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Challenges to Indonesia's Democracy: Beyond Religious Polarization

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Abstract

Scholars of Southeast Asian politics tend to agree that, despite its many milestones in the past, the region's democracy is currently in a massive retreat. Hybrid regimes use elections to legitimize authoritarian governments, elected governments can be arbitrarily deposed without the people's mandate, and oppositional voices are systematically silenced. Substantive democracy is also difficult to achieve, with some governments misusing their mandates by issuing policies that are discriminative and authoritarian. There are two sources of such democratic regression: external and internal. The former, dubbed democratic erosion, refers to sources outside of the democratic regime, for example, the influence that an autocratic regime has on a democratic state due to their interaction. Meanwhile, an internal democratic regression takes place when the elected governments themselves cause a democratic decay, for example, due to the persistence of their authoritarian legacy, even when their elections had been free and fair. Indonesia, once considered a beacon for democracy in the region, is now facing these challenges. The article seeks to elaborate on the many examples of "executive takeover" to highlight Indonesia's democratic decay, and consequently analyzes what this means for its democracy going forward.

Key words: Indonesia, democracy, democratic decay, executive takeover, authoritarianism

I. Introduction

Democracy is in a massive retreat across the Southeast Asian region, where hybrid regimes have used elections as a façade to legitimize authoritarian governments and where elected governments can be arbitrarily deposed and replaced without the people's mandate. Cambodia's 2018 election did not accommodate the main opposition parties, and Thailand's 2019 election preserved the military junta. Even Malaysia, whose 2018 election was considered groundbreaking for its success in unseating the right-wing party coalition which had ruled the nation for 61 years — the longest ruling coalition in the democratic world — has in 2020 succumbed to a political crisis which returned the said coalition to power without an election. Most recently, in Myanmar, the military has seized power from the 2020 elected government and used lethal force against peaceful protesters, leading to a massive international outcry.

Considered a beacon for democracy in Southeast Asia, Indonesia successfully held its most recent election in 2019. The country has conducted elections since 1955, and from the time when the authoritarian regime ended in 1998, the subsequent quinquennial parliamentary elections, despite their various challenges, were generally considered free and fair. A direct presidential election was also introduced in 2005, adding to the country's many democratic milestones. In April 2019, Indonesia held the world's largest one-day election, with 193 million voters, 810,000 polling stations scattered across thousands of cities and villages across the country, and almost 6 million recruited election workers. This arguably most complicated popular suffrage consisted of presidential, national and local parliamentary, and senatorial elections — done simultaneously.

Due to the rigid polarization during the presidential election campaign, however, voters' attention was mostly on the contestation between the two presidential candidates: the incumbent President Joko

"Jokowi" Widodo and former General Prabowo Subianto. Such polarization made the election more interesting for voters, leading to a turnout of 81%, the highest in the post-authoritarian era. For many, the political cleavage between the two contenders was on religious issues: due to the "ideology" of the parties that backed him — which were mostly nationalist and not religious — Jokowi was considered to symbolize "pluralism" and religious tolerance. In contrast, the fact that Prabowo was backed by an Islamist-inspired party and supported by Islamic conservative groups made him a representation of their endeavors towards a more Islamic Indonesian polity — even when Prabowo himself admitted that he lacked Islamic credentials (Erwanti, 2018). "Religious" voting was consequently unavoidable: an exit poll indicated that 97% of non-Muslim voters had voted for Jokowi (Wijaya, 2019) — who eventually won — presumably out of fear of what would happen if Prabowo won the election.

It was also unsurprising, therefore, that the bitter sectarian mobilizations which resulted in simplified religious binary politics have diverted the electoral discourse from a more important question pertaining to substantive democracy: whether, beyond its function as a procedural fulfilment for a legitimate succession of power, democracy has ensured that the elected government functions in the interest of the people. Adam Przeworski listed four sources of dissatisfaction towards democracy (Przeworski, 2010: 1–2), namely its incapacity to generate equality in the socioeconomic realm, its incapacity to make people feel that their political participation is effective, its incapacity to ensure that governments do what they are supposed to do and not do what they are not mandated to do, and the incapacity to balance order and non-interference. Przeworski writes that, in reality, the founders of representative democracy were speaking about formal political equality, equal procedural chances to influence collective outcomes, and an equal treatment by law, instead of a socio-economic one

(Przeworski, 2009). About the effectiveness of political participation, he points at the difficulty in rendering people's participation effective, given that "only a few can casually affect collective decisions" (Przeworski, 2009: 86). However, even when an individual sees their vote as ineffective, the fact that they still vote means that they "may value voting as a procedure for making collective choices" (Przeworski, 2009: 86).

Przeworski is more interested in the "limits" of democracy, e.g. how much equality can a democracy generate? How effective can participation be under democracy? What should we expect of democracy? (Przeworski, 2010: 2) But it is still useful to consider some of the above incapacities as examples of the general challenges to the fulfilment of a substantive democracy. This article on challenges to Indonesia's democracy highlights how both the general political arena as well as specific government policies indicate, for example, the government's lack of capacity to balance order and non-interference, to discern what it is supposed to do and what it is not mandated to do, and to assure some people that their political participation is effective.

This article aims at identifying some of the current challenges to Indonesia's democracy in light of the aforementioned incapacities and seeks to understand the factors causing the country's democratic decay.

Despite its relative success in holding free and fair elections — unlike many in Southeast Asia — Indonesia faces grave challenges pertaining to the quality of its substantive democracy. In the recent years, the government has issued laws which curb good governance and human rights, for example, a law which has substantially reduced the authority of the anti-graft agency, the Corruption Eradication Commission (KPK) — once considered a powerful independent body for having successfully put hundreds of corrupt officials in jail. The recently issued Law on Job Creation significantly restricts labor rights while seemingly prioritizing the interests of employers, reinforcing the

ongoing speculation that the government has been co-opted by oligarchic interests (The Conversation, 2020). Furthermore, the Law on Information and Electronic Transaction (ITE) curbs freedom of expression, as it criminalizes criticism of government policies.

Outside of the realm of laws and regulations, Indonesia's democracy is also experiencing shrinkage of the space for oppositional politics, partly accentuated by the ever-growing power of the government coalition. In the aftermath of the 2019 election, President Jokowi installed his former presidential rival Prabowo Subianto, a former general from the authoritarian era, as his new defense minister. This also meant that Prabowo's Great Indonesia Movement (Gerindra) party has now moved from the opposition coalition to the government coalition. At the end of 2020, the President also installed Prabowo's former running-mate businessman Sandiaga Uno — himself a Gerindra cadre — as Minister of Tourism and Creative Economy, further consolidating Gerindra's place in the government's camp. This leaves only the Islamist-inspired Prosperous Justice Party (PKS) and the Democratic Party (PD) in the opposition camp; the latter is generally considered to be the long-time rival of the government's main party, the Indonesian Democratic Party for Struggle (PDIP). At the time of writing, however, PD is undergoing a crisis, as some of the party's former elites have announced Jokowi's current Chief of Staff of the Presidency, retired General Moeldoko, as the party's new leader, thereby seizing the leadership power from Agus Harimurti Yudhoyono, the son of former President Susilo Bambang Yudhoyono, who was the party's first leader. The involvement of Jokowi's Chief of Staff in this crisis led to some speculation that the Palace had something to do with it, or at least is benefitting from it, especially in order to silence the opposition party (Kompas, 2021) and/or weaken it so as to make it easier for the government coalition to maintain power in the aftermath of the 2024 presidential election.

In addition to the shrinkage of the oppositional camp, Indonesia's democracy also faces "dynastic politics", or the rise of networks of political families made possible by the election-based regime. Dynastic politics undermines democracy because it creates an unleveled playing field and propagates patronage politics and clientelism. In addition, it decreases the chances for non-dynastic individuals to win in the elections. The aforementioned Democratic Party is an example of what dynastic politics looks like, as the leadership of the party, prior to the crisis, was in the hands of former President Susilo Bambang Yudhoyono's family. For the same reason, the government's main political party, PDIP, constitutes another example of dynastic politics, as the party leadership is in the hands of former President Megawati Sukarnoputri's family. Recently, even the current President Jokowi's family is involved in this trend, as his son and son-in-law have won the 2020 mayoral elections in Solo, Central Java and Medan, North Sumatra, respectively.

Some, mainly Western, analysts of Indonesian politics have categorized Jokowi's government as "authoritarian" or as undergoing an "authoritarian turn" (Mietzner, 2020; Power, 2018). Calling a democratically elected government "authoritarian", however, is not without its problems. Indonesia had its fair share of "real" authoritarianism under the three decades of Soeharto's repressive centralized developmentalist regime (1966–1998), during which the President was not directly elected by the people and was instead appointed by members of the People's Consultative Assembly (MPR), the legislative branch of the country's political system. Soeharto's Golkar party had won all the elections since 1971, and in return the MPR kept him in the presidential seat until 1998, when he was forced to resign by a prolonged student protest in the aftermath of the Asian financial crisis. During this authoritarian era, the military also dominated the parliament and the executive branch, making any

criticism against the government effectively impossible. Compared to Soeharto's regime, thus, the current government, which is led by a president who was directly elected by the people in a free and fair election, should have been a democratic triumph. Nevertheless, democracy does not stop at the act of voting. The aforementioned challenges, particularly due to the role of oligarchic interests in Indonesia's politics, have accentuated the limitation of the country's democracy and indicated that while the country has not transformed into a dictatorship, the allegations of illiberalism, an "authoritarian turn" and democratic decay may not have completely missed the mark.

This article discusses challenges to Indonesia's democracy. While the more recent elections (both Jakarta's gubernatorial election as well as Indonesia's 2014 and 2019 presidential elections) suggest that the rise of conservative Islam has taken center stage in the country's electoral politics, the post-election politics suggests that some of the main challenges have come from the elected government itself, namely the issuance of controversial laws, the shrinkage of oppositional politics and the flourishing of dynastic politics.

In order to investigate the sources of these challenges, the next section discusses several theoretical concepts on the erosion and decay of democracy. In this theoretical section, the article explores how the elected government itself could inflict democratic regression. The subsequent section elaborates on the challenges pertaining to binary religious politics illustrated by the 2019 presidential election, followed by the issuance of various inequitable laws. It also highlights the current shrinkage of opposition politics and trend towards dynastic politics. The concluding section provides a summary of the argument on the source of Indonesia's democratic challenges as well as a viewpoint on how these challenges will influence Indonesia's next electoral contestation in 2024.

II. Democratic Regression: Erosion and Decay

As democratic regression has swept through different parts of the world, political theorists have tried to make sense of it by elaborating on explanatory factors that are usually categorized into clusters of basic social science distinction such as political, economic, societal and cultural. In a recent article, however, Johannes Gerschewski presented an alternative to the this classification by proposing that explanatory factors should be categorized by their sources (Gerschewski, 2021). He further distinguishes between erosion and decay processes, highlighting that while decay is endogenously caused, erosion is an exogenously driven process.

The latter, according to Steven Levitsky and Lucan Way, posits that the greater the linkage of democratic regimes to autocratic ones, via economic trade, but also communication channels, visits, and cultural affinities of any sort, the stronger the leverage of the autocratic regimes to influence and autocratize the democratic regimes (Levitsky and Way, 2010). Gerschewski maintains that while this linkage-leverage theory seems to necessitate a strategic action (from the autocratic regimes) to influence the democratic regimes, diffusion of values can also be unintentional; however, more research has been done on the (unintentional) value diffusions from democratic regimes to autocratic regimes rather than vice versa. Exogenous influence also does not have to come from the international arena, as it could derive from domestic factors as long as these factors are external to the democratic institutions being studied. In this manner, factors such as anti-democratic influence of the military, strong Islamist traditions, or deep ethno-political cleavages may constitute domestic exogenous causes (Gerschewski, 2021). Likewise, exogeneity can also be seen from a viewpoint of a historical legacy. For example, treating the past as exogenous to the institutions being studied, today's democratic regression can find its roots in low-quality democratization which has

suffered from economic and social inequality and weak political structures. Gerschewski took the example of the Philippines under the Marcos regime, which established a patronage system filled with corruption, cronyism and pork-barrel politics which severely weakened political institutions. Considering these factors to be exogenous to the current condition, the current challenges faced by the Philippines owe largely to the shadow cast by its authoritarian past, which perpetuates the patronage system, which in turn undermines political institutions.

In contrast, the endogenous argument posits that democratic regression is often caused by factors within the democratic institutions. Steven Levitsky and Daniel Ziblatt's seminal book "How Democracies Die" uses indicators postulated by Linz to identify authoritarian behavior (Levitsky and Ziblatt, 2018: 23–24): firstly, a rejection of (or weak commitment to) democratic rules of the game (e.g. rejecting the Constitution, suggesting antidemocratic measures such as banning certain organizations or restricting certain basic civil and political rights, seeking to use extraconstitutional means to change the government such as military coups, or refusing to accept the results of elections); secondly, denial of the legitimacy of political opponents (e.g. describing their rivals as subversive and posing an existential threat, criminals, foreign agents, or having no right to participate in the political arena); thirdly, tolerating and encouraging the use of violence (e.g. having ties with paramilitary groups and militias, encouraging mob attacks against opponents, endorsing violence perpetrated by their supporters, or refusing to condemn political violence in the past and elsewhere in the world); lastly, readiness to curtail civil liberties of opponents, including media (e.g. supporting laws that restrict civil liberties such as defamation laws or laws criminalizing government critics, threatening to take action against critics in civil society, opposition and the media, or praising other governments' repressive measures). Similarly,

arguing that democratic regression is caused by factors inherent to the democratic institution itself, Milan Svolik claims that since the 2000s, four out of five democratic breakdowns have been caused by democratically elected incumbents' abuse of power (executive takeovers). In order to do this, these politicians must enjoy, at least initially, sufficient popular support to take control of the executive branch by democratic means, as well as have enough electoral strength to control another branch of government, such as the legislature. Because this regression derives from within the democratic system, executive takeovers tend to proceed gradually, over several election cycles and following a mandated process (Svolik, 2019). In the next sections, this article shows the extent of the "executive takeover" in Indonesia, how the government, to some extent, controls the legislature, and that the executive and the legislative, according to some observers, are collaborating to produce policies that are geared at benefitting specific groups in society, such as businessmen and oligarchs.

Without specifically indicating the sources of the challenges to democracy, some of the literature focusing on Southeast Asia's democracy leans either towards deeming the regression exogenous (erosion) or endogenous (decay). In keeping with the exogenous argument, Tom Pepinsky claims that what is happening in Southeast Asia is less of a democratic decline than the durability of authoritarianism. Data from the Freedom House Index shows institutional stagnation in all eleven Southeast Asian countries from 1980 to 2016 (Pepinsky, 2017). Thailand remains a military junta. Despite their 2015 groundbreaking election, Myanmar's government did not do much to solve the Rohingya crisis. Meanwhile, the competitive authoritarian regime in Malaysia is no more competitive than it ever was, while Laos and Vietnam are closed regimes. Moreover, elections do not necessarily halt the threats to democracy. Politics of disorder, he says, takes place when illiberal politicians win elections,

taking the example of President Rodrigo Duterte in the Philippines, whose government oversaw extrajudicial killings in the name of providing order and stability to the country's politics. Politics of disorder also took place in Indonesia, albeit in a different form, one which policed speech and action viewed as blasphemous and threatening to the Indonesian state and invited the use of the legal system to respond. Currently, politics of disorder can also be seen in the creation of controversial laws such as the ones criminalizing government critics, defamation and acts of "treason".

Specifically for the Indonesian case and in line with the endogenous argument, Eve Warburton and Edward Aspinall spoke of an "illiberal drift" in the regulation of civil liberties and protection of human rights, and the regime's manipulation of state institutions to entrench itself in power (Warburton and Aspinall, 2019). The authors identify signs of democratic regression in Indonesia such as the rise of populism, increasing illiberalism in the regulation of individual freedoms and democratic checks and balances, the role of the democratization process which planted the seeds for current problems, and the agency of political elites, namely Indonesia's elected President Susilo Bambang Yudhoyono (SBY) and Joko Widodo in this regression. Among the signs of democratic regression is the continued usage of laws on defamation and blasphemy. In addition, the government also uses the Law on Mass Organizations to sanction and censor non-governmental organizations deemed against the state doctrine Pancasila. This law has been used to ban Hizbut Tahrir Indonesia (HTI), a political organization which sought to establish a caliphate.

The next sections discuss elements and episodes indicating democratic regression in Indonesia.

III. Religious Polarization and Indonesia's Binary (Electoral) Politics[1]

Binary opposition, or polarization, refers to the divergence of political attitudes into two ideological extremes (DiMaggio, Evans and Bryson, 1996; Baldassarri and Gelman, 2008). In binary politics, 'third' alternatives are less accommodated. US politics, for example, often only allows two parties to participate substantially in governance, leading to binary stances of "Conservative vs Liberal" or "Left vs Right" or disputative issues such as "pro-Life vs pro-Choice". In Muslim-majority countries such as Malaysia, where religion plays a significant role in politics, binarism is illustrated by the conflict between the defenders of secularism and liberal rights on the one hand, and guardians of Islam and Islamic law on the other (Moustafa, 2013).

Indonesia has the largest Muslim population in the world, and Islam has gained center-stage in its politics. Indonesia's 2019 presidential election illustrated the polarization between the Islamists and the pluralists—the latter referring mainly to moderate Islamic and non-Islamic voters.[2] Such polarization did not suddenly begin in 2019, however, for in 2016–2017, some Islamist groups, including the Islamic Defender Front (FPI), had accused the governor of Jakarta at the time, Basuki Tjahaja Purnama (Ahok), who has a Chinese-Christian background, of blasphemy during his campaign speech in 2016. The ensuing months, which were filled with acrimonious sectarian mobilizations launched by these Islamist groups, then culminated in Purnama's losing his re-election bid and subsequent imprisonment for

[1] Parts of this section are based on Deasy Simandjuntak (Simandjuntak, 2019a and 2019b).

[2] I use the term 'pluralist' here loosely. Jokowi's decision to appoint a conservative Islamic cleric as his running mate shows that he also sought to avoid being too associated with non-Muslims. However, the fact that the President was supported by 97% of non-Muslims as well as traditional (moderate) Muslims shows that his support base was more "pluralistic" than Prabowo's, which was fronted by conservative and literalist Muslims.

blasphemy (Simandjuntak, 2017a). The Ahok case marked an apogee in the political polarization between religious conservatism and tolerance.

Many opinion pieces and articles written on the 2019 presidential election have focused on this religious polarization. Thomas Pepinsky (Pepinsky, 2019) writes that although both Jokowi and Prabowo ran nationalist campaigns, it was evident that Islamic elites and political organizations sided overwhelmingly with Prabowo, and thus against Jokowi. As a result, the 2019 presidential election showcased the competition between a candidate with a pluralist, multireligious platform and constituency against one supported by Islamists. Similarly, Alexander Arifianto believes that the presidential election marked the rising of influence of conservative Islamist groups in Indonesia, which culminated in their support of Prabowo Subianto. In order to counter the public opinion that he was not a good Muslim, the incumbent President Jokowi chose a conservative Islamic cleric, Ma'ruf Amin, as his running mate (Arifianto, 2019). Religious binarism was predominant not only in the voting preference in Jakarta, but also in the regions, as region-specific religious polarization, which was inflamed by sectarian mobilization at the national level, aggravated the religious political cleavage. My observation in North Sumatra province, for example, shows how Muslim districts overwhelmingly voted for Prabowo Subianto, while Christian districts voted for Jokowi (Simandjuntak, 2019b).

In the 2019 presidential election, such binarism was evident in the different campaign strategies used by both camps. Prabowo, who was backed by a party coalition consisting of his own, nationalist, Gerindra party and the Islamist-inspired PKS, launched a campaign which relied on the mobilization of Islamic sentiments. This created the image that he was accommodative to Islamic interests. In contrast, although Jokowi, to avoid being too associated with non-Muslims, had appointed a conservative Muslim cleric as his running mate, he was

still considered more religiously tolerant, partly due to the nationalist ideology of his main party PDIP and that of the other parties in his coalition.

This religious binarism informed voters' preferences. An exit poll showed that 51% of Muslim voters voted for Prabowo Subianto, while 97% of non-Muslim voters voted for Joko Widodo (Wijaya, 2019). The President notably lost in West Java, the province with the largest number of voters, which was also deemed the most religiously intolerant in 2017 (Ompusunggu, 2017). Despite having a conservative running mate, it seems that for many voters Jokowi was still not "Muslim enough". Some rumors circulated in the social media that the President, upon retaining power, would ban the calls to prayers and erase Islamic education from the school curriculum, and was sympathetic to the long-disbanded communist party (Soeriaatmadja, 2017). This was not the first time that issues questioning the President's religiosity had been used to discredit him. In 2014, rumors that he was not a devout Muslim and that he secretly was of Chinese descent contributed to a temporary decline in his popularity (Deutsche Welle, 2014).

It was unsurprising therefore that many considered the President's issuance of a 2017 law prohibiting organizations deemed against the country's ideology, Pancasila, to be retaliation against the anti-Ahok and Islamist groups. The government then used this law to ban the Hizbut Tahrir Indonesia, a political organization which sought to establish a caliphate, which was actively recruiting followers among university students, and whose flags were frequently seen in anti-Ahok street protests. Nevertheless, while this policy garnered praise from the President's supporters, it still harks back to the Soeharto regime's repressive policies and has thus elicited protests from groups advocating liberal democracy (Simandjuntak, 2017b).

Meanwhile, despite having confessed that he lacked Islamic

credentials, Prabowo was still seen as representing Islamic interests, because the Islamists were generally seen to have defined and fronted his camp, even though the camp accommodated other groups such as some former military elites (Putri, 2018). The Islamic conservative groups were generally connected to the anti-Ahok rallies in 2016–2017, such as the FPI and the National Movement of Fatwa Defenders (GNPF), which had formed a loose alliance of "212 alumni", referring to the date 2 December 2016, which was the day a massive anti-Ahok protest took place in Jakarta. The "212 alumni" alliance has now become a semi-consolidated group which regularly mobilizes street protests against government policies deemed not in favor of Islamic interests. Prabowo naturally took advantage of massive support from the Islamists to strengthen his religiously charged campaigning, even signing a pact with these conservative groups that he would prioritize Islamic interests if he became president (The Jakarta Post, 2018).

Yet Islamism was not the only strategy that the opposition used. As a maverick populist, Prabowo has transformed himself in the past years, from being member of the Soeharto authoritarian regime into a politician claiming to represent the people (Aspinall, 2015). In his 2019 campaign he accused the government of harboring corrupt officials and causing the loss of thousands of trillions of rupiah from the state budget (Antara News, 2019). His endeavor to portray himself as a clean leader was particularly interesting considering that he was the son-in-law of Soeharto, Indonesia's former president who led the country's corruption-ridden regime for more than thirty-two years. Not only has he blamed the Jokowi government for the people's economic difficulties, he also believes that economic nationalism is the solution to Indonesia's economic problems. In many countries in the region, China's economic dominance has become a key election issue, with the oppositions in Malaysia, Sri Lanka and the Maldives winning elections after criticizing the incumbent governments' pro-China policies.

Prabowo tried to use the same strategy by criticizing Chinese investment in infrastructure projects (Sana and Aditya, 2019) and accusing the government of permitting a large influx of Chinese foreign workers (Henschke, 2019). Although he also believes that the economic relations with China are important (Gatra, 2018), this tactic could have been precarious, as criticisms of China's investment could be conflated with the long-standing resentment against ethnic Chinese Indonesians' control of the economy. Although this did not happen, such conflation could have inflamed sectarian sentiments and led to a convergence of populism and religious identity politics, such as what took place in the 2017 Jakarta election.

The peril of religious mobilization and polarization during elections is that they form political loyalties based on identities, and not on candidates' track-records and capacity to govern effectively. This consequently diverts voters' attention from the more important questions pertaining to whether the elected government would be able to ensure rule of law, vertical and horizontal accountability, socio-economic equality, democratic freedoms, etc., all of which pertain to substantive democracy.

The post-election politics, however, shows how religious polarization has less relevance. Challenges have come instead in the form of the passage of controversial laws, the limitation on oppositional voices and the preservation of dynastic politics, all of which have been either perpetrated or supported by the elected government. Politics has also been influenced by oligarchic interests, both in relation to the government and political parties, and the expansion of oligarchic networks between the center and the regions.

IV. The Passage of Controversial Laws and the Role of Oligarchic Interests

In September 2019, university students and activists gathered in many

cities across the archipelago in the largest simultaneous rallies in the post-authoritarian era. They expressed serious concern over the deliberation and passage of several laws, one of which was the amended law significantly clipping the powers of the anti-graft agency, the Corruption Eradication Commission (KPK). Established in 2002 to facilitate clean governance, KPK was an independent agency feared by all government branches and the national and local parliaments for its astounding 100% conviction rate, having succeeded in putting hundreds of corrupt officials in jail and improved Indonesia's position in Transparency International's Corruption Index from a position of 122 in 2003 to 85 in 2019 (Transparency International, 2019). Yet the new law ended this much revered independence, as the agency is now placed under the executive branch and thus must seek permission from a supervisory body (whose members are chosen by the President) to conduct aspects of their tasks, such as wiretapping a suspect, which was something the agency used to be able to do autonomously. Moreover, the parliament also swore in an ex-police chief as KPK's new head, despite concerns over his dubious track record regarding ethical misconduct (Idhom, 2019).

Concurrently, some legal experts and civil society organizations pressured the President to issue a presidential regulation in-lieu-of law (*perppu*) to directly revoke the revised law and preserve the powers of the anti-graft agency (Aji, 2019). The President, however, refused to do so. This reaction has expectedly disappointed many.

The weakening of the anti-graft agency has indeed raised questions over the government's commitment to eradicate corruption. Prior to the enactment of the law, there were already some indications that the President was averse to KPK's emphasis on prosecution, instead of prevention, of graft cases. On a number of occasions, he mentioned that the success of anti-corruption efforts should be measured not by the number of convictions, but by how many instances

of potential crimes were prevented and how much state resources were saved (Bernie, 2019).

Regardless of whether this statement illustrated the government's reluctance to support anti-graft efforts, it is no secret that KPK had been "at war" with the parliament, whose members were believed to be involved in many corruption cases, the largest of which was the E-ID case which involved many lawmakers, including former Speaker Setya Novanto, who was also the chairman of the Golkar party, which belongs to the government's coalition. Due to their investigation into this case, KPK came under fire in the parliament, including from the government's main party, PDIP, which had in 2018 applied its right to inquiry into the anti-graft agency. Meanwhile, in 2017, a KPK commissioner working on corruption cases which would allegedly have implicated some police officers suffered an acid attack which partially blinded him. Back in 2015, KPK also thwarted the President's plan to inaugurate an individual who was endorsed by PDIP as the new national police chief, by conducting a corruption probe against him.

Despite many legal experts deeming that the creation of the law, whose ratification was not attended by a minimum of 50% of lawmakers at the parliament, was legally flawed, the controversial law was still enacted (Mardatillah, 2020). A year afterward, a former KPK commissioner lamented the current complicated procedure of getting the permission to wiretap, which resulted in a decline in KPK's performance. He mentioned that the anti-graft body now needed to wait for 24 hours for permission from the supervisory body, which is deemed too long. In addition, since the issuance of the law, KPK was no longer able to apprehend top graft offenders, only mayors and district heads, and this has resulted in decreased public trust in the anti-graft agency. Survey company Cyrus Network mentioned that only 57% of respondents believed that KPK was still effective; survey company Indikator claimed that the number was slightly higher at

74.7% (Abdi, 2020).

Another controversial law was passed in October 2020, at the height of the pandemic. Dubbed the "omnibus law" on job creation, this law, the government said, was about removing red tape and opening the economy to more foreign investment (BBC, 2020), by relaxing Indonesia's complicated laws on business, labor and the environment. Some observers, however, highlighted various drawbacks that this law would cause, for example: firstly, instead of improving investment opportunities, revising hundreds of rules in the omnibus bill would instead bring uncertainty at a time of recession, and investors would rather invest in countries whose labor and environmental protection rules were clear. Secondly, the law does not address the root of the problem in doing business in the country, which is corruption. Thirdly, the problem of unemployment, some observers pointed out, is not really due to the lack of investment, but to which sector the investment capital has gone. Investment used to be mostly in the manufacturing sector, which is labor intensive, yet there has been a shift to sectors that are capital intensive such as telecommunication, financial and banking services, transportation and construction.

The law disadvantages workers on the question of wage, for example, as it allows employers to decide on the basic unit for the calculation of wages. There is no guarantee, therefore, that the calculation will not result in a sum that is under the minimum wage (Putsanra, 2020). Moreover, it also erased the past regulation on minimum wage. In the past, employers who paid wages lower than the minimum wage would face sanctions. Outside of wages, there are unclear regulations concerning the transformation of workers' contract-based status to permanent status, leading to speculation that employers could keep workers under contract for a long time without making them permanent workers. Human Rights Watch (HRW) highlights other reductions of protections on severance pay, and

vacation, maternity, health and childcare benefits, in addition to the weakening of environmental laws and legal protections for indigenous groups (Human Rights Watch, 2020). Similarly, the Legal Aid Foundation protested the lack of transparency in the creation of the law.

It was consequently passed in the face of massive opposition from labor unions, civil society and scientists. Street protests broke out in many cities, with police arresting hundreds of protesters. The fact that 55% of lawmakers at the parliament are businessmen (Rahma, 2020), could partly explain why the law palpably sides with employers at the cost of workers' rights. Observers highlight how the law, which fosters the patronage linkage between politics, business and bureaucracy, will consequently nourish rent-seeking business behavior and eventually consolidate the power of the oligarchy.

Another controversial law, the Law on Electronic Information and Transactions (ITE), has garnered protests since it was first passed in 2008, prior to Jokowi's tenure. In the past months the law has caused a public outcry after a string of cases against government critics. This year, the government is geared at revising the law, particularly ambiguous articles mostly related to hate speech, which have been used in conjunction with other controversial laws prohibiting blasphemy and defamation. The president recently urged people to freely criticize the government where appropriate, yet the society has grown apprehensive of criticizing the government due to the threat of the ITE and other associated laws on hate speech, in addition to the legions of die-hard government supporters, paid and unpaid, known as "buzzers" (Hermawan, 2020). According to the Southeast Asia Freedom of Expression Network (SAFENet), in the period between 2016 and 2020, 786 law-related cases were reported, with 88% of those charged being put behind bars (Antara News, 2021). Such cases are not limited to critics of the government; a prominent controversial case in 2019 involved a female teacher who was convicted of dissemination of

immoral content online after she posted an audio recording of her boss harassing her.

In 2019, due to massive protests, the government halted deliberation of the revisions of Indonesia's Criminal Code (KUHP). Protesters deemed that the revisions contained controversial articles that potentially harm the rights of women, religious minorities and LGBT people, as well as freedom of speech and association. Some of these are: Articles 603-605, which regulate a more lenient punishment for graft offenders compared to the existing anti-graft law (UU Tipikor); Articles 191-196, which stipulate that the act of treason (i.e. "intending to murder or robbing the independence of the president or vice president"; or "intending for parts or all of Indonesia to fall to foreign powers or separate from Indonesia") is punishable by the death penalty, life sentence or a maximum of 20 years' imprisonment; Article 219, which states that anyone who "attacks the dignity" of the president or vice president and makes such content available to the public may face up to 4.5 years' imprisonment; Article 241, which states that anyone who insults the government and creates public unrest may be jailed for up to four years; articles on the criminalization of abortion; articles on blasphemy; Article 471, which makes premarital sex or adultery a crime punishable by up to one year's imprisonment; Article 419, which makes cohabitation (or two adults living together outside of marriage) a criminal act that can be reported upon by third parties; and some other articles. Despite legal experts' and civil society's concerns, the government is geared at picking up the deliberation of this law this year.

This list of problematic laws is by no means exhaustive. Other controversial laws are being deliberated at the time of writing, while some crucial ones, such as the Law on Sexual Crimes, were taken off the list for deliberation, generating deep concerns among civil society and human rights activists.

V. The Shrinkage of Opposition Politics

In addition to challenges in the legal sector exemplified by the passage of controversial laws, Indonesia's democracy also faces a shrinkage of opposition politics, which undermines the checks-and-balances mechanism, which is supposed to be crucial for good governance. Upon winning the presidential election, conceivably for the purpose of safeguarding his government from criticisms likely to be launched by Prabowo's conservative followers, Jokowi appointed his former rival as a new defense minister, thereby also admitting Prabowo's Gerindra party, which had been part of the opposition, into the government coalition. This left PD and PKS as the only two parties in the opposition camp. Moreover, the President treated some ministerial positions as currency in transactional politics, appointing cadres of supporting parties and "volunteer" groups as ministers or vice-ministers (Simandjuntak, 2020). Many of the latter positions were even arbitrarily created to accommodate these individuals. The large cabinet is also contrary to the President's stated intention to trim the country's bureaucracy.

At the end of 2020, the President also appointed Prabowo's former running mate businessman Sandiaga Uno as the new Minister for Tourism and Creative Economy, thereby consolidating Gerindra's position in the government camp. Seeing this appointment, some observers and voters pondered what the 2019 election had really meant, when all the contenders ended up sharing the government's seat anyway. This "elite reconciliation" without consideration of the preference of their followers is potentially geared at securing elite (oligarchic) interests at the expense of those of the people.

In addition, at the time of writing, PD is facing a crisis in its leadership. Several old elites of the party at the party's Extraordinary Congress (KLB) have inaugurated retired General Moeldoko as the new party's chairman, thereby challenging the leadership of Agus

Yudhoyono (AHY), the son of former President Susilo Bambang Yudhoyono (SBY), the founder of PD. Moeldoko, a former Commander of the Armed Forces under former President SBY from 2013 to 2016, is currently President Jokowi's Chief of Staff. The fact that Moeldoko is the President's Chief of Staff has raised speculation that the Palace might have something to do with the PD split, or at least be benefitting from it, in terms of further weakening the opposition. Unsurprisingly, Moeldoko's PD spokespersons have denied this. However, Moeldoko's position in the government also means that it is likely that his PD will join the government coalition, which so far consists of 12 parties.

Meanwhile, no matter how financially attractive it is to join a fat government coalition, AHY's camp is less likely to do so, as SBY's PD is a long-time rival of the government's main party, PDIP. SBY was Megawati's Coordinating Minister of Politics and Security Affairs when the latter was president. Yet, SBY's decision to run against Megawati in the 2004 presidential election, and the fact that he won the election, has embittered the relationship between the two.

This crisis has no doubt weakened PD, and in turn, further deteriorates the already small and divided opposition camp. It is bewildering how, even in a situation where the opposition camp was already obscure and cornered — and regulations proposed by the government mainly pass without much obstruction — it seems to still be in the interest of the government coalition that the latter grows even stronger, and the opposition weaker.

There have been talks about amending the Constitution, including allowing the President to get a third term, a decision which would need a two-thirds vote at the People's Consultative Assembly (MPR), which consists of the House of Representatives (DPR) and the Regional Representative Council (DPD). The government is three seats short of reaching a two-thirds majority at the DPR, leading to speculation that the PD split might be aimed at fulfilling the need for such a majority

(Lane, 2021). Another possibility would be in connection to the 2024 presidential elections, where new faces (and, very likely still, Prabowo Subianto) would be contending. Recently there was a fake poster circulating on WhatsApp showing photos of both Puan Maharani — PDIP's chairwoman Megawati Sukarnoputri's daughter — and Moeldoko, claiming there would be a declaration of their candidacy as president and vice president for 2024. Fake news aside, there is already speculation on whether Moeldoko would be one of the presidential contenders, or whether his move to split the PD is aimed at preventing AHY's camp from endorsing a strong candidate, thereby paving the way for the government coalition to maintain power after 2024.

VI. Dynastic Politics

Kanchan Chandra writes that dynastic politics involve family members that are "active in politics", referring to those who hold office in an elected body, whether directly or indirectly elected, or are candidates for an election, whether direct or indirect, or hold an office in a political party (Chandra, 2014). Dynastic politics, or the family networks of active politicians made possible by an electoral regime, has been rampant in Indonesia's post-reform democracy, especially after the enactment of direct elections for local leaders. One example of such a case was Banten province's "political dynasty", where almost all the elected districts' heads and mayors of the province have ties with one family. Similarly, in South Sulawesi, many provincial and local elected leaders are connected to specific political families.

In the 2020 regional elections, dynastic politics were evident in many districts and cities across the archipelago. In Southern Tangerang, Banten province, all three mayoral candidates have political ties with established elites: one was a family member of Prabowo Subianto, the current defense minister, one was a relative of Ma'ruf Amin, the current vice president, and the last one was a member of the Banten local

political family mentioned above (Hasyim, 2021).

Even the family of President Jokowi is now involved in dynastic politics. The President's first son won the mayoral election in Solo, Central Java (Harimurti and Supriatma, 2021), and his son-in-law won the mayoral election in Medan, North Sumatra. These victories also marked a change in Jokowi's political status: he is no longer the unassuming individual lacking political connection as he was in the past, where, as a civilian and hailing from outside of established political networks, all he had to rely on was his own capacity to balance between compromising with the entrenched elites while still speaking for the poor. Unlike in the past, thus, the President has now transformed into a professional politician, the head of a political dynasty, with access to political machinery that will promote his interests in 2024.

Jokowi's businessman son-in-law's campaign cues in Medan included him portraying himself as a "mediator" between the city and the central government. He mentioned he would be willing to "phone the ministers in Jakarta" to get them to pay attention to Medan. This indicates the assumption that Indonesia's central-local governance may be personalized, that local leaders with personal links with central government elites would be able to tap into the central government's resources, and consequently, that patronage relations between the central and local governments' elites are seen as normal. In reality, dynastic politics, especially the ones in which linkages were formed between the local and central elites, also is not in keeping with Indonesia's decentralized governance principle, as it indicates the dependence of local governments on central government's resources. Such congruence of interests between the local and central elites potentially consolidates and fosters the central-local linkage of business and political interests at the cost of the welfare of the people, which was supposed to be the main purpose of decentralization. Ultimately,

dynastic politics also potentially harms democracy, as it creates an unlevel playing field and discourages non-dynastic individuals from running in elections.

Dynastic politics is evident not only on the government side, but also among main political parties. Some parties were established by, or are dependent on, prominent individuals, and consequently their family members hold important leadership positions. While the *raison d'être* of the Democratic Party was to be a political vehicle for SBY to run for the presidency in 2004, he was supported by ninety-nine prominent individuals who were the party's co-founders. In its trajectory, the party's dependence on SBY's figure made it inevitable that his son AHY would rise into its leadership. The current crisis, however, shows that some party elites were unhappy about the increasingly dynastic nature of the party, or at least, displeased about the swift rise of the young man into leadership.

PDIP, PD's long-time rival, exemplifies a profounder dynastic politics. PDIP's chairwoman Megawati Soekarnoputri, who is also Indonesia's fourth president, was the daughter of Soekarno, Indonesia's first president, who was also the leader of the Indonesian Nationalist Party (PNI), which was PDIP's predecessor. Sukarnoputri's daughter Puan Maharani is now a prominent PDIP politician and speaker of the parliament — the first female and the youngest ever holding this position in Indonesia. Prior to this, she was the Coordinating Minister for Human Development and Cultural Affairs in President Jokowi's 2014-2019 cabinet. Together with AHY, Maharani is among the most promising second-generation politicians, with a chance to run in the 2024 presidential election. Several 2020 surveys indicated that she was among the 13-15 names touted to be presidential candidates in 2024, although she still lacks popularity in comparison to the more senior politicians (Simanjuntak, 2020). For many sympathizers of Sukarno's ideas, Maharani's candidacy would indeed

be interesting, as she would be continuing the legacy of her grandfather and mother. Moreover, the fact that PDIP has more than 22 percent of seats — Indonesia has a minimum of 22 percent of seats as a presidential threshold — in the parliament would make it easier for the party to endorse a presidential candidate without having to form a coalition with other parties. In addition, PDIP's endorsement of an individual candidate is usually decided by its chairman, Megawati Soekarnoputri. It is thus likely that Soekarnoputri will endorse her daughter in the 2024 election, at least as a vice presidential candidate.

VII. Jokowi's Government and the "Executive Takeover"

Despite the country's electoral democratic successes, the above elaboration indicates the challenges faced by Indonesia, especially in attaining substantive democracy — ensuring that the elected government always functions in the interest of the governed. Some of Przeworski's sources of dissatisfaction towards democracy, namely challenges in ensuring that people's political participation is effective, that the government is not doing what they are not mandated to do, and challenges in balancing order and non-interference, sum up, to some extent, the current condition in Indonesia. For many Indonesians, some of the policies exhibit how the government is doing what they are not mandated to do, as well as obstructing important democratic freedoms. The issuance of controversial laws, such as that which significantly weakens the anti-graft agency, has raised concerns over government's real commitment to eradicate corruption. The new "omnibus law" on job creation, which many observers believe is prioritizing employees' interests over workers' rights, has raised a question on the extent of the influence of businesses and oligarchic interests in the government and parliament. Meanwhile, the ITE law silences and criminalizes government critics, posing a great challenge

to the freedom of speech. On the issue of the shrinkage of the oppositional space, the adoption of Gerindra into the government's political camp, thereby further weakening the already small and fractured opposition, disrupts the checks and balances mechanisms, and shows that political elites are maneuvering without taking into account the preference of their voters, thereby rendering people's participation in politics ineffective.

In keeping with the endogenous argument of democratic decay, we have uncovered the internal source of this democratic regression and how the elected government partly contributes to the situation. Enjoying sufficient popular support both in the 2014 and 2019 elections, the Jokowi government has had enough electoral strength to also expand its political clout in the legislature, where twelve parties have joined the government coalition. For some observers, recent government policies signify some of the four indicators of authoritarian behaviour mentioned by Levitsky and Ziblatt, such as firstly, a rejection of (or weak commitment to) democratic rules of the game such as banning certain organizations and restricting certain basic civil and political rights; secondly, curtailment of civil liberties of opponents, including media, such as issuing laws which restrict civil liberties and criminalizing government critics. Although still not fulfilling all Levitsky and Ziblatt's four indicators of an authoritarian behaviour, the government shows that it is not averse to illiberal policies, such as the issuance of inequitable and controversial laws which silence critics and opponents, the practice of transactional politics and disparaging of the opposition, which erodes the checks-and-balances mechanisms, and the fostering of dynastic politics, which potentially perpetuates patronage politics.

Indeed, the "executive takeover" by the government seems to be evident through these various policies. Upon winning the election, the President appointed his rival as defense minister, in the name of

consolidation. Yet this has caused shrinkage in the opposition camp, which impedes the work of the parliament. The substantial predominance of the government camp in the legislature means that various policies and legislation were made without significant interruptions. The Corruption Eradication Commission (KPK) has been weakened by the passage of laws which severely clip the anti-graft agency's powers. The Omnibus Law on Job Creation, which degrades the protection of workers' rights and the environment, was haphazardly issued even amid massive protests. The Law on Information and Electronic Transaction (ITE) is being used to silence critics. Some laws were even created without sufficient public consultation. Meanwhile, government critics were accused of spreading hoaxes and/or creating disorder. Political detractors were detained under the accusation of "treason". The police issued internal guidance which threatens freedom of speech and public opinion, silencing those who dare to criticize government's handling of the pandemic. At the same time, digital space is filled with die-hard government loyalists dubbed "buzzers" who at times cause disinformation and create rifts in society.

Meanwhile, Jokowi's second term indicates a significant transformation in the President's political personage. Back in 2014, Jokowi promised a "slim" cabinet, a cabinet which prioritized the interests of the people, instead of that which reflected transactional politics, in which ministerial appointments were used as currency to remunerate political support. At the end of his first term, however, there were 14 ministers that were political party cadres (i.e. transactional), and 20 who were not party cadres. In his second term, the situation seemed to be more foreboding. The cabinet became "fatter", party backers got their cadres into the cabinet, and even his "volunteer" team members acquired various positions in the government and SOEs.

VIII. Democratic Regression and the Changing Strategies of the Oligarchs

Some observers have been bewildered by the influence of the oligarchs in the parliament and the legislature. However, some point out that this might not be a novel phenomenon. Yuki Fukuoka and Luky Djani's interesting piece on Jokowi's presidency suggested that the President's political ascent should be understood in the broader context of oligarchic adaptation to a new environment (Fukuoka and Djani, 2016).

In the aftermath of Indonesia's 1998 democratization, the oligarchy, which was nurtured under the Soeharto authoritarian regime, captured the post-authoritarian-era electoral processes, benefiting from direct elections, utilizing money politics to further their interests under an electoral regime. At the same time, the political space which opened up due to democratization also allowed for the growth of civil society, which, although not yet robust, still could pose a challenge to the oligarchic interests. The oligarchy then sought to invest in "post-clientelist" initiatives, adopting "reformist" measures and nominating popular figures to complement the ineffective clientelist strategies. It should be noted that Jokowi's candidacy as Jakarta governor in 2012 was backed by Prabowo Subianto, a member of the oligarchic elite, partly because Prabowo wanted to boost his popularity in preparation for the 2014 election. The strategy backfired of course, as he had inadvertently created in Jokowi a formidable presidential contender, who eventually won the election. The same oligarchic interests also backed him in the 2019 presidential election, making it unfeasible for him to go against these interests, resulting in the aforementioned transactional politics and compromise while letting the oligarchy have growing influence over the bureaucracy and legislature. In addition to this, Jokowi also embraced the military, by appointing prominent former generals such as Luhut Pandjaitan (with whom he has had a long business relationship) to many positions including the very

strategic Coordinating Minister for Maritime and Investment, and Wiranto, a renowned general under Soeharto's regime, firstly to the Coordinating Minister for Politics, Law and Security Affairs and secondly the Head of the President's consultative council, despite the latter's dubious record on human rights violations.

The Democratic Party crisis, which seized the leadership of the party from the SBY family and placed it in the hands of the presumably more predictable Moeldoko (as he is the President's Chief of Staff), eventually weakens the opposition camp and subsequently benefits the government coalition. If the parliament continues with the discourse of giving the president a third term, getting Moeldoko's PD on board would be crucial for the coalition in order to reach a two-thirds majority. In any case, the President is no longer the individual without political connections who ascended to power in 2014. He is now a prominent politician, the leader of a political dynasty, and one with access to incredibly intricate political machinery which will help him further his political interests. With the 2024 simultaneous elections looming, his new political stature, political machinery, and some oligarchic backing will no doubt assist his political dynasty in their endeavor to get re-election or secure even higher positions.

This article has thus elaborated on the various challenges in Indonesia's democracy and investigated their sources. It has argued that, in addition to external factors, such as the authoritarian structure inherited from the pre-reform era, the internal factors, such as the current "executive takeover" and the growing role of the oligarchy, explain the persistence of some of these challenges. More research needs to be done to highlight the various aspects of oligarchic capture in Indonesian politics, as well as the ways to attain and strengthen substantive democracy amidst these challenges.

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印尼民主的挑戰：宗教兩極分化之外

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摘要

研究東南亞政治的學者多同意，雖然該區域的民主在過去達成許多里程碑，但近來卻大幅倒退。混合政體（Hybrid Regimes）利用選舉來合法化威權政府，民選政府不經人民授權即被任意廢除，反對聲音則系統性靜默。部份政府濫用授權發佈歧視與威權政策，實質民主難以達致。此類民主回退有兩種根源：外在根源與內在根源。前者稱之為民主侵蝕（democratic erosion），意指源自民主政體之外，例如專制政權的影響。與之對比，後者發生於民選政府自身造成的民主衰退，例如起因於威權遺緒的持存，即便選舉是自由且公平的。在這區域一度被認為是民主燈塔的印尼，如今也面臨此種挑戰。本文旨在詳述數個「行政接管」（executive takeover）的例子來突顯這一國度的民主衰退，並藉此分析對於其未來民主發展的意義。

關鍵詞：印尼、民主、民主衰退、行政接管、威權主義

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