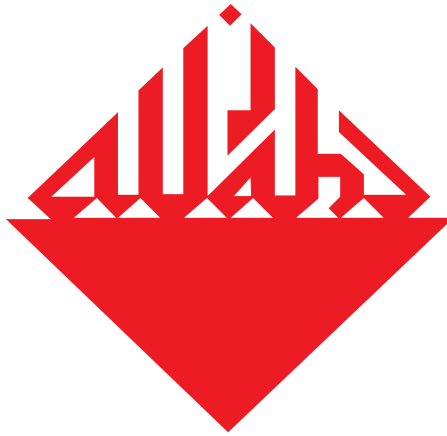


# STUDIA ISLAMIKA

INDONESIAN JOURNAL FOR ISLAMIC STUDIES

Volume 19, Number 3, 2012



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GENDER AWARENESS IN ISLAMIC EDUCATION:  
THE PIONEERING CASE OF INDONESIA  
IN A COMPARISON WITH PAKISTAN

Ann Kull

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DENIAL, TRIVIALIZATION AND RELEGATION OF PLURALISM:  
THE CHALLENGES OF MANAGING DIVERSITY  
IN MULTI-RELIGIOUS MALAYSIA AND INDONESIA

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INDONESIA'S DEMOCRATIC VENTURE:  
HISTORY, PRACTICE AND THE CHALLENGE AHEAD

Bahtiar Effendy & Mutiara Pertiwi

# **STUDIA ISLAMIKA**



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STUDIA ISLAMIKA (ISSN 0215-0492) is a journal published by the Center for the Study of Islam and Society (PPIM) UIN Syarif Hidayatullah, Jakarta (STT DEPPEN No. 129/SK/DITJEN/PPG/STT/1976). It specializes in Indonesian Islamic studies in particular, and Southeast Asian Islamic Studies in general, and is intended to communicate original researches and current issues on the subject. This journal warmly welcomes contributions from scholars of related disciplines.

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STUDIA ISLAMIKA has been accredited by The Ministry of Education and Culture, Republic of Indonesia as an academic journal (SK Dirjen Dikti No. 56/DIKTI/Kep/2012).

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Annual subscription rates from outside Indonesia,  
institution: US\$ 75,00 and the cost of a single copy is US\$  
25,00; individual: US\$ 50,00 and the cost of a single copy  
is US\$ 20,00. Rates do not include international postage  
and handling.

Please make all payment through bank transfer to:  
**PPIM, Bank Mandiri KCP Tangerang Graha Karnos,**  
**Indonesia,** account No. **101-00-0514550-1 (USD),**  
**Swift Code: bmriidja**



Harga berlangganan di Indonesia untuk satu tahun,  
lembaga: Rp. 150.000,-, harga satu edisi Rp. 50.000,-;  
individu: Rp. 100.000,-, harga satu edisi Rp. 40.000,-.  
Harga belum termasuk ongkos kirim.

Pembayaran melalui **PPIM, Bank Mandiri KCP**  
**Tangerang Graha Karnos, No. Rek: 128-00-0105080-3**

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*Bahtiar Effendy & Mutiara Pertiwi*

## Indonesia's Democratic Venture: History, Practice and the Challenge Ahead

**Abstract:** *This article discusses the democratic transition in Indonesia since 1998 until the end of the brief leadership of President Habibie, including previous analysis of the history and practice of democracy in Indonesia since 1945. The transfer of power from Soeharto to Habibie happened on May 21, 1998. In the 18 months of his leadership, Habibie was able to carry out important efforts in setting a foundation for democratic transition. Public freedom, freedom of the press, freedom of expression, and free speech were among Habibie's achievements in opening the way for the process of democratization to continue. In the midst of the threat of the country's collapse during that transition period, Habibie was relatively well able to defend the integrity of the Indonesian nation-state. His successors gained advantage from what had been put in place by Habibie. However, they have faced a number of problems, such as the procedural biases within democratic practice, incompatibility of presidential governance with the presence of many political parties, and gaps between the structure and function of high state institutions.*

**Key words:** democracy, democratic transition, Reformasi, Habibie's presidency, procedural democracy.



**Abstrak:** Artikel ini membahas transisi demokrasi di Indonesia sejak 1998 sampai berakhirnya kepemimpinan singkat Presiden Habibie, dengan sebelumnya menganalisis sejarah dan praktik demokrasi di Indonesia sejak 1945. Penyerahan kekuasaan dari Soeharto kepada Habibie terjadi pada tanggal 21 Mei 1998. Dalam 18 bulan kepemimpinannya, Habibie berhasil melakukan upaya-upaya penting sebagai fondasi bagi transisi demokrasi. Kebebasan publik, kebebasan pers dan berekspresi, kebebasan berbicara adalah di antara pencapaian Habibie sebagai pembuka jalan bagi proses demokratisasi berikutnya. Di tengah ancaman perpecahan negara di masa transisi itu, Habibie relatif mampu mempertahankan ketuban negara-bangsa Indonesia. Para penerusnya memperoleh keuntungan dari apa yang telah Habibie letakkan tersebut. Namun, para penerusnya menghadapi sejumlah persoalan, seperti bias prosedural dalam praktik demokrasi, ketidaksesuaian pemerintahan presidensial dengan keberadaan banyak partai politik, dan kesenjangan antara struktur dan fungsi lembaga-lembaga penting negara.

**Kata kunci:** demokrasi, transisi demokrasi, Reformasi, kepresidenan Habibie, demokrasi prosedural.

الخلاصة: يبحث هذا المقال في الانتقال الديمقراطي باندونيسيا منذ ١٩٩٨م حتى نهاية فترة رئاسة حبيبي القصيرة، مع القيام بتحليل الممارسة الديمقراطية وتاريخها قبل ذلك في اندونيسيا منذ ١٩٤٥م، كان تسليم القيادة من الرئيس سوهارتو إلى حبيبي في ٢١ مايو ١٩٩٨م، وخلال ثمانية عشر شهرا من فترة رئاسته نجح حبيبي في القيام بجهود هامة كانت أساسا للانتقال الديمقراطي، فالحرية العامة وحرية الصحافة وحرية التعبير وحرية الكلام كانت من إنجازات حبيبي وهي التي مهدت الطريق أمام العملية الديمقراطية بعدها، وفي خضم خطر الانقسام استطاع حبيبي نسيبا أن يحافظ على وحدة الشعب والدولة الاندونيسية، وتحقق لخلفائه الكسب مما قام بوضعه، بيد أن خلفاءه يواجهون عددا من المشاكل مثل التحيز الاجرائي في الممارسة الديمقراطية وعدم المناسبة بين نظام الحكم الرئاسي ووجود كثير من الأحزاب السياسية وكذلك الفجوات بين تركيب ووظائف المؤسسات الهامة للدولة.

الكلمات الاسترشادية: الديمقراطية، الانتقال الديمقراطي، الإصلاح، رئاسة حبيبي، الديمقراطية الاجرائية.

**A**uthoritarianism breeds crises. This was a lesson learned from the experiences of many countries that underwent transitions to democracy in the 1970s. The breakdown of authoritarian regimes in several Southern European and Latin American countries in that decade was basically triggered by socio-economic and political crises that overwhelmed ruling elites. The third wave of democratization that swept Eastern Europe and Southeast Asia in the 1990s seemed to follow suit, all beginning with mounting crises. As the following story tells, Indonesia's transition to democracy has by no means been an exception.

On May 21, 1998, President Soeharto relinquished his power after 32 years. The move was quite sudden, despite of the fact that demands for his resignation — spearheaded mostly by university students, prominent intellectuals and political activists — had been echoed all over the country. It was a sudden end in the sense that as powerful as he was, the public did not actually think that he would step down rather quickly without any significant efforts, politically as well as militarily, to defend his presidency. Even though signs were there that he was obviously losing his grip on what used to be his sources of support — triangularly consisting of the bureaucracy, the military and political party Golkar (an acronym for *Golongan Karya*, meaning 'Functional Groups') — many believed that Soeharto would not give up easily. This was especially so at a time when the country was plunged into an unprecedented crisis — socially, economically, and politically. The monetary crisis that hit Indonesia hard, starting with the devaluation of rupiah in August, 1997, was the main reason for the collapse of the country's economy.<sup>1</sup> This was followed by riots and bloodshed that resulted in enormous destruction in the capital Jakarta and big cities including Medan, Solo, Yogyakarta, Surabaya, Padang and Banyuwangi.<sup>2</sup> Having often suggested that, as a soldier, he was not a man to run from problems, this deepening crisis did not seem to be the right time for Soeharto to quit. But realizing the fact that he was eventually alone, deserted by his very own confidants and supporters who had backed him up until as late as March, 1998, when he was unanimously re-elected for a seventh term, he abdicated.<sup>3</sup> Thus, on that very day Soeharto declared unilaterally his departure from an office he had occupied for more than three decades. And with such a 'unilateral declaration' — a carefully chosen phrase which deliberately intended to

prevent certain legal or constitutional consequences — Vice-President B.J. Habibie ascended to the throne.<sup>4</sup>

Soeharto's resignation brought about tremendous and far reaching impacts. It generated changes; more importantly, it opened up the country's political 'Pandora's Box'. For so many years Indonesian politics had been too sacred field for society to be involved. Politics had not been permitted to be played out competitively. Rather, it had become a luxurious arena enjoyed primarily by the praetorian guard. As a result, not only did society become more depoliticized — in the sense that it could not develop freely any political ideas and practices other than those dictated by the state — but it often faced confrontation and discouragement to the point where the realm of politics simply had to be avoided.<sup>5</sup>

With his departure, public euphoria was everywhere. As a result, the sacredness or remoteness of politics was demystified. Quite suddenly politics became a public sphere in which everybody felt they owned the right to be involved. Waged under the spirit — although often looking more like a guise — of Reformasi, the public engaged in political activities with virtually no structural or cultural barriers. The political phrase Reformasi has been very popular since May, 1998, and may have contributed to Soeharto's downfall.

One of the most conspicuous indications of this political relaxation or liberalization was the emergence of an astonishing number of political parties, perhaps beyond anybody's imagination. As reported, between May and October 1998 in the midst of socio-economic and political uncertainties Indonesia witnessed the birth of 181 political parties, though only 141 of them were registered with the Department of Justice.<sup>6</sup> Despite the fact that only 48 parties were able to contest in the 1999 general election and only 21 of them gained one or more seats in the parliament, this did not seem to weaken the enthusiasm to form political parties. Many groups in society remained adamant to a view that party politics was indeed the most promising avenue to power in a newly democratizing Indonesia. As new parties continued to emerge, it was reported that by November 2001 the number of political parties registered with the Department of Justice reached well over 300.<sup>7</sup>

## **First Democratic Encounter**

What has been presented above was not Indonesia's first encounter with democracy. When Soekarno and Mohammad Hatta proclaimed the country's independence on August 17, 1945, elite sentiment of this archipelagic state generally favored democracy as its preferred system of governance. Even though the state's 1945 Constitution was often perceived as characteristically executive-heavy, several basic tenets of democracy were honored. In its preamble, for instance, important values such as humanitarianism, consultation and social justice were mentioned.<sup>8</sup> Likewise, the ensuing articles of the Constitution suggested that sovereignty rested in the hands of the people, represented by the Dewan Perwakilan Rakyat (People's Representative Council, DPR) and the Majelis Permusyawaratan Rakyat (People's Consultative Assembly, MPR). Also stipulated were principles such as majority-rule, separation of powers and freedom of religion. In short, it is suffice to say that both the state ideology Pancasila as well as the 1945 Constitution recognized the procedural and substantive elements of democracy.<sup>9</sup>

In more practical terms, the elite's commitment to democracy was evident in the choice to convert the Komite Nasional Indonesia Pusat (Central Indonesian National Committee, KNIP), which functioned as an advisory council during the pre-independence period, into a law-making institution (parliament). More importantly was the plan to hold general elections as early as possible, scheduled in January 1946. For this, the Government issued the 1945 Declaration X to enable the founding of political parties.<sup>10</sup>

Unfortunately, the practice of democracy could not be realized accordingly. In many cases it had to be set aside. In fact, normal governmental activities had also to be put on hold. From 1945–1949 Indonesia was forced to wage a revolution to defend independence. Following the victory of the Allied forces in World War II, the Dutch attempted to recolonize this archipelagic state. Because of that almost all attention and energy was directed at the mobilization of forces — both militarily and diplomatically — in defending the independence and sovereignty of the Republic. The revolutionary atmosphere made it impossible for key institutions such as the executive, legislative and judicative branches of government to function properly. Relying on George McT. Kahin's narrative accounts of Indonesian nationalism and the revolution, one can say that almost everything in the country

seemed to be operating in a revolutionary arrangement. As a result, any democratic practices that were put in place were, at best, revolutionary ones — something that may not be conveniently characterized as leading to a ‘common’ democracy.

The hard-fought revolution was finally over in December 1949 when, after a series of negotiations, the Netherlands agreed to recognize Indonesia’s independence. Working under a parliamentary system, this new state was able to formulate basic regulations in line with democratic principles. These included the way power was managed, how elite circulation was conducted, state inter-institutional relations operated, laws enforced and how processes pertaining to transition carried out. Most importantly was the way interaction among political powers in parliament was arranged and administered, especially in the formulation of laws and in response to government policies. This democratic fervor was especially evident in the liberal character of parliament, in which members enjoyed almost unhindered freedom in their endeavors to function as representatives of the people.

The culmination of this democratic journey was, after years of delay, the holding of general elections in 1955.<sup>11</sup> No less than 34 political parties and individual candidates contested the DPR and MPR seats. From that number only 28 parties and individual candidates gained one or more seats in the parliament. Emerging as the four largest parties were that Indonesian Nationalist Party (PNI), Masyumi, Nahdlatul Ulama (NU) and the Indonesian Communist Party (PKI). Respectively, they collected 22.3 per cent, 20.9 per cent, 18.4 per cent and 16.4 per cent of the vote. Other parties ranged between 0.1–2.9 per cent.<sup>12</sup>

As suggested, commitment of the elites to democracy was shown in their belief that public offices, especially the parliament, must be contested freely and fairly. This was one reason why they wanted to hold elections as early as January 1946 — at a time when the Republic was less than six-months old. When the revolution was over formulating laws on how elections would be conducted became a priority. In addition to the fact that the existing parliament was not a product of elections, other pressing agendas also made elections a necessity. Both the state ideology Pancasila and the 1945 Constitution, accepted on August 18, 1945 (one day after the proclamation of independence), were considered provisional. When the nation’s Founding Fathers convened under the Japanese-made Badan Penyelidik Usaha Persiapan

Kemerdekaan Indonesia (Investigatory Committee for the Efforts for the Preparation of Indonesian Independence, BPUPKI) from May–August 1945 to formulate the state ideology and Constitution, not all participants were whole-heartedly satisfied with the outcome. Comprised largely of two different ideological currents, nationalist and religious groups, Pancasila was still considered a secular ideology by the latter group. Knowing that the majority of Indonesians were Muslims, the religious group's aspiration was to promote Islam as the basis of the state. Furthermore, many committee members also regarded the 1945 Constitution as falling short in including articles on human rights. At a time when national unity was needed and independence had to be declared, this group had agreed to put aside ideological and political differences.

The holding of the first elections in 1955 was meant to produce two important state agencies: the DPR and the MPR. While the former was to function as a law-making body, the latter was to formulate the state ideology as well as to write the constitution. It was during this period that Indonesia was enchanted with democracy. From 1956–1957, the country reached the pinnacle in its democracy, with elected members of the MPR able to perform their tasks freely. Democratic principles were applied to such an extent that Herbert Feith considered them unambiguous practices of a constitutional democratic system. Others appraised them as those of a liberal democracy.<sup>13</sup>

In light of what had happened in that period, it would not be an exaggeration to say that 1950–1957 was a showcase of Indonesia's first democratic venture. As many have illustrated, the sessions held to write a constitution suitable to Indonesia's needs as a modern nation-state were milestones in the formation of democracy. It is clear from the speeches and the debates of the members of the MPR, in particular, that they adhered to democratic values and implemented them accordingly. The right to express opinion was truly honored and respected. Thus, participants were free to articulate the interests of society — and possibly those of their parties — which they represented, without being fearful of any consequences.<sup>14</sup>

In the end, all discussions about the MPR have only revealed how important this institution was in the history of our 'democratic crafting' — a term borrowed from Giuseppe Di Palma.<sup>15</sup> In addition to the 1955 elections, the role played by the MPR was one of an iconic benchmark

in Indonesia's early democratic experience. This was not only in the state's institutional structural context, but also in the performance it had demonstrated. It is almost impossible to find evidence contrary to the fact that democracy was indeed being practiced.

Of course, it is one thing to enact democratic principles and turn them into a way to reach consensus and/or to formulate the rules by which people may be put into certain public positions. It is a different matter, however, to ensure that democratic procedures are enacted to produce policies in accord with the wishes and/or the demands of the majority in the form of regulations, laws or policies.

Democracy's role as, one, a procedure and, two, as a means to produce policies that meet the wishes of the people, should complement each other. Both the procedural and substantive aspects of democracy should function in tandem, with the former serving as the best available way to achieve the goals and objectives of any existing government. Unfortunately, many still consider both as two different things and others even put one against the other.

Some tend to see democracy as a procedure. They are of the opinion that democracy will be more easily understood and differentiated from other governmental systems in terms of the electoral mechanisms it offers. In the definition of proceduralists, a country is called democratic in so far as it organizes free and fair elections at a regular interval, and does so in a non-violent way and without excluding anyone from taking part. A political system may be called democratic "when it allows the free formulation of political preferences, through the use of basic freedoms of association, information and communication, for the purpose of free competition between leaders to validate at regular intervals by non-violent means their claim to rule...without excluding any effective political office from that competition or prohibiting any members of the political community from expressing their preferences."<sup>16</sup>

Conceptually, in the context of such an understanding, procedural democracy can indeed be more easily understood. This is because procedural democracy uses more concrete and clear parameters. The primary measure is the conduct of the electorate through the act of voting, under the aforementioned conditions.<sup>17</sup> These conditions are concrete measures to assess whether a state or a political system can be labeled 'democratic'. A state that is incapable of organizing elections with such conditions cannot be considered democratic. In other words,

the elections themselves are not actually the measure of whether a state or a political system is democratic, but rather the quality of the elections.

Indonesia has had much experience with the rules and regulations of democratic elections. As will be elaborated, elections held under the New Order regime (1966–1998) were cases in point. In those elections only the requirements of peacefulness and regularity were fulfilled, but the elements of freedom, honesty, justice and openness were absent. Primarily because of these reasons the prevalent political system under President Soeharto's administration could not be called democratic.<sup>18</sup>

Many consider substantial democracy an abstract and subjective concept. Robert Dahl theorizes that substantial democracy depends on the level of responsiveness the government displays towards its people. He suggested that "a key characteristic of a democracy is the continuing responsiveness of the government to the preferences of its citizens..."<sup>19</sup> This notion of 'continuing responsiveness' serves as the basis used by Dahl to define democracy in the context of substance, in so far as the government is able to respond to the demands and interests of the people.

There is some truth in it. But Dahl does not actually stop with the question of the government's responsiveness towards the demands of the people. Complementing the substantive with procedural aspect of democracy, he believes that in order for society to have demands, the right of people to articulate their interests must be ensured. Therefore, they must have the opportunity to elect, associate, express opinion, contest public offices and exercise basic freedoms. Dahl calls this "the opportunity to formulate preferences, signify preferences [and] have preferences weighted equally in conduct of government".<sup>20</sup> It is clear, therefore, that Dahl considers elections an important element or part of democracy. With reference to the basic understanding of substantial democracy, we may conclude that the major factor in this concept is responsiveness towards the interests and the demands of the public. Unfortunately, adherents to the procedural school regard this responsiveness as an unclear or abstract measure for understanding democracy.

Indeed, being responsive towards public demands and interests may be considered a loose translation of one key element of democracy — 'government for the people'. However, it is actually the government's



main task to be responsive towards the interests and demands of the people, irrespective of the fact that a state or government is democratic or authoritarian. Many non-competitive or non-democratic countries such as the former Soviet Union, People's Republic of China, North Korea, Cuba, Vietnam and others, have been rather responsive towards their people's needs. Even more, in certain cases, the level of responsiveness of these states has been far more extensive than some democratic states. It is because of this responsiveness that some of these countries consider themselves democratic even though, procedurally, they are not. It would be hard, however, to find anyone prepared to acknowledge that these countries were part of the community of democratic governments.

Nevertheless, it is important not to make too big an issue over these two polarized notions of democracy. It is not sufficient to understand democracy only from its procedural side. When democratically elected governments are unable to provide stability and economic prosperity — two main concerns of any society — they no longer matter, and they will be considered ineffective. The same holds true when we limit our understanding of democracy to substance alone. The willingness of governments to respond to what the people want can also be found among non-democratic regimes.

The philosophical meaning and spirit of democracy, as developed by many classical Greek thinkers, does not require the presence of a contradictory juxtaposition between procedure and substance. Both must work in tandem, as the essence of the democratic system entails a provision and a maximization of a good and decent means to produce publicly endorsed policies.<sup>21</sup> This is all implied in Dahl's view about the responsiveness towards the demands of the people and the availability of opportunities for the people to formulate their interests. In reality, Dahl's theory that procedural and substantive democracy must run parallel is not easy to realize. Many countries are able to organize democratic elections but they fall short in, or are incapable of, responding to the demands of the people.

It is in the above theoretical context that the breakdown of Indonesia's first encounter with democracy can actually be understood. The country's constitutional democracy in the 1950s was often perceived as a clear practice of democracy that failed to combine the two sides of the same coin. The success in performing the procedural

aspect of democracy was not matched with the ability to respond to public demands. As the result, what the country witnessed in the period of the 1950s — from the transfer of power and sovereignty from the Netherlands to Indonesia in 1949 to when President Soekarno issued his decree dismantling the practice of democracy in 1959 — was an ideological and political bickering among the existing elites that threatened the unitary nature of the state as well as the basic function of the government in providing security, stability and economic prosperity.

### **Practice of Democracy**

From 1950–1957/1959 Indonesia was a democratic country. Being a new state with very limited resources and prerequisites to support it and as an archipelagic state with at least three major social cleavages— ethnicity, religion and social class — these represented challenges more than opportunities to initiating and eventually consolidating democracy.<sup>22</sup>

Geographically, Indonesia comprises more than 13,000 islands, with Papua, Kalimantan, Sulawesi, Sumatera and Java as the major ones. The community of Indonesians is at least divided into roughly 366 ethnic groups, with the Javanese, Sundanese, Balinese, Acehnese, Batak, Minangkabau and Malays regarded as the major stocks. The rest are ethnic minorities including Toraja, Dayak and Chinese. The heterogeneous nature of the country is spiced up with Islam as a dominant religion (87 per cent), followed by Catholicism, Protestantism, Hinduism, Buddhism and Confucianism. Instead of providing a better playing field for democracy to take place, these ethnic and religious traits have served as barriers to at least “the attainment of consensus and legitimate authority”.<sup>23</sup> In addition, they have also contributed to political cleavages in which “loyalties attaching to ethnic groupings competed with the loyalties held by the state and national community” or generated ethnic sentiment “where one ethnic group had strong traditions of hostility toward another group”.<sup>24</sup> This was part of the reason why it was so difficult for the elites to reach consensus and arrive at negotiated settlements — an important aspect of a workable or substantive democracy following the exercise of the principle of freedom of expression.

The practice of democracy in the 1950s was measured by two things: (1) the ability of government to govern; (2) the ability of the MPR to

formulate the state ideology and constitution. None of these tasks were able to be performed satisfactorily. In between December 1949 to March 1957 there were at least eight regime changes. The longest was that of the Ali Sastroamidjojo Cabinet I. It was able to administer state affairs for a little over two years (July 1953 until July 1955). On the other hand, the shortest was that of Mohammad Natsir (September 1950 until March 1951). Naturally, for nearly seven years these democratic regimes were confronted more with issues of national unity instead of immediate social, economic and political problems. Those issues included crises over West Irian (Papua), anti-communist raids, storms in the Army, military involvement in politics, anti-Chinese sentiment, attempted political maneuvers, attempted coups by the military, regional protests and, more importantly, President Soekarno's ambition to also become the head of government. Under these circumstances—and coupled with the fact that being a new state—Indonesia enjoyed limited social, economic and political prerequisites. It became even more difficult for democracy to function, especially as a means to solve the country's immediate problems.

In the meantime, the story of the MPR was not much different. Regardless of the fact that each session of the MPR was performed democratically, one could not fail to notice that it was also tarnished by the absolutist tendencies of its members, especially in debating the proposed bases of the state — Pancasila, Islam or socio economy, with the former two being highly polarizing. These absolutist stances were reflected in a statement by one of the religious groups:

Pantja Sila [Pancasila] as state philosophy is, for us, obscure and has nothing to say to the soul of the Muslim community which already possesses a definite, clear and complete ideology, one which burns in the hearts of the Indonesian people as a living inspiration and source of strength, namely Islam. To exchange the Islamic ideology for Pantja Sila is, for Muslims, like leaping from the solid earth into empty space, into a vacuum.

No less absolutist was the remarks of the nationalist camp:

From Pantja Sila ideology to an Indonesian state based on Islam, for Christians is like leaping from the earth, which is calm and peaceful for implementing their religion as *volwaardig* Indonesians, into empty space, vacuum, with no air.

Primarily because of this absolutist behavior, an agreement on the state ideology was difficult to be reached. Failure to decide the

ideological basis of the state triggered President Soekarno to issue a decree to return to Pancasila and the 1945 Constitution. As reported by its chairman Wilopo, the MPR had actually completed almost 80 per cent of its task in writing the constitution. With the exception of the ideological basis of the state, it had been able to formulate the substance of the constitution, including articles on human rights.

The fact that they could not come to terms with their fellow assemblymen on a question related to the state ideology encouraged President Soekarno to dissolve the MPR. With his presidential decree issued in 1959, Soekarno ordered the state and nation to return to Pancasila and the 1945 Constitution. Knowing that the 1945 Constitution was 'executive-heavy' by nature, Soekarno could enjoy a relatively strong presidency. Supported by military figures such as General Nasution, who often demonstrated his dislike — and that of the military, in fact — towards civilian politicians, Soekarno and the military emerged as dominant players in Indonesian politics (1959–1966). In order to balance the military's role in politics, Soekarno invited the PKI to join the course — a dangerous move which resulted in a bloody coup on September 30, 1965.

### **Breakdown of Democracy**

Soekarno's presidential decree in 1959 marked the breakdown of Indonesia's first encounter with democracy. Several factors contributed to his move to issue a decree. To some extent, Soekarno shared several basic principles of democracy; humanitarianism, social justice and consultation were perhaps his strongest democratic values. He was, however, a half-hearted democratizer when it came to the zero-sum game of politics. The winner-takes-all politics did not seem to impress him. On the contrary, he opposed it on the grounds that the one-man, one-vote policy was exceptionally beneficial to the privileges and disadvantageous for others. This was one reason why the MPR should not only be comprised of elected individuals but also those who were appointed to represent various groups in society and who did not have a chance in the elections.

More importantly, Soekarno was a figure who regarded democracy as a means. It is an instrument of the state to realize its functions. When the democratically elected assemblymen chose to indulge themselves in seemingly never-ending debate, Soekarno saw it as a betrayal to

the people's trust. Ideological and political stagnation occurred at the expense of the public's interest. Irrespective of his personal ambition, his move can also be seen as a way out of the great lock. Unfortunately, the road Soekarno took contradicted the basic principles of democracy. To serve his revolutionary zeal which viewed Western powers in the context of neo-colonialism, he waged an unnecessary confrontation with neighboring states, such as Malaysia, and allied himself with newly emerging forces. When he was at the height of his power (1957–1966), he curbed freedom and public liberty. Also, he imprisoned political opponents without due legal process. In short, under him the state dictated what could and could not be done by society.<sup>25</sup> Such authoritarian behavior led Mohammad Hatta, who left his vice-presidency in 1956, to say that Soekarno's Guided Democracy regime was in reality absent from democratic values. When his government was also unable to be responsive to the people's demands, what remained was an ineffective authoritarian leadership.<sup>26</sup>

During this period, the two faces of democracy — procedural and substantive — failed to reveal themselves. Different from the period of constitutional democracy when respect to democratic procedures had enabled power to be distributed, under Soekarno's Guided Democracy virtually all power was in his hands. Ironically, this centralized power was unable to produce policy substance in accordance with public demands for stability and economic prosperity. Politics remained highly dynamic but for the sake of political dynamism itself. The government failed to address the substantial matters that reflected society's demands. In addition, the accelerating rivalries between the existing political forces, especially between Soekarno, PKI and the Army, only exacerbated and intensified the alarmism in what many had characterized to be a period of "living dangerously". As mentioned, the climax to Guided Democracy's political maneuverings was the abortive coup following the assassination of six senior army generals on the night of September 30, 1965.

Under the direction of Major General Soeharto, the former commander of the Army Strategic Reserve Command who took control of the September event, the emergence of the New Order regime in 1966 was meant to be a panacea to the Old Order regime (1950–1965). In general, the former saw the latter period — featuring the liberal democratic period (1950–1957) and Guided Democracy

(1957–1965) — as an ineffective order. This was in the sense that they failed to create political stability and generate economic prosperity. Perhaps the level of ineffectiveness of the government was close to what Samuel Huntington calls “the government that [does not] govern”.<sup>27</sup>

There are a number of ways that can explain this “government that does not govern” phenomenon. Earlier, I have tried to argue that too much emphasis on democratic procedures had led public office holders, both in the executive and legislative branches, to fail in directing attention and energy to the substantive side of democracy. Soekarno saw these unguided democratic practices as responsible to both the ideological and political lock of the time. Ironically, relying so much on his anti-thesis of Guided Democracy, Soekarno himself was all the way trapped in his revolutionary zeal. This made him unaware of his people’s true interests. For the New Order, however, the root cause of this ineffectiveness was nothing but the absence of political order and stability.

Seen from the political development perspective, this viewpoint resembled Huntington’s political–order approach.<sup>28</sup> Even though his theory was often perceived as conservative, with order and stability considered more important than liberty or freedom, the crux of his concern was to have a balance between the state’s capabilities and public demand. In his view, the capacity of the state has to be built and institutionalized to enable the state to manage the different and often conflicting demands of the people. Without adequate capacity the state would not be able to administer the affairs of state and society, and this would eventually only generate chaos and decay. In light of Huntington’s theory, until the mid 1960s the institutionalization of the state’s capacity had not yet been adequate. As a result, the state faced difficulties in managing and administering its affairs, as well as public demands. This also seemed to be the cause for the failing of previous regimes — democratic (1950–1957) and otherwise (1957–1965) — to function effectively.<sup>29</sup>

As mentioned, the New Order shared Huntington’s viewpoint, especially on how political development was to be created. The fact that the New Order government valued stability and order only suggested that from the beginning it was not going to prescribe for a democratic system of governance under which the state and society would enjoy relatively sufficient room for participation. For 32 years

(1966–1998) the New Order turned out to be not only conservatively non-competitive, but also was a repressive developmentalist regime. Through shrewd political engineering and restructuring, the government was able to curb political liberty, limit the number of political parties, draft non-competitive electoral laws, control election results and render the legislative function of the DPR to merely being a rubber stamp of the executive. The order and stability so desired by the New Order government had been so fulfilling to the extent that, in the end, the international community believed the New Order was just as authoritarian as the regime it replaced in 1966.<sup>30</sup>

The difference was that the New Order was more systematic and structured in the way it administered state affairs by consistently using the system and policy it created, whereas the Guided Democracy regime was simply obsessed with its revolutionary romanticism. This had hampered Soekarno in formulating sound economic policy. As described by Liddle:

[D]uring the Guided Democracy period, economic policy was hostage to the army–Soekarno–communist balance and to Soekarno's own political vision of nationalist ideological unity and international activism on behalf of the leftist revolutionary causes. Bridges to the West were burned one by one, through expulsion of all Dutch nationals in 1957 and takeovers of British and American businesses in 1963 and 1965. No serious attention was paid to the maintenance or improvement of the economic infrastructure, or to developing new areas of economic activity.<sup>31</sup>

The New Order government was aware that it adopted conservatively non-competitive politics. However, to obscure the authoritarian nature of the regime, the government regularly conducted parliamentary elections. It began with the 1971 election, and five more elections followed in 1977, 1982, 1987, 1992 and 1997. In all of those elections, Golkar emerged victorious. This was done so through the use of coercive and repressive measures to the extent that voters felt intimidated to cast ballots for other parties. The range of support this political force could muster was between 60–70 per cent of the vote.

Contrary to the illiberal character of the political development pursued by the New Order, interestingly it embraced a liberal economic policy. The core of such policy was market economy, enabling the government to invite foreign investors into the country. Partly because of this the government was able to develop the economy to the extent that it pleased an international agency such as the World Bank. As

noted by Andrew Macintyre, “it has emerged to become a favorite child of the World Bank”.<sup>32</sup> This was not an unwarranted assessment. After nearly three decades of uninterrupted development, the New Order was able to change the economy quite remarkably. A combination of illiberal politics and liberal economic policy had enabled Indonesia to transform itself from a basketcase state in the 1960s into a newly industrializing country (NIC) candidate in the 1980s. With economic growth between 7–8 per cent for over a quarter century, per-capita income reached US\$1120 in 1996 — compared to only US\$80 in 1966.

As mentioned, what appeared to be economic successes of the New Order government were made possible at the expense of public liberty and freedom. This resulted in Herb Feith calling Soeharto's New Order a “repressive developmentalist regime”.<sup>33</sup> In the context of democratic transitions in Latin American or Southern European countries it was the repressive or authoritarian character of the New Order government that bred crises. The monetary and financial meltdown that Indonesia faced in 1997–1998 only paved the way for the overdue social, economic and political discontents to express themselves — and President Soeharto and his undemocratic regime simply had to go.

### **Transition to Democracy**

Long before Indonesia was hit by multi-dimensional crises in 1998, beginning with the contagious monetary crises that swept several Asian countries in 1997, signs that the New Order was increasingly losing its legitimacy began to emerge. In 1992 President Soeharto was 71 years old. After a quarter of a century in office, his “grip on power is beginning to show signs of weakening”.<sup>34</sup> This influenced his judgment and policy choices in managing: (1) the nationalist resurgence in East Timor; (2) issue of leadership succession; (3) his relationship with the Army; (4) emerging democratic forces.<sup>35</sup> When he was re-elected for his seventh five-year term by the MPR in March 1998, regardless of his supporters' assurance that the country still needed his leadership, he was actually sitting on a hot seat. This was one reason that explained why his final term lasted only three months from March–May, 1998.

As mentioned in the beginning of this essay, Soeharto did, in the end, resign. Even though he did not appear to defend his presidency



the way he maneuvered to stay in power for so long, he nonetheless worked hard to overcome the crises. On May 14, 1998, just a week before he abdicated his power, he attended the G15 Summit in Cairo. It was rumored that on this trip he sought political and economic support from the United States to help him solve the crisis. To no avail, he crafted a plan to reshuffle the cabinet, bringing in several reform-minded leaders and non-governmental organization activists. He also invited nine Muslim leaders including Abdurrahman Wahid, Nurcholish Madjid and Malik Fadjar, presenting a reform agenda which would lead to his resignation and the holding of general elections.

All odds appeared to be against Soeharto. His moves to control the situation did not attract those who had never before been in public office. Even his loyal ministers with whom he shared his power for so many years refused to join him in the forming of a new cabinet. Under these circumstances, Soeharto had no choice but to leave the office he had occupied for more than three decades. The transfer of power from Soeharto to Habibie took place on May 21, 1998, at the Presidential Palace. To provide the new president with legitimate authority, careful preparation was given to ensure that the process was constitutional, firm and in accordance with the law. Habibie took his vow to be the third president of Indonesia, a moment cherished by the wide audience of protesters. The divided support for Habibie's leadership seemed to have disappeared for a moment, overwhelmed by the euphoric welcoming of Soeharto's demise. But Habibie's rise to power was ambiguously received. To his supporters, the majority being modernist Muslims associated with the *Ikatan Cendekiawan Muslim se-Indonesia* (Association of Muslim Intellectuals in Indonesia, ICMI), his appointment was constitutional. Therefore, there was no reason to reject it. His opponents, however, saw it differently. Being one of Soeharto's close confidants, they regarded him as part of the problem. So, when Soeharto stepped down, they had hoped that Habibie would follow his mentor.

Against this background, Habibie realized that he needed a particular strategy to secure the survival of his presidency.<sup>36</sup> One key choice was to establish civilian control over the military, which had served as the praetorian guard of the state for decades. This was particularly crucial as Soeharto seemed to have had a back-up scenario if Habibie's

leadership was unable to restore national order. General Wiranto, as Defense Minister and Commander of the Armed Forces (ABRI), held Soeharto's undisclosed instruction to rescue the nation by all means in the case of an emergency.<sup>37</sup> Habibie was informed by Wiranto himself about the existence of this instruction, but let the General to keep it as an option if the situation worsened.<sup>38</sup> For this, he expressed his deep trust in Wiranto's integrity as a professional soldier.

His trust in Wiranto grew stronger when the Defense Minister reported a suspicious movement of General Prabowo Subianto's troops heading to Jakarta. General Prabowo, Commander of Army Strategic Reserve Command (Pangkostrad), was known as the 'golden boy', having received special treatment in the corps for being Soeharto's son-in-law.<sup>39</sup> In light of the event, Habibie instructed Wiranto to remove Prabowo from the Pangkostrad position, countering any possibility of military offensive.<sup>40</sup> In Prabowo's defense, the troop movement was intended to provide extra protection over the new Presidential Palace. While it might be true, this argument was not valid for Habibie as Prabowo had violated the line of command in secretly and, therefore, illegally mobilizing his troops. This was the least Habibie needed during his efforts in restoring civilian supremacy. By positioning Prabowo distantly from effective troops, Habibie had secured his presidency from one of the most potential military disturbances. A range of military repositioning then revolved around ensuring adequate support for the new president.

Other opponents chose to launch black campaigns against Habibie, accusing him as not only being incapable but also deceitful for maintaining Soeharto's cronies' interests in the government.<sup>41</sup> Even worse, Habibie's presidency was perceived as illegal because the transition of power should only have taken place through a special session of the MPR.<sup>42</sup> These criticisms circulated after Habibie had announced his cabinet ministers. One of the most vocal critics was Barisan Nasional (National Front, Barnas), comprising some of former Soeharto's cabinet ministers, retired military officers such as Ali Sadikin and Kemal Idris, and civilian figures such as Megawati Soekarnoputri, Rizal Ramli and Marsilam Simanjuntak. Another influential group was the NU, the largest Islamic socio-cultural organization in the country. Under the leadership of Abdurrahman Wahid, it took a position of moderate opposition to the government.<sup>43</sup> These opposition forces, however, were not united. When the MPR special session was held on November 10–13, 1998, student

protesters demanded Habibie resign. Neither Megawati nor Wahid, the expected civilian leaders, backed this action.<sup>44</sup>

The lack of opposition unity provided a loophole for Habibie to utilize. Arief Budiman, a notable political sociologist and former student activist, observed that there were two kinds of oppositional powers at the time: students and charismatic leaders.<sup>45</sup> Unfortunately, the two did not design a common political vision. The different treatment and bargaining by Habibie in dealing with each group also worked well in dividing their perspectives. Other than this, there were also pressure groups that served Habibie to balance support against opposition forces. Gerakan Keadilan dan Persatuan Bangsa (Nation Justice and Union Movement), whose members were also former Soeharto's officers, reminded the public to be fair in evaluating Habibie's government. Meanwhile, Liga Penegak Kebenaran dan Keadilan (Truth and Justice Defenders League), comprising Islamic civil groups, openly supported the president and criticized the opposition's unconstitutional messages. In light of what had happened, opposition to Habibie's administration was basically manageable.

All things considered, Soeharto's departure from office was only a *sine qua non*, a necessary move to solve Indonesia's multi-dimensional crises. One can argue that an overhaul was needed in order for the country to survive socially, economically and politically. Contrary to what Soekarno and Soeharto had done in 1959 and 1966, Habibie chose to start with liberty instead of order and stability. For this, the first thing he did was to form a new cabinet, including politicians from the Partai Persatuan Pembangunan (United Development Party, PPP) and Partai Demokrasi Indonesia (Indonesian Democracy Party, PDI) for the first time since 1977. Habibie considered this as an urgent matter to send the message that he could act quickly and firmly in reconsolidating national resources despite extreme pressures. In doing so he consulted with six national figures Widjojo Nitisastro, Hartarto Sastrosoenarto, Haryono Suyono, Feisal Tanjung, Ginandjar Kartasmita and Akbar Tandjung — all who had served in the New Order government. Except Widjojo, known for a long time as the *czar* of Indonesia's economy and who was appointed as an advisor, all of them were chosen as Habibie's core ministers. In addition to Habibie's family and the ICMI network, this team became Habibie's confidant during his leadership.<sup>46</sup>

Habibie's Reformed Development Cabinet was formed on May 22, 1998. The primary task of his cabinet was to democratically reform the country's economy, politics and legal system. The fact that Soeharto's government was notorious for KKN (an acronym for *kolusi*, *korupsi* dan *nepotisme*, or 'corruption, collusion and nepotism'), Habibie's administration had to declare that his was the antidote.<sup>47</sup> As part of his commitment to honor the principle of accountability and transparency, Habibie also announced that the Central Bank would be made independent. Its governor would no longer be part of the cabinet. This was necessary to minimize, if not to secure, the professional practice of the monetary sector from competing political interests. Another position that was also removed from cabinet was that of Attorney General. The goal was to prevent the executive branch's intervention in judicial processes.

### **Habibie's Presidency and Indonesia's Transition to Democracy**

With fragmented support for his presidency, Habibie's legitimacy struggled to remain standing. Forrester observed that political survival became the main priority of the new presidency in its first weeks in power.<sup>48</sup> In the meantime, investors remained hesitant to return, with the currency rate for rupiah against the US dollar weak — trading at between Rp14,000 and Rp17,000 per dollar. Meanwhile, about 79.4 million people lived under the poverty line in July 1998, and this was projected to escalate to 96 million by the end of the year.<sup>49</sup> In June, the International Monetary Fund (IMF) released a projection that the growth rate would remain minus 10 per cent for that year.

On the street, mass protests were held occasionally, sending an image that the country remained far from completely stable. Separatist movements in East Timor, Aceh and Papua awaited resolutions, with the internal security outlook further complicated by communal conflicts in Maluku and Poso. The early period of transition was indeed characterized by "a chaotic market and disorganized democracy".<sup>50</sup> Under these circumstances, Habibie launched a range of policies aimed at democratizing the state. As Bilveer Singh noted, drafted during Habibie's presidency were at least 68 new laws, three government regulations as a replacement for laws, 109 government regulations, 248 presidential decrees and 31 presidential instructions.<sup>51</sup> Below are several important policy decisions taken by Habibie.

### *Political Reform*

President Habibie may not have enjoyed nation-wide support during his presidency, but no-one could deny his commitment in relaxing the political atmosphere.<sup>52</sup> As outlined in his memoir, he had assured his adherence to democratic principles — something which he experienced for many years while he residing in Germany — rather than the feudal political culture which had prevailed in the Soeharto era. He wanted to see larger participation of people in politics, even though this meant that he should be ready to respect different aspirations against himself along the way.

In response to the people's demands, he instructed the release of 15 political prisoners on May 25, 1998, including Sri Bintang Pamungkas and Mukhtar Pakpahan, two of the most vocal critics to Soeharto's final years.<sup>53</sup> This was followed by allowing freedom of the press to develop and reviewing all regulations considered impediments to the promotion of freedom of speech and expression.<sup>54</sup>

Another important political breakthrough was his instruction for internal reform of Golkar, transforming it into a normal political party. This meant that Golkar would no longer have special privilege in mobilizing support from either the bureaucracy or the military. Golkar would have to compete with other political parties to maintain its influence in the parliament. Most importantly, its internal reform detached the institutional linkage between the party and military. The move was formally announced and accepted at the Golkar congress held in July 1998.

In less than six months after Habibie replaced Soeharto, more than 181 political parties came into being. This was the consequence of the government's announcement in June 1998 to remove any regulations that hindered the establishment of political parties. With this new development, one could expect that Indonesia's next election would return to a liberal multi-party system. To ensure that elections would be held fairly and freely, an independent election commission Komisi Pemilihan Umum (General Election Commission, KPU) and an oversight committee Badan Pengawas Pemilu (Election Oversight Body, Bawaslu) were formed.

Related to this political reform agenda was his decision to speed up holding of the general election. Originally scheduled to take place in 2003, Habibie agreed to hold it in 1999. Of course, one can always

argue that this was more because of the growing discontents to his leadership as well the increasing demand for accelerated elections. Without his commitment to reform, however, there was no guarantee that the first post–Soeharto elections would be held one year after the country underwent a rocky transition to democracy.

Fundamental to this agenda of political relaxation was Habibie's decision to end the military's involvement in politics. Gradually, he removed military personnel from the political arena and sent them back to the barracks as professional soldiers. Publicly announced on September 1, 1998, his reform agenda would make, as reiterated by General Wiranto, "the social and political role of the Armed Forces systematically and automatically decline, along with the growth of our civil society". This plan was further strengthened by his statement on the Armed Force's Day on October 5 that the military would not be part of any political party and could not hold public offices unless they retire first from the military.<sup>55</sup> To complete this agenda by April 1, 1999, the National Police was separated from the Armed Forces. This was done in the effort to define a clear line between public order and defense sectors.

In order to provide a strong basis for democracy, Habibie believed that the 1945 Constitution must be revised. For this he supported a proposal introduced during the MPR special session on November 10–13, 1998, starting the process of constitution amendment. This did not begin until after the holding of the general election in 1999, and one of its important decisions was to impose a two five-year term limit for president.

### *Decentralization (Regional Autonomy)*

The Indonesian state under the New Order was a centralized one. The relationship between the central and regional governments was highly skewed, with the former simply treating the latter as subordinate administratively, bureaucratically and politically. In spite of the fact that a number of provinces such as Jakarta, Yogyakarta and Aceh formally enjoyed a special status, they did not actually exercise real autonomy in managing their affairs. Habibie's role in the early period of democratic transition included the idea of decentralization. This policy enabled regional governments to enjoy a wide range of autonomy. With the enactment of Regional Autonomy Law No.22/1999, they were

authorized to administer their affairs — excluding foreign, defense and security, monetary, legal and religious issue, which remained in the hands of the central government.<sup>56</sup>

To a certain extent, regional autonomy or decentralization policy was also Habibie's way of responding to the growing separatist demands which became increasingly apparent in Aceh, Papua and East Timor. Even the Special Province of Yogyakarta was once rumored to aspire for a similar separatist idea. Habibie was especially aware that these separatist aspirations were founded on an uneven distribution of wealth between the central and local governments, particularly between Java and the outer islands.

While applying a relatively similar policy for most of the regions, the government adopted different policy choices for troubled or problematic provinces like Aceh, Papua and East Timor. For Aceh, the plan was to grant special autonomy status. As it turned out, it did not ease Aceh's discontent toward 'Jakarta' — the term used by Acehnese in referring to Indonesia's central government — and it only made more popular and appealing the secessionist organizations like Aceh Free Movement (GAM), led by Hassan Tiro. The separatist idea in Aceh was finally resolved through a different arrangement, long after Habibie was president. Mediated by former Finland president Marti Ahtisaari, a peaceful agreement between the government and GAM was reached under the initiative and direction of Vice-President Jusuf Kalla in August 2005. With this agreement, Aceh remained part of the unitary state of Indonesia yet was granted autonomy to administer its affairs based on Islamic law.<sup>57</sup>

Like Aceh, a special status for East Timor did not appear to satisfy a large portion of the Timorese. Allowing the Timorese to decide their own future, Habibie opted for a referendum. This policy option, as discussed below, resulted in the separation of East Timor from Indonesia. Until now the problem of Papua has not been entirely resolved. The province was divided into two — Papua and West Irian. Both have been granted a wide range of autonomy, but a separatist movement still attracts some Papuans. Its root causes have yet to be determined, and the government is able to eliminate it.

### *East Timor Referendum*

More than anything else, East Timor represented a human rights issue rather than a democracy one. President Habibie was determined

to end this problem by any democratic means necessary. This included an internationally administered referendum. Among the separatist provinces, East Timor had different circumstances. Other than human rights violations, Aceh and West Papua had no problematic territorial status for the international community. However, East Timor had never been admitted as part of Indonesia by the United Nations due to its distinctive colonial history. Other parts of Indonesia were under Dutch occupation while East Timor was under Portuguese colonial rule until this region was, with Portugal's withdrawal, left in a power vacuum in 1975. A civil war ensued and one of the warring parties asked Soeharto to include Timor Timur as part of Indonesia. A referendum was held and the result revealed that the majority of Timorese wanted incorporation into Indonesia. Yet, the referendum result was rejected by the anti-Indonesia faction. This latter group continued its revolutionary war against Indonesia and gathered international support to delegitimize Indonesia's sovereignty over this region.

After consultations with local leaders, the DPR, United Nations and the Portuguese government, Habibie offered special regional status and autonomy to the Timorese.<sup>58</sup> This was done despite the remaining differences between Indonesian and Portuguese government. The former considered this special status as the final resolution, while the latter perceived this as a stepping stone towards the Timorese independence. In the field, dissenting views manifested in the form of violent conflict between pro- and anti-integration forces. Considering all possible options, on January 27, 1999, Habibie announced that a referendum would be held for the Timorese, providing another opportunity for them to determine their destiny: either to remain with Indonesia by accepting special regional status or disintegrate as an independent nation-state.

On August 30, 1999, the referendum was held. The result showed that only 21.5 per cent chose to remain with the Republic, while 78.5 per cent were against the granting of special regional status.<sup>59</sup> With this referendum, the Timorese had decided to be separate from Indonesia and become an independent state. Internationally, Habibie was praised for his bold decision to provide another opportunity for the Timorese to decide their own destiny. Domestically, he was condemned because of inability to defend the unity and integrity of the Indonesian state.



### *Promoting Central Bank Independence*

The main delegitimizing factor which brought about the end of Soeharto's rule was the collapse of the economy. This had been Habibie's main homework task since the start. His economic priorities were to "safeguard the stability of rupiah, reduce inflation and cope with the social impact of the economic crisis".<sup>60</sup> This was to be done one step at a time because any policies would not have been effective if the rupiah was still depreciating.<sup>61</sup>

In controlling the currency, Habibie believed that the key institution to be reformed was the Central Bank. An independent Central Bank was crucial to re-designing a reliable monetary policy without intervention from any political interests. This was a principle which had been violated by the two previous presidents.<sup>62</sup> Both former presidents Soekarno and Soeharto often made the Central Bank "finance the government's programs" at the expense of the currency's value.<sup>63</sup> In Habibie's view, the mistake should not be repeated. He then consulted the idea with his economic advisors and invited former executives from the Deutsche Bundesbank—Germany, such as Dr. Josef Ackermann, Dr. Helmut Schlesinger and Dr. Wolfgang Kartte, to help.<sup>64</sup> On April 14, 1999, Law No.23/1999 was enacted to serve as the legal basis for the Central Bank to operate independently. By October 1999, the rupiah was stable at Rp7,000 against the US dollar, inflation was reduced from 75.47 per cent in September 1998 to 0.02 per cent by September 1999, and the Central Bank's interest rate declined from 70 per cent in August 1998 to 13 per cent by October 1999.<sup>65</sup> Foreign investors started to arrive and economic recovery began. The governor of the Central Bank no longer was part of the cabinet, and a range of institutions and regulations to support the professional functions of the Central Bank continued to develop.

### **Habibie's Democratic Legacy**

As mandated by the MPR special session of 1998, the parliamentary election was held in April 1999. Habibie's role in this was central as he enacted a range of regulations to ensure that election was democratically competitive, free and fair. It included eliminating military personnel's right to vote and removing civil servants' obligation to vote for Golkar. He also empowered the election oversight committee with the authority to monitor, mediate disputes and conduct legal process on any violation

by candidates. This was a breakthrough, given that a similar institution in Soeharto's era was simply part of Golkar's winning team.

The election was a success for Habibie's government. It was relatively competitive, democratic and peaceful.<sup>66</sup> Forty-eight political parties were allowed by law to compete, with Partai Demokrasi Indonesia–Perjuangan (Indonesian Democratic Party of Struggle, PDIP) under Megawati's leadership winning the most seats in parliament (153). Golkar placed second (120 seats), followed by four Islamic or Muslim-based parties such as PPP with 58, Partai Kebangkitan Bangsa (National Awakening Party, PKB) with 51, Partai Amanat Nasional (National Mandate Party, PAN) with 34 and Partai Bulan Bintang (Crescent Star Party, PBB) with 13.<sup>67</sup>

Under the 1945 Constitution, the election was about casting votes for members of the DPR. The president and vice-president were elected by the MPR — the highest body with the right to evaluate the president, amend the constitution and formulate the state guidelines. This body comprised of DPR members, appointed professionals and regional representatives. During the New Order period “these appointments were all made in processes controlled by Suharto and, therefore, produced an Assembly prepared to do the president's bidding”.<sup>68</sup> This was not the case when Habibie was in power. Unable to marshal necessary support, his accountability speech was rejected in the MPR session held in October 1999 by a margin of less than 50 votes.

There was no clear measure as to why his accountability speech was rejected. Under such a constitutional arrangement, one can only argue that assembly politics may have served as the major factor in this case. Outside the assembly building, however, one could also speculate that Habibie was perceived to be lacking commitment to bring Soeharto to trial, responsible for the East Timor referendum result and unresponsive to human rights violation cases involving the military.<sup>69</sup> The acquittal of Hutomo Mandala Putera, Soeharto's favorite son, on corruption charges, was delivered days before Habibie presented his accountability speech in the MPR and only intensified these negative sentiments. Obviously, the timing was not on his side. In light of this development, the message was clear for Habibie — he had no adequate political support in the parliament. He decided not to contest the presidential race. Through the political maneuverings of the Central Axes, a loose

coalition which consisted of Islamic or Muslim-based parties plus Golkar, Abdurrahman Wahid was elected by the MPR as Indonesia's fourth president. Megawati, leader of the winning party PDIP, became vice-president.

### **Women in Democratic Transition**

The 1945 Constitution guarantees the equal status between men and women. This has allowed many prominent women to be involved in states affairs and public life. There have always been women ministers in the cabinet since the early years under Soekarno, holding various positions from labor affairs to women affairs. Women have also played important roles in the parliament, mass organizations and in academia. They have been well respected for their activism and intellectual contribution for the nation. In fact, Indonesia once was led by a female president — Megawati Soekarnoputri. This indicated that any competitive woman with interests, talent and an adequate network, could participate in politics.

However, a closer look at the circumstances of women would reveal a more complex understanding. While it was true that women's participation in Indonesian politics had never been formally prohibited, there had been prevailing cultural and structural barriers in various degrees for different women. These impediments were particularly obvious during the time of Soeharto's government. The New Order implemented a range of policies which created cultural and structural mindsets that the main roles of women were to manage the household and support their husband's careers. These ideas were institutionalized particularly in Dharma Wanita and Pembinaan Kesejahteraan Keluarga (Family Welfare Guidance, PKK).<sup>70</sup> The former was an organization of women civil servants and civil servants' wives, while the latter was a top-down program to empower women, particularly in rural areas. Both of them were Soeharto's instruments for constructing the idea of femininity, setting an ideal perspective of women as the main family pillar. A dual role for women — encompassing both public and private domains — was acknowledged as long as the former did not outweigh the latter. Particularly for low-income families and rural people, the consequence of this conception was damaging for women as it limited their potential to pursue careers.<sup>71</sup> When in 1995 a protest was launched by a group of women against Dharma Wanita and PKK,

the government jailed its leaders. This demonstrated the existence of the state's conscious efforts to maintain a monolithic and state-driven conception toward the role of women.

Women's pressure groups started, promisingly, to emerge in early 1998 in line with the development of mass protests against Soeharto. Comprised of women from different backgrounds and professions, this initiator movement was acknowledged as *Suara Ibu Peduli* (Voice of Concerned Mothers, SIP). This group demanded economic and political reform as the economic crisis imposed uncertainty and misery on Indonesian families. Gender analysts believe this was an important milestone in the development of space for women in Indonesian politics, allowing a reconceptualization of gender relations to grow after decades in marginalization.<sup>72</sup>

After Soeharto's fall, political relaxation provided even greater opportunity for gender consciousness and activism in politics. However, at first the new president did not acknowledge the urgency of women's repositioning in society. The discourse on mainstreaming was more of a bottom-up process, carried by women activists from street protests to negotiation tables with the government in the pursuit of achieving structural impact.

The process of negotiation started on July 15, 1998, when Habibie agreed to meet with a group of activists and intellectuals to discuss female victims of the May riots.<sup>73</sup> On this occasion President Habibie finally agreed to apologize to victims on behalf of the government and establish an independent body of National Commission on Violence against Women tasked with advocacy and women's protection.<sup>74</sup> The commission was initially projected by Habibie to be under consultative supervision of the Ministry of Women Empowerment and his wife — First Lady Ainun Habibie, an eye doctor by training. Yet, the women's group rejected his idea as it could damage the impartiality of the body. Habibie then accepted the group's institutional design and issued Presidential Decree No. 181/1998 on October 15, 1998, to formally establish the commission. The discourse on gender relations has since flourished significantly.<sup>75</sup> In 1999, Habibie also ratified the Optional Protocol of the Women Convention, a further commitment to enhance concerns on gender policies and gender mainstreaming.

Interestingly, the progress of gender activism in the Habibie era was not followed by a proliferation of female representation in the

parliament. The composition of women parliamentarians in the post 1999 election was the lowest since the 1987 election, as revealed in the table (following page).

Parliament Period	Women		Men	
	Total Seats	%	Total Seats	%
1950–1955	9	3.8	236	96.2
1955–1960	17	6.3	272	93.7
Constitutional Assesmbly 1956–1959	25	5.1	488	94.9
1971–1977	36	7.8	460	92.2
1977–1982	29	6.3	460	93.7
1982–1987	39	8.5	460	91.5
1987–1992	65	13.0	500	87.0
1992–1997	65	12.5	500	87.0
1997–1999	54	10.8	500	89.2
1999–2004	45	9.0	500	91.0

Women Parliamentarians in the DPR<sup>76</sup>

This was an irony considering the fact that 57 per cent of voters in the 1999 elections were women. It took nearly a decade for the state to remedy this situation. In 2008, the new law on election and political parties stipulated the requirement of a 30 per cent quota for women in party leadership and candidacy for parliament. In light of this development, it is now safe to say that women and gender issues are no longer alien in public discourses. The right proportion and qualification standard for women's continued participation in politics has continue to be debated, but efforts to promote gender equality and to empower women in public life are growing in a promising way.

### Concluding Remarks

Habibie might have lost the political battle in his short period of presidency. This is in the sense that Indonesia's political reality — expressed by its new practitioners — did not appear to appreciate him. Given the circumstances, both in terms of resources at his disposal and the problems he faced, he actually did his job relatively well. With only 18 months at the helm of power, no single individual could actually

have confronted all the challenges he or she was being exposed to. He achieved much in the attempt to create key foundations for democracy to work. Among the major achievements which allowed Habibie to pave the way for further development, were public liberty and freedom of the press and expression. The immediate results of these endeavors were the emergence of political parties and the holding of the first democratic elections in 44 years. More importantly, Habibie was able to keep Indonesia's nation state intact. As mentioned, his early months of transition were threatened by the possible break-up of the state. Undoubtedly, his successors benefited immensely from the solid ground laid out for the democratization of Indonesia.

Of course, a lot of work remained to be done upon Habibie leaving office. Efforts to amend the 1945 Constitution had not been started. Direct presidential as well as vice-presidential elections had not been undertaken. Likewise was the fact that women had still been politically left behind. Even so, Habibie had made Indonesia's transition to democracy a relatively peaceful one. As such, it had served as a valuable legacy for presidents Abdurrahman Wahid, Megawati and Susilo Bambang Yudhoyono to build on in their endeavors to consolidate and develop democracy into a decent and workable system of government.

Indonesia has now reached a point of no return at which democracy has been widely accepted as the best available system of government. Yet, several challenges remain. They include procedural bias of democratic practices, the incompatibility of the country's presidential system of government with the existence of many political parties and the continuing gap between structure and function of some important state agencies. Despite the fact that, structurally, the MPR is regarded as the country's highest body, it does not enjoy substantial roles other than to amend the constitution and impeach the president. In light of this condition, the country's democratic future relies much on the willingness of its stakeholders — the state and society — to immediately tackle those problems.

## Endnotes

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3. On the afternoon of May 18, 1998, Harmoko, in his capacity as Chairman of the People's Consultative Assembly (MPR) and People's Representative Council (DPR), accompanied by his deputies, called for Soeharto's resignation. Two days later 14 ministers — Akbar Tanjung, Ginanjar Kartasasmita, A. M. Hendropriyono, Giri Suseno Hadihardjono, Haryanto Dhanutirto, Rahardi Ramelan, Subyakto Tjakrawerdya, Theo L. Sambuaga, Justika S. Baharsjah, Kuntoro Mangkusubroto, Rachmadi Bambang Sumadhijo, Sanyoto Sastrowardoyo and Tanri Abeng — resigned. For a description of Soeharto's final days, see: 'Reformasi Belum Selesai', *Gatra*, May 30, 1998, pp. 24–40; Ikrar Nusa Bhakti, 'Chronology of Events Leading to the Resignation of President Soeharto', in Forrester & May (eds.). *The Fall of Soeharto*, pp. 239–245.
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STUDIA ISLAMIKA, Gedung Pusat Pengkajian  
Islam dan Masyarakat (PPIM) UIN Jakarta,  
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خارج إندونيسيا (دولار أميركا):

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ستوديا إسلاميكا (ISSN: 0215-0492) هي مجلة دورية يصدرها مركز البحوث الإسلامية والإجتماعية (PPIM) جامعة شريف هداية الله الإسلامية الحكومية جاكرتا (STT/DEPPEN NO 129/DITJEN/PPG/STT/1976)، وترتكز للدراسات الإسلامية في إندونيسيا خاصة وآسيا جانوبي شرقي إجمالاً. تقبل هذه المجلة على إرسال مقالات المثقفين والباحثين التي تتعلق بمنهج المجلة. والمقالات المنشورة على صفحات هذه المجلة لا تعبر عن هيئة التحرير أو أي جمعية التي تتعلق بها. لكنها مرتبطة ومنسوبة إلى آراء الكاتبين. والمقالات الختوية في هذه المجلة قد استعرضتها هيئة التحرير. وهذه المجلة قد أقرتها وزارة التعليم والثقافة أما مجلة علمية (SK Dirjen Dikti No. 56/DIKTI/ Kep/2012).



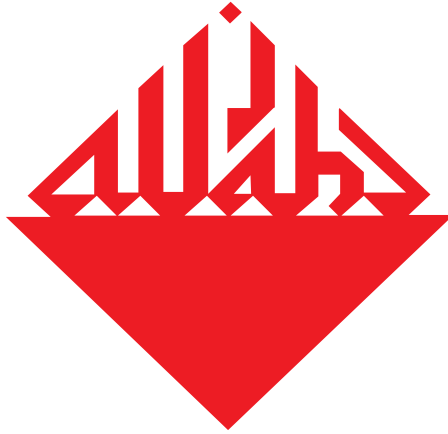


ستوديا اسراميا

# سثوديا اسراميا

مجة إنءونيسية للءراساء الإسلامية

السنة الءاسعة عشر، العءء ٣، ٢٠١٢



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السياسة القانونية لءزبء العءالة والرفاهية  
في الفترة ١٩٩٨-٢٠٠٤ الميلاءي:  
ءراسة لقضية قانءون إءارة الزكاة  
اسماعيل مرزوقي

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:*[Kitab Rahasia Hari dan Bintang]*  
علم النجوم عند المسلمين من قبيلة الساسك  
سوبرابءو

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