

THE CONTROVERSY OF INDONESIAN DEMOCRACY PRACTICES IN THE POST-REFORM

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Abstract: Democracy in post-reform Indonesia does not always work, and this has even led to controversy. However, this topic remains underexplored in scholarly discussions. In response to gaps in previous studies, this research focuses on the characteristics, factors, and controversies of post-reform democracy in Indonesia. Employing a qualitative descriptive approach rooted in case studies, this study highlights three key findings. First, the involvement of family members of the rulers as public officials occurs massively in high-state institutions. Second, rulers increasingly use legal instruments to expand their political influence. Third, the rulers widely practice limiting freedom of speech for citizens to maintain the status quo. This study also recommends the importance of future studies to explain citizens' perceptions of Indonesia's post-reform democracy by conducting intensive interviews. Through this process, it is expected that a more comprehensive understanding of the development of democracy in post-reform Indonesia will be gained.

Keywords: Controversy, Democracy, Politics, Reform, Indonesia

Abstract: Demokrasi di Indonesia paska-reformasi tidak selalu dapat berjalan dengan baik, bahkan berujung pada sebuah kontroversi dalam praktiknya. Namun fenomena tersebut belum dibahas secara komprehensif dalam studi-studi yang pernah dilakukan sebelumnya. Selain merespon kekuarangan dari studi-studi yang ada, studi ini juga fokus menjelaskan karakteristik, faktor, dan implikasi dari praktik demokrasi yang kontroversial di Indonesia tahun 2014-2024. Studi ini juga bersifat deskriptif kualitatif dengan menggunakan pendekatan studi kasus. Studi ini memperlihatkan bahwa kontroversi praktik demokrasi paska-reformasi di Indonesia diidentifikasi melalui tiga temuan penting. Pertama, keterlibatan anggota keluarga penguasa menjadi pejabat publik telah terjadi secara masif di lembaga-lembaga tinggi negara. Kedua, penggunaan instrumen hukum juga tidak jarang dilakukan oleh para penguasa untuk memperluas pengaruh politiknya. Ketiga, membatasi kebebasan berpendapat bagi warga negara juga tidak sedikit dilakukan oleh penguasa dalam mempertahankan status quo. Studi ini juga merekomendasikan pentingnya studi-studi di masa depan untuk menjelaskan persepsi warga negara mengenai kondisi demokrasi negara Indonesia pasca-reformasi dengan melakukan wawancara secara intensif. Melalui proses tersebut diharapkan dapat memperoleh pemahaman yang lebih komprehensif lagi mengenai perkembangan demokrasi di Indonesia pasca-reformasi.

Keywords: Kontroversi, Demokrasi, Politik, Reformasi, Indonesia

Introduction

Democracy in developing countries does not always work as developed countries imagine.¹ Furthermore, Oueghlissi and Derbali² emphasize that democracy in developing countries has underpinned the emergence of new problems in governance and social society. In other words, the principles and orientations of the democratic system are complicated to realize correctly in developing countries such as Indonesia.³ This context can be seen through the level of

productivity of democratic practices that tend to be unstable and do not even experience fundamental developments,⁴ so the practices of corruption, collusion, and nepotism flourish in post-reform Indonesia. Addressing these perspectives, this study examines the crucial role of the post-reform democratic system in Indonesia, as explained by Fernando,⁵ to evaluate the problems that arise in developing countries in manifesting controversial democratic principles and

¹ Juliette Alenda-Demoutie, "From Economic Growth to the Human: Reviewing the History of Development Visions over Time and Moving Forward," *Third World Quarterly* 43, no. 5 (May 4, 2022): 1038-55.

² Rim Oueghlissi and Ahmed Derbali, "Democracy, Corruption and Unemployment: Empirical Evidence from Developing Countries," *Journal of the Knowledge Economy* 15, no. 2 (May 24, 2023): 7475-96, <https://doi.org/10.1007/s13132-023-01204-0>.

³ Marcus Mietzner, "Sources of Resistance to Democratic Decline: Indonesian Civil Society and

Its Trials," *Democratization* 28, no. 1 (January 2, 2021): 161-78.

⁴ Yuniar Galuh Larasati et al., "Past Preferences Informing Future Leaders for Indonesian 2024 General Elections," *Cogent Social Sciences* 9, no. 1 (December 31, 2023): 1-14, <https://doi.org/10.1080/23311886.2023.2229110>.

⁵ Henky Fernando et al., "The De-Existence of Islamic Political Parties in General Elections: A Case Study of Indonesia as a Muslim-Majority Country," *Cogent Social Sciences* 9, no. 1 (December 31, 2023): 1-14, <https://doi.org/10.1080/23311886.2023.2225838>.

practices, such as those in Indonesia's post-reform political system.⁶

Political system reforms do not always work as envisioned by a country and even have the potential to fail, as happened in China.⁷ However, the failure to manifest the commitment and values of reform is the basis for evaluating the political-economic system.⁸ In their study, Cheng⁹ show that the undemocratic practice of democracy is a form of failure of political system reform in a country because, in every general election, personal interests are prioritised over social interests, as in India. Another study by Bourblanc and Anseeuw¹⁰ also shows the challenges of political-economic system reform in minimising the subsumption of black people in the policy context. Besides emphasising collective commitment, Turner¹¹ also stated in their study the importance of the commitment of authorities and citizens in realising the principles and practices of democracy as envisioned by developed countries.

The first democratic system emerged in Indonesia after the reform of the political system in 1998. It was realised for the first time in 2004 through democratic political contestation. In Indonesia, democracy is a political system open to all groups to actively participate in general elections.¹² In the same vein, Wisnaeni Herawati¹³ also argues that the democratic system in Indonesia is presidential, where power is focused on the three highest institutions, which are the executive, legislative, and judiciary, that are democratically elected. According to Tarigan,¹⁴ if the principles and orientations of the democratic system can be implemented transparently and inclusively, it can pave the way to a more effective and efficient political system as in developed countries. However, in their study, Fernando¹⁵ show that the democratic system does not always apply and function well in Indonesia after the fundamental political system reform, so the

⁶ Latif, Mukhlis, and Muhammad Mutawalli. "Fiqh of Civilization in Building a Legal State: The Relevance of Muhammad Arkoun's Thought." *Al-Ahkam* 33.2 (2023): 207-230.

⁷ Yang Zhang and Tong Ji, "Youth Are United Online to Fight against Involution: A Study of Group Cohesion on Weibo," *Frontiers in Psychology* 14 (May 2023), <https://doi.org/10.3389/fpsyg.2023.1014331>.

⁸ Marius Felderhof, "A Response to Mark Chater's: Why RE's Radical Reform Could Fail: The Politics of Epistemology and the Economics of Producer Capture," *Journal of Beliefs & Values* 43, no. 3 (July 3, 2022): 257-62, <https://doi.org/10.1080/13617672.2022.2045699>.

⁹ Chao-yo Cheng et al., "Vested Interests: Examining the Political Obstacles to Power Sector Reform in Twenty Indian States," *Energy Research & Social Science* 70 (December 2020): 101766, <https://doi.org/10.1016/j.erss.2020.101766>.

¹⁰ Magalie Bourblanc and Ward Anseeuw, "Explaining South Africa's Land Reform Policy Failure through Its Instruments: The Emergence of Inclusive Agricultural Business Models," *Journal of Contemporary African Studies* 37, no. 2-3 (July 2019): 191-207, <https://doi.org/10.1080/02589001.2019.1665171>.

¹¹ Mark Turner, Eko Prasojo, and Rudiarto Sumarwono, "The Challenge of Reforming Big Bureaucracy in Indonesia," *Policy Studies* 43, no. 2 (March 2022): 333-51, <https://doi.org/10.1080/01442872.2019.1708301>.

¹² Arie Purwanto, Anneke Zuiderwijk, and Marijn Janssen, "Citizen Engagement with Open Government Data," *Transforming Government: People, Process and Policy* 14, no. 1 (January 22, 2020): 1-30, <https://doi.org/10.1108/TG-06-2019-0051>;

¹³ Fifiana Wisnaeni and Ratna Herawati, "The Politics of Law of Pancasila-Based Democracy in Indonesia as the World's Third Largest Democracy," *Academic Journal of Interdisciplinary Studies* 9, no. 4 (July 10, 2020): 39, <https://doi.org/10.36941/ajis-2020-0059>.

¹⁴ Ridwan Syaidi Tarigan, *Reformasi Hukum Tata Negara: Menuju Keadilan Dan Keseimbangan* (Kalinantan: Ruang Karya, 2024).

¹⁵ Henky Fernando et al., "The Abstention of Urban Students Preference in Indonesian Election 2024," *Politicon: Jurnal Ilmu Politik* 6, no. 1 (2024): 29-52, <https://journal.uinsgd.ac.id/index.php/politicon/article/view/2>.

practice of democracy in Indonesia must be explained and evaluated.¹⁶

Existing studies on the issues of democracy as a political system in the post-reform era tend to focus on three dominant aspects. First, research primarily explores the effectiveness of implementing a democratic system after reform in a country.¹⁷ Second, studies examined the principles and orientation of democratic values as an accommodating political system.¹⁸ Third, the transformation of an inclusive political system in the democratic era.¹⁹ While these studies offer valuable insights, often lack a comprehensive analysis of the controversy of post-reform democratic practices in Indonesia.

Implementing the post-reform democratic system in Indonesia has various challenges and fundamental problems, so it must be explained and evaluated. In line with what Sarkar and Mishra²⁰ confirm, the democratic system in post-reform developing countries has experienced much stagnation or not shown significant progress, so it has the potential to bring up and even normalise a system of government that tends to be authoritarian, repressive, and monarchical.²¹

However, comprehensive studies that evaluate the problems that arise in countries that adhere to the democratic system remain limited, especially studies that explain and evaluate the controversy of post-reform democratic practices in Indonesia.²² This phenomenon is crucial to explain and evaluate.²³ In response to gaps in previous studies, this research focuses on the latent implications of the controversy over democratic practices in post-reform Indonesia.

The controversy over the practice of post-reform democracy in Indonesia has such complex yet contextualised characteristics that it is crucial to explain and evaluate the phenomenon. This study addresses three central questions: (1) how is the involvement of ruling family members who become public officials in Indonesia's democratic era? (2) How is the ruler's use of legal instruments in expanding power in Indonesia in the era of democracy? (3) how are restrictions on freedom of speech for citizens occurring in democratic Indonesia? In addressing these questions, the study argues that the controversy over the practice of post-reform

¹⁶ Hasyim, M. F. "Literasi Politik Komunitas Samin di Bojonegoro dalam Pemilu Perspektif Fiqih Siyasah. Al-Manahij: Jurnal Kajian Hukum Islam." 2020.

¹⁷ Parbuntian Sinaga and Aris Machmud, "Is the Post-Reformation System of the Indonesian Government a Parliamentary Form?," *International Journal of Law Reconstruction* 8, no. 1 (March 25, 2024): 19, <https://doi.org/10.26532/ijlr.v8i1.35535>;

¹⁸ Heri Kusmanto and Mif Rohim Noyo Sarkun, "Islamic Civil Society in Indonesia: Analysis of the Accommodative Politics during the Soeharto New Order Regime," December 18, 2020, <https://doi.org/10.31124/advance.13417367.v1>;

¹⁹ Suntoro, "The Military and Civil Supremacy in Indonesian Democracy: Towards an Ideal Model in Siyāsah Shar'iyyah Perspective"; JM Muslimin and M Abdul Kharis, "Istihsan and Istishab in Islamic Legal Reasoning: Towards the Extension of Legal Finding in the Context of Indonesia," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 20, no. 2 (December 27, 2020): 163-79, <https://doi.org/10.30631/alrisalah.v20i2.589>;

²⁰ Tammooy Sarkar and Mukunda Mishra, "Contextualizing the 1990s' Economic Reforms in India: A Politico-Economic Narrative," in *Public Policies and Sustainable Development in Post-Reform India*, 2023, 3-19, https://doi.org/10.1007/978-981-99-3696-0_1.

²¹ Sayuti Sayuti and Illy Yanti, "Freedom of Speech Without a Direction: Criticism of Promotion of Freedom of Speech in Indonesia," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 23, no. 1 (June 30, 2023), <https://doi.org/10.30631/alrisalah.v23i1.1389>.

²² Fadhil, Moh, et al. "Navigating the Tensions Between Sharia and Human Rights in Regional Legislation." *De Jure: Jurnal Hukum dan Syar'iah* 16.2 (2024): 406-431.

²³ Henky Fernando et al., "Leadership and the Money Politics Trap in Islamic Legal Thought: A Case Study of Indonesia as a Muslim-Majority Country," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 24, no. 1 (June 30, 2024): 199-214, <https://doi.org/10.19109/nurani.v24i1.22275>;

democracy in Indonesia shows that the level of productivity of the principles and orientation of a democratic political system does not always work successfully and even leads to failure.²⁴ This context also has the potential to shape and even normalise the development of corruption, collusion, and nepotism practices that are increasingly massive in Indonesia in the era of democracy.

Method

This study was conducted amidst the rise of controversial issues of post-reform democratic practices in Indonesia that were disseminated through online media coverage. However, this study only focuses on explaining and evaluating the controversy of post-reform democratic practices in Indonesia in 2014-2024 through issues disseminated in online media coverage. Galuh²⁵ also argue that the controversy of democratic practices in a country indicates that the system is not always correctly manifested and is even used by the rulers to maintain and disseminate their political influence. This study is also based on three substantial considerations. First, the principles and practices of post-reform democracy in Indonesia are central issues that have not been comprehensively addressed. Second, implementing the post-reform democratic system in Indonesia has given rise to various controversies that are very important to explain. Third, the controversy over the practice of post-reform democracy in

Indonesia can potentially normalise the development of corruption, collusion, and nepotism.

This study adopts a qualitative descriptive approach utilizing a case study method. Data collection was conducted through an intensive examination of 1,500 online news articles.²⁶ Data was collected and analyzed from 29 August to 19 September 2024 using the keywords' development and practice of democracy in Indonesia 2014-2024' on the Google search engine. The online news was scanned using a skimming technique focused on online news titles that contained narratives on nepotism, legal conditions, and freedom of speech in Indonesia as a country with a democratic political system 2014-2024. The search and reading process resulted in three general themes, namely, 226 online news articles discussing the involvement of ruling family members as public officials, 395 online news articles discussing the use of legal instruments by the ruler, and 379 online news articles discussing restrictions on freedom of speech. These three findings form the basis of this study in explaining and evaluating the development of the democratic system in Indonesia 2014-2024. Fernando²⁷ also said that issues disseminated through online news describe and represent factual political situations and conditions, so they can be used to explain and evaluate contemporary political reality.

Data analysis in this study follows the stages outlined by Miles and Huberman,²⁸ which

²⁴ Fad, Muhammad Farid. "Omnibus law dalam tinjauan hifdzul mal." *El-Mashlahah* 10.1 (2020): 31-46.

²⁵ Galuh Larasati et al., "Past Preferences Informing Future Leaders for Indonesian 2024 General Elections."

²⁶ Noor, Salafuddin, Ahmadi Hasan, and Nuril Khasyi'in. "Review of Political Theory of Islamic Law Abul'Ala Al Maududy Positive Perspective of the Political System of Indonesian Islamic Law." *Syariah: Jurnal Hukum dan Pemikiran* 23.1 (2023): 36-49.

²⁷ Henky Fernando, Yuniar Galuh Larasati, and Novita Cahyani, "Being #wanitasalihah: Representations of Salihah Women on TikTok," *IAS Journal of Localities* 1, no. 1 (May 24, 2023): 1-15, <https://doi.org/10.62033/iasjol.v1i1.8>.

²⁸ Matther B. Miles and A. Michael Huberman, *Qualitative Data Analysis: An Expanded Sourcebook*, Thousand Oaks Sage Publications, 2 nd ed, vol. 14 (California: Thousand Oaks, California: Sage Publications, 1994, 1994), [https://doi.org/10.1016/S0272-4944\(05\)80231-2](https://doi.org/10.1016/S0272-4944(05)80231-2).

consist of three key phases. First, data reduction was conducted to reorganise the data into a more systematic form based on data classification, following the characteristics and implications identified within the data. Second, data verification is done to draw a temporary conclusion on the classification of data that has been reduced systemically. Third, data description is done to display the verified data thematically by representing the data in the form of quotations from online news texts that are relevant to the arguments built in this study. Following these steps, an inductive analysis process was conducted to interpret the collected data. Interpret the data by restating and reflecting on the data under the ideas, patterns, and socio-cultural context represented by the data in the form of narratives from excerpts of online news texts as important findings.²⁹ These methodological steps enabled the study to provide answers to the research arguments presented.

The controversy of post-reform democratic practices in Indonesia identifies three key findings of this study: the massive involvement of ruling family members in public office, the use of legal instruments to expand power, and the restriction of citizens' freedom of speech. These three key findings are discussed in depth and comprehensively below.

The involvement of members of the ruling family in public office

The involvement of members of the ruling family who become public officials appears in many institutions in Indonesia, such as the executive, legislative, and even judicial

institutions. The involvement of members of the ruling family who become public officials is seen through their participation and role in winning elections. This context can be seen through the report of Sitoningrum,³⁰ which states that:

"...Gibran Rakabuming Raka's is currently a hot topic of conversation among Indonesians. This is related to President Jokowi's son becoming a Vice Presidential Candidate to accompany Presidential Candidate Prabowo Subianto in the 2024 Presidential Election."

Besides the involvement of the President's children in the executive elections, the involvement of members of the ruling family who became public officials also appeared in the legislative elections. The involvement of members of the ruling family in legislative elections is marked by their role and participation as contestants and as a winning team. This context can be seen in the report of Iswinarno,³¹ which reveals that

"Partai Gerakan Indonesia Raya (The Great Indonesia Movement Party or Gerindra) politician Budisatrio Djiwandono has been re-elected as a Member of the People's Representative Council of the Republic of Indonesia (DPR-RI) from 2024 to 2029. The nephew of Presidential candidate Prabowo Subianto received the most votes from the East Kalimantan Electoral District. The high number of votes also boosted the Gerindra Party's vote in East Kalimantan."

²⁹ Henky Fernando et al., "The Controversy of Democracy in Indonesia Presidential Election 2024," *Jurnal Etika Demokrasi* 9, no. 3 (2024): 287–301, <https://doi.org/10.26618/jed.v>.

³⁰ Nike Dwi Sitoningrum, "Profil Gibran Rakabuming Raka, Anak Jokowi Yang Jadi Cawapres Prabowo," *Detik.Com*, 2023.

³¹ Chandra Iswinarno, "Keponakan Prabowo Kembali Terpilih Jadi Anggota DPR, Dapat Suara Banyak Di Dapil Kaltim," *Suara.Com*, 2024, <https://www.suara.com/kotaksuara/2024/02/17/050000/keponakan-prabowo-kembali-terpilih-jadi-anggota-dpr-dapat-suara-banyak-di-dapil-kaltim>.

The involvement of ruling families who become public officials does not only occur in the executive and legislative branches. The involvement of family members who become public officials also occurs in the judiciary, such as appointing someone who is still a member of the ruling family to become a judge. This context can be seen through the report of Indriani,³² which states that:

"...Former Chief Justice of the Constitutional Court and President Joko Widodo's brother-in-law, Anwar Usman, has been re-elected as Chief Justice of the Constitutional Court. This comes after the Jakarta State Administrative Court issued an interlocutory ruling on a lawsuit filed by the former Chief Justice of the Constitutional Court."

The massive involvement of members of the ruling family who became public officials occurred not only in the executive, legislative, and judicial branches but also in the ministries. Thapa³³ asserts that the involvement of members of the ruling family who become public officials also often occurs in the ministries by giving strategic positions to someone who still has a family relationship with the ruler. This can be seen in the report by Setiawan,³⁴ which states:

"Sigit Widyawan, the husband of President Joko Widodo's cousin, is the Independent Commissioner of Bank Negara Indonesia or BNI, which has now entered its second term.

³² Indriani, "Anwar Usman Kembali Jadi Ketua MK Pada 15 Februari, Benarkah?," *Antaranews.Com*, 2024, <https://www.antaranews.com/berita/3970575/anwar-usman-kembali-jadi-ketua-mk-pada-15-februari-benarkah>.

³³ Santa Bahadur Thapa, "The Nepotism and Favouritism in Politics of South Asia," *Studies in Social Science & Humanities*, 2023, <https://doi.org/10.56397/sssh.2023.10.01>.

Corporate Secretary of Bank Negara Indonesia Limited Company, Okki Rushartomo, confirmed that Sigit is still an Independent Commissioner at Bank Negara Indonesia."

Apart from getting strategic positions in high state institutions such as ministries, the involvement of ruling families who get strategic positions also occurs in political institutions. The involvement of ruling families who become public officials is apparent through their influence and strategic positions in political parties. This context can be found in the report of Adhyasta Dirgantara,³⁵ which explains that:

"The chairman of the Partai Solidaritas Indonesia (The Indonesian Solidarity Party or PSI), Kaesang Pangarep, reacted casually to several accusations that came to him after becoming the party's chairman... Kaesang was labelled as the chairman of the PSI Party only because he is the son of President Joko Widodo... For only a few days as a party cadre, Kaesang was appointed party chairman."

The involvement of members of the ruling family who become public officials is widespread in various sectors of state institutions, such as the executive, legislative, and judiciary. Besides giving rise to very complex dynamics in the governance of government institutions, the latent danger of the involvement of members of the ruling family who become public officials also risks

³⁴ Bram Setiawan, "Jabatan Orang-Orang Lingkungan Keluarga Jokowi," *Tempo.Co*, 2024, <https://www.tempo.co/politik/jabatan-orang-orang-lingkungan-keluarga-jokowi-49735>.

³⁵ Icha Rastika Adhyasta Dirgantara, "Dianggap Jadi Ketum PSI Cuma Karena Anak Jokowi, Kaesang: Siap Salah," *Nasional.Kompas.Com*, 2023, <https://nasional.kompas.com/read/2023/10/03/19394091/dianggap-jadi-ketum-psi-cuma-karena-anak-jokowi-kaesang-siap-salah>.

forming a nepotistic political system. In other words, the involvement of members of the ruling family who become public officials has degraded the objectivity of a democratic political system, which can seriously disrupt the social stability of a country in the future.

The use of legal instruments in expanding power

Using legal instruments to expand or maintain power is common in Indonesia, often leading to controversial legal policies. The use of legal instruments by the rulers not only aims to maintain their power but also to expand their political influence. This context can be found in the report of Nariswari,³⁶ which states that:

"Kaesang's older brother, Gibran Rakabuming Raka, has now been elected Vice President of the Republic of Indonesia for the 2024-2029 period to accompany Prabowo Subianto. Previously, Gibran did not qualify for the age limit of Presidential and Vice Presidential Candidates, so the Constitutional Court's rules were changed."

Apart from intervening in the minimum age limit rules, the rulers used legal instruments to change the minimum age rules for regional head candidates in general elections. Rulers widely use legal instruments to set standards for candidates based on group interests. This context can be seen in the report of CNN,³⁷ which states:

"The central leadership council of the Partai Demokrasi Indonesia Perjuangan (Indonesian Democratic Party of Struggle or PDI-P) has spoken out about the chances of President Joko Widodo's son Kaesang Pangarep running in the 2024 regional head elections after the Supreme Court changed the age limit for candidates for governor and deputy governor in response to a lawsuit filed by the partai politik Garuda (Garuda party)."

In practice, the use of legal instruments to expand or even maintain power does not only appear in the form of interventions against the minimum age limit rules for candidates for President and regional heads but also by making laws and regulations that aim to accommodate the ruler's interests. This context can be seen in the report of Kamil and Krisiandi,³⁸ which states:

"Era Purnamasari, deputy head of Advocacy at the Indonesian Legal Aid Foundation, said the provisions in the Electronic Information and Transaction Law are dangerous for democracy, for freedom of speech, freedom of opinion, freedom of thought, freedom of expression... As experienced by a Syiah Kuala University lecturer, who was sentenced to three months in prison."

Not only forming regulations or laws that can expand power but using legal instruments in expanding power is also widely practised by rulers with incumbent status. There was the

³⁶ Agatha Vidya Nariswari, "Mulusnya Jalan Anak Jokowi Di Politik: Gibran Terpilih Jadi Wapres, Kini Kaesang Mau Maju Pilgub?," *Suara.Com*, 2024, <https://www.suara.com/lifestyle/2024/05/31/100436/mulusnya-jalan-anak-jokowi-di-politik-gibran-terpilih-jadi-wapres-kini-kaesang-mau-maju-pilgub>.

³⁷ Cnn, "Kaesang Bisa Maju Pilgub Usai MA Ubah Aturan Usia, PDIP Buka Suara," *Cnnindonesia.Com*, 2024,

<https://www.cnnindonesia.com/nasional/20240530131954-617-1103756/kaesang-bisa-maju-pilgub-usai-ma-ubah-aturan-usia-pdip-buka-suara>.

³⁸ Irfan Kamil and Krisiandi, "Pasal Dalam UU ITE Dinilai Bahayakan Demokrasi," *Nasional.Kompas*, 2020, <https://nasional.kompas.com/read/2020/08/25/20454991/pasal-dalam-uu-ite-dinilai-bahayakan-demokrasi>.

involvement of incumbents in political contestation, many of whom committed legal violations in winning the contestants they promoted in the general election contestation. The report of Putra³⁹ shows that legal violations occurred in winning contestants:

"President Joko Widodo allegedly violated Law Number 7 of 2023 on General and Presidential Elections... Previously, President Joko Widodo stated publicly that he, as President, could campaign. Whereas it is clear in Law Number 7 of 2017 that the rules in Article 299 are intended, associated with the rules in Article 301, the rules in the constitution of the 1945 Constitution."

The massive use of legal instruments in expanding or maintaining power is not only done by forming controversial rules but also by limiting the duties and functions of law enforcement agencies. The report by Fadhilah⁴⁰ shows that the limitation of the duties and functions of law enforcement agencies is carried out by the ruler who has the status of an incumbent in expanding or maintaining his power:

"....A few weeks before President Joko Widodo was sworn in for his second term, when the revised Corruption Eradication Commission Law was passed on 17 September 2019... The ratification sparked protests and large demonstrations in many regions. The revised law can potentially weaken the Corruption Eradication Commission,

which has been at the forefront of the fight against corruption."

Incumbent rulers widely practise using legal instruments to maintain or even expand power. Through legislation, regulation, and legal interpretation, incumbent rulers widely exercise the rights of certain individuals or groups in maintaining or expanding their power. In other words, the use of legal instruments by incumbent rulers, apart from aiming to control the course of power, also forms an authoritarian system of government in a country with a democratic political system.

Restricting freedom of speech for citizens

Restricting citizens' freedom of speech is widely practiced by incumbent rulers in Indonesia, so many citizens experience intimidation when expressing their political views in the public sphere. In addition to signalling the decline of democracy, restrictions on freedom of speech for citizens are also used by incumbent rulers to control and limit the movement of their political opponents. The report by Fajri⁴¹ shows that rulers in Indonesia restrict freedom of speech for citizens:

"The Banda Aceh City Police arrested five student demonstrators who were protesting against the Regional Head Election Bill in front of the House of Representatives building... Five students are being secured and

³⁹ Erik Purnama Putra, "Dianggap Berpihak Pada Pemilu 2024, Jokowi Disebut Tabrak Tiga UU," *News.Repubika.Co.Id*, 2024, <https://news.republika.co.id/berita/s878cl484/di-anggap-berpihak-pada-pemilu-2024-jokowi-disebut-tabrak-tiga-uu>.

⁴⁰ Fadhilah, "Daftar 5 UU Kontroversial Yang Disahkan Pemerintahan Jokowi, Apa Saja?," *Kompas.Com*, 2020,

<https://www.kompas.tv/nasional/113726/daftar-5-uu-kontroversial-yang-disahkan-pemerintahan-jokowi-apa-saja?page=all>.

⁴¹ Rahmat Fajri, "Polisi Tangkap Lima Mahasiswa Demo Tolak RUU Pilkada Di DPR Aceh," *Antaranews.Com*, 2024, <https://www.antaranews.com/berita/4282919/polisi-tangkap-lima-mahasiswa-demo-tolak-ruu-pilkada-di-dpr-aceh>.

questioned by the Head of the Banda Aceh City Police Department."

In its orientation, restrictions on freedom of speech for citizens are not only experienced by citizens who are students but are also carried out against critical activists. Restrictions on freedom of speech are mainly carried out against activists who are critical in evaluating ongoing political conditions and situations because they can threaten the status quo of the incumbent ruler. The report by Detik⁴² shows that critical activists are restricted in evaluating the ongoing political situation:

"The Criminal Investigation Agency of the Indonesian National Police revealed that it has received 26 police reports related to the case of Rocky Gerung, who allegedly insulted President Joko Widodo. A total of 50 witnesses have been examined. The 26 police reports include the Criminal Investigation Unit, North Sumatra Regional Police, East Kalimantan, Central Kalimantan, Metro, and Yogyakarta."

Apart from appearing in the form of reporting and even arresting citizens who express their political views, restrictions on freedom of speech for citizens are also applied to academics. Restrictions on freedom of speech in a country can be seen through the intervention of the authorities against academics in demonstrating their political views in the public sphere. A report by Kumparan⁴³ shows that academics get

restrictions when they want to demonstrate their political views in the public sphere:

"A lecturer at Semarang State University has been suspended from his duties. The lecturer, named Sucipto Hadi Purnomo, allegedly insulted President Joko Widodo and spread hate speech through posts on his social media. The case happened long ago in the Presidential election on several social media accounts."

The massive restrictions on freedom of speech for citizens are carried out against students, activists, and academics, as well as against artists expressing their political views. Restrictions on freedom of speech for citizens are also widely experienced by artists because art performances by artists are considered to threaten the status quo of the authorities. The report of Pertana⁴⁴ shows that artists get restrictions when performing art performances to express their political views:

"A cultural artist named Butet Kartaredjasa opened his voice about being reported to the Yogyakarta Special Region Police for allegedly insulting President Joko Widodo... Butet considers that all citizens have the right to report to the Police, so Butet does not question the report against him."

Not only artists but also musicians are affected by restrictions on freedom of speech when expressing their views on the ongoing political situation and conditions. Many

⁴² Detik, "Kasus Rocky Gerung Diduga Hina Jokowi: 26 Laporan Polisi-50 Saksi Diperiksa," *Detik.Com*, 2023, <https://www.detik.com/sulsel/hukum-dan-kriminal/d-6881415/kasus-rocky-gerung-diduga-hina-jokowi-26-laporan-polisi-50-saksi-diperiksa>.

⁴³ Kumparan, "Para Akademisi Yang Pernah Dilaporkan Karena Diduga Hina Presiden Jokowi," *Kumparan.Com*, 2020, <https://kumparan.com/kumparannews/para-akademisi-yang-pernah-dilaporkan-karena-diduga-hina-presiden-jokowi-1ssAbGYPWS9>.

⁴⁴ Pradito Rida Pertana, "Dipolisikan Karena Dianggap Hina Jokowi, Ini Kata Butet Kartaredjasa," *Detiknews.Com*, 2024, <https://news.detik.com/pemilu/d-7168832/dipolisikan-karena-dianggap-hina-jokowi-ini-kata-butet-kartaredjasa>.

musicians experience restrictions on freedom of speech for citizens because the works they create are considered to provoke the masses to fight back. The report by Aji⁴⁵ shows that musicians are subject to restrictions because the works they create are considered to provoke the masses:

"The Police arrested a musician named Ananda Badudu in late September 2019. He was arrested for raising funds to support student democracy action against the revision of the Corruption Eradication Commission Law. The money was channelled to buy food and supplies for the protesters against revising the Corruption Eradication Commission Law."

Restricting freedom of speech against citizens is widely practised by incumbent rulers, not only to silence their political opponents but also to avoid public criticism of incumbent political policies. By preventing citizens from voicing their political views, incumbent rulers can control the evolving political narrative to maintain public order. Therefore, incumbent rulers often restrict freedom of speech to control political opinion, even though it contradicts the principles and orientation of a democratic political system.

Making sense of democracy practices in Indonesia post-reform

Democracy in Indonesia does not always work successfully; many of its principles and orientations have failed. This context can be

seen through the development of democracy in Indonesia 2014-2024, which contains three crucial issues. First, ruling family members' involvement as public officials has occurred massively in high-state institutions. Second, using legal instruments is common for rulers to expand their political influence. Third, the rulers do not infrequently restrict citizens' freedom of speech to maintain the status quo. From these three findings, it can be reflected that the controversy over the practice of post-reform democracy in Indonesia shows that the level of productivity of the principles and orientation of a democratic political system does not always work well and even leads to failure. This context also has the potential to shape and even normalise the development of corruption, collusion, and nepotism practices that are increasingly massive in Indonesia in the era of democracy.

Implementing a democratic political system in developing countries has complex yet contextual challenges and obstacles, such as those experienced by Indonesia. Democracy in Indonesia is relatively new since 1998, so it is still vulnerable to deviation and failure. In addition, socio-cultural-economic conditions and the quality of people's literacy in developing countries are fundamental obstacles to manifesting a democratic political system.⁴⁶ Furthermore, Mietzner⁴⁷ also argues that the obstacles to realising a democratic political system in developing countries are often influenced by their political history, which is often governed in authoritarian ways with the characteristics of colonialism. This context by Rifai⁴⁸ often

⁴⁵ Resson Aji, "Mereka Yang Berhadapan Dengan Polisi Setelah Kritik Pemerintahan Jokowi," *Tempo.Co*, 2021, <https://www.tempo.co/hukum/mereka-yang-berhadapan-dengan-polisi-setelah-kritik-pemerintahan-jokowi-539773>.

⁴⁶ José Morais, "Literacy and Democracy," *Language, Cognition and Neuroscience* 33, no. 3 (March 16, 2018): 351-72, <https://doi.org/10.1080/23273798.2017.1305116>.

⁴⁷ Marcus Mietzner, "Authoritarian Innovations in Indonesia: Electoral Narrowing, Identity Politics and Executive Illiberalism," *Democratization* 27, no. 6 (August 17, 2020): 1021-36, <https://doi.org/10.1080/13510347.2019.1704266>.

⁴⁸ Rifai Rifai, Kamaluddin Kamaluddin, and Rahmad Hidayat, "Exploring the Roots and Solutions of Maladministration, Power Abuse, or Corruption in Contemporary Indonesian Villages," *Pertanika Journal of Social Sciences and Humanities* 32, no. 3

underlies the emergence of substantial problems in developing countries in the era of democracy, such as the normalisation of corruption, collusion, and nepotism in elections. These problems are common in developing countries, manifesting the principles of democracy.

The problems that arise in developing countries manifesting the principles of democracy can be causally explained through the political culture approach. Sabl⁴⁹ states that developing democratic systems in developing countries depends on an established political culture, such as the public's conception of politics, tolerance, and the ruler's commitment to realising accommodative policies. However, from the perspective of Adiputri,⁵⁰ the process of transitioning from an authoritarian government system to a democracy often raises complex issues in developing countries. The transition to a democratic system in developing countries can fail because it is influenced by the lack of political consensus, internal conflicts, and pressure from ruling groups who want to maintain the status quo.⁵¹ This context by Taufik,⁵² beside to allowing the re-establishment of authoritarianism, has also formed and even established an unconsolidated democratic system in developing countries.

In developing countries, the democratic system is not always able to provide significant changes to the quality of politics and the welfare of citizens. Fernando and Larasati⁵³ assert that the failure of democracy not only has implications for governance but also has the potential to normalise the practice of corruption, collusion, and nepotism in developing countries. Oligarchs often utilise these conditions and situations to expand and maintain the status quo, which can threaten people's social, political, and economic welfare in developing countries. If the democratic system cannot guarantee the welfare of the people in developing countries, then the potential for the emergence of radicalism and social rebellion is an unavoidable consequence. These consequences are also confirmed by Fernando,⁵⁴ who argue that the failure of democracy in developing countries has had a destructive impact, creating systemic dangers that could threaten social cohesion, sustainable development, and long-term welfare for citizens in the future.

The findings in this study differ from previous studies. So far, studies that have addressed issues of democratic development in developing countries have only focused on the effectiveness, accommodation, and inclusive transformation of the democratic

(September 27, 2024): 1115–40,
<https://doi.org/10.47836/pjssh.32.3.15>.

⁴⁹ Andrew Sabl, "The Two Cultures of Democratic Theory: Responsiveness, Democratic Quality, and the Empirical-Normative Divide," *Perspectives on Politics* 13, no. 2 (June 18, 2015): 345–65, <https://doi.org/10.1017/S1537592715000079>.

⁵⁰ Ratih Adiputri, "The Empowerment of Parliament in the Transition from an Authoritarian to a Democratic Regime: Indonesian Experiences and Problems," *Parliaments, Estates and Representation* 38, no. 1 (January 2, 2018): 49–62, <https://doi.org/10.1080/02606755.2018.1427319>.

⁵¹ Thomas P. Power, "Jokowi's Authoritarian Turn and Indonesia's Democratic Decline," *Bulletin of Indonesian Economic Studies* 54, no. 3 (September 2,

2018): 307–38,
<https://doi.org/10.1080/00074918.2018.1549918>.

⁵² Taufik Taufik, Muhamad Nadzri Mohamed Noor, and Jamaie Hamil, "The Elite Construction Post-Authoritarianism Suharto," *Malaysian Journal of Social Sciences and Humanities (MJSSH)* 8, no. 6 (June 30, 2023): e002335, <https://doi.org/10.47405/mjssh.v8i6.2335>.

⁵³ Yuniar Galuh Larasati and Henky Fernando, "Preferensi Calon Pemimpin Di Pemilihan Umum Tahun 2024 Dalam Pemberitaan Media Online," *Interaksi: Jurnal Ilmu Komunikasi* 12, no. 1 (2023): 165–83, <https://doi.org/https://doi.org/10.14710/interaksi.12.1.164-181>.

⁵⁴ Fernando et al., "The Controversy of Democracy in Indonesia Presidential Election 2024."

system. However, the findings in this study show that democracy does not always work successfully in developing countries, such as Indonesia. The development of democracy in Indonesia has stagnated and even led to the failure of the progressivity of the principles and orientation of the idealism of the democratic system. Naseem⁵⁵ highlighted that the access and practice of the democratic system in developing countries are still based on the interests of political elites and ignore the welfare of citizens socially and economically. From the perspective of Zhang and Ji,⁵⁶ the failure to implement democratic systems in developing countries shows that the reform of the principles and praxis of democratic political systems does not always work well and has the potential to perpetuate absolute authoritarian practices in a country.

The development of democracy in Indonesia after the reformation has not only shown complex yet contextualised issues but has also had far-reaching implications for the country's future political conditions and welfare. Reflection on the commitment of the state in manifesting the principles and orientations of the democratic system is a very critical context to be carried out in order to evaluate the role and performance of a country in shaping and realising a progressive and accommodating democratic system. Fernando⁵⁷ also argue that reflection and evaluation from all circles, including citizens, are also very crucial to be carried out in realising an effective and efficient democratic system to ensure the welfare of citizens through the principles and orientations of accommodative political policies. Besides systemic reflection and

evaluation of the state's commitment, the active role of citizens is also needed to control and ensure the progressive and accommodating democratic system in developing countries.

Conclusion

Democracy in post-reform Indonesia has not always worked in practice and has even led to controversy. This context can be seen through three key findings in this study. First, ruling family members' involvement as public officials has occurred massively in high-state institutions. Second, using legal instruments is common for rulers to expand their political influence. Third, the rulers have also restricted freedom of speech for citizens to maintain the status quo. From these three findings, it can be reflected that the controversy over the practice of post-reform democracy in Indonesia shows that the level of productivity of the principles and orientation of a democratic political system does not always work successfully and can even be identified as a failure.

The findings of this study differ from those of previous research. Studies that have discussed post-reform democracy issues in Indonesia tend to position democracy as a progressive political system for the development of governance in developing countries. However, this study's findings show that post-reform democracy does not always work well and even leads to failure, as happened in Indonesia. The findings in this study are expected to provide a dialogical basis for developing social and political science studies. The concept of controversial democratic practices dialogued in this study

⁵⁵ Noorulain Naseem, Rashid Ahmad, and Muhammad Bashir Khan, "Central European Management Journal MASS Migrations and The Emerging Socio-Political Constructs of Identity, Interest and Security in Hosts State," *Central European Management Journal* 30, no. 3 (2022): 67–81,

https://journals.kozminski.cems-j.com/index.php/pl_cemj/article/view/162.html.

⁵⁶ Zhang and Ji, "Youth Are United Online to Fight against Involution: A Study of Group Cohesion on Weibo."

⁵⁷ Fernando et al., "The Abstention of Urban Students Preference in Indonesian Election 2024."

is expected to become a new foundation to explain the stability or changes in political patterns and systems by evaluating the commitment of citizens and authorities in manifesting the political system in the democratic era.

This study has a limitation in the data collection process, which was only conducted through an investigation of online media reports disseminated through Google, using the search keywords' development and practice of democracy in Indonesia 2014-2024'. In other words, the data obtained and displayed in this study only refer to the archive of online news text descriptions. However, the weaknesses in this study are expected to serve as a basis or reference for future studies, especially for studies that want to explain citizens' perceptions of Indonesia's post-reform democratic conditions by conducting intensive interviews. Through this process, it is hoped that a more comprehensive understanding of the development of democracy in post-reform Indonesia can be obtained.

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