

Electoral Politics in Indonesia: A Hard Way to Democracy

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Introduction

This chapter investigates the relationship between elections and democratic development in the Republic of Indonesia. It traces the emergence and institutionalization of electoral politics at various junctures in Indonesian history. It then explores the virtues and perils of the current system, and the modalities for reforming the electoral system in order to enrich the democratization process. Starting with a historical overview, the introduction of the current system is discussed. Particular emphasis is given to the 1999 general elections, the founding elections of the second Indonesian democracy. The problems of the institutionalization of democracy are then examined, followed by a look at the incentives and obstacles for further democratic transition in the realm of electoral politics, and a proposal for a reform agenda. Finally, perspectives of electoral politics in the era of democratic transition are sketched out.

Historical Overview

The first general election in Indonesia was held in 1955, ten years after the Indonesian declaration of independence in 1945, and five years after the temporary constitution of 1950 established a liberal representative democracy with a parliamentary system as its form of government. When the Republic of Indonesia was proclaimed in 1945, one of the first programmes espoused by its founding fathers was the holding of general elections. However, elections could not be held for several years while an independence war was waged against the Dutch colonial armed forces. When it ended in 1949, then Vice-President Mohammad Hatta issued Vice-Presidential Decree No. X/1949, aimed at liberalizing the political system. The constitution of 1950 replaced the first Indonesian constitution of 1945. It established a parliamentary system instead of the former, strong presidential system, with a president as head of state and a prime minister as head of government. However, the new system was a failure, for cabinets were continuously unstable; the most durable cabinet survived for only two years. The legitimacy of the constitutional system was also challenged by numerous separatist rebellions.

A general election for a constitutional assembly (*konstituante*) was believed to be the answer to political instability. The 1953 Election Law paved the way for the country's first legislative elections in September 1955. It established a proportional representation system in multi-member constituencies (MMCs). Although the election process was fair and democratic, the outcome was disappointing for those who had hoped it would increase the stability of parliamentary democracy. None of the competing parties even won a quarter of the total valid votes cast. The Indonesian Nationalist Party (Partai Nasional Indonesia, or PNI) gained 22.3 per cent, followed by the Indonesian Modernist Islamic Party (Majelis Syuro Muslimin Indonesia, or Masyumi) with 20.9 per cent, the Indonesian Traditional Islamic Party (Nahdlatul Ulama, or NU) with 18.4 per cent and the Indonesian Communist Party (Partai Komunis Indonesia, or PKI) with 18 per cent (Feith, 1957: Table 1).

Although the 1955 election, followed by local elections in 1957, was generally seen as democratic, it did not solve the chronic political crisis. The struggle between different ideological camps, between parliament and cabinet, as well as between communal groups, created a highly unstable political situation. Finally, backed by the military, President Soekarno proclaimed martial law in 1957. The parliament was dissolved and the 1945 constitution replaced the 1950 temporary constitution. This step enabled Soekarno to replace the elected parliament with an appointed council, return to the presidential system and ban political parties resisting these changes. President Soekarno later consolidated his power by establishing an authoritarian regime known as 'Guided Democracy'. He appointed members of parliament and mainly drew support from the PKI and the PNI.

In the following years, Soekarno leant more and more to the left, bringing him into direct confrontation with the military. After years of tension, an abortive coup was launched in 1965. The coup failed, suppressed by General Soeharto, then commander of a special task force, but the tumultuous situation following the coup weakened the power of President Soekarno. The army blamed the Communists for masterminding the coup, and in the months that followed suspected Communists were hunted down and killed by army units together with Muslim youths, and hundreds of thousands of 'Communists' were detained for years without trial. The army emerged from the struggle with the upper hand.

By 1967, Major General Soeharto had wrested all power from President Soekarno.¹ A new authoritarian regime, called the New Order, was established. Soeharto was 'elected' as acting president by the parliament. Backed by the United States and other Western countries, which praised Soeharto for his success in crushing the Indonesian Communist Party, the New Order started to prepare for the first election, scheduled for 1971. Without the participation of

1. Soekarno was confined to house arrest and died in 1970.

the two largest political parties – Masyumi had been banned by Soekarno and PKI dissolved by Soeharto – the 1971 general election was effectively a legitimacy tool for the New Order regime. Ten political parties contested the election. One of them was GOLKAR (Golongan Karya, or Functional Group). Established in the early 1960s as a united front to fight the Communist Party, GOLKAR was an assembled organization of different social and state groups and not a political party in the legal sense. However, it emerged as the de facto leading party of Soeharto’s new regime.

As expected, GOLKAR won the election. The party gained 62.8 per cent of the total valid votes and 236 out of 360 seats in parliament – enough to control the legislature. Under the new, stable authoritarian order, the regime gave economic development top priority. Political participation was reduced to various forms of political mobilization of support for the regime and its leader, President Soeharto. To further consolidate his power, President Soeharto initiated a restructuring of the party system in 1974. All political parties and groups, with the exception of GOLKAR, were dissolved; two new parties were allowed to organize: the United Development Party (PPP) and the Indonesian Democratic Party (PDI). Although these three parties were legally independent and separate political organizations, the party system was in reality a ‘hegemonic system’ (Sartori, 1976), for GOLKAR was the dominant political party, with the other two parties serving as satellite parties. Within the framework of this manufactured party system, the New Order regime successfully held five consecutive general elections for the House of Representatives (*Dewan Perwakilan Rakyat* [literally People’s Representative Body], DPR), in 1977, 1982, 1987, 1992 and 1997. None of the elections was competitive or free and fair, with the entire state apparatus, the military and the business community mobilized in support of the regime and GOLKAR, its front organization.

Table 1: Legislative Elections under the New Order, 1971-1997

Year (%)	1971*		1977		1982		1987		1992		1997	
	S	V	S	V	S	V	S	V	S	V	S	V
PNI	4.3	6.9	-	-	-	-	-	-	-	-	-	-
NU	12.6	18.7	-	-	-	-	-	-	-	-	-	-
GOLKAR	51.3	62.8	50.4	62.1	52.6	64.3	59.8	73.2	56.4	68.1	65.0	74.5
PPP	-	-	21.5	29.3	20.4	27.8	12.2	16.0	12.4	17.0	17.8	22.4
PDI	-	-	6.3	8.6	5.2	7.9	8.0	10.9	11.2	14.9	2.2	3.1
Others	10.0	11.6	-	-	-	-	-	-	-	-	-	-

* In 1971, 1977, 1982, 1987 and 1992, 100 additional seats were reserved for the armed forces. In 1997, 75 additional seats were reserved for the armed forces.

S - seats; V - votes

Source: Rueland, 2001: 83-129.

Not surprisingly, GOLKAR achieved landslide victories in all elections, as Table 1 shows. GOLKAR dominated the legislative arena because it gained the majority of seats in parliament, was supported by the military (for which 100 seats were reserved) and could count on the submissive role of its satellite parties in parliament, as they were too weak to challenge the regime anyway.

The regime continued to manipulate the parliament as a support system for the government. Any potential for opposition was managed with a stick and carrot strategy, while any overt opposition was controlled by repressive measures. As a result, throughout Soeharto's 32 years in power, elections served more as a means of political mobilization than participation. As political machinery for the regime, elections did not allow for any meaningful political competition between different parties, programmes or ideologies. The House of Representatives (DPR) did not develop into an independent branch of government, separated from the executive, but served only as a rubber stamp for Soeharto's increasingly sultanistic regime.² Elections thus served as a 'useful fiction' (Liddle, 1996) to increase reliance on the procedural element as the basis of authority, which would indicate the growing strength of the regime and progress in legitimization (Alagappa, 1995: 53).

Regime stability, however, turned out to be a fragile facade when the effects of the so-called Asian crisis started to hit Indonesia in the second half of 1997 and developed into a dramatic financial and currency crisis in the following year. A multi-dimensional crisis was sparked: an economic crisis developed into a crisis of public confidence in the political order. Following the largest student demonstrations in modern Indonesian history and large-scale riots in six major cities in May 1998, President Soeharto was forced to give up his one-man rule and step down. He was replaced by a transitional government, led by Vice-President B.J. Habibie, an engineer-turned-politician. With the takeover of the presidency by Habibie the so-called Reformation Era began. The government could not withstand public pressure to liberalize the political system. The process of transition developed from the stage of liberalization in late 1998 into a full-blown democratization of the political regime, paving the way for the founding elections of the second Indonesian democracy in June 1999. Out of more than 100 political parties founded in the following months, 48 passed the requirements to participate in the first free and fair elections Indonesia had seen since 1955.

The Current System: Elections in Transition

Electoral provisions remained more or less the same throughout the New Order regime (1966-1998). In 1995, President Soeharto himself commissioned a group

2. For a general discussion of the type of sultanistic regime, see Chehabi and Linz, 1998. For its application on Indonesia, see Dosch, 2000.

of researchers from the Indonesian Institute of Sciences (LIPI), a government think-tank, to research and draft a proposal for changes in the electoral system.³ The team proposed changes to the electoral system in three stages, from a 'refined proportional system', to a 'mixed system', to a 'refined single-member constituency system'. Despite the fact that the president had himself commissioned the team, the government rejected the proposal. At that time, the proposed changes were considered too radical to be implemented.

The economic crisis that hit Indonesia in 1997 snowballed into a political crisis, which finally brought down Soeharto and set in motion a new period of political transition. In late 1998, under increasing public pressure, the administration of President Habibie initiated efforts to revise the three main political laws enacted in 1985, i.e. the Law of the Republic of Indonesia on Political Parties, the Law on General Election and the Parliamentary Law. Two drafts – one by a team of researchers from LIPI⁴ and another by a team of experts from the Ministry of the Interior⁵ – were submitted to the DPR. In addition, several non-government organizations (NGOs) also submitted their own versions of the laws. Under the free atmosphere of the Reformation Era, political participation enabled social scientists and scholars as well as the public to play a significant role in drafting these new laws. For the first time since the early 1960s, scholars, not politicians or bureaucrats, played a significant role in designing the institutional structure of the political system.

Finally, the DPR, which was still dominated by members of the old regime, collected various inputs from the submitted proposals, with most articles of the new laws coming from the Ministry of the Interior's proposal. Concerning the electoral system, the new election law was enacted by the DPR as the Republic of Indonesia's Law No. 3 of 1999 on General Election. In addition to this law on elections, the DPR enacted two other related laws, Law No. 2 of 1999 on Political Parties and Law No. 4 of 1999 on the Structure and Composition of the People's Consultative Assembly (Assembly) and the People's Representative Body (House).

The unicameral parliament or House (DPR) is composed of 462 directly elected representatives and 38 members from the armed forces. The People's Consultative Assembly (*Majelis Permusyawaratan Rakyat*, MPR) is an expanded parliamentary assembly formed by the 500 members of the DPR and 135 representatives of the regional parliaments plus 65 delegates selected from different functional groups. The latter are appointed by the Election Commission. The DPR is a classical legislature, while the MPR elects the president and vice-president, and performs limited legislative functions (Rueland, 2001: 90). Thus the DPR is the only constitutional power whose

3. See Lembaga Ilmu Pengetahuan Indonesia (LIPI), 1998.

4. The work first appeared as a monograph and later (in 1998) as a book entitled *Menata Negara: Usulan LIPI tentang RUU Politik* (Bandung: Mizan).

5. This draft has never been made public.

members are directly elected by the Indonesian people. It is the only institution deriving its democratic legitimacy directly from the participation of the people in a democratic electoral process.

The new election law for the DPR introduces proportional representation in 27 multi-member constituencies, ranging from four to 82 seats. The constituencies are territorially identical to the country's provinces. Candidates are nominated by the political parties. The electoral law also adopts the proportional system of election. Political parties reserve the right to list their candidates according to their 'district of constituency'. Voters vote for the party list and not for a specific candidate. In addition, the number of voters in each district determines the minimum votes a candidate needs to be elected as representative. The idea is to balance the number of representatives from the densely populated island of Java and the less populated outer islands. A candidate from East Java, for instance, has to garner more votes than a candidate from another province on an outer island. A seat with a larger quota for the votes is called a 'fat seat', while a seat with a lower number of votes is called a 'skinny seat'.

In reality, the minimum 'quota' of votes cannot always be met. In such a case, a party might change the name of its first candidate with the second name in line, or with another candidate from another district. In the latter case, the second person steps aside and gives the seat to the person from another district. This step usually involves the practice of money politics.⁶ This means the central boards of parties have strong discretionary power to decide which candidates become elected members of parliament, even after voting has taken place and a party has failed to win enough votes to pass the threshold in a local district.⁷ At the provincial level, two or more political parties may combine their below-the-threshold votes to reach the minimum quota of votes for a seat. The system is called *stembus accord*, or pre-election consensus. The electoral law requires that a decision to combine votes should be made before election day. In reality, however, consensus is often reached after the ballot. As in the case of under-representation at the lowest level of 'constituency', where a candidate may gain a seat without passing the threshold or with minimum votes, the final counting at the provincial level opens up opportunities for the practice of money politics.

It should be noted that the Law on General Election is inseparable from two other political laws, the Law on Political Parties and the Law on the Structure

6. Another criticism is that such a change neglects the right of voters to decide for which candidates they want to vote, since a candidate moving from one district to another is not the same person who is listed on the list and chosen by the voters. So, the central board of a political party is more important than the voters in choosing and selecting a representative. Data can be found in Sulistyio et al., 1999.
7. To give an example, a political party may garner 230,000 votes in a local constituency with a threshold of only 150,000. The party will gain a seat and keeps the rest of the votes. In another district with a 'quota' of 200,000 for a seat, the same party may garner 300,000 votes. The party will then add the 80,000 votes garnered from the first district to the 100,000 votes from the second district to gain another seat in the DPR with a total of 180,000 votes. The election committee arbitrarily decides how many votes constitute the threshold in each constituency.

and Composition of the People’s Consultative Assembly and the People’s Representative Body.⁸ These two laws were also revised during the transition period. The party law liberalized the legal framework of the formation and work of political parties. However, some articles of the party law and the parliamentary law contain regulations which contradict provisions in the election law. For example, the minimum age to be an active functionary in a political party is 21 years, while the minimum voting age is 17. While the party law aims to enable as many political parties as possible to represent various public groups and interests, the electoral law includes some provisions which aim to reduce the number of parties artificially. For example, it states that only those parties conquering at least 2 per cent of seats in the DPR or at least 3 per cent of the seats in the local legislatures are allowed to run in the next election.

Due to a lack of financial, intellectual, managerial and organizational resources, most new parties, which had had less than a year to prepare for the elections, could not compete successfully with the large, already established parties. Therefore, the legislative elections held on 7 June 1999 – the founding elections of Indonesian democracy – ended with a victory for the four larger parties. Of the remaining 44 parties nominating candidates, only 15 managed to win at least one seat.

Table 2: The 1999 Elections for the DPR*

	Seats# (%)	Votes (%)
PDI-P	30.8	33.8
GOLKAR	24.0	22.5
PKB	10.2	12.6
PPP	11.8	10.7
PAN	7.0	7.1
Others [^]	8.6	8.8

* Totals do not round up to 100 per cent due to inconsistencies of data and reserved seats.

38 additional seats were reserved for the armed forces.

[^] Including 14 political parties.

Source: Preliminary and incomplete data provided by Rueland, 2001: 83-129.

The Indonesian Democratic Party-Struggle (PDI-P) won with a third of total valid votes, GOLKAR came second with 22.5 per cent, the National Awakening Party (PKB) third with 12.6 per cent and the United Development Party (PPP) fourth with 10.7 per cent of total valid votes. The rest of the political parties shared a small number of votes, ranging between 0.3 and 7 per cent of total votes and seats. Dozens of political parties did not pass the threshold of the minimum vote quota to gain a seat.

8. Before the *Reformasi*, or Reform Era, there existed two other ‘political laws’, the Law on Mass Organization and the Law on Referendum.

Two results of the election are particularly important. First, the outcome clearly demonstrates a strong fragmentation of the party landscape in Indonesia's young democracy. Obviously, there is no political party dominating the party system or the legislative arena in parliament. This is a rather frequent phenomenon in new democracies, and can be found in most transitional regimes of the 'third wave of democratization' practising proportional representation in their first democratic elections. However, it is of particular significance for the working of Indonesia's government system. Because in Indonesia's semi-presidential system the MPR elects the president, strong party system fragmentation increases the difficulties in building a government and also threatens the governability of the democratic system.

The decline of former ruling party GOLKAR was dramatic. Compared with the results of the 1997 election, GOLKAR lost more than 61 million votes in 1999, and its share of total votes went down from 74.5 to 22.5 per cent. GOLKAR's performance was in stark contrast to other cases in Asia, where the former ruling party managed to come out of the first democratic election as the new, democratically legitimated ruling party, as in Taiwan, or at least as the strongest party in parliament, as in Korea. The party lost its hegemonic position and almost all its political potential to form the government. GOLKAR's satellite parties, PPP and PDI, also came out as main losers of democratic elections.

Nevertheless, the second outcome was that there was an element of political continuity in the electoral results. The pattern of the garnered votes resembled the 1955 election, where political parties were clustered into two big groups, Islamic parties and nationalist-secular parties. After more than 40 years, the most salient cleavage in Indonesian society had not lost its significance, and re-emerged with the liberalization of the political sphere.

The 1999 election itself was watched closely by domestic as well as international institutions and organizations. Although some protests occurred during the electoral process, the ballot itself was generally seen as democratic and fair. Some international organizations monitoring the election immediately issued statements that the election was democratic and fair, before the counting had even been completed. In some areas, however, protests were so serious that the votes had to be recounted. Consequently, the political parties contesting the elections never endorsed the final results. The Electoral Commission never published the results of the official vote counting – except the number and percentage of the allocated seats. According to the Law on Elections the election results must be endorsed and signed by at least 75 per cent of the competing parties, or 36 of the 48 political parties competing in the 1999 election. Nevertheless, Acting President B.J. Habibie signed a presidential decree, Keppres No. 92/1999, officially recognizing and endorsing the results of the ballot, even as disputes over counting remained unresolved in some areas, and before the number of signatories for the final results had reached the minimum quorum.

Although this does not seem to be a relevant issue in the political debate either for the parties or the public, it could become a problem in the next election in 2004 if doubts over the correctness of the electoral process were to increase.

Political reforms during the Reformation Era of 1998-99 also included the enactment of a new Law on the Structure and Composition of the People's Consultative Assembly, People's Representative Council House and Regional People's Representative Council House. Membership of the MPR was downsized, from 1,000 to 700 members. Of this, 500 members are directly elected representatives of the DPR. The remaining 200 members fall into two categories: 135 are 'regional representatives' of the regional legislatures and 65 are 'group delegates' of functional groups.

The first category consists of five representatives from each province, elected by members of the Regional Council Houses (DPRD I).⁹ The procedure enabling the DPRD I to elect their own representatives to the MPR aims to strengthen the participation of regional and local institutions in national affairs. It is part of a broader restructuring of the institutional framework of Indonesia's state organization, which should give more power and authority to the regions. While state power was highly centralized in Soeharto's New Order regime, one of the political principles of the new democratic order is 'local autonomy' and decentralization of state power.

The second category includes representatives from 'functional groups' such as NGOs, the intelligentsia, mass organizations, disabled people, professional organizations, arts and culture, religious groups, etc. While those representatives serving in the current MPR (1999-2004) were appointed by the president, in the next round (2004-2009) the 'group representatives' will be appointed by the Election Commission. Interestingly, despite intense struggles between political parties over the election of regional representatives in the MPR, no serious political fights occurred for the 'group delegates'.

The 500-member DPR itself consists of only 462 elected representatives. The other 38 members are representatives of the armed forces (TNI) and the police (Polri). In some sense, the reservation of additional seats for the military and the police force is a compensation for the two groups' loss of franchise. However, as some critics argue, this provision strongly over-represents both groups in parliament for their total manpower is only about 650,000. Based on the average quota for a DPR seat of about 150,000 votes, only four to six seats should be reserved for these groups. Instead, the existing legal framework unfortunately gives the armed services a privileged political status.

9. When the election was held in June 1999, East Timor was still a 'province' of Indonesia, contributing to the total of 27 provinces. East Timor voted for its independence in August 1999, but five new provinces were formed in the following two years.

From Mobilization to Participation: Problems of Democratic Reform

Under Soeharto's New Order regime, the DPR and the MPR were no more than rubber stamps giving consent and procedural legitimacy to whatever policy the executive adopted. Contrary to the constitutional order stipulated in the 1945 constitution, the government system was a pure form of 'hyperpresidentialism' or presidential dictatorship; the policy-making process was in effect monopolized by the executive, and personalized by Soeharto himself. Legislative elections were only an instrument for the mobilization of political support for the regime rather than a meaningful instrument of free political participation of the citizens. They were political rituals, with predictable results. In particular, the 'election' of the president by the MPR was nothing more than an acclamation ceremony.

While GOLKAR was the main political machinery behind the Soeharto regime, two other pillars provided additional political support. Together, these three pillars, called ABG, formed the power structure of the authoritarian regime. 'A' stood for ABRI (the Indonesian Armed Forces), 'B' for *birokrasi* (bureaucracy) and 'G' for GOLKAR and the mass organizations supporting it. The former two pillars supported the primary one, GOLKAR. The military played a particularly important role in supporting GOLKAR in elections due to its territorial organization, command structure and authority to deal with social and political affairs.¹⁰ ABRI intervened heavily in elections and supported GOLKAR as a recruitment pool for serving and retired military officers and as a campaign machine. In 1997, for example, Army Chief-of-Staff General R. Hartono issued a statement that all soldiers and officers were GOLKAR cadres and should wear the yellow GOLKAR jacket. In 1998, there were around 40,000 military and retired officers in such a position; a year later, the number had declined to about 15,000.¹¹ The role of the state bureaucracy in supporting GOLKAR was also obvious since party membership was mandatory for civil servants. Another pillar of political support for GOLKAR were various mass organizations, particularly youth organizations, which clustered around a loose coalition named Kino GOLKAR (Kelompok Induk Organisasi GOLKAR, or GOLKAR's Group of Leading Organizations). The government directly or indirectly financed these organizations through state sponsored programmes.

The transition era opened a window of opportunity for political change. Legal reforms of the party system, the electoral system and the legislature liberalized

10. The territorial command usually overlapped with the provincial administrative units, although some territorial commands at the provincial level, known as *Kodam*, covered and oversaw more than one province. At the lower levels, there were *Korem* which oversaw territory covering several regencies, *Kodim* which oversaw a regency, and *Koramil* which oversaw a subdistrict. The number of these territorial commands varied.

11. Sources quoted varying figures; this figure is from a statement made by then Armed Forces Chief-of-staff for Social and Political Affairs Lieutenant General Susilo Bambang Yudhoyono at a conference held in the Hague in November 1998. Other sources believe that the number is much lower.

the political system, provided for a more balanced structure of political power and improved the status of the only directly elected institution, the DPR. The political reality of democratic reform, however, was rather disappointing, particularly for the most politically active segments in Indonesian society, i.e. students, intellectuals and scholars. *Desencanto*, as the phenomenon of post-transition political frustration was called in Spain after the downfall of the Franco regime in the second half of the 1970s, had several reasons. One was the disappointment of the public with the functioning of the DPR and MPR. A major point of criticism is that the debates and working of the houses are largely dominated by *fraksi* [literally fractions] – clusters of members from a single big party or coalitions of small parties. A slight change of decision from a small party may greatly influence the balance of power, making the Assembly very shaky on sensitive and divisive issues such as the presidency. Critics argue that the formal institutions and mechanisms of the democratic process are subject to personal and fractional influence of a small but influential group of ‘leading’ party politicians who are using the parliamentary arena for their personal interests and power-struggles, while the ‘collective’ interests of Indonesian citizens are mostly ignored. This may or may not be true, but the public has already developed a very negative opinion about post- Soeharto party politics.

The reform era also paved the way for the introduction of various elements of political decentralization. There was concern that a single-member constituency system of election would increase the fragmentation of the political system according to regional, religious and ethnic identities. Thus the adoption of the proportional system in the 1999 general election was meant to improve the representativeness of national political institutions as well as balance the principles of representativeness and governability. Compared to a ‘pure’ plurality system in SMCs, the proportional system was generally seen as the better option since most experts believed that a proportional system might increase the tendency of the political parties and their representatives towards national politics.

From the beginning, however, the electoral system proved to have some serious weaknesses. Dual layers of ‘district-based constituency’ – the second administrative unit and the provincial levels – resulted in serious confusion over the rank of candidacy and the quota system. This in turn increased the vulnerability of elections to money politics. The few cases of money politics involving candidates for the DPR that became public belied the widespread problem money politics has become, particularly in local elections. Many new players quickly picked up the mechanisms and tactics of pork barrel politics from the old politicians of the authoritarian regime. Since administrative and political decentralization has been accompanied by increasing political corruption of the now elected representatives, decentralization is in danger of becoming a reform failure.

The situation is worsened through the practice of *stembus accord*, in which a political party combines its under-quota votes with under-representation of another party to gain a seat. This openly denies the principles of political representation of voters, as their votes for certain political parties or candidates are then chalked up to another party or candidate. These horse-tradings make voters' decisions meaningless since political parties decide which parties should send which candidates to parliament, independent from the political will of the voters. Additionally, in the 1999 general elections, most of these deals took place after the elections in contravention of the election law which clearly stipulates that political parties must agree and make such agreements public before the ballot so the voters know in advance who may benefit from their votes.¹²

In the first half of 2001, the new semi-presidential government appeared to be a major institutional weakness of Indonesian democracy. Bitter bickering between the DPR and President Abdurrahman Wahid culminated in the House exercising its rights of interpellation over the alleged involvement of the president in the Bruneigate and Buloggate scandals. In the first scandal, President Wahid was suspected of receiving money from the Sultan of Brunei, although he denied this, claiming that the money was for the settlement of the Aceh conflict. In the second scandal, the president was accused of using money from the Office of Logistic Affairs for his personal use, although he again denied his involvement. The result was a tug-of-war between the president and the DPR on the constitutional rights of the House. Soon the political crisis of the government developed into a crisis of the new democratic regime. Since the opposition controlled the DPR, and the House dominated the MPR, which, in turn, held the right to impeach the president, any move by the House against the president became a serious threat to the government. Critics of the legislature argued that the situation had developed into a 'parliamentary dictatorship'. Others criticized the president for his controversial and stubborn resistance to his political opponents and his erratic decisions on many state affairs and issues.

It was no longer a question of whether the president had violated the law or the constitution, but whether the MPR could impeach the president without proper trial because he had lost the support of the majority of representatives in the Assembly. Other controversies also emerged, i.e. on the prerogatives of the president and his vice-president, the authority of cabinet formation and the division of prerogatives between DPR and MPR. Initially, the MPR wanted to decree a rigid separation of powers between the president and the vice-president, seemingly aimed at further weakening the president as head of government, leaving him only as head of state. However, the president insisted that he would assign only certain specific tasks to the vice-president, not his presidential authority. He would remain chief executive responsible to the

12. In some cases, there are 'under-the-table-deals' where two candidates agree to 'share' a mandate, with one representative serving a first two-and-a-half-year term and the other serving the second.

MPR, while the vice-president would be responsible to him. As chief executive, the president would have the authority to interfere in the day-to-day running of the government, a task constitutionally assigned to the vice-president. Decisions would have to be made collectively by the president, the vice-president, and the two co-ordinating ministers in charge of economic affairs and security policy. However, the arrangement failed, further weakening the position of President Wahid. In the end, the confrontation between the president and the legislature on the so-called Buloggate and Bruneigate developed into a serious constitutional crisis damaging all major constitutional organs of the democratic system. The lack of any politically independent constitutional organ of judicial review holding the authority to decide constitutional controversies between (or within) the executive and legislative branches of government was also a major obstacle to resolving the crisis. In the end, President Wahid was ousted by a 'parliamentary coup' on 22 July 2001. The Assembly immediately replaced him with Vice-president Megawati Soekarnoputri. When President Megawati Soekarnoputri assumed the presidency, she made a proposal that her PDI-P party should initiate the establishment of a commission to amend the constitution. However, her proposal was not well received by the MPR, which finally proceeded with its own committee, called the Ad Hoc Committee, or PAH, to initiate further amendments to the 1945 constitution, after some previous minor changes.

Electoral Politics: Incentives and Obstacles for Democratic Transition

Despite the fact that the 1999 election has not contributed to more political stability, in itself it served as a significant turning point in the democratic development of Indonesia. It generated the development of several new democratic organizations, became the focus of the still vulnerable democratic movement in Indonesia's society and a meaningful step in the dissolution of the old authoritarian power structure. Although there were deficits in the transparency and technical correctness of the election process and, in some cases, in the credibility of the officially declared results, the election itself proved to be an important exercise in democratic practice. What does seem lacking is the accountability of political representatives to their constituents, voters and supporters. The major difficulty of electoral politics in Indonesia is not the lack of electoral quality but the lack of political accountability. Political reforms aiming to increase the vertical representativeness of democratic institutions and the governability of the political system cannot exclusively focus on electoral reforms. They should encompass the major political institutions, the party system and the process of local decentralization as well.

So what are the obstacles to such reforms? Firstly, the recent political conflict between the different branches of government appears to arise from a

constitutional design whose basic principle is not separation of power, but diffusion of power. The People's Consultative Assembly, or MPR, serves as the supreme constitutional power, or a quasi 'super parliament', representing the people's sovereignty as an institution with nearly ultimate power. The Assembly supervises the three branches of government – the double-headed executive consisting of the president and the vice-president, the legislative power consisting mainly of the DPR, and the judiciary. As stipulated in the constitution, the MPR has nearly unlimited authority to decide any state affair, from impeachment of the president to the dissolution of the Republic of Indonesia. Thus the MPR is also called the State Supreme Institution (*Lembaga Tertinggi Negara*), whereas the DPR, the supreme court of Indonesia and the government – consisting of the president, the vice-president and the cabinet – are called State High Institutions (*Lembaga Tinggi Negara*).¹³ The MPR's membership composition, however, does not allow for such a 'supreme' status since the DPR dominates the MPR, and thus party politics influence the Assembly's working. At the same time this institutional arrangement contradicts the constitutional structure of checks and balances between the three branches of government; checks and balances cannot be implemented as the DPR's hegemonic position in the MPR gives the legislature more power than the other two branches of government. The potentially disastrous effect of this power structure became obvious during the 2001 impeachment controversy. The strengthening of the DPR has reduced the power of the executive, while it has left the prerogatives of the House almost uncontrolled.

Secondly, the real power in the House lies in the so-called *fraksi* or party groups, albeit in a party system that is far from stable and well institutionalized. However, without a majority party in the DPR, it is not easy for the *fraksi* to reach a consensus to achieve concluding votes. The impeachment against President Abdurrahman Wahid was a special case, for his erratic decisions contributed greatly to the disappointment of many *fraksi* within the DPR (and finally MPR), which had the effect of 'unifying' the deeply fragmented parliament. However, in the case of 'normal' legislation, fragmentation and confrontation between the different party groups in parliament is a major obstacle to deepening democratic reforms as well as the governability of the democratic system.

Thirdly, political regionalism is another problem of democratic transition which is also related to the electoral system. The *reformasi* movement has removed the central government's power to enforce in the regions political decisions taken on the national level. Therefore, the power locus has shifted from the centre to the previous periphery of the state. Before the 1999 general election, national decision-makers believed that a single-member constituency or district system would increase the political fragmentation of the country in terms of a regional

13. There are two other State High Institutions – the State Financial Audit Body (*Badan Pemeriksa Keuangan*, or BPK) and the Great Advisory Council (*Dewan Pertimbangan Agung*, or DPA).

bias of the party system. A proportional system, on the other hand, was seen as an institutional solution to the problems related to the ethnic, political and regional segmentation of Indonesia. While the new electoral system was quite successful in terms of representativeness of the national legislature, it produced negative results in terms of political accountability and governability for reasons already discussed.

Proposals for Institutional Reforms

Generally speaking, two basic types of electoral systems can be identified which can be used to classify almost all existing electoral systems.¹⁴ Within the immense diversity of real existing democracies both types often occur in combination, while the logic of one type is predominant (Nohlen, 1984). This is the case in Indonesia. Indonesia has a long tradition of practising proportional representation systems. The current system is a proportional system in multi-member constituencies.

As argued by Aurel Croissant in the introduction and the conclusion to this book, electoral systems have to serve particular functions: representation of the political preferences of the voters and integration of the political will into ruling majorities. As discussed earlier, these two functions have been highly unbalanced throughout the democratic periods of Indonesia's history. During the first Indonesian democracy preceding Soeharto's New Order, the proportional system produced a high degree of representativeness of electoral results, but at the expense of governability. Of course, it would be overly simplistic to argue that the shortcomings of the electoral system were the only reasons for the failure of Indonesia's democracy in the 1950s and 1960s. But there is broad consensus among Indonesia's political science community that the electoral system was one among other factors contributing to the slow death of democracy during that time.

However, one of the marked features of the institutionalization of democracy in Indonesia is that there is still broad consensus in favour of the proportional system. It seems that most actors agree with the statement that in a plural society like Indonesia, a plurality system is an improper instrument to increase the governability of the democratic system and, in a certain sense, the political accountability of representatives toward the electorate, because it would pay for such benefits with deficits in terms of representativeness. However, the current system combines the virtue of high representativeness with the perils of low governability, as seen during the 2001 impeachment crisis, and low political accountability of representatives towards voters. Rarely do constituents know 'their' representatives; and only a few members of the House actually know the nature and character of 'their' constituencies, although they are required to

14. See the Introduction to this book by Aurel Croissant.

visit the constituencies during off-sessions. Nomination procedures and horse-tradings between political parties are often a mere power struggle without proper consideration of the political interests, orientation and needs of the constituents. Since 1999 constituents' trust in 'their' representatives has seriously deteriorated.¹⁵ However, already low and decreasing public trust and confidence may turn out to be fatal for democratic transition.

Therefore, one of the first proposals for institutional reforms is electoral reform. More specifically, electoral reforms should have the objective of increasing the accountability and governability of the democratic system, without decreasing the representativeness of the system. For the time being, several proposals are being discussed in Indonesia. Most support the idea of refining or even changing the type of electoral system, for instance from a proportional to a plurality system in SMCs. The implementation of this proposal, however, would increase accountability and governability at the expense of the representativeness of the political system; at the same time it would increase the importance of regional, ethnic and religious cleavages, and strengthen the 'societal fragmentation' of the party system, even though it may be a useful measure to decrease the fragmentation of the party system in general.

A more appropriate strategy might be to mix the two basic types of electoral system so that their mechanical and psychological effects¹⁶ can be developed on different 'levels' of the institutional system. This reform step can be accompanied with a full restructuring of the form of government. For example, the Assembly should be changed into a bicameral parliament, with the old DPR consisting of elected members through a proportional system as the first chamber, and a new, second chamber called the Regional Representative Council (*Dewan Perwakilan Daerah*, or DPD) consisting of representatives elected through a plurality system in SMCs. In this case, different electoral systems would apply for elections for an incongruent but symmetric bicameral system in which the first chamber (DPR) is the 'national' house and the second chamber (DPD) is the regional chamber.

In general, the institutions of a representative democracy should consist only of elected members, with no assigned or appointed members. Of course, in some consolidated democracies the second chamber consists fully or partially of appointed members or members nominated by the regional governments, such as the House of Lords in the United Kingdom, the Senate in Italy and the Federal House, or Bundesrat, in Germany. In these cases, however, the upper house exercises only a very limited political influence or the appointed and nominated members are selected by democratically legitimated power holders,

15. A poll carried out by *Kompas* daily newspaper found that only receive 8 per cent of people put their trust and confidence in the politicians in the DPR. See *Kompas*, 22 June 2001.

16. For a discussion of the mechanical and psychological effects of electoral systems, which draws much from the work of Maurice Duverger, see the final chapter by Aurel Croissant.

i.e. elected governments. This does not hold true for Indonesia, where the appointed representatives of the armed forces are not elected in a democratically legitimated process but at the military's discretion. Therefore, a further step of institutional reform should be to eliminate the remaining 38 seats in the DPR reserved for representatives from the military and the police.¹⁷ In a liberal, representative democracy, the principle of civilian supremacy is one of the core principles of the political order. As such, this principle does not allow for the representation of the armed services as an organization in the political decision-making process (Kemp and Hudlin, 1992). The principle of political equality of the individual is another core idea of liberal, representative democracy. Political equality of the citizen cannot tolerate special representation rights for one or more groups in society. From the point of liberal democratic theory, soldiers are citizens of equal political status, no more or less. Therefore, they should have the franchise and other political rights. However, they should not have any political prerogatives such as special representation.

While reorganizing the Assembly into a bicameral parliament is one reform proposal, reforming the electoral process with regard to the president is another. Under the current system, the president and vice-president are elected by the MPR, the supreme institution in Indonesia's democracy. The elected president in turn reserves the discretionary power to form his/her own cabinet. The cabinet is not responsible to the parliament, whereas the president is only responsible to it in matters of unconstitutional action. However, as the 2001 impeachment controversy has proved, the borderline between matters of constitutionality and political questions may become blurred.

In the case where no political party has a majority in parliament, the president cannot govern successfully without support from a coalition of parties. This is a general problem in presidential systems, particularly in those systems applying a proportional system in legislative elections. Therefore, contrary to conventional wisdom, the real power presidents can exercise depends very much on the strength of the president's party in parliament.¹⁸ In a system like Indonesia's, where the president is elected by the parliament, government formation works more like a cabinet system than a presidential system. While the lack of clear presidential majorities in parliament is a general problem for governability in many presidential systems, in Indonesia it is also a problem of government formation. Therefore, Indonesia should introduce election by plebiscite of the president and vice-president. To avoid problems of governability arising from staggered elections¹⁹ and to reduce technical problems and costs respectively, legislative and presidential elections should be held

17. Needless to say, this also applies for the regional and local legislatures such as DPRD I and DPRD II. The 10 per cent membership for representatives of the military and the police in the two provincial and local assemblies should be abolished as well.

18. For presidentialism in Latin America see Figueiredo and Limongi, 2000; for East Asia see Croissant, 2002; and Croissant and Merkel, 2001. For a general discussion see Shugart and Carey, 1992, and Shugart, 1999.

19. See the chapter on South Korea by Aurel Croissant.

simultaneously, as they are in the Philippines,²⁰ and the terms should be synchronized. There is a good chance that this proposal will be adopted for the 2004 legislative and presidential elections, although the general session of the MPR has so far failed to reach an agreement on it.

For various obvious reasons, particular emphasis has to be given to external support for further democratic reforms. Domestic actors need the help and contribution of their foreign counterparts and the international community to successfully bring about democratic reforms. Previous experience has shown that help from international organizations and external actors, such as various funding agencies, charity and philanthropic foundations as well as individuals, contributed significantly to the process of democratic transition in Indonesia. Indonesia's intellectuals play a particularly important role in transition processes. They convey comments and opinions and provide analyses of the political process, which shape the public discourse on various issues, including elections and electoral politics. Many of them graduated from foreign universities; and many, if not most, of these intellectuals maintain their intellectual relationships with their former mentors and teachers.²¹

There are also some organizational relationships built among various domestic institutions dealing with the question of electoral reforms and foreign counterparts. These organizations include the United Nations Development Program (UNDP), the United States Agency for International Development (USAID), the National Democratic Institute (NDI), the International Republican Institute (IRI), the European Union Monitoring Team, the Canadian International Development Assistance (CIDA), Australian Aid (AUSAID), the Ford Foundation, the Asia Foundation, Friedrich Ebert Stiftung, Konrad Adenauer Stiftung and many more.

In most cases, these organizations provide funds for legal efforts, balloting and election monitoring, civic education and other election-related activities. The most apparent role that many of these institutions took in the 1999 election was contributing help for the organization and management of election monitoring activities. Their monitoring role was very important for conducting free and fair elections due to the prevailing political environment. On the one hand, the state apparatus was relatively weak, making public participation and control greater than ever; on the other, a weak state administration also meant there were extraordinary problems in organizing the general elections and guaranteeing correct procedures. After the elections, the International

20. See the chapter on the Philippines by Julio Teehankee.

21. An example of such a relationship is a group of graduates from the Department of Political Science at the Northern Illinois University and another group of now leading economists who graduated from the University of Illinois at Urbana-Champaign. The group of political scientists from Northern Illinois University was very much involved in drafting the political laws and developing the decentralization scheme. Led by Ryaas Rasyid, who later became Minister for Regional Autonomy, the eight-member group filled strategic positions within the government and, later, the Commission on General Elections.

Foundation for Electoral Systems (IFES) played a prominent role when it rented a time slot on all five television channels to air interactive programmes on various issues concerning the conduct of the elections, the results and their implications.

For the 1999 elections, international actors were particularly active before and during the ballot. But some institutions also went into action after the ballot. NDI, for instance, issued statements within a few days that the election was democratic and fair. In fact, there were ongoing protests from political parties in some areas, demanding vote recounts and local re-elections. When the new government of President Abdurrahman Wahid was formed, however, the protests went unnoticed. The only official election data available to the public are the figures named in Presidential Decree No. 92/1999 issued by Acting President B.J. Habibie. Legally, these figures are disputable, for an official endorsement of the results of the 1999 election should have been signed by at least 32 of the 48 political parties competing in the election, when in fact only 28 parties signed the results.

The most significant contribution international actors made to the 1999 election was funding. External contributions allowed direct public control of the electoral processes, which was a significant change. Competition between external actors supporting various election monitoring committees even contributed to the better effectiveness of the monitoring committees' work. In addition to financial contributions, which shifted the locus of controlling power during elections from the Ministry of the Interior to the public domain exercised by NGOs and the media, there were external contributions which took the form of a transfer of experience and technical know-how. Indeed, some funding agencies not only tried to share their home countries' experiences, but also to impose their 'ideology'. The debate on electoral systems – proportional versus plurality – was only one example of this.

While external support generally had positive effects, the means of giving support was crucial. One external institution, for example, followed its own policy to promote the adoption of the proportional system for the 1999 general elections. There is no need to criticize their interest, but the way their experts tried to impose this system on local experts was unacceptable. While many members of Indonesia's scientific community think that the most urgent problem in electoral politics is the low degree of political accountability, and that the cure to the problem may be a plurality system in SMCs, many foreign experts hold the view that a proportional system is superior because of its lower degree of electoral disproportionality and higher degree of representativeness. Irrespective of which opinion might be correct, it is not appropriate for foreign advisors and experts to try and enforce their own views, especially against the strong belief of local experts, not because they are foreigners but because any institution needs support from those to whom it gives normative orientation.

When these actors do not accept an institution because they believe it is inferior to another one, rightly or wrongly, the chances that the institution will work are diminished.

Perspectives of Electoral Politics in the Era of Democratic Transition

What is clearly lacking in Indonesia's democratic transition, particularly with regard to electoral reforms, is a detailed agenda of political reform. Most domestic and external observers agree that the lack of such an agenda is one factor among others that has caused the unfocused and even uncontrolled democratic transition. What is popularly called the 'Agenda of Reformation' is 'anti KKN' (local political parlance for corruption, collusion and nepotism) and calls for the abolishment of the dual functions of the military, the implementation of local autonomy and the judicial process for human rights abuses. But as it lacks any no concrete ideas about how to reach these goals, it is not much more than a slogan. Therefore, what is needed most for further democratic transition is an elaborated programme or agenda of reform.

The existence of such an agenda, however, would still not clarify the division of work – who has to do the job and finish the tasks.²² The confusion over this has led to a stagnation of political transformation. The old conservative forces are still struggling and to some degree take advantage of the confusion; they succeed in protecting their interests relatively well. Thus, a second necessity for successful political transformation would be to have clear-cut assignments for those who hold power and authority. (This subject is discussed in the section *Proposals for Institutional Reform*.)

The third need is a clear break between the old authoritarian regime and the new democratic order. This means that no member of the old elite may be permitted to take political office in the new order. In fact, the old elements not only intrude on the political parties, either by becoming functionaries or by forming new political parties, but also by maintaining their old positions within the bureaucracy.²³ Similarly, many individuals and groups have succeeded in making their way into parliament, into the Assembly (MPR) and the Houses (DPR, DPRD I and DPRD II). Old interests stay, old practices remain. As a result, an odd situation develops.

Unfortunately for Indonesia, periods of political transformation have

22. Despite the fact that no such 'national agenda of reform' exists, some NGOs and strategic think tanks have drawn various schemes of reform, although none have received official endorsement.

23. It should be noted here that the total number of first-echelon officials in the bureaucracy is about 1,000. Elite circulation at this level moves very slowly, with new officials comprising perhaps less than 20 per cent. Three successions of national leadership within three years has left many elements from the old establishment contributing to the political stagnation.

overlapped with an economic crisis. In a situation where political anomie is present and where economic sources are scarce, financial resources are an important aspect of the political struggle, more than in normal times. In a general election, when voters have no money to meet their day-to-day needs, a small amount of money can easily buy a vote. But the situation at the upper levels is worse. At the national level, members of the DPR and the MPR may 'sell' their votes for certain issues. Financial resources have become a political asset, enabling money politics to mark the political landscape. Unfortunately, corrupt officials from the old establishment keep financial resources and use them to maintain their influence and roles in politics.²⁴

Last but not least, the role and position of the military in social and political affairs hinders democratic transition. Although officially the military has abandoned its social and political roles, which in the past were encapsulated in the 'dual functions' of the armed forces, it continues to play a significant role in the national economy by maintaining control over many of its old financial assets and enterprises, such as hotels, plantations, banking and other types of economic activities. The national government sees that the potential for regional fragmentation should be reduced by developing a strong military force, and yet the new political environment has largely prevented a return to their former position.

One among many possible answers to the problems of democratic transition is conducting free and fair elections. But an election is only one democratic means to channel the people's sovereignty into structured interests. Democracy is much more than conducting elections. But to make this (first) step on the path to democratic development is particularly difficult during a multi-faceted political, social, cultural and economic crisis. This is indeed a hard way to democracy.

List of Abbreviations

ABRI – Angkatan Bersenjata Republik Indonesia (Armed Forces of the Republic of Indonesia)

AUSAID – Australian Aid

BPK – Badan Pemeriksa Keuangan (State Financial Audit Body)

CIDA – Canadian International Development Assistance

DPA – Dewan Pertimbangan Agung (Great Advisory Council)

DPD – Dewan Perwakilan Daerah (Regional Representative Council)

DPR – Dewan Perwakilan Rakyat (People's Representative Body)

24. Some high-ranking officials have been suspected of corruption during the transition period, but none of them has been found guilty in a fair trial. These officials included Deputy Speaker of the MPR Ginandjar Kartasmita, Speaker of the DPR Akbar Tandjung, Governor of the Central Bank Sjahril Sabirin, and some members of parliament.

DPRD I, II – Dewan Perwakilan Rakyat Daerah (Regional Council Houses)
GOLKAR – Golongan Karya (Functional Group)
IFES – International Foundation for Electoral Systems
IRI – International Republican Institute
Kino GOLKAR – Kelompok Induk Organisasi GOLKAR (GOLKAR's Group of Leading Organizations)
LIPI Lembaga Ilmu Pengetahuan Indonesia (Indonesian Institute of Sciences)
Masyumi – Majelis Syuro Muslimin Indonesia (Indonesian Modernist Islamic Party)
MMC – Multi-member Constituency
MPR – Majelis Permusyawaratan Rakyat (People's Consultative Assembly)
NDI – National Democratic Institute
NGO – Non-governmental Organization
NU – Nahdlatul Ulama (Indonesian Traditional Islamic Party)
PAH – Ad Hoc Committee of Parliament
PAN - Partai Amanat Nasional (National Mandate Party)
PDI - Partai Demokrasi Indonesia (Indonesian Democratic Party)
PDI-P – Partai Demokrasi Indonesia-Perjuangan (Indonesian Democratic Party of Struggle)
PKB – Partai Kebangkitan Bangsa (National Awakening Party)
PKI – Partai Komunis Indonesia (Indonesian Communist Party)
PNI – Partai Nasional Indonesia (Indonesian Nationalist Party)
PPP – Partai Pembangunan Persatuan (United Development Party)
SMC – Single-member Constituency
UNDP – United Nations Development Program
USAID – United States Agency for International Development
TNI - Tentara Nasional Indonesia (National Forces of Indonesia)

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