Indonesia’s fading democracy dream

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Authors: Dave McRae, University of Melbourne, and Robertus Robet, State University of Jakarta

When Indonesian President Joko ‘Jokowi’ Widodo triggered mass protests in September over his support for regressive amendments to the Criminal Code and the founding statute of Indonesia’s Corruption Eradication Commission (KPK), he beat a hasty retreat.

Seeking to avoid an ignominious second term inauguration marred by protest, Jokowi instructed the parliament to defer deliberation of the Criminal Code and announced that he would consider issuing emergency legislation to repeal the KPK Law amendments, widely considered to have undermined the commission’s independence and distinctiveness.

Soon after his 20 October swearing in, Jokowi again reversed course. His administration indicated it favours only minor further revisions to the contentious criminal code. Jokowi too has ruled out further changes to the KPK Law.

Jokowi is again showing he is willing to subjugate individual rights and the fight against corruption [1] to other considerations. Although opinion polls are yet to reveal an appreciable dip in Jokowi’s approval ratings in the wake of the September protests, his actions raise the question of whether there is a breaking point for his support.

The political crisis over the Criminal Code and the KPK Law arose during the lame duck period for the Indonesian parliament. The new parliament elected in April was not inaugurated until October, spurring a rush to usher through contentious bills in the closing days of the previous parliamentary term.
Among the contentious bills tabled, the amendment to weaken the KPK was the greatest surprise. One of Indonesia’s most trusted and popular institutions, the KPK has been perpetually in the crosshairs of lawmakers since its formation in 2003 — not least of all because it has imprisoned many parliamentarians.

Parliamentarians have made several previous attempts to curtail the KPK’s authority, but have never before secured the agreement of the president. Jokowi’s predecessor Susilo Bambang Yudhoyono rejected amendments in 2012. Jokowi himself had twice refused to sign off on previous rounds of amendments in 2015 and 2016, forcing their deferral.

This time around, lawmakers found themselves pushing on an open door. Never a reliable ally of the KPK, Jokowi reportedly had been expressing various frustrations with it in private forums. According to the Tempo news weekly, he told stakeholder groups that the commission’s wiretaps were too extensive, its prosecutions slowed down local government decision-making and that its focus should be on prevention rather than investigations. Illustrating Jokowi’s frustrations, he didn’t involve the commission in the vetting of his second term cabinet as he did in 2014.

With the President’s support, the new KPK law was passed on 18 September — just a week after Jokowi approved deliberations. The KPK’s commissioners claim they were denied the opportunity to provide input.

The changes significantly weaken the institutional standing of the KPK. The commission now sits under an oversight board appointed by the president and will require its prior approval to conduct wiretaps, increasing the risk of leaks. This board will also evaluate the commission’s ethics, providing an additional avenue for political intervention. The KPK’s five commissioners also lost their status as investigators and prosecutors, drawing into question their authority to initiate investigations.

The passage of these amendments sparked protests. Further fuelling discontent, on the day the amendments passed, parliament and the government announced that they would also pass the Criminal Code before the parliamentary session ended. In contrast to the lightning passage of the KPK Law, deliberations on the draft criminal code had been stalled since December 2017. Morality clauses, blasphemy, corruption, the death penalty, ideological crimes, the regulation of customary law and denigration of state officials all divided opinion amongst drafters. Such disagreements had repeatedly prevented a revised criminal code being passed by each successive Indonesian parliament.

This time, the government and the parliament appeared to decide to ignore civil society criticism. Widespread student protests started the next day, and peaked on 24 September — the day the Criminal Code was scheduled to pass. Tempo — which controversially cast the President as Pinocchio on its cover for his support of the KPK Law — estimated the 24 September protests involved over 50,000 students across more than 20 provinces. A repressive police response to the protests increased public anger, as did government-aligned social media influencers — so-called buzzers — who attacked government critics and spread misinformation about the protests.
In ruling out any attempt to revoke the amendments to the KPK Law, and indicating he is now concentrating on hand-picking members of the new oversight board, Jokowi appears to have calculated he can navigate his way through this discontent. Certainly, it may be that he can mollify protesters by picking trusted figures for the oversight board. Equally, his government may be able to hit upon minor alterations to the contentious articles of the criminal code that enough of civil society can accept.

The risk for Jokowi lies in the fact that each move to erode anti-corruption efforts and individual rights makes him ever less distinguishable from the system that Indonesians voted against when they first elected a political outsider as president.

Disaffection with his record of democratic governance hasn’t cost Jokowi to date, because many of his critics have ultimately decided he remains a better choice than his only rival in the past two presidential elections, the authoritarian holdover Prabowo Subianto.

But with Prabowo widely considered too old to run for president in 2024, and in any case having stunningly joined the government as Jokowi’s new Minister for Defence, the political landscape has shifted.

If Jokowi spurs further disaffection and protests, the opportunity would be wide open for a new outsider politician to emerge to harness such discontent in support of their own run for the presidency in 2024.

Dave McRae is Senior Lecturer in the Asia Institute at the University of Melbourne.

Robertus Robet is the Head of Sociology at the State University of Jakarta (UNJ).

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Author/s:
McRae, D; Robet, R

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