

# Indonesia's eroding democracy: Death by a thousand cuts?

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The normally sedate atmosphere within Indonesia's parliament was briefly disturbed recently when legislators burst from their usual lethargy to show signs of genuine concern.

Months of debate and intensive lobbying went right to the wire as three government ministers adjourned a plenary session to zoom off and consult with the President before finally accepting a vote. What was all the commotion about? A subject very dear to legislators' hearts: their own grip on political power.

Finally passed on March 3, the election law is the second of four to regulate how the 2009 elections will be fought. The first of the four, a bill on political parties adopted late last year, set the tone of things to come.

With parties no longer required to undergo external audits of their private donations, it will become practically impossible to trace whose money is paying for next year's election campaigns. While parties are required to report donations, they do not have to disclose where they come from, and failure to make these reports now receives nothing more than an administrative slap on the wrist. The new election law does little to halt this regressive trend.

At the voting booths, Indonesians receive voting papers with both political party symbols and lists of each party's candidates. While voters have to choose a party to make their vote count, they have no chance to choose one of that party's candidates as well.

Indonesian voters, and indeed voters using this system all over the world, tend to just pick a party and not bother with a specific candidate. Parties with the most votes win the most seats in a district, but their listed candidates must receive a certain proportion of the vote to secure a place in Parliament. If that proportion is not reached, then the winning party is free to choose who, from within their ranks, the seat will go to.

Responding to criticism that voters could only choose parties, giving party leaders full discretion over which of their party faithful would gain the seats won, new rules introduced in 2003 gave voters the chance to choose candidates.

But with a prohibitively high proportion of the votes needed to automatically secure a seat, only two of the House of Representatives' (DPR) current crop of legislators were chosen by voters in 2004 -- the rest were rewarded seats by their party leaders. In other words, party bosses will still have substantial power to decide who eventually sits in the parliament.

In another controversial aspect of the new law, parties have also been criticized for apparent attempts to shore up their procedural monopoly on the lawmaking process. The president does not have a veto over legislation -- bills automatically become law after 30 days whether the president has signed them or not. Nor is there an upper house through which bills must pass before they become law, as in many other countries.

Mindful of the need for checks and balances, a 2001 constitutional amendment introduced a new chamber, the DPD. Its members were banned from party affiliations and given powers to "enter debates" at the DPR on bills concerned with regional autonomy. Two years later, the DPR issued a law limiting the DPD's right to debate bills to the first round of deliberations, leaving it effectively toothless.

Now, the election law has taken the DPR's efforts to weaken the DPD's independence one step further by allowing members of political parties to stand for election to the DPD. Having already applied for a review of these articles at the Constitutional Court, DPD members are also currently lobbying the DPR in a revision of the 2003 law which originally limited its debating powers.

The DPD was never envisaged as a fully functioning upper chamber with powers to revise the DPR's laws, but the Indonesian political system badly needs the balance that another body with relatively independent members and debating powers could provide.

Engineering democratic elections is always a balancing act with positives and negatives attached to every decision. The danger of party fragmentation must be weighed against regulations designed to help parties consolidate. Introducing too many elements into the lawmaking process could backfire and end up with even more delays and stalemates. It can also be difficult to predict the exact impact of technical changes and easy to overstate their importance.

Nevertheless, many of the rules codified in these new political laws clearly display legislators' short-term personal interests to hold onto power. Now it is the turn of the law on presidential elections to be debated and battle lines have already been drawn between the smaller and bigger parties on the proportion of the vote a party must gain to field a presidential candidate.

We can only hope the outcome of this debate will not further erode Indonesia's procedural democracy, resulting in its eventual death by a thousand cuts.

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