinet in Parliament (in some countries only political parties are entitled to nominate presidential candidates);
- c) Propose candidates for members of the legislature (Senate, Congress, or DPR) in direct legislative elections (in some countries only political parties are entitled to nominate candidates for legislative members);
- d) Withdraw (recall) or dismiss, and replace members of the executive body if they quit or leave the political party that carries them; and
- e) Participate in monitoring the implementation of general elections, in some countries the right to nominate members as representatives in the General Elections Agency (KPU).

### 3.3. Exclusive Rights of Political Parties in Submission of Candidates and Presidential Candidates according to the Constitution in Various Countries

Identification in the constitutions of these countries is limited to arrangements regarding the nomination of members of the Legislature and President in national elections, excluding nominations at the local, regional, district, or state levels. From the results of the identification that has been carried out, it is known that of the 42 (forty two) countries studied, 28 (twenty eight) countries do not explicitly regulate the parties that can nominate candidates for Legislative Members, both Parliament, DPR, Congress and Senate according to the system. representative institutions of each country, as well as candidates for President or leaders of other executive institutions.

Thus, it cannot be known with certainty whether political parties as parties have the exclusive right to nominate candidates for Legislative Members and candidates for President or whether submissions from independent candidates are allowed. Furthermore, as many as 10 (ten) countries stipulate in their constitutions that political parties have exclusive rights or as the only parties that have the right to nominate candidates for Legislative Members for Presidential candidates, while only 4 (four) countries expressly stipulate in their constitutions that independent parties or individuals outside of political parties are also entitled to nominate candidates for Legislative Members as candidates for President. The recapitulation of the identification results for each of these countries is presented in the following table:

**Table 4. Recapitulation of Exclusive Rights of Political Parties in Nomination Legislative and Presidential Candidates in the Constitutions of Various Countries**

No	Country	Continent	Constitution		
			Not Strictly Regulated Parties Who Have the Right to Propose Candidates/Capres	Political Parties Are the Only Parties Who Have the Right to Suggest Candidates/Capres	There is an Independent Candidate Arrangement in the Submission of Candidates/Capres
1	2	3	4	5	6
1	Albania	Europe			<input type="checkbox"/>
2	Algeria	Africa	<input type="checkbox"/>		
3	Angola	Africa		<input type="checkbox"/>	
4	United States of America	America	<input type="checkbox"/>		
5	Argentina	America		<input type="checkbox"/>	
6	Armenia	Europe	<input type="checkbox"/>		
7	Australia	Australia		<input type="checkbox"/>	
8	Austria	Europe		<input type="checkbox"/>	
9	Azerbaijan	Europe		<input type="checkbox"/>	
10	Bahrain	Asia	<input type="checkbox"/>		
11	Russia	Europe	<input type="checkbox"/>		

No	Country	Continent	Constitution		
			Not Strictly Regulated Parties Who Have the Right to Propose Candidates/Capres	Political Parties Are the Only Parties Who Have the Right to Suggest Candidates/Capres	There is an Independent Candidate Arrangement in the Submission of Candidates/Capres
1	2	3	4	5	6
12	Italy	Europe	<input type="checkbox"/>		
13	Estonia	Europe	<input type="checkbox"/>		
14	Ethiopia	Africa		<input type="checkbox"/>	
15	Fiji	Australia		<input type="checkbox"/>	
16	Finland	Europe			<input type="checkbox"/>
17	Georgia	Europe			<input type="checkbox"/>
18	German	Europe	<input type="checkbox"/>		
19	South Korea	Asia	<input type="checkbox"/>		
20	Zambia	Africa		<input type="checkbox"/>	
21	Greece	Europe	<input type="checkbox"/>		
22	Hungary	Europe	<input type="checkbox"/>		
23	China	Asia	<input type="checkbox"/>		
24	Congo	Africa	<input type="checkbox"/>		
25	Croatia	Europe	<input type="checkbox"/>		
26	Czech	Europe	<input type="checkbox"/>		
27	Timor Leste	Asia			<input type="checkbox"/>
28	Ecuador	America		<input type="checkbox"/>	
29	El Salvador	America		<input type="checkbox"/>	
30	Nicaragua	America	<input type="checkbox"/>		
31	Portugal	Europe	<input type="checkbox"/>		
32	Philippines	Asia	<input type="checkbox"/>		
33	Belarus	Europe	<input type="checkbox"/>		
34	Brazil	America	<input type="checkbox"/>		
35	Bulgaria	Europe	<input type="checkbox"/>		
36	Cambodia	Asia	<input type="checkbox"/>		
37	Guyana	Africa	<input type="checkbox"/>		
38	Romania	Europe	<input type="checkbox"/>		
39	Madagascar	Africa	<input type="checkbox"/>		
40	Spanish	Europe	<input type="checkbox"/>		
41	France	Europe	<input type="checkbox"/>		
42	Latvia	Europe	<input type="checkbox"/>		
<b>Total</b>			<b>28</b>	<b>10</b>	<b>4</b>

Of the 42 (forty two) countries studied, there are 10 (ten) countries that stipulate that political parties are the only parties entitled to nominate candidates for Legislative Members for Presidential candidates, this number is far more than the number of countries that allow candidates independent in its constitution as many as 4 (four). Furthermore, the distribution of these arrangements for each continent can be presented in the following table:

**Table 5. Recapitulation of the Exclusive Rights of Political Parties in the Nomination of Candidates and Candidates in the Constitution by Continent**

No	Continent	Constitution		
		Not Strictly Regulated Parties Who Have the Right to Propose Candidates/Capres	Political Parties Are the Only Parties Who Have the Right to Suggest Candidates/Capres	There is an Independent Candidate Arrangement in the Submission of Candidates/Capres
1	Africa	4	3	0
2	America	3	3	0
3	Asia	5	0	1
4	Australia	0	2	0
5	Europe	16	2	3
	<b>Amount</b>	<b>28</b>	<b>10</b>	<b>4</b>

Furthermore, to be able to find out the regulations regarding independent candidates in these 4 (four) countries, it can be described further as follows:

**a) Europe**

**1) Albania**

The articles related to the right to nominate members of the Legislature and the President in the Albanian State Constitution can be briefly presented as follows:

- (1) Article 68 which states that candidates for members of parliament are proposed by political parties or coalitions of political parties, as well as direct voters (individuals); and
- (2) Article 96 which states that a political party or coalition of political parties has the right to nominate a candidate for Prime Minister to the President.

The Constitution of the State of Albania allows for independent candidates in the election of Legislative Members but in the election of the Prime Minister in Parliament it remains the authority of political parties according to the composition of the number of votes available. For the nomination of presidential candidates, there is no explicit regulation on which parties have the right to submit.

**2) Finland**

The articles related to the right to nominate members of the Legislature and the President in the Finnish Constitution can be briefly presented as follows:

- (1) Article 25 which states that the right to nominate candidates in a parliamentary election belongs to a registered political party and, as provided for by law, by a group of people who have the right to vote; and
- (2) Article 54 which states that the right to nominate a candidate in the Presidential election is held by the registered political party from which the candidate list of at least one Representative was elected to parliament in the most recent parliamentary election, as well as by the group of twenty thousand people who have the right to vote. Election times and procedures in the presidential election are stipulated by law.

The Finnish constitution allows for independent candidates to be elected to both the Legislature and the President. For the nomination of President through an independent channel, the support of at least twenty thousand people is required.

**3) Georgia**

Article 70 related to the right to nominate Legislative Members and President in the Georgian Constitution is Article 70 which states that presidential candidates can only be nominated by political parties or community groups with no less than 50,000 supporters. For the nomination of candidates for Legislative Members, there are no explicit arrangements for which parties are entitled to submit.

#### 4) Asia – East Timor

Articles related to the right to nominate members of the Legislature and President in the Georgian Constitution are Article 75 paragraph (1) which states that to become a presidential candidate, an East Timorese citizen must meet the following requirements: 1) A native citizen, 2) At least 35 years of age, 3) Serving in full; and 4) submitted by at least 5,000 voters. The Constitution of the State of Timor Leste allows the existence of independent candidates in the presidential election, however for the nomination of candidates for Legislative Members there is no explicit regulation on which parties are entitled to nominate.

Based on the explanation above, it can be concluded that political parties are still institutions that are trusted as entitled parties nomination of candidates for Legislative Members and candidates for President in many countries. This is evident from the existence of 10 (ten) countries that grant exclusive rights to political parties to nominate candidates for Legislative Members and Presidential candidates while only 4 (four) countries allow independent candidates in the submission of Legislative Members and Presidential candidates; and

#### 4. CONCLUSION

The roles of political parties according to the constitution in various countries in the Legislative and Presidential elections or other executive institutions are as follows:

- a. Act as a participant in the general election;
- b. Propose presidential candidates in direct presidential elections, or nominate candidates for prime ministers in cabinet formation;
- c. Proposing candidates for members of the legislative body in direct legislative elections;
- d. Dismissing and replacing members of executive institutions who quit or leave their political parties; and
- e. Participate in monitoring the implementation of general elections.

Regarding the right to nominate candidates for Legislative and Presidential Members, it can be concluded that political parties are still institutions that are trusted as parties entitled to submit candidates for Legislative Members and Presidential candidates in many countries. There are still more countries that give exclusive rights to political parties to nominate candidates for Legislative Members and Presidential candidates than countries that allow independent candidates.

The role of political parties in the constitutions of various countries has a very large influence on the determination of the position of state officials. Therefore, to make an integrated rule of law regarding general elections, it is necessary to take examples of good legal rules that have been applied by other countries. But also adapted to the current conditions in Indonesia. So that these rules can be carried out properly in order to realize the ideals of the state as stated in the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia.

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