

“The Dutch Legacy in the Indonesian Parliament”

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Abstract

The Indonesian parliament, the DPR, today presents its similar characteristics as the Dutch parliament in the 19th century. The historical trajectories show that when establishing the core of the parliament institution, the founding fathers copied what the colonial government had been practiced, and maintained during the authoritarian regime in Indonesia, accordingly the Dutch legacy lingered. Consequently, in the wave of democratic era, after the fall of the authoritarian president, the same institution should have adapted itself into a more democratic institution, but remained weak due to its outdated characteristics. This paper shows the historical aspects of the DPR and the lingered Dutch legacy to understand the DPR's tradition. This paper concludes that the Indonesian parliament, DPR, is regarded more as a legislative body, instead as a parliament and a deliberative assembly.

Keywords: Indonesian parliament; Indonesian parliament history; Dutch legacy; Dutch parliament 19th century; Parliamentary procedure

Introduction

The event of President Suharto's fall in 1998 was likely to shed light on the study of contemporary Indonesia and its democratization process. In fact, Sherlock [1] claimed that after that time, the “political transformation” affected mostly the Indonesian parliament, the DPR (Dewan Perwakilan Rakyat or People's Representative Council) [2]¹. However, such transformation could not change the DPR drastically into a democratic parliament, at least not immediately. Sherlock's study on the DPR, in fact, concluded with pessimistic view about the future of the DPR as a parliament. His elaboration on the DPR's legislative process, the committee, the claimed-unique-Indonesian style of decision making (musyawarah mufakat), and the relationship both inside and outside the parliament--among political actors and towards the government--showed that the existing political culture inside the DPR tends to maintain its status quo and not yet present itself as an effective representative body.

This paper aims to show that the political culture rooted at the DPR today is not merely a legacy from the previous Suharto's authoritarian regime; instead it was a product of historical development back to the Dutch colonial times. It was not a coincidence also that the characteristics present at the DPR's today were also found in the Dutch parliament in 19th century, as displayed by recent study on the Dutch parliament in forthcoming edited book, Parliament and Parliamentary: a comparative history of disputes about a European concept. When the DPR characteristics show the resemblances of the Dutch parliament in the 19th century, it actually makes sense because the Dutch colonized Indonesia for around 350 years. The founding fathers, involved in forming the state, were also educated in the Netherlands and exposed mostly by the system of the Dutch politics. During such a long time span, it was obvious that the Dutch legacy impacted many aspects in Indonesian structure of life, including the parliamentary institution. The outdated practices in the parliament, then, were shaped effectively to support the legitimacy of the authoritarian regime, and unfortunately lingered until today.

Now when the Indonesian DPR, including the political parties inside it, was criticized as an institution that is “corrupt, greedy, ineffective, self-absorbed, isolated from society and dominated by

oligarchic elites” [3], it is probably wise to take a look at the Dutch parliament as an example. Today's Dutch parliament has adapted its working system to be a democratic parliament, and if the Indonesian DPR would also proceed towards the same path, the tradition from the former colonial could also be followed. It is not an intention of this paper, though, to address this issue. However, in showing what kind of legacy lingered from the Dutch colonial style and still exists at the DPR, and discuss these aspects and influences to the DPR, it is likely that the undemocratic features will be justified. Furthermore, by understanding the DPR and its parliamentary tradition, obviously the DPR Indonesia still needs a certain amount of time to adjust appropriately in order to be a more democratic parliament than it currently is. By understanding the DPR's parliamentary tradition, the DPR actually exercises more as a legislative assembly than as a parliament.

In showing this, the paper is organized by discussing firstly, the Dutch colonial power in Indonesia towards the times of Indonesia ruled by the authoritarian regimes, and secondly, moving into the discussion of parliamentary characteristic in the Netherlands and the DPR's practices, and analyzing this legacy further, followed by the conclusion.

Dutch Colonial Power in Indonesia Parliament

Most Indonesian history books stated that the Dutch colonized Indonesian for about 350 years, by about 1630 to 1942², first by VOC-Vereenigde Oost-Indische Compagnie [4-6] (Dutch) or United East India Company, which was integrated and continued ruling by the Netherlands administration in 1800. In the seventeenth century, the concept of Indonesia as one country did not exist yet. At that time, there were only local kingdoms, scattered from Celebes (called Sulawesi island nowadays) consisting of Buginese and Makassarese kingdoms;

²See also Ricklefs [7].

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Received March 11, 2014; Accepted June 20, 2014; Published July 03, 2014

Citation: Adiputri RD (2014) “The Dutch Legacy in the Indonesian Parliament”. J Pol Sci Pub Aff 2: 118. doi:10.4172/2332-0761.1000118

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¹I use the direct translation from Indonesian language, instead of Indonesian official English version of ‘House of Representatives’ (DPR Rules of Procedure) [2] to avoid perception that DPR similar to the House of Representatives from other countries.

Ambonese kingdom in Mollucas; Javanese which included kingdoms of Mataram, Surakarta and Yogyakarta to Sundanese and East Javanese including Madurese, and Sumatra including kingdoms of Srivijaya and Aceh.

The Dutch occupied the Mollucas (spice island) first as the source of export-commodity and then moved and centered the administration of government in Batavia (nowadays known as the country's capital Jakarta) in Java island for its strategic sea-trade position. With the diversity of ethnic cultures throughout the archipelago, the Dutch tried to cooperate with local kingdoms, assisted the aristocracy in suppressing the rebels with modern military and thus, in return, the Dutch may have gained some benefit in taxes and access to natural resources, notably the spices for European commodity. The Dutch employed 'the system of indirect rule' by utilizing 'the old aristocratic Indonesian elite as its primarily instrument' [8]. With such a big country and so many regions, the local kingdoms and the traditional native leadership were effective to become the agent of the Netherlands colonial regime.

The Dutch colonial power worked really well with the Javanese culture, which is by nature centralized and hierarchic [9]. The King in Javanese culture, was associated with the father in a family. The king had the authority to make the law and become the center of the society (or family). In such context, hierarchy played its role. There were layers at the Javanese society: after the king, there was aristocracy, the middle class and then the commoners, as portrayed in the Javanese language³. Such culture developed by the Dutch. The Dutch created also additional layers in the society: the pure-blood of Dutch as the highest rank; then the mixed-blood, the Eurasians; the merchants consisting mostly of Chinese and Arabic; and the lowest layer, the native Indonesians. Due to these layers, discrimination was created, Indonesians for example could only register for the low position at government services, and only the aristocracy could access to education.

It was also part of the culture that the peasantry relied heavily to the leadership of the king or aristocracy. Thus, with the condition of centralized colonial regime occupied by the Dutch, the aristocracy became the agent for the Dutch, rather than being the guardian of the Indonesian people's interests. As a result, common people stood in periphery and relied only on aristocracy or intellectuals (or middle class) thinking about the state's future in early years of independence. In Indonesia's case, the organization of nationalist movement came late, largely owing to the lack of effective leadership.

In early 20th century, when the Dutch needed administrative officers from the natives, education was encouraged although limited only to those aristocratic families or to those who had money. Few Indonesians had even educated themselves in the Netherlands, who later became founding fathers for Indonesian independence. However, the idea of governing Indonesia never came across at that time, although the Dutch government had established Volksraad⁴ or the colonial People's Council in 1916⁵. Volksraad gave 'a voice in legislation, the right to petition the Crown, the State General and the Governor-General in the interest of the Indies (Indonesia's colonial name), and the right to participate in drawing up the annual budget' [9]. It was set up to give the recommendation to the Governor-General, although the recommendations were often ignored [10,11]. Volksraad members

³Krama Inggil (language for kings and aristocracy), Krama (for middle classes, or for young people addressing older people) and Ngoko (casual language, among peers and friends).

⁴See the DPR website on history, www.dpr.go.id/mobile/tentang/sejarah, accessed on 11.3.2013.

⁵I refer to the discussion about Volksraad from Palmier [9] and Schiller [10]. According to Schiller, Volksraad established in 1918.

were both elected and appointed, and from the low numbers, it was clear that 'the Indonesians would never have an effective majority' [9]. With the unnoticed recommendation and appointed members, mostly from aristocracy, Volksraad actually was not a parliament, however the Indonesian parliamentary members in the 1930s gained the experience from this forum to practice about being a representative and advancing an opinion to the (Dutch) government.

When the Netherlands was invaded by the Nazi troops, it was known that the Japanese would conquer Indonesia. The Japanese came to Indonesia in 1942 and set up Chuo Sangi-in⁶. This was not a parliamentary body, but a forum of inquiry for Japanese military officials asking Indonesian representatives about field condition. However, in this forum, the Japanese supported the Indonesians' proposal of independence, free from colonialism. Unfortunately Japan surrendered and could not fulfill its promise to free the country, and the duo Sukarno-Hatta declared Indonesia independence, on 17 August 1945 by their own-chances, although Japanese officials were also present at the declaration ceremony. Soon after the declaration, the 1945 Constitution and the Central Indonesian National Committee or Komite Nasional Indonesia Pusat/KNIP were set up. KNIP was established as a legislative body, and it became the core of the eventual parliament. The setting up date of the KNIP in 29 August 1945 has been afterwards regarded as the birth day of the DPR.

The control of administration from the Japanese hands moved into the Indonesian hands. Of course, the Dutch could not accept this when it returned to the archipelago with the Allied mission in September 1945. The Dutch wanted to regain its authority over the colony. The Allied mission, including the Dutch representative within, planned to arrange the surrender of Japanese forces, and used the troops to re-occupy big cities in Java. There were clashes and fighting. The Republican leaders, Sukarno as the president and Hatta as the vice-president, protested Allied forces in recognizing 'the Netherlands Indies government as the only legitimate authority in Indonesia' [9]. Indonesia requested to negotiate only if there was a third party as a mediator in the discussion.

Later the Dutch offered a proposal to Indonesia for giving a 'commonwealth', formed 'a substantial majority of the People's Council' and erased 'all racial discrimination' [9], but definitely no existence of the new Republic. Indonesian rejected this proposal. The fight continued and while the Dutch bombed the city of Yogyakarta, which at that time was the temporary--and captured most of the cities and main roads, however they failed to control the country side. Then in 1948, the Security Council resolution called to end up the hostilities and the United Nations Commission for Indonesia was established and it agreed upon Indonesian independence. Here, 'diplomacy--and not the guerrilla wars--played a crucial role' [12].

During the negotiations with the Dutch in 1945-1949, regarding the future of Indonesia, the parliamentary system of government was introduced and the federal structure adopted [9]. Later, the discussion of federalism was avoided and always associated with this Dutch legacy to break Indonesia apart. This is the reason why in Indonesia, the discussion on federalism, is always related to the Dutch practice of attempting to divide Indonesia, which is against the national unitary spirit and prone to be secede from the main country. Efforts to introduce federalism in Indonesia would be revoked based on this historical memory, as happened when Indonesia entered the phase of decentralization era in 1999.

⁶Source from the DPR's history, source: <http://mpn.kominfo.go.id/index.php/2011/10/05/tjuo-sangi-in-cikal-bakal-dpr-indonesia/> accessed 4.4.2013 at 10.19

The leadership of the young country was mostly exposed to the Dutch political system, thus following the Dutch, the multiple small parties and proportional representation⁷ were preferable arguing that the multicultural country as Indonesia was more suitable to this style. In such system, the voters selected a political party not a government, therefore the political party should have strong roots in the society.

The parliamentary system depended on political parties in order to operate effectively, but in Indonesia at that time, parties had not yet developed into modern organizations based on the grass-roots level but represented mutually exclusive 'systems of ideas', namely the nationalist, the Islamist and the communist⁸. Political parties did not create either stable majorities or working coalitions, and changing the cabinet was common before the first general election in 1955 [13]. In the election of the members of DPR and Konstituante council⁹, hundreds of groups and individual candidates, together with 30 political parties were contested¹⁰. They failed to create a stable government coalition, and no new constitution could be enacted.

On 5 July 1959, President Sukarno imposed a decree of Guided Democracy (Demokrasi Terpimpin) or 'democracy with leadership', meaning Sukarno as the leader. In 1963, the political elites also declared Sukarno as the 'president for life' and this made him as the central of everything. Mohamad [12] portrayed Sukarno's era as:

[The] institutions lost their independence. Political parties...were ultimately dependent on Sukarno's will...The party helped strengthen Sukarno's position as the final authority, by pressing the government to disband parties and organizations it disliked. As a result, outside Sukarno's orbit, there was no space for an alternative power...The president was the Republic.

Sukarno's Guided Democracy posted himself as the decision maker of every political aspect in Indonesia, including which political parties would exist in the country. Sukarno preferred the communist and nationalist parties most. This then was changed in the event of September 30, 1965 when the top of military generals were killed, followed by series of killings of thousands of people associated with the Indonesian Communist Party (PKI). The party was stated to be responsible to the event of generals killings and thus should be banned from the republic and therefore, those people who were assumed to be associated with the party, were eliminated, killed or jailed. The September 30, 1965 became one of few moments in Indonesian history which was disputed until nowadays, because nobody truly knew what happened in that evening [14]. Due to this event, President Sukarno gave General Suharto an order letter to maintain the turmoil political situation in order. In May 1967, Suharto became the president replacing Sukarno.

The repressive system of previous Guided Democracy continued during the Suharto's era New Order, although with different style. The temporary 1945 Constitution was still in force, and it was used to strengthen Suharto's position as the president for a longer period. The DPR accommodated to the unelected members (appointed by the president) such as military and regional/societal groups, for example religious community, farmers, artists etc. The decisions at the DPR were

⁷See Feith, 1962: 21; Palmier [9]

⁸See Feith and Castles, 1970; Maryanov [15]

⁹Konstituante or constitutional council is a state institution set up to enact a constitution for Indonesia. Its membership is double from DPR. Due to the severe disagreement over ideologies, Konstituante failed to enact the Interim Constitution 1950 into a permanent constitution.

¹⁰Source: http://www.kpu.go.id/index.php?option=com_content&task=view&id=39, accessed on 15.3.2013.

recommended to be reached by a compromise, musyawarah mufakat or by the deliberation to reach a compromise, and not by voting. In the case of making the decisions by the deliberation, the proposal was usually formulated by the senior members (leaders) among the supporters of president and acclaimed by all for decision. This manner displayed an oligarchic practice. The majority of the DPR members were elected in the general election, but since the government decided the candidates to be members of parliament, they were mostly close to the president or to the center's connections and they did not have strong relations to the district, therefore they could not represent such regional people. Moreover, with highly academic and mostly Javanese background, added with military connection [16], the parliamentary members weakened the DPR's representative role and justified its position as a rubber stamp to the president at that time.

After the 1971 election, President Suharto reduced the number of political parties into three, which contested ritual elections between themselves. The parties were: Development Unity Party or PPP (fusion of Islamic parties), Indonesian Democratic Party or PDI (fusion from nationalist, Christian and Catholic-based parties) and Functional Group or Golongan Karya/Golkar¹¹, the leadership of the political parties was certainly determined also by Suharto. With such design, Suharto's presidency was secured and citizens become accustomed with this style of politics¹² and the possibility that the politics would different from Suharto's rule¹³ was lost out of sight until May 1998, when Suharto resigned as a president. In fact, under Suharto, dissent of both the parliament and its individual members was discouraged and if anyone inquired, the person could face being expelled from the DPR membership because practically all DPR members were appointed by the President, therefore the parliamentary immunity and freedom of speech were not guaranteed.

In brief, it can be said that:

...the Guided Democracy and the New Order each introduced a highly centralized political system. While Sukarno totally ignored the separation of judicial, legislative and executive powers by making himself the apex of everything...Suharto preferred to play behind the scenes. The state was organized in an order according to the constitution, but the real power rested on his hands [14].

Sukarno and Suharto were the presidents of Indonesia who employed the authoritarian style. Both were exposed to the Javanese custom which was centralized and hierarchic, added with authoritarian style of colonialism. The styles encroached within the corrupt administration which was said also to be inherited from the Dutch administration. The Dutch legacy apparently worked well during both authoritarian regimes practiced in Indonesia.

The DPR Parliamentary Styles and a Resemblance to the Dutch Parliament

The recent study about the Belgian and Dutch parliaments [19] becomes the main source in this paper showing the resemblances

¹¹Golkar refused to be called political party, instead it officially maintained itself as a functional group to give a justification to include armed forces personnel and civil servants. The military/police personnel and government officials, in every general election during New Order Regime, were requested to elect Golkar members and not vote for other political parties. Their positions as servants of the state would be at stake if this was not done. Golkar became Suharto's machine to win in the elections, thus the elected members at MPR would re-elect him as a president over and over again.

¹²Corruption, nepotism and collusion were common, and supported by the military [17]

¹³Bourchier [18]

between the Dutch parliament in the 19th century and the Indonesian DPR's characteristics. Meanwhile for the DPR characteristics, the source was derived mainly from the DPR's Rules of Procedure (Peraturan Tata Tertib or Tatib) [20,21]. The procedure describes the conduct in DPR, such as how to legislate, enact the budget, implement DPR (and members) rights, elect the leadership, organize meetings and sessions as well as how to make decisions, from the procedural point of view. The description below will be based on these two publications, if from others, it will be provided by references. The resemblance of today's DPR to the Dutch parliament of the 19th century was surprisingly striking as discussed each below:

Self-labelling

For self-labelling, the name at the Dutch parliament was not referred as the parliament, but the 'Estates General' (Staten Generaal)¹⁴ and during the parliamentary debate, the member will use this name when referring to the Dutch parliament. This is similar to what happened at the DPR. In the DPR, the members will always use the name "DPR" in every discussion about the institution and the task, and never refer itself as a parliament or any other names.

This is important to notice, especially in the case of the DPR, because the name of DPR has certain association within itself. First, the DPR is a national institution of Indonesia, meaning it will exercise in Jakarta, the capital of the country. This sparks a small problem in relations to the local parliament. The Indonesian local or regional parliament is named Dewan Perwakilan Rakyat Daerah or Regional People of Representative Council, abbreviated as DPRD. With the additional term "region" (for additional D letter as daerah), the status between DPR and DPRD are already different, yet sometimes due to this wording, the DPRD members considered themselves as "the DPR miniature, with the same legislative body as the DPR at the central level", and this created a problem in relations to regional heads¹⁵. The DPRD members acted and expected to be treated as their counterpart at the national, the DPR, as the second point below.

Second, the name also bore the meaning that the persons inside are the elected people sitting as DPR member (anggota DPR) which entitle the upgraded status from the ordinary citizens. Sherlock [22] portrayed this as:

Members of the DPR tend to be accurately aware of their status of their position as part of a prestigious and powerful institution and expect to be treated in a manner appropriate to their position and exactly due to this association, the DPR members assume that in the parliamentary compound, they have higher hierarchy position, especially compared to the DPR secretariat staffs. This then leads that the DPR members see the secretariat technical and administrative supports as "an acquisition to enhance prestige and influence"¹⁶. The DPR members regarded the secretariat staffs as inferiors, or like servants. Due to their imagined higher status and hierarchy, there is a tendency that the DPR may conduct as much as they wished, and therefore, the secretariat should make the wishes available. For example, the requests to go for meetings at resorts or hotels, outside the parliamentary compound, were normally decided by members of parliament without consulting to the secretariat's inputs whether such practices appropriate or not. The secretariat staffs were only asked to prepare such necessary administrative arrangements. As

a consequence, requiring information and the relations between the members of the DPR and secretariat staff are based on an order. The secretariat also could not react differently, as the working standard in the parliament was to agree to what the members had requested, as happened during the Suharto's times. Perhaps due to this tendency, the DPR is also regarded as a corrupt institution for the past five years (2009-2013)¹⁷ because the secretariat could not provide any effective information about misconduct or corruption to the DPR members and how to avoid such corruption conduct from the DPR.

Not a debating chamber

The Dutch parliament on the 19th century was also portrayed as operated like "an executive committee", with the style of chamber "was not open to the public" and "hardly any real debates" which was suitable to be said as the parliament acted more "as advisory body or even a powerless talking shop rather than a sovereign national assembly" [19]. Similar to this description on the Dutch parliament, the DPR is also not set up as a debating parliament. In fact, it is important to highlight, the DPR is regarded mostly as a legislative body, an institution to produce laws compared to another task of overseeing the executive's performances¹⁸.

The amended constitution 2002¹⁹ article 20 point 1 stipulates that the DPR now has a power to legislate. Previously, it was the President who had the power to legislate and the DPR only gave its approval. Most people saw this stipulation as a tremendous change for the DPR institution compared to the president, however, as Sherlock [1] notified, the role was not put on the DPR's role greater than previous condition as the power of legislation is still being shared with the executive. The following point at the Constitution, point 2, enacted that the bill is discussed together with the President, vindicated that the executive still holds the important part in legislation.

This constitutional article emphasizes the role of the DPR as a legislative institution, compared to other DPR's roles on budgeting and overseeing the government performance. Indeed, the Rules of Procedure also dedicated much on legislative procedure, with explaining on how the bill proposed: with the academic document/naskah akademis; under the scheme of National Legislative Program/Program Legislasi Nasional-Prolegnas; approved by the Legislative Committee/Badan Legislasi);²⁰ on the discussion based on mechanism of Problem Lists/Daftar Inventarisasi Masalah or abbreviated as DIM and many technical details. The discussion is also divided into two levels of discussion, with Level 1 for discussion and Level 2 for approval or formal enactment at the Plenary Session.

While the Rules of DPR Procedure focuses more on its legislative task, the media and civil society organizations also supported this

¹⁷According to leading national newspaper, Kompas [23].

¹⁸The Constitution enacted that the DPR has functions of legislation, budget and oversight (Article 20A).

¹⁹The Indonesian 1945 Constitution was amended into four stages of amendment during the period 1999-2002, despite the huge changes and the additional articles (from 16 chapters into 21 chapters; from 37 articles into 73 articles and from 49 paragraphs into 170 paragraphs), the name for the Constitution remains the same for English translation, the 1945 Constitution (in Indonesian, the old version was called: Undang-Undang Dasar, and the new one is called Undang-Undang Dasar Negara Republik Indonesia Tahun)

²⁰The DPR Rules of Procedure devoted much details on aspects of preparing the bill, with the bill rationale (Article 104 point 7); the stipulation of Prolegnas (Article 106); the content of Academic Document or naskah akademis (Article 112 point 3) etc, with almost 30 articles and 108 points for preparation alone.

²¹Asril article on Kompas, 23 Dec 2012 "Again, DPR Legislation Performance failed to reach its target", The Jakarta Post, and the annual report of PSHK on Evaluation on DPR's Legislation work.

¹⁴Beyen and te Velde [19]

¹⁵Interview with Cecep Effendi, an expert on DPRD empowerment project, 19 July 2011.

¹⁶Sherlock [22]

condition, by scrutinizing mostly on the numbers of laws enacted by the DPR every year²¹, pointed out that the DPR always missed its target on numbers of laws and criticized the poor quality of the enacted laws. Indeed, with such legislative power, the DPR still enact a small number in laws annually.

Furthermore, when the DPR holds the legislative power, it was expected that the DPR would have more initiative for the bill proposal or change the working mechanism into more adaptive to such changes. Unfortunately the changes adapted to the updated power were very little. As exercised during the authoritarian regimes, the executive still plays an important part in proposing the bill. Also, the DPR did not revise much its legislative procedure amidst the additional number of political parties in post-Suharto's era. The DPR still conducts its tasks mainly in the commission/committee, and not at the Plenary Session. At the committee meetings, all political party groups, called factions, were given the same amount of time to express their opinions regarding the remarks at the bill. With such time allocation, almost no real debates occurred in the DPR on certain issues. The term 'debate', although it refers to a political debate, seems to bear a negative perception in Indonesia which is against the unity and harmony and if possible the debate should be avoided.

After the bill is discussed for quite some time at the committee/commission meetings, including with lobbying and compromises mechanisms, the bill will be agreed by all factions and the government representatives in this committee/commission meetings (Discussion Level 1). Only after the agreement at the small forum like this, the bill is sent to the Plenary Session to be formally enacted (Discussion Level 2). Therefore, at the Plenum, the members --outside the particular committee/commission which discussed the bill, do not have a chance to speak about the bill again, because it has been decided or agreed in the commission/committee. With no interaction or real debates between the DPR members at the Plenary Session, the plenum is commonly seen as a routine, formality and monological forum²². Everything had already been decided in the smaller forum of committee, thus the discussion was open to the public only for a limited time, usually open at the early stage of discussion, when the minister came to the meetings. Afterwards, the attendance of the minister at the commission/committee meetings was represented by government official (civil servant) from the related ministry. The meetings usually moved outside the parliamentary building, mostly at hotels, which far from the public view [24].

The Plenary Meeting became a ceremonial venue, as there was no debates, nor exchanging views among members, only the faction representatives came up to the podium to deliver their speeches, usually having same recommendation: to enact the proposed bill; and the speakers acting as moderators throughout the entire formality event. Now wonder that the Plenary has been always filled with empty chairs²³ despite the Plenum as the DPR public face [1]. As the legislation process is conducted at the smaller forum of discussion, and not at the Plenum, with little public scrutiny, the DPR members were prone to any misbehavior. The corruption as alleged to DPR at regular times was likely conducted at the small forum of committee/commission. The exchange money during the process of legislation, especially on the selection of state officials, regional establishment and the huge project of infrastructure, is still happening at the DPR [1]. With this tendency, the DPR is merely seen as a talking institution and not as a parliament.

Compromise decision-making

Indonesian DPR enacted the procedure for decision-making based on consensus (Rules of Procedure article 272) with its famous slogan *musyawarah untuk mencapai mufakat* or "deliberation to reach compromise"²⁴, and if possible to avoid voting, although voting is also regulated if compromise is not reached. Only under special circumstances, the decision will be taken by majority votes, and actually voting was discouraged. This notion was introduced by President Sukarno and continued by President Suharto, as informed on the previous section. In today's DPR, the members did not attempt to change this style of decision-making as it is considered as a heritage from founding fathers, and not as a burden, or as 'an inherently Indonesian way of decision-making, ensuring that all parties are satisfied with a decision and that minority parties are not made to feel excluded' [22].

Beyen and te Velde (forthcoming) described the members of Dutch parliament at the 19th century, that the parliamentary members were "looking for rational or businesslike common ground...who argued more calmly and were good at finding compromises behind the scenes". This compromises principle is surprisingly similar in both the Dutch parliament at that time and in the DPR. Was this a coincidence?

The style of compromise in the DPR's decision-making has indeed tried to avoid voting if possible. The compromise is reached to "make concession so that the final product can be presented as the result of genuine agreement (*mufakat*)" [3]. For this reason, I think the concession running in the DPR is better described as a compromise, compared to consensus. Preferring compromise-style, I agree to Ankersmit [25] that: compromise is governed by a kind of political logic other than consensus: for compromise, unlike consensus, retains the possibility of cooperation even when people hold different views and are also determined to maintain these...The invaluable gain of the acceptance of compromise was that they could now live more or less safely under one and the same political roof with political opponents.

Consensus will take the form of an identification of the common denominator of the ideological position of the parties involved... consensus will primarily be achieved where ideological differences turn out, on closer inspection, to be much smaller than initially was believed. In consensus the compatibility of different ideologies is exploited to the full. Compromise occurs when two parties agree upon a political option that is explicitly at odds with the desiderata of the different ideologies involved, but both parties are nevertheless willing to take the political responsibility for this option.

Ankersmit's definition on compromise, I think, is more suitable to the context of Indonesian DPR. In Indonesia's political system, the differences between ideological positions, for example between the nationalist and Islamic political party is not striking amidst the huge different principle in names. In principle, the nationalist political parties could not follow the ideological line of the Islamic parties, however, within the DPR, each political parties would likely to be at the same position regarding certain issues in the bill/law (compromise), to cooperate together and stand at the same 'political roof'. It is not necessary to build common similarity in their ideologies (consensus), and with this tradition, it is better that the decision-making style, *musyawarah mufakat*, at the DPR is called as deliberation to reach a compromise, although the official translation of the DPR Rules of Procedure uses the 'consensus' term instead of compromise.

²²Interview with MP, Lukman Hakim Syaefuddin, *Parlementaria*.

²³See Sherlock [1,22]; and PSHK Catatan...

²⁴The DPR Rules of Procedure states on consensus, but following to what Ankersmit [25] has explained, I preferred to use compromise compared to consensus, although the term 'consensus' is a used as the official translation from the DPR.

This kind of compromise in decision making, unfortunately, has been always criticized to have "an instrument of oligarchic control and avoidance of transparency and public accountability" [1] and only gives greater power to leadership of factions [26]. Indeed, at the DPR, the musyawarah mufakat style gave greater chance mostly to the senior members (leaders) and ignored the voices of the ordinary parliamentary members, usually the new comers or the young ones. During the Suharto's regime, those who had a say were among the supporters of president, for none would dare to contradict to the President's policy. The seniors' or the leaders' statements should be acclaimed by all for decisions, which showed an oligarchic practice. Today, the musyawarah mufakat decision-making at the DPR is no longer for the sake of supporting the authoritarian president, however the continuous practice is likely due to the nostalgic legacy of the founding fathers and the enduring political culture at the DPR which are hard to change overnight. We will discuss the oligarchy more at the next section.

Representation

At the representation section, the Dutch parliament at the 19th century was described that "MPs were not directly accountable to the people" because "in the Netherlands, representation had more to do with the representatives than with the represented". Moreover, the idea of representing the people became nearly synonymous with 'defending the party ideology' or 'implementing the party program' (p. 100). In brief, it could be said that the "parliament became more or less a continuation of party politics...this type of democracy did not care much for formal parliamentary democracy, which was mainly seen as the world of bureaucrats" (p. 102). It was because the "Dutch politics were apparently about administration, not about representation" (p. 98).

These descriptions above exactly portray the Indonesian DPR today, as the DPR is not yet fulfilling itself as a representative body. The abbreviation of the name DPR, People Representative Council, which refers to the term representation, sadly does not entail the DPR to perform itself as a representative institution. It was true that the DPR's members were elected through general election every five years, however the candidates to be members of the DPR institution were rarely elected from the local election district, and instead were imported from the capital, Jakarta. It was common that during the election, the candidates were selected by the party's leadership in Jakarta and were considered for having a mass or supporters in the country. Celebrities, like singers or television actors/actresses, or the famous names (the ministries, senior parliamentarians or sons/daughters of political parties' leadership) were usually recruited and posted at specific electoral districts to attract the voters at certain political parties. As consequences, these candidates if elected in the DPR, only agreed to what the party's leadership on certain policy, and disconnected themselves from the voters or public expectation of such districts.

The election only brought the legitimacy of the candidates to be members at parliaments. The citizens' votes were only expected during the election and once the political party members became member of the DPR, the citizens were forgotten. This is notably seen that the candidates to parliamentary members would build the relationships with the people prior or during the election period, then after the election, there is almost no contact to the constituents any longer.

The recent publications on Indonesian parliament [26] had explained much on DPR's functions of representation, legislation and oversight. For representation, the author showed that the representative

function based on 'representation of societal interest, composition, responsiveness and public opinion' [26]. He claimed the general tendency in representation as seen in politics that 'parliaments are the embodiment of people's sovereignty' and that 'an elected representative should not completely ignore the wishes of his constituents'²⁵ which showed that 'performing the representative function seriously demands the first and foremost a democratic electoral system'. In the conclusion, the author admitted that:

The performance of the DPR must be improved as the legislature is not yet able to fulfill its functions in an adequate manner...the representative function is not sufficiently fulfilled because the selection of the legislators is in the hands of a small party elite that dominates the selection process of the candidate. Consequently, the legislators usually feel more accountable to their respective party leadership than to their constituents.

As we have seen from this excerpt, the DPR's representative function, cannot be described functioning and thus the DPR members only exercised what the political parties expected on them on certain policy, ignoring public needs at the electoral districts. Seeing from this context, the DPR does not act as a parliament, but merely exercises its role as a legislative institution, administratively producing laws.

Quo vadis DPR?

Mietzner and Aspinall stated that despite of the democratic reform at the political institution, including the DPR, institutions during post-Suharto regime showed that the 'core structures of power remaining unchanged'. The previous section has already shown us that the tradition of the Dutch parliament in the 19th century is still present in the Indonesian DPR today. Further research on similarities between these two parliaments is needed, but it can be inferred that the outdated tradition still lingers. If the Dutch parliament today is considered as a democratic parliament, can the DPR proceed to the same way?

As learned from the history, the DPR was established in haste, copying what the founding fathers detected from the Dutch political system, and continued to remain like that during the authoritarian regimes of Sukarno and Suharto. From its historical legacy, the DPR has never been set up as a debating parliament or a deliberative assembly. The Dutch colonial Volksraad was designed only as an advisory body and certainly its aspects and characteristics would portray what had been practiced at the Dutch parliament at that time. Indeed, there was a similarity between the way Volksraad operated with the style derived from the Dutch parliament in the 19th century²⁶. There was a pause during the authoritarian periods of presidencies so that the Dutch legacy still lingered in the DPR because the DPR did not have a chance to run its parliamentary practice at all, if any. Being only as a rubber-stamp institution for four decades, it is no wonder that DPR had no experience to parliamentary initiatives of its own, no real connection to constituents, and it exercised only 'empty political rituals' in law-making.

However, in post-Suharto era, the election law was revised and was getting better throughout the years. While before, the Indonesian election in 1999 showed that the political parties had the powerful role in choosing the candidates in the ballot papers, with closed-party list and no names of candidates; then in 2004, the regulation changed to open proportional list, in which the party list the candidate arrangement. Although the party still had a bigger role in deciding the ordinal

²⁵Ibid, p. 34-36

²⁶Conversation with Henk te Velde, 13.6.2014 in a parliamentary conference.

number of the candidates, at least voters knew the name of candidates offered by the political party; and finally in 2009 election, with open proportional list, the party listed the names of candidates, and voters were able to vote the candidate's name too. This gave options for voters to vote the candidates to their likings either the candidates' names or the party's name, although the 'personal charisma of candidates'²⁷ still influenced the voters. This relatively better requirement was repeated at the 2014 election. If the election, as one of democratic aspects, shows a progress, then the same expectation can also be extended to the parliament. If election regulation is revised into a better system, accordingly to the management of political parties, then the representative function at the DPR would be better too. Indeed the political culture of the Suharto's regime has still lingered at the parliaments, which still rely more on the opinions of party's elites, still in favor for the personal material gains and holding on to the elevated status of the DPR's members, which have interfered the parliament's focus on the actual work at the legislation and oversight. This in the short term can be tackled by revising the working procedure to acquire more democratic values. In larger scope the outdated working procedure at the parliaments has restrained the democratization process.

The legacy described above displays that the DPR institution is merely seen as a legislative body and not as a parliament. The administration at the DPR is focusing on producing laws and became a legislative body instead to be a parliament. The number of laws produced annually is an important aspect and the civil society organizations and media also always considered highly on such legislative achievement. The perception about the DPR is always revolved and referred to the low number of enacted laws, which always only around 10% of its annual target [27]. The Indonesia's 1945 Constitution (amended version) has given more power to the DPR to act more as a truly legislative assembly, however due to the outdated legislative system, the output or the number of targeted laws would be become low. Even with such tremendous empowerment in the DPR, the institution remains weak as the legacy of political culture or authoritarian tradition remains [28]. As we see from the previous section, the self-labelling of the DPR institution, the legislative process, the decision-making style are indeed copied an outdated procedure, but focusing more on the legislative tasks at the DPR.

The legislative aspect is considered as the main role of the DPR, taking sides of other roles of overseeing the government performance. The constitution enacted so but the supporting system, like the secretariat, and the parliamentary procedure was not revise according to the new legislative role. The secretariat remains treated as an inferior part, and there has never been questions based on its skills in supporting the legislative process. Meanwhile, the legislative procedure also revolves on meticulously scrutinizing the language use at the article of the bill, instead of debating the big issues of the bill, and delegating the language correction to legislative drafter. When the DPR members still treat the secretariat's inferiority, it actually diminishes the chance to acknowledge the secretariat's skills in knowing certain administrative mechanism that the members do not know. The DPR members are changing in every five years, and the secretariat staffs as civil servants work at the same place for their entire working careers. The acknowledgement to the secretariat technical and administrative support can be enhance by revising the procedure into more adaptive to the democratic changes.

The Rules of Procedure is in need to be revised to adapt to changes,

²⁷The voters' decisions are still based on the image of the candidates, and that is why many political parties recruited the celebrities for vote getters during the election, and not based on party's ideologies.

the delays and time-consuming discussion on language usage can be eliminated. Probably due to exhausting energy consumed for language correction, the Plenary Session does not have a chance to be upgraded to be a discussion forum from many DPR members, instead just to be a ceremonial forum. The procedural change is a start to change this tradition, but it certainly requires trust and equal treatment from the DPR members towards the secretariat's skills. Only after the equal relations between the DPR members and the secretariat, the legislative process can be simplified and accordingly the Plenary Session may serve as a forum of exchanging views from all the DPR members on certain issues in the bill prior the bill is enacted into a law.

Furthermore, with the low connection between the citizens and the DPR members, as explained at the previous section on representation, the party's leadership plays a great role in determining the policy at the DPR, and this practice is criticized as an oligarchic tradition, or style that the policy is decided only by few persons in the DPR. Actually, the Indonesian culture favors the principle of relying on leadership and 'family-man', where the man of the family (father or big brother) is responsible for the best of the family²⁸. This principle apparently extended to the activities outside the family, also to the DPR [29]. As we studied from the history, a small group of elites in Jakarta during the early years of Indonesia represented Indonesian people, and at the same time, the people only rely on their leadership in the future of the country. This principle also exists in the society, rooted from the Javanese culture as the centralized system and with layers in society. Since the deliberation to reach a consensus is exercised by the collective leadership at the DPR bodies, accommodated by the DPR Rules of Procedures, the voice of ordinary members became marginalized [30]. Ordinary members are required to follow what has been decided by the leadership or the seniors, regardless their opinions. If disagreement occurs, the leadership of the related commission/committee will invite the faction leaders for lobbying meeting and have a backroom dealing and horse trading [26], which show 'the instrument for oligarchic control, avoidance of transparency and public accountability' [1] and is likely prone to corruption if conducting in a smaller forum of committee meetings.

It is worth to note that the critics applied most to the leadership taking advantage of the ordinary members and not on the style of decision-making, itself. Therefore, if the tradition of deliberation to reach a compromise, *musyawarah mufakat* is maintained, it just needs to be conducted properly. The style offers an opportunity for every faction to say something, regardless their size at the DPR, meaning the minorities' voice is considered. However, the voice from every member, both ordinary and senior should be equal, and no longer favors the seniors or the leaders only. It is also better that such conduct is being on the public view, such as the Plenary Session, where people may see whether their district representative has a say or not. Apparently, voting is not the only way to reach a democratic decision-making, compromise can be a democratic way in decision-making. By reducing the role of leaderships and the role of senior party representatives in decision-making, *musyawarah mufakat* as Indonesian style of decision-making may have a chance to eliminate the oligarchic tradition. All can be start by revising the rules of procedures and exercise the rules properly [31-36].

Conclusion

The DPR today shows similar characteristics with the Dutch parliament in the 19th century. It was understood due to long

²⁸I am not able to find references yet for this, but this is a common principle accepted as Indonesians, including myself.

occupation of the Dutch colonialism in Indonesia that the style and characteristics of the Dutch parliament influenced also to the DPR when it was established in 1945. The DPR did not have a chance to practice as a democratic institution as being bridled by authoritarian regimes practiced by the first two Indonesian presidents, Sukarno and Suharto. The history shows the DPR's development on how the institution becomes as such institution, from Volksraad legacy into a rubber-stamp institution under two authoritarian presidents. Then the similarity between the Dutch parliament at the 19th century and the DPR today is discussed, notifying that if the Dutch parliament today has transformed from certain characteristics into a working parliament, perhaps the DPR may have a chance to proceed to that way too. However, this aspect is not discussed here, instead, after comparing the similarity between the Dutch Parliament in the 19th century and the DPR today, the discussion is addressing more on the DPR's chances to improve based on its legislative procedure and decision-making style, the musyawarah mufakat. Revising the DPR Rules of Procedure is one way to empower the DPR, however this can work properly if the secretariat's skills is acknowledged, the Plenary Session is upgraded as a speaking chamber and the decision-making is conducted by all members, not just the seniors or the party's leaders. The Indonesia's DPR has certainly had a long way to adapt to a more mature parliamentary style, but only times will show if it will continue moving further along that road.

Acknowledgement

I am grateful to Prof. Kari Palonen for his readings and comments on the earlier version of this paper, and critical comments from the unanimous reviewer for this article. I am also grateful to the Mobility Grant of University of Jyväskylä and the Doctoral Program of Contemporary Asian Studies for providing research funding that made this article possible.

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