

DISCUSSION PAPER

# Indonesia's electoral system

*Why it needs reform*

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Above: Speakers, organisers and guests at the conference 'After Indonesia's 2019 elections: does the electoral regime need reform?', Centre for Strategic and International Studies, Jakarta, June 2019. Photo: Rahmat Santoso, CSIS

Cover image: An election worker arranges ballot boxes in Surabaya, March 2019. JUNI KRISWANTO/AFP/Getty Images

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## ABOUT THE AUTHOR

Marcus Mietzner is Associate Professor at the Department of Political and Social Change in the Australian National University's Coral Bell School of Asia Pacific Affairs, where his research focuses on contemporary Indonesian politics. His most recent book is *Money, power, ideology: political parties in post-authoritarian Indonesia* (NUS Press, 2013). He is currently working on the presidency in post-Suharto Indonesia, as well as a shorter monograph on democratic consolidation in Southeast Asia.

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# Introduction

In April 2019, Indonesia completed its fifth national elections since the fall of the authoritarian New Order government in 1998. This constitutes a significant success, given some of the gloomy predictions for the viability of Indonesian democracy at the time of the regime change. It also presents a remarkable exception from a tradition of democratic breakdown, populist revival and authoritarian endurance in many of Indonesia's Southeast Asian neighbours. What's more, Indonesia's elections have generally been considered free, fair and competitive, with few credible suggestions of systematic fraud in national-level ballots. Thus, the country of 260 million people (and almost 200 million voters in 2019) deserves credit for pulling off such a logistically, politically and socially challenging feat five times in a row.

But this overall success should not distract from a host of problems that continue to undermine the elections' democratic quality. In recent years, international democracy indexes have recorded a slow but substantial decline in a range of democratic indicators,<sup>1</sup> and many authors have begun to diagnose a new phase of democratic backsliding after a decade of stagnation.<sup>2</sup> Accordingly, it would be complacent to view the conduct of Indonesia's fifth post-authoritarian election as evidence for the polity's continued consolidation and maturing. Instead, the seemingly paradoxical concurrence of these elections with patterns of democratic decline should be used as a trigger to investigate how structural problems inherent in the electoral system have contributed to Indonesia's apparent inability to move to the next level of democratic development.

This paper, therefore, highlights some of the main 'construction sites' of the electoral system that will require attention in the years to come. In doing so, it draws from a June 2019 conference on electoral reform held in Jakarta at the Center for Strategic and International Studies, in cooperation with the Australian National University's Department of Political and Social Change within the Coral Bell School of Asia Pacific Affairs. The conference brought together Indonesian and international experts and practitioners in the field of electoral system reform. While a wide range of views were expressed, this paper focuses on those areas in need of reform that received the most consideration at the conference. These were: the dysfunctional political funding system; the prevalence of vote buying under the open party list system; the continuously tightened party entry and nomination thresholds; the struggle to increase female representation in parliament; and possible mechanisms to express dissatisfaction over the status quo without abstaining.

In discussing these issues, I build on the conference presentations, but as they were delivered under Chatham House restrictions to facilitate open discussion, I will not cite them directly. Instead, wherever appropriate, the article refers to the presenters' published works that make comparable points. If, on the other hand, no other authors are referred to explicitly, the expressed viewpoints are mine. ■

1 'Democracy continues its disturbing retreat', *The Economist*, 31 January 2018. Available online at: <https://www.economist.com/graphic-detail/2018/01/31/democracy-continues-its-disturbing-retreat>

2 Thomas P. Power, 2018. 'Jokowi's authoritarian turn and Indonesia's democratic decline'. *Bulletin of Indonesian Economic Studies*, Vol. 54. No. 3: 307–338.

## CHALLENGE #1

# A dysfunctional political financing regime

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The health of a political system can often be measured by the way its parties and candidates are funded. In order for political actors to carry out their function of democratic representation in an effective manner, they must be able to make decisions independently from the interests of financial sponsors. In the age of the mass parties of the 1950s and 1960s, this was achieved by drawing the bulk of political operations funds from party members. But since the 1970s, party memberships have dwindled around the world, leaving many parties without an autonomous funding base. In order to respond to this change, modern democracies have resorted to two main alternative funding regimes, or a combination of the two: first, state funding of political parties (which is predominant in Europe), and second, donation-based politics with more or less strict contribution limits and transparency requirements (the United States being the main example).

In Indonesia, both elements have been built into the post-Suharto electoral system, but neither functions properly. As a result, Indonesia's politicians are essentially self-funding their campaigns, or have become fully dependent on sponsors. To begin with, state funding for parties was introduced in 2001, with parties receiving Rp1000 (A\$0.10) per vote. This was

reduced to about Rp108 (A\$0.01) per vote in 2005, before being returned to its original level of Rp1000 per vote in early 2018. Thus, in 2019, the state allocated Rp126 billion (A\$12.6 million) to the parties represented in the national parliament, while party branches in the regions are now paid Rp1,200 (A\$0.12) at the provincial level and Rp1,500 (A\$0.15) at the district and city levels.<sup>3</sup> Overall, then, the annual amount paid to parties at all levels is roughly Rp466.2 billion (A\$46.6 million).

Unsurprisingly, this sum is only a fraction of the real expenditure. In 2016, Indonesia's Corruption Eradication Agency (Komisi Pemberantasan Korupsi, KPK) estimated that the operational costs of parties (not including campaign costs) were closer to Rp9.3 trillion (A\$930 million).<sup>4</sup> Hence, the state subsidies covered only 4% of the operational costs. If campaign costs are included, this proportion shrinks to almost zero. In the 2019 elections, there were around 245,000 thousand candidates running for approximately 20,000 seats.<sup>5</sup> 7,968 of these nominees sought a seat in the national parliament; after the elections, the treasurer of the Indonesian Democratic Party of Struggle (Partai Demokrasi Indonesia Perjuangan, PDI-P) estimated that each of its national candidates spent an average of Rp4 billion (A\$400,000).<sup>6</sup> If averaged across other parties, this would mean

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3 'Mendagri Ajukan Rp126M untuk Dana Bantuan Parpol di Tahun 2020'. *DetikNews*, 20 June 2019. Available at: <https://news.detik.com/berita/d-4593898/mendagri-ajukan-rp-126-m-untuk-dana-bantuan-parpol-di-tahun-2020>

4 'Dana Parpol Diusulkan Naik Hingga Rp9,3 Triliun, Begini Hitung-hitungan KPK'. *Warta Kota*, 21 November 2016. Available at: <https://wartakota.tribunnews.com/2016/11/21/dana-parpol-diusulkan-naik-hingga-rp-93-triliun-begini-hitung-hitungan-kpk>

5 Bland, B. 2019. 'Politics in Indonesia: resilient elections, defective democracy'. Lowy Institute paper. Available at: <https://www.lowyinstitute.org/publications/politics-indonesia-resilient-elections-defective-democracy>

6 'PDI Perjuangan Laporkan Dana Kampanye Hingga Rp345 Miliar'. *Gesuri*, 2 May 2019. Available at: <https://www.gesuri.id/pemilu/pdi-perjuangan-laporkan-dana-kampanye-hingga-rp-345-miliar-b1WfPZj5P>





Photo: Corruption Eradication Commission (KPK) officials with part of 8 billion (A\$800,000) in cash seized from a lawmaker's office in April 2019, which was allegedly to be used for money politics. Mamat/AFP/Getty Images

the cost of the national legislative campaign alone was Rp31.9 trillion (A\$3.2 billion).

This does not include the province and district level legislative campaigns (where the vast majority of the candidates run), and neither does it include the more than 500 elections for governors, district heads and mayors in a 5-year cycle. Hence, it must be (very conservatively) assumed that the overall campaign expenditure of party nominees in an election year is above A\$5 billion. If the costs from the local executive elections is added, this number escalates further: it is widely believed that candidates for city and district head elections must spend about Rp20 billion (A\$2 million) to have a realistic chance of winning, while gubernatorial candidates have to fork out around Rp100 billion (A\$10 million).<sup>7</sup> Obviously, these numbers vary by region, but

based on an average of 3 candidates in such races<sup>8</sup>, another A\$3 billion is incurred in district election expenditures, and A\$340 million for gubernatorial ballots. In a five-year period, then, party candidates across all levels and elections get close to the A\$10 billion mark in costs. It is this dimension of political finance in Indonesia against which the annual subsidies of A\$46.6 million must be measured.

With state subsidies for parties irrelevant for the funding of politics, it should be assumed that most of the funds are raised through a donation-based regime. And indeed, parties reported a total expenditure of Rp3.1 trillion (A\$310 million) for the 2019 legislative campaign—a new record.<sup>9</sup> But even in a generous calculation, that is less than 10% of the real expenditure—meaning the vast majority of transactions

7 'Kapolri Sebut Biaya Kampanye Pilkada Sampai 100 Miliar Ciptakan Budaya Korup'. *Kompas.com*, 6 March 2018. Available at: <https://nasional.kompas.com/read/2018/03/06/17375041/kapolri-sebut-biaya-kampanye-pilkada-sampai-rp-100-miliar-ciptakan-budaya>

8 'Naik-Turun Jumlah Calon di Pilkada Dinilai karena Biaya Politik Mahal'. *DetikNews*, 13 January 2018. Available at: <https://news.detik.com/berita/d-3813316/naik-turun-jumlah-calon-di-pilkada-dinilai-karena-biaya-politik-mahal>

9 'Total Dana Kampanye Parpol Capai Rp3,1 Triliun'. *Berita Satu*, 24 April 2014. Available at: <https://www.beritasatu.com/politik/179979-total-dana-kampanye-parpol-capai-rp-31-triliun.html>

*Photos:* Current and former Indonesian officials and politicians shared their insights at the ANU conference on electoral reform in Jakarta, June 2019. Clockwise from right: Prameswari Pramodhawardani, Deputy Chief of Staff at the Presidential Staff Office; Andi Mallarangeng, former cabinet minister and member of the Team of Seven panel which drafted Indonesia's first electoral law after the transition to democracy; Eva Kusuma Sundari, member of parliament from the PDI-P party. Photos: Rahmat Santoso, CSIS



remains unreported.

Furthermore, a closer look at the financial reports reveals that most of the party 'income' is calculated from the private expenditures of nominees. These had to be recorded as donations to the party because Indonesian electoral laws do not recognise individual candidates as electoral contestants; in theory, therefore, nominees would have to donate their own money to the party before it is re-sent to them to be spent in the field. In order to circumvent this absurd arrangement, candidates can report their self-raised campaign funds to the party, which then counts these as donations. In the case of PDI-P, for instance, Rp325 billion (A\$32.5 million) of its total Rp395 billion 'income' came from candidate expenditure.<sup>10</sup> External donations only constituted Rp30 billion (A\$3 million)—or 8% of the total.

The overall picture emerging from these political funding practices is that of a dysfunctional system in which candidates almost exclusively self-fund or raise money for their individual campaigns from unknown sources. In the reality of this system, almost nothing of

the money circulating in the funding of politics originates from public subsidies, and only a tiny fraction of the real costs drawn from the candidate's private wealth or collected from other sources shows up in official campaign accounts and audit reports. As I have argued elsewhere,<sup>11</sup> however, these 'defects' in the system are mostly intentional: a funding regime that operates outside of state funding allocations and official contributions is one in which wealthy political actors have an edge over their competitors, and in which patronage-based politics can be conducted without effective scrutiny by state audits or transparency regulations. In other words, the dysfunctional state of the system is not a result of poor planning or lack of capacity; rather, it is part of a deliberate scheme to keep non-oligarchic actors out of politics and the political process under the control of the ruling elite. ■

<sup>10</sup> 'Dana Kampanye PDI-P Rp404,7 Miliar, Punya Utang Rp6,3 Miliar'. *DetikNews*, 24 April 2014. Available at: <https://news.detik.com/berita/2564554/dana-kampanye-pdip-rp-4047-miliar-punya-utang-rp-63-miliar?9911012=>

<sup>11</sup> Marcus Mietzner, 2015. 'Dysfunction by design: political finance and corruption in Indonesia'. *Critical Asian Studies*, Vol. 46, No. 4: 587–610.



## CHALLENGE #2

# The open party list system and vote-buying

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The self-funding principle of the political funding regime has found its institutional manifestation in an electoral system perfectly tailored towards that principle. The open party list system, practiced in legislative elections in Indonesia since 2009, allows a party's candidate to obtain a seat won by that party if he or she gains the most personal votes, regardless of the ranking on the initial nomination list. This system effectively turned party-based elections into candidate-centred contests, with individual nominees funding their own campaigns and competing within their parties for a seat (as opposed to competing only against other parties' candidates).

Ironically, the open party list system was not introduced by party elites—they came to recognise its advantages much later. Rather, it was imposed by the Constitutional Court, which ruled that the system's predecessor (the partially open party list regime) was unconstitutional. Initially, party leaders decried the ruling as a loss of party authority in deciding the hierarchy of party list rankings and thus the composition of legislative caucuses. But over time, central party leaders realised that the open party list system conveniently shifted the responsibility for the funding of campaigns from headquarters to individual nominees. In addition, it absolved central leadership boards from the task of mediating between candidates who fought over their position on the nomination list—in an open party list system, the significance of that list is much reduced (although high list positions

are still much sought after as they offer a better chance of winning).

But the most important impact of the introduction of the open party list system has been an escalation in vote buying. With party nominees no longer able to distinguish themselves by running on party platforms, they need to convince electorates to preference them over other candidates from the same party. Some do this by highlighting their unique personalities or biographies, but the easiest way has been to buy votes. Research by Burhanuddin Muhtadi, Edward Aspinall and Ward Berenshot has found that vote buying in Indonesia spiked after the open party list system was established, with the country now having the third highest levels of that practice in the world.<sup>12</sup> While some surveys indicate that the 2019 elections saw a slight reduction in the practice, reports from the field suggest that this may have been because many candidates switched to less 'vulgar' approaches and instead offered club goods—such as donations to mosques, soccer clubs or for the repair of a village road. Whether vote buying or the less direct club goods approach, it is evident that the open party list system significantly increased clientelistic practices in Indonesia's electoral contests.<sup>13</sup>

Another side effect of the open party list system has been the dramatic weakening of political parties as actors of democratic representation. At the time of the 1999 elections, which was held under a closed party list system (in which parties

12 Burhanuddin Muhtadi. 'A third of Indonesian voters bribed during election—how and why'. *The Conversation*, 20 July 2018. Available at: <http://theconversation.com/a-third-of-indonesian-voters-bribed-during-election-how-and-why-100166>

13 Edward Aspinall & Ward Berenshot, 2019. *Democracy for sale: elections, clientelism, and the state in Indonesia*. Cornell University Press, Ithaca.

determine who represents them in parliament based on a ranked list), voters still strongly identified with political parties. In a 1999 poll, 86% of respondents said they felt close to a political party—a measure referred to as party identification (or party ID). This number dropped to 54% in 2004, when the electoral system adopted direct presidential elections. Today, party ID stands at barely 10%.<sup>14</sup> Thus, parties are no longer recognised as important players—making room for populists and other non-party figures to fill the vacancy.

The problems created by Indonesia's open party list system are a good example of how a well-meaning new system produced a host of unintended and damaging consequences. When the Constitutional Court judges settled on that system in 2009, they did so because they wanted to give voters a greater say in who represents them in parliament. At the time, complaints were widespread that voters were dissociated from their members of parliament because they had no way of holding them accountable for their actions. The open party list system appeared to address this problem: equipped with a personal

vote, citizens could decide who was best suited to voice their aspirations in parliament, and punish them at the next elections if they failed to do so properly. But what the judges (and many analysts) did not foresee at the time was the very specific combination between a system of political self-funding and an electoral mechanism further aggravating that practice. As a result, self-funding became even more entrenched, and the additional costs created by the open party list system marginalised candidates who could not afford to bear the burden of these expenses.

In short, the open party list system has bred vote buying and other clientelistic practices; weakened parties as key actors of democratic interaction; and cemented self-funding as the principle of a political finance regime built around wealthy (or sponsored) individual candidates rather than sponsoring political parties. In combination, these trends have limited access to political competition to those possessing sufficient resources for such contests—putting a more sombre context around praise for Indonesia's ability to put on the fifth national election since authoritarianism ended. ■

14 Burhanuddin Muhtadi, 2019. *Vote buying in Indonesia: the mechanics of electoral bribery*. Palgrave Macmillan, Singapore: 140

Below: A DPRD candidate's poster in Jakarta, March 2019. Open list PR encourages candidates to campaign on their personal attributes rather than party programs. Photo: Liam Gammon





## CHALLENGE #3

# Tightened party entry and nomination thresholds

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As the open party list system led to less, not more fair competition, developments in other areas of political regulation strengthened that trend. Most prominent among them have been the gradual expansion of party entry barriers and nomination thresholds for political office. Increasingly difficult to navigate, these roadblocks to political contestation have further narrowed the space for citizens keen on democratic involvement without possessing significant resources.

Similar to the case of the open party list system, there were initially good reasons to establish high thresholds for party formation and electoral participation. The creators of Indonesia's post-1998 party and electoral system were particularly concerned about two issues that had undermined the stability of Indonesian democracy in the 1950s. First, there was the possible atomisation of the party landscape that could make the polity ungovernable in the same way that political fragmentation had brought down the democratic system in the late 1950s. Second, the risk of local parties emerging echoed comparable patterns in the post-1949 regime, when parties based on regional or ethnic identities not only increased fragmentation, but also contributed to regional uprisings in 1956 and 1957. In order to mitigate the risks of party atomisation and localisation, post-Suharto lawmakers decided that parties registering for electoral participation had to have branches in 50% of all provinces, and 50% of the districts within them.

Many comparative experts of electoral studies were full of praise for Indonesia's efforts to create a solid party system by limiting the amount of

parties. Benjamin Reilly, for example, viewed the thresholds as essential for Indonesia's democratic stabilisation,<sup>15</sup> and many country experts (including this author) agreed. But subsequently, Indonesia's elite kept increasing the nomination thresholds, without any clear linkage to an ongoing or increasing risk of instability. Indeed, when the number of parliamentary parties had declined to a new low of 9 after the 2009 elections, the legislature decided to increase the entry threshold further—to having branches in 100% of the provinces and 75% of the districts. The same regulations were upheld for the 2019 elections.

Operating within an overall regime of political self-funding, these entry barriers substantially increased the costs for newcomers to join the political contest. In fact, given that the issues of party atomisation and localisation were no longer relevant, it is plausible to assume that the main purpose of the regulations was to shut out new competition. Only oligarchs with large resources were still able to fund party building operations covering the entirety of the vast archipelago. Prior to the 2019 elections, therefore, only four new parties were established—all with massive financial backing from tycoons (one of them being Suharto's son Tommy). But even this financial investment did not make the newcomers competitive—none of them made it into parliament. This provided further evidence that the party entry thresholds had morphed from an instrument of positive electoral engineering into a defence mechanism of incumbent parties against new arrivals.

In combination with a concurrently increased

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15 Benjamin Reilly, 2003. 'Political parties and political engineering in the Asia Pacific region'. *Asia Pacific Issues*, No. 71. Available at <https://www.eastwestcenter.org/system/tdf/private/api071.pdf?file=1&type=node&id=31967>

parliamentary threshold (raised in stages from 0% in 1999 to 4% in 2019), the measures to regulate the party system led to the disappearance of smaller, non-oligarchic parties after 2009. Prior to that, there had been small-scale labour-based parties and niche Muslim parties, and while they had not been very successful, they had gained representation in many local parliaments. After 2009, they vanished, leaving the larger incumbent parties to compete among themselves at the ballot box.

One of the problems created by this overregulation of the party system has been its increasing lack of representativeness. This does not only relate to left-wing or liberal constituencies traditionally underrepresented in the Indonesian party system; the same is true for ultraconservative Muslim electorates. It had been conventional wisdom among Indonesianists and comparative political scientists for many years that the best way of measuring the influence of political Islam on the country's direction was

to analyse the election results of conservative Islamic parties—which usually get less than 10% of the votes. But when more than a million Islamists filled the streets of Jakarta to protest against the Christian-Chinese governor Basuki Tjahaja Purnama in December 2016, it became clear that there was a large constituency of conservative Muslims not accommodated by the party system. Many of the protesters were non-voters or unaffiliated with political parties, and they opted for extra-parliamentary mobilisation because many of the existing Islamic parties had moderated under the pressure of party regulations aimed at achieving such moderation.

Surveys have shown that around 13% of Indonesian Muslims would potentially vote for the ultraconservative Islamic Defenders Front (Front Pembela Islam, FPI) if it stood in an election.<sup>16</sup> This would make it a medium-sized party—in addition to the other conservative Islamic parties already operating. In other words, the current Indonesian party system is no longer

16 Marcus Mietzner & Burhanuddin Muhtadi, 2018. 'Explaining the 2016 Islamist mobilisation in Indonesia: religious intolerance, militant groups and the politics of accommodation'. *Asian Studies Review*, 42(3): 479–497



Photos: Experts from civil society presented potential remedies for the flaws of Indonesia's electoral system at the Jakarta conference. Clockwise from above top left: Isach Karmiadiji (IFES Indonesia), Titi Anggraini (Perludem), Adhy Aman, (International IDEA). Photos: Rahmat Santoso, CSIS



a good indicator of where the country is moving politically and ideologically. On the contrary, its forced mainstreaming has concealed the development of non-conformist groups at the margins.

The narrowing of political competition in legislative races has been mirrored by similar patterns at the executive level as well. In the arena of presidential elections, the threshold for parties nominating a candidate was 3% of parliamentary seats (or 5% of the votes) when the country held its first ballot in 2004. This increased to 20% of the seats or 25% of the votes in 2009, and remained at that level in 2014 and 2019. Importantly, the 2019 threshold was retained although its logic had expired with the advent of concurrent legislative and presidential elections in that year. Previously, legislative elections had been held before the presidential ballot, with the former serving to establish who could make a presidential nomination. But as this was no longer the case, the rationale for the threshold no longer existed in 2019. Despite this, the political elite held on to the threshold, and—rather illogically—used the 2014 results as its basis.

The increased presidential threshold led to a gradual decline in the number of candidates. There had been five in 2004, three in 2009 and only two in 2014. In 2019, the same two candidates ran again. This reduction in political choice at the ballot box not only signalled decreased competitiveness and hardening political calcification; it also produced sharper ideological polarisation. The 2014 and 2019 races were marked by the deep divide between religious pluralists and ethnic Javanese

supporting President Joko Widodo (Jokowi) on the one hand, and modernist Muslims and Outer Islands voters supporting his opponent Prabowo Subianto on the other. This polarisation, then, was not only a result of socio-demographic trends; it was also the consequence of an electoral system narrowing the choice of presidential nominees to two.

Finally, nomination thresholds were also gradually raised for the positions of governor, district head and mayor. In 2005, when the elections started, nominees had to secure the support of parties who held at least 15% of legislative seats or had received 20% of the votes in the preceding legislative election. This went up to 20% of the seats or 25% of the votes in 2014. At the same time, non-party candidates (allowed since 2008) had to collect a large number of signatures from supportive citizens to qualify for electoral participation. Once again, in a political finance system based on self-funding, this translated into the effective exclusion of nominees without the resources to pay parties or signature collectors to clear the nomination threshold for them. This trend was eloquently expressed in the increasing number of uncontested elections at the local level. Prior to 2015, no elections had been uncontested. In 2015, three elections were uncontested (1.1% of all races); in 2017, there were nine (8.9%); and in 2018, 16 (9.4%). Thus, the narrative has been the same at all levels: increasing party entry and nomination thresholds have reduced voting options for the electorate, and left wealthy nominees with a significant edge. ■

## CHALLENGE #4

# Women's representation in parliament

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The funding regime, open party list system and threshold requirements have also had a negative impact on the effort to improve the quantity and quality of women's representation in parliament. While the 2019 elections saw an increase in the percentage of female members of national parliament to 20.5% (up from 17.3% in 2014), a close analysis of who got elected reveals significant problems, many of which are effects of the structural flaws in the electoral regime discussed above.

Activists for women's political rights in Indonesia have long advocated for a system of proportional representation with a closed party list mechanism, further enhanced by strict requirements to place female candidates high on the nomination list. But in none of the post-Suharto elections was such a system practised. In 1999, when a closed party list system was applied, there were no quotas for women on the candidates list. As a result, the number of female candidates was low, and only 8.8% of the first post-authoritarian members of parliament were women. In 2004, a partially open party list system was introduced (in which the list decides entry to parliament if candidates do not reach a personal vote quota), and it was stipulated that 30% of candidates had to be female—but there were no specific instructions on where they had to be placed on the list. Thus, most women were put on low-ranking positions, and female representation only increased to 11.8%.

The closest women activists came to the system they desired was in 2009. The partially open party list system was retained, but this time one out of a cluster of three candidates on the list

had to be female. In this so-called zipper system, then, women had to be at least ranked third. But as indicated above, the Constitutional Court scrapped the partially open party list system and replaced it with a fully open mechanism. This, in effect, made the nomination list non-binding. Nevertheless, the percentage of parliament increased to 18.3%. Five years later, the same system was used again, and the percentage of female MPs dropped to 17.3%.

For the 2019 elections, there was little change to the applied system, except that the Election Commission (Komisi Pemilihan Umum, KPU) promised to be stricter in enforcing the existing quota. And indeed, most parties nominated more women than they did in 2014 or other previous elections, leading to the increase of female representation in parliament cited above. In fact, 20.5% has been an all-time high in Indonesia's history of elections, including during the New Order and the 1950s.

But the exclusive focus on the percentage of women in parliament conceals worrying patterns of patronage politics that have intruded the issue of women's political representation. Most importantly, the increase in female legislative representation in 2019 has been largely the result of an increase in the number of elected women with familial relations to male power holders. In other words, wives, daughters, nieces and other relatives of influential male politicians made up a very significant proportion of the women who were successful in their campaigns. Overall, their percentage went up from about 36% in 2014 to over 41% in 2019.<sup>17</sup> Two parties in particular focused on the recruitment of female relatives of

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<sup>17</sup> 'Puskapol UI: Caleg Perempuan Terpilih DPR Didominasi Aktivis Parpol'. *Kompas.com*, 27 May 2019. Available at: <https://nasional.kompas.com/read/2019/05/27/16391061/puskapol-ui-caleg-perempuan-terpilih-dpr-didominasi->



male leaders as a strategy to boost their success at the ballot box: Nasdem (Nasional Demokrat, National Democrats) and the Islamic Prosperous Justice Party (Partai Keadilan Sejahtera, PKS). In combination, these two parties alone were responsible for the overall increase in female representation in parliament.

Female relatives of power holders are attractive options for parties as they fit seamlessly into the electoral regime outlined above. They have large financial resources, giving them an edge in a system of self-funding; they have high levels of name recognition, making it easy for them to distinguish themselves in the open party list system; they allow parties to meet the required quota for female candidates; and they promise access to state resources and institutions—crucial in an electoral culture that remains state-centred. Hence, while these ‘statist’ women help to increase female representation in parliament, they also perpetuate the status quo that made it possible for them to reach positions of power.

In this status quo, male politicians hold on to their political dominance. In part, they can do this by relegating women to lower positions on the candidate lists. While low-ranking nominees can still win a seat by getting more personal votes than higher-ranked rivals, in reality this rarely occurs. In 2014, the chance of getting elected decreased rapidly in parallel with a declining nomination ranking: 62.14% of all first-ranked candidates were successful;<sup>18</sup> that rate was

16.96% for second-ranked nominees, 4.46% for third-ranked candidates, 4.64% for fourth-ranked candidates, 3.75% for fifth-ranked and 6.96% for sixth-ranked nominees. In 2019, the success rates were similar.<sup>19</sup> At the same time, in 2019 only 19% of first-ranked candidates were women—meaning that the chances of women getting elected continues to rest in the hands of male-dominated party boards and their sponsors.

To be sure, there are bright spots as well. As a research project on 2019 female candidates coordinated by Sally White and Edward Aspinall with Yogyakarta’s Universitas Gadjad Mada revealed, many female candidates without links to male power holders got elected as well.<sup>20</sup> Indeed, as the abovementioned numbers suggest, almost 60% of all elected legislators do not have familial relations to a political ‘strongman’. Nevertheless, the project also highlighted that many female candidates substituted for that disadvantage by resorting to clientelistic practices—such as distributing club goods, state-related patronage or simply cash for votes. Thus, even women outside of political family networks found it difficult to resist the pressure of playing by the rules of the system they operate in. ■

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aktivis-parpol

18 ‘Perempuan di DCT Pemilihan Anggota DPR dan DPD RI 2019, Pukulan Bagi Gerakan Perempuan’. Perludem website, 28 September 2018. Available at: <http://www.perludem.org/2018/09/28/perempuan-di-dct-pemilihan-anggota-dpr-dan-dpd-ri-2019-pukulan-bagi-gerakan-perempuan/>

19 ‘Pemilu 2019: Lebih 40% caleg perempuan yang lolos ke senayan terkait “dinasti politik”’. *BBC News Indonesia*, 29 May 2019. Available at: <https://www.bbc.com/indonesia/indonesia-48429453>

20 The results of this research will be available in a forthcoming paper to be published at *New Mandala*.

## CHALLENGE #5

# Expressing dissent

Finally, Indonesia's electoral system is also ill-equipped to allow for expression of dissatisfaction with the system as a whole. This became evident in the 2019 elections, when many human rights activists and other progressive voters found both candidates in the presidential race unelectable. As a result, they considered abstaining from the vote or casting a spoilt ballot.

But there were two obstacles to this endeavour: first, Indonesian state officials have traditionally viewed it as their task to secure a high voter turnout. Village heads, district chiefs or governors have often been measured by their ability to get voters to the ballot box. Low turnout, in this paradigm, is a sign of an official's lack of control over his or her area. In 2019, the state campaign to aim for high levels of voter participation was particularly intensive, as low turnout was widely believed to disadvantage the incumbent President Jokowi. Many of those who thought about abstaining had voted for Jokowi in 2014, but had since come to believe that he was not much better than the alternative, the tough-talking populist Prabowo Subianto. Accordingly, the police, the military and government agencies started a systematic campaign to 'encourage' voters to cast their ballot. At the height of this campaign, Jokowi's senior security minister, the retired general Wiranto, threatened that anyone advocating for abstention was in violation of the terrorism law.<sup>21</sup> Thus intimidated, many potential abstainers changed their mind, leading to an actual increase in voter turnout to about 80%.

The second hurdle to abstention or spoiling

the vote as an expression of dissent has been the fact that neither can be effectively quantified. As voting is not mandatory in Indonesia, any abstention based on political reasons is mixed into the large number of abstentions for convenience or other practical considerations. Similarly, as there is usually a high percentage of spoilt votes in Indonesian elections (given the complex and frequently changing rules on how to properly fill in or perforate a ballot), casting a spoilt vote out of dissatisfaction is ineffective.

Accordingly, despite the narrowing political choice for voters, there is no institutionalised way to voice objection against the status quo. As hinted at above, some voters—especially in the conservative Muslim community—have taken their sense of marginalisation onto the streets. This form of extra-parliamentary opposition and mobilisation is not a healthy form of political interaction, however; rather, it is an indication that the existing system no longer provides regular avenues for everyone to express political views through a regular democratic process. Just as the vote share for Islamic parties is no longer a good measure for the existence of Islamist attitudes among Indonesian Muslims, voter turnout at elections alone is not a suitable yardstick for public support for the democratic system. For this, the existing electoral system has become too restricted, too much dominated by affluent nominees, and too cloaked in clientelistic practices. ■

21 'Wiranto: Mengajak Golput Itu Namanya Mengacau, Bisa Dijerat UU'. *DetikNews*, 27 March 2019. Available at: <https://news.detik.com/berita/d-4485389/wiranto-mengajak-golput-itu-namanya-mengacau-bisa-dijerat-uu>



## CONCLUSION

## Ideas for reform

*Above: traffic passes by legislative candidates' campaign posters in Jakarta, March 2019.  
Photo: Liam Gammon*

Laying out the problems inherent in the existing electoral system is of course much easier than coming up with effective solutions to fix them. In our conference, a wide variety of ideas was put forward, and naturally there were significant disagreements among participants. Nevertheless, a number of points can be made that seem inevitable when discussing potential revisions to the electoral status quo.

To begin with, it is important to keep in mind that the pressure for comprehensive electoral reform in Indonesia is currently low—the seriousness of the structural defects notwithstanding. As Allen Hicken has pointed out in Paul Hutchcroft's edited volume on electoral reform in the Philippines,<sup>22</sup> changes to election systems usually occur when a) the entire system experiences some form of breakdown, b) a political crisis leads to an overhaul of the framework of the regime, or c) actors determine that a new approach is in their interest. None of these conditions are in place in Indonesia at

this juncture. Indeed, the general impression of a successful 2019 election hinders discussions on reform; the overall polity is stable; and there are no indications that actors see the need for much change. Thus, any discussion on reform ideas needs to be prefaced by a reminder that the probability of wide-ranging reform happening in Indonesia is low, and that any revisions to the electoral laws before the next round of ballots in 2024 are likely to be minor in nature.

Having said that, the discussion above suggests that for Indonesia's electoral system to become more democratic, inclusive and effective, several changes would have to be initiated. For one, any larger reform would have to begin with substantive changes to the political finance system. Without such change, any technical revisions to the electoral system are certain to be unproductive. While the devil is often in the detail, it is clear that political finance reform would have to entail two major components: first, a significant increase in public funding of parties and candidates; and second, a

<sup>22</sup> Hicken, A. in Hutchcroft, P. (Ed). 2019. *Strong patronage, weak parties: the case for electoral system reform in the Philippines*. Anvil Publishing, Mandaluyong.



stricter oversight regime over donations and expenditures. Even the KPK, which is not known for its empathy towards the political class, has come to the conclusion that higher state subsidies to parties must be part of the overall anti-corruption and electoral reform agenda. Obviously, such larger public payments would have to come with more transparency and accountability—which is why many parties still resist such a move.

It is similarly evident that the open party list system needs to be reformed. It has increased vote buying, weakened parties and made it more difficult for women to get elected. At the same time, a return to the fully closed party list system of 1999 would be problematic—back then, party leaders simply handed high-ranking list positions to cronies and/or the highest bidders. Accordingly, a new system would have to avoid the traps associated with both the closed and the open party list systems. Shortly after Suharto's fall in 1998, the government team charged with producing a new electoral regime proposed to adopt Germany's system—in which half of the seats are contested based on single-member

districts and the other half based on closed party lists. The proposal was then rejected by parliament, but as one of the team members, Andi Mallarengeng, told our conference, this concept is still one Indonesia should seriously consider.

Another option would be to equip a closed party list system with significant safeguards against party elite domination. This could come in the form of mandatory primaries or special conventions for party list positions, and would also have to entail a stricter regulation on the placement of women. Rather than requiring parties to have one woman among the first top three positions, there needs to be a requirement to rank female candidates first or second. Few parties gain three seats in an electoral constituency—most get a maximum of one or two. Hence, only first or second ranked nominees have a realistic chance of entering parliament. If such a reform is combined with larger state funding for parties, the incentive to place female relatives of cashed-up male power holders would also be much reduced.

*Below:* Researchers shared academic perspectives on electoral reform priorities. Clockwise from top left: Dr Burhanuddin Muhtadi (Indikator Politik Indonesia/UIN Jakarta), Dr Sally White (ANU), Dr Ward Berenschot (KITLV), Dr Philips Vermonte (CSIS). Photos: Rahmat Santoso, CSIS





Further, it is necessary to address the narrowing of political space by reforming the existing party entry and nomination thresholds. The requirement for parties to have representation in all provinces is excessive, and appears to fulfil no other function than to protect the interests of already entrenched parties. Lowering this threshold can be done easily without risking fragmentation and the escalation of localist sentiments. As for the parliamentary threshold, there should be a renewed debate about its best mechanism and level. If the open party list system is allowed to continue, for instance, it would be reasonable to scrap the threshold for party candidates who win elections in their constituencies with high personal votes but are unable to claim their seats because of their parties' poor national showing. In 2019, two female candidates of the new Indonesian Solidarity Party (Partai Solidaritas Indonesia, PSI) won large amounts of votes in Jakarta, but were barred from entering parliament because PSI did not reach the 4% threshold. Should there be a change to a closed party list system, on the other hand, the overall threshold should be lowered, given that parties with more than 6 million nationwide votes could be eliminated under a 4% hurdle.

Importantly, the presidential nomination threshold needs to be significantly lowered as well. It is essential that parties remain the key access point for nominations in order to not weaken them further, but lower thresholds would produce a more diverse field of candidates. At the same time, non-party candidates should be made possible, and they should not be obstructed by requiring near-impossible amounts of supporting signatures to qualify—as is currently the case for independent nominations in local government head elections. The Indonesian elite's professed fear of a splintering of the political landscape

because of too many candidates appears to be overdrawn, especially since Indonesia has a run-off system for the two best-performing candidates. In Chile's 2017 elections, there were eight candidates in the first round—with no negative effects on the polity's democratic health. On the contrary, a wide range of views was represented, giving the eventually elected president a more credible mandate.

Finally, it would be useful to introduce a mechanism for voters dissatisfied with all candidates—and the system as such—to be able to express this position. In India and Columbia, for instance, a 'None of the Above' option is included on the ballot paper. As Adhi Aman of the International Institute for Democracy and Electoral Assistance (International IDEA) told the conference, this has proven to be non-disruptive to the political process—but it has given a voice to voters who want to register their belief that the existing electoral regime does not deliver the options that the electorate deserves.

It is crucial to emphasise that the ideas presented above are not meant to be prescriptive; they are intended to be the starting point—rather than end point—of a debate. The main message of this paper—and of the conference on which it is based—has been that despite the widespread praise for Indonesia's fifth democratic election since 1999, not all is well. Indeed, it warns that too much self-congratulation could block the view at fundamental problems in the electoral system that have damaged Indonesian democracy and prevent it from consolidating. How these problems are fixed should be subject to a democratic and inclusive discussion within Indonesian society at large—and not only among elite actors interested in defending the status quo. ■



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