

# DESIGNING AN INTRA-PARTY DEMOCRACY IN INDONESIA

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## ABSTRACT

*In the aftermath of the collapse of Orde Lama (Old Order), Indonesia opened up to the regime of political pluralism or multipartism. Although multipartism is deemed as a vital element of democracy, since it fosters freedom of expression, and association, it was not until the advent of the political era known as Era Reformasi (Reformation Era) in 1998 that Indonesia really started to experience democracy as free and fair general elections were held that were open to every political party. But the participation of political parties in general elections alone is not the sine qua non for a good democracy. A more democratic Indonesia is also and more importantly achievable when political parties themselves welcome and champion democratic ideas and processes within themselves by accepting change in party leadership and by allowing and encouraging every party member to voice their concerns and pursue their political ambitions. This is a process known as intra-political party democracy. This paper discusses the implementation of intra-party democracy. It seeks to address the issue as to how political parties can contribute in the promotion of political stability and democracy in Indonesia. The study reveals that the dependence on one individual/figure prevents many political parties from implementing intra-party democracy, which in turn is detrimental to democracy in Indonesia.*

**Keywords:** Intra-Party Democracy, Election Law, Party Candidate Nomination, And Multipartism.

## INTRODUCTION

Prior to the independence of Indonesia, political parties did not function as modern political machines aiming at filling the seats in parliament. On December 25, 1912, Ki Hadjar Dewantara, Eugene Francois Ernest Douwes Dekker, and Tjipto Mangunkoesoemo, the Triad, founded the first political party in Indonesia, "*De Indische Partij*", which was designed as an organization to fight colonialism. *De Indische Partij* was the frontrunner of the then effort to remove the spirit of regionalism adopted by various youth/freedom fighter organizations. As a result, the independence movement initially concentrated on regional chauvinism spirit, turned into a national vision. Consequently, the parties created afterward directed their struggle mainly toward defeating colonialism and establishing a democratic republic. However, the post-colonial party function, as adopted by *De Indische Partij*, was different from that of political parties of modern Indonesia. Thomas Meyer argues that political parties must protect community interests through legislation and policies so as to gain popular support in elections (Meyer, 2012).

It seemed as if the parties were mainly interested in presidential and parliamentary seats. This goal had inspired many new born post-colonial political parties until the advent of the authoritarian regime of Soeharto in 1965. President Soeharto developed a political concept

known as Pancasila democracy with only three political parties. After more than 32 years in power, Soeharto's regime collapsed and a new political environment was born: The Reformation Era or Era Reformasi, which allowed for the creation of many political parties of opposition. Unfortunately, however, these new born parties lacked the strength, skill and the organization required to function as strong parties of opposition capable of fostering democracy in Indonesia. This has made them very weak and ineffective. Even though some of them seemed to be well-organized, they still failed to build party internal democracy as many do not have internal democracy mechanism to choose their new leaders. Partai Demokrasi Perjuangan (PDI-P) or the Democratic Party of Struggle, for example, is one of the parties that "sell" Sukarno's name in order to survive competitive democratic elections. Partai Kebangkitan Bangsa (PKB), the National Awakening Party, is still stucked on its old-time leader Muhaimin Iskandar. Partai Golongan Karya (Golkar), or the Functional Groups Party, Partai Hati Nurani Rakyat (Hanura), or the People's Conscience Party, Partai Bulan Bintang (PBB), or the Crescent Star Party, Partai Demokrat (PD), or the Democratic Party, Partai Persatuan Pembangunan (PPP), or the United Development Party, and Partai Nasional Demokrat (Nasdem), or the National Democratic Party still cannot move forward to changing their leaders.

Since there is no other way to choosing new party leadership, competitive behaviors often arise among party members. Newly formed parties such as PKB, PD, and NasDem always face tensions when electing their new party leader. Even Golkar and PPP, two political parties created during President Soeharto's regime, are not exempted from this reality. Such a dispute arises mostly because parties do not have any democratic mechanism to choosing new leaders and to resolve disputes among party members. Disputes among members not only occur when electing new party leaders but also when nominating candidates for president, vice president, governor, and mayor. Disputes even erupt in most parties when nominating members for a cabinet secretary. The failure of the parties comes from within the party themselves. They do not commit to establish intra-party democracy as they always rely on one "powerful" figure: the party chair person. This seems to be a historical and constitutional problem in Indonesia. Since independence, most political parties have centered their power in the hands of one "strong" individual.

Dominant figures, religion, and capital continue to affect Indonesian political parties from Orde Baru (the New Order regime) to reformation era. This is due to their reluctance to embrace new leadership and intra party democracy as well as their misunderstanding of party function in a presidential system. Most Indonesian political parties still believe in the idea that the party's nominee for president should be the most influential party member. For them, it seems as if the presidential system is similar with the parliamentary system. The American model may serve as an example when it comes to presidential system as the party leader is not the main figure of the party.

### **Internal Democracy Theory**

William P Cross and Richard S Katz believe that political parties are the key institutions in generating a healthy democracy (William & Richard, 2013; Junaidi, 2016). If democracy does not grow within the party, it cannot meet the expectations and needs of the community. Tamar Bagratia and Medea Badashvili claim that political parties play a crucial role as important actors in establishing social justice and democratic norms in the county (Bagratia, 2012). Although the

experience of democratic system in Indonesia has changed rapidly after the several constitutional reforms, intra party democracy does not really exist in the political system. No political parties have properly implemented intra party democracy. They seem to have become private properties of their leaders who decide who is going to replace them. This looks like a “*garbage in; garbage out*” situation. When the chosen officials win the election, they are indebted to the strong man or the business entity that backed them rather than the voters who elected them. Intra party democracy will bridge connection between the winning candidates and their voters. Chances are the party that does not have intra party democracy will be abandoned by voters in the future.

Experts believe that the intra-party democracy produces great victory in the elections because it yields the best party officials who are more responsive to the public’s interests. A responsive figure is likely to attract voters (Scarrow, 2005). Chances are a party that applies intra-party democracy will get more sympathy from voters compared to one that does not, as voters would not choose the candidate based on the desire of the party owner. Without intra-party democracy, the elections could yield unpopular party leaders. Most parties use undemocratic mechanisms to nominate their candidates. Party needs intra-party democracy to keep voters’ trust by building five important elements of intra-party democracy which are: (i) Mechanisms determining caretaker parties in Indonesia; (ii) the process of determining candidates advanced in the election; (iii) settlement of party administrator disputes; (iv) the relationship of national and local party officials; (v) disclosure of financial management of the party.

### **Blank Laws**

Since the 1998 reform, political party law has been down continuously. Four-time revision that confuses not only the average people but also most politicians themselves. The existence of the following four political party laws proves that political parties do not have any intra-democratic mechanism: (i) Law No. 2/1999; (ii) Law No. 31/2002, (iii) Law No. 2/2008; and (iv) Law No 2/2011 which repealed Law No 2/2008. Intra party democracy can be traced through all four laws. Searching those laws will be the way for finding out whether political parties in Indonesia are more democratic or more oligarchic in post-reformation era. At the beginning of the Reformation Era, Law No 2/1999 was enacted with enthusiasm to reform political parties by abolishing the political party law under Soeharto’s regime, but it did not succeed in bringing about intra-party democracy. This law gave rights to the people to establish new parties, but it did not change the intra-party democratic mechanism, as only party leaders or party owners decided all policies. However, this law has created a multi party system (48 parties) and allowed parties to take part in elections. All of the then 48 parties competing in elections did not implement intra-party democracy.

Even though the post Era Reformasi regimes were deemed authoritarian, Law No 2/1999 failed to reverse this tendency. This law was expected to create intra-party democracy that would accommodate party members’ aspirations. It did not make much of a change in the concept of intra-party democracy. The weakness of Law No 2/1999 has not been improved by the law that repealed it i.e., Law No 31/2002. In addition to not making any mention of the concept of intra-party democracy, this repealing law did not set any mechanism for the resolution of disputes

between party members. The improvement made by Law No 31/2002 only concerned administrative requirements that parties had to fulfill should they want to compete in elections. The requirement was intended to limit the number of political parties boomed as the result of the reformation euphoria. It succeeded in limiting the number of the parties, but failed to generate intra-party democracy.

The lack of internal democracy makes it difficult for parties to be representative of the people because they become the political machines of the party owner. Law No. 31/2002 was repealed by Law No. 2/2008, which was improved by No 2/2011. Though these two laws currently regulate political parties in Indonesia, they still do not address the issue of intra-party democracy. From the experience of the four laws mentioned above, it seems as if members of political parties in DPR are reluctant to introduce the concept of intra-party democracy in the Political Party Law. It can also be assumed that party owners instruct their members to reject any idea of intra-party democracy in the law. This condition shows that a party belongs either to the party chairman or the party donors. Hence, all parties in Indonesia do not have their own collective ideology that is respected as guidance by the members. The party follows nothing but a business ideology.

### **Party Chairman Election**

Most parties choose their party leader during the supreme national meeting of the party elite members. All the procedures comply with the party's constitution based on the inclination of the elites, especially the party chairman's volition. Indonesia being a civil law country, all aspects of life is regulated by legislation. But this general principle of civil law seems not to apply when it comes to electing party leader. Despite having the spirit of reformation, Law No. 2/1999, as discussed above, failed to provide a legal framework for a democratic election of party leader/chairman. In general, this law also did not even regulate the requirement for the nomination of a party member to the party leadership, i.e., the nomination process, election stages, and the election of party chairman. Worse than that, there is no article that mentions of word leadership or party chairman. As the product of a post-authoritarian regime, this law also shows how averse political parties themselves are to implementing intra-party democracy.

The failure to address party system issue lies in the fact that most political party leaders who defeated the authoritarian regime of President Suharto are still in power to this day. Megawati Sukarnoputri has been chairing *Partai Demokrasi Indonesia Perjuangan* (PDI-P), Indonesian Democratic Party of Struggle even before reformation. She has been leading her party for more than 22 years. As former leader, Amin Rais of *Partai Amanat Nasional* (PAN, the National Mandate Party) still influences his party policies despite his son's father in law being the current leader of this party. There is also Yusril Ihza Mahendra of *Partai Bulan Bintang* (PBB), Crescent Star Party, who has become party icon and party chairman. He makes all the major decisions of the party and is always nominated as the party's candidate for presidential elections. These conditions reflect parties' failure in regenerating their potential leaders.

This undemocratic situation is promoted or left unsolved by Law No. 31/2002, Law No 2/2008 and its revision, Law No. 2/2011 on Political Parties. All these laws do not regulate the

democratization of party chairman election mechanism. The chairman election process is entirely regulated by *Anggaran Dasar* and *Anggaran Rumah Tangga* (AD/ART), the party constitution. When everything is ruled by the party constitution, the chairman takes all the advantages to his/her personal benefit. By using his/her powers, the party chairman only promotes the article(s) that keeps him/her in power. They are unwilling to surrender they power because they are trapped in the desire to run for president. No wonder why many presidential candidates are party chairmen. Until they win the presidential election, party chairmen do not give up their post. They even return to their chair after losing the presidential election or at the end of their term as president. This has already happened with former President Susilo Bambang Yudhoyono of *Partai Demokrat* (PD), the Democratic Party and former presidential candidate Prabowo of *Partai Gerakan Indonesia Raya* (Gerindra, the Great Indonesia Movement Party) who currently serve as chairmen of their respective parties. Such condition also torments many other parties such as *Partai Hati Nurani Rakyat* (Hanura), the People's Conscience Party, *Partai Kebangkitan Bangsa* (PKB), the *National Awakening Party*, and other parties that depend on the chairman or the founder. Those parties have been barring their young and competent members from rising up nationwide.

Granting power to the party constitution to regulates the chairman election ruins national democracy as it is designed too rigidly and does not create any mechanism for the election of the party chairman. For example, the constitution of *Partai Persatuan Pembangunan* (PPP, the United Development Party) is not clear on how the party national conference choosing the party leader. Article 61 Paragraph (2) of the PPP constitution says that party administrator can submit new chairman and administrator to the congress for election. However Article 61 Paragraph (2) states that the election of the chairman should be held in *muktamar* (assembly). It makes the mechanism of election too unstable and reliant on the political situation within the party. The fluctuation could end up in a strong fight among members due to unclear articles of the party constitution deemed unjust by either party. The winning majority could be seen a cheating group. This might cause disarray within the party as it splits into two administrators. This has happened to parties such as PPP, Golkar, PKB and PDI-P.

### **Candidate Selection**

Political parties have the right to nominate candidates in different types of elections: (i) candidate national parliament; (ii) candidate province house of representative; (iii) candidate for mayor and governor; and (iv) candidate for president and vice president. Those types of candidate are chosen by the chairman of the parties. Even though several mechanisms are provided to designate a candidate, the party chairman always has the last word. This means that political parties is the most important organizations to improve the quality of representative members and executives from the national level down to the region level. If the parties fail to put its best officials in the legislature and executive institutions, they performance will be bad. There is no other way to nominate candidate except for mayor and governor. According to Article 22E Paragraph (3) of the 1945 Constitution, the party is the only entity to nominate candidate for national and local representative elections. While Article 6A Paragraph (2) says that for president

and vice president candidates should be nominated by the party or the party coalition. The party's role in nominating the candidates is too dominant because when the reformists amended the constitution, they let political party members in parliament take over in deciding which articles needed amendment. The constitution does not allow independent candidates to run the election. They have to come from a political party. These articles contradict other articles in the constitution, e.g., Article 27 Paragraph (1) which says that every citizen has equal position before the law and the government has the obligation to honor the law without any exceptions. The rights of citizens to run for a public office is more solid in Article 28D Paragraph (3) that says that every citizen has equal opportunity to be in the government.

Contradiction among constitution articles allows political parties to create false constitutional ideas that deprive citizens of their political rights. False constitutional ideas have been upheld in Law No 2/1999. Article 8 of this law says that political party has the rights to participate in the elections according to general election law. The law did not regulate how citizens or party members can apply to be nominated as candidates in general elections. Without any provisions that regulate nomination requirement for independent citizen or party officials, the party can determine who should run for election based on party chairman's need, instead of the needs of voters. No wonder the party chooses the candidate who gives the most money. Most parties even presuppose "a dowry money" that potential candidates should pay should they want to run for party leadership election.

### **Party Disputes**

Internal disputes are more dangerous for the party itself than conflict with its party competitors. Competition amongst parties should be directed to lure voters' sympathy. While the internal dispute between members of the party will potentially damage party organization. Party must not let internal conflicts happen constantly. The members of the party should realize that their internal disputes needed to be settle by a high forum whose decisions should be final. This forum is authorized to end the dispute and its verdict should be respected by each conflicting group. The forum must be opened, professional, and independent in deciding the dispute so that the decision could be implemented easily and respected by every member. Establishing respectable forum is not simple when the internal conflict is complex and often splits the party into two managements. Certainly, the conflict conditions influence party effectiveness. Dispute among party members has not been regulated by Law No. 2/1999. Law No. 31/2002 only provides the requirements to declare party dispute.

According to this law, declaring dispute should be supported by half of the party congress participants and the dispute should be resolved by party consensus. If consensus can not be reached, the disputants might submit their matter to the first degree court all the way up to the Supreme Court. The recent Law No. 2/2008 and its revision, Law No. 2/2011 are nearly identical to to Law No. 31/2002 as to how they regulate party's internal dispute resolution. The dispute can only happen if 2/3 of the party members who follow the highest party forum complaint about the new organization management. The dispute can be resolved through courts or alternative dispute resolution mechanisms which are not really clear with regards to the mechanism

provided by this law. This recent law stipulates that disputants may not file complaints of their managements to the ministry of justice if the conflict is not solved. Law No. 2/2011 also regulates internal organization in judging internal disputes.

### **Relation between National and Local Mmanagement**

The relation between national and local management of the party is very essential for making intra party democracy work. This relation is regulated in the Chapter one of Law No. 2/1999, the relation is regulated only one chapter which provides limited level of party management. The level consists of central and village boards. Article 11 of this law stipulates that the party may form national, province management, regency, district, and village managements. However, the pattern of relationship, responsibility, and other fundamental matters of each level management is left out not only by this law but also by Law No. 31/2002. While Law Number 2/2008 and its revision, Law No. 2/2011 prescribe that party management should be regulated in party constitution. Without provision that clearly regulates relationship between national and local management, the party may become centralistic and controlled unlimitedly by the national management. The party constitution will never allow the local management to decide independently on nominating candidate in local election as well as many more local issues. Figuerido and Limongi observe that various procedural devices provide party leaders the capacity of centralized control over legislative agenda (Giannetti & Benoit, 2008). Mainwaring argues that this weakens the party's unity at the national level by encouraging the organization of the party at the regional or local level.

### **Party Finance**

Finance is the absolute engin of the party. Without enough funds, it is hard for the party to attract voters and play a significant within the political arena. Parties are nothing in the battle of democracy unless they have enough finacial resources, which will help them to support their programs and activities. Illegal funds however, can turn the party into the puppet of the funders. The more illicit money the party gets, the more it becomes the tool for business interest. Donal Fariz of the Indonesia Corruption Watch (ICW) argues that most of the parties in Indonesia consider their members in legislative and executive bodies as money machines for gathering party finance. Fariz suggests that part of the state budget should be allocated to parties to prevent them from being at the mercy of business owners and elite members' money (Fariz, 2016).

Under Law No. 2/1999, party's financial resources are limited to: (i) membership dues; (ii) non biding donations; and (iii) other legal activities (Tomsa, 2008). In the explanation of Article 12 of this law, member contribution is an obligation, which is openly requested by the party to its members. The donation is defined as given funds to the party by the public, companies, other entities, and the government. A part of State annual budget is also specified by the law on political parties as a financial source of political parties. State budget aid is drawn from state income and expenditure budgets. The budget amount that is given to the party is adjusted with the state financial condition which is regulated by the government regulation. According to Law No. 2/1999, each party receives an equal amount of money. Besides

considering political parties as non-profit organizations, Law No. 2/1999 also regulates the financial contribution of individuals and business entities to parties. Article 14 Paragraph (1) and (2) of this law provides that the maximum amount an individual may contribute to political parties within a year should be IDR 15.000.000 (fifteen million rupiah).

For business entities, the donation is limited to IDR 150.000.000 (one hundred and fifty million rupiah) In addition, the party should report donations received from individuals or business entities to the Supreme Court 30 days prior to elections. Based on the report, the Supreme Court may at any time appoint a certified public accountant to audit on the report submitted by the political parties. Lastly, Law No. 2/1999 regulates sanctions to apply to political parties that violate the regulation. The sanctions include the termination of state donation and the revocation of the party's right to participate in elections. This type of sanction is applied when the party gains financial business benefits or builds a business, such as a company or factory. Similar sanction is given to the party if when it receives donation exceeding the donation limitation specified in Article 14 Paragraph (1), Paragraph (2), (3) and (4). Revocation of the party's right to participate in election is conducted through a judicial process by listening clarification from party central committee.

### **Redesigning Internal Democracy**

Redesigning Internal Democracy, the current intra-party democracy governed by the law is not rendering party independent. Regardless of party independence and integrity, substantial issues to prevent the implementation better constitutional laws. Constitutionality will not be implemented unless the party does not design itself as a clean tool of democracy. Redesigning intra party democracy into the law will always be obstructed by party members that benefit from status quo. The notion of intra party democracy will be impossible without public endorsement. The public shall consist of not only the people in town (Törnquist, 2013), but also in village. If the public decide to get involved in the party democracy, they can push the party to build democracy based on their demand. There are several mechanisms of intra-party democracy. First, the party can limit the chairman tenure and regulate specific requirement for party members nominated as chairman candidates.

Chairman tenure should be limited to two terms. This could push the chairman to create new potential leaders. If the chairman is busy, the party might lack of leadership regeneration. Besides creating leadership regeneration, this tenure limitation will establish great qualification for party chairman nomination. For example, party can establish requirement to run as nominated candidates by fulfilling the standards created by the highest forum of the party, e.g., the party member can run, at the end of the two terms in office, for the central committee management, one period in local level management, and one period at the lowest level management. Those requirements are useful for binding commitments of party officials, so as to prevent them from moving to another party if their needs are not met. On the other hand, limiting term will give a better opportunity to loyal and long serving members for becoming party leader. Secondly, the party should prohibit the party leader to hold public office either in government cabinet or in legislative body. This will build professionalism within the party as the party management can



focus more on building the party.

## CONCLUSION

Political party leadership mostly focuses on a single powerful person who controls the party. This leads to internal conflicts and prevent potential competent young party members from raising. The mechanism for nominating candidates in election needs to be addressed. Party should separate the requirement between members and non-members when they apply to run for election. Differentiation is also important to regulate the nomination of members or nonmembers for president, parliament, governor, and mayor. The requirement can also filter the candidate quality that will fit the level of election so as to allow the party to win elections. The party can create requirements that enable them to nominate themselves as candidates. The nominated candidate should have served the party for at least more than 10 years at the higher level or 5 years at the lower level. This would create grassroots officials who are recognized by the voters. It would also help to improve the quality of party lower-level management. In addition, the requirements of presidential election should be different from those of other elections. These requirements should not easily be achieved by common candidate unless they work hard in the party before running for presidential election. The candidate should also be chosen through intra-party democracy mechanism. The idea of pre-election, caucus, and party convention can be implemented to involve party members in electing presidential candidates.

Party should create prestigious internal court in deciding internal disputes among members. Without this honorable court, the party could easily break into fractions. Any disputes between members should be resolved through one single resolution body which is the party internal court. Strengthening the prestigious court must be followed by the selection of its judges. They should not be chosen by incumbent administrators of the party for fear of creating new internal conflict amongst members. The judges should comply with certain requirement too before they can decide resolution, such as: level of education, experiences, moderate members, and seniority in the party. The judges may consist of independent experts to develop a more moderate majority composition, which could inspire respect from every disputing member and avoid a prolonged dispute. For preventing prolonged dispute, the court decision must be respected by the government through government regulation or other policies. Parties should make their finance transparent by reporting their financial management to the Indonesian Financial Transaction Report and Analysis Center which shall in turn release it to the national media.

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