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## **Post-elections Indonesia: Towards a Crisis of Government?**

*By Max Lane\**

### **EXECUTIVE SUMMARY**

- The rivalry between incoming president Joko Widodo and the Red and White Coalition, which holds the majority in parliament, continues to build up.
- The Red and White Coalition of parties that supported Prabowo Subianto for the Presidency has gone on the offensive by changing the rules for how parliamentary leadership positions are assigned. This has allowed them to take the chairman and vice-chairmen positions in parliament. At the same time, they have managed to push through a law ending direct elections for regional leaders.
- Should the Red and White Coalition continue to “govern from parliament” and challenge the Joko Widodo presidency, Indonesia will likely head into a crisis of government.

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## INTRODUCTION

On September 25, the Indonesian People's Representative Council (Dewan Perwakilan Rakyat, DPR) passed legislation ending the direct election of governors, *bupati* (regent/district head) and mayors. This new legislation returns the electoral process for these positions to that which was employed during the New Order period and until 2004. Under this old-new process, the municipal, district and provincial legislative councils (Dewan Perwakilan Rakyat Daerah, DPRD) will be the ones voting for these positions. The results of the vote will then be sent to the President, who will then appoint these officials. Significantly, the positions of *bupati* and mayor have become much more important over the last ten years as a result of the various decentralisation laws, which allocate substantial budgetary powers to the legislative councils and administrations at the municipal and district levels.

The passing of this law was the result of an assertive campaign in parliament by the Red and White Coalition (Koalisi Merah Putih, KMP), comprising of the parties that nominated Prabowo Subianto as candidate in the recent presidential election.<sup>1</sup> In the election, Subianto lost by a narrow margin to Joko Widodo – 47% to 53%, a difference of 8 million votes out of 190 million. Subianto was nominated by his own party, Gerindra, Golkar, the Prosperous Justice Party (Partai Keadilan Sejahtera, PKS), the National Mandate Party (Partai Amanat Nasional, PAN) and United Development Party (Partai Persatuan Pembangunan, PPP). Widodo was nominated by the Indonesian Democratic Party - Struggle (Partai Demokrasi Indonesia Perjuangan, PDIP), the Nasional Democratic Party (Nasdem), the National Awakening Party (Partai Kebangkitan Bangsa, PKB), the Peoples' Conscience Party (Partai Hati Nurani Rakyat, Hanura) and the Unity and Justice Party of Indonesia (Partai Keadilan dan Persatuan Indonesia, PKPI). The passing of the law will very likely deliver governor positions to KMP nominees in 31 out of 34 provinces.<sup>2</sup> Should this come about, it would provide an additional strong platform from which the KMP can oppose the Widodo-PDIP-led government and try to implement its own policy agenda.

Another party with a substantial number of seats is the Democratic Party (Partai Demokrat, PD), headed by incumbent President Yudhoyono. Most of the PD members walked out during the vote for the bill, effectively abstaining, which gave the KMP a majority in the parliament. President Yudhoyono was overseas at the time and in recent statements seems to be trying to create the impression that the walk-out was not supposed to happen. He initially hinted that he would not sign the bill into law. Under the Indonesian system, a law should be both passed by the DPR and signed by the President before it takes effect. However, it will still come into effect after 30 days even without the

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<sup>1</sup> It must be noted, however, that it was the Yudhoyono government's Ministry of Home Affairs that originally proposed this bill. However, after proposing the bill, the government has vacillated many times on the issue.

<sup>2</sup> <http://www.tempo.co/read/news/2014/09/08/078605241/UU-Pilkada-Sah-Koalisi-Prabowo-Borong-31-Gubernur>

President's signature. On October 2, Yudhoyono did sign off on the new legislation but at the same time, he issued two Presidential Regulations that would annul the new law and reinstate direct elections.<sup>3</sup> These Presidential Regulations would however require the support of a majority in the new parliament to be implemented.<sup>4</sup> However, the PD siding with the Widodo-PDIP-led coalition would provide only 48% of the seats, which is insufficient to confirm the regulations.<sup>5</sup> The PDIP-led coalition combined with the PD would have 268 seats to the KMP's 273. While a PDIP-PD voting bloc is not impossible, the fact that the PD voted as a bloc with the KMP parties to elect the chairman and vice-chairmen of the DPR, excluding any representative from the PDIP coalition, indicates that the PD may demand something substantial to side with the PDIP coalition.<sup>6</sup>

President-elect Joko Widodo indicated in the national TV debates with Prabowo that he supported the current system of direct elections, as did his party, the PDIP.<sup>7</sup> This is also the position of Vice-President-elect, Jusuf Kalla, although in the past he had supported a return to the old system.<sup>8</sup> The PDIP has said it will take the matter to the Constitutional Court, at the same time indicating that it will accept the Court's ruling on the issue even if it were in favour of the legislation.<sup>9</sup> PDIP's coalition partner, the Nasdem, has also specified that it would accept the Constitutional Court's decision.<sup>10</sup>

## TWO ELECTIONS, TWO RESULTS

The present impasse came about due to the fact that the two elections held this year in Indonesia had different outcomes. The April General Elections revealed a low level of support for the PDIP, despite the PDIP announcing just before the campaign that they had selected the popular Joko Widodo as their presidential candidate. A weak campaign by both Widodo and the PDIP, advocating no clear policies nor establishing a clear, differentiated "political personality", gave the PDIP only 19% of the votes. This was no

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<sup>3</sup> <http://www.tribunnews.com/nasional/2014/10/02/sby-resmi-tandatangani-dua-perpu-pilkada>; "Indonesian president suspends law scrapping direct regional elections", <http://english.kyodonews.jp/news/2014/10/315253.html>

<sup>4</sup> Yudhoyono has recently claimed he has won support from KMP parties, although he could not say that he had spoken to KMP party leaders. <http://nasional.kontan.co.id/news/sby-yakin-dua-perppu-akan-didukung-koalisi-prabowo>

<sup>5</sup> See: <http://www.thejakartapost.com/news/2014/10/02/fate-perppu-remains-uncertain.html>

<sup>6</sup> <http://www.smh.com.au/world/joko-widodo-faces-uphill-battle-as-opponents-secure-key-positions-in-indonesias-parliament-20141002-10pe6j.html>

<sup>7</sup> For a recording of this debate see <https://www.youtube.com/watch?v=MUL-1sW5b-8>.

Interestingly, in this debate, Prabowo's Vice-Presidential running mate, Hatta Rajasa, stated a position supporting direct elections but with synchronised local elections throughout the nation.

<sup>8</sup> See this 2011 news report. <http://www.republika.co.id/berita/nasional/umum/11/10/02/lse3b-jenjang-demokrasi-terlalu-panjang-jk-dukung-pilgub-langsung-dihapus>

<sup>9</sup> <http://news.liputan6.com/read/2111162/jika-tidak-dikabulkan-mk-pdip-akan-bangun-monumen-uu-pilkada>. There have also been media reports quoting some PDIP officials as stating they have not taken a final decision to take the new law to the Constitutional Court.

<sup>10</sup> <http://www.tribunnews.com/nasional/2014/10/01/surya-paloh-sedih-sby-keluarkan-perppu-pilkada>

doubt bigger than for any other party,<sup>11</sup> but the elections left no party with majority or even near-majority support. At the same time, voter absenteeism was high, with 40% of registered voters not bothering to vote for any party.

This outcome has created a new parliament not too different from the previous one, where the PDIP is a small minority. The coalition of the PDIP, Nasdem, PKB and Hanura comprises 37% of parliamentary seats, with the PDIP having only 19%, or half of this coalition's seats. This coalition will continue to fall short of a majority unless one or more parties from the KMP switch over. Yudhoyono's PD has been the biggest loser and will have a much smaller, but still substantial number of seats, in parliament. As noted above, even if PD supports the Widodo coalition, the KMP would still have a majority, albeit a much slimmer one.<sup>12</sup>

The majority that the election gave the KMP (as long as the coalition stays together) has no doubt provided the KMP with the confidence to adopt a position of outright opposition to Widodo and the PDIP-led coalition. Although Widodo managed to win the presidency with 53% of the votes, which was 16% above the combined vote-share of the parties that nominated him for the presidency, this was below the more than 60% support rate that he had from earlier opinion polls. Under the circumstances, Widodo appears to be the winner of a "draw".<sup>13</sup>

The presidential election campaign exposed a divide that has been evolving among Indonesia's political elite. This rift is represented on opposing sides by conglomerate capital (the Prabowo Subianto camp), and provincial or district capital (the Joko Widodo camp). Both include conglomerate and local capital, no doubt, but their leading forces are different, which provides the basis for their differing political perspectives. Conglomerate capital proposes a reversion to centralised state power and the promotion of large-scale economic projects.<sup>14</sup> The Widodo-PDIP-led coalition is comfortable with decentralised capitalism, where there is greater scope for the growth of small and medium-sized capital in the provinces. This split will continue to play out in the contest between the KMP and the Widodo-PDIP coalition.

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<sup>11</sup> See Max Lane, "Gap Narrows between Candidates in Indonesian Presidential Elections", *ISEAS Perspective* 2014 #39, 4 July 2014.

<sup>12</sup> There appears now also to be the possibility – albeit slim – of the PKB joining the KMP coalition. <http://www.republika.co.id/berita/nasional/politik/14/10/01/ncrcp2-tak-diajak-jokowijk-pkb-siap-gabung-koalisi-merah-putih>

<sup>13</sup> This reflects a situation observed in earlier issues of *ISEAS Perspective* emphasising the low level of support for all parties. It is this situation which allows for the contradiction of a candidate nominated by a party with low popularity, but with popularity beyond the party, winning votes from parties with even lower levels of support. See Max Lane, "Indonesia's 2014 Legislative Elections: The Dilemmas of 'Elektabilitas' Politics", *ISEAS Perspective*, 2014#25, 23 April 2014.

<sup>14</sup> See Max Lane, *Decentralization and Its Discontents: An Essay on Class, Political Agency and National Perspective in Indonesian Politics* (Singapore: ISEAS, 2014), for more on this division.

## THE POLITICAL DIVIDE AND ELECTORAL POLITICS

The KMP coalition is, however, not only motivated by a desire to establish a centralised political system and restore the state-crony axis in the economy. It is also reacting against an inevitable consequence of the establishment of a system where control over the executive government and executive positions depends on winning votes for those positions in direct elections. They need candidates that can win in popularity contests.<sup>15</sup>

Local elite figures have more intimate and real experience in relating to the non-elite population than the big ex-cronies based in Jakarta, who live in elite neighbourhoods and mix among the super-rich. While the vast majority of local leaders emerging out of decentralised capitalism has quickly indulged in local cronyism and corruption, a few have emerged who understand the necessity of winning popularity based on policy delivery, or the image of policy delivery, of whom Widodo is the most outstanding example. During the New Order, the politician's goal was to instil fear and awe, not win popularity, whether by proposing good policies or by lying, cheating and acting. While Prabowo campaigned hard as an electioneering politician, as did Bakrie of Golkar in the April elections, neither prefers it as a political method. Widodo is much more able to stand for two hours shaking poor people's hands than Bakrie or Prabowo, whose style is to exude authority and power. One campaigns using folksy tactics, the other using "strong leader" imagery. But the strong leader, in the end, resents the need to seek consent from those he is supposed to govern.

This new factor – the need to win popularity – has introduced the possibility, indeed the reality of an "anomaly" in the electoral process: a figure from a party or coalition with minority support in parliament can win the highest political office in the nation. The 2014 presidential elections has shown that this is possible, and it could happen at the local level as well.

Thus the KMP, now having passed the legislation abolishing direct elections for regional leaders, is discussing doing the same for the office of the President,<sup>16</sup> intending to return that right to the Peoples' Consultative Assembly (Majelis Permusyawaratan Rakyat, MPR), which is composed of members of the DPR and the Regional Representative Council (Dewan Perwakilan Daerah, DPD).

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<sup>15</sup> There is little doubt that there is enormous resentment among the figures emerging out of the New Order, and who are based on conglomerate economic power, that they have to compete against a "nobody", i.e. a local merchant from a medium-sized town, who can hardly articulate policies clearly, but somehow can establish a sentimental link with a significant portion of the electorate.

<sup>16</sup> <http://thejakartaglobe.beritasatu.com/news/prabowos-coalition-now-gunning-regions-mpr/> ; <http://www.thejakartapost.com/news/2014/10/02/fate-perppu-remains-uncertain.html>

## SUPPORT FOR DIRECT ELECTIONS

Prabowo made it clear during the presidential election campaign that he supported ending direct elections for *bupati*, mayors and governors. On the other hand, Widodo and running mate Kalla defended direct elections, explaining that they would try to save money in its implementation by scheduling all such elections at the same time.

Since the successful move to scrape direct elections by the KMP, there have been widespread statements of support for keeping direct elections for regional leaders. The liberal media, such as *Jakarta Post*, *Jakarta Globe* and *Tempo* newspaper and magazine, have campaigned strongly for a return to direct elections, condemning the KMP for wanting to return to the New Order era.

Statements of support for direct elections have also come from several current *bupati*, mayors and governors. The most publicised and dramatic of these is that of the Deputy Governor of Jakarta, Basuki Tjahaja Purnama (Ahok), who resigned from Prabowo's Gerindra party in protest. The Mayor of Bandung, Ridwan Kamil, who is also head of the All-Indonesia Association of Town Governments (*Asosiasi Pemerintah Kota Seluruh Indonesia*, Apeksi), has also opposed the move away from direct elections.<sup>17</sup> Kamil was also nominated by Gerindra and another KMP party, the PKS, when standing for election as Mayor.

Outside of this elite-based opposition, there has been a small but increasing number of street protests, either by student or human rights groups, as well as internet-based protests. Twitter protests against PD's abstention reached over 100,000 within a matter of days.<sup>18</sup> This appears to be widespread sentiment. The Indonesian Survey Circle (Lingkaran Survei Indonesia, LSI) revealed that in a poll in September, 81% of respondents supported direct elections of regional leaders, 11% favoured selection by the DPRD's, and 5% supported appointment by the President.<sup>19</sup> Another LSI poll stated that as much as 70% of voters supporting KMP parties supported President Yudhoyono's decision to issue presidential regulations that sought to reinstate direct elections.<sup>20</sup>

It is likely that new coalitions of human rights, student and other "civil society" organisations will emerge to campaign for the restoration of direct elections. However, how far such a movement can grow will, to some extent, be dependent on the direct leadership and support of Widodo and the PDIP.

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<sup>17</sup> <http://regional.kompas.com/read/2014/09/26/17195971/Ridwan.Kamil.Apeksi.Cari.Pengacara.tetapi.Enggak.Bakal.Pakai.Farhat.Abbas>. See also "Across indonesia, local chiefs slam plan to stop all direct polls" in *Jakarta Globe* - September 7, 2014.

<sup>18</sup> <http://www.thejakartapost.com/news/2014/10/02/beyond-hashtags-netizens-outrage-and-hope.html> ; <http://www.thejakartapost.com/news/2014/09/26/shameonyousby-gives-yudhoyono-worldwide-spotlight.html>

<sup>19</sup> <http://thejakartaglobe.beritasatu.com/news/democrats-key-regional-elections-bill/>

<sup>20</sup> <http://intisari-online.com/read/survei-lsi-6992-persen-pemilih-prabowo-hatta-mendukung-sby-keluarkan-perppu-terkait-uu-pilkada>

Since the presidential election, there has been enormous speculation, especially in the media sympathetic to Widodo, that one or more of the parties in the KMP would cross over to the Widodo-PDIP camp. Every non-appearance of a KMP figure at a KMP event now creates a flurry of speculation. This has been fuelled by public statements from some figures in Golkar, PPP and PAN that they would prefer to be in government with Widodo and the PDIP. However, up until September 2014, no such cross-over has yet happened, although it is clear that Widodo and the PDIP have been encouraging this possibility. Both Widodo and Megawati regularly make statements encouraging other parties to join their coalition, and efforts have been made by PDIP to win over PPP, PAN and PD. PDIP spokespersons have also stated publicly that they have decided against mass mobilization, preferring instead to confine their actions to formal legal channels.<sup>21</sup> If this position changes, there may be a chance to garner and bring to the fore public support for direct elections as reflected in social media, street actions and public opinion polls.

The election of a Golkar politician as chairman of the DPR, and Gerindra, PKS and PAN members as vice-chairmen, to the exclusion of any representative from the PDIP-led coalition, indicates that this lobbying has been unsuccessful so far. This was possible after KMP's earlier triumph in changing the old rule that automatically gave the DPR chairman position to the party that won the most seats, which would have been the PDIP. The new rules opened up all positions to a majority vote in the DPR, which in this case privileged members of the KMP. In a recent comment, Widodo seems to still hold out hope of winning other parties over.<sup>22</sup> However, in the same statement he warned of potential turbulence in parliament and even claimed that the KMP might attempt to prevent his inauguration on October 20.<sup>23</sup> If this happens, Indonesia will be without a President, and it would provoke a constitutional crisis where the mechanisms for resolution are unclear. However, such an action by the KMP would contradict a statement made by the coalition's secretary-generals immediately after the Constitutional Court rejected Prabowo's appeal against the election results. In that statement, they accepted the legality of the Constitutional Court's decision, although Gerindra spokespersons still criticize it as unjust.<sup>24</sup>

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<sup>21</sup> <http://indonesiasatu.kompas.com/read/2014/10/04/15273911/jika.mau.pdi-p.klaim.bisa.kerahkan.1.juta.orang.untuk.hadang.koalisi.merah.putih>

<sup>22</sup> <http://www.thejakartapost.com/news/2014/10/03/jokowi-strike-back-rivals.html>

<sup>23</sup> The parliamentary leadership would have to sign off on the Indonesian Election Commission's report confirming Widodo and Kalla's election victory.

<sup>24</sup> <http://nasional.kompas.com/read/2014/08/21/21385001/Koalisi.Merah.Putih.Akui.Putusan.MK.sebagai.Hasil.Akhir.Pilpres>

## **RULING FROM PARLIAMENT: CHALLENGE OR BARGAINING CHIP?**

The KMP has not succeeded only in changing the rules of parliament that resulted in them taking all key parliamentary positions. In addition, it has also returned the power to elect regional leaders to the local legislative councils, and voiced its intention to return the power of electing the President to the MPR.<sup>25</sup> In fact, Prabowo had announced this intention during his election campaign.<sup>26</sup> Should the KMP maintain a clear majority in parliament, the electoral laws could be amended to allow this. The KMP announced that they will set up a parliamentary commission to investigate alleged irregularities in the Election Commission's implementation of the presidential election, opening up the possibility of delegitimizing the results. This would be a more suitable tactic for the KMP to remove Widodo under current laws. The option of impeachment would require politically credible proof of corruption or criminal behavior on the part of Widodo and, in any case, would deliver the presidency to Jusuf Kalla.

More significantly, in the short-term, the KMP plans to change as many as 122 laws, including those covering many areas of the economy, such as banking and telecommunications. Given their numbers in parliament and their control over the positions that manage the parliamentary process, they should be able to set the agenda in accordance with their priorities. This effectively allows them the option to "govern" the country from parliament, and counter the influence of the president. As both can claim electoral legitimacy, based on the two different elections, this may lead to a political crisis at some point.

Another interpretation of the current parliamentary dynamics is that there is still a chance that parties such as the PPP, PAN or PD may join the Widodo-PDIP coalition, and that their support for the latest maneuvers by the KMP is a tactic for enhancing their bargaining position with the PDIP. They are making it clear, so the speculation goes, that it would be better for Widodo to give them the necessary ministerial and other positions in exchange for a majority position in parliament and consequently, government stability for the next five years.

If the Widodo-PDIP coalition fails to win a majority position in parliament, then they should expect constant challenges to the Widodo presidency, and the prospect of a crisis of government is heightened. One of the first tests will be the rectification of Yudhoyono's Presidential Regulations annulling the recently passed election law and reinstating direct elections for regional leaders. The question is also whether public sentiments for retaining direct elections can be mobilized and transformed into a political force that can influence the processes of parliament.

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<sup>25</sup> <http://www.tribunnews.com/nasional/2014/10/03/pdip-curigai-pemilihan-presiden-hendak-dikembalikan-ke-mpr>

<sup>26</sup> Edward Aspinall and Marcus Mietzner, "Prabowo Subianto: vote for me, but just the once", <http://asiapacific.anu.edu.au/newmandala/2014/06/30/prabowo-subianto-vote-for-me-but-just-the-once/>.



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