

## Some Notes on Political Parties and Democracy in Indonesia

Satya Arinanto

### I. Introduction

From a theoretical standpoint, the state is viewed as, among others, an organization of power. This is due to the fact that within a state, we always encounter centers of power, either at the superstructural level (manifested in political parties and state institutions), as well as at the infrastructural level, which consist of (1) political parties, (2) interest groups, (3) pressure groups, (4) political communication instruments, and (5) political figures.

In the Introduction section of their book *Political Parties: Old Concepts and New Challenges* (2002), José Ramón Montero and Richard Gunther highlighted the trend of political parties' existence becoming increasingly irrelevant, as they have failed to successfully respond to various challenges, and their functions have significantly been taken over by social movements that are less formally organized, through direct engagements by politicians using broadcast media and the internet, as well as through a number of innovations made in the implementation of the system of direct democracy.

### A. Views on Political Parties

According to the view of some experts, political parties are even seen as an unnegotiable process of "devolution". Ultimately, there may be some who argue that scientific research on political parties have failed to develop a persuasive and accurate theory, and that any further efforts made along the same path would inevitably meet with failure.

Such statements may particularly appeal to experts who employ analytical approaches to give a low value on studies conducted on complex organizations or political institutions and simply set aside result of studies on political parties and deem them as irrelevant to the development of a more universal political theory.

### B. Interest Groups

In the views of Howard J. Wiarda and Harvey F. Kline in *Latin American Politics and Development* (1985), political traditions in Latin American countries are vastly different from those of the United States and western European countries. The political tradition in Latin America are clearly reflected in the composition of and the relationship between political groups within the region.

At the time of writing of the book there were still many differing views as to whether Latin America subscribes to a common political struggle of interest group as was the case with the United States. During such period there was in fact contention between the various groups and fractions throughout Latin America. In the U.S., however, group

politics were viewed as the norm, whereas in Latin America the emphasis was put in the effort to create an administrative state above the political parties and interest group politics.

Another different relates to the fact that although in the U.S. the major groups, faith-based institutions and similar organizations are viewed as separate from the government, in Latin America institutions such as the church, military, universities and even labor unions often play a larger role than merely being interest groups. They have become a part of the state system and cannot be segregated from the state.

In practices there indeed exist various degrees of government control over such groups, ranging from the near-absolute control such as in liberalism. The most common form, however, involve involves a degree of state control that is higher than that which is exerted upon interest groups in the U.S., and this helps placing the behavior of interest groups (or what is referred to as corporate groups) in Latin America within a framework that is different from what is encountered in the U.S.

Among the interest groups in Latin America are:

- Military power
- Roman Catholic Church
- Major landlords
- Commercial and industrial elites
- Students
- The Middle Class
- Labor Unions
- Farmer groups
- In reality, the position and roles of these interest groups can take over the those of political parties, as what has been done by social movements as mentioned in the foregoing sections.

### **C. Political Parties in Latin America**

In Latin America, for instance, political parties are often merely a set of groups among several oligarchs that are no more important the military or economic oligarchs. In that region, general election represent the only legitimate way to achieve power. The existing political parties do not wield power and are not well-organized.

Throughout the history of Latin America there had been thousands political parties. They had been existing since the countries gained their independence. Social and economic changes in a number of such countries prompted the establishment of new political

parties. Some of them sprung from the middle-income class that continued to grow. They yearn for reform at the early phases, but such desire changed once they become part of the system. In this context, new political parties were more radical than the others, as they demand fundamental changes within society and encompass elements, starting from the working class.

#### **D. General Election and Political Party Under the 1945 Constitution**

Since the beginning of the reform era, at least in the theoretical realm, general elections and political parties in Indonesia have undergone a number of fundamental changes. The most fundamental of them is the insertion of explicit provisions regarding general elections and political parties in the post-amendment 1945 Constitution. Prior to the amendment, no clause in the Constitution contain the term general election or political party. This has served, among others, to cause general election and political party to become mere accessories during the rule of the New Order regime.

In the original text of the 1945 Constitution (prior to the amendment), the basic legal grounds for political parties can among others be found in the second paragraph of the preamble to the Constitution, which states as follows: “And the struggle towards Indonesia’s independence has arrived at the joyous moment, where the people of Indonesia has been brought before the doors of independence for the state of Indonesia, that is independent, sovereign, just and prosperous.”

Further, under Article 28 of the pre-amendment Constitution, there was also an affirmation on the freedom of assembly and association, to express opinions verbally and in writing, and other rights as provided under the relevant legislations. However, history shows that following the general elections of 1971, the president and parliament enacted Act Number 3 of 1975 on Political Parties and the Golongan Karya (Functional Group), which determined nine political parties and one Functional Group (Golongan Karya) that would participate in the 1971 elections. These political parties were then amalgamated into two political parties (*Partai Persatuan Pembangunan* or the United Development Party, and *Partai Demokrasi Indonesia* or the Indonesian Democratic Party) and one *Golongan Karya* (which at that time has not evolved into a political party).

Since then, subsequent elections (1977, 1982, 1987, 1992, and 1998) only saw two political parties and the one Golkar participating. During that era any attempt to form new political parties outside the three existing ones are prohibited. The situation continued until the advent of the reform era following Soeharto’s stepping down from power on 21 May 1998.

As regards the desire for a democratic state, in the elucidation section for Articles 28, 29 paragraph (1) and 34 of the 1945 Constitution prior to the amendments there is written the following provision: “The current article governs the position of the population. The articles, be them that govern citizens or those that apply to all groups of the population,

embody the desire of the Indonesian people to build a country that is democratic and that intends to uphold social justice and humanity.”

In reality, however, the aspiration to construct a democratic state through political parties was not able to be achieved during the New Order period; as such, upon entry into the Reform Era, the democratization of general elections and the functioning of political areas became major agendas that were pursued.

This was more or less achieved after the first general elections in 1999, followed by subsequent elections up to the present day. At the very least, there are currently no prohibition to establish new political parties provided that it is done in conformity with the relevant regulatory requirements.

The Reform Area occurring upon Soeharto’s step down from presidency on 21 May 1998 brought with it numerous strategic changes in the areas of economy, social affairs, politics, and law, as well as various other aspects of life in Indonesia. One of the most elemental changes were the amendments to the 1945 Constitution, which were instituted four times in the period between 1999 and 2002. During a Special Session of People’s Consultative Assembly (MPR) in 1998 some amendments were also made to the Constitution, but they were done by virtue of an MPR Decree.

In the third amendment to the Constitution, a new chapter was inserted – Chapter VIIB – which governs general elections and political parties. Among the provisions therein, one contains the principle of “honest and fair” general elections, which was tried to be adopted during the New Order but was never achieved. Unlike in the case of the previous elections, the amended Constitution stipulates that the purpose of general election is to elect members of the People’s House of Representatives (DPR), the Regional Representatives (DPD), the President and Vice President, and members of the Regional House of Representatives (DPRD).

It is also further stipulated that in general elections to choose members of the DPR and DPRD voters vote for political parties, while in the election to choose members of the DPD voters give their votes to individual persons.

Another provision determines that general elections are organized by the General Elections Commission (KPU), constituting a national, permanent and independent body. Together with the previously mentioned clauses, the introduction of the articles on the election organizing body in the 1945 Constitution is an unprecedented undertaking throughout its history.

The final stipulation on general election contained in the chapter is the affirmation that any further conditions governing general elections are to be set forth in an act.

### **E. Several Aspects of Political Parties in the Political Parties Act**

The law (act) that specifically governs matters relating to political parties that has been place since the reform era is Act Number 2 of 1999 on Political Parties. The Act was

subsequently replaced and/or amended several times through the following acts: (1) Act Number 31 of 2002; (2) Act Number 2 of 2008; and (3) Act Number 2 of 2011.

The currently applicable legislation on political parties is Act Number 2 of 2008 as amended by Act Number 2 of 2011. In that Act a political party is defined as a national organization established by Indonesian citizens in a voluntary manner based upon a common desire and aspiration to advocate for and defend the political interests of its members, the community, nation and state, as well as maintaining the integrity of the Unitarian State of the Republic of Indonesia based on Panca Sila (the Five Norms) and the 1945 Constitution.

Also contained in such act are several underlying clauses, some of which are as follows:

- The Articles of Association (AoA) of a political party is the fundamental bylaws of such political party.
- Political education is the process of learning and understanding the rights, obligations and responsibilities of each citizens within society and government.
- A political party's finances comprises the entire rights obligations of that political party that can be ascribed with monetary value, which can be money or goods or any asset owned and constitute the responsibility of the political party.

Article 10 expressly prescribes the general and specific objectives of a political party as follows:

- The general objectives consist of the following four statements:
    - 1) establishing the national aspirations of the Indonesian people as determined in the Preamble of the 1945 Constitution;
    - 2) protect and maintain the integrity of the Unitarian State of the Republic of Indonesia;
    - 3) build a democratic society based on the Pancasila and upholding the sovereignty of the people within the Unitarian State of the Republic of Indonesia;
  - attain prosperity for the all Indonesian people.
- The three specific objectives are as follows:
- increase political participation of its members and the people in undertaking political activities and governance;
  - promote the aspirations of the political party within society, among the people, and in governance;
  - develop political ethics and culture within society, among the people and in governance;
  - The general and specific objectives of political parties as defined herein are to be attained in a constitutional manner.

- In Article 11 it is expressly stated that a political party serves as a means for :
- political education for the benefit of its members and society in general, to make them aware of their rights and obligations within society, among people and in governance;
  - creation of an enabling climate for the unity and integrity of the Indonesian people towards attaining prosperity;
  - absorbing, compiling, and channeling the political aspiration of the people in formulating and determining state policies;
  - political participation for Indonesian citizens;
  - political recruitment to fill the political position through the mechanism of democracy with due observance of gender equality and equity.
  - The above five functions of political parties are to be achieved in a constitutional manner.

Article 12 governs the following rights of political parties:

- a. receive equal, impartial and just treatment from the state;
- b. independently manage and arrange its internal affairs;
- c. be granted copyright over its name, logo, and emblem pursuant to the applicable regulatory requirements;
- d. participate in general elections to chose members of the House of Representatives, Regional Representatives, President and Vice President, and the heads and deputy heads of regional governments in accordance with the applicable laws and regulations;
- e. form fractions to sit on the People’s Consultative Assembly, the House of Representatives, the Provincial House of Representatives, and the District/Municipal House of Representatives in accordance with the applicable laws and regulations.
- f. nominate candidates to sit on the House of Representatives and Regional House of Representatives in accordance with the applicable laws and regulations;
- g. propose midterm change of its members on the House of Representatives and Regional House of Representatives in accordance with the applicable laws and regulations;
- h. propose dismissal of its members on the House of Representatives and Regional House of Representatives in accordance with the applicable laws and regulations;
- i. nominate tickets to run in the presidential and vice presidential elections, gubernatorial and vice gubernatorial elections, regent and vice regent elections, and mayoral and deputy mayoral elections in accordance with the applicable laws and regulations;
- j. form and own political party organization wing;

- k. receive financial support sourced from the State Budget (APBN) and Regional Budget (APBD) in accordance with the applicable laws and regulations;

Article 13 governs the following obligations of political parties:

- a. observe the principles enshrined in the Pancasila, and implement the 1945 Constitution and the laws and regulations;
- b. maintain and defend the integrity of the Unitary State of the Republic of Indonesia;
- c. participate in national development;
- d. uphold rule of law democracy, and human rights;
- e. undertake political education and channel the aspiration of its members;
- f. contribute to the successful organization of the general elections;
- g. register and maintain a record of data of its members;
- h. prepare accounting records, maintain a list of contributors and amount of contributions received, and cause the same to be open to the public;
- i. deliver accountability reports on the financial income and expenditures sourced from the State Budget and Regional Budget on a regular basis once every year to the government following and audit of the same by the Financial Audit Board (BPK);
- j. maintain a special account to hold election campaign funds; and
- k. disseminate the political party's program to the public,

## **F. Final Notes**

From the foregoing discussions, the following conclusions can be drawn: The legal grounds for establishing a democratic state in the 1945 Constitution is sufficiently sound both prior and subsequent to its amendments;

Such legal basis in the Constitution has been reinforced following its amendments among others due to the fact that "general elections" and "political parties" are explicitly mentioned therein following such amendments.

During the New Order era, democracy within the government has not been able to be manifested through the then existing political parties, as since 1975 the government and the DPR (parliament) implemented Act Number 3 of 1975 that limited the number of political parties and Functional Grup and closed the possibility for the creation of new political parties.

During the reform era, state governance through the empowerment of political parties became more democratic compared to the condition during the New Order.