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Can we see Indonesia as liberal democracy?
Assessing the 2014 Legislative and Presidential Elections

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Disclaimer:

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"Democracy cannot be imposed on any nation from the outside. Each society must search for its own path, and no path is perfect."
-Barrack Obama-

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Working on this research paper has definitely fulfilled my passion and interest in Indonesia's democratic governance. Through a tough situation living thousand miles away from home, leaving one daughter that only ages 6 years old, the vibe is no less thrilling than a rollercoaster ride. Yet I knew the rollercoaster would stop eventually and bring me such joy and relief, and so did this paper.

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List of Acronyms

Bawaslu : Badan Pengawas Pemilu / Election Supervisory Bodies

DKPP : Dewan Kehormatan Penyelenggara Pemilu / Honorary Board of Election Organizers

DPD : Dewan Perwakilan Daerah / Regional House of Representative

DPR : Dewan Perwakilan Rakyat / House of Representatives

DPT : Daftar Pemilih Tetap / Permanent Voters List

Gerindra : Gerakan Indonesia Raya Party

Golkar : Golongan Karya Party

KIPP : Komite Independen Pemantau Pemilu / Independent Committee on Election Monitoring

KPK : Komisi Pemberantasan Korupsi / Corruption Eradication Commission

KPU : Komisi Pemilihan Umum / General Election Commission

LP3ES : Lembaga Penelitian, Pendidikan dan Penerangan Ekonomi dan Sosial / Institute for Research, Education and Economic and Social Information

MK : Mahkamah Konstitusi / Constutional Court

MPR : Majelis Permusyawaratan Rakyat / People's Consultative Assembly

PAN : Partai Amanat Nasional / National Mandate Party

PD : Partai Demokrat / Democratic Party

PDI-P : Partai Demokrasi Indonesia Perjuangan / Indonesian Democratic Party-Struggle

Pileg : Pemilihan Legislatif / Legislative Election

PILKADA : Pemilihan Kepala Daerah / Regional Head Election

Pilgub : Pilkada Gubernur / Governatorial Election

Pilpres : Pemilihan Presiden / Presidential Election

Pilwako : Pilkada Walikota / Mayor Election

PKS : Partai Keadilan Sejahtera / Prosperous Justice Party

SIDALIH : Sistem Data Pemilih / Voter Data System

UUD 1945 : Undang-Undang Dasar 1945 / Basic Constitution 1945

UU KIP : Undang Undang Keterbukaan Informasi Publik / Public Information Disclosure Act

Abstract

Election and the whole electoral process are considered good indicator of one country's fulfillment to the ideal of liberal democracy. In Indonesia, where the democratic governance including regular election has just started since 1998, electoral reforms have been successfully carried out in several aspects; regulation, institutionalization of electoral bodies and the transparency during the process. Indonesia is the 4th most populated country in the world with more than 260 million inhabitants, and it has conducted direct election since 2004 under relatively peaceful circumstances.

This paper will focus on the latest Presidential and Legislative Elections that were held in 2014, while describing the development of electoral reforms over time. This, with a view to assess as to whether Indonesia is still on the right track in adopting western-style liberal democracy and by applying democracy assessment tools and liberal democracy criteria. On the basis of detailed evidence, it is established that it is best at this point of time to see the democracy in Indonesia as a hybrid system. It is a 'variety of democracy' combining elements of what is considered a liberal democracy, as well as historical and specific Indonesian socio-cultural, traditional and informal governance systems are influencing the result.

Keywords: *democracy, election, electoral reform, democratization, vote-buying, money politics, transparency*

Chapter 1

Introduction

This Research Paper aims to look at the dynamics of democracy in Indonesia, which can be seen as a new democracy. It targets the electoral processes over time, but with a focus on the latest legislative and presidential election in 2014. The concept and practice to transition Indonesia towards liberal democracy has been infused to this country since the autocracy of the Soeharto regime fell in 1998. To kick start this new democracy, several important steps were taken to institutionalize it: establishing new bodies, rule of law and constitutional reforms, press freedom, freedom of speech, access to public information, introducing a decentralized government system and most importantly, conducting free and fair elections. As such democratization processes in Indonesia have evolved quite fast, the capacity as well as democratic credentials of successive governments to organize elections following years of centralized autocratic rule have become interesting to look further. However, since we are fully aware that democracy itself is adjusting to the culture and society of countries, where hierarchy and pattern of power are taken into account, a question arises; whether the several traits of democracy in Indonesia are consistent with the ideals of liberal democracy, or is it just demonstrated at the surface?

Background

Indonesia had its biggest transition after the Suharto regime fell in 1998, which started the reform in many aspects of the citizen's life; changed the behavior of its people and increased their awareness and mindset in political participation and good governance. For a long period of 32 years, Soeharto ruled this biggest South East Asian country with an iron hand. Only three political parties were allowed to exist since 1977, and the one with yellow attributes that carried the name Golongan Karya (Golkar) always won the election ever since Soeharto held the presidency in 1966. There was no year or period limitation for the presidential position. Public never knew how they counted the ballots and never knew who were sitting in the parliament to represent them. Collusion and nepotism were happening everywhere. The power of the people has ultimately driven Soeharto from his royal seat.

Since then, the democratization in Indonesia, slowly but surely, was turning into progress. During the transition, Indonesia was still trapped in financial crisis, yet it became worse due to unstable

political situation. The severe economic crisis hit Indonesia since 1997, caused devaluation of Rupiah and at that moment the supranational bodies such as World Bank, IMF and other donor countries were allocating big amounts of money to Indonesia trough soft loans, grants, and recovery aid during that period. Gross foreign aid significantly increased from 2% of total GDP in 1996-1997 to 4.5 % in 1999, excluding loans received from IMF. The U.S. Agency for International Development (USAID), for instance, spent around US$ 700 million every year on democracy-related programs; strengthening parliament, support the elections, improve the civil society organization, and empowering the judiciaries and political parties (Carothers in Knack 2004: 252). Knack mentioned that aid could contribute the democratization through several ways; "through technical assistance focusing on electoral processes, the strengthening of legislatures and judiciaries as checks on executive power, and the promotion of civil society organizations, including a free press; through conditionality; and by improving education and increasing per capita incomes, which, research shows are conducive to democratization." (Ibid: 251).

The concept of liberal democracy which was introduced by the Western countries to Indonesia seemed to be warmly welcomed by the Indonesian government which was in high enthusiasm to fully change from authoritarian regime. There were a lot of initiatives and programs from the civil society organizations to support the access to right information. The mode of representative democracy is being implemented from the municipal level, district level and provincial level into a more national level through legislative and presidential elections. From the lowest level in municipality we call it *Pilwako*, then provincial level we call it with *Pilgub*. Both levels are conducted in local context where people broadly recognize this as PILKADA. Meanwhile, at national level, we have legislative election (*Pileg*) and presidential election (*Pilpres*) which is conducted for every 5-years cycle.

In 2002, Indonesia established the Corruption Eradication Commission (KPK), through issuance of Law no. 30/2002, starting from 5 basic principles: legal assurance, transparency, accountability, common interest and proportionality. Yet, 12 years after establishing KPK, surprisingly the corruption in Indonesia was getting higher. Based on report released by Transparency International Indonesia (TII), Indonesian Corruption Perceptions Index (CPI) was at 2,8 in 2009 and 2010 and increased to 3,4 in 2014 (TII 2005).

On the other hand, the Public Information Disclosure Act that is regulated under Law No. 14/2008 (UU KIP) was ratified in April 2008 has brought more fresh air for Indonesians. The Act aims to secure the rights of citizens in accessing the public information and to engage in building

the idea to further influence the policy decision making process and to foster transparency in administration. The implementation of UU KIP was greatly welcomed by civil society, democracy workers and bureaucracy reform activists, local and international NGOs, as well as other stakeholders who had aspired to create an open and accountable circumstances in Indonesia. They had high hopes that now, unlike in Soeharto era, people would be more conscious about the political situations and how elites are actually scheming.

One of the concrete manifestations of UU 14/2008 was brought by the Indonesian General Election Commission (KPU), both at national and local levels. The Open Data system was introduced in 2010, right after the UU 14/2008 came into effect through the Government Regulation (GR) 61/2010 but it had not been implemented in 2009 Legislative and Presidential election. Based on reliable sources, the participation level in the 2014 Presidential Election significantly increased. There were 194 million registered voters, this also includes the involvement of young people participating in the development of information technology methods under open source of Application Program Interface (API Pemilu) as a one stop reference point to access, reuse, organize and sharing relevant data during elections.

Problem Statement

In spite of all accomplishments to create more open and accountable bodies to support free and fair elections, it appears as if liberal democracy as defined in several indicators of representation, free and fair elections and the like, has not been fully realized. Apart from the improved administration and transparent procedures in the latest national legislative and presidential elections, so called 'black campaigns' emerged, consisting of appeals and strategies linked to primordial, ethnic and religious matters and sentiments. The media also played a role in politicizing those issues which seemed to show that the newly enjoyed press freedom did not guarantee the impartiality of media, also because the leading newspapers and media are owned by top businessmen siding one particular candidate to gain their interest. All in all the author seems to see the emergence of a mixed blend of democracy, where it is assumed that traditional administrative and cultural traits – as in patterns of hierarchy, elite domination, informality and dependencies - would have impacted the introduction – with donor support – of what was hoped to become a liberal democracy. By assessing the actual dynamics of the latest election, the author aim to see if the concepts and practices of liberal democracy have in fact been institutionalized

Research Objective

The objective of this research is to review the latest national election in Indonesia and whether it reflects the concept of liberal democracy thoroughly. The fact is Indonesia is relatively stable in a political, economic and social sense, whereas the political awareness and participation from the society have been progressing since its transition from authoritarianism in 1998. However, in last few years, there is some evidence that showed the failure and misuse of power in democracy and transparency itself, such as the proliferation of corruption and the politically built-on primordial and religious issues that involved in the elections.

- **Research Question**

  "To what extent are Indonesian electoral processes consistent with the ideals and practices of liberal democracy?"

- **Sub-Questions**

  - What are the basic elements of the liberal democracy?
  - Which are the main stakeholders in the democratic and electoral process?
  - How does the socio-cultural and the nature of political parties affect the implementation of liberal democracy?
  - How has been the performance of the newly established democratic institutions in implementing its mandates in the most recent national election in 2014?
  - Can we see the election process as well as election outcomes as reflecting what is defined as liberal democracy?

- **Overview of concepts and perspectives applied**

  To answer the main research question and the sub-questions, the author is using several concepts and theories as the basis from some notable scholars in democracy, putting the focus on what Huntington says that democracy has two dimensions; contestation and participation, which both are reflected quite well through electoral process. Author also brings out the concept of electoral integrity, which has become a major challenge in the clientalistic model of democracy. Several perspectives regarding the pre-condition of 'liberal democracy' are also briefly defined, which according to Bollen and Paxton, include

the accountability of government, the freedom of expression in any platform as well as the media liberation. These pre-conditions of liberal democracy are clearly stated under the criteria made by the Freedom House, one most distinguished US non-governmental organization that has conducted the advocacy on democracy since 1941, which is provided in Chapter 2. Author also brings out the democracy assessment tools that is framed by Institute for Democracy and Electoral Assistance (IDEA) as the author agrees with their fundamental principles in supporting the democracy worldwide, such as: (1) democracy can not be achieved only through election, (2) democracy is not standing alone but built from internal societies, and (3) democracy is a long process that requires effort over time (Beetham et.al. in IDEA 2008: 7)

Research Methods and Empirical Evidence

As this will be a fully qualitative research, the author has relied on secondary data, theories and literature review as obtained through journals, statistics and numerical data from previous surveys that were conducted by NGOs and national/international electoral monitoring support, including books and reports published by donor agencies. However, the author was in a position to assess the relevant information through primary data by interviewing with some key people in KPU and Bawaslu to get some more information on what was happening on the ground, as well as interviewing some democracy workers from civil society organizations.

Key articles that proved very useful to understand relevant matters are as follows:

1. **Aryojati Ardipandanto (2015)** who spoke about the strength and weaknesses of the 2014 Presidential Election,
2. **Rizal Sukma (2009)** talked about key developments in Indonesia's politics (and election) and the prospects for Indonesia's democratic resilience,
3. **Marcus Mietzner (2009 and 2012)** highlighted the populism and party system consolidation in Indonesia election and the democratic stagnation.

In addition, and included in my references are a lot more publications on theoretical perspectives; critiques on the neo-institutionalism model of democracy. These include texts by Vedi Hadiz, party politics financing by Markus Meitzner and Christopher Hobson regarding the limits on liberal democracy promotion.

Relevance and Justification

After the democratic transition in 1998, Indonesia is considered to be successful in conducting free and fair election and even national direct election since 2004 and local direct elections since 2005. The press and media freedom, though it is not free from impartiality, but are much progressing compare to the Soeharto era. Political participation in many platforms are generally guaranteed safe for everyone. At face value, many principles of liberal democracy have been conducted, albeit not fully, starting from changing the governance system, constitutional reform and institutionalizing the democracy through the establishments of new bodies in the government in a relatively short time after the transition.

Nevertheless, the democratization in Indonesia is not going as smooth as expected. As Hobson said, we need to take into account the historical and cultural context that involve in democratization process. It often makes the measurement on the quality of democracy more complicated (Hobson 2009: 396). From the author's perspective, it is very important to carry out in-depth research on what is truly going on in the latest national election in Indonesia to check whether the ideal of liberal democracy has been fully realized or not. In fact, several things happened as the negative impact of liberal democracy itself, which already seemed to be in contradiction. As democracy is the main driving factor to achieve the progress in development, to the extent that democracy is assumed to foster development, this research will be relevant with the objective of development studies.

Limitations and Ethical Considerations

The author does acknowledge that democracy is much studied as concept and always dynamic. There were a lot of scholars who talked about the democratization in Indonesia, and to do the research from all aspects, it will take longer than a thesis since the process is fluid, still ongoing and keep updating. Thus, the author has limited the research to only the latest legislative and presidential election of 2014 so as to assess the democratic measurements that related in electoral process, including the institutions that support and involve in elections preparation, monitoring and evaluation.

As most of the data are secondary, the sensitivity of the data will most likely none. However, author has also tried to get concrete data and experiences from KPU and Bawaslu through

interview and meeting. Some data and thoughts might not have been published openly to public earlier, yet what the author stated in this paper are fully under permission of resource person(s).

Research Paper Structure

This research paper consists of 6 chapters. Chapter 1 briefly explains the background, research questions, limitation and empirical evidence. Chapter 2 talks about the concepts, theories and methodology that the author uses in the paper. Chapter 3 more generally speaks about the context of electoral reform and democracy in Indonesia, while the focus on 2014 National Election is highlighted in Chapter 4, including the review on positive and negative aspects. The analysis and conclusion are broadly discussed in Chapter 5 and 6, and a little look back to the theories from Chapter 2 to see whether it is consistent and relevant in order to answer all of the research sub-questions and the ultimate main question.

Chapter 2

Analytical Framework

2.1. CONCEPTS/THEORIES

Democracy

The Ancient Greeks defined democracy as power rule by the people (demos = people and kratos = power) or as Lincoln said in 1864 as government of, by and for the people. Robert Dahl said that democracy is similar with polyarchy which means a system of decision making based on the principle of majority rule. In Samuel P. Huntington book *The Third Wave; democratization in the late twentieth century*, Schumpeter stated that democracy is the "will of the people (source) and the common good (purpose)." (Schumpeter in Huntington 1991: 6). He explained the democratic method as "that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote (Ibid). Democracy itself consists of two dimensions; contestation and participation. It also "implies the existence of those civil and political freedom to speak, publish, assemble, and organize that are necessary to political debate and the conduct of electoral campaigns." (Huntington 1991: 7).

Liberal Democracy

In general, liberal democracy is a system in political arena which is not only indicated by free and fair election, but also by protection of basic human rights (freedom of speech, assembly, religion and property), the enforcement of rule of law and separation of powers. According to definition by Freedom House, liberal democracy is an indirect and representative form of democracy which has multi-party political system, universal suffrage for citizen, regular contested election, effective public access by political parties through media and open campaigning, and there is in institutionalized rights, the rule of law, transparency and accountability.

Picture 2

Criteria of liberal democracy

Source: www.freedomhouse.org (illustrated by author)

Nevertheless, even though liberal democracy has become paradigmatic form of governance in most part of the world after 1990s, there are some deficits of liberal democracy as noted by Bastian & Luckham (2003: 24-25):

1. Democracy is less meaningful for common people or ordinary citizens if they are not granted equal rights and those entitlements. Other words, they are excluded from the public sphere because some problem, either gender discrimination, societal inequality, cultures or intolerance and violence,

2. The weakness of what we call with 'vertical accountability'; the inability of citizens to hold governments and political elites from being fully accountable for their use of power,

3. Lack of constitutional and legal checks and balances, mainly because of patronage system of government, judicial inertia, corruption, media and weak opposition parties,

4. Globalization and the power of multinational enterprises in intervene the decision-making process in the government.

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Electoral Integrity

The concept of electoral integrity referred to the 1948 Universal Declaration of Human Rights, where the output defined as "reflecting the genuine will of the people" or simply defined as "free and fair". Electoral integrity is a global norm, that applies globally to each country in the world through the whole process of electoral cycle; pre-electoral, campaign period, ballots calculation and the rest of the outcome (Norris 2013: 564). The alternative definitions of electoral integrity are emphasized as violations of domestic electoral laws including the manipulation in tabulation and polling (Ibid). This is relevant with the democratic theories when drawing upon the ideal of liberal democracy, where the electoral procedures often failed to fulfill normative values, namely: transparency, accountability and inclusiveness. Most of the countries possess the major challenge to meet this international standard of electoral integrity, it is sometimes characterized by repression and intimidation. Even usually countries which do not experience these major problems are still facing the second-order malpractices, such as inaccurate voter registers, lack of good administration in polling, vote-buying, clientalistic politics, etc. (Hasen in Norris 2013: 563)

Clientelism

To understand the basic concept of politic of "who gets what" by Lasswell in 1958, some scholars elaborated the concept of clientelism. Based on the classic patron-client or "patronage" model, this term refers to "a complex chain of personal bonds between political patrons or bosses and their individual clients or followers. These bonds are founded on mutual material advantage: the patron furnishes excludable resources (money, jobs) to dependents and accomplices in return for their patrons are not independent actors, but are links within a larger grid of contacts, usually serving as middlemen who arrange exchanges between the local level and the national center." (Kettering in Brinkerhoff & Goldsmith 2002: 2). Such models and experiences are part and parcel of almost all newly developing democratic countries, which typically attracted the poor and marginalized members who, critically, are mostly in a position of dependence- as they need key basic services as in health, education, protection and work. Migdal even mentioned that clientelism has become the solution and 'politics of survival' for both patron and client (Migdal in Ibid). Clientelism is more economically rational than about loyalty. The patrons are targeting the poor people and get advantaged by their limited access of information.

However, from this patron-client model, each side is still assumed to gain the benefiting value.

2.2. PERSPECTIVES

In his book *Cleavages, Ideologies and Party System*, Juan Linz said that a government can be categorized as democratic if it gives a regular constitutional opportunity for fair contestation to gain the political power for any type of groups with no exception and without violence (Linz in Allardt and Littunen 1964: 128). According to Morlino, there are minimal requirements for a country to be called democratic, that the regime allows rights to vote for adult based on the law, fair and competitive elections, there will be more than just single political party operates, and there is a lot of information resources available (Morlino 2004: 10).

Plattner indicates that liberal democracy happens "when a regime can protect the rights of individuals and minorities, guarantee the liberty and freedom of its people through a written constitution and rule of law." (Plattner 2010: 84). In their article, Bollen and Paxton describe liberal democracy into two dimensions; democratic rule and political liberties. According to Bollen, democratic rule exists when the government is accountable and every citizen has a right to participate in the government through elections or any kind of representations (Bollen in Bollen and Paxton 2000: 60). Political liberties exist when the people have freedom of expression in any platform that includes political opinion and taking part in any political group. There are two traditions to measure as to whether we can speak of liberal democracy; one is by using objective measure such as voter turnout in politics, legislative bodies' composition and political system. The other is the rating of aspects in liberal democracy itself, which includes fairness of election, media and political groups' freedom (Ibid). "Rule of law is emphasized as necessary for institutionalizing the constitutional structures liberal democracy requires, while civil society is meant to foster liberal democracy from below." (Hobson 2009: 395)

Democratization in recipient countries hopefully follows two stages first is democratic transition, and second is consolidation (Carothers 2009: 192). In the transition period, the non-democratic government lost legitimacy and there is rising public desire for democracy and external pressure. Consolidation phase is where the government progressively reforms the institution and making them more effective, accountable and representative. However, the institutional modeling strategy assumes that democratization is such a natural process towards a pluralism without any conflict

(Ibid: 195). "The assumption is that the democratic transitions are being built on the foundations of coherent, functioning states. In reality, the conflation is at best problematic." (Carothers in Rakner, Menocal and Fritz 2007: 2). This is a major reason why countries that having the democratic transition during the Third Wave (as in Huntington's theory) are mostly implementing 'hybrid regimes', where they transitioned into democracy and conduct elections regularly, but are unable to consolidate their incipient democratic structures (Ibid: 3).

Carothers in his article titled 'The Rule of Law Revival' defined rule of law as "a system in which the laws are public knowledge, are clear in meaning, and apply equally to everyone" (Carothers 1998: 96). It is based on civil liberty, impartiality and efficiency of central institutions of legal system including its bodies such as court, police and prosecutors. The government is embedded in legal framework. There is strong correlation between rule of law and liberal democracy. "Democracy includes institutions and processes that, although beyond the immediate domain of the legal system, are rooted in it" (Ibid). Emerging decentralized corruption practice also became the contributing factor, as Hadiz argued that "decentralization and democratization in Indonesia have been characterized by the emergence of new patterns; rule by predatory local officials, the rise of money politics and the consolidation of political gangsterism." (Hadiz 2004: 711). Such pattern applied not only in district, municipal and provincial election, but also in national-scale legislative and presidential election, whereas a lot of politicians with their business allies stepped into money politics and vote buying (Ibid).

2.3. ASSESSMENT FRAMEWORK

To answer the research question, the author needs tools to measure and assess the actual nature and performance of Indonesian democracy. Democracy is a political concept, where the key principles are political equality and popular control, which is making public decision more effective and inclusive, and to avoid the monopolistic behavior from elites in the decision-making process, which will be determining benefits and impacts for the citizen. In each rule and policy-making, everyone should be guaranteed a right to speak and vote. "Democracy is realized not as popular control over public decision-making, but as control over the decision-makers who act in their stead." (Beetham et.al. in IDEA 2002: 15)

In this topic, the author will look at the indicator number 2 and 3 out of 4 indicators in the Assessment Framework provided below. Section 2 (Representative and Accountable

Government) will include the agenda of electoral process, the party system, the institutions that secure the accountability and transparency of the officials, also minimizing corruption. While section 3 (Civil Society and Popular Participation) will more focus on civil society, as democratic institutions depend their effectiveness to function in active citizen bodies, the extent of pluralism of media in disseminate information and communication, and lastly, to ensure that public services meet the need of population, both national and local level.

Table 2

The IDEA Assessment Framework

Citizenship, Law and Rights	Nationhood and citizenship	*Is there public agreement on a common citizenship without discrimination?*
	Rule of law and access to justice	*Are state and society consistently subject to the law?*
	Civil and political rights	*Are civil and political rights equally guaranteed for all*
	Economic and social rights	*Are economic and social rights equally guaranteed for all*
Representative and Accountable Government	Free and fair election	*Do elections give the people control over governments and their policies?*
	Democratic role of political parties	*Does the party system assist the working of democracy?*
	Government effectiveness and accountability	*Is government accountable to the people and their representatives?*
	Civilian control of the military and police	*Are the military and police forced under civilian control?*
	Minimising corruption	*Are public officials, elected or appointed, free from corruption?*
Civil Society and Popular Participation	The media in a democratic society	*Do the media operate in a way that sustains democratic values?*
	Political participation	*Is there full citizen participation in public life?*
	Government responsiveness	*Is government responsive to the concerns of its citizens?*
	Decentralization	*Are decisions taken at the level of government which is most appropriate for the people affected*

Democracy Beyond the State	International dimension of democracy	*Are a country's external relations conducted in accordance with democratic norms, and is it itself free from external subordination?*

Source: D. Beetham, S. Bracking, I. Kearton and S. Weir, *International IDEA Handbook on Democracy Assessment* (The Hague: Kluwer Law International, 2002), p.14

Chapter 3

Background to Indonesia's Electoral System

3.1. CONTEXT OF DEMOCRATIC TRANSITION IN INDONESIA

The democratic transition in Indonesia that started in 1998 was universally known as the transition in adopting the 'Western-style liberal democracy'. However, not all scholars thought that is a form of liberal democracy, such as Hadiz who argued that was "Suharto's inability to steer Indonesia out of the crisis led to the disintegration of the regime elite, and decided that their own survival could only be assured by reorganizing themselves within a new regime." (Robison and Hadiz in Fukuoka 2013: 996). According to Hadiz, Indonesia was in fact still preserving the nature of being illiberal in politics. Kanishka Jayasuria's model of democratic transition more or less captured the pattern that occurred in Indonesia, which in fact resulted in clientalist model, resulting from Soeharto's earlier centralization of patronage networks (Fukuoka 2013: 992). As Brinkerhoff & Goldsmith's definition of clientalism that was already described in previous chapter, the danger of this model is that it is very prone to fall prey/victim to rent-seeking, ethnic conflict, incomplete reforms and the biggest and foremost, corruption (Brinkerhoff & Goldsmith 2002: 1). Although the Indonesian democratization process has been progressing steadily, the quality of Indonesian democracy has been and still is the subject of a lively debate.

It can be summed up that the transition in Indonesia was divided into 4 stages. First is 'rupture', as some key people of the regime turned against Soeharto without destroying the regime. The Second phase was 'negotiating political reform', as the agenda of revision on laws on parties, elections and legislature was a complex process of institutionalization to occur prior to new elections itself. The 'extreme' reformists demanded for governing presidium but it never happened, yet the moderate ones preferred to follow the constitutional rule without questioning their legitimacy. "All agreed that political and electoral laws should be changed prior to holding elections." (Malley 2000: 170)

The Third stage can be marked as 'elections and uncertainty'. It was concluded that none of the elections in 1999 (direct legislative or indirect presidential) resulted a decisive resolution for both pro-reform and status quo. Then, the final stage was the transitioning period after the first election in 1999 conducted, which was the stage of consolidation/stalemate. They all agreed to bring

Suharto down, and they demanded to conduct the free and fair election determine the new government, that there was a guarantee for any political party to have the same opportunity and rights to take part in election process. and that the military's role in politics should be shrined.

Horowitz (2013: 153) in his book *Constitutional Change and Democracy in Indonesia* was also strengthening this statement. He said that Indonesia's new democratic institutions were endogenous and had to go through complex negotiation. As result, they often made errors and miscalculations, and sometimes violate the laws and take action on behalf of one group or party. There were some demands from activists and student organizations calling on the transition government to conduct free and fair election, give freedom to form political parties and change the head of government. This should be easy if referring to our national agenda at that time to create a clean government (free from corruption, collusion and nepotism). Basically, there were three groups in this transitional period: (1) the group who demanded the total reform, (2) group who thought that reform would lead to a great change and supporting this, and lastly (3) the anti-reformist group or status quo (Haris in Ardiantoro 1999: 27). However, the pre-conditions of successful transition were not fully met which undermined a smooth process in Indonesia. So, as the total set of desired or required reforms could not be implemented, Indonesia was having a gradual transition instead.

3.2. HIGHLIGHTS ON THE FORMATION OF SUPPORTING BODIES AND RECONSITUTION OF LAW

The reforms in Indonesia, especially in early years after transition, were quite massive. There were 4 amendments to our Basic Constitution 1945. The first amendment was adopted occurred in October 1999. This first amendment significantly changed the status of President from "subservient" and accountable to People's Consultative Assembly (MPR). The first amendment was intended to diminish this status, and more importantly, regulating the duration of presidency to only two periods of 5 years, compare to the unlimited period before the reform. The second amendment was enacted is 2000. It gave more limitation on president's legislative power, as one bill would still come into force in 30 days after passed by DPR, no matter whether the president endorses them or not. The second amendment also provided a constitutional status for local government and where the regional autonomy and decentralization in Indonesia began.

Meanwhile, the third amendment in 2001 was about the MPR which no longer had the ability to appoint a president, and it was followed by direct elections held in 2004. This third amendment also regulated that a candidate shall obtain more than 50% of votes in election to become a president, the creation of Constitutional Court (MK) to review the legislation. In addition, there was a new procedure for DPR regarding the impeachment and dismissal of president. This constitutional amendment, as the bottom line, shifted the power from executive to legislative bodies. DPR has more important roles to pass the legislation without approval from executive in some cases. They are also able to supervise some state agencies, fixing the budget and passing the final judgment of presidential decrees. (Dagg 2007: 48).

The fourth amendment that was proposed and approved by Parliament in 2002 was about the transformation from a top-heavy authoritarian system into a at least a form of liberal representative democracy. Indonesia since then also established some new special Courts to strengthen their law enforcement system, from Human Rights Court, Anti-Corruption Court, Commercial Court, Taxation Court, etc and to put the expertise to each case. An Anti-Corruption Court, or what has been famously called as *Tipikor*, was established following the formation of Corruption Eradication Commission (KPK). The Indonesian Courts are now actually having powerful position, yet it has a downside where the Courts itself often become the arena where corruption took place. Because of their great power, they can avoid being caught by authority.

This reform also included the composition change in DPR and MPR which focused on the deduction of non-selected members proportion, for example, the number of military representations. This led to resistance in the beginning where the militaries were forced to resign from their position if they were about to get any position in bureaucracy (Ibid). This was an enormous change within that period as military was very powerful in Soeharto era. In 2004, things were different. "MPR, while still retained the right to amend the constitution and a role in the impeachment of the executive, lost its power to set the direction of public policy and to select the President and Vice-President." (NDI in Dagg 2007: 49).

However, the direct election since 2004 created a new pattern in Indonesia's presidential system. The President then could gain mandate from the people, not through the DPR, that makes the impeachment became more difficult to do. Moreover, this also included democratizing the electoral system for legislative body as it gave chance for new political parties to develop and take part, as long as they have branches in 9 provinces and minimum 50% districts within those

provinces. In 2004 election, the requirement was getting stricter as there were some new other requirements such as hold minimal number of seats in DPR. However, what happened was some smaller parties merged to fulfill this requirement.

3.2.1. The modification of the old Political Law Year 1985 (UU Politik)

In the beginning, the whole idea to create a set of regulation for the first-ever free and fair election post-reform sounded good to accelerate a legitimate government. Thus, there was a big homework for the transition government to modify the Law on Politics that last being modified in 1985. UU Politik was previously designed to maintain the power of Soeharto. At least 5 articles in UU Politik were considered un-democratic (Mallarangeng in Ardiantoro 1999: 78). These are some fundamental points from the reconstitution of UU Politik; (1) freedom for actively involve and own political rights and participation without suppress from hegemonic power, (2) It guaranteed the implementation of democracy, (3) representation based on achievement (Nur in Ardiantoro 1999: 90). During the election 1999 and campaign, the three major parties that held power during Soeharto were also trying to do manipulations (vote buying, using the public facilities, etc.). However, there was a huge progress done in 1999, too, such as there was a creation of monitoring body (Panwaslu) which no longer consisted of bureaucrats.

UU Politik 1999 then consists of three parts; Law No. 2 year 1999 regarding Political Party Party (UU Partai), Law No. 3 Year 1999 regarding the Election (UU Pemilu) and Law no. 4 year 1999 regarding the Status of House of People's Representative / People's Consultative Assembly (UU Susduk DPR/MPR). There were some significant changes in the realization of election, election participants and the number of female nominated members in the parliament.

3.2.2. The formation of KPU

General Election Commission (KPU) was first established in 1999 through the Presidential Decree No. 16/1999 by Indonesian president at that time, BJ Habibie, which consisted of 53 members from the representative of political parties and government. The decree clearly highlights that KPU should be independent commission and impartial.[1] Up to 2014, KPU has been re-constituted the membership for four times in total; 1999, 2002, 2007 and 2012. The process started from open

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[1] Stated in the preamble of the decree

recruitments, which would be assessed by the selection panel through interviews and fit-proper tests, then the selected ones would be inaugurated by the President. If in 1999 and 2002, KPU still could not get away from political interest, starting 2007 KPU has done much to improve their administrative works, logistical preparation and to reached out voters as many as it could through more advance registration process.

As cited from their website, here is the vision of KPU; to be an implementer for independent and professional election which is free and fair with integrity. Meanwhile, some of KPU missions are: (1) to establish professional human resources to conduct free and fair election, (2) set up election regulation that gives assurance for rule of law, progressive and participatory, (3) enhance the service quality for all stakeholders and society, (4) socialization and voters' education, (5) strengthening its organizational position, (6) develop the integrity of all implementers especially the compliance to ethical code, and lastly (7) conducting effective, efficient, transparent, accountable and accessible elections for all.

KPU works are gradually become better since the first time they conducted the election in 1999. At that time, there were only 3 months of preparation to conduct the elections with 48 parties and 114 million voters. No transparency regarding the source of funds. The manipulations were occurred more during calculation process (including human error, system error and votes manipulation). Only 45% of voting results declared 'clear'. The cases during election were being handled by a team name Team 11, who clarified and verified each case reported, then sanction would be decided by National Reconciliation. The members and commissioners of KPU were being replaced every 5 years, and there were also some regulations that underlay the recruitment processes of each period. 2004 Election showed the failure of KPU integrity as some of their members being corrupt. Starting then, the government issued Law No. 22 Year 2007 to strengthen KPU as organization by adding up more responsibilities to KPU to enhance their works. As result, KPU 2009 could be more independent compare to the previous election. The law was being revised again in 2011 and it regulated the recruitment method clearer, the impartiality of selection panel, as well as distinguish the independency of KPU which has different role than Bawaslu.

3.2.3. The formation of Election Supervisory Bodies (Bawaslu)

Democracy and election are two inseparable things. In UUD 1945, it is stated clearly the three elements in our government system; republic, democracy and presidential (Bawaslu 2014: 3). The

idea of forming the independent supervisory body started prior to the 1999 Elections, yet the realization was happened in 2003, which based on Law No. 12 Year 2003, the election monitoring committee (Panwaslu) was formed in ad-hoc basis. Through Law No. 22 Year 2007, another body to support the free and fair election was formed and named Bawaslu. Bawaslu since then has played important role in monitoring 2009 and 2014 Elections. Their members were permanent and will be replaced in every 5 years. However, the recruitment of Panwaslu members in each level was still a task of KPU.

Based on decision from Judicial Review of Law No. 22 Year 2007 by Constitutional Court (MK) that was proposed by Bawaslu, Bawaslu took over KPU task to recruit Panwaslu members in each level, thus this has strengthened their role in monitoring each stage in election process and receiving any fraud reports. They also begun to have responsibility to handle some types of cases; administrative cases, violation to ethical code, etc. Through Law No. 15 Year 2011, the role of Bawaslu has been broadened in terms of solving the cases. Bawaslu fully aware that they were established to guarantee the embodiment of people's sovereignty, in particular the protection of political rights; rights to vote and to be elected. In the perspective of democracy, Bawaslu was created to assure that the elections can be free, fair, open, upright and competitive, direct and classified. In larger scale, Bawaslu is expected to play role during transition and consolidation of democracy, as well as make sure that the non-democratic political groups (such as military, police and bureaucrats) are no longer become the controlling actors in election and prevent the dynastic politics.

Bawaslu also promotes democratic practice, 'participant political culture' and 'autonomous political participation' by giving political education for public. It will be quite difficult for Bawaslu to control the mass if they are still practicing the mobilized political participation. Until now, the issue about how weak the political control of Bawaslu have never been highlighted. First, because the legislative, executive and judicative less likely blow up the election frauds, because those issues could show how weak they are in terms of enforcing rule of law. Secondly, the issue on administrative matters can be indication of the unorganized or lack of harmonization between one institution to another (Bawaslu 2014: 6). However in 2014, Bawaslu put more effort in improving their coordination with other government bodies by establishing some Memorandum of Understandings (MoUs), as follows:

Table 3.A

MoU Between Bawaslu and Other Government Agencies in 2014 Elections

No	Name of Institution	Goal	Output
1	Indonesian Broadcasting Commission (KPI)	Monitor the regulation during campaign	Some frauds found in the exceeded duration of TV advertisement, there were also some improper campaign activities that reached the viewers from TV shows.
2	Center of Reports and Analysis of Financial Transaction (PPATK)	Monitor the flow of money/fund from individual to the political parties' bank accounts	It would be useful for auditing purpose, so the frauds can be revealed
3	Commission on Protection for Children (KPAI)	Monitor the involvement of children during campaign	Information gained related to the involvement of children in some campaign activities
4	Ministry of Women Empowerment and Child Protection	To empower women being active in monitoring election	Seminar and public discussions were held to strengthen the role of women in election monitoring.

Source: Bawaslu Website (http://bawaslu.go.id)

Bawaslu also actively involved in solving the cases reported after the Presidential Election 2014. In 2014 Presidential Election, Bawaslu found 3,453 suspected frauds and 373 reported cases regarding the violation in campaign period (Noor, Sulastri & Nurdin 2015: 28). After the announcement of the winning candidate, the losing presidential candidates, Prabowo and Hatta Rajasa, accused the election result to the Constitutional Court, and there was one of Bawaslu's role to give testimony and evidence to help the Court in deciding the case. The allegation was eventually being rejected by the court after they conducted 9 trials.

3.3. A BRIEF HISTORY OF INDONESIAN ELECTIONS UP TO 2014

During the transition period, the importance of conducting free and fair election was emerged, this included the three main reasons; as transfer of leader and power, as implementation of people's

sovereignty, state and social formation to create good governance. According to Juri Ardiantoro, former head and founder of Komite Independen Pemantau Pemilu (KIPP), the first independent commission to monitor the election since Soeharto regime fell, there were three sentences to describe the 1999 election; multiparty, less involvement of bureaucrats, the freedom to monitor the election process (Ardiantoro 1999: 5). It was more than just new paradigm in our election, yet it was as momentum to bring back legitimation and a real transition to democratic period. In general, the 1999 Election went quite well, with the free and fair principles being implemented, despite some disruptions and fraud cases that were still occurred. Some of them were also left unsolved due to the limitation of KPU in controlling the violation and because there was incompleteness of democratic institution. On the other hand, 1999 Election also a good mark of the institutionalization of democracy, high level of enthusiasm and participation from society. At least, our democracy at that point had reached the 'final control by society' and thus considered as birth of civil liberty (Jalil in Ardiantoro 1999: 38)

KIPP made a full complete report on the frauds in 1999 Elections. Money politics, non-neutral bureaucratic system, abuse the state's facility, intimidation and technical/administrative issues, as well as lack of materials and lack of manpower capacity. There was no systematic pattern on these violations, they were all sporadic-casuistic.

Here is the summary of frauds occurred in 1999 Election:

- 247 bullying cases regarding religion, ethnicity and political preferences.
- 106 cases on abuse of state's facility
- 89 cases of money politics
- 16,754 cases delay on voting calculation
- More than 60% were technical/administrative matters

Five years after, Indonesia introduced the direct election system for both legislative and presidential elections. In general, the constitutional reform regarding the new phase of election process was reflected through the Law No. 23/2003. Unlike in the first post-Soeharto election in 1999, which president was selected by the MPR, voters came to the polling station and choose their own preferred candidate in 2004 Elections. Also from 2004 onwards, the President would no longer have to calculate political balance in DPR but would depend on legitimacy given by

popular mandates. However, still, the President needs parliamentary support to pass the legislation (Sherlock 2004: 5).

The 5 pairs of candidates at that time were using some fundamental issues to deal with as their campaign topics; eliminating corruption, restoring economic growth and the job creation for the young generations (Tan 2006: 91). Meanwhile, the number of competing party dropped down from 48 in 1999 to 24 in 2004. Besides the 6 major parties that won the majority votes in 1999, other parties participating in 2004. There were two parties that 'came from nowhere' but gained 7% of the vote each; Partai Demokrat (PD) and Partai Keadilan Sejahtera (PKS). 2004 Election in overall went successful as the first-ever direct election. The presidential election, following the legislative, had 5 pairs of candidates from parties which gained at least 5% votes in legislative elections.

TABLE 3.B

Indonesian Presidential Elections, 2004 (Percentage score)

Presidential–Vice-Presidential Candidate Pair*	July 2004, First Round	September 2004, Second Round
Wiranto and Salahuddin Wahid	22.2	
Megawati Soekarnoputri and Hasyim Muzadi	26.2	39.1
Amien Rais and Siswono Yudo Husodo	14.9	
Susilo Bambang Yudhoyono and Jusuf Kalla	**33.6**	
Hamzah Haz and Agum Gumelar	3.1	**60.9**

* Winner of each round noted in bold.
Source: KPU Indonesia, "Hasil Pilpres", http://www.kpu.go.id/hasil_pilpres/suara_sah-1.php (accessed 3 March 2005).

SBY came as popular candidate from PD. His presence was highly supported by the PD's results in legislative election, making it as the right time to carry him through the two rounds of presidential elections. The campaign strategy also helped him to obtain presidential position as SBY ran against the existing political parties. He, more importantly, attracted voters because of his portrayed personality; "polite, calm … (with) an authoritative bearing, firm and because he appeared to have integrity." (NDI in Tan 2006: 95). He was also a preferred candidate from both factions; secular-nationalist and Islamic-leaning parties.

TABLE 3.C

Presidential elections voters' turnout (2004-2014)

Year	Registered voters	Voter turnout	%
2004, First Round	155,048,803	118,656,868	78.23
2004, Second Round	155,048,803	114,257,054	75.24
2009	170,724,295	121,504,481	71.17
2014	193,944,150	133,574,277	69.58

Source: KPU and various online newspapers

Despite a little decline in the percentage number of voter turn-out, 2004 Elections were a very positive effort from all stakeholders to achieve a more democratic government through a more democratic way. Based on a survey conducted by pinion polling by Foundation for Election Systems (IFES), the elections were "very or somewhat well-organized was agreed to by 90 per cent of respondents after the first round of the presidential contest and 96 per cent after the second round." (IFES 2004: 1). Regarding its fairness, 97% said that the elections mostly or completely fair, while 89% of them felt that the election monitoring organization (Panwaslu) was working effectively in supervising the polls. Yet, most of them still thought that the enforcement of law was not going well, though in 2004 it was still a little bit better than in 1999 (Ibid).

Prior to 2009 Election and to make less manipulations than in 2004 Election, government was trying to strengthen KPU and established the Election Monitoring Body (Bawaslu) through Law No. 22/2007.[2] The number of roles attached to Bawaslu are, for instance: supervising the electoral process, allegation of fraud, handling the violation of ethical code and some administrative issues during election. These efforts are to make sure that the free and fair election were held and the democratization process is going forward. Despite the hope from the Indonesian people to improve their life quality and better government, the candidates for presidential election this time were still bringing some old faces, like what happened in five years before. As in the previous election, PD reached the fifth position in legislative election and won 57 out of 560 seats in DPR – a very huge achievement for a new party, in 2009 legislative election, PD was triumphed with

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[2] Before Bawaslu established, there was only Panwaslu as election monitoring body, with limited authority.

20.9% votes, left the 'old' political parties like Golkar, United Development Party (PPP) and Indonesian Democratic Party for Struggle (PDI-P) behind.

There were only three couple of candidates competing in presidential election; (1) Megawati Soekarnoputri – Prabowo, (2) SBY – Boediono and (3) Jusuf Kalla – Wiranto. One interesting point from this victory was the turning point of PD because of the last-minute populist policies by SBY, such as cash hand-outs to the poor as compensation for the increase of fuel price, school allowance and micro-credit program which were popular in low-income segment (Mietzner 2009: 4). In addition, SBY also benefited from the world economic crisis where the fuel price was going down low and collapse. "Whereas he had previously left it to his ministers to announce unpopular increases in petrol prices in May 2008, this time he staged carefully crafted press conferences, in which he portrayed the price reductions as his personal decision rather than the result of international developments. The concurrent cash payments and reduced fuel prices were extremely popular in the low- income segments of Indonesian society." (Ibid).

In that year, KPU was trying hard to make betterment in conducting the election, though the result was still far from ideal. Some problems were still encountered, for instance: incorrect print in the ballots, lack of supply, boxes sent to the wrong provinces and some other logistical issues. However, one other thing that must be highlighted was the uncertain campaign schedules and problem with fixed voter list (Sukma 1999: 318). Based on the survey by Lembaga Penelitian, Pendidikan dan Penerangan Ekonomi dan Sosial (LP3ES) in August 2008, 28.8% of eligible voters were not registered before the 2009 election thus there were some fictitious voters (Ibid: 319). The figure of candidates was playing such an important role in addition to the populist policies. Though most low-income people were happy with SBY's social welfare initiatives, the anti-corruption groups and the economists were being skeptical. This kind of initiative would not be affecting the Indonesia's socio-economic infrastructure and only considered as political charity to gain voters than an effort to eradicate the poverty itself (Mietzner 2009: 5).

3.4. THE DYNAMICS OF POLITICAL PARTIES IN POST-SOEHARTO ERA

"…(political) parties are important part of the political society to form an integral arena of democratic consolidation." (Stepan & Linz in Tan 2006: 89). Stepan and Linz also mentioned that the political parties' development is also part of the development of political society, whereas the ground in "which the polity specifically arranges itself to contest the legitimate right to exercise control over public power and the state apparatus." (Ibid). Bottom line, according to Stepan and

Linz, it is not necessarily political party who could bring old regime down, but political party can be one tool to achieve democratic consolidation especially during transition from authoritarian to democracy. In Article 1, Law No. 2 Year 2008, political parties are national scale organizations which are voluntarily established by a group of people on the basis of common interest to reach the political interests among members, societies, state and maintain its unity under Constitutions. Political parties have significant role and status in each democratic system. They bridging the government and society in strategic way, and become a crucial pillar if they could strengthen their institutionalization.

One thing that Indonesia is still lacking of is the institutionalization of party system in daily political activities. Mainwaring and Scully gave explanation that an institutionalized party system should have stable roots in society, stable structures and rules, as well as stable in inter-party competition and they are legitimate in terms of determining the one who govern (Mainwaring & Scully 1995: 1). Article 11 Law No. 2 Year 2008 stated that political parties are means for: (1) raise the awareness about the rights and responsibility as citizens and the overall political education, (2) to create a conducive situation to gain unity, (3) as the extension of hands for people's aspiration in terms of creating appropriate public policy, (4) as proof of political participation, (5) political recruitment through a democratic mechanism regardless the gender. The scholars believed that the most common function of political parties are the "representation".

In the context of Indonesia, the political development is reformulated with corruption and religious intolerance. Most of the highlighted issues are coming from the untrusted political organizations, especially the ones who seat in the parliament or DPR, as they are showcasing inadequacy of political parties in giving mandate to their elites to implement and struggle for people's aspiration. What they prioritize is their internal issue and often neglected the creation of public policy in proper way (Tan 2006: 83). Dirk Tomsa in his article *Party System Fragmentation in Indonesia: The Subnational Dimension* explained this further. He mentioned that the Indonesian political parties are characterized by collusion and competition that makes a complicated governance (Tomsa 2014: 249). The importance of institutionalized parties cannot be underestimated. The situation where party system is built in strongly institutionalized parties which are deep-rooted in society, voters could vote to one party with loyalty. On the other hand, when there is poor institutionalization of parties, both voters and party elites are having tendencies to become unfaithful (Ibid).

Tomsa mentioned that the institutionalization of party system in national, local and district level are not the same, and it also has fragmentation between one province to another, for example, the party system is much better institutionalized in Sumatra and Java, compare to the Eastern part of Indonesia. However, it has bottom line that most of the parties in Indonesia are considered poorly institutionalized. This can be clearly shown by some factors; lack of rules enforcement in their internal affairs, their small financial resources and weak base of true supporters, thus result the number of swing voters is increasing from time to time (Tomsa in Tomsa 2014: 250). Most political parties in Indonesia also experiencing a poor top-down management. This become the additional factor that has worsen the situation, besides the history of clientelism and the weak cultivation in grassroots level. These two factors; poor institutionalization of parties and low enforcement of electoral rules, have further determined the political campaigning, which dominantly implemented through massive advertisement (Mietzner in Tomsa 2014: 269). This has proven that the electoral competition is focused on the individual rather than race between parties. Logically, individuals who are competing in elections (both legislative and presidential) already have certain prominence and at least have clear affiliation with elites and strong bureaucratic network (if it is not money 'to buy' their success in election) and can easily do what Aspinall called with "party hopping" (Aspinall 2013: 40).

As comparison, Joop de Wit in his book *Urban Poverty, Local Governance and Everyday Politics in Mumbai* mentioned that the vote buying is also massively happened in Mumbai, India, though parties in India are much institutionalized to the grassroots level and possess loyal supporters over time. This because the patronage democracy has been embedded and since the dependent relation of poor people from the slums to their political machine (corporates, private sector firms) seems inevitable and described "…as the only time that the poor and marginalized can actually expect a benefit from the politicians." (Wit 2017: 204). Arbi Sanit and Abd. Rohim Ghazali observed why similar occurrence happened in Indonesia. Ghazali said because parties nowadays are only become a 'Trojan horse' for some people to get into certain position, thus the parties failed to fulfill their ideal functions as it supposed to have. "They use the cheap and easy way to motivate their followers, playing on values and primordial ties." (Sanit in Tan 2006: 104).

People sometimes had to pick the best among the worsts. The parties in Indonesia are far away from viewed as legitimate because the lack of institutionalization of the organizations. Parties, ideally, should have a good internal system, including a well-established cadre development and guarantee to democratic participation, not only focusing to create a charismatic leader who can

attract the voters irrationally by highlighting social issues as nation's problem, yet doesn't have concrete solution how to solve the problems. Furthermore, parties are also considered as self-seeking and corrupt, and Tan argued the declining of voter's turnout in 2004 Elections as part of party ineffectiveness to mobilize the people (Tan 2006: 109). Paradoxically, the proportional representation in Indonesia political system allow the parties to have a strong presence in parliament and drive their legislative function. Parties are weak yet these weaknesses have 'strengthened' their position in DPR; they seem to have impunity to act whatever they think they legitimate to and ignoring people's aspiration.
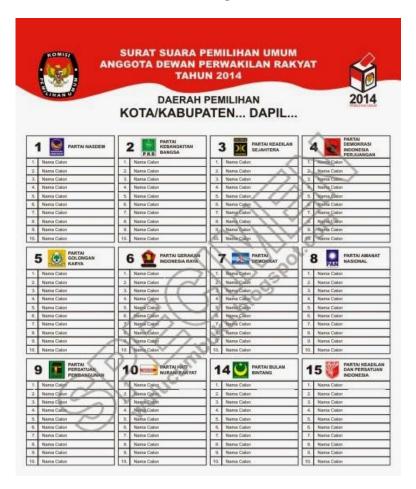
Chapter 4

2014 National Election in Indonesia

Indonesia comprises of more than 17 thousand islands (only 6,000 with inhabitants) and more than 260 million people. After the independence on 1945, Indonesia was led by Soekarno, a patriotic and charismatic leader who brought Indonesia as prominent name in supporting the independence of other developing countries in Asia and Africa. Some internal conflicts occurred in the first 20 years after independence, resulted from the unpreparedness and unstable political situations in a newly-established country. Soeharto was the army leader who came into power in 1966 after he successfully combatted the coup trial from the communist party. Indonesia under Soeharto was far from democratic values, and his presidency lasted until more than 30 years.

Since 1998, Indonesia has entered the new phase, fully changed into democratic country and managed to establish the new democratic institutions and conduct the free and fair elections every 5 years since 1999. Since 2004, we started implementing the direct election in national level, followed by more direct elections in local and lower administrative levels in the next few years. The national election in Indonesia has two elections; first is the legislative election to vote for DPR members, and second is the presidential election, which the candidates will be determined by the result of legislative election. The legislative election is rather complex since Indonesia has more than 30 provinces. The total seats number in DPR is around 540, and it was distributed proportionally based on the number of people live in each province. For example, it was 91 seats available for West Java (the most-populated province in Indonesia) and it could be as low as 3 seats only for Bangka-Belitung, one of the smallest and newest province in Sumatera. The legislative election is using the 'open list' system, whereas the member of parties should compete one another in order to have their names listed in the top in the ballots (see picture below). The electoral threshold for each party to be able to occupy seats in DPR is at minimum 3,5%. After the legislative election finished and the result came out, then the parties that gained majority DPR seats can make consensus among themselves to give the names of candidate to run in presidential election which would be conducted around 2-3 months after legislative election.

Picture 4

The ballots in 2014 Legislative Election

Sources: www.rumahpemilu.org

Two couple of candidates for 2014 presidential election were Prabowo Subianto – Hatta Rajasa and Joko Widodo – Jusuf Kalla. Prabowo, the former Lieutenant General who once married Soeharto's second daughter, was an old face with long track record in his career in as Indonesian army. He built the Great Indonesia Movement Party (Gerindra) to accommodate his mission being president in 2014, after resigned from Golkar in 2008. Gerindra did a lot of activities which involved young generations, and promised to bring changes such as make Indonesia free from corruption that included in party platform. Hatta Rajasa, at that time was the Minister of Coordinating Ministry in Economic Affairs, is a politician from National Mandate Party (PAN), that had been selected in various ministerial position during 10 years of SBY presidency. On the other hand, Joko Widodo (Jokowi) came into public since he held the mayor position in Solo, Central Java. The achievement was skyrocketed, he turned Solo into a more attractive city for

tourist and relocated the street vendors into a more appropriate market system. In 2012, Jokowi together with Basuki Tjahaya Purnama (Ahok) won the gubernatorial election in the capital city Jakarta. They were supported by PDI-P and Gerindra. In 2014, PDI-P elected Jokowi as president candidate and with Jusuf Kalla, the leading businessman that held the vice president position 2004-2009, and they eventually won the single round presidential election.

Towards the election 2014, there were some supporting instruments that happened after 2009 which clearly facilitated the improvement in voter registration. First, is the new program of electronic identity card for citizens, which is called with E-KTP, through the issuance of Law No. 23/2006 regarding the Citizenship Administration. The implementation has been conducted gradually since 2011 and targeted that 172 million people could have been covered at the end of 2012. Despite some issues related to the procurement of E-KTP, it is indeed one of the advantage for KPU in registering the voters, especially to update the fixed voter's list (DPT). KPU created a system named Voter Data Information System (SIDALIH). This centralized and the biggest national computerized system regulates how the voter register their names, how will it be verified, distributed and being used. Both of this instruments were such a new, innovative and give an ease in voter management and storage.

Through KPU Regulation No. 10/2012, it allows international and national observers during the election which the registration form is being provided in KPU and Indonesian embassy offices abroad. During the ballots calculation, the officers in each polling station would count the votes manually, and the result in paper named form C1 would be brought to the local KPU offices and would be scanned and published in the website immediately. As reflected in analysis by Aryojati Ardipandanto, the presidential election 2014 had two main strengths; it promoted the access to public information and showed the transparency in its process (Ardipandanto 2016: 87). However, Bawaslu confirmed that there were still 81 criminal cases and 21 cases related to ethical found in presidential election (Bawaslu 2014). However, in order to make an analysis whether the concept of liberal democracy is still going on the right track in Indonesia, the author will describe the positive and negative aspects of 2014 Election (both legislative and presidential election) in the two sub-chapters below.

4.1. REVIEWING THE POSITIVE ASPECTS

Let's talk about some progresses that have been made prior to 2014 legislative and presidential election. As mentioned in the previous chapter, several amendments and reconstitution of law

were immediately executed right after the reform, during the transition period. The changes have been made in gradual way from 1999 to recently but in this chapter I would like to focus on the progresses (and setback) in 2014 Election. Mietzner in his article titled *Indonesia's 2009 Elections: Populism, Dynasties and the Consolidation of the Party System* mentioned in his last chapter, that the biggest homework for Indonesia prior to 2014 Election was to achieve computer-based registration of the eligible voters, which will be updated regularly if necessary instead of doing it in manual basis. Problem especially occurred in the cities, where the movement of people is intense, and manual registration will make it more difficult to trace more than 170 million eligible voters. It was proven that turnout in big cities are lower than in districts level (Mietzner 2009: 18). Hence, the KPU commissioners that has the full responsibility for the 2014 election was trying to accommodate the 'new' system.

Fortunately, there were some supporting instruments that happened after 2009 which clearly facilitate the improvement in voter registration. First, is the new program of electronic identity card for citizens, which is called with E-KTP, through the issuance of Law No. 23/2006 regarding the Citizenship Administration. The implementation has been conducted gradually since 2011 and targeted that 172 million people could have been covered at the end of 2012. Despite some issues related to the procurement of E-KTP, it is indeed one of the advantage for KPU in registering the voters, especially to update the DPT list. Second, as mentioned in the background section of this chapter, is the implementation of UU KIP. One of its concrete implementations of UU KIP was brought by KPU both in national and local by introducing the Open Data system in 2010, right after the UU KIP came into effect. How did this work?

KPU created a system named Voter Data Information System (SIDALIH). This centralized and the biggest national computerized system regulates how the voter register their names, how will it be verified, distributed and being used. The Both of this instruments were such a new, innovative and give an ease in voter management and storage. Through KPU Regulation No. 10/2012, it allows international and national observers during the election which the registration form is being provided in KPU and Indonesian embassy offices abroad. During the voting calculation, the officers in each polling station would count the votes manually, and the result in paper named form C1 would be brought to the local KPU offices and would be scanned and published in the website immediately. KPU also released the A5 forms, or what usually called as certificate for a mobilized voter, to facilitate the voters who are living not in their domicile when election occurred, thus to maximize the number of voters' turnout. In terms of logistical preparation, 2014 Election

had so much progress compare to elections in previous year. As many as 545,803 polling stations for legislative election and 477,291 for presidential elections were built, yet, it also showed efficiency by using the old ballot boxes.

Based on KPU report, the intimidation prior and during the elections were much more reduced. It only happened in Aceh province and considered low. Solving reported cases also already had its flow. It would mostly start from Gakkumdu, a body where Panwaslu and Bawaslu would report the cases in early stage. At other times, Panwaslu and Bawaslu could facilitate mediation between the disputed parties, without going through the law process. Other alternative is to bring the case to Honorary Board of Election Organizers (DKPP). Meanwhile, normally, most of the medium-high level cases which couldn't be solved by DKPP were being brought to Constitutional Court (MK) and went through the law process. As reflected in analysis by Aryojati Ardipandanto, the presidential election 2014 had two main strengths; it promoted the access to public information and showed the transparency in its process (Ardipandanto 2016: 87). IFES as leading international non-profit organization which has started their work in Indonesia from 1998 to support the free and fair elections continuously released a quantitative report on the success and failure from the latest 2014 national election. They collaborated with Lembaga Survey Institute (LSI), conducted fieldwork for this consisted of 2,009 interviews in 33 provinces of Indonesia. To measure the achievement/failure in Legislative Election 2014, below are the survey results:

Table 4
Survey on 2014 elections
(survey consisted of 2,009 interviews in 33 provinces of Indonesia)

	Very Good	*Good*	*Bad/Very Bad*
Regarding the KPU organization	7%	81%	9%
	2014 was better organized	*2014 had same level of organization*	*2014 was not as well organized*
Compare with organization in 2009 elections	31%	52%	12%
	Satisfied with KPU effort to ensure the result accuracy	*Satisfied with KPU work in compiling and establishing voter's list*	*Satisfied with KPU ability to maintain independence from political pressure*

Dissemination of information during the elections	74%	74%	67%
	Completely free and fair	*Somewhat free and fair*	*Not free and fair*
Free and fair election	16%	64%	13%
	Working very good	*Neither good or bad*	*Bad/Very bad*
Regarding the electoral officials	78%	13%	3%

Source: International Foundation for Electoral System (IFES) www.ifes.org and illustrated by author

In regards to the information during election process, 67% reported that they saw read and heard messages leading to the elections, while 39% of them found satisfactory information provided and 7% found it unsatisfactory. 70% said that the information was received by men and only 64% received by women. About 28% data obtained by the grassroots through face-to-face dialogue and 12% obtained from Volunteers of Democracy. While the most information as much as 47% heard from KPU, 22% from party/candidate materials and 20% from news/media. 23% respondents also said that the media coverage was informative, 62% said it was somewhat informative. 81% of them said that they received the information from television advertisement, 79% said it was from television programs, but only 28% from printed media news, not much different than from radio for about 20%.

4.2. REVIEWING THE NEGATIVE ASPECTS

To measure whether an election runs well enough, or free and fair enough, the author needs to see from the electoral cycle that includes how far the legal framework or electoral law could be a guidance and provides quality on each stage of election; starting from planning, campaigning, candidacy, verification of political parties, accessibility for women and disabled, result accuracy and systematic case solving procedure after the election. In this case, the Electoral Research Institute (ERI) published their report in 2014, based on evaluative method[3] that was conducted in 2 months, assessing more particularly on legislative election. 2014 (Legislative) Election was stipulated under Law No. 8 Year 2012, revised from Law No. 10 Year 2008 with the new

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[3] Evaluative method is a research methodology to find some significant areas of one program/policy.

parliamentary threshold of 3,5% (from previously 2,5%). This was actually an effort to minimize the number of political parties who would be sitting on DPR, which, could possibly lead into more consolidated situation. However, it turns out that the number of political parties sitting in DPR after the legislative election was even bigger, from 9 to 10 parties, due to a more even votes allocation from one party to another. ERI noted that he proportional system in legislative election still left the candidates in conflict, and moreover, for them to involve in money politics, due to the nature of the system which unintentionally giving space for doing manipulation. Moreover, weak sanction was shadowing the money politics during the election.

One indicator that leads to a free and fair election is the law enforcement, which under this criterion there are four supporting categories; there is no absence of law, there is no law that clashes one another, not multi-interpreted and must be do-able. The biggest failure to prevent the money politic was the weak rule of law enforcement, since most of the cases that relate to money politic were not brought into the realm of law. Besides that, there is a lot of multi-interpretation in the regulation itself, especially regarding the violations and fraud during election. In practice, there were also some inconsistency between the schedule that had been set up and the misinformation that widespread within the society. Part of them were not fully informed that if they could not vote in the nearest polling station from their domicile, even though they were not yet registered in that area, as well as voting in another place where they lived at that moment, by just bringing A5 Form from the assigned polling station. The regulation was not clear and was just released 20 days before the election day. Another flaw from the election in 2014 was when solving the fraud reports, where there was no common understanding between the police and prosecutor when handling a case.

Another problem was in the human resource, as the field implementers consist up to 5,000 people, then KPU only had limited time to do selection, thus the selected people sometimes were not enough fulfilling the basic criteria. These human resources also did not know much about how to provide the equal service to the disabled people, so that they could use their votes without exception or obstacles. The regulation made by KPU regarding the rights to vote for disabled people could not be fully implemented. Other mistake that often happened in each polling station was the clear validity of C1 form. As explained above that C1 form was a revolutionary invention that was made and actualized by KPU to guarantee the transparency of election result in each polling station. However, due to the lack of education prior to the election, and due to some

unclear regulations regarding this, some of C1 forms were not fulfilled properly and it made the result ambiguous.

The electoral process has a long way started from its preparation. The list of problems in registration phase was long, such as the weak validity of registered voters' data due to some invalidity of data owned by responsible ministry and municipality offices. Even though, as explained before, KPU has created A5 form to facilitate the movement of voters, however, how to obtain this form was quite difficult as it was still processed manually with complicated bureaucracy. Another problem was found around the information regarding the political parties and the candidates. Money politics happened almost everywhere, and even though the recipients reported these cases to Panwaslu, only a few cases that were processed and investigated. For example, in Central Java, from total 119 cases of money politics, only 5 of them were being investigated and solved. In some more traditional areas, such as East Nusa Tenggara, the money politic was actualized through giving gift in wedding ceremony, or by giving money to build church or mosque, so it was not obvious and hard to prove. Meanwhile, the vote buying and vote trading could also happen on the D-Day, and the frauds were executed by the officers who worked in the polling station. They could intentionally manipulate the voting result, especially during the legislative election.

IFES' survey also asked some sensitive issues regarding the vote buying. 15% of respondents said they were offered money (among them, 59% was being approached by representatives from multiple parties, and 34% only being approached by one party/candidate). There were 5% of respondents reported that someone they knew was offered money (and 68% of them said they did not need any proof after accepting the money/reward). 29% respondents said that their community services accepted donation during campaign, 35% of them said it was for road repair, 28% said to build mosque and 11% in form of clothes. Surprisingly, 49% of respondents receiving money said that they did not vote for the candidates who bribed them, and only 44% of them admitted that they voted the person/party. In total, 34% respondents thought that money politic was more or somewhat prevalent in 2014 compare to 2009, while 25% said it was just the same and only 10% said it was less prevalent.

One other thing that should not be forgotten from the latest election was the impact of social media proliferation and the civil society / religious group activities who appeared obviously against one candidate/faction. It wasn't stopping there, as the world is more wide open and ever since

radical groups all over the world are emerged, the number of radical religious groups in Indonesia are also being more exposed, and they were being used as political machine to mobilize the partisans. The two couple of candidates for presidential election were Prabowo Subianto – Hatta Rajasa and Joko Widodo (Jokowi) – Jusuf Kalla (JK), both were involved in intense series of black campaign, apart from negative campaign which is more common in electoral process. As surveyed by *Politica View*, Jokowi-JK was being victim of black campaign at most, with 74,5% black campaign and 25,5% negative campaign[4]. In Prabowo-Hatta side, there was 83,5% negative campaign was addressed to them, and only 16,5% of black campaign from their opponents. (Ardipandanto 2016: 97). From Laode Ida's article titled 'Election and Political Evil Ambition in the Indonesia's Reformasi Era', it was also known that the presidential election 2014 was a hot contestation between two factions. Black campaign was sent to a certain candidate by publishing Tabloid Obor Rakyat[5], which the contents were only filled with news concerning opponents, from policies, concepts, to the personal life (Ida 2014: 184). She categorized this as 'smear campaign', as it victimized the innocent people in society. It clearly showed the immaturity of political elites in Indonesia, since the black campaign sometimes even happened within the party when the elites did not agree to one principle.

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[4] Negative campaign aims to weaken the electability of opponent, by highlighting the weak side/flaws of the person. Black campaign is fake news, something that is not real/true.
[5] Tabloid Obor Rakyat was temporary printed to address negative and black campaign to Joko Widodo, one of 2014 presidential candidates.

Chapter 5

Analyzing the correlation of electoral process in Indonesia with the ideal of liberal democracy – whether it is fulfilled or not.

There is, of course, the silver lining in the long process in Indonesia's democratization as widely defined in this paper. According to Mietzner in his article *Indonesia's democratic stagnation: anti-reformist elites and resilient civil society*, Indonesia's democracy once ever reached the stagnation, particularly in 2005-2006 (Mietzner 2012: 209). The dissatisfaction with administration was increased, and the people still giving support to the government nonetheless. As per Titi Anggraini expressed during the interview, that there was time in Indonesian democratic process, where civil society organizations were no longer determined to eagerly promoting the reform, since there have been many changes within their organizational bodies and replacement of some idealist key people who were shifted their work to become real politicians.[6] This was proven by Indonesia's score in Freedom House index, after improving vastly in 1998, 1995 and 2005, they remained stagnant from 2006-2010. In January 2010 in a survey, only 29% of Indonesians said that political situation is good, but 75% still believed that democracy is the best system to apply in Indonesia. Even though the civil liberty was a little bit declining in 2010. (Ibid: 210). Only 20% said that they were happy with effectiveness of democratic institutions (including political parties), but there was no tremendous action to against the democracy. This, by Carothers, explained as the 'overreaching power holders' that play in the democratic system, highlighting the power of oligarchy, that owned by some people in Indonesia, and thus the social and economic achievement of the government could affect for people's idea of ideal democracy (Carothers in Mietzner 2012: 215)

5.1. COMPARE THE EXPECTATION OF LIBERAL DEMOCRACY & REALITY

Liberal democracy concept applies five major criteria to fulfill. In this analysis part, the author will look at each of the criteria and review it based on the facts/information stated in earlier chapters.

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[6] Based on interview with Titi Anggraini Mashudi, Executive Director of Perludem (See Annex 1)

***Free and fair election**

If we are talking about successful elections in a massive population with direct system, Indonesia could be concluded as one of the most successful countries, especially considering that the democratization process has just started since 1998. During the period of 19 years until today, Indonesia held one indirect national scale election and 3 times of direct elections in national level which each election consisted of legislative and presidential election, in relatively safe situation. Not to mention, hundred elections in district, province and municipality level which known as PILKADA, which, even though are still dominated by money politics, are still getting better organized from time to time.

There is nothing as 'zero' fraud in Indonesia's elections by far. In 1999, whereas there was no Bawaslu yet at that time and KPU was just formed in a few months before the election, it wasn't so surprising if there were so many violations during the election. More than 17,000 suspected frauds recorded in 1999. Compare to what happened in 2014, where Bawaslu was there and gained authority with the functions assigned to them, they could be actively involved in solving the reported cases. In 2014, the number of suspected frauds were much smaller at around 3000 and 'only' 373 happened during the campaign period. Moreover, the author think that we cannot just put the measurement by number, but how all the stakeholders could be supporting the fairness of election. Based on the interview with Dr. Ward Berencshot, a researcher in the Royal Netherlands Institute of South East Asian and Carribean Studies (KITLV) – Leiden, the number of frauds and money politics in 2014 presidential election was not significant and counted much less than in the legislative election. This became understandable since in legislative election, our electoral law is still using the 'open-list' system, thus makes one candidate from one party is openly competing with some other candidates within the party, to get into the highest position on the list and raised their opportunity to get elected in parliament.

***Rule of law and institutionalization**

"...the constitutions have been amended to bring back the meaning of 'republic', to hand over the power to the societies (not in the hand of MPR) and to explain about elections and political parties, two things that had never been mentioned in the constitution before the reform. Thus, it was an effort to re-designing the state and re-constituting the law. Another example is the birth of Constitutional Court (MK), this was marked as a new political participation to convey the aspiration from the people." (Hasyim Asyari, KPU Commissioner 2017-2022)

One of the most significant achievements of Indonesia after the downfall of Soeharto was the four times amendment of the Basic Constitution 1945. It explained briefly about the concept and practice of election and political parties, which never happened since Indonesia gained its independence. The amendment of basic constitution was considered as benchmark, so that there were many new laws had been stipulated and some of the old laws had been revised to accommodate the new democratic situation. The re-birth of UU Politik, the formation of MK, KPU, Bawaslu and KPK; those revolved during the democratization process. The three first institutions are working together to prevent, supervise and bring the fraud cases to the realm of law. Such a nice working title for all three. However, in the operational level, things could not be done effectively and smoothly. The main cause from the weak implementation of rule of law is centralized at the legislative body. As per interview with Executive Director of Perludem, Titi Anggraini, she quoted a statement from Indonesia's constitutional law expert, Refly Harun; "we cannot prevent violation of law without strengthening the law enforcement itself".

This is also related to 'open-list' system for the legislative election. The number of bribery, vote buying and money politics that occurred in legislative election created a lot of debt for the elected candidates that sit in the parliament. As DPR has quite large control in passing the law, they tend to create a good and ideal law in the appearance but lack of the details on how to implement the law. The main purpose, is to make it ambiguous and multi-interpreted. The more confusing one law is, the easier for the law authorities (policemen or judges) to say that one case did not violate the law. At this criteria, I would conclude that the weak enforcement on the rule of law in Indonesia is still at high risk. Of course, it gets worse by the many corruption cases that involved the law personnel, at any level. Based on KPK report, at least they found 41 serious corruption cases by law personnel for the period of 2005-2016 (ANTARANEWS 2016).

Freedom of expression and political participation

Talking about the freedom of expression and political participation will mainly consist of two things; first is the freedom for all people to establish, convey their idea by forming organizations or civil society organizations without any fear or doubt. This mostly already happened in Indonesia since 1998, as 48 political parties joined the first post-reform election. Though the number was dropping down to only 12 in 2014 Election, but this was part of democratic consolidation by the government, to make ease of the governance (this also part of the parliamentary threshold that was being regulated, see interview with Juri Ardiantoro in Annex). The freedom itself actually is

not something unlimited. In our society, some minority groups sometimes did not get the equal proportion with the majority. This, even though cannot be proven in national election level, but this could be seen from several PILKADA. Candidate of mayor or governor that are non-muslims, they are more potential in getting more negative campaign by the people in their respective area, and people are still tend to choose the candidate based on this matter, and in 2014 election, everyone was expected not to vote the candidate that affiliated with non-islamic parties (it is called secular-nationalist) since it would be considered against Islam. Peer pressure has been underrated, because it keeps growing and growing even after the election 2014, and could be clearly seen during the latest PILKADA to choose new governor of Jakarta, where Ahok was accused violating the blasphemy law. This could be portrayed as a setback in promoting the freedom of expression.

Regarding the political participation, the lack of cadre development in typical Indonesia's political parties, creates an unfair situation for the people with high aspiration to get involved in the political parties, if they don't have much money. This assumption rooted from the nature of Indonesian political parties which only 'sell' the personal image to the people in order to gain votes, rather than showing the capability in governing the country. As already mentioned, this also relates to the 'open-list' system in legislative election, so the political party is only functioning as means for the people who want to get the seat in parliament or to make themselves famous as politicians. "There is no equal opportunity for people who don't possess big amount of money to be reach the top position (or get prioritized) in their party, as they need to make 'deals' with the oligarchic power such as big businessmen that have close connection with state's apparatus." (Berenschot 2017, as stated in the interview. See Annex). Of course, as campaign itself requires huge money.

However, this situation somehow lately did not happen accurately in Java island. Dr. Berenschot said that this because the nature of business and economy in Java island are much more diverse. In Java, there are a lot of small medium enterprises, the economic wheel was not driven by monopoly or oligarchic businesses, and that makes the situation is hard to control regarding the people's preference for candidates whom they like. There were less business deals made by the candidates in each level, since the people in Java was not really attracted with such money politics. The situation of course is way different with Kalimantan or some more remote island such as Papua. The winning of Jokowi as president in 2014 also could show this pattern. He was previously a Mayor in Solo, a city in Central Java Province. He surprisingly gained a lot of attention and fame from the people resulted from his works as Mayor. After elected as Jakarta Governor, Jokowi gained even higher affections from public. This led to his winning as president in national election

2014, as he appeared as 'clean' politician, humble and came from non-military background. He was so unlike Indonesia's previous presidents.

Transparency and accountability

When the author looks at the latest election in 2014, this criterion was so well-presented and could be one of the strongest factors. The creation of SIDALIH as the first ever computerized system in register voters' name and how it being manage online was such an innovation. This was done due to the lack of organization when registering the voters in 2009. As a result, nearly 194 million voters registered in presidential election 2014, compare to 'only' 155 million voters in presidential election 5 years before (IFES 2015). KPU also released the C1 form and A5 form, as explained earlier, C1 form is a form that should be filled by the officers in each polling station, right after the calculation, then they needed to scan it at the local offices and upload it to the website. Everyone could access and display the result. This much helped the transparency during the electoral process, as nothing could be hidden and people could watch from everywhere, as long as there was internet access.[7] Through its regulation No. 10/2012, KPU fostered the accountability of the election by allowing the international and national organizations/bodies to observe the election process, and they provided the registration form in online and manually. In this particular criterion, I would say that the 2014 Election was fulfilling.

According to Hasyim Asyari: "In principle, elections need three things; electoral law, electoral process and electoral management. The electoral law is definitely ruling the system, while electoral process is more on the registration and campaign activities, and electoral management is closely related to transparency, accountability and effectiveness." (Hasyim Asyari, current KPU commissioner. See Annex). Do not forget that Indonesia also have independent supervisory body which worked well in the latest national election. Unfortunately, as Bawaslu was given too many assignments to handle (receiving reports, solving the cases, monitor every phase from campaign to the D-Day), it made their work a little bit inefficient.

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[7] As of Association of Indonesia's Internet Service Providers, the total internet users in Indonesia reached 107 million in 2014 (APJII 2014, https://www.apjii.or.id).

Media and public information

The development of media in Indonesia is quite fast after the reform. From period of 1998 to 2002, more than 1200 new printed media, 900 new commercial radio and 5 television licenses were issued (Lim 2012: 1). During Soeharto, media had to always support the government and never against it if they didn't want to get banned of receiving other consequences. By 2012, in total, there are 12 media groups that hold shares in commercial TV at national scale. Media in Indonesia are owned by oligarchy, few richest people in Indonesia, whereas at least 4 of them are involved in biggest parties contesting in the 2014 Election; Hary Tanoesoedibjo (owner of MNC Group, Hanura party), Anindya Bakrie (son of Indonesian conglomerate Aburizal Bakrie of Golkar party), Surya Paloh (owner of Media Group, previously part of Golkar party but separating then found National Democratic Party – Nasdem) and Chairul Tanjung (which silently assumed as supporter of Democrat Party). The reporting of media during the campaign process and election (including quick count report) never considered neutral. The major clash was between two TV stations, Metro TV and TVOne, as they openly gave the different reports to the audience and sometimes confusing people. Metro TV, owned by Surya Paloh, supporter of Joko Widodo, and TVOne with Aburizal Bakrie behind the show, was coming from Prabowo Subianto side.

Besides this, one concern from the latest election was the massive black campaign that were written in social media and other online sources. At one side, the proliferation of blogging and social media could be furthering the democracy and public information, thus the control in producing contents is not in powerful elites (Ibid: 10). As a result, the information received in public sphere were irresponsibly incorrect. If quoted from previous chapter, _Politica View_ surveyed that 74,5% black campaign addressed to Jokowi and 16,5% for Prabowo (Ardipandanto 2016: 97). Thus, even though the law on KIP has been promulgated in 2009 to ensure that the public information can be openly accessed by anyone, the level of maturity in politics from Indonesian people could possibly ignore the responsible information that goes to public. There was no check and re-check after heard news in media or social applications, in a minute it could went viral and people got misunderstood. This, according to Titi Anggraini from Perludem, as part of the lacking of political infrastructure for the young people in Indonesia. We do not give an adequate political education that promotes the value of democracy (Titi Anggraini, see Annex).

5.2. APPLYING THE INDICATORS FRAMED BY IDEA TO ASSESS THE TREND OF DEMOCRACY IN INDONESIA

The author is going to discuss and trying to assess the indicators in assessment framework explained earlier in Chapter 2, which is taken from the IDEA Democracy Assessment Handbook. To be noted that the indicator that the author will use are only number 2 (the agenda of electoral process, the party system, the institutions that secure the accountability and transparency of the officials, also minimizing corruption) and no. 3 (civil society, as democratic institutions depends their effectiveness to function in active citizen bodies, the pluralism of media in disseminate information and communication, and lastly, to ensure that public services meets the need of population, both national and local level) from the framework assessment presented in Chapter 2. The author will review the 9 sub-indicators in total as shown in table below:

Representative and Accountable Government	Free and fair election	*Do elections give the people control over governments and their policies?*
	Democratic role of political parties	*Does the party system assist the working of democracy?*
	Government effectiveness and accountability	*Is government accountable to the people and their representatives?*
	Civilian control of the military and police	*Are the military and police forced under civilian control?*
	Minimizing corruption	*Are public officials, elected or appointed, free from corruption?*
Civil Society and Popular Participation	The media in a democratic society	*Do the media operate in a way that sustains democratic values?*
	Political participation	*Is there full citizen participation in public life?*
	Government responsiveness	*Is government responsive to the concerns of its citizens?*
	Decentralization	*Are decisions taken at the level of government which is most appropriate for the people affected*

1. Do elections give the people control over governments and their policies?

During the reform, especially since 2004 direct legislative and presidential election, people have more control and power to give 'mandate' to the president. However, in the day-to-day activities

in government, people have to give the trust to DPR to convey their aspiration, as the representative democracy model should be. When it comes to agreement or disagreement regarding this, the author would put more in disagreement when looking back the nature of Indonesia's political party and the 'open-list' system for legislative election 2014, all of elected members in parliament now are just seeking way on 'how to get their money back', since they had to pay big amount of money during the campaign and election process (either for conducting vote buying or just to pay the logistical campaign spending).

A degree of control from people over the government could be initiated by civil society organizations, which in the beginning of reform process, there were massive financial assistance provided by donor to these local organizations. Yet as some western countries had to reduce their spending for overseas aid, the budget was being cut significantly, and there where the leaders or activists who had been working so hard to promote good governance had to 'run and survive' themselves. As also indicated my Mietzner, as the Indonesian politic was stable after 2004, the donor had lack of interest working with local NGOs (Mietzner 2012: 220)

2. Does the party system assist the working of democracy?

Absolutely no. It has been mentioned for several times above, that the lack of institutionalization of political parties in the governance, where the political party is only functioning as vehicle to obtain certain political positions and not a medium to collect people's aspiration to create good governance and highly valuing the democracy.

3. Is government accountable to the people and their representatives?

In general, speaking about government can be a wide topic and discussion. For the accountability, reform has revised some old laws in many aspects, formed new bodies to supervise the implementation of clean government, combatting corruption and promoting law enforcement. Based on some facts described in previous chapter, I would say that even though the law enforcement is still weak, Indonesia has developed the tools to put this effort into realization, thus we are still on track to achieve better governance. What will be needed is the higher level of political maturity, ideally everyone is working not based on their personal interest, but also to reach the consolidation between those different interests.

4. Are the military and police forced under civilian control?

Military and police are not forced under civilian control, but their authority and exclusiveness have been reduced much since the amendment of Basic Constitution 1945 (explained in Chapter 3.2.). Military was obviously at the high-ranking spot during Soeharto, considering his background from the army. Yet, since 1999, amongst 4 presidents, only SBY has the military background, yet the winning of SBY in 2004 and 2009 was resulted from the euphoria of Democrat Party which, at that time, was a booming party which did really well at gathering young people's support and aspiration. Though under Jokowi presidency, it looks like the military wants to get their attention back, by endorsing some big demonstration lately in Jakarta. This does make sense since, even though it has still no official proof regarding this, Prabowo was the former Lieutenant-General of Indonesian army and he already gave hints for his candidacy for the next election 2019 (Siregar 2017 on Jakarta Globe)

5. Are public officials, elected or appointed, free from corruption?

Of course, this seems impossible to happen in Indonesia which the corruption index scored 37 out of 100 and is in the 90th position out of 176 countries (Transparency International 2016). However, the author cannot ignore the development of the KPK during these times. The KPK has been functioning well during the era of SBY. In September 2010, there was a poll regarding the integrity of law enforcement agencies in Indonesia. Whereas the police got the rating of minus 18.3, KPK had positive rating at 15.0 (Mietzner 2012: 219). KPK went strong despite some issues that designed from their 'enemy' to weaken their powerful presence.

6. Do the media operate in a way that sustains democratic values?

Media proliferation actually shows the freedom of expression and this could be assumed to promote the democratic values. According to Lim, media nowadays could easily accommodate one political stream or viewpoint. Islamic could publish printed newspaper that represents their values, some media are created for preaching use, but almost none of media could represent the minority group's aspiration (Lim 2012: 10). In 2009, Indonesia was the 4th biggest users of Facebook worldwide with 14.6 million people, and the number went up to 78 million people in 2015. There are only few cases that somebody could get arrested or punished by law because of their postings in Facebook. Even if you are 'nobody', you still could express your thoughts in social media with less worry, including making some influential blogpost during the electoral campaign.

Yet, considering the low level of political maturity of Indonesians, media might go to the wrong way and could create propaganda amongst them.

7. Is there full citizen participation in public life?

It might be yes, but still there is no equal opportunity to all level of society. In Indonesia, the society typically is divided into three; rich people, middle class and the poor. The rich usually become the man behind the stage, the middle class includes some idealist people who intend to be politician yet need much financial support from the rich, and the poor become the target of the politicians in getting massive votes through money politics, though it was proven that the vote buying rarely succeeded to win the candidate. The poor people's votes are now as unpredictable as middle class' votes.

8. Is government responsive to the concerns of its citizens?

As the elites often use social media to maintain their image as well as disseminating and reporting what have they done in the government, I would say that they are much more responsive in the last 5 years rather than before. SBY, Jokowi, Ahok, they built the good connection with the citizen with social media, and even Jokowi and Ahok initiated to give one phone number that can be contacted through SMS by anyone when they need to report frauds or any mistreatment in day-to-day life. Not all complaints being handled, of course, but some important issues are being followed up by the government. The elites aware that people could watch them and give them positive/negative feedback. Good and clean politicians will be very responsive to the people, as they need their support when running as another position or maintain the position for the next election.

9. Are decisions taken at the level of government which is most appropriate for the people affected

This is not directly related to the national election process, as Indonesia is a decentralized country where all the problems and issues under provincial level will be tackled mainly by provincial government. Indonesia is practicing a very comprehensive electoral system, with the direct election that is not only happen in national scale, but also in lower administration level, thus the author would like to say that the people's aspiration could be better heard this way, rather than having a leader that was appointed by party or central government. The relationship between the people and the leader can be established better as there is a 'dependency' between them.

Chapter 6

Conclusion

Having presented ample empirical evidence as well as relevant concepts and theories that described through this paper in broad manner, there are some conclusions the author finally come into. The main overall conclusion, is that, first, Indonesia is not fully applying the ideal of liberal democracy even though they somewhat successfully implemented all five related criteria; free and fair election and created some solid institutions to support this first criteria, transparency and accountability, media and public information, freedom of expression whereas all layers in society could express their feelings and preference in politics without too much fear and burden, and lastly, rule of law and institutionalization.

Although the latest two criteria are still lacking of equal chance in political participation and lack of enforcement, yet the elections in Indonesia have been done well through direct systems in each level of administration, with great level of transparency and accountability especially in 2014. The role of media as source of information is also adequate, although it never be unbiased. Hence, in terms of establishing formal institutions and organizations – such as KPU, Baswalu and all other election commission support – Indonesia did a fair job. However, as elaborated below, there is an another, rather informal reality which tends to mix with or even undermine such formal agencies and regulations. Here we may mention (electoral) corruption, money politics, and personalistic patronage relations.

The electoral process in Indonesia gained a lot of attention as we started practicing the direct voting system just within 6 years after the reform in 1998. It went peacefully and it has been significantly improving from one election to the next election. In this paper, the author also measured the democracy level from the outcomes of electoral reform in Indonesia by using the IDEA democratic assessment framework, that answered the questions whether the elections have given people control over the government, and whether the party system in Indonesia is assisting the working of democracy. Second finding is to note that all stakeholders are aware about how to reach the ideal of liberal democracy, but that practice is not that easy.

One factor is, since the internal party situation does not coherent with the purpose of creating the party itself, while and the weak rule of law enforcement become the biggest challenge for the

democratic institutions to maximize the result of their works. There was almost no absolute 'yes' or 'no' for every question answered within the assessment framework. However, if we carefully pay attention to the progress, instead of just an instant result, the author can say that though not consistent, the democracy in Indonesia is still on the right track towards what has been defined as 'liberal democracy', despite some recent disappointments, notably the rise of identity politics that occurred intensely in the last two or three years.

Lastly, the author is calling the type of democracy in Indonesia as hybrid system, a hybrid democracy which is much influenced by the political history, the tradition as well as the socio-cultural context of Indonesia onto which the elements of liberal democracy were imposed since we gained independence. Examples that come to mind include a tradition of hierarchical relations both in social life and public administration, local and persisting customs, patriarchal belief, respect the older people and the leaders in community. All such factors and dynamics cannot be separated from Indonesia's political circumstances, no matter how open-minded the young people and how idealist they are in promoting the democracy.

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ANNEX

INTERVIEWS DATA GATHERING

Jakarta, August 2017
Leiden, September 2017

No	Name of resource person	Occupation/position
1	Hasyim Asy'ari	General Election Commission (KPU), Commissioner (2017-now)
2	Juri Ardiantoro	General Election Commission (KPU), former head (2016-2017)
		Independent Committee on Election Monitoring (KIPP), Former Secretary General (1996-2003)
3	Fritz Edward Siregar	Election Monitoring Body (Bawaslu), Commissioner (2017-now)
4	Anhar Jamal	International Foundation for Electoral Systems (IFES) Indonesia, Advisor
5	Titi Anggraini Mashudi	Perkumpulan untuk Pemilu dan Demokrasi (Perludem), Executive Director
6	Ward Berenschot	Reseracher at KITLV, Leiden
	Questions	**Answers**
1.1	What is your general opinion regarding the democracy and elections system in Indonesia	*"Our democracy and politic has been liberal since the reform, there is a guarantee in constitution that political right is owned by each civil. In 1999 election while Indonesia was having transitional period, the constitutions have been amended to bring back the meaning of 'republic', to hand over the power to the societies (not in the hand of MPR) and to explain about elections and political parties, two things that had never been mentioned in the constitution before the reform. Thus, it was an effort to re-designing the state and re-constituting the law. Another example is the birth of Constitutional Court (MK), this was marked as a new political participation to convey the aspiration from the people."*
1.2	Is the election system is progressing to the right path?	*"I would say that until 2004, it was on the right track. There were some degrading issues in 2009 elections, primarily since there was no strict limitation for registration of political parties. In 2014, the regulation was being implemented again (3,5% threshold to get seat in DPR), thus the parties in DPR could be much easier to consolidate."*

1.3	How do you see the governance system in Indonesia play the role to enhance the democratization process in general?	*"In Indonesia, we have a modified presidential system, that we called with multiparty presidential. There are two different types of coalition; coalition during election and coalition in government. The coalition in government is much more flexible and can change over time. After 2014 election, the government is being more consolidated since there were only 12 parties competing in election due to the re-issuance of parliamentary threshold. In general there are two types of political system relations in Indonesia: (1) by design (which is determined by constitution/law) and 92) by coincidence (proportional through multiparty). This multiparty presidential system created challenge in 2014 election; the winning party that holds the executive position have to 'face' the coalition of losing parties in the government, which quantitatively sometimes bigger than the winning parties."*
1.4	How is the law and regulation in Indonesia is able to support the free and fair elections thoroughly?	*"In principle, elections need three things; electoral law, electoral process and electoral management. The electoral law is definitely ruling the system, while electoral process is more on the registration and campaign activities, and electoral management is closely related to transparency, accountability and effectiveness.* *In 2014 election, KPU and the democratic institutions have put a lot of effort to make these three things work, starting from the transparency of voter's data and registration, open C1 form that can be accessed by anyone through online, etc. Basically, we are all heading there, to the right direction."*

2.1	What Is your opinion regarding the elections in Indonesia during the post-reform?	*"There are too many indicators to define it. If we are using the universal indicator, this seems too complicated. However, if we are looking at the democratic institutions, it is going stagnant nowadays if not backward. In 1999-2002, we designed progressive governance system, massive bureaucratic reform, forming decentralization, we were really optimistic to create the rule of law and good institutional structure. Recently, the power is centralized in political parties, including in executive level. Democratization has been modified and only becomes a slogan."*
2.2	Since when KPU had initiated to implement the free and fair election? Was it the initiative from the very beginning?	*"Our elections have been free since post-reform, that was the idea since the beginning, though, it went dynamic. The elements to support free and fair elections, such as independent monitoring committee, sometimes was weaken by some challenges. For instance, in 2004, the independent status of KPU suddenly change to be responsible to People's Representative Assembly (DPR). Although now this has been revoked. Based on Law No. 10 Year 2016, the latest status of KPU is just election implementing body, and this is a big setback for Indonesian's democratic process."*
2.3	How was the role of government (especially DPR as regulator) in supporting KPU's work, especially in the latest election?	*"KPU more often has to follow the instruction from DPR, indirectly, such as by getting pressure in audit process. DPR sometimes ignored KPU's aspirations by issuing law that is not in line with KPU's vision."*

2.4	In your opinion, do you think the political party system in Indonesia today can lead the democratization process to the right path?	*"Regarding political elites, I think the situation is always in 'contestation'. When an actor is playing in politic, their goal is only to achieve their own interest and how to beat other's interest. We are lacking of political elites that have good attitude in politics."*
2.5	In your opinion, how is the role of the media in the latest election?	*"The Media is more than liberated that it supposed to be, so it failed to show responsibility for each news they spread. First problem, none of the major media is neutral from political interest. Media should have good functions to support politics, not to create hassles. The worse fact is the role of NGO people, which initially purely to help out solving problem in politics, now become players in the politic itself. Moreover, their dependencies on funding parties/organizations, it makes them volatile to keep standing on the right path."*
2.6	What is your opinion in relations to media nowadays and political participation in Indonesia?	*"In principle, the political participation in Indonesia is considered high after the reform in 1998. There were a lot of reform agents that mobilized people to vote and join the political parties. However, the societies also build their own perception that the election result would not significantly change their wealth and well-being (economic reason), and they are also disappointed with the elites who work improperly."*
3.1	What is your opinion about the Bawaslu work so far in monitoring the elections?	*"Bawaslu have worked quite well. T she division of work within institution is already there. However, the legal enforcement is not yet maximum. Legal enforcement is very important to prevent the violation of law during elections. At this time, Bawaslu is playing more on solving the reported cases instead of preventing."*

3.2	What are the biggest role of Bawaslu in the last election?	*"There was function of Bawaslu to involve in prevention of money politics, including the prevention of civil servants who work improperly during the campaign and elections."*
3.3	Based on election 2014, do you think our democracy is on the right track?	*"In 2014 our paradigm has changed. However, I am still thinking that this is a positive movement in democratic process."*
3.4	If we take one comparison between Indonesia and one other Asian country with dense population and complicated political and electoral system, which country you choose and why?	*"I will talk about India. In India, political parties have clearer set of law, unlike in Indonesia. In Indonesia, law and politics are not correlating one another but working separately. India still putting the court as respectable institution, the highest court is superpower. In Indonesia, political parties are only vehicle to gain a position not as media to convey aspiration."*
4.1	When IFES started its work in Indonesia? And how does it go until now?	*"IFES came at the same time when Indonesia started the reform. It was funded through USAID consortium, together with AusAID and now it receives biggest funding from Global Affairs (Canadian organization) as USAID and AusAID (now DFAT) are lessening their overseas aid. Everything went as of plan and mission. However in 2009, there was restriction on the flow of international aid to elections in Indonesia, so IFES was no longer could grant the funding directly to KPU, instead they were allowed to give assistance through other local independent organization such as Perludem and other NGOs such as JPPR, Pusakom and ICW."*
4.2	What is your opinion about the role of Bawaslu as monitoring body during the latest election?	*"The role of Bawaslu was overwhelming. They are assigned to prevent money politics, processing the cases and decide the case related to vote buying. Meanwhile, the vote buying case has to be reported at least 60 days before the election begun, which is impossible since a lot of vote buying issues happened on the D-Day."*

4.3	What is your opinion regarding the latest election? Do you think KPU has done a good job?	*"There was a significant development to achieve open/free, transparent and inclusive elections. KPU was being more vocal and independent and it was a good thing. They opened up, did a tremendous creation of online voter's registration list and C1 form that was openly accessible to public."*
4.4	If KPU works got better last time, why would you think the voter turnout percentage was decreasing? How IFES see this phenomenon?	*"There were a lot of things that could affect the turnout rate, probably the protest and boredom from societies. Voter education and voter information were also a bit lacking in some places. Voter information was spread out just before the D-Day, thus the time was too short. Also some technical problems related to invitation and financial report. This must be improved in the next 2019 election."*
5.1	As independent institution that promotes the free and fair elections in the context of democracy in Indonesia, how do you measure the money politics and the violation in our elections over time?	*"Money politic is such a structured, systematic and massive case, depends on the political interest from each actor. Nowadays we have Bawaslu which has a lot better vision and mission. We have to admit that the rule of law hasn't been implemented well, as the regulation can still create opportunities for multi-interpretation and thus lead to violation. Sometimes the regulation looks perfect but could not be operationalized. Regulation more often did not make the elections become more free and fair, but it was just a tool to win the election from the interested actors. What we need is the political maturity, our regulations are still more on procedural and not yet substantial. We have ineffective law enforcement mechanism. The latest condition is that Bawaslu has too many assignments to handle, starting from receiving reports, solving the cases and monitor every phase during election campaign and the D-Day. As Refly Harun said, we cannot prevent violation of law by not strengthening the law enforcement itself."*

5.2	In the latest election, we saw the new paradigm happened in our politics. Black campaigns were mushroomed. How do you see this phenomenon in terms of Indonesian democracy?	*"Black campaign occurred due to the low level of maturity in politics and the intolerance to accept the differences. In terms of capability, we found disparity between the practice in politics and the general education for young people in Indonesia; they were not given specific political education which could introduce them to the values in democracy. Democracy needs relevant infrastructure, but this facility is still missing. In the mean time, we experienced great leap in information technology, which could not be responded wisely by societies, thus this could be used as propaganda tools"*
5.3	What do you think about our democratization process? Is it going on the right track, or the other way around?	*"I would say that our democracy is on track, there are surely challenges, but optimism is still there. Money politics has shown its ineffectiveness to buy people's votes, I am pretty sure that as time goes by, the level of our maturity in politics will be better. Bottom line, democracy is a long process, it cannot be measured by only looking at output by output."*
6.1	What is characteristic of Indonesian Democracy?	*The fact that candidates need to be rich or have rich people that support them, it is why Indonesian democracy called 'oligarchy'. Why money is so important? (1) To make someone as candidate; it's not a party who propose them, but they need coalition of party support to be candidate, (2) throughout election is expensive and requires money, especially during campaign, (3) paying the compensation to people who support them. When it comes to the idea of liberal democracy, not everyone can be candidate. This is one dimension where I think Indonesian democracy does not live up the ideal. It still has concentrated power especially with economic elites.*

6.2	Do you think that the money politics and vote buying activities are efficiently affecting the result of the election?	*It's interesting part of the dynamic. The money that has been handed out, does not directly translated into the votes. They call it margin error. In that sense even the word vote buying is a little bit misleading. It is more and more has become political advertisement; if you give money, you may win the votes, but if you don't give money, you are impossible to win. This sometimes also caused disappointment to the candidates, yet this is what happening. 91% said in survey, that the vote buying is still increasing up to the latest election. Vote buying in presidential election is much less occurred compare to legislative.*
6.3	How do you see the law that regulate election from time to time is progressing or having a setback?	*A lot of electoral reform has been misguided, they put the wrong focus and not concentrate on negative effect of clientelism. Because of the open list system, which weaken the party and boost the vote buying. You have to fight for yourself, there is no loyalty to one party, they against one another. It doesn't really much affecting in Java, when the education of people is better than other parts of Indonesia. There are still a lot of debate in electoral reforms, such as abolishing the direct election.*