



The Creeping Hand of the State in Post-*Reformasi* Indonesia

Is Democracy in Irreversible Decline?

JAMES GUILD

PhD Candidate in Political Economy
S. Rajaratnam School of International Studies
Nanyang Technological University

Abstract

There has recently been much hand-wringing and discussion about the global decline of democracy and liberal values. This debate is especially acute in Southeast Asia, where many recently democratized states appear to be back-sliding into authoritarianism and embracing illiberal values. In Indonesia, this can be observed in the increasingly influential role played by hard-line Islamic groups in shaping state policy, and concessions made by politicians to such groups, such as proposed anti-LGBT legislation. The state has also begun to encroach on the public sphere in worrying ways. While this does pose some fears about the future of liberal values in the country, this article argues that it is not an unexpected turn of events in a socially conservative country with under-developed institutions and weak rule of law that is working through the challenges of economic and political development. Rather, placing democratization on a pedestal and viewing it as a cure-all back in the 1990s created unrealistic expectations for what democracy was and what it could do. It minimized the complex, nuanced nature of how young democracies would actually struggle to balance the interests of a wide range of social actors, or that the beliefs and values underpinning democratic systems might change over time. What we are witnessing in Indonesia, and in the larger regional and global context, is thus not the death of democracy but the messy guts of the democratic process in action.

Introduction

Indonesia has often been viewed as a democratizing success story, with the New

York Times calling it a “role model for democracy” in 2014¹ and Freedom House conferring it the status of “Free” in 2006.²

¹ Cochrane, Joe. 2014. “In Southeast Asia, Indonesia Is an Unlikely Role Model for Democracy.” *New York Times*, September 4.

² Freedom House, *2006 Country Report* (Indonesia). Can be accessed here. <https://freedomhouse.org/report/freedom-world/2006/indonesia>. While Freedom House’s rating system for press freedoms and civil liberties is not infallible, it serves as a good barometer for where the general consensus on how free and open a country is.

Some observers, however, have recently begun to wonder if the country is back-sliding into authoritarian tendencies, while its political class indulges in divisive identity politics. In support of this they cite recent legislation designed to criminalize homosexuality, the jailing of Jakarta's former governor Basuki Tjahaja Purnama (commonly known as Ahok) on blasphemy charges, and the increasingly important role conservative Islamist movements are playing in shaping state policy.³ The rise of illiberal social forces, coupled with an expansion of state power is especially problematic in young democracies like Indonesia, which often have under-developed institutions, inefficient civil services, and weak rule of law. This combination of structural weaknesses exposes developing democracies to the influence of illiberal populist movements and opportunistic demagogues with authoritarian tendencies. Elements of this process are clearly underway not only in Indonesia, but in the Philippines, the United States, Brazil and Hungary to name just a few examples. Some have even wondered if this marks an irreversible democratic decline in the world.⁴

This article argues that current trends in Indonesia do not represent the death of democracy, although they may indicate a repudiation of liberal, Western-style democracy. Democratization has often been thought of as uni-linear and intrinsically good, when in practice it is

much more nuanced and complex. In the past several decades, the literature on democratization has sought to portray it as a self-evidently desirable normative ideal toward which societies should strive by embracing liberal values and enshrining them in a free and open representative political system. The primary failing of this approach is that it does not account for the fact that democracy simply promises to give the people a voice. It does not promise that the voice they choose will reflect Western ideas of universal values, or that those values will remain static.

The creeping illiberalism and expansion of the state's coercive power in Indonesia is not conclusive evidence that democracy there has entered an irreversible decline – in fact, this is not an unexpected example of what the democratic process would be expected to look like in a socially conservative state that is still working to develop its democratic institutions and locate a workable balance between individual freedoms and state control. In the Indonesian context, democracy is a far-cry from the normative, liberal ideal that has formed the basis of much writing and debate on the subject in the past. It has instead assumed the form of a messy and often contradictory process by which a diverse set of stakeholders compete with one another to advance their agendas, interests and values.

One consequence of this process is that conservative elements of society with

³ For a recent example of this back-sliding see Power, Tom. 2018. "Jokowi's Authoritarian Turn." *New Mandala*, October 9.

⁴ Rose, Gideon. 2018. "Is Democracy Dying?" *Foreign Affairs*. May/June.

illiberal beliefs and values are finding success in influencing the direction of state policy through democratic mechanisms. The process is also demonstrating that a democratic society may be willing to allow the state to infringe on certain liberties and freedoms in exchange for the promise of stability. This does not mean that democracy is failing but that the system of governance it produces is more dynamic, and more context-driven than is sometimes acknowledged. Indonesia's ongoing efforts to walk the tight-rope of democratization highlights some of the challenges that young democracies struggle with and helps explain why democracy in the country is not conforming to the ideal version that some observers once expected.

This analysis begins with a broad discussion of the literature on democratization in the post-Cold War period, and how that literature has struggled to reconcile itself with a global democratic recession. It will then move to a discussion of democratization in Southeast Asia, with special attention paid to the way in which the idea of "Asian Values" informed the debate prior to the Asian Financial Crisis, before moving onto an evaluation of how democracy has fared in the region. Having established this context and background, the paper will then narrow its focus to a detailed case study of Indonesia's democratization, with particular attention paid to the process by which different stakeholders are competing in the democratic space to work

out a balance of power that reflects underlying social and political conflicts, and why this process may appear like a democratic retreat or authoritarian regression even if that is not necessarily so.

Democratization in a Post-Cold War World

With the fall of the Soviet Union in 1991, it appeared self-evident to some scholars that there was no longer any serious challenger to the dominance of a liberal democratic system of governance. It was in this year that Samuel Huntington published *The Third Wave: Democratization in the Late Twentieth Century* in which he noted that, after Portugal became a democracy in 1974, the world experienced a "wave" of authoritarian regimes giving way to democratic systems of government in Africa, Latin America, Europe and Asia. ⁵Francis Fukuyama famously wondered if we had reached "the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government."⁶

It has been over two decades since this fervor for democratization began to reach its apex, and the optimistic mood of the 1990s has soured somewhat since then. It has been noted that many of the regimes that transitioned to democracy during the "third wave" did so only superficially, and soon reverted back to a kind of semi-authoritarianism cloaked in rhetorical appeals to democratic ideals. The United

⁵ Huntington, Samuel. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. Oklahoma: University of Oklahoma Press.

⁶ Fukuyama, Francis. Summer 1989. "The End of History?" *The National Interest*.

States' attempt to bring democracy through force to Iraq was an unmitigated disaster and with the election of Donald Trump, many think pieces and books have recently appeared wondering if perhaps the liberal democratic order is dead.⁷ *Foreign Affairs* devoted an entire recent issue to the question of what the liberal order was and whether or not we are losing it.⁸

Larry Diamond, the editor of the *Journal of Democracy*, the establishment of which in 1990 reflected prevailing beliefs in the inertia of democratic progress, recently published an article entitled "Facing Up to the Democratic Recession" in which he acknowledged that many of the early assumptions about the forces of democratization were incomplete and overly optimistic.⁹ While still maintaining that democracy as an ideal is superior to all others, Diamond admits that many democratic states that transitioned during the third wave remain illiberal and unstable.

Fukuyama has likewise modified his earlier optimism, writing that democracy as a normative ideal alone is not sufficient to sustain the transition to a functional democratic political system.¹⁰ Equally, if not more important, is the quality and design of

that system. Transitioning to democracy without strong institutions can actually weaken the quality of governance, an observation with high explanatory power when used to make sense of the global democratic recession that is underway.

This see-sawing reveals just how broadly the term "democracy" has been used over the years, invoked frequently but rarely defined with precision. In this essay democracy, as a normative ideal rather than a set of clearly defined procedures and institutions, is the belief that a group of people (generally the majority) collectively ought to decide the direction their society takes.¹¹ Schumpeter proposed that the best way for realizing this collective decision-making was through procedural means, namely "institutional arrangements for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote."¹² This has become perhaps the most commonly held definition used by social scientists. In liberal democratic theory, the ideal institutional arrangement for achieving this normative ideal is something similar to the type of liberal democracy practiced by the United States -

⁷ See Deneen, Patrick J. *Why Liberalism Failed*. Dartmouth: Yale University Press; Traub, James. 2018. "Democracy is Dying by Natural Causes." *Foreign Policy*, March 1; Galston, William A. 2018. "The populist challenge to liberal democracy." *Brookings Report*, April 17; Ikenberry, G. John. 2018. "The End of Liberal International Order?" *International Affairs* 94 (1), 7-23.

⁸ See the March 2017 issue of *Foreign Affairs*. "What Was the Liberal Order? The World We May Be Losing."

⁹ Diamond, Larry. January 2015. "Facing up to the Democratic Recession." *Journal of Democracy* 26 (1): 141-155.

¹⁰ Fukuyama, Francis. January 2015. "Why is Democracy Performing so Poorly?" *Journal of Democracy* 26 (1): 11-20.

¹¹ This is the definition used by Tom Christiano in the "Democracy" chapter of the Stanford Encyclopaedia of Philosophy, published on July 27, 2006. It can be accessed here <https://plato.stanford.edu/entries/democracy/> and contains a thorough discussion of current trends and controversies in the study of democratic theory.

¹² Schumpeter, Joseph. 1943. *Capitalism, Socialism and Democracy* (London: George Allen and Unwin), p 269.

one that guarantees certain individual liberties and rights, especially those that are conducive to a free market capitalist economy.¹³ It was this notion of Western-style liberal democracy that informed much of the triumphalism of the 1990s.

If one drills down deeper into the literature on democratic theory, however, there are a number of scholars who have taken a more nuanced approach to the concept, noting that both the institutional and procedural designs of democracies, as well as the beliefs and values they reflect, can take many different forms.¹⁴ Moreover, it is entirely possible that the best political decision (that is the best policy outcome) could be arrived at in an undemocratic fashion, by elite consensus or even authoritarian means. Democratic theory struggles to definitively say which is more important: achieving the optimal result, or preserving the participatory nature of the democratic process.¹⁵ While scholars in the US championed the triumph of liberal democracy in the post-Cold War era, Southeast Asia was the scene of a more nuanced debate about the concept, as the region

struggled to reconcile competing visions of democracy, economic growth and governance.

Democratization in Southeast Asia

During much of the 1980s and 90s, Southeast Asia was home to a wide range of political regimes – from illiberal democracies to strong authoritarian states – none of which could be classified as strongly democratic. Despite this, the region was experiencing a sustained period of robust economic growth. This provoked a debate among observers about how strongly economic growth and democracy were linked, or whether a link even existed at all. Research into the issue at the time found the relationship between regime type and economic growth to be inconclusive.¹⁶ More contemporary scholarship is still unable to find a satisfying and complete theory that can explain regime change and continuity in the region.¹⁷

This led to the development of what became loosely termed “Asian Values”, a style of governance combining elements of democracy and authoritarianism that was

¹³ Democracy and Public Management Reform: Building the Republican State, ed. Luiz Carlos Bresser-Pereira. The Transition to Liberal Democracy. Luiz Carlos Bresser-Pereira. Oxford Scholarship Online: November 2004.

¹⁴ Philippe C. Schmitter and Terry Lynn Karl. Summer 1991. “What Democracy Is... And Is Not.” *Journal of Democracy*.

¹⁵ Edited by Frank Jackson and Michael Smith, *The Oxford Handbook of Contemporary Philosophy, Democratic Theory*, David Estlund, November 2007.

¹⁶ Bertrand, Jacques. April 1998. “Review: Growth and Democracy in Southeast Asia.” *Comparative Politics* 30 (3): 355-375.

¹⁷ Peou, Sorpong. 2014. “The Limits and Potential of Liberal Democratization in Southeast Asia.” *Journal of Current Southeast Asian Affairs* 3: 19-47.

thought to be uniquely suited to the culture of Southeast Asia.¹⁸ It was essentially a way of using culture as an explanatory variable for the economic success of non-democratic regimes.¹⁹ Donald Emmerson was one of the foremost proponents of stretching the idea of what constituted democracy so that the concept could be extended to semi-authoritarian but prosperous regimes, writing in 1995 that “observers would do well to diversify what they mean by democracy beyond its conventionally liberal form.”²⁰ He elaborated that “even if there are no quintessentially Asian values... differing societies may democratically implement differing views of the relative importance of social order versus individual rights.”²¹ This was criticized as a thin rhetorical excuse for justifying abuses of state power and not surprisingly, work in the *Journal of Democracy* at the time continued to espouse the intrinsic value of democracy as a system of normative beliefs.²²

For some, this debate was settled with the advent of the Asian Financial Crisis in 1997. The lesson drawn from the crisis by advocates of liberal democracy was that economic growth achieved under non-democratic regimes was not, in fact, sustainable and that much of the past two decades of strongmen-led growth had been something of an illusion.²³ This triumphalism was short-lived. Within seven years of the crisis, authoritarian regimes in the region were flourishing again while democracies were struggling.²⁴ As early as 2004, there was evidence that the consolidation of young democracies in Southeast Asia was stagnating and prospects for continued liberal democratic development were poor.²⁵

Since then, the prognosis for democracy in the region has only worsened, even as post-crisis economic growth has remained strong. In 2007, the ASEAN Charter explicitly called not only for increased political and economic integration

¹⁸ Neher, Clark D. and Marlay, Ross. 1995. *Democracy and Development in Southeast Asia: The Winds of Change*. Westview Press. See also Dae Jung, Kim. 1994. “Is Culture Destiny? The Myth of Asia’s Anti-Democratic Values.” *Foreign Affairs*.

¹⁹ Caoili, Rachel. 2005. “Reflections on Democracy and Development in Southeast Asia: Why do the Philippines and Singapore differ?” *Culture Mandala: The Bulletin of the Centre for East-West Cultural and Economic Studies* 6(2).

²⁰ Emmerson, Donald. 1995. “Region and Recalcitrance: Rethinking Democracy Through Southeast Asia.” *The Pacific Review* 8(2).

²¹ Emmerson, Donald. January 1995. “Singapore and the “Asian Values” Debate.” *Journal of Democracy* 6(4): 95-105.

²² Ng, Margaret. April 1997. “Why Asia Needs Democracy.” *Journal of Democracy* 8(2): 10-23.

²³ Thompson, Mark R. October 2001. “Whatever Happened to ‘Asian Values’?” *Journal of Democracy* 12(4): 154-165.

²⁴ Thompson, Mark. R. 2004. “Pacific Asia after ‘Asian Values’: Authoritarianism, Democracy, and “Good Governance”.” *Third World Quarterly* 25(6): 1079-1095.

²⁵ Croissant, Aurel. 2004. “From Transition to Defective Democracy: Mapping Asian Democratization.” *Democratization* 11(5): 156-178.

among member states, but also a greater commitment to human rights and democratic norms. Those parts of the Charter dealing with human rights and norms have been largely ignored.²⁶ In 2017, Freedom House failed to rank any country in Southeast Asia as “Free” despite a number of nominally democratic regimes in the region.²⁷ In the Economist Intelligence Unit's most recent annual assessment of freedom across 167 countries, it concluded that the Asia-Pacific had “experienced the biggest decline of any of our seven regions in 2017” after posting gains in recent years.²⁸

In 2015, there was much excitement when Myanmar held elections for the first time in twenty five years, freeing Nobel Laureate Aung San Suu Kyi from years of house arrest and allowing her party to compete and win in the elections. The commitment of her government to human rights and liberal values has subsequently been revealed to be hollow, as Myanmar has systematically engaged in the persecution and displacement of hundreds of thousands of ethnic Rohingya. As of the publication of this article, Thailand is ruled by a military junta that has repeatedly used *lèse-majesté*

laws to arrest dissidents. In the Philippines, President Rodrigo Duterte has shown a wanton disregard for liberal norms, officially sanctioning extra-judicial killings in his hard-nosed war on drugs.²⁹ In 2017, the head of Cambodia's opposition party was jailed on treason charges, part of a larger effort by President Hun Sen to sideline his political enemies.³⁰

In this climate, the rosy optimism of the 1990s has evaporated. The critical question to be asking now is why, and whether it is irreversible. Diego Fossati and Lee Morgenbesser explain this democratic recession in Southeast Asia mainly as a result of “policy failure”, and a feeling among regular people that elites are still firmly in control of the levers of power, a belief that discourages their active participation in the democratic process.³¹ Tom Pepinsky argues that the question is more usefully rephrased not as why is democracy failing, but rather why is authoritarianism enduring? His answer is that what “makes the politics of disorder a thorny problem for Southeast Asian democracy is that these illiberal policies are popular among many citizens. The trend towards illiberal politics and authoritarian leadership styles is a

²⁶ Hooi, Khoo Ying. 2017. “ASEAN at 50: A New Test for Democracy in Southeast Asia.” *The Diplomat*. Published May 3. Can be accessed at <https://thediplomat.com/2017/05/asean-at-50-a-new-test-for-democracy-in-southeast-asia/>.

²⁷ Freedom House's annual reports gauging relative levels of press and social freedoms in the Asia-Pacific can be found at <https://freedomhouse.org/regions/asia-pacific>.

²⁸ <https://www.cnn.com/2018/01/30/economist-intelligence-unit-asias-democracy-ranking-falls-in-2017.html>.

²⁹ Allen-Ebrahimian, Bethany. 2017. “Extrajudicial Killings Prompt Suit Against Duterte at the International Criminal Court.” *Foreign Policy*. April 24.

³⁰ Hutt, David. 2017. “Death Knell to Cambodian Democracy.” *Asia Times*. September 4.

³¹ Fossati, Diego and Morgenbesser, Lee. 2017. “The Troubling Reality of Southeast Asia's Democratic Recession.” *Griffith News*, Griffith Asia Institute and the Centre for Governance and Public Policy. Can be accessed <https://app.secure.griffith.edu.au/news/2017/12/07/the-troubling-reality-of-southeast-asias-democratic-recession/>.

consequence of the perceived weaknesses of democratic politics, which has proven unable to eliminate poverty, crime, identity-based conflict or political instability.”³²

This again highlights the blind spot experienced by post-Cold War democratization proponents in their zeal to champion Western-style liberal democracy. Democracy merely promises to provide a means by which the people, through voting, can exercise a measure of control over the nature and direction of the state. It does not promise that they will collectively embrace liberal values; indeed there is every chance that they may vote for and legitimize illiberal, discriminatory values. The American framers of the Constitution were aware of this inherent weakness in any democratic system, and erected structural barriers designed to serve as a check against an excess of democracy or demagogues seizing power by preying on “widespread envies, fears, or hopes.”³³

Young democracies, with weaker institutions and under-developed state capabilities, have less of a buffer when it comes to constraining the populist impulses of their citizens and preventing authoritarian figures from exploiting the envies, fears and hopes of the citizenry.³⁴ As such, many young democracies are struggling to

balance the desires and interests of a wide variety of newly empowered political actors. This can create opportunities for authoritarianism and illiberalism, as democratic systems are often slow to address entrenched social and economic problems. Indeed, the inability of the state to craft policies that effectively address the most pressing needs of the people – alleviating hunger and poverty, for instance – can create serious liabilities in a young democracy with weak institutions. When weak democratic institutions of governance are struggling to deliver on the basic promises of the Lockean social contract, a populist demagogue, channelling identity politics and offering stability under authoritarian rule might seem to be an attractive alternative.³⁵

A detailed look at democratization in Indonesia, however, shows that the process is not so easy to decode as it might seem. What at first blush may appear to be authoritarian back-sliding or the rise of illiberal tendencies may in fact be the democratic process in action, as political actors square off in the public space to try and assert their agendas and interests over those of their competitors. This may result in concessions made to illiberal social forces, but such concessions are not

³² Thomas Pepinsky. 2017. “Democracy Isn’t Receding in Southeast Asia, Authoritarianism is Enduring.” *East Asia Forum*. November 4.

³³ Ceaser, James W. 2007. “Demagoguery, Statesmanship, and the American Presidency.” *Critical Review: A Journal of Politics and Society* 19(2): 257-298.

³⁴ See Morris, J., & Polese, A. (Ed.). (2015). *Informal economies in post-socialist spaces: Practices, institutions and networks*. Basingstoke: Palgrave; also Hite, K., & Morlino, L. (2004). Problematising the links between authoritarian legacies and ‘good’ democracy’. In K. Hite & P. Cesarini (Eds.), *Authoritarian legacies and democracy in Latin America and Southern Europe* (pp. 25–83). Notre Dame, IN: University of Notre Dame Press.

³⁵ O’Brien, Thomas. 2016. “Populism, protest and democracy in the twenty-first century.” *Contemporary Social Science* 10(4).

unexpected in democratic societies with deep social and political fissures and do not necessarily sound a death knell for the consolidation of democratic progress in the country.

Democratization in Indonesia

For over thirty years, Indonesia was ruled by the authoritarian New Order under President Suharto, until the Asian Financial Crisis precipitated his fall in 1998. In the face of mass demonstrations and violent protests, Suharto was replaced by Vice President B.J. Habibie who between 1998 and 1999 managed to push through a series of ambitious reforms that lifted media restrictions, allowed the formation of political parties, and laid out the architecture for wide-ranging democratic electoral reforms including a call for new elections in October 1999.³⁶

In 1999, Habibie lost the election to Abdurrahman Wahid, an influential moderate cleric. Wahid's presidency quickly became bogged down by political infighting and the newly empowered legislature moved to impeach him. This resulted in the creation of the country's Constitutional Court, which was imbued with the power to interpret and clarify constitutional ambiguity and mediate conflicts between the legislative and executive branches. By

2002, with the establishment of the Constitutional Court, the most extensive portion of the reform process had concluded and Indonesia's political and electoral system emerged vastly transformed and fairly robust.³⁷

Indonesia's transition to democracy was initially met with optimism. In the late 1990s and early 2000s, the "third wave" was still ostensibly underway, as a number of autocratic and authoritarian regimes continued transitioning to democracy. Indonesia, the world's largest Muslim-majority country, was one of the biggest dominos to fall and was seen as an exemplar of a moderate Islamic democracy, one that enthusiastically adopted liberal values of civic engagement and tolerance.³⁸

Gradually, this optimism has turned to caution. After the transition to democracy, Indonesia experienced nearly a decade and a half of stable continuity under the administrations of Megawati Sukarnoputri (2001-2004) and Susilo Bambang Yudhoyono (2004-2014). Elections were widely considered to be free and fair, and high commodities prices buoyed solid economic growth which allowed Indonesia to enjoy a relatively high level of stability as it worked toward consolidating its democracy.³⁹ In the 2014 presidential election, Joko "Jokowi" Widodo prevailed over

³⁶ Crouch, Harold. 2010. *Political Reform in Indonesia After Soeharto*. Singapore: ISEAS. Chapters 2 and 3.

³⁷ Mietzner, Marcus. 2010. "Political Conflict Resolution and Democratic Consolidation in Indonesia: The Role of the Constitutional Court." *Journal of East Asian Studies* 10: 397-424.

³⁸ Hefner, Robert. 2000. *Civil Islam: Muslims and Democratization in Indonesia*. Princeton: Princeton University Press.

³⁹ See for instance Abdulkabi, Louay. 2008. "Democratization in Indonesia: From Transition to Consolidation." *Asian Journal of Political Science* 16 (2), 151-172; and Bachelard, Michael. 2014. "Susilo Bambang Yudhoyono's legacy: the great democratic leader who became a follower." *Sydney Morning Herald*. October 18.

Suharto's former son-in-law, Prabowo Subianto. Despite a clear electoral win, Prabowo challenged the election results. The Constitutional Court functioned as it was designed, overruling Prabowo's spurious challenge and upholding the legitimacy of the results. Viewed as a test of Indonesia's democratic institutions, this can be considered a successful example of their robustness, as the Court utilized sound legal principles to reinforce the legitimacy of Jokowi's electoral mandate.⁴⁰ However, during Jokowi's term commodities prices have fallen, exposing some of the deeper social, political and economic issues that were effectively papered-over in times of higher growth.

These include growing inequality, ethnic and religious tensions, and rampant corruption and inefficiency at all levels of government. Jokowi has also undertaken an ambitious reform agenda designed to reduce corruption and bureaucratic red-tape, open the economy further to foreign investment and ownership, increase tax revenues and develop the country's lagging infrastructure. This agenda, while sound on the merits, is disruptive and has had the effect of upending the status quo, challenging incumbent political and business elites and forcing Indonesian citizens to reconcile themselves to certain burdens that are political liabilities in a democratic system, such as paying taxes.

Jokowi's administration has underperformed its infrastructure and economic growth targets, something that is often attributed to the poor quality of governance.⁴¹ Many lower and middle-class Indonesians worry that they are losing out on opportunities that are being taken by other members of society.⁴² This less than stellar performance under a liberal democratic system, and the fears and envy it has engendered, are creating opportunities for conservative elements of society to push their own alternative vision for Indonesia. Hard-line Islamist groups are increasingly using the public space, which is a right guaranteed to them under a democratic system, to assert radical and often illiberal views about the way Indonesian society ought to be structured, and the values it ought to reflect. The most controversial evidence of this came during Jakarta's gubernatorial election in April 2017. In the run-up to the election, incumbent Governor Basuki Tjahaja Purnama was accused of blasphemy charges which resulted in an enormous public demonstration against him on December 2, 2016.

The crowd, organized by conservative Islamic groups such as the Islamic Defenders Front Indonesia (*Front Pembela Islam* or FPI), numbered in the hundreds of thousands. Ahok, a double minority as an ethnic Chinese-Indonesian and a Christian, was subsequently defeated in the April

⁴⁰ Wijaya, Pan Mohamad Faiz Kusuma. 2014. "Prabowo Fights on, but Indonesian Court Ruling Ends Legal Challenge." *The Conversation*. August 27.

⁴¹ Guild, James. 2018. "Jokowinomics vs Reality: A Look at PLN." *New Mandala*, April 4. Can be accessed at <http://www.newmandala.org/jokowinomics-vs-reality-look-pln/>.

⁴² Yasih, Diatka Widya Permata. 2017. "Jakarta's Precarious Workers: Are They a 'New Dangerous Class.'" *The Journal of Contemporary Asia* 47(1): 27-45.



A scene from the anti-Ahok protest on December 2, 2016.

Image: Voice of America/Fathiyah Wardah

election and shortly thereafter jailed on blasphemy charges widely considered to be fraudulent. Research into these events showed that although the majority of Jakartans approved of Ahok's performance as governor, they largely voted along ethnic and religious lines.⁴³ Thus, his performance as governor was ultimately a less important determinant than the shrewd exploitation by his opponents of identity politics, something that is an especially potent political weapon in an open democratic system.⁴⁴

This set the stage for a showdown between the President and a conservative Islamic organization last year, and the state's right to empower itself in restricting civil society groups under certain vaguely defined conditions prevailed. In July 2017,

Jokowi issued Presidential Decree No. 2/2017 on Mass Organizations. With this Decree, Jokowi empowered the executive branch to disband civil society organizations that it deemed a danger to the state, or to be in conflict with the secular state ideology of Pancasila. In the post-1998 reform period, Indonesia has erected considerable procedural protections for civil society groups in order to ensure a freer and more open democratic space in which society can challenge the coercive power of the state, something Muthia Alagappa has called an essential component of a functional democratic system.

Prior to the Presidential Decree, a lengthy legal process was required to determine if a mass organization posed a

⁴³ Mietzner, Marcus and Muhtadi, Burhanuddin. 2017. "Ahok's Satisfied Non-voters: An Anatomy." *New Mandala*. May 5. Can be accessed <http://www.newmandala.org/ahoks-satisfied-non-voters-anatomy/>.

⁴⁴ Alagappa, Muthiah. 2004. *Civil Society and Political Change in Asia: Contracting and Expanding Democratic Space*. Stanford, CA: Stanford University Press.

sufficiently dire threat to the state to be banned. By issuing the Decree, Jokowi gave himself the power to bypass that cumbersome process and unilaterally declare a group to be subversive in order to justify banning it. This new power was immediately used by the government to ban the radical Islamic group *Hizb-ut Tahrir Indonesia* (HTI). HTI challenged the ban in the Constitutional Court, but the Decree was passed into official law by the Legislature in October 2017.⁴⁵

This highlights the slippery slope that young democracies find themselves forced to navigate in attempting to locate a workable equilibrium between stability and openness. At first blush, providing the state with a tool to outlaw a radical Islamic group appears to be an uncontroversial move. But by empowering itself to decide what civil society organizations are worthy of sharing the public space, the state is opening something of a Pandora's Box. There is no guarantee that current or future administrations will not abuse this authority to silence their political enemies and critical media outlets, for instance. Furthermore, as the Decree allows the state to ban groups that it considers to be in conflict with the state ideology, it gives the government considerable latitude in determining what the state ideology is and then imposing that

definition on society, a practice which is generally incompatible with liberal democratic values.

While the above example of expansion of state power might be defensible, other recent developments are more worrying. The national legislature, the People's Representative Council (DPR), passed a bill in February of 2018 that would allow the DPR to compel anyone who "tarnishes the dignity" of the chamber to appear before them for questioning. The law would also provide legislators with legal ways of obstructing corruption investigations.⁴⁶ Around the same time, the DPR was also working on a highly controversial draft bill that would criminalize extra-marital sexual relationships, although the LGBT community is considered the real target of the legislation.⁴⁷ Other small-scale examples of state overreach in the public sphere can be found throughout Indonesia, including efforts by multiple provinces and municipalities to ban Valentine's Day on religious grounds⁴⁸ and the recent questioning by police of a researcher who publicly cautioned about the dangers of a tsunami.⁴⁹

And the most obvious recent example of conservative religious forces increasing their influence in the machinery of the state was Jokowi's appointment of

⁴⁵ Undang-Undang Republik Indonesia Nomor 16 Tahun 2017. Can be accessed at <http://sipuu.setkab.go.id/PUUdoc/175343/UU%20Nomor%2016%20Tahun%202017.pdf>.

⁴⁶ Walsh, Michael. 2018. "Indonesian Parliament Passes Controversial Law Targeting Its Critics, Anti-corruption Commission." *ABC News*. February 28.

⁴⁷ Harvey, Adam. 2018. "Indonesia's LGBT Community Under Threat as Government Sets Sights on Making Gay Sex Illegal." *ABC News*. January 29.

⁴⁸ *The Straits Times*. 2018. "Goodbye to Romance: Indonesian Cities Ban Valentine's Day." February 14.

⁴⁹ Klemetti, Erik. 2018. "Indonesian Police Questioning Scientist About His Recent Tsunami Study." *Discover*. April 10.

conservative cleric Ma'ruf Amin as his running mate for the 2019 election. Ma'ruf, in his role as the chairman of the Indonesian Ulama Council (MUI), which is the highest body in Indonesia for issuing rulings on Islamic issues, has been a lightning rod for controversy. Under Ma'ruf's leadership, MUI issued a *fatwa* against the rubella vaccine and also testified in court that Ahok had committed blasphemy, aiding in the conviction of one of Jokowi's closest allies. This has been widely interpreted as a cold political calculation on Jokowi's part to neutralize criticism from conservative religious groups who might have attacked him from the right, as well as a practical concession necessary to keep NU in his political coalition.⁵⁰ But it also raises serious questions about how influential of a role Ma'ruf might play in a second Jokowi administration, and how much ground is being given up to appease an increasingly conservative and influential bloc of conservative voters and interest groups.

All of this is worrying, and rightly so, to observers of Indonesia's democratic progress. It is not, however, necessarily evidence of irreversible authoritarian regression or the decline of democracy. That

conservative Islamic groups are inserting themselves into and shaping public discourse is not unexpected in a democratic country where a large majority of the population are Muslims, many of whom adhere to socially conservative values.⁵¹ Indeed, it is a sensible if cynical strategy for politicians to court this sizeable electoral force as Islamic organizations operate some of the largest and most reliable voter-turnout operations in the country. On the other hand, the largest Islamic political organizations, *Muhammadiyah* and *Nahdlatul Ulama*, each of which has tens of millions of members, both continue to push back against conservative ideology and publicly call for tolerance and pluralism in the country, although with varying degrees of success.⁵²

Likewise, the inertia of public discourse is not solely trending in an illiberal direction. Democratic safeguards in Indonesia continue to create and defend public space for civil society actors to contest powerful and illiberal interests, as evidenced by the success activist groups have had in holding up and forcing modifications to large development projects over environmental impact concerns.⁵³ Demonstrations are a constant fixture at the

⁵⁰ Fealy, Greg. 2018. "Ma'ruf Amin: Jokowi's Islamic Defender or Deadweight?" *New Mandala*. August 28.

⁵¹ A survey by Pew Research conducted between 2008-2012 found that 72% of Indonesian Muslims were supportive of some form of Sharia law. It should be noted that individual understandings of Sharia can vary widely and do not necessarily connote the most extreme interpretation. Nevertheless, the results indicate that conservative religious values are strongly held in Indonesia in general. The report can be accessed: <http://assets.pewresearch.org/wp-content/uploads/sites/11/2013/04/worlds-muslims-religion-politics-society-full-report.pdf>.

⁵² Arifianto, Alex. 2018. "Islamic Campus Preaching Organizations in Indonesia: Promoters of Moderation or Radicalism?" *Asian Security*.

⁵³ *Mongabay*. 2017. "Indonesian Court Revokes Environmental License for the Cirebon Coal Plant Expansion." April 25.

National Monument in the heart of Jakarta, and civil society groups are frequently and vocally engaged in public discourse.⁵⁴ They may not always prevail in the end, but there is space for them to voice their opinions and contest the power of the state. It is also important to point out that there is no evidence that elections in Indonesia are not free and fair, meaning the mechanisms of democracy are functioning more or less as designed. If illiberal values are making it into legislation, that is because they are finding a receptive audience in the electorate.

In Indonesia illiberal and conservative social forces are now more openly competing in the free market place of ideas guaranteed to them under a democratic system. These ideas are finding a receptive audience for a variety of reasons. This has provoked a two-fold response from the state. First, politicians have begun making concessions to these illiberal forces in order to secure their support at the ballot box and side-line their enemies. Legislation that targets the LGBT community or the use of blasphemy charges to neutralize political opponents reflects the ascendancy of these kinds of hard-nosed political strategies. Secondly, the state has moved to expand its own power in order to reign in some of these more disruptive social forces. So far they have only invoked this power to ban hard-line and intolerant group that challenge the state's legitimacy. But this leaves the door open for a further expansion of state

power to clamp down on civil liberties and associational freedoms.

This may not be the vision of liberal democracy that Francis Fukuyama and Larry Diamond once had, but it is a recognizable form of democracy in which a group (usually the majority) collectively decide what direction their society will take. These are the messy guts of the democratic process playing out as the country struggles with the challenges of political and economic development. While it is entirely possible that the pendulum will ultimately swing toward authoritarian back-sliding, or that illiberal, hard-line social forces will become empowered to the point where they will seek to banish their enemies through violence, that is not currently the situation and it is hardly the only or a predestined outcome.

Ultimately, this returns the discussion to just what exactly democracy is and what it is not. In this analysis, democracy is a conceptual tool that provides a platform for reflecting the beliefs and values of a particular society. Beliefs and values are not static, nor are they universally shared by all, and as they change the nature of the democratic system representing them will also change. Recall Donald Emmerson's observation that "differing societies may democratically implement differing views of the relative importance of social order versus individual right," which is surprisingly resonant in today's political climate.

What Emmerson perhaps grasped more intuitively than many in the post-Cold

⁵⁴ Savirani, Amalinda. 2017. "Indonesia's Regions a Test Bed for Civil Society Engagement." *New Mandala*. April 24.

War democratization movement was that democracy can function as both a liability and an asset. It gives society agency over the governing apparatus of the state, and guarantees a voice in the governing process. But it cannot guarantee what that voice will say, or that what it does say will be in lock-step with Western, liberal notions about what democracy is or how it should function. Indonesia is still in the process of

trying to find its democratic voice, and while the process is messy and precipitating worrisome developments, it is important to understand what the process of democratization actually is, rather than what we wish it to be. The development of democracy in Indonesia, a story that is still being told, highlights this important distinction.

Bibliography

Abdulkabi, Louay. 2008. "Democratisation in Indonesia: From Transition to Consolidation." *Asian Journal of Political Science* 16 (2), 151-172.

Alagappa, Muthiah. 2004. *Civil Society and Political Change in Asia: Contracting and Expanding Democratic Space*. Stanford, CA: Stanford University Press.

Allen-Ebrahimian, Bethany. 2017. "Extrajudicial Killings Prompt Suit Against Duterte at the International Criminal Court." *Foreign Policy*. April 24.

Arifianto, Alex. 2018. "Islamic Campus Preaching Organizations in Indonesia: Promoters of Moderation or Radicalism?" *Asian Security*.

Bachelard, Michael. 2014. "Susilo Bambang Yudhoyono's legacy: the great democratic leader who became a follower." *Sydney Morning Herald*. October 18.

Bertrand, Jacques. April 1998. "Review: Growth and Democracy in Southeast Asia." *Comparative Politics* 30 (3): 355-375.

Caoili, Rachel. 2005. "Reflections on Democracy and Development in Southeast Asia: Why do the Philippines and Singapore differ?" *Culture Mandala: The Bulletin of the Centre for East-West Cultural and Economic Studies* 6(2).

Ceaser, James W. 2007. "Demagoguery, Statesmanship, and the American Presidency." *Critical Review: A Journal of Politics and Society* 19(2): 257-298.

Cochrane, Joe. 2014. "In Southeast Asia, Indonesia Is an Unlikely Role Model for Democracy." *New York Times*, September 4.

Croissant, Aurel. 2004. "From Transition to Defective Democracy: Mapping Asian Democratization." *Democratization* 11(5): 156-178.

Crouch, Harold. 2010. *Political Reform in Indonesia After Soeharto*. Singapore: ISEAS. Chapters 2 and 3.

Dae Jung, Kim. 1994. "Is Culture Destiny? The Myth of Asia's Anti-Democratic Values." *Foreign Affairs*.

Deneen, Patrick J. 2018. *Why Liberalism Failed*. Dartmouth: Yale University Press.

Diamond, Larry. January 2015. "Facing up to the Democratic Recession." *Journal of Democracy* 26 (1): 141-155.

Emmerson, Donald. 1995. "Region and Recalcitrance: Rethinking Democracy Through Southeast Asia." *The Pacific Review* 8(2).

Emmerson, Donald. January 1995. "Singapore and the "Asian Values" Debate." *Journal of Democracy* 6(4): 95-105.

Fealy, Greg. 2018. "Ma'ruf Amin: Jokowi's Islamic Defender or Deadweight?" *New Mandala*. August 28.

Fossati, Diego and Morgenbesser, Lee. 2017. "The Troubling Reality of Southeast Asia's Democratic Recession." *Griffith News*, Griffith Asia Institute and the Centre for Governance and Public Policy.

Fukuyama, Francis. January 2015. "Why is Democracy Performing so Poorly?" *Journal of Democracy* 26 (1): 11-20.

Fukuyama, Francis. Summer 1989. "The End of History?" *The National Interest*.

Galston, William A. 2018. "The populist challenge to liberal democracy." *Brookings Report*, April 17.

Guild, James. 2018. "Jokowinomics vs Reality: A Look at PLN." *New Mandala*, April 4.

Harvey, Adam. 2018. "Indonesia's LGBT Community Under Threat as Government Sets Sights on Making Gay Sex Illegal." *ABC News*. January 29.

Hefner, Robert. 2000. *Civil Islam: Muslims and Democratization in Indonesia*. Princeton: Princeton University Press.

Hite, K., & Morlino, L. (2004). "Problematizing the links between authoritarian legacies and 'good' democracy." In K. Hite & P. Cesarini (Eds.), *Authoritarian legacies and democracy in Latin America and Southern Europe* (pp. 25–83). Notre Dame: University of Notre Dame Press.

Hooi, Khoo Ying. 2017. "ASEAN at 50: A New Test for Democracy in Southeast Asia." *The Diplomat*. Published May 3.

Huntington, Samuel. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. Oklahoma: University of Oklahoma Press.

Hutt, David. 2017. "Death Knell to Cambodian Democracy." *Asia Times*. September 4.

Ikenberry, G. John. 2018. "The End of Liberal International Order?" *International Affairs* 94 (1), 7-23.

- Klemetti, Erik. 2018. "Indonesian Police Questioning Scientist About His Recent Tsunami Study." *Discover*. April 10.
- Mietzner, Marcus and Muhtadi, Burhanuddin. 2017. "Ahok's Satisfied Non-voters: An Anatomy." *New Mandala*. May 5.
- Mietzner, Marcus. 2010. "Political Conflict Resolution and Democratic Consolidation in Indonesia: The Role of the Constitutional Court." *Journal of East Asian Studies* 10: 397-424.
- Mongabay*. 2017. "Indonesian Court Revokes Environmental License for the Cirebon Coal Plant Expansion." April 25.
- Morris, J., & Polese, A. (Ed.). (2015). *Informal economies in post-socialist spaces: Practices, institutions and networks*. Basingstoke: Palgrave.
- Neher, Clark D. and Marlay, Ross. 1995. *Democracy and Development in Southeast Asia: The Winds of Change*. Westview Press.
- Ng, Margaret. April 1997. "Why Asia Needs Democracy." *Journal of Democracy* 8(2): 10-23.
- O'Brien, Thomas. 2016. "Populism, protest and democracy in the twenty-first century." *Contemporary Social Science* 10(4).
- Peou, Sorpong. 2014. "The Limits and Potential of Liberal Democratization in Southeast Asia." *Journal of Current Southeast Asian Affairs* 3: 19-47.
- Philippe C. Schmitter and Terry Lynn Karl. Summer 1991. "What Democracy Is.... And Is Not." *Journal of Democracy*.
- Power, Tom. 2018. "Jokowi's Authoritarian Turn." *New Mandala*, October 9.
- Rose, Gideon. 2018. "Is Democracy Dying?" *Foreign Affairs*. May/June
- Savirani, Amalinda. 2017. "Indonesia's Regions a Test Bed for Civil Society Engagement." *New Mandala*. April 24.
- Schumpeter, Joseph. 1943. *Capitalism, Socialism and Democracy* (London: George Allen and Unwin), p 269
- The Straits Times*. 2018. "Goodbye to Romance: Indonesian Cities Ban Valentine's Day." February 14.
- Thomas Pepinsky. 2017. "Democracy Isn't Receding in Southeast Asia, Authoritarianism is Enduring." *East Asia Forum*. November 4.
- Thompson, Mark R. October 2001. "Whatever Happened to 'Asian Values'?" *Journal of Democracy* 12(4): 154-165.
- Thompson, Mark. R. 2004. "Pacific Asia after 'Asian Values': Authoritarianism, Democracy, and "Good Governance". *Third World Quarterly* 25(6): 1079-1095.
- Traub, James. 2018. "Democracy is Dying by Natural Causes." *Foreign Policy*. March 1.

Walsh, Michael. 2018. "Indonesian Parliament Passes Controversial Law Targeting Its Critics, Anti-corruption Commission." *ABC News*. February 28.

Wijaya, Pan Mohamad Faiz Kusuma. 2014. "Prabowo Fights on, but Indonesian Court Ruling Ends Legal Challenge." *The Conversation*. August 27.

Yasih, Diatyka Widya Permata. 2017. "Jakarta's Precarious Workers: Are They a 'New Dangerous Class.'" *The Journal of Contemporary Asia* 47(1): 27-45.