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INDONESIAN DEMOCRACY AND POLITICAL PARTIES AFTER TWENTY YEARS OF REFORMATION: A CONTEXTUAL ANALYSIS

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Abstract

This paper traces the trajectory of Indonesian democracy that has developed in the last twenty years, specifically regarding the extent to which its continuities and changes have been consistent with the rationale for reformation. It enquires whether the current democracy has been transformed based on liberal constitutionalism or the new democracy has restored the integralist ideal. In recent years, the mass protests that increasingly color Indonesian politics have become a critical response to a failing system. This analysis asserts that the lack of functioning political parties in Indonesia and the breakdown of Indonesian democracy as a result of integralism ignores essential checks and balances. The situation is exemplified by the cooperation of the opposition parties in the cabinet, including the promotion of gotong royong (mutual help) in the form of Prabowo Subianto, Joko Widodo's rival in the 2019 Presidential Election. Subianto has long been implicated in human rights abuses, going back to East Timor invasion in the 1970s. This attitude also indicates the serious threat that gradually negates the hard-won liberal democracy at the dawn of the reformation. Among these trends, the current democracy reveals the ineptness of the existing political parties that were essentially liberalized in the early Reformation. As it stands, they have been unable to prevent the current system from being led to a more autocratic model.

Keywords: *Indonesian Democracy, Political Parties, Reformasi, Integralism, Authoritarianism*.

Abstrak

Tulisan ini melacak lintasan demokrasi Indonesia yang telah berkembang dalam dua puluh tahun terakhir, sejauh mana kontinuitas dan perubahannya konsisten dengan reformasi. Tulisan ini menyelidiki apakah demokrasi saat ini telah berubah berdasarkan konstitutionalisme liberal atau perkembangannya berbalik menuju ide negara integralis. Dalam beberapa tahun terakhir, serangkaian protes massa yang semakin mewarnai politik Indonesia telah menjadi respons kritis atas kecenderungan tidak berfungsinya sistem yang sudah ada. Episode-episode ini menegaskan kurang berfungsinya partai-partai politik di Indonesia, di samping kegagalan demokrasi Indonesia yang memberikan ruang terhadap sistem partai politik yang kooperatif sebagai akibat dari konsep integralisme sehingga mengabaikan pola pengawasan dan keseimbangan pemerintah. Keadaan ini dapat dicontohkan dengan kerja sama partai-partai oposisi dengan pemerintah dalam kabinet, termasuk alasan gotong royong (gotong royong) yang diutarakan oleh Prabowo Subianto, saingan Joko Widodo dalam Pemilihan Presiden 2019, untuk bergabung dengan pemerintah. Sikap ini juga menunjukkan ancaman serius yang secara bertahap meniadakan demokrasi liberal seperti yang sebelumnya berjuang di awal reformasi. Di tengah perkembangan seperti ini, demokrasi saat ini yang menunjukkan ketidakefektifannya terhadap keberadaan partai politik yang meskipun sudah diberikan kebebasan pada awal reformasi. Namun demikian, partai politik tidak mampu melakukan penetrasi terhadap keinginan sistem politik saat ini yang secara praktis yang mengarah pada pemerintahan yang lebih otokratis.

Kata kunci: *Demokrasi Indonesia, Partai Politik, Reformasi, Integralisme, Otoritarianisme*.

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I. INTRODUCTION

Historically, Indonesian democracy survived the Suharto era. The 1997 Asian financial crisis spurred the demise of Suharto's authoritarian era and drove the wave of democratization in the late 20th century.[1] This period finally entered into a transitional era, the so-called *reformasi* (reformation). In the early post-authoritarian years, from 1999 to 2002, Indonesia underwent a dramatic change in which renegotiating through the adoption of liberal democracy was inevitable, and the rule of law was strengthened into a constitutional system. Reformists committed to avoiding the rebirth of authoritarianism, and the fall of Suharto brought a new phase in which democracy was vigorously debated and ultimately resulted in a series of constitutional revisions. Constitutionalism, which demands constraints on a state's arbitrary powers, played a vital role in the shaping of a new political landscape in Indonesia, along with the adoption of separation of powers, checks and balances, and civil rights, which were intentionally imitated from modern Western civilization.[2] Therefore, this constitutionally revised agenda was often appreciated and claimed as a triumph of reformation goals.

After two decades of reformation, however, Indonesian democracy has retreated. Beyond the rhetoric of the democratic agenda, other essential elements are often ignored, though they determine the work of Indonesian democracy, i.e., elections and political parties. The shift from central to local elections was indeed aimed to upgrade the democracy. Nonetheless, this stage faces critical challenges as it is vulnerably trapped by money politics,[3] which eventually negates the primary goal of maintaining people's participation in government. In short, Indonesia's elections are problematic for hindering capital transactions, indicating severe issues in the workings of the political parties.[4] Party alignment in Indonesia's post-Suharto period has also increasingly blurred[5] with bad performance.[6] It may be the result of party liberalization in the early Reformation period that has eased to establishment positions but without anticipating party challenges to meet the costly budget. To be sure, it is hard to rouse the constituency and get absolute majorities in this archipelagic nation-state with

[1] Edward Aspinall, *Opposing Suharto: compromise, resistance, and regime change in Indonesia*, East-West Center series on contemporary issues in Asia and the Pacific (Stanford, Calif: Stanford University Press, 2005), p 209.

[2] Albert H Y Chen, "Pathways of Western Liberal Constitutional Development in Asia: A Comparative Study of Five Major Nations" *International Journal of Constitutional Law* 8, no. 4 (2010): 850.

[3] Muhammad Bahrul Ulum, "How Democracy Is Election? Reassessing Article 18 (4) of the 1945 Constitution and Its Implication to the Regional Head Election in Indonesia" *Jurnal Hukum dan Peradilan* 8, 2 (2019): 327.

[4] *Ibid.,* p. 328. The flexibility of such a term was challenged and negotiated to formulate an appropriate mechanism to select heads of regional governments. In 2004, the Constitutional Court concluded that the legislative body was the ultimate institution to interpret "elected democratically" so that this institution can opt whether a regional head election or an indirect election to define such a term. While the regional head election was applied, including its dispute settlements over electoral results to the Constitutional Court, this Court considered a different argument. In 2013, the Constitutional Court reinterpreted such an article by highlighting that the regional head election should be exempted from the general election subjected to Article 22E (2 Nevertheless, reformation has played a critical role in nurturing political successions through democratic elections. It is an inextricable link between democratic elections and smooth presidential succession. Muhammad Bahrul Ulum & Nilna Aliyan Hamida, "Revisiting Liberal Democracy and Asian Values in Contemporary Indonesia" *Constitutional Review* 4, no. 1 (2018): 111.

[5] Vedi R Hadiz & Richard Robison, "Competing populisms in post-authoritarian Indonesia" *International Political Science Review* 38, no. 4 (2017): 493.

[6] Asep Nurjaman, *PARTAI DAN PEMILU: Perilaku Politik di Aras Lokal Pasca Orde Baru* (UMMPress, 2019), p. 119.

divided societies under the multiparty system. Thus, the intersection of democracy and political parties contributes to this regression, and this interrelation has become a critical discussion on the future of Indonesian democracy.

Among these arguments, many scholars argue that Indonesia's current democracy has declined in an illiberal drift[7] and revived the nationalist-Islamic ideological polarization[8] that is triggered by romanticized memories of the past.[9] The renewed Indonesian democracy has reunified the politico-business factions[10] by developing a market-oriented policy to encourage more foreign and domestic investment and emphasizing the exploitation of natural resources at the expense of the environment.[11] Most notably, it reflects the Jokowi administration desire to attract more foreign investment with no significant efforts to reduce the economic gap.[12] In so doing, the Jokowi administration has accelerated the legislative session to pass an omnibus employment law that exempts, to a degree, the analysis of environmental impacts for the industry.[13]

This paper consists of three parts of this discussion. The first part surveys the rebirth of Indonesian democracy in the Reformation period that resulted in the paradoxical fragmentation of the political parties. The second part analyzes the failure of the political parties to encourage people's participation with regard to civil liberties and elections. The third part will examine government attempts to negotiate

[7] Eve Warburton, Edward Aspinall & Post-doctoral research fellow at the Asia Research Institute, National University of Singapore, "Explaining Indonesia's Democratic Regression: Structure, Agency and Popular Opinion" *Contemporary Southeast Asia* 41, no. 2 (2018): 260.

[8] Edward Aspinall & Marcus Mietzner, "Southeast Asia's Troubling Elections: Nondemocratic Pluralism in Indonesia" (2019) 30:4 *Journal of Democracy* 30, no. 4 (2019): 104–118: 104.

[9] Ulum & Hamida, "Revisiting Liberal Democracy," p. 123.

[10] In the New Order Period, Indonesian democracy was linked to coalitions of business and political powerholders. At the time, Indonesia was undergoing economic and political shifts into a more liberalized economy, as the justification of the problem of debt and overextended banking system due to government authority move to private interests (politicobusiness). It benefited the leading parties, the government apparatus, and politicians and their families who were extended into business interests, including the business in the food sector. Richard Robison & Andrew Rosser, "Contesting reform: Indonesia's new order and the IMF" *World Dev* 26, no. 8 (1998): 1596.

[11] The Jakarta Post, "Attract investment first, assess environmental impact later: Minister," online: *Jkt Post* <https://www.thejakartapost.com/news/2020/01/22/attract-investment-first-assess-environmental-impact-later-minister.html>.assess environmental impact later: Minister\\uc0\\u8221{}, online: {\\i{} Jkt Post} <https://www.thejakartapost.com/news/2020/01/22/attract-investment-first-assess-environmental-impact-later-minister.html>.","plainCitation":"The Jakarta Post, "Attract investment first, assess environmental impact later: Minister", online: Jkt Post <https://www.thejakartapost.com/news/2020/01/22/attract-investment-first-assess-environmental-impact-later-minister.html>.","noteIndex":12},"citationItems":[{"id":2920,"uris":["http://zotero.org/users/5332916/items/LZGCI26E"],"uri":["http://zotero.org/users/5332916/items/LZGCI26E"],"itemData":{"id":2920,"type":"webpage","abstract":"The government plans to relax the Amdal requirements through an omnibus bill on job creation, which is expected to make it easier to establish a business in the country.","container-title":"The Jakarta Post","language":"en","note":"source: www.thejakartapost.com","title":"Attract investment first, assess environmental impact later: Minister","title-short":"Attract investment first, assess environmental impact later","URL":"https://www.thejakartapost.com/news/2020/01/22/attract-investment-first-assess-environmental-impact-later-minister.html","author":[{"family":"The Jakarta Post","given":""}],"accessed":{"date-parts":[["2020",3,9]]}}}],"schema":"https://github.com/citation-style-language/schema/raw/master/csl-citation.json"}

[12] Mohammad Zulfan Tadjoeddin & Anis Chowdhury, *Employment and Re-Industrialisation in Post Soeharto Indonesia* (London: Palgrave Macmillan UK, 2019), p. 25.

[13] Kata Data, "Jokowi Ubah Aturan Lingkungan dari Izin Hutan hingga Amdal - Katadata.co.id," (19 February 2020), online: <https://katadata.co.id/berita/2020/02/19/jokowi-ubah-aturan-lingkungan-dari-izin-hutan-hingga-amdal>.

integralist values to maintain national stability under an authoritarian model that threatens human rights.

II. REFORMATION AND POLITICAL PARTIES

A. A Historical Overview

Since the demise of the Suharto administration, Indonesia's political landscape has fundamentally changed.

The collapse of the country's economy in early 1998, which was contentiously caused by Suharto's corruption and authoritarianism, provoked Indonesia's large-scale, Tiananmen-style student protests that April, starting in Jakarta. The protests spread throughout the country after four students at Trisakti University were shot dead by security forces,[14] encouraging even bigger waves of students to occupy the Indonesian parliament building.[15] These episodes subsequently forced Suharto to resign from his position as President. The resignation of Suharto marked the end of the New Order, and the process of democratization had started. Bacharuddin Jusuf Habibie, who replaced Suharto, was in line to succeed him, in keeping with the New Order, but as a reformist he supported the promotion of democracy. Habibie served as President for only 517 days, but during that time laid the foundation for the reintroduction of liberal democracy. For example, he passed the press law to guarantee freedom of expression through media, which had been theretofore been restricted.[16] In addition, he rejected political parties' simplification by lifting the restrictions on the right to form political parties.[17] He also controversially supported self-determination for the people of East Timor Province, which led to that province's independence from Indonesia.

At the end of the transitional period, Habibie agreed on electoral acceleration aimed to promote democracy. In 1999, a general election was finally held, the first open, democratic elections since 1955. Forty-eight political parties participated in the first-ever Indonesian election with the most-ever political parties. The astonishing number underscored the revival of democracy in the country for the first time since Sukarno imposed one-party authoritarian rule in 1960.

Officially, the 1955 electoral results made the Indonesian National Party or *Partai Nasional Indonesia* the winners, but it gained just 22.3% of the vote. Sukarno's political leadership was in a weak position.[18] The evidence shows that, as a result of the election, political and ideological fragmentation transformed into a sharpened political rivalry between nationalist and Islamist blocks.[19] In the end, Sukarno introduced Guided Democracy, an idea that would justify communal politics by wrapping the President's

[14] BBC Indonesia, "Kasus penembakan mahasiswa Trisakti, Semanggi I dan II, belum selesai setelah 20 tahun reformasi - BBC News Indonesia", online: <https://www.bbc.com/indonesia/indonesia-43940189>.

[15] Yuwanto Yuwanto, "Parlemen dan Demokratisasi: Peran Dewan Perwakilan Rakyat dalam Transisi Demokrasi di Indonesia" *Jurnal Ilmiah Ilmu Pemerintah* 2, no. 2 (2018): 45.

[16] Songok Han Thornton & William H Thornton, *Development Without Freedom: The Politics of Asian Globalization* (Ashgate Publishing, Ltd., 2008), p. 85

[17] Marshall Clark & Juliet Pietsch, *Indonesia-Malaysia Relations: Cultural Heritage, Politics and Labour Migration* (Routledge, 2014).

[18] Marcus Mietzner, *Military Politics, Islam, and the State in Indonesia: From Turbulent Transition to Democratic Consolidation* (Institute of Southeast Asian Studies, 2009), p. 77.

[19] *Ibid*.

political legitimacy in the banner of Indonesia's national character.[20] This idea was reflected in Sukarno's speech entitled, "Let's Bury the Parties," (*Mari Kita Kubur Partai-Partai)* on 28 October 1956, that encouraged the idea of adopting Guided Democracy, a democratic model that Sukarno claimed was integral to Indonesia's national identity.[21] Consequently, the government tended to avoid conflict and debate, and parties that criticized the government were accuse of opposing both the government and national unity. Thus, Sukarno finally disbanded some political parties, complaining of their criticism, such as Masyumi and the Indonesian Socialist Party.[22] This episode was followed by the communal massacre to restore order against an alleged Communist coup (PKI).[23] The government disbanded the PKI and was followed by a series of killing and detention of its members.[24] As many as two to three million people are estimated to have been killed. The series of disbandment and atrocity have had adverse impacts on Indonesia's current democratization, lacking a leftist movement against liberalization and militarism to underpin the Indonesian economy.

On the other hand, to have so many political parties brought new problems to Indonesia's democratization and the prospects for its future. The establishment of new political parties has not been followed by the strong political alignments that attract people at the grassroots. There is evidence that the emergence of political parties in Indonesia after the 1998 Reformation, which was previously appreciated as promising democratization, has fragmented. To some extent, this fragmentation is also supported by the Javanese patriarchal culture with its kinship structure,[25] so that the majority of political parties evolve with hazy manifestos that shape a precarious, consolidated democracy into one of political clientelism.[26] These episodes have subsequently created complex political experiences whereby modern Indonesian politics have often been challenged by traditional Javanese culture, entangling the government in rampant corrupt practices. This trend has resulted in the fragmentation of the New Order spirit into a variety of political parties amid rising Islamic populism, but without the leftist ideology that advocates against more deep-rooted economic inequality. The situation has become linked to the functioning of political parties that are primarily expected to facilitate people's participation in the government.

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[20] M C Ricklefs, *A History of Modern Indonesia Since C. 1300 to the Present* (London: Macmillan Education UK, 1981), pp. 242–243.

[21] Erman Anom, *Pemerintah, Media dan Masyarakat di Indonesia* (Penerbit Andi, 2016), p. 23.

[22] The disbandment of the parties was subjective, based on the President's whim. This was due to the chaos of the contemporary situation, namely the rebellion against the central government, whose members belonged to affiliated parties, such as the Masyumi Party. Donald K Emmerson, *Indonesia Beyond Suharto: Polity, Economy, Society, Transition* (M.E. Sharpe, 1999), p. 42. However, such rebellion was primarily due to dissatisfaction with the authoritarian style of government practiced by Sukarno. Mietzner, *op.cit.,* p. 78.

[23] Nadirsyah Hosen, "Emergency Powers and the Rule of Law in Indonesia" in *Emerg Powers Asia Explor Limits Leg* (Cambridge, UK ; New York: Cambridge University Press, 2010), p. 269.

[24] Simon Butt & Tim Lindsey, *The Constitution of Indonesia: A Contextual Analysis* (Bloomsbury Publishing, 2012), p. 7.

[25] Dirk Tomsa & Andreas Ufen, eds, *Party Politics in Southeast Asia: Clientelism and Electoral Competition in Indonesia, Thailand and the Philippines*, Routledge contemporary Southeast Asia series 55 (New York: Routledge, 2013), p. 9.

[26] Edward Aspinall, "When Brokers Betray: Clientelism, Social Networks, and Electoral Politics in Indonesia" *Critical Asian Studies* 46 no. 4 (2014): 545–570, p. 548.

B. The Current Development

In the absence of an efficient institution to foster citizen participation in the government, the paradoxical functioning of political parties has opened a new debate in Indonesia's contemporary politics. Recent research has shown that such democratization to form political parties has resulted in discontent, to which parties tend to react by entrenching the oligarchy,[27] as evidenced by the series of mass protests that increasingly color Indonesian politics.[28] On the other hand, the government's desire to rejuvenate integralist values has challenged liberal democracy. To some extent, this situation reflects the justifications of political development from Indonesia's fledgling time in which suspicious political elites regarded Western liberal democracy as cultural imperialism. These values were claimed incompatible with original Indonesian values.[29] Instead, the constant search for national character under Pancasila has gradually rejected civil and political rights under the rubric of the "national interests" and "harmony."

In this context, the performance of political parties has not worked as expected. The freer establishment of political parties has resulted in a fragmentation rather than a more united political ambition. According to the history record, the push to found new parties began with Vice President Hatta's Decree *(Maklumat Wakil Presiden)* to ensure an enduring role for social democracy in Indonesia. At the time, there was concern that the vast and absolute power granted the President would result in authoritarianism—to some extent, there was a fear that Indonesia's liberal democracy would flip to fascism.[30] In fact, Hatta's dominant and influential position in the formative years of independence provided him more avenues for administration.[31] As revealed by Herbert Feith, Hatta wanted a *zaken cabinet* in the administration,[32] despite his maneuverings for a multiparty system.[33] Hatta's careful architecture for this multiparty system sought to avoid the possible patronage of a political party system.[34] However, the anticipation was not so fruitful. Indonesia's history of political parties was linked to political and economic cleavages in the grassroots.

The performance of democracy is primarily rendered by political parties and their participation in the electoral system. When the 1945 Constitution was amended from 1999 to 2002, discussion on the role of political parties was minimal. By contrast, discussion of the political parties is germaine. The amendment process revealed the essential role of political parties despite the House of Representatives,[35] but the Constitution does not specifically outline and elaborate on political parties to promote

[27] Hadiz & Robison, "Competing populisms," p. 493.

[28] Ubedilah Badrun, "Wajah Gelap 22 Tahun Reformasi", (20 May 2020), online: *Tempo* <https://kolom.tempo.co/read/1344409/wajah-gelap-22-tahun-reformasi>.

[29] David Bourchier, "Indonesianising Indonesia: Conservative indigenism in an age of globalisation" (1998) 8:2–3 Soc Semiot 203–214: 204.

[30] Miftah Thoha, *Birokrasi Politik & Pemilihan Umum Di Indonesia* (Prenada Media, 2017), p. vi.

[31] Herbert Feith, *The decline of constitutional democracy in Indonesia* (Ithaca: Cornell University Press, 1978), p. 50–51.

[32] *Ibid*.

[33] *Ibid.,* p. 22.

[34] *Ibid.,* p. 53.

[35] Valina Subeki was one of the members supporting the constitutional amendment that argued for both political parties and the House of Representatives to play key roles in the promotion of constitutional democracy. It affirmed Indonesia's commitment to the presidential system. Mahkamah Konstitusi Republik Indonesia, ed, *Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945: latar belakang, proses, dan hasil pembahasan, 1999-2002*, Buku 5 (Jakarta: Sekretariat Jenderal dan Kepaniteraan, Mahkamah Konstitusi, Republik Indonesia, 2010), p. 86.

Indonesian democracy.[36] Therefore, this limited constitutional framework of political parties was trivialized. It describes them historically as an instrument for promoting citizen participation[37] rather than a democratic cornerstone in need of further rules, guidelines, and limits for policymakers to regulate further.

This exclusion currently questions the retreat of Indonesian democracy two decades after the demise of Suharto. Furthermore, the poor performance of the House of Representatives in producing legislation during Jokowi's second term, which mainly acted to dramatically pass along controversial bills,[38]has shown the failure of political parties to carry out their independent democratic functions. Therefore, two decades after the Reformation era, the discussion also disputes whether the current government has been transformed to establish an efficient democracy. In particular, the discussion enquires whether Indonesian democracy emphasizes liberal constitutionalism that includes the full protection of human rights or merely introduces electoral systems as necessary prerequisites of democratic aspirations, without further substantive steps to fully promote civil rights and liberties.

As democracy seems to have been paralyzed immediately due to the dramatic restrictions on civil rights and liberties, it has stoked a fear among activists and scholars. In recent years, the government has tried to restrict freedom of expression for reasons of national stability and territorial integrity. The recent arrests of journalists and activists Dandy Laksono, Ananda Badudu, and Veronica Koman is an example of the government detain people for their advocacy and criticisms of the poor status of human rights in Papua.[39] The government also tried to pass several controversial bills to primarily benefit large corporations and criminalize the poor.[40] These legislative

[36] The 1945 Constitution revised from 1999 to 2002 only specifies political parties with regard to their roles in electoral candidacies and their possible dissolution as part of the power of the newly Constitutional Court. See Articles 6A, 22E, and 24C of the revised 1945 Constitution.

[37] The debate over the constitutional amendment questioned whether political parties were essential. However, further discussion challenged the topic by claiming that many people might remain unable to be accommodated solely by political parties. Mahkamah Konstitusi Republik Indonesia, *op.cit.,* pp. 146–190.

[38] The House, along with the President, ignored nationwide student and mass protests over the plan to pass the revised Antigraft bill, which considered extinguishing the Corruption Eradication Commission. Passage of the bill indicated that the commission would be subject to government oversight. The Jakarta Post, "'Trust me': Jokowi cancels plan to revoke KPK law amendment", online: *Jkt Post* <https://www.thejakartapost.com/news/2019/11/01/trust-me-jokowi-cancels-plan-to-revoke-kpk-law-amendment.html>. The bill deals with the restriction of freedom of expression suffered in Papua and West Papua in response to the mass protests ended with the racial issues. The government throttled and blocked the internet connection by arguing it was acting to control hoaxes that resulted in protests. Siti Chaerani Dewanti, "Pembatasan Internet dalam Mengatasi Konflik di Papua" (2019) XI:17 Info Singkat Kajian Singkat Terhadap Isu Aktual Dan Strategi 6: 25–26. This claim was filed with the Administrative Court, which declared it an unlawful government act. CNN Indonesia, "PTUN Vonis Jokowi Melanggar Hukum di Kasus Internet Papua", online: <https://www.cnnindonesia.com/nasional/20200603125648-12-509408/ptun-vonis-jokowi-melanggar-hukum-di-kasus-internet-papua>. The House and the President are planning to immediately pass the omnibus employment law amidst poor government performance in addressing COVID-19. In the physical distancing time, to be sure, it may prevent possible public controversies and protests in the street. Kompascom, "Pembahasan Omnibus Law di Tengah Wabah Covid-19 Batasi Partisipasi Publik", online: <https://nasional.kompas.com/read/2020/03/31/10155421/pembahasan-omnibus-law-di-tengah-wabah-covid-19-batasi-partisipasi-publik>.

[39] Kompascom, "Penangkapan Dandhy dan Ananda, Tanda Kebebasan Berpendapat Mulai Dibungkam?" online: <https://www.kompas.com/tren/read/2019/09/27/170000365/penangkapan-dandhy-dan-ananda-tanda-kebebasan-berpendapat-mulai-dibungkam?page=all>. See also CNBC Indonesia, "Veronica Koman Jadi Tersangka Rusuh Papua, Ini Alasan Polri," online: *news* <https://www.cnbcindonesia.com/news/20190904195255-4-97188/veronica-koman-jadi-tersangka-rusuh-papua-ini-alasan-polri>.

[40] Some controversial bills would be passed by the House of Representatives and the President,

processes were subsequently rejected by students all over Indonesia, leading to the largest mass student protests since 1998.[41] The government committed violence during the protests, at which several students died, opening the matter of possible human rights violations.

The latest issue was the restriction of academic freedom, highlighted by the terrorization of an event held by the Constitutional Law Society, a student academic group at the Faculty of Law, Gadjah Mada University. The presenter and the organizer were simultaneously terrorized based on the charge that the upcoming discussion would examine the possible impeachment of Jokowi for his handling of the Coronavirus Disease 2019 (COVID-19) pandemic measures.[42] As a result of this incident, Indonesian scholars held a series of discussions that reflected their fear that the Jokowi administration would revert to an authoritarian style government.[43] Also, amidst the severe threat from COVID-19, the government apparently intended to prioritize the economy over human rights. As evidenced by the series of regulations issued, the COVID-19 emergency law has primarily acted to save the national economy while denying human rights, particularly the right to work, where laborers are socio-economically vulnerable to survive amidst the pandemic.[44] The government has excluded legal liabilities against the backdrop of the emergency to combat the virus.[45] This exclusion is dangerous because it may result in an abuse of power. With these episodes, the government's attitude is drawn toward the single line, leaving Indonesian democracy at stake. It has gradually reflected a policy to cease promoting the people's basic needs and their human rights, making economic-oriented priorities another vital policy with the potential to impede civil liberties and political rights.

The current reformation period has been challenged by the emergence of new dominant political parties whose leaders are predominantly former elites of the New Order. This challenge has been stressful, inasmuch as those leaders and their political parties have allied with a government that seems intent on rebuilding a neo-authoritarian government. In so doing, the postulate is often linked to the integralist idea in which the unity of the government and the people justifies the restoration of the authoritarian era, such as the idea to reinstate the original version of the 1945 Constitution[46] and revive Pancasila as the national ideology that promotes *gotong royong* (mutual help) as its basic feature.[47] Given this development, the transformation

e.g. Anti-Corruption Bill, Cultivation System of Sustainable Agriculture Bill, Criminal Code Bill, Land Bill, Mineral and Coal Bill, Labor Bill, and Correctional Draft Bill. Some bills were successfully enacted despite questionable attachments. For example, following the enactment of the Cultivation System of Sustainable Agriculture Bill, farmers have been easily criminalized. See Tribunnews, "Polda Jatim Tangkap Petani Pembudidaya Benih Kangkung di Gresik dan Benih Buncis di Blitar - Surya Malang," online: <https://suryamalang.tribunnews.com/2019/10/30/polda-jatim-tangkap-petani-pembudidaya-benih-kangkung-di-gresik-dan-benih-buncis-di-blitar>.

[41] The Jakarta Post, "'We refuse to return to New Order': Students protest against controversial bills" online: *Jkt Post* <https://www.thejakartapost.com/news/2019/09/23/we-refuse-to-return-to-new-order-students-protest-against-controversial-bills.html>.

[42] Tempoco, "CLS Fakultas Hukum UGM Batalkan Diskusi Soal Pemecatan Presiden - Tempo Nasional", online: <https://nasional.tempo.co/read/1347532/cls-fakultas-hukum-ugm-batalkan-diskusi-soal-pemecatan-presiden/full&view=ok>.

[43] Andrian Pratama Taher, "Akademisi & Sipil Kecam Intimidasi Diskusi 'Pemberhentian Presiden,'" online: *tirto.id* <https://tirto.id/akademisi-sipil-kecam-intimidasi-diskusi-pemberhentian-presiden-fDS4>.

[44] Herlambang Perdana Wiratraman, "Does Indonesian COVID-19 Emergency Law Secure Rule of Law and Human Rights?" (2020) 4:1 Journal of Southeast Asian Human Rights 306–334: 317.

[45] *Ibid*.

[46] Ulum & Hamida, "Revisiting Liberal Democracy," p. 124.

[47] Detikcom, "Ini 'Pasal Ekasila' di RUU Haluan Ideologi Pancasila yang Jadi Polemik", online: *detiknews*

of Indonesian democracy remains an unfinished project. With the reinstatement of authoritarianism, liberal democracy was reintroduced, but its continuities seem to have gradually shifted from liberal to illiberal democracy. The principle of mutual aid has become a tool to maneuver the legacy of authoritarianism under Pancasila's cover, often referred to as Asian values or the integralist idea. From these postulates, Indonesian democracy may eventually mature into a more suitable hybrid democracy, as it tries to negotiate the desire to establish a command government with gradual restriction of the full promotion of civil liberties.

C. Political Parties and Elections

Immediately after the fall of the Suharto administration, Indonesia began writing a new history that aspired to democratic ideals. Significant decisions were made that acknowledged traumatic episodes, so that freedom was reintroduced and elections were advanced. The 1999 election results revised the 1945 Constitution, with liberal democracy as its primary feature. This occurred from 1999 to 2002. In particular, the revision shifted the sacred parliamentary democracy to a constitutional democracy, followed by an embedding of the rule of law into the body of the constitution. It also shifted the President's dominant legislative role to the House of Representatives and introduced constitutional litigation to review legislative outputs before the new Constitutional Court, established in 2001. The terms of President and Vice President were strictly limited to two terms of five years each. The revision also introduced direct election of President and Vice President. That said, it failed to adopt a consistently presidential system of government. The increasing number of political parties commonly found in the parliamentary system became a critical question with regard to which system would be adopted. Thus, the aspiration of a purely presidential system of government ceased to exist, so that the result was a presidential system with a dash of parliament.[48] Such redundancy might be called quasi-presidential. It has never been thoroughly examined in the two decades since it was proposed.

It must be clear that the ambiguity of the governmental system obstructs an effective democracy. Just as the system encourages parties to establish a coalition to gain more significant votes in the elections, it implies an uneven new political landscape that hinders parties from exercising their essential responsibility to represent the will of people who voted for them. Instead, it spurs vote-buying, clientelism, and corruption that have been essential challenges throughout our current transition to democracy. With the adoption of liberal democracy, Indonesia trapped itself in a democratic mold. Hitherto, democratic means would have been understood through democratic elections. As mentioned in Article 22E, paragraph(2) of the revised Constitution, elections are to vote for President and Vice President, members of the House of Representatives (DPR), the Council of Local Governments (DPD), and the members of the Local House of Representatives (DPRD). Recent developments, however, show that elections should include voting heads of local governments, including Governors and Vice Governors, Mayors and Vice Mayors, and Regents and Vice Regents. Their inclusion is based upon Article 18, paragraph (4) of the revised Constitution, which asserts that those heads of local governments should be "elected democratically"

<https://news.detik.com/berita/d-5054049/ini-pasal-ekasila-di-ruu-haluan-ideologi-pancasila-yang-jadi-polemik>.

[48] Adnan Buyung Nasution, "Relasi Kekuasaan Legislatif dan Presiden Pasca Amandemen UUD 1945: Sistem Semi Presidensial dalam Proyeksi" *Jurnal Hukum IUS QUIA IUSTUM* 12 (2005): 2.

(literally: *dipilih secara demokratis*). Contested translations of the term[49] point to two alternatives. Either heads of local governments could be chosen electorally, although Article 22E paragraph (2) of the revised Constitution substantially locked-in the definition or heads of local government could be chosen by the DPRD, on the grounds that members of such institutions represent the will of people. It asserts that they would accommodate local politics through deliberative democracy or indirect means to meet their constitutional requirements. Though it is subsequently sacred, the ultimate interpretation of such an article is through direct elections, as it has been practiced since 2008.

In the final days of the Susilo Bambang Yudhoyono administration, there was maneuvering to reinterpret the article through the enactment of law 22/2014, which shifted the appointment of governors, regents, and majors by election to their appointment by the Local House of Representative. It was rejected, however, by Yudhoyono, who was reluctant to ratify the law. He challenged it by issuing regulations in lieu of law numbers. 1/2014 and 2/2014, which both amended entire provisions regarding participation of Local Houses of Representatives.[50]

Elections are integral to the establishment of democracies. In particular, efforts to accommodate citizen participation are often formulated through series of elections. In post-authoritarian countries like Indonesia, elections become the determining factor in political reform and whether the new democratic government will succeed. In Indonesia, this is an episode that asserts the importance of public participation. However, the introduction of a series of elections like what has been applied in Indonesia should begin with a question of whether democracy will be easily embodied through the introduction of elections. It is an arduous task to measure public aspiration through many elections, while on the other hand, elections in Indonesia are often colored by financial transactions, and the legitimate regimes did not anticipate such practices.[51] As it stands, hazardous risks are unavoidable because money politics is inseparable from elections. Money politics is a determining factor for the triumph of candidates, which tarnishes almost all elections in Indonesia.

Episodes involving such political transactions are evidence that Indonesia's current political system substantially fails to function as political parties or to replace them. In countries adopting liberal democracy, like Indonesia, political parties play a prominent role in linking the government with the people. Political parties in

[49] Ulum & Hamida, "Revisiting Liberal Democracy," 326.the flexibility of such a term was challenged and negotiated to formulate an appropriate mechanism to select heads of regional governments. In 2004, the Constitutional Court concluded that the legislative body was the ultimate institution to interpret "elected democratically" so that this institution can opt whether a regional head election or an indirect election to define such a term. While the regional head election was applied, including its dispute settlements over electoral results to the Constitutional Court, this Court considered a different argument. In 2013, the Constitutional Court reinterpreted such an article by highlighting that the regional head election should be exempted from the general election subjected to Article 22E (2

[50] Kompas Cyber Media Kompas, "Batalkan Pilkada Tak Langsung, Presiden SBY Terbitkan 2 Perppu!", (2014), online: *KOMPAS.com* <https://nasional.kompas.com/read/2014/10/02/21435921/Batalkan.Pilkada.Tak.Langsung. Presiden.SBY.Terbitkan.2.Perppu.>.

[51] Ulum & Hamida, "Revisiting Liberal Democracy," p. 322.the flexibility of such a term was challenged and negotiated to formulate an appropriate mechanism to select heads of regional governments. In 2004, the Constitutional Court concluded that the legislative body was the ultimate institution to interpret "elected democratically" so that this institution can opt whether a regional head election or an indirect election to define such a term. While the regional head election was applied, including its dispute settlements over electoral results to the Constitutional Court, this Court considered a different argument. In 2013, the Constitutional Court reinterpreted such an article by highlighting that the regional head election should be exempted from the general election subjected to Article 22E (2)

Indonesia, which are expected to make possible people's aspirations, have ceased to play their essential roles. Thus, the introduction of a series of elections indicates a response to political parties' failure to enable people's power.

Political parties facilitate people's aspirations not only through decision making but through the selection process.[52] The importance of political parties is that they subsequently play representative roles in elections,[53] despite questions of whether political parties in Indonesia necessarily work. The adoption of regional head elections in the 2004 Regional Governments Act implied that the practice of money politics among members of regional parliaments had influenced the attitudes of lawmakers.[54] Therefore, the introduction of regional head elections was followed by the introduction of nonparty candidacies, in order to recognize people's aspirations that were not represented by political parties.

This situation shows that the main problem does not lie with the direct or indirect method of selection. Instead, it lies with how political parties play their role in transmitting people's aspirations to the government and how the government responds through their policy-making. While efforts to build democracy are seen as an arduous task, it does not mean that Indonesia should move backward to a system applied by authoritarian regimes. Indeed, Indonesia is in the process of transformation. It challenges how the country will incorporate the new democratic values as it seeks a new system. On the other hand, elections are not the sole function of democracies. It should include efficient ways to ensure that political parties work to accommodate people's participation in government and that the government reciprocates.

III. RECONFIGURING DEMOCRACY AND INTEGRALIST VALUES

The reformation started with the fall of Suharto. The interceding 20 years have seen a transformation from hybrid democracy into a liberal democracy. It has also been an appropriate time to examine whether democracy has successfully proliferated as expected at the beginning. As previously described, democracy tends to be narrowly interpreted through its electoral exercises. In fact, it shapes new local democracies followed by political decentralization. It demonstrates that local head elections can bring a whole new landscape of political contests, called *charismatic democracy*. Charismatic democracy elections rely upon candidates' personal characters rather than their political parties' representation.

However, the trajectory of political parties has been trapped in a pragmatic mission to gain the most votes, rather than their loyalty to a political vision and manifesto. Instead, of producing new leaders within the parties, their role typically shift to fighting over personal candidates. In the long term, the absence of a built-in leadership system endangers each political party's leadership. In other words, the crisis of leadership will prevail if it relies upon charismatic models who are not produced within the system.

By contrast, a multiparty system has fostered a trend in the establishment of new political parties before elections. Notably, new party leaders are predominantly characterized by former elites of the New Order, which might have split due to conflicts

[52] Jimly Asshiddiqie, Partai Politik dan Pemilihan Umum Sebagai Instrumen Demokrasi, *Jurnal Konstitusi*, 3:4, (Jakarta: Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi, 2006), p. 6.

[53] Abdul Mukthie Fadjar, *et.al*. *Konstitusionalisme Demokrasi*. (Malang: In Trans Publishing, 2010), p. 140.

[54] Janpatar Simamora, "Eksistensi Pemilukada dalam Rangka Mewujudkan Pemerintahan Daerah yang Demokratis" *Mimbar Hukum* 23, no. 1 (2011) 16: 226.

inside Golkar that emerged in the 1990s. For instance, the Democrat Party with Susilo Bambang Yudhoyono, Gerindra Party with Prabowo Subianto, National Democratic Party with Wiranto, and Berkarya Party with Tommy Suharto, fit that profile.

It is important to note that the demise of the New Order did not mean the death of its political influence. The New Order's ruling party, Golkar, still retains significant influence on elections. Its Golkar actors share votes with new parties, such as the Democrat Party, the Gerindra Party, and National Democrat Party. Indeed, the emergence of such new parties is another phenomenon that has allowed political actors of the New Order to dominate political contests. Influence is paramount in politics. The embodiment of new parties that also gain significant political support in elections can be appraised by the tremendous opportunities the New Order has to transform and shape new political characters as it enters what is called the *Neo-New Order*.

The Reformation era has entered a new era in which Jokowi's second term presidency will proceed without barely any checks and balances. With the inclusion of Prabowo Subianto, a Gerinda Party rival in the 2019 presidential election, as the Defense Minister in the new Jokowi cabinet, the government will continue in harmony, without contentious supervision by other political institutions. This situation will quickly turn the government toward authoritarianism; once political opponents participate in a shared government, it becomes very difficult for them to criticize it. This situation reflects the romanticized relations of the integralist values in which, under national unity, the administration is heavily biased in favor of the spirit of kinship with the so-called illiberal democracy.[55] This fact has been a new trajectory of Indonesian democracy in the post-authoritarian regimes that are extremely susceptible to sliding into authoritarianism.

IV. CONCLUSION

After two decades of the Reformation period, democracy in Indonesia has considerable challenges to ensure its traditions and changes remain consistent with its rationale. There are multifarious aspects that hinder the demand for democracy in Indonesia, but one in particular is the extent to which the constitutional amendment formulates and prioritizes political parties as part of the vanguard promoting liberal democracy. When the establishment of political parties in the Reformation period relaxed, another element was needed to consider ensuring laws that anticipated the establishment of many parties and was able to balance between coalitions and opposition to develop an effective government. With the absence of checks and balances of political parties in the current environment, Indonesian democracy may become more illiberal, gradually restricting civil rights and freedom under the common goals as a reference for the principle of Pancasila mutual help. In particular, democracy in contemporary Indonesia has become entangled in romanticized relations that lack checks and balances among political parties that emphatically impact the political system.

[55] This term is extensively extracted from Supomo's integralist idea. Supomo was 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 separation between people and government as if it is rooted in the Javanese mystical belief of *manunggal kawula gusti* (the unity of people and God). This term is frequently justified as 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* (Routledge, 2014), p. 3.

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