

REVISITING LIBERAL DEMOCRACY AND ASIAN VALUES IN CONTEMPORARY INDONESIA*

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Abstract

This paper aims to examine the complex and often contentious relationship between constitutionalism and integralism in the Indonesian government and provides a criticism of democratization within the contemporary state. Integralist state portrays the relationship between the state and the people as analogous to a family, with the state as a father and the people as children (the Family Principle). Those that adhere to this view, with regard to contemporary Asian politics, claim that Asian values are inherently integralist, that Asia's particular history and values differ considerably from the West's, and that Pancasila, Indonesia's state philosophy, is utilized to establish romanticized relations between the ruler and the ruled. The data presented in this paper was collected from relevant articles on Indonesian democracy and Asian values. It also demonstrates how Pancasila, as Indonesia's core guiding philosophy, has influenced debates over how the constitution should be applied and interpreted. As the research shows, during the regimes of Sukarno and Suharto, Pancasila was manipulated in order to promote the goals of the state, and that a reliance on integralism during Indonesia's founding years severely diminished human rights and Indonesia's capacity for an efficient democracy. By continually putting the priorities of the state above those of the people, the Indonesian government has contradicted its adoption of human rights and liberal democracy is often challenged by the spirit of integralism.

Keywords: Asian Values, Indonesia, Liberal Democracy

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I. INTRODUCTION

1.1. Background

Over the last seven decades, Indonesia has experienced the slow establishment of democracy, from the birth of state in 1945, five decades of authoritarian regimes to the wave of democratic movements in the late 20th century. It is undeniable that such shifts in political regimes were the result of the severe policies of Guided Democracy (*Demokrasi Terpimpin*) and Pancasila Democracy.¹ During the period when authoritarian regimes controlled the national economic and political interests,² corruption was rampant and widespread throughout the bureaucracy, which eventually led to Indonesia suffering significantly during the Asian financial crisis.³ This condition led to unrest that resulted in what is now known as the Reformation (*Reformasi*). In particular, the *Reformasi* brought about a constitutional transformation with which made the Indonesian constitution more comprehensive and included the specified enumeration of citizen's rights and the limitation of the powers of tripartite constitutional bodies.⁴

One of the major forces behind the *Reformasi* was the adoption of a so-called "illiberal democracy." In the words of Fareed Zakaria, an illiberal democracy is a governmental system opposed to liberal democratic principles as commonly held in the West, but which is nonetheless a democracy marked by democratic election, the rule of law, the separation of powers, and the protection of property rights and the right to freedom of speech and assembly.⁵ In the Indonesian context, the concept of an illiberal democracy has been proffered as a means by which to

¹ The adoption of Guided Democracy was followed by chaotic situations, such as the rebellion against the central government, of them were affiliated to Masyumi Party. Donald K. Emmerson, *Indonesia Beyond Suharto: Polity, Economy, Society, Transition* (New York: M.E. Sharpe, 1999), 42. Such rebellion, however, was strongly motivated by the dissatisfaction of authoritarian style of government practiced by Sukarno. Marcus Mietzner, *Military Politics, Islam, and the State in Indonesia: From Turbulent Transition to Democratic Consolidation* (Singapore: Institute of Southeast Asian Studies, 2009), 78.

² Jayati Ghosh, "Coercive Corporatism: The State in Indonesian Capitalism," *Social Scientist* 24, no. 11/12 (November 1996): 37, <https://doi.org/10.2307/3520101>.

³ Monique Nuijten and Gerhard Anders, *Corruption and the Secret of Law: A Legal Anthropological Perspective* (Farnham: Ashgate Publishing, Ltd., 2007), 54.

⁴ Adnan Buyung Nasution, "Towards Constitutional Democracy in Indonesia" in *Adnan Buyung Nasution Papers on Southeast Asian Constitutionalism*. (Southeast Asian Constitutionalism, Melbourne: Asian Law Centre, Melbourne Law School, The University of Melbourne, 2011), 35.

⁵ Fareed Zakaria, "The Rise of Illiberal Democracy," *Foreign Affairs*, 1997, 22.

preserve and include with certain local or indigenous values,⁶ while still affirming the principles of democracy. It is often asserted that any Indonesian system of democracy must conform to Pancasila, (literally “The Five Principles”; the basic guiding principles of the Indonesian state) as it is claimed that Pancasila embodies the heart of Indonesian character and philosophy. Among the principles espoused by Pancasila is avoidance of contest or struggle between the ruling government and opposition,⁷ for the sake of establishing and maintaining a strong state in the spirit of *gotong-royong* (mutual help).⁸ However, as one might expect, such a principle can easily be an interpretation as a justification of integralism in all aspects of the relationship between the state and society.⁹

In a broader context, such an interpretation of Pancasila’s principles through and the integralist lens is in keeping with similar historically “Asian” values. These values draw from Asia’s long-held reliance on paternalistic relationships and respect for strong authority figures who try to rule in a manner reminiscent of the romanticized ideal family structure. Singapore, for instance, justifies “Asian” values as the main reason for the adoption of culturally relativistic stance, and argues that Asian cultures have backgrounds which are distinctly different from the West, which includes cultural precedence for the exemption from the adoption of universal human rights.¹⁰ As interpretation matters, Indonesia’s constitutional practices reflected cooperation among the various constitutionally created bodies, specifically between the administrative and representative branches. However, in the absence of constitutional limitations on the President’s tenure,¹¹ and the

⁶ It is extensively extracted from Supomo’s integralist idea. As one of the influential members of the Investigatory Committee for the Effort for the Preparation of the Independence of Indonesia (BPUPKI), he argued that there was no required the separation between people and government as if it is rooted from the Javanese mystical belief of *manunggal kawula gusti* (the unity of people and God). This term is frequently justified as being essential in Javanese philosophy which puts the unity of man and God, following the unity of the ruled and ruler. David Bourchier, *Illiberal Democracy in Indonesia: The Ideology of the Family State* (New York: Routledge, 2014), 3.

⁷ M. C. Ricklefs, *A History of Modern Indonesia Since C. 1300 to the Present* (London: Macmillan Education UK, 1981), 239, <https://doi.org/10.1007/978-1-349-16645-9>.

⁸ Eka Darmaputera, *Pancasila and the Search for Identity and Modernity in Indonesian Society: A Cultural and Ethical Analysis* (Leiden: BRILL, 1988), 181.

⁹ Bourchier, *Illiberal Democracy in Indonesia*, 2.

¹⁰ Michael D. Barr, “Lee Kuan Yew and the ‘Asian Values’ Debate,” *Asian Studies Review* 24, no. 3 (2000): 309.

¹¹ The absence of the limitation of president’s tenure, however, took Sukarno and Suharto to assume the power up to 23 and 32 years respectively. Therefore, the constitutional amendment responded it as mentioned in Article 7 by emanating the restriction with two terms of presidential tenure. Tim Lindsey, “Indonesian Constitutional Reform: Muddling Towards Democracy,” *Sing. J. Int’l & Comp. L.* 6 (2002): 249.

dependence of the President's power on the People's Consultative Assembly (*Majelis Permisyawaratan Rakyat* or MPR),¹² compromises were made regarding the extent to which the Indonesian government could fully implement an integralist model in order for Suharto to cement his power.¹³

This paper seeks to revisit the relationship between constitutionalism and integralism within the Indonesian state, and in particular as it relates to Indonesia's previous authoritarian regimes. To this end, the paper will also examine how Pancasila has been utilized and interpreted to serve as an ideological tool by the Indonesian government. While sacred Pancasila had been introduced along with Pancasila Democracy, it took Suharto to enjoy Indonesia's longest presidential tenure. As this paper will argue, it is important to understand Pancasila as it is understood in contemporary Indonesia has been manipulated as a tool of the government to build and strengthen an authoritarian regime.

1.2. Research Questions

This paper will focus on three main questions. First, it will enquire as to the extent that constitutionalism, specifically regarding Pancasila, is the state's sole ideology. Second, it will explore the relationship between Indonesian democracy and Asian values related to family principle. Third, it will examine the possibility of the reemergence of authoritarianism the post-Reformation era. It primarily concerns Prabowo's proposal to the reinstate the original version of 1945 Constitution during the 2014 Presidential campaign and his opponent's response in issuing regulations on Indonesian civil society organizations.

1.3. Research Method

The information presented in this paper was collected from relevant articles on Indonesian democracy and Asian values. The data has been compiled to examine how Pancasila has been contested and utilized to interpret, and affect alterations to the Indonesian constitution, and how integralism affects debate over the role of the constitution.

¹² Adnan Buyung Nasution, "Relasi Kekuasaan Legislatif Dan Presiden Pasca Amandemen UUD 1945: Sistem Semi Presidensial Dalam Proyeksi," *Jurnal Hukum IUS QUIA IUSTUM* 12, no. 28 (2005): 3.

¹³ Denny Indrayana, *Negara Antara Ada Dan Tiada: Reformasi Hukum Ketatanegaraan* (Jakarta: Kompas, 2008), 17.

II. DISCUSSION

2.1. Integralist State: A Historical Overview

Integralism attitudes can be traced back to the very beginning of the modern Indonesian state. During the forum which resulted in the drafting of the 1945 Constitution (known as the BPUPKI), there was a serious debate as to what political philosophy would prevail: integralism, authoritarianism, liberal democratic values, or Islamic teaching.¹⁴ Supporters of an integralist state demanded that Indonesia develop a strong state by uniting the nation and people as one organic entity. These integralists argued that a strong state would result from leadership by a charismatic ruler who incorporated an understanding of indigenous culture and historical experiences into the government.¹⁵ Supomo, one of the dominant figures during the BPUPKI, introduced this idea by proposing that Indonesia's government structure needed to conform to the ancient Indonesian society, and stressed the importance of unified people and government.¹⁶ In other words, the government structure should embody family principles and mirror the familial relationship of the son and the father.¹⁷ However, this 'unification' of the government and people in a manner resembling a family implies the absence of certain basic rights, specifically political rights.

These ideas were immediately challenged by some other members of the forum. Maria Ulfah Santoso, a member of BPUPKI strongly protested against the absence of citizen's rights in the initial drafts of the constitution.¹⁸ However, Supomo dismissed her complaint on the grounds that the Indonesian notion of popular sovereignty (*kedaulatan rakyat*) viewed the government as the manifestation of popular democracy.¹⁹

These contentious viewpoints resulted two major divisions during the drafting of Indonesia's first constitution; the Supomo-Sukarno side which supported

¹⁴ Simon Butt and Tim Lindsey, *The Constitution of Indonesia: A Contextual Analysis* (Portland: Bloomsbury Publishing, 2012), 4.

¹⁵ Butt and Lindsey, 4.

¹⁶ Butt and Lindsey, 4.

¹⁷ Butt and Lindsey, 4.

¹⁸ Bourchier, *Illiberal Democracy in Indonesia*, 75.

¹⁹ Bourchier, 75.

integralist thoughts and the Hatta-Yamin side espoused social democratic ideals. The Hatta-Yamin faction advocated the need for the adoption of human rights as a means to oblige the government to take responsibility for its people and to protect against authoritarianism regimes in the future.²⁰ They proposed that three fundamental rights which were included in the constitution are the right to express opinion, the right to organize and the right to free association.²¹ Opposition to this, Supomo-Sukarno argued against the entire concept of human rights.²² Hatta, in a final defense, stated that though it was important to create unity, it should not be created at the expense of the citizen's right to express themselves and to form organizations.²³

Indonesia's constitution is the world's second shortest constitution, containing only 37 articles and this may be a result of the fact that there was little discussion on the adoption of human rights articles. Sukarno discredited human rights and alleged them to be the source of catastrophe during Indonesia's colonial period.²⁴ In rejecting human rights articles, he argued in favor of a so-called Greater East Asian ideology.²⁵ This ideology is based on Confucianism, and can be a witness in the political philosophy adopted by Singapore, which has led to a *de facto* single-party system which stresses communalism over individualism and which essentially generated a dictatorship, contrary to the very meaning of democracy.²⁶

This rejection of human rights allowed authoritarianism to flourish in through the Old Order's chaotic policy of Guided Democracy, which integrated the power of the President with the state itself.²⁷ It inherently imitated the style of patrimonial politics in practice during the era of the pre-colonial Javanese monarchs.²⁸ This can be seen through the issuance of a Presidential Decree on

²⁰ David Bourchier and Vedi Hadiz, *Indonesian Politics and Society: A Reader* (New York: Routledge, 2014), 240.

²¹ Bourchier and Hadiz, 240.

²² *Ibid.*

²³ Bourchier, *Illiberal Democracy in Indonesia*, 76.

²⁴ Bourchier, 76.

²⁵ *Ibid.*

²⁶ Damien Kingsbury and Leena Avonius, eds., *Human Rights in Asia: A Reassessment of the Asian Values Debate*, 1st ed (New York: Palgrave Macmillan, 2008), 7.

²⁷ Butt and Lindsey, *The Constitution of Indonesia*, 7.

²⁸ Harold Crouch, "Patrimonialism and Military Rule in Indonesia," *World Politics* 31, no. 4 (July 1979): 573, <https://doi.org/10.2307/2009910>.

5 July 1959, a response to the drawn-out constitutional drafting process under Indonesia's first legitimate constitutional drafting organization, *Konstituante*.²⁹ This presidential decree accommodated the reinstatement of the 1945 Constitution, which had originally been intended only as an interim constitution.³⁰

It is essential to note the reasons for Sukarno's reinstatement of the 1945 Constitution. First, it was argued at the time that Indonesia was experiencing a compelling situation which required reinstatement as the only solution.³¹ Second, Sukarno was trying to emphasize the greater symbolic meaning inherent within the 1945 Constitution.³² By claiming that the 1945 Constitution was the manifestation of national ideology, Sukarno argued that reinstatement would once again unite all the people of Indonesia.³³ Third, he believed that reinstatement would bring about an effective government.³⁴ Moreover, finally, that reinstatement was a legitimate possibility under the prevailing Indonesian constitutional order.³⁵

As a consequence, Sukarno was able to establish a life-long presidency, which, necessarily, severely threatened democracy's future in Indonesia. As far as this article is concerned, the concept espoused by Supomo that the president is the manifestation of popular democracy rendered the very essence of democracy under threat of uncontrolled executive powers. The issuance of this presidential decree indicated the monopoly on the power of constitutional alteration held by the president at that time. However, from an administrative context, it was understood that the President did not have any power to create or change the constitution.

After Sukarno's removal, the Suharto administration utilized integralist concepts in establishing and strengthening a new authoritarian order. Suharto

²⁹ Adnan Buyung Nasution, *Aspirasi Pemerintahan Konstitusional di Indonesia: Studi Sosio-Legal Atas Konstituante 1956-1959*, 1995, 352.

³⁰ Mahkamah Konstitusi Republik Indonesia, *Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945: Latar Belakang, Proses, dan Hasil Pembahasan 1999-2002*, Buku X: Perubahan UUD, Aturan Peralihan dan Aturan Tambahan (Jakarta: Sekretariat Jenderal dan Kepaniteraan MK, 2010), 10, http://www.mahkamahkonstitusi.go.id/public/content/infoumum/naskahkomprehensif/pdf/naskah_Naskah%20Komprehensif%20Buku%2010.pdf.

³¹ Nasution, *Aspirasi Pemerintahan Konstitusional di Indonesia*, 319.

³² Nasution, 319.

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*

is so-called 'New Order,' which was supported by the military, silenced political oppositions through a series of killings and politically motivated detentions from 1965 to 1966.³⁶ In addition, it introduced 'Pancasila Democracy' the sole interpretation of Pancasila, and it introduced a two-week indoctrination program for civil servants, called P4 Courses (Upgrading Course on the Directives for the Realization and Implementation of Pancasila).³⁷ Within this environment, an integralism was infused into the prevailing political and legal ideologies of the state as a means of promoting the principle of national unity.³⁸

2.2. Illiberal Democracy and Asian Values: A History of Integralism in Indonesia

Indonesia's adopting the principles of illiberal democracy is a result of the practices and policies of periods under Sukarno and Suharto. By ruling from a cultural relativist perspective, these two leaders, and their administrations, created a national identity based around Pancasila as derivative of indigenous values.³⁹ Pancasila, therefore, became an expansionary paradigm amidst a period of international ideological conflict. Pancasila was gradually used as a tool through which to assert and affirm the validity of democracy practiced through a lens of Indonesian familial values, a tool that could be used to limit the western-democratic movement. In other words, democracy was morphed to conform to Asian values by stressing the people's reliance on the strength of Indonesian tradition and culture.⁴⁰

Supomo claimed that the appropriate model for Indonesia was one which was the derivative of indigenous values to the Indonesian archipelago. However, such a view requires further clarification: in practice it conformed more to the values of Nazi Germany and Imperial Japan,⁴¹ rather than traditional Indonesian

³⁶ Butt and Lindsey, *The Constitution of Indonesia*, 7.

³⁷ Michael Morfit, "Pancasila: The Indonesian State Ideology According to the New Order Government," *Asian Survey* 21, no. 8 (August 1981): 838, <https://doi.org/10.2307/2643886>.

³⁸ Butt and Lindsey, *The Constitution of Indonesia*, 7.

³⁹ Edward Aspinall, "Democratization and Ethnic Politics in Indonesia: Nine Theses," *Journal of East Asian Studies* 11, no. 2 (2011): 312.

⁴⁰ Surain Subramaniam, "The Asian Values Debate: Implications for the Spread of Liberal Democracy," *Asian Affairs: An American Review* 27, no. 1 (January 2000): 25, <https://doi.org/10.1080/00927670009598827>.

⁴¹ Nasution, *Towards Constitutional Democracy in Indonesia*, 14.

values. The establishment of a strong central state, authoritarian in nature, was justified as a return to the Indonesian principles of communalism, cooperation, and family values.⁴² In this system, individuals are seen an important component of the family and, therefore, of the state, but a state still retains sole and absolute powers. This system promoted the establishment of a strong state with uncontrolled powers invested in the executive body which adversely impacts to the guarantee of personal political rights.⁴³ However, referencing ‘family principles,’ such a system becomes much more suited to gaining widespread acceptance and support within many Asian countries, including Indonesia.

Ethnic diversity was used as justification in the push to promote democracy rooted in Asian values and was interpreted as part of Pancasila’s goal of strengthening the political system.⁴⁴ Accordingly, the promotion of a multicultural society was an instrument argument in favor of granting the President with unlimited power during the introduction of Guided Democracy.

During the Suharto’s era, freedom of expression and association were significantly restricted, and political parties were merged as the way of suppressing the resistance.⁴⁵ The New Order used Pancasila as the basic ideological weapon in order to one overarching national principle. Pancasila, being derived from Indonesia’ Asian values that reflect the social awareness and togetherness, was the perfect vehicle for promoting a regime like the New Order which stressed the government’s oversight to society as a means to strengthen the leader’s hegemony. In the name of promoting economic development, Suharto’s authoritarianism was legitimated through its guarantee of social and economic prosperity for all.⁴⁶

Relatively stable progress and welfare drove the continuation of the New Order dictatorship and price stability became the primary tool. To this end, Pancasila was used by the New Order’s to remind the populace that its policies

⁴² Nasution, 14.

⁴³ Richard Robison, “The Politics of ‘Asian Values?’” *The Pacific Review* 9, no. 3 (January 1996): 310–11, <https://doi.org/10.1080/09512749608719189>.

⁴⁴ Harold Crouch, “Democratic Prospects in Indonesia,” *Asian Journal of Political Science* 1, no. 2 (December 1993): 82, <https://doi.org/10.1080/02185379308434026>.

⁴⁵ Ariel Heryanto and Vedi R. Hadiz, “Post-Authoritarian Indonesia: A Comparative Southeast Asian Perspective,” *Critical Asian Studies* 37, no. 2 (January 2005): 267, <https://doi.org/10.1080/14672710500106341>.

⁴⁶ Robison, “The Politics Of ?,” 316.

were in keeping with the spirit of Pancasila. Therefore, it was considered as a tool to advance the political society and an indicator that Indonesian democracy was working.

The creation of a strong centralized government fostered the existence of the New Order era dictatorship. The central government was without transparency and was not held accountable for the corruption which was rife at all levels of government.⁴⁷ Economic growth was exploited to generate a personal wealth, rather than to achieve social and economic prosperity. Democracy was hijacked by the interests of the integralist state, a complete abuse of the liberal democratic system. However, due to this widespread corruption and the ensuing economic crisis, the conflict between political interests and the congestion of the political system brought about the New Order regime's destruction.⁴⁸ Due to the government reserving business opportunities only for family, friends, and fellow cronies, Indonesia experienced a weak economic system following the economic collapse of the 1998 Asian financial crisis.⁴⁹ Student-initiated demonstrations brought to light the lies of the government and manner by which it had hijacked Asian values for its own gain. This led to the fall of the Suharto regime, otherwise known as the Reformation.

However, the application Pancasila based democracy which conformed to Asian values for 32 years shares similarities with the Singapore's application and adoption of said Asian values as a major component of its governing philosophy. In terms of the leadership, both have adhered to the concept of cultural relativism concerning the introduction of a democratic idea from the West.⁵⁰ In Singapore, Asian values were promoted by Lee Kuan Yew as the moral values which should influence the development of the state, and claimed that individuals are naturally

⁴⁷ Philip Eldridge, "Human Rights in Post-Suharto Indonesia," *The Brown Journal of World Affairs* 9, no. 1 (2002): 129–30.

⁴⁸ Donald E. Weatherbee, "Indonesia: Political Drift and State Decay," *The Brown Journal of World Affairs* 9, no. 1 (2002): 25.

⁴⁹ Louay Abdalbaki, "Democratisation in Indonesia: From Transition to Consolidation," *Asian Journal of Political Science* 16, no. 2 (August 2008): 158, <https://doi.org/10.1080/02185370802204099>.

⁵⁰ Chang Yau Hoon, "Revisiting the Asian Values Argument Used by Asian Political Leaders and Its Validity," *The Indonesian Quarterly* 32, no. 2 (2004): 155, https://works.bepress.com/changyau_hoon/4/download/.

on each other and therefore a parental state was justifiable.⁵¹ The leadership in Singapore has claimed that economic growth is the result of authoritarianism modeled on Asian values. These values, it is argued, encourage a balance of the state's political branches. They are also claimed to have brought about Singapore's success in good governance rankings and as the reason behind Singapore's reputation Asia's most transparent country.⁵² Singapore which is arguable the most developed country in Southeast Asia, relies on Asian values, whereas the majority of the developed world is oriented around democracy thought.

Asian values have helped Singapore become a developed country with significant, economic growth and, socio-political harmony. Singapore is not obsessed with personal freedoms which occupy much of modern democratic ideology. However, though Singapore and Indonesia have established authoritarian governing systems based on these Asian values, it should be noted that there are some differences between them. Lee's authoritarianism has resulted in a prosperous country with little obvious corruption. Suharto's Pancasila Democracy, on the other hand, eschewed economic progress in favor of authoritarianism with little regard for the people's welfare.⁵³

It is important to clarify that, since the 1998 collapse, Indonesia has constructed a democracy which is much more in accordance with the western notion of democracy, including the adoption of separation of powers, human rights protections, and checks and balances among the branches of the government. According to western democratic principles, separation of powers is necessary in order to too much power not being invested in one government entity. The power of the executive is strictly limited so that it cannot control other institutions and it can be controlled to some degree by other branches of government such as the House and the Courts.⁵⁴

⁵¹ Michael D. Barr, "Lee Kuan Yew and the 'Asian Values' Debate," *Asian Studies Review* 24, no. 3 (2000): 310.

⁵² Heryanto and Hadiz, "Post-Authoritarian Indonesia," 256.

⁵³ Mark R Thompson, "Pacific Asia After Asian Values: Authoritarianism, Democracy, and Good Governance," *Third World Quarterly* 25, no. 6 (September 2004): 1084, <https://doi.org/10.1080/0143659042000256904>.

⁵⁴ Michelle M. Taylor-Robinson and Joseph Daniel Ura, "Public Opinion and Conflict in the Separation of Powers: Understanding the Honduran Coup of 2009," *Journal of Theoretical Politics* 25, no. 1 (January 2013): 114, <https://doi.org/10.1177/0951629812453216>.

Conversely, the absence of such restrictions on power leads to authoritarianism, as is clear given the examples of the Sukarno and Suharto regimes. The ideological justifications for Sukarno's Guided Democracy and Suharto's Pancasila Democracy threatened the very nature of democracy and personal rights in Indonesia.⁵⁵ The examples of these two regimes make it clear power without adequate control mechanism is a threat to democracy and the establishment of democratic society within Indonesia.

By examining the emergence of authoritarianism as practiced in the periods of Sukarno and Suharto, it is clear that integralism, as a model for the development of the state, should be evaluated and reconsidered; including the purported equation to Asian values. It should be clear that the rejection of human rights in order to promote economic growth and infrastructure development cannot be sustained in a democracy, but only in an autocracy.

2.3. Democracy After Two Decades of Reformation: A Struggle towards Liberal Democracy

After the fall of Suharto's authoritarian regime, democracy in Indonesia emerged through a series of constitutional amendments which took place from 1999 to 2002. As part of reformation agenda, these amendments were driven by constitutionalist principles an attempt to make constitutionalism the prevailing doctrine in Indonesia, something which the 1945 Constitution failed to offer, leading to generations of suffering by Indonesian citizens. These amendments reasserted the national commitment towards promoting a working of democracy, through the scope of the changes were limited by the constitution itself (constitutional democracy).

The Reformation can be best described as the resurgence of democracy after decades of authoritarianism justified by the need to protect and defend the national values enshrined in Pancasila. Accordingly, the Reformation, as a backlash against consecutive authoritarian regimes, sought to ensure that

⁵⁵ Mark R. Thompson, "Whatever Happened to Asian Values?," *Journal of Democracy* 12, no. 4 (2001): 156, <https://doi.org/10.1353/jod.2001.0083>.

government institutions fulfill the duties reserved to them by the constitution and that none of them exceed the powers given to them.

One of the most interesting inclusions in the amendment to the Indonesian constitution during the Reformation was the enumeration of powers and rights granted to the government. This was, as Denny argues, the most substantial aspect of constitutional limitation of state power taken in order to protect basic human rights.⁵⁶ Therefore, in lieu of human rights violations which had occurred in the past, it was determined that the process of constitutional examination was required, and that the court should possess some power of judicial review regarding matters of constitutional disputes.

It is also important to note that freedom of the press has increased since the fall of Suharto. The transitional administration of President Habibie paved the way for this greater freedom by ensuring that the press was allowed to operate without fear and free of government surveillance. In addition, the first democratic election after the Reformation was conducted in 1999, with Abdurrahman Wahid winning the election. This election was followed by the presidency of Yudhoyono in 2004. However, Abdurrahman Wahid was impeached due to conflicts between his administration and the House of Representative (*Dewan Perwakilan Rakyat*).

There are two important lessons from Indonesia's early elections after the Reformation. First, Indonesia had successfully introduced the Constitutional Court and granted it the power to legally remove a sitting president, and the powers to conduct constitutional litigation, disband political parties, settle disputes between branches of government, and settle disputes regarding electoral results. Second, direct elections which replaced presidential appointment by parliament, positively impacted political stability in Indonesia. This shift has successfully generated a series of smooth successions from the president to the president since the beginning of the Reformation, which has resulted in more political stability. In other words, the changes to the electoral framework have altered the political symbiosis between the People's Consultative Assembly (MPR) and the President that the office of the President is no longer subject to the Assembly.

⁵⁶ Denny Indrayana, *Amandemen UUD 1945: Antara Mitos dan Pembongkaran* (Mizan Pustaka, 2007), 124.

Since the Reformation, democracy has flourished following the human rights guarantees outlined in the constitution. This is an indicator of the success of the Reformation and of the constitutionalist ideas which inspired it. Furthermore, it should be noted that an economic boom followed the success of the political transition of the Reformation, which has spurred rapid economic development in Indonesia. For instance, during the Yudhoyono era, the fragile economy recovering in the wake of the economic collapse of 1998 was transformed and quickly rebounded due to effective economic policies as the result of political stability.⁵⁷ During the Jokowi presidency, Indonesia's economic performance similarly improved, as made evident by the implementation of a large infrastructure program. Through a series of infrastructure projects, Jokowi laid the groundwork for rapid economic development in the near future.⁵⁸ Irrespective of political stability influencing economic growth as the result of Reformation, there are some critical notes on the future of Indonesian democracy. It is exemplified by the idea to reinstate the 1945 Constitution and the regulation in lieu of law (*Perppu*) to disband civil society organizations (CSOs). Regarding the idea of reverting to the original version of the 1945 Constitution, it was frequently reiterated by Prabowo Subianto, the presidential candidate from Gerindra Party.⁵⁹ He argued that the current issues faced by Indonesia's democratic system be a result of liberal democracy. In other words, the principles of liberal democracy which prevailed after the Reformation contradict the ideas or the spirit of Indonesian people, as outlined in the original constitution. Therefore, return to that document, as he argued, would be a means by which to steer Indonesia in a right direction.⁶⁰

Prabowo's political views are often considered outdated; counter to the spirit of the Reformation. The re-adoption of the original version of the constitution is unlikely to result in a strengthening of the democratic process, as can be surmised given the tumultuous experiences of the Sukarno and Suharto eras.

⁵⁷ The Jakarta Post, "The SBY Years: A Legacy of Lackluster Economy," The Jakarta Post, accessed August 5, 2017, <http://www.thejakartapost.com/news/2014/09/29/the-sby-years-a-legacy-lackluster-economy.html>.

⁵⁸ The Jakarta Post, "Infrastructure Development on Track: Jokowi - Business - The Jakarta Post," accessed August 5, 2017, <http://www.thejakartapost.com/news/2017/05/03/infrastructure-development-on-track-jokowi.html>.

⁵⁹ Edward Aspinall, "Oligarchic Populism: Prabowo Subianto's Challenge to Indonesian Democracy," *Indonesia* 99, no. 1 (2015): 19.

⁶⁰ *Ibid*, 19.

Modern Indonesian society would surely be harmed by such a regression, as the democratization process was begun as a means of reforming political and constitutional ideas to bring a democratic state and society which had been lacking under the original constitution. Still, the re-adoption remains a possibility, especially if it is supported by MPR, the only entity with the power to amend and change the constitution.

Additionally, though the rhetoric espoused publicly by Prabowo is inherently nationalistic, his activities show that he is also a pragmatic capitalist. He championed nationalism while simultaneously contributing to Indonesia's poor economic welfare of the support of economic exploitation by foreign powers.⁶¹ He also suggests that strong and charismatic executive leadership of the archipelago is needed to counteract the weak bureaucracy which easily succumbs to corruption.⁶² Prabowo's political rhetoric is an indicator that though Indonesia has experienced a Reformation, the spirit of authoritarianism has remained.

Though opposed to Prabowo's desire for a return to the original constitution, the Jokowi administration, has made some recent political blunders too, most notably the issuance of *Perppu* No. 2/2017 that legalizes authoritarian administration to disband CSOs. This law essentially lays the groundwork for more easily silencing CSOs by shifting the authority to disband CSO from the court's process to the executive. The creation of this law is understood to be an effort to silence one CSO in particular the radical religious group *Hizbut Tahrir Indonesia* (HTI). However, it threatens the existence of all CSOs, as according to *Perppu*, if the case can be made that a CSO's activities are counter to the principles of Pancasila, it can be unilaterally disbanded by the executive.

Therefore, the safety of CSOs in Indonesian is now related to the manner in which Pancasila is interpreted and defined. This then begs the question as to whether Pancasila can possess any interpretations besides that which is approved by the government. Furthermore, the questions as to whether the government should even be afforded the power to interpret Pancasila should be examined

⁶¹ *Ibid.*

⁶² *Ibid.*

and given considerable weight. Concerning this issue, it should be observed that the creation of *Perppu* sets the precedence of the executive branch possessing a monopoly on administrative powers over other constitutional created bodies such as the House. Through the adoption of *Perppu*, the President has effectively seized power to draft and enact laws, a power formerly the prerogative of the House of Representative, and the power to interpret the law during CSO disbandment cases, a power that was previously reserved for the Court. In short, through the creation of *Perppu*, the President has exercised an overreach of power.

The absence of criteria which outline an “emergency situation” have contributed to the President’s overreach through the issuance of *Perppu*. Article 22 of the 1945 Constitution, which deals with the emergency powers of the executive, grants the President the legitimate constitutional power to issue laws like *Perppu*, but it does not specify any parameters regarding when these emergency powers should be enacted. In other words, it does not define what is considered an emergency situation and leaves this issue to the Presidents discretion.

III. CONCLUSION

The state of democracy of Indonesia in the post-reformation era is moving in the right direction. By adopting the limited principles outlined by the constitution, the Indonesian government is improving the separation of powers and working to guarantee human rights provisions, as stipulated in the constitution. However, recent developments show that this trend towards democratic principles is potentially being derailed in an authoritarian direction. This regression may be the result of the continued influence of cultural relativism.

Ironically, the effects of cultural relativism influenced Indonesia’s shift towards liberal democracy during the 1998 Asian financial crisis. In the decades since the recovery, however, the struggle to implement democratic principles has given rise questions as to whether or not Indonesia has truly adopted and accepted liberal democracy. In fact, the modern Indonesian state was challenged by Prabowo, as a

result of his emphasis on returning to the original texts of the 1945 Constitution could be better described as a so-called “illiberal democracy.” Unfortunately, the administration of Joko Widodo seems to have made a political blunder in issuing *Perppu*. As a result of the monopoly of power which *Perppu* grants to the executive, it poses a threat to freedom of expression and the right to association, those freedoms which Hatta and Yamin were concerned about when proposing the human rights provisions in the early drafts of the 1945 Constitution. In an effort to stem this tide of authoritarianism, political changes, and even constitutional amendments should be enacted to ensure that Indonesia remains on the track towards democratization. Additionally, the extent of the powers granted to the President through *Perppu* needs to be clearly defined. This greater definition is required as a means to ensure that President may only utilize said powers in legal and appropriate situations and to avoid the ever-present threat of abuse of power which causes citizens’ rights to be trespassed upon.

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