

2020

## Oligarchic Cartelization in Post-Suharto Indonesia

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*Walden University*

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# Walden University

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2019

Abstract  
Oligarchic Cartelization in Post-Suharto Indonesia:  
Exploring the Legislative Process of 2017 Election Act

by  
Bonifasius Hargens

MPP, Walden University, 2016

BS, University of Indonesia, 2005

Project Submitted in Partial Fulfillment of the Requirements for the  
Degree of Doctor of Philosophy  
Public Policy and Administration

Walden University

[November 2019]

## **Abstract**

A few ruling individuals from party organizations overpowered Indonesia's post-authoritarian, representative democracy. The legislative process of the 2017 Election Act was the case study employed to examine this assumption. The underlying thinking was that there was a contest between "wealth power" (oligarchy) and "participation power" (democracy). The power of wealth controls the party and government institutions. Notwithstanding the presence of participation power, there was, however, no balance between wealth power and participation power, because the formal control of politics was in the hands of party oligarchs. The study purpose was to bridge the gap in knowledge by exploring how the party oligarchs maintained the policymaking, reputedly using cartelized strategies, to defend the status quo. By employing the oligarchy and cartelization theories, the central research question of this inquiry focused on how the party oligarchs, allegedly using cartel work-patterns, mastered the policy process in post-Suharto Indonesia. A qualitative case-study was used with in-depth interviews with 15 participants for data collection and the *N-Vivo* program for data analysis. Qualitative findings indicated that the party oligarchs engineered the legal process in parliament applying cartelized strategies to defend privileges they obtained from collusive interpenetration with the state. The implications for social change include informing members of parliament, other policymakers, and civil society groups of the cruciality of comprehending the modus operandi of oligarchic cartels. Understanding the "oligarchic cartelization" theoretical postulate is a fundamental step for party members to improve their performance in public offices. The results of this study can also be a useful reference for pro-democracy activists to defend the ontological essence of public participation in implementing representative democracy at an appropriate level.

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## Dedication

While—at the very beginning—giving thanks to the Almighty God, the Holy Trinity (Father, Son, and Holy Spirit), this dissertation is dedicated to my beloved mother, Maria Elisabeth Bunga, who peacefully slept in the Lord on April 15, 1995, and my extraordinary father, Romanus Aber, a humble Catholic and hard-working farmer currently living in Anam, a small village in Flores island in the eastern part of Indonesia.

## Acknowledgment

I complete this Ph.D. program in difficult life-circumstances. In the past few years, my health has been declining, and my office workload has increased. However, I believe the worst is over. For that reason, I wholeheartedly give thanks to the Almighty God who gave me the strength to go through the storm in my life. I hope that this Ph.D. degree will be valuable capital for me to strengthen my ethical engagement and encourage social change in society at the appropriate level—as a kind of thanksgivings for the blessings granted so far in my lifetime.

My exceptional gratitude goes to Professor Benedict DeDominicis, Ph.D. and Dr. Marcia Kessack, as my dissertation committee members who have courageously and professionally guided me and supervised the entire process during the completion of this dissertation project. Special to Professor DeDominicis, I did enjoy so many of his journal articles internationally published. He also inspires me to explore in a further research after graduation the issue of Islamist radicalism in contemporary Indonesia, especially the correlation between cartelized, Islamic parties and the rise of identity politics in contemporaneous contexts. It reminds me what the President of Walden University, Dr. Ward Ulmer, underlined in his opening speech at the Atlanta Academic Residency in August 2019 that being a Walden scholar is to be the agent of social change at any level.

I am also grateful for the professional support of Meghan Irving, MA from the Walden Writing Center who reviewed the form and style of the manuscript, Dr. Tamara Mouras from the review committee serving in the role of University Reviewer, and Dr. Sue Sobacz as the Chief Academic Officer and Provost. To all professors and faculty staffs at Walden University, especially Yoshihiko Yoshimine

who has been my wonderful academic advisor, Dr. Timothy Fadgen who provided insightful feedbacks, Dr. Lori Salgado, Dr. Mary Brown, Dr. Raj Singh, Dr. Ernesto Escobedo—all from Walden Contributing Faculty—, and my Walden colleague, Michael Hall, who gave insightful peer debriefing during the completion of this dissertation project, I express my sincere gratitude. Their thoughtfulness is a blessing in my life journey.

For their sincerity in giving insightful comments on my dissertation draft, I begged God's blessings for the kindness of Professor Maribeth Erb of the National University of Singapore (NUS), Professor Jeffrey Alan Winters of North Western University, Dr. Adonara Elisabeth Mucek from Singapore, and Marcus Mietzner of Australian National University (ANU). Talking with these distinguished scholars has contributed greatly to the completion of this project. I thank as well Professor Vincent J. Houben and Professor Boike Rehbein, both from Humboldt University (Germany), because, to be honest, the underlying idea in this dissertation project had been developing since I started attending their lectures at Humboldt University in Berlin in 2011. Also, Dr. Marc Baldwin and Dr. Scott are those who worth noting for having assisted in editing this work.

Discussions with many respectful, distinguished people have given me strength during the completion of my Ph.D. program. For this reason, I must thank the President of the Republic of Indonesia, Joko 'Jokowi' Widodo, for encounterings with this author discussing various issues concerning the Indonesian social and political developments. For plenty reasons, I also thank Police General Tito Karnavian as the National Police Chief (KAPOLRI), Police General Suhardi Alius as Head of the National Agency for Counterterrorism (*Badan Nasional Penanggulangan Terorisme*/BNPT), and Police General Gories Mere as the President's Special Staff



and the entire team at the Executive Office of the President. Many thanks go also to Rear Admiral of the Indonesian Military (*Tentara Nasional Indonesia/TNI*) Ponto B. Soleman, as well as my friends Edo and Ravael from the Army Special Forces, for their warm fraternity and our insightful discussions since 2015 concerning the Islamist radicalism in contemporary Indonesia. Their efforts along with all military personnel in maintaining national security is a proud example. I also feel proud of my acquaintance to Adam Milstein of *Adam and Gila Milstein Family Foundation*, a Los Angeles, California-based nonprofit foundation, and all good people worldwide who dedicate their lives to fighting against racism, radicalism, and terrorism to promote a more peaceful world, tolerance within multicultural contexts, and unity in diversity.

One thing that is impossible to forget is the valuable support from the Speaker of the Indonesian House of Representatives (DPR), GOLKAR's Bambang Soesatyo, and all the participants involved in this study whose involvement has been fundamental to this project completion. I give them my most grateful thanks. I owe much thanks to my friends in political parties, parliament, and government institutions those who have lent their helping hands in sharing some details of information required in this study. In addition, from the bottom of my heart, thousands of thanks to my best friend, Allan Nairn, an American investigative journalist whose wonderful professionalism and commitment to the development of civilian democracy in Indonesia has shown such impeccable dedication. The infinite thanks go to my wonderful team at the office of the Indonesian Electorate Institute (LPI): Suudi Ahmad and Frans Sales Pampo (senior advisors), Karyono Wibowo (senior researcher), Ali Ramadhan (senior researcher), Renyald Pongkor (information and technology practitioner), Susanti Idris (senior researcher), Avensius Jaman, Muhammad Jayadi, Evensius Dimas Lero, Frans Hambur, Benyamin Purnama,

Ferdinandus Hasan, Ferdinandus Romo, Kaytanus Jalu, Marianus Rame, Octavianus Sardin Agom, Muhammad Anwar, Putri Windarni, Dedy Kusnaedi, and all those who have offered amiable favors during my doctoral journey, either directly or indirectly.

This acknowledgment would never be complete without saying thanks to Bishop Mgr. Martinus Dogma Situmorang, O.F.M, Cap., Rev. Dr. Max Regus, PR, and my beloved brother Rev. Wihelmus Kodong, SVD, who is now running a holy ministry in Diocese de Tula, Mexico. Brief talks with and blessings from them have been an exceptional grace. I would also thank Professor (Emeritus) Joseph Alex Maxwell of George Mason University for his kindness to share some of his insightful papers on qualitative research concepts. In addition, my thanks go to my seniors and sharing partners Dr. Kastorius Sinaga of University of Indonesia (UI), Dr. Lisman Manurung of UI, Dr. Jeffry Geovani of CSIS, Professor Adriana Elisabeth and Professor Indria Samego of Indonesian Institute of Sciences (LIPI), including doctor Roul Sibarani , Sp.S from Siloam Hospital in Jakarta who helped accompany me when attending the academic residencies in the United States during the completion of my doctoral study. Their insightful ideas, supports, enthusiasm, and role models have become the energy that frees me from the impasse of thinking. My gratefulness goes as well to Professor Pantja Djati of Pelita Harapan University, Dr. Wahyu Rini of Indonesia's Christian University (UKI), and Gracia Paramitha, a Ph.D. candidate at York University, UK, for their unconditional support. May God bless them!

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## Chapter 1: Introduction to the Study

The focus of this study is on Indonesia, one of the countries of Southeast Asia, comprising over 17,000 islands. After Indonesia's independence from Dutch colonialism in 1945, the development of democracy in the country has experienced ups and downs—an asymmetrical and complicated dynamic (Aspinall & Berenschot, 2019; Aspinall & Mietzner, 2014; Bünte & Ufen, 2009; Mietzner, 2012, 2013; Sindre, 2012). President Sukarno (1945-1966) strove to build a modern democracy but faced active constraints, such as radical Islamic groups wanting to establish a theocracy (Zainiyati, 2016; Zarkasyi, 2008), an aggressive praetorian military, and the oligarchy that had been attempting to enter the central realm of power (Feith & Castles, 1970; Feith, 2007; Winters, 2011a, 2013). The fall of President Sukarno in 1966 and the emergence of General Suharto as the new president dragged the history of democracy through an increasingly dark tunnel (Mann, 2005; Robison, 1986). General Suharto's 32-year regime was built on cruel military support, corrupt bureaucracies, and greedy oligarchs, suspending Indonesian democracy (Robison, 1986; Robison & Hadiz, 2004; Winters, 2011a). In the book *Power in Motion: The Mobility of Capital and Indonesian State* (1996), Jeffrey Winters remarkably confirms that the structural power of capital controls determines the political process, as what had surrounded political changes since the end of Sukarno's period in 1960s until the oil boom in 1970s.

It was for this reason scholars concluded that Samuel Huntington's (1991) third wave of democratization took longer than expected to reach Indonesia in the 1990s (Bünte & Ufen, 2009; Uhlin, 1999). This same trend had already reached Southern Europe and Latin America in the 1970s and in Eastern Europe in the 1980s

(Bünthe & Ufen, 2009). In comparison to other countries in Southeast Asia, Indonesia was even slower than the Philippines and Thailand, which had converted to democratization in 1986 and the early 1990s, respectively. Thailand was successful—in the extent to which the country procedurally democratized earlier than Indonesia, the locus of this study—despite a military coup continuing in its history of Thai constitutional monarchy thereafter. Anders Uhlin (1999), however, emphasized that the demands of democratization in the late 1990s were a historical necessity that could not be dammed by authoritarian forces.

The winds of change started to blow when the economic depression hit Southeast Asia in mid-1997; Indonesia was dragged down following bloody riots that spread throughout the country in the next year (Rock, 2018; Simanjorang, 2006). In May 1998, several big cities experienced the pillaging of economic centers and the occurrence of Chinese ethnic massacres. In the meantime, thousands of students and laborers occupied the parliament building in Jakarta and demanded General Suharto step down from his presidency. On May 21, 1998, General Suharto officially left his position when the turmoil already swept across the country. President Suharto's resignation immediately became an answer easing tensions between civil society and the state.

The fall of General Suharto marked a new phase of Indonesian political history called the era of *Reformasi* (Reform). The main idea of Reformasi, as a transitional period (Acemoglu & Robinson, 2001; O'Donnell, Schmitter, & Whitehead, 1991), was to build a democracy based on civilian supremacy over the military power (Adhikari, 2015; Kadi & Hargens, 2006; Khan, 2018; O'Donnell & Schmitter, 1986; Shidiq & Vermonte, 2013). Unfortunately, these ideals collided with the fact that the military remained politically aggressive—officially banned by the Military Act of

2004 as part of the reform agenda to develop a professional military institution—and the oligarchy had become increasingly greedy in governing political practices at both the national and local levels (Berenschot, 2018; Mietzner, 2006; Robison & Hadiz, 2004; Winters, 2011a). Despite this history, the military in post-Suharto Indonesia still plays a significant role in the political realm (Mietzner, 2006). Indra Adhikari's (2015) study of Nepal's political struggle bears a resemblance to Indonesia's situation, in the knowledge that it is hard to promote civilian supremacy in the midst of military-influenced politics. The American investigative journalist, Allan Nairn, has been a prominent researcher exploring the dynamics of military involvement in politics and dark business in contemporary Indonesia (Kingsbury, 2010). Ahead of the 2014 presidential election, Nairn actively exposed human rights issues that dragged retired General Prabowo Subianto, a presidential candidate from the Great Indonesian Movement Party (GERINDRA), to the center of gross violations against human rights in the past. Both Nairn and this author were brought forth to the national police office on charges of character assassination by supporters of General Subianto (Kompas.com, 2014). This researcher does not pretend to try and explain military politics here, although it is a fundamental issue. My concern is on the dominance of the oligarchs and their mastery of the political process in post-Suharto Indonesia.

This study is necessary, as it investigates the quality of the legislative process at the parliamentary level in which the results might be applicable to the decision-making process in other governmental institutions. Although much literature uses a structural approach in understanding the implementation of democratic power after the Suharto era, not many studies specifically explain the essence of power that controls decision making and administrative processes. Like many proponents of structuralism in general, this author accepts the view that oligarchy has become a new

power structure that controls democratic politics in post-Suharto Indonesia (Abdullah, 2016; Choi, 2009; Mietzner, 2011, 2013; Robison & Hadiz, 2004; Winters, 2011a, 2013).

The essence of oligarchy is not in its structural being but rather in the ruling power it holds. Thus, this inquiry epistemologically might support Winters (2011a, 2013) who revealed that the essence of understanding post-authoritarian politics is to comprehend the oligarchic power that masters political structures. This investigation is consequently neither pretending to be a structural nor a post-structural approach. Instead, the study goes beyond structuralism, while accepting the logic of existential phenomenology, which can be a means to understand both the existential knowledge and the structural form of power that controls the legislative process in post-Suharto history.

Simply put, this study aimed to examine how the oligarchs control politics, manage their interests, and manipulate the institutions of party politics, the parliament, and other government institutions in representative democracy. In this research study, this author hypothetically argues that the oligarchs tend to employ a cartel working pattern during their control of the decision-making processes within political parties, the parliament, and other government bodies. The case study approach used in this project is the legislative process of the 2017 Election Act (EA) with a particular attention to Article 222, which stipulates a provision of a presidential threshold. Such provision rules that a presidential candidate must be carried by a party or a group of parties that claim minimum 20% of the national votes in the previous election or at least 25% of the current parliamentary seats.

This project starts with an assumption that the ruling individuals, called oligarchs, had, using the cartel work patterns, interfered in the legislative process at

the parliamentary level to prevent complicated disputes and created a short cut to ease the passing of the examined election law. Understanding the interference of oligarchy and political cartels in the legislative process provides useful information for comprehending the “failure” of democratic development in post-Suharto Indonesia. The “democratic failure” referred to here is the fact that public participation in elections has become an ineffectually empty ritual because the legislative process is mastered by the few ruling elites (Arnstein, 1969; Barker, 2013; Mietzner, 2015). Lawmakers often pass acts contrary to the people’s will since they are working for the oligarchs allegedly using a cartel work pattern. The power of oligarchs forcefully defeats the power of public participation. These oligarchs justify their maneuver using camouflage, pretending to defend the democratic system or maintain the presidential system (Aspinall & Mietzner, 2014; Bunte & Thompson, 2018; Mietzner, 2016; Ufen, 2018). This is the core meaning of “democratic failure” referred to in this study.

This researcher is convinced that this study might provide positive contributions to socio-political changes because the results of this study can be feasibly utilized to map strategic scenarios and used to improve the quality of representative democracy. Although this study focuses on the legislative process, this author has the confidence that the power of oligarchs is a presence that is occurring in the executive and judicial branches. Therefore, this qualitative inquiry will be able to help those who ought to be responsible for institutionalizing public participation in terms of civilian-supremacy-based democracy.

There have some major sections constituting Chapter 1 of this study. The first part is, of course, the introduction section followed by the description of study background in the next section. In the third and fourth sections, there have descriptions of the problem statement and the purpose of the study. As fundamental



parts, the fifth section contains a description of research questions that would be answered using theoretical frameworks in the sixth section with a more complete overview in Chapter 2 of this study. The nature of the study and some operational definitions are the other primary sections of Chapter 1, as well as the sections of the study's assumptions, scope and delimitations, limitations, significance, and summary.

### **Background**

This section includes a summary of research literature related to the study topic, a brief explanation about the gap in the knowledge in the discipline that the study will address, and the teleological arguments on why there is a need for the study. Ruling politics in post-Suharto Indonesia is a complicated process. It requires an inductive and explanatory analysis (Patton, 2015). The qualitative characteristics of this phenomenon regarding its oligarchic and cartel natures have been explored by many scholars (Ambardi, 2009; Mietzner, 2013, 2015, 2016; Slater, 2004, 2018; Ufen, 2006, 2010, 2018; Winters, 2011a, 2013). Winters (2011a; 2013) underlines that material mastery determines political mastery. Mietzner (2013) highlighted the logic of money politics in post-authoritarian Indonesia. Slater (2018) saw the tendency of cartelization within political parties that shapes the unbalanced relation between "opposition v. government" because of excessive power in the hands of the president. This explanatory thesis is likely supporting Ufen's (2018) proposition underlining the party presidentialization as the emerging trend in post-Suharto Indonesia.

Both oligarchy and cartel system have become an active manifestation of power in the hands of a few strong individuals. This ruling minority has a dominant

power that comes from their wealth and socio-political positions in the society—which has characterized Indonesia's patronage-democracy since the Suharto regime (Aspinall, 2014; Bourchier & Hadiz, 2003). In a liberal tradition, the influence of the ruling minority tends to be dominant in the power process, in line with the high monetary costs in elections. Such circumstances provide a contingency for the oligarchs and cartels to master politics.

Winters (2011a) argued that the oligarchs arose during the Suharto period and that the New Order was an example of sultanistic oligarchy; 1998 brought about a change from a sultanistic to a ruling oligarchy. Without any intention to directly confirm Winters' thesis, Marcus Mietzner (2012; 2013) explicated that the politics in post-authoritarian Indonesia is colored by an ideological crisis, the logic of money politics, and the dominance of retired army generals in politics. Money politics, Mietzner (2013) argued, is the consequence of liberal high-cost politics and the political irrationality of society. Such conditions give space for oligarchs to master politics. Mietzner does not definitively apply a theoretical approach based on oligarchy. He does mention the cartelization approach in his analysis, showing appreciation for other perspectives coming from scholars like Slater (2004), who argued that political cartels have emerged as a new power structure taking control of the democratization process since 1998. However, it may be that it is neither pure oligarchy nor cartel that governs post-Suharto politics, but a new power structure that reflects a natural mixing between oligarchy and cartel.

Overall, experts tend to explain Indonesia's contemporary democracy using two primary concepts: the oligarchy and the cartelization concepts. The adherents of the oligarchy approach argued that the wealthiest individuals overpower the post-Suharto politics, as in the past when General Suharto's oligarchy controlled the

country for more than three decades (Robison & Hadiz, 2004; Winters, 2011a). The proponents of the cartelization approach explain otherwise. They argue that the pattern of political party management has shifted from the New Order's (Suharto era) authoritarian style to a cartelization style that is mastered by a few "strong men" (Abinales, 2000; Abinales & Amaroso, 2005; Ambardi, 2011; Sidel, 2004; Slater, 2004, 2018). These two views strongly influence the study of politics and public policy and administration in post-authoritarian Indonesia.

As stated earlier, oligarchy and cartels as concepts are neither contradictory nor incompatible approaches, but instead they are quite amenable to being combined. Such a combined perspective (=oligarchic cartelization) results in a stronger and clearer lens through which one can more accurately understand post-Suharto politics. This combined effort does not mean to negate the concepts of oligarchy or cartel, but to explain precisely the political power that actually controls democratization in the current context. The current trend shows that particular elites (a) control policymaking in bureaucracies and legislative process at the parliamentary level and, at the same time, (b) contain the electoral competition in elections. Scholarly analysis in this study aimed to explore and interpret such phenomenon. Restricting electoral competition is not the way oligarchy works, but it is truly one of the nodal characteristics of a cartelized tendency.

The study started with an assumption that the real power governing the post-Suharto democracy was no longer the ruling oligarchy or the cartel elites, but a natural cross-breeding between General Suharto's oligarchy and the political cartels that emerged after 1998. They are oligarchs in essence, but cartels in action. Thus, the underlying hypothesis is that the ruling elites mastering Indonesian politics could arguably be the "oligarchic cartels," defined as a few ruling elites who control the

economic resources in terms of their oligarchic nature and co-opt the state to maintain the privileges they gain from the collusive interpenetration with the state regarding their cartelized nature. These oligarchic cartels overpower the implementation of representative democracy by controlling the policymaking at all levels and restricting the party competition in elections to maintain status quo.

The party oligarchs in this study slightly use their wealth as a material power to manipulate democratic politics on behalf of “public interest” or “political stability” arguments, and the most severe consequence is that democracy is no more than just a Trojan horse (Campos & Giovannaoni, 2017; Mujani & Liddle, 2010; Winters, 2011a). The noticeable effects of such “wealth power” can be well understood when public officials serve the oligarchic interest. For instance, minority parties and the libertarians promoting political rights typically reject the 20-25% presidential threshold provision in the 2017 Election Act (Tirto.id, July 24, 2017). However, their protests have no influence on the legislative process in the national parliament (*Dewan Perwakilan Rakyat/DPR*), as some lawmakers allegedly served their bosses both inside and outside the party. This researcher believes that if the parties truly get controlled by oligarchs and cartels, then the democracy will eventually no longer be a system that promotes the people’s sovereignty, but instead one that promotes the oligarchic dominion.

The study of Hakim and Jurdi (2017) on political democracy in post-Suharto Indonesia underscores an obvious problem that the unprofessional conditions of party politicians, or the “immature politicians” in the term of Hakim and Jurdi, provide a wide space for the oligarchy to control the political system. At the local level, as revealed in the inquiry of Ward Berenschot (2018), political economic clientelism, in line with the emergence of oligarchy, has formed a patronage democracy (see also

Aspinall, 2014). Following Winters (2011a), Berenschot (2018) argued: “The high costs of election campaigns contribute to the oligarchic nature of Indonesian politics as economic elites often succeed in translating material wealth into political power” (p. 1570).

Studies on oligarchy and political cartels have been conducted by many scholars worldwide. Ansell, Bichir, and Zhou (2016) studied the oligarchy in the Americas as a global property of social networks, using Michels’ theory of “iron law of oligarchy” as the foundational framework. These researchers did not emphasize the organizational aspect, but instead focused on the relational aspects of Michels’ oligarchy using the “rich club” approach. The underlying assumption is that the structure of social networks is likely to affect the flow of information, the distribution of resources, the patterns of decision-making, and influence (Ansell et al., 2016).

Ansell et al. (2016) focused on developing a strategy to measure the oligarchic tendencies of a network using a “distribution of degree” or “rich club” approach. Ansell et al. studied the networks in Sao Paulo, Brazil, Chicago, U.S.A., and Los Angeles, U.S.A, to determine the degree of oligarchy using a rich club coefficient ( $\Phi$ ) as the ratio of the actual number of links to the maximum number of connections among a group of rich nodes. The “rich club” coefficient reflects the interconnectedness of actors among networks. The researchers concluded that the “rich club” coefficient of actors in Sao Paulo is higher than in Chicago and Los Angeles. This indicates the oligarchic tendency in Sao Paulo is stronger than in the North American cities because the North American networks are more likely to be pluralist than in South America. Consequently, the oligarchic policy-networks are less dynamic in responding to the interests of communities that are less interconnected with the core actors in the rich club networks.

The study of Ansell et al. (2016) confirmed and expanded the relevance of the Michels' iron law of oligarchy theory. Focusing on the relational aspect of oligarchy, the authors generated the concept of oligarchy in today's contemporary society. The strength of this study lies in the ability of the researchers to measure the rich club coefficient from all the samples of networks in Sao Paulo, Chicago, and Los Angeles. Methodologically, the study seems to be both internally and externally valid. Unfortunately, their quantitative research does not have a complete record of sampling strategies and the data collection methods applied. The researchers only provide a statistical analysis of quantitative data. They give no specific explanation about their research design, making it hard for the study to be generalized for a broader context.

However, Ansell et al. (2016) is worth reading for policy makers and public administrators because the findings reveal the relationship between the oligarchy and the policymaking process. The oligarchic regimes of networks within institutions tend to control the policymaking process entirely. It also provokes scholars of public policy and administration to develop future studies concerning the power of the oligarchy. The underlying point of this study is that the iron law of the oligarchy works in any organization. This message is useful in explaining the scope of the issue of oligarchy in the legislative process in parliament and public policy making in post-authoritarian Indonesia.

Blyth and Katz (2005) described analytically the tendency of cartelization among political parties in the United Kingdom, the United States, and Sweden. The purpose of this qualitative inquiry is to understand the dynamics of party organizations and party systems in advanced capitalist countries. The basic assumption of this study is that political parties in modern countries face coordination

problems because of these three factors: (a) historical changes in party form, (b) systemic changes in the global economy, and (c) changes in the notion of appropriate government roles and functions. There are coordination problems at three levels: internal, external, and network levels. At the internal level, the party is centered in the hands of a small number of elites. In the external level, as an effect of elite parties, which tended to build a wall between the elite and the masses, a mass party emerges. The next issue is the party tends to adjust to global economic development by designing a model following the industrial-oriented Keynesian approach. Keynesian economics introduces the quantity of production, that is in the hands of cartel politicians who are replaced by policies as products of political activity. Blyth and Katz concluded that cartelization is an alternative to solving coordination problems in party systems and to regulating the number of policies as political production. The cartel party limits the number of competitors in the election to control government policies. Liberal politics that place capital as an indicator of development have encouraged the cartel party to maintain balance by applying cartelized politics in the realm of legislation and policy making.

However, the study of Blyth and Katz seems to be vulnerable to criticism. The researchers provide insufficient data about the issue of coordination among the political parties in the United Kingdom, the United States, and Sweden. It undermines the conclusion of the study. The researchers develop an analysis based on the general data of party politics in those three studied countries. As a qualitative study, this interpretive research is, of course, subjective, but the lack of detailed data on the role and function of the cartel parties in the policy making process in the United Kingdom, the United States, and Sweden dilutes the conclusion of the study.

Nevertheless, Blyth and Katz (2005) introduced a cartel study focused on the role and function of the party in current government. This new approach provides a platform for other scholars to strengthen the theory of political cartelization. Social scholars, lawmakers, and public administrators, should read this study to further understand the correlation between the interests of political parties and the public policies, and their role as products of the political system. The study clearly strengthens the understanding of political cartels in contemporary context, so they are relevant and significant to be included in the literature review of my dissertation project.

Eppinger (2015) conducted a qualitative investigation concentrated on critical claims of the relationship between property and the political community in Ukraine. The project is a combination of analysis of complex political development and socio-economic changes in an ex-Soviet country. Eppinger presented a complete picture of the political shift from socialism to “market democracy”; “market democracy” refers to the dynamics of property control from the sole hand of the state to the hands of individuals, to the emergence of oligarchs. He employed the theory of oligarchy, property theory, and the theory of democracy simultaneously in this study. Eppinger explored the relationship between private property ownership, and democratic governance showing that property and government both serve economic and political purposes, encouraging prosperity and democracy.

Although Eppinger (2015) conducted no interviews with selected participants, this qualitative inquiry provides comprehensive findings from the correlation between property, oligarchy, and democracy. Eppinger explained how the Ukrainian parliament adopted American law with respect to property and applied it to the Ukrainian socialist context. Because property has an ideological aspect, Eppinger



identified the emergence of oligarchs in Ukraine as an inevitable consequence of social evolution. The weakness of this study lies in the methodological aspects. There is no structured method that reflects good research design. In addition, the researcher did not present in-depth data for the democracy of the Ukrainian market. Eppinger has no technical explanation, but only conceptual correlation without supporting data.

However, this study is worthwhile as a reference for conducting similar research in ex-Soviet countries. In addition, scholars of sociology, public policy, and administration, including political science students, can refer to Eppinger's (2015) study when examining the same phenomenon in other contexts. Although it does not have strong contextual correlation, this study can be considered as an appropriate reference to enrich the understanding of practice of oligarchy in political development. That is why this article is included in the literature review of this dissertation.

Ford, Gillan, and Thein (2016) conducted a qualitative study aimed at examining the relationship between the privatization policy and the role of forming business elite in contemporary Myanmar. The basic assumption of their investigation is that privatization opened the door for the emergence of minority rights to take over economic and political power and gain financial benefits. This minority was known as Cronyism in the past and evolved into Myanmar's contemporary oligarchy. The first wave of privatization in the 1980s brought Singapore, Indonesia, and Malaysia to a higher economic level than most countries in the region, although Indonesia later collapsed in the late 1990s (some observers in the 1990s cited the Indonesian case as a long-term consequence of privatization; Bünte & Ufen, 2009). Myanmar is on the list of the second wave of privatization in the 1990s. Ford et al. argued that privatization in Myanmar is led by a group that has strong connections to the center of political

power. The emergence of Aung San Suu Kyi's National League for Democracy (NLD) in the late 1990s was a threat to Myanmar's oligarchic regime. Ford et al. identified that privatization lost its main purpose in Myanmar. Economic privatization aims to develop good governance and clean governance. In Myanmar, the end of political privatization was supposed to weaken the military oligarchy, but what happened was that the oligarchs changed their modus operandi and emerged as a new figure.

Ford et al. (2016) spent much time using the participant observation method to get to know, feel, and understand the socio-political dynamics in Myanmar. This process contributes to the level of trustworthiness of this study. This research reflects characteristics of certain oligarchies that are different from the Michels oligarchy in Europe. The context of Myanmar and Southeast Asia is specific. The military junta and conventional regime formed cronyism. The privatization that came into effect later forced cronyism to evolve into an oligarchy.

The conclusion of Ford et al.'s (2016) study is that in less democratic countries, oligarchy tends to be "wild or untamed"—borrowing the term of Winters (2011a). Myanmar's oligarchy coexists with military regimes and bureaucrats in a system of cronyism. Despite this study in Myanmar, the conclusions Ford et al. made provide a generalized description of oligarchy in Southeast Asia. The findings in this study are important for social scholars and researchers who want to explore the relationship between markets, oligarchy, and democracy. There is room to further develop studies on the relations of the three components (markets, oligarchy, and democracy). In addition, this study is useful for practitioners who are responsible for public policy in a political system dominated by oligarchy.

Havlik and Pinkova (2013) employed the cartel-party theory and concluded that the cartelization had been taking place within the political party system in the Czech Republic. Permanent subsidies from 1992 to 2002 showed an increase in state financial support to political parties. In this quantitative study, the researchers presented complete statistical data on party funding and state subsidy allocations. This article is worth reading to understand the relationship between political power and monetary power. The logic of money politics is proven in the political trends in the Czech Republic, as Havlik and Pinkova (2013) concluded. This article may not be attractive for social students unfamiliar with the theory of cartelization and oligarchy. However, the piece is useful for those who have an interest in studying the party system. It is relevant as well in enriching the study of oligarchy in contemporary Indonesia as part of this researcher's dissertation research concerns.

Rhoden (2015) explored the characteristics and role of oligarchs in Thailand. Thai oligarchy does not refer to a particular system of government, but to a small group of rich people who control politics. Rhoden made the interesting conclusion that the political coup in Thailand was always funded by the oligarchs to mobilize the masses, and through which the military generals responded by taking over the power. Rhoden's conclusions are not strikingly different from Winters' conclusions about the oligarchs in Southeast Asia, since Rhoden applies Winters' oligarchy approach as the theoretical foundation of his study. Rhoden's investigation *does* confirm Winters' theory and there emerges an impression that Rhoden just gets lost in what he does. The absence of a detailed and complete explanation of the differences between oligarchs and rich people makes this study conceptually disputable. The rich people do not necessarily become oligarchs, but all oligarchs must be rich people (Winters, 2011a). Even so, Rhoden's qualitative research can be an excellent reference in

understanding the dynamics of democracy in Thailand and providing a complete picture of the oligarchy's influence on democratization in Southeast Asia.

This research differs from most studies of Thai politics, which are dominated by analyses of the roles of the military and the monarchy. Rhoden's (2015) research can stimulate further studies of oligarchy in other countries in Southeast Asia in the context of economic liberalization amid slowing democratization due to military domination. I use this reference because there are similarities with the presence of oligarchy in Indonesia, which had coincided with General Suharto's military politics and has been continuing in the time after the fall of General Suharto in 1998.

Slater (2004, 2018) believed political cartels dominated post-Suharto politics. The term "accountability trap" describes a clash between collusive democracy and delegative democracy (Slater, 2004). Even though this qualitative inquiry is methodologically not well organized, the findings provide new opportunities for researchers because Slater pioneered the development of the study of political cartelization in Indonesia. I was among those who accepted Slater's analysis, although it did not completely ignore the fact that oligarchs and cartels could not be separated. This led to the development of this dissertation research study as an alternative to understanding the existence of oligarchs and cartels as a real mastering force of the Indonesian post-authoritarian era. Slater's (2004) study should be used by lawmakers and policy-makers to understand the obstacles and challenges in formulating legislation and public policies based on public will.

Another study discussing the permanence of oligarchic existence and the rise of counter-oligarchic powers in contemporary Indonesia is the work of Ross Tapsell (2015). Tapsell conducted a study on the media oligarchy and the rise of popular consensus in the current political development in Indonesia in relations to the "Jokowi

phenomenon.” Using Winters’ (2011a) oligarchy theory, Tapsell investigated the power game of the media oligarchy in the emergence of Jokowi Widodo (Jokowi) phenomenon as the most favorable candidate ahead of the 2014 Indonesian presidential election. The purpose of Tapsel’s qualitative study is “to examine Indonesia’s oligarchic mainstream media and Jokowi’s rise as a nationwide media phenomenon” (p. 30).

Tapsell’s (2015) study centers on the Jokowi phenomenon and the influential maneuvers of the oligarchic mainstream media in constructing the public opinions. The researcher considers both Jokowi’s successes in 2012 gubernatorial election and the 2014 presidential election as the evidence of the supportive involvement of the media and party oligarchs. It is in this conclusion, Tapsell arguably confirmed Winters’ (2013) study about the oligarchy and democracy in contemporary Indonesia. Tapsell’s study is interpretively unique because the conclusion proved or disproved the oligarchy theory. It proved the presence of oligarchy in the way how media and party oligarchs successfully made Jokowi a new emerging figure in Indonesian electoral democracy in the 2012 local election. The study disproved the oligarchy theory when examining the electoral phenomena ahead of the 2014 presidential election in which the shifting constellation among media oligarchs affect no significant implication to the Jokowi phenomenon because of the emergence of the new platform media representing the power of the citizens. Thus, Tapsell unambiguously concluded that Jokowi’s presidency is a combination of both oligarchy and the popular consensus that has changed the oligarchy constellation in Indonesia’s current democracy. Regarding this conclusive remark, Tapsell exclusively stated: “A Jokowi presidency is thus likely to represent a new period of contestation

between popular consensus facilitated by new media, versus negotiations and pandering to the oligarchic elite” (p. 50).

To some practical extent, when discussing the involvement of media and political-party oligarchs supporting Jokowi in 2014 presidential election, Tapsell (2015) inexplicitly confirmed the applicability of Michels’ (2001) iron law of oligarchy. That is, the dominant parties supporting or opposing Jokowi are organizationally oligarchic since the intra-organizational management remains centered on particular oligarchs (Tapsell, 2015; Winters, 2013). It thus likely makes sense to say that the iron law of oligarchy is potentially universal. As a criticism, Tapsell’s study seems to look less deep into the relational aspects of media oligarchs and party oligarchs. As a matter of fact, some of the media oligarchs Tapsell mentioned in his study, like Surya Palloh and Harry Tanoe, are the party oligarchs as they establish political parties. However, Tapsell’s research study could be a relevant reference to comprehend the existence and the shifting constellation of the oligarchy in post-Suharto Indonesia.

Ufen (2006) examined the development of political parties in post-Suharto Indonesia. The essence of this study is that political parties in the post-authoritarian time tried to reconfigure their structure as a consequence of Golkar’s fall as the dominant single party under the Suharto Administration. After 1998, there was no real majority in the Indonesian political party system. This is the main reason, according to Ufen, why political cartels grew in contemporary Indonesia. The absence of an ideologically strong majority party and the tendency of fragmentation within party organizations in post-authoritarian Indonesia gave birth to political cartels.

This study provides a quality explanation of why political fragmentation often occurs in parliament. Political parties are politicized with a cartel pattern within the

economy because there is no strong majority. The weakness of Ufen's (2006) study is that there is no explanation of the relationship between the oligarchs, who controlled politics before and after the Suharto era, and the emergence of party cartels after the fall of General Suharto in 1998. Additionally, Ufen does not appear to ignore oligarchy as a real power that controls politics. He only focuses on the party management model in parliament. However, Ufen's work contributes to the study of political power in this current circumstance. The lawmakers, party elites, and policy-makers can certainly utilize this study when considering a reformation of the party system.

Winters (2011a, 2013) consistently believes that oligarchy is the fundamental force that has determined the direction of Indonesian politics since General Suharto until present. During the Suharto administration (1966-1998), oligarchy became a real force that monopolized the political process. Using resource theory, Winters (2011a) developed the proposition that extreme material inequality leads to extreme power inequalities. This condition provides an opportunity for rich people to take over social, economic, and political control because material strength is an oligarchic power base, and this has been the dominant resource in post-authoritarian Indonesia.

Winters' (2011a) research provided an essential contribution to the study of oligarchy, especially for scholars who were interested in the clash between oligarchy and public participation within the democratic process in Southeast Asia. Using the method of participant observation, Winters managed to dive deep into the phenomenon of oligarchy in Indonesia and Southeast Asia, as clearly explained in his book *Oligarchy* (2011a). It is necessary to say that this dissertation research is under the influence of Winters' theory of oligarchy and Katz and Mair's (1995, 2009)

cartelization concept. These literature sources forge the conceptual model of analysis in this qualitative case-study investigation.

The oligarchic and cartel approaches are real and accurate in comprehending the dynamics of Indonesia's post-authoritarian democracy. As a matter of fact, the wealthy individuals within the institutions of party politics have truly been the most influential actors in mastering the political process, particularly the legislative process at the parliamentary level. This study is needed to provide a more accurate and comprehensive perspective in understanding Indonesia's post-Suharto democracy beyond the oligarchic or cartel approaches.

### **Problem Statement**

The end of General Suharto's military-backed regime in 1998 has pushed Indonesia moving into the new phase of democratization (Crouch, 2010; McCoy, 2019). It needs to be acknowledged that the democratization process has shown progresses through the successful promotions of civil liberties and political rights as guaranteed by the presence of the press freedom under the Press Act of 1999, Human Rights Act of 1999, the reform of electoral system, and the presence of the auxiliary bodies like the Constitutional Court (*Mahkamah Konstitusi*/MK), Ombudsman Commission, the National Election Commission (*Komisi Pemilihan Umum*/KPU), and the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi*/KPK) (see McWilliams, 2018). Specifically, about the role of the media, Mary McCoy (2019) notes,

During the first stage of Indonesia's transition, members of the mainstream and underground media facilitated a historic political opening and challenged the legitimacy of the Suharto regime. But it was in the immediate



postauthoritarian period, from 1999 to 2014, that these actors made their most critical contribution through the more difficult process of consolidation.

(p.140)

Harold Crouch (2010) notably described the political reform in post-Suharto Indonesia as further readings to get into the realm of the phenomenon examined in this study. Freedom House (2019), an international watchdog organization headquartered in Washington, regularly measuring the development of democratization in the world, provided an annual report showing the progress of democratic freedom in Indonesia after 1998.

Democracy in this study might be understood in two contexts: procedural democracy and substantial democracy. Procedural democracy emphasizes election as an absolute measure of the implementation of democracy, while substantive democracy is manifested through equal participation in society concerning the political process (Dahl, 2000, 2009). This study will not be going to investigate democratization in the procedural sense, but focus on the active effects of public participation in the decision-making process at the institutional levels as part of operational definitions of a substantive democracy. In the realm of such substantive democracy, which is the spotlight of this inquiry, there are viable criticisms.

The most dominant criticism toward democratization in post-Suharto era is that public participation and interest tend to be excluded from the legislation and the policymaking process within the parliament, bureaucracy, and other governmental institutions (Bünthe & Ufen, 2009; Fukuoda, 2013; Mietzner, 2013). Public participation in elections has become an empty celebration, or what Sherry Arnstein (1969) called an “empty ritual” when picturing the American politics in the 1960s.

Consequently, the political decisions and policies that are made seemingly reflect the power of capital rather than the general will (Fukuoda, 2013; Winters, 2011a).

Elections that are procedurally democratic are indeed a struggle between public participation and the capital power of the oligarchs. Money in politics colors the electoral processes both at regional and national levels (Aspinall, 2003; Erb, Sulistiyanto, & Faucher, 2005; Hargens, 2009; Winters, 2016). The Higher Education Act was passed in despite public protests. The ratification of Mineral and Natural Resources Act of 2009, which was considered beneficial to mining companies, excluded protests from environmental activists. The most recent example is the Islamic Boarding School Bill, which includes articles on “Sunday school” in the Christian tradition. The Christian community has demanded the Sunday school should not be regulated by the state under this law because the Sunday tradition differs from the schooling tradition in general perspective. Until now, protests have been on going, but affecting nothing to the legislative process in parliament—which could be, if following the perspective of Donald Porter (2002), evidence of the Islamic revival on one hand, and the decrease of state control over the civilian movements on the other hand. In this study, all the issues mentioned above are viable facts that create a reason to conclude that the post 1998 public participation remains an “empty ritual.”

### **Delimitation of “Public Participation” Concept**

The study topic for this dissertation is the oligarchic cartelization in post-Suharto Indonesia. This dissertation project explored why the practice of democracy in post-authoritarian Indonesia seemed to exclude public participation and deliberation in the legislative and policymaking processes. Public participation, as a political principle or practice and also considered as a fundamental right in democracy

(Huxley, Rhys, Downe, & Guarneros-Meza, 2016), is an enormous discourse. There is no pretention in this study to discuss public participation in the general sense, but this author delimits the contention of the concept in the scope of the phenomenon under study regarding the legislative drafting process of the Election Act (EA) of 2017.

The opinions of small parties in the parliament and non-parliamentary parties, both those that reject the presidential threshold and those that require a threshold below 20-25%, are representations of public will under the policy process in this study. The libertarian activists such Association for Elections and Democracy (PERLUDEM) and Election and Democracy Union (SPD), non-state organizations concerned with elections and democracy, declared a protest against the presidential threshold article stipulated under the Election Act of 2017 (BBC Indonesia, 2017). They argued the article ought to be irrelevant because it might emasculate the freedom of the electorate to get more candidates in presidential elections. About 12 public figures, including the former commissioner of KPU (2013-2018) Hadar Gumay, tried to file a judicial review of the 2017 EA to the MK on June 21, 2018 (Kompas, 2018). The court rejected their lawsuit. Small parties, non-parliamentary parties, non-government organizations, and independent activists are recognized in this study as the representation of the public. Thus, their participation in influencing the legislative drafting process has been the operational form and the exclusively definitional consideration of the concept of public participation in this inquiry.



*Figure 1.* Mr. Hadar Gumay (right) and this author (left) after LPI's public discussion in Jakarta concerning the Indonesian 2019 presidential election and the post-electoral conflicts. Source: Courtesy of this author (May 11, 2019).

### **Central Issue**

The central issue is about the political mastery by the party oligarchs since the fall of General Suharto's three-decade authoritarian regime (1966-1998). The case study used in this qualitative inquiry is the provision of the 20/25-percent presidential threshold in Article 222 of the EA No. 7 of 2017. The opposition and the ruling parties shaped the article with polemics (DPR, 2017). The extra-parliamentary parties, the small parties that have no seats in the national parliament (DPR), explicitly confronted such provision to avoid the deleteriously elimination of their constitutional rights to carry presidential candidates in the election (BBC Indonesia, 2017). The ruling coalition stood behind the concept of political stability in a multiparty system to defend their interest, concerning the accusation from the opposition and minority parties (Media Hukum Indonesia, 2017; Tempo, 2017a, 2017b). The threshold article indeed aimed to limit the number of candidates in the election in efforts to promote democratic management and political stability. However, behind the ongoing legislative process, the evidence confirms that there has been possible interference by the external players, such as the party elites or even the non-party influential

individuals, those who are close to the party organizations—if not to say control the parties from behind the scenes. What it is, in fact, is an uncovered process of political cartelization. Certain powerful individuals purposely aim to contain the competition in elections to manage their vested interests and defend status quo executed by their puppets in political parties and governmental institutions.

In post-authoritarian Indonesia, power contestation involves many actors from both the Suharto era and new players who utilize the transition phase as a moment to inject and plant their clout into the polity (Uhlen, 1999; von Loubke, 2010). Along with the development of liberal democracy, such a situation benefits wealthy people who own the economic resources to enter the political arena. Consequentially, these oligarchs then monopolize the political process to defend their wealth and disregard the common good (Aspinall, 2014; Robison & Hadiz, 2017; Winters, 2011 a). This researcher hypothesizes that the failure of democratization in the post-Suharto period is the consequence of oligarchic and cartel interventions. Such hypothetic belief is in line with some complex issues such as (a) ineffectual public participation, (b) the exclusion of public deliberation concerning the legislating and policymaking processes, (c) vote buying in electoral practices, and (d) the dominant influence and penetration of the wealthy within government, bureaucracy, and parliament (Fukuoda, 2013; Mietzner, 2013; von Loubke, 2010; Winters, 2011a, 2013).

Some wealthy individuals enter into political structures while some stay outside the system but still influence the political process (Robison & Hadiz, 2004; Winters, 2013). They are the ruling oligarchs as argued by Winters (2011 a, 2013), but work in cartel patterns (Slater, 2004, 2018; Ufen, 2018). They manipulate democratic procedures to sustain the perpetuity of power in defense of their wealth. These wealthy and powerful persons pose potential challenges to democratization because

their existence weakens the real power of citizens in the practice of civil democracy, and disrupts the democratic principle of the rule of law (Hakim & Jurdi, 2017). They are part of the anti-reformist power in a patrimonial democratic system centered on elite figures (Mietzner, 2012; Webber, 2006) or particular “bosses” (Sidel, 1999, 2004). The dominance of such powerful elites inhibits democratic transition from authoritarian rule, including democratization at the local level (Erb & Sulistiyanto, 2009; O'Donnell, Schmitter, & Whitehead, 1991).

The fundamental thinking in this case is that there is a contest between “wealth power” (oligarchy) and “participation power” (democracy). The power of wealth controls the political parties and government institutions using the cartel ways, while participation power operates, both formally—through voting in elections—and informally—through protests, lobbying, and the extensive use of polling—to discover the popularity of a person and how viable they would be as a candidate. The point is that participation power is real, and it is expressed in many forms other than just voting on Election Day. However, there has been no balance of power between wealth and participation, or oligarchy and democracy, because the formal control of politics is in the hands of the party elites, those who are oligarchs or who are working for the oligarchy (Fukuoda, 2013; Tapsell, 2015; von Loubke, 2010).

### **Purpose of the Study**

The purpose of this qualitative inquiry was to explore how the oligarchs using cartelized strategies governed the decision-making process in post-authoritarian Indonesia. This explored how lawmakers made decisions in parliament, party elites influenced their actions and decisions, and oligarchs and cartels intervened in the legislative process at the parliamentary level, either directly or indirectly. Those who

are familiar with Indonesia's situation after 1998 would be certainly familiar with the literature of oligarchy and political cartelization as conceptual approaches developed among scholars to understand the real power that determines the heartbeat of democracy in the country of 267 million people (Statistics Indonesia, 2019).

Oligarchy and political cartelization remain prominent approaches in comprehending power structures that are used. This author has observed, with some concern, the democratization process after General Suharto's fall in 1998—how the rich took over power from General Suharto's military and oligarchic bureaucrats who were in power for 32 years. The 1998 Reform opened the tap of freedom through which people realized their political rights and civil liberties. It is unfortunate, then, that at the most fundamental decision-making level, the people have no real power at all. Elections are procedural rituals earnestly mastered by oligarchic forces, not public participation (Fukuoda, 2013; Robison & Hadiz, 2004, 2017; Winters, 2011a, 2013). Seeing this situation, this researcher has become interested in conducting a deeper and comprehensive study of what kind of power controls the post-Suharto politics.

Many studies on oligarchy and cartels have been trying to explain the model of such a power. However, there needs to be an exploration of the possibility of a mixed system shaped by oligarchic and cartel tendencies. The contribution of this study will be to take two bodies of literature that are currently separate (oligarchy theory and the cartel model) and blend them together to show that both are true; when combined, however, they provide a better explanation than when they act as separate lenses for analysis.

In other words, I am saying, yes oligarchy exists in Indonesia, but it has a particular design or structure or mode of operation, and the cartel theory helps us understand these particular characteristics of oligarchy. They are neither contradictory

nor incompatible approaches, but instead are quite amenable to being combined. The resulting combined perspective (oligarchic cartelization) is a stronger and better lens through which to Indonesian politics can be better understood than what currently exists.

### **Research Questions**

The main question in this research study was as follows: How do the ruling individuals, allegedly using cartel work patterns, overpower the legislative process?

This investigation was also guided by the sub-questions below:

1. Why did the drafting process of the Election Bill in 2017 which was previously thought to be complicated and cumbersome, based on the disputes that occurred during the legislative process, eventually become efficient?
2. As it was the government-proposed bill, how did the lobbies among the Special Committee and the government take place during the legislative drafting process?
3. Why did the protests from the extra-parliamentary groups (small parties, independent observers, NGO activists) not inherently and effectually shape the legislative drafting process?

### **Theoretical Frameworks for the Study**

This section contains three fundamental points, namely the identification of applied theories, concise explanations on the major theoretical propositions, and how the theories applied relate to the study approach and research questions. As a qualitative inquiry, this research study aimed at constructing new propositions that may lead to the discovery of new theories (Creswell, 2014). All qualitative



researchers must start their studies with proper theoretical frameworks as analytical tools to explore a phenomenon. Knowledge, however, is not only personal and subjective, but is also a process of social exchange which includes, according to Crotty (in Cleaver & Ballantyne, 2014), “the interplay of consciousness and the object of experience” (p. 229). This study focused on understanding the power of oligarchy and political cartels in mastering post-authoritarian Indonesia after the fall of General Suharto in 1998.

The two major theories applied include the oligarchy and the cartel party theories. The theory of oligarchy employed is based on Jeffrey A. Winters’ (2011a) discussion in *Oligarchy*. Oligarchy is a broad concept. It is familiarly known as a government run by a small number of rich people or “in which a small group exercises control especially for corrupt and selfish purposes” (Merriam-Webster Dictionary, 2019). This author aimed to understand oligarchy in this study’s context as a system of power dominated by the richest people (Robison & Hadiz, 2004; Winters, 2011a). Winters discussed the power of capital in the hands of the richest people who utilize their wealth as the foundation of their material power after General Suharto’s fall at the end of 20th Century. Using the power resource theory, he developed a proposition that extreme material inequality will cause extreme power inequality (Winters, 2011a). Such circumstances provide the contingency for the wealthiest to take social, economic, and political control. His fundamental thesis is that material power is the basis of oligarchic power and is the dominant resource in post-authoritarian Indonesia.

Winters (2011a) concluded that oligarchy is the main power system prevailing in most of the countries in Southeast Asia, including Thailand, as documented in the study of Rhoden (2015). Rhoden classified five types of oligarchs in Thailand, using

the alphabet (A, B, C, D, E) as a form of grouping to avoid naming the oligarchs directly, based on the Material Power Index (MPI): (a) Thai oligarch A (referring to the monarchs) who controls about USD 41 billion, (b) Thai oligarch B with a total wealth of USD 12.7 billion, (c) Thai oligarch C with assets totally USD 11.5 billion, (d) Thai oligarch D with total assets of USD 11.3 billion, and (e) Thai oligarch E with total assets of USD 9.9 billion. While Winters listed General Suharto as the most powerful oligarch (which he called a Sultanistic oligarch) of the 20th century, Rhoden called the former Prime Minister Thaksin Shinawatra as the most influential oligarch in 21st-century Thailand.

In alignment with Winters' analysis, Robison and Hadiz (2004) yet comprehended oligarchy as a crucial force in line with the influence of liberal markets governing the post-Suharto politics. The role of the wealthy is central in this realm because the liberal politics foundationally rely on financial resources as a fundamental factor for electoral competition. Marcus Mietzner (2013) elaborated on the relationship between money, power, and ideology as the three main elements that shape the political characteristics of post-authoritarian Indonesia. As a result of his participant observation in Indonesia, Mietzner's analysis strengthened both the oligarchic and cartel perspectives in comprehending contemporary Indonesia. To him, it is unnecessary to postulate either that Indonesia is run by oligarchy or cartel, because the significant issue is the ideological crisis coinciding with the dominance of money in the implementation of democratic politics in contemporary Indonesia (Mietzner, 2013).

Another theory is the political cartelization theory. This author would base the explanation of this theory on the concept of the cartel party argued by Katz and Mair (1993, 1995). Since 1993, these two political scientists have developed this theory as

a theoretical evolution in understanding the state ambition intervening in party development concept of a cartel party (Katz & Mair, 1993). To define it, Katz and Mair (1995) explained that the cartel party is a type of party developed in advanced democratic governments and characterized by the interpenetration of parties, state, and inter-party collusion. With the development of the cartel party, political purposes become self-referenced, professional, and technocratic, and what remains is little inter-party competition focused on the efficient and effective management of the government (Katz & Mair, 1993, 1995). Election campaigns carried out by professional and centralized cartel parties are held on the basis of strong dependence on the state for financial subsidies and other benefits and privileges.

This author did not look at the concept of the cartel party in its entirety in explaining Indonesia's phenomenon in this study, but focused on how the pattern of political cartelization has been applied to coalition management among the parliamentary parties. On this basis, it is necessary to adopt other relevant literature, such as the studies of Slater (2004, 2018) and Ufen (2006) regarding contemporary Indonesia. Slater (2004, 2018) argued that a political cartels, in terms of an accountability trap, have overpowered post-Suharto politics. There exists a clash between collusive democracy and delegative democracy. The collusive democracy meant by Slater refers to the practice of compromise-based democracy that is common to pragmatic political parties. Such a democratic model collides with the substance of the delegation principle in the representative system, which is the core definition of a delegative democracy (Slater, 2004; Slater & Simons, 2013). The cartel party was formed as a result of the political collusion of traditional party elites. It is this power which controls democracy in contemporary Indonesia.

In line with Slater, Ufen (2006) conducted a study of political parties in the post-Suharto era. He argued that the political parties in post-authoritarian Indonesia have been reconfigured as a consequence of the fall of Golkar as the single dominant party in the past. Ufen held that there has been no real majority party after the end of the New Order, and such a condition in turn stimulates the emergence of political cartels in post-Suharto era. If Slater identified the presidential power as the root of cartelization, Ufen reckoned otherwise, that cartelization in some measure is the fruit of a fragmented party system with an unclear means for majority rule. As the focus of this study is political parties, Ufen's analysis is insufficient to be a qualified reference in elaborating on the emergence of cartels in post-Suharto democracy. Ufen provided essential information on how parties work and manage the politics when there is no majority in parliament and the government, but the study has no clear explanation about the connection between the oligarchs who control the politics before and after General Suharto and the rise of party cartels after 1998.

Scholars who propose the concept of cartels generally refer to political cartelization in the European context, which is inaccurate when applied to the Indonesian context. The cartel party presupposes the existence of at least one or two mass parties (Katz & Mair, 1995). It means that by definition, the cartel concept has no place in the modern context of Indonesia, where there are no parties purely categorized as "mass parties," such as the Indonesian Communist Party (PKI) and the Indonesian Nationalist Party (PNI) during President Sukarno's Old Order (1945-1966) in the past. PDIP with the Marhaen supporters or the "wong cilik" could fall into this category, but the culture of the organization is firmly patrimonial. It is difficult to categorize PDIP as a mass party. The Prosperous Justice Party (PKS) could be sufficiently categorized as a mass party since the organizational dynamics

are determined by party ideology and members, not by the leaders. The epistemological confusion regarding the application of a cartel concept in comprehending post-Suharto politics contributes to the dispute among scholars about the real political power controlling post-authoritarian Indonesia.

Cartelization existed in developed and capitalist states as a concept derived from economic practice (Blyth & Katz, 2005). Cartelization gives birth to a new form of governance as a corporation, in which party coordination imitates a managerial coordination model with orders being given from the top down (Katz & Mair, 1995; 2009). The party adjusts to the global economic development by designing industry-oriented models following a Keynesian approach. Keynesian economics introduces the quantity of production, which is in the hands of cartel politicians, which policies as the products of political activity replaced. Blyth and Katz (2005) marked cartelization as an alternative to solve the problem of coordination within the party system and regulate public policies. Cartel parties limit the number of competitors in the election in order to control the governmental policies. Liberal politics, which uses capital as an indicator of development, has urged the cartel party to maintain equilibrium by applying cartelized politics in the realm of legislation and policymaking.

From the explanation above, it is evident that cartelization is an effort to create stability in catch-all politics and treat politics as a profession (Katz & Mair, 1995). Consequentially, cartels occupy the political structure to the detriment and marginalization of the role of the people in controlling the political process (Katz & Mair, 1993, 1995). Simply put, cartelization brings certain adverse effects to democracy, such as political corruption, monopoly of social and economic resources by a limited number of elites, and the manipulation of electoral procedures (Katz &

Mair, 1995). Indonesia's changing political economy designs after 1998 reveals a competing orchestration between the power of the oligarchy and the people's sovereignty (Davidson, 2015), including in the land reform and developmental issues (McCarthy & Robinson, 2016).

The impasse of democratization after 1998 in Indonesia parallels the increasing dominance of the oligarchy and the party elites against the public will. Elections are a procedural drama substantially ignoring the existence of citizens in the democratic realm because party elites build a high wall separating themselves from the people. That is why whomever the president ends up being, the majority of parties will then forge a big coalition after being divided during the electoral campaign. Thus, cartelization and the role of the oligarchy are prominent forces. Oligarchy is the primary foundation of the power of the cartel, so not only are oligarchy and cartel inseparable, but they have become a new political organism. In this project, this author intended to develop a hypothetical argument that "oligarchic cartelization" would be an accurate postulation of the real power that controls post-Suharto Indonesia.

The dominance of the wealthiest individuals and the cartelized party management vis-à-vis the interpenetration with the state are the major propositions of oligarchy and cartelization theories. They are relevant to the phenomenon of the legislative process in parliament during the formulation of the Election Act of 2017. These theories help unearth the objective explanation on how the wealthiest oligarchs overpower parties and parliament reputedly applying a cartel approach. This investigation led this researcher in comprehending how the ruling individuals, allegedly using cartel work patterns, master the legislative process, thus answering the main question in this study.

The first sub-question of this research study directly touched on the inquiry: Why did the process of ratifying the Election Bill, which was previously thought to be complicated and tough, based on the disputes that occurred during the legislative process, eventually become efficient? Lawmakers act as party workers and people's representatives at the same time. As people's representatives, they should work for the benefit of their constituents. Still, as party workers, they must be vulnerable to orders from the party elites. It is within this zone that they can potentially work against their personal will and end up serving the party interests. Oligarchs and cartels generally tend to work through party machines, even though there have been incidences that oligarchs directly control lawmakers without going through party networks. Disputes amongst lawmakers from both the ruling parties and the opposition ultimately did not influence the parliamentary decision in passing the Election Act of 2017. Therefore, oligarchic and cartelization theories were useful in explicating the situation under study and helped lead this researcher in answering the second and third sub-questions of (a) how the lobbies among the Special Committee and the government took place during the legislative drafting process and (b) why the protests from the extra-parliamentary groups (small parties, independent observers, NGO activists) did not inherently and effectually shape the legislative drafting process.

### **Nature of the Study**

The section includes a concise rationale for the selection of the research design and tradition, a description of the key concept and phenomenon being investigated, and a brief summary of the research methodology—from whom and how data were collected and how data were analyzed). As the purpose of the study is to explain the phenomenon of political mastery by the richest in post-Suharto Indonesia, I employed

a qualitative inquiry when collecting views, perceptions, feelings, and experiences of lawmakers, party elites, and other relevant experts. The specific paradigm applied was a case study method of inquiry (Erickson, 2011; Patton, 2015).

A case study approach, following Burkholder, Cox, and Crawford (2016), provides “a detailed and intensive analysis of a particular event, situation, organization, or social unit” (p. 227). This approach is fundamental in my research study because, as described by O’Sullivan, Rassel, Berner, and Taliaferro (2017), a case study approach is “a preferred research strategy for investigators who want to learn the details about how something happened and why it may have happened” (p. 44). Brown (2008) supported this approach because, based on her exceptional insight, a case study inquiry must provide “rich and significant insights into events and behaviors” (p. 8).

The data collection method applied in this research study included at least three primary data collection instruments, which encompass (a) the interview protocols, (b) the official documents, and (c) the literature sources. For the individual interviewing, this researcher developed some interview questions based on the protocols in alignment with the theories applied, which are described in detail in Chapter 3. For the busy politicians, who were the participants of this study, this researcher decided to flexibly develop individual conversations, accompany the participants to where they went, and made field notes to record the necessary information. Such flexible interview methods were particularly applied to key sources like the MPs from the Special Committee (SC) for the 2017 election bill, as well as the stakeholders of party organizations. The official documents were the printed sources relevant to the phenomenon of interest, which were procedurally collected



from parliament (DPR). The literature sources are the relevant literature discussing the legislative drafting process of the 2017 Election Act as the case study investigated.

The goal of this investigation was causal or explanatory (Creswell, 2014; Ravitch & Carl, 2016) because the intention was to explain the practical influences of powerful individuals in the making of laws at the institutional level. Simply put, the study was designed following a qualitative research model, focusing on the interpretive nature of a qualitative inquiry. By considering flexibility of the analysis process, as part of the characteristics of a qualitative research method, the interpretation of data information became the strength of this qualitative study in the knowledge that the findings were indeed the assertions (Erickson, 1986).

The power mastery in post-Suharto Indonesia involves many influencing forces such as the military, party elites, oligarchs, bureaucrats, and NGO activists. There was no intention here to explore all the prevailing forces, but this study did concentrate on oligarchic power as the prominent force in post-Suharto history. The rationale of choosing this topic related to the fact that the main tendency of the post-authoritarian democratization coupled with the liberalization of politics after 1998 has been the increasing influence of capital resources in power exhibition. Such a circumstance provides a contingency to General Suharto's oligarchs in allowing them to control political parties and occupy most of the "power loci" (a term introduced by Sharp, 1973). The organization model employs a transactional mechanism, which in turn contrives a conducive climate for the emergence of political cartelization.

The process of mastering democracy is a complex phenomenon. That is why this study was focused on the legislative process at the parliamentary level using a case-study qualitative inquiry to simplify such complex phenomenon. A case study approach, following O'Sullivan et al. (2017, p. 44), is a strategy for investigators to

explore the details of how something happens and why it might happen. The case study employed in this inquiry is the legislative drafting process of the 2017 Election Act, with the particular focus on the presidential threshold as the central element of the case study investigated. As case study research, the interviews applied in this investigation entailed the practical guidelines to get in-depth information required. Due to this purpose, this researcher conducted conversations and dialogues with lawmakers, based on the interview protocols, and other participants involved in the legislative process of the 2017 Election Act. I used the research questions as a reference when building conversations or dialogues with the participants.

For basic in-depth interviews, especially to answer the research questions, this researcher paraphrased the list of questions based on the guidelines presented in Patton (2015), as well as Rubin and Rubin (2012). This list was useful in conducting interviews with the selected participants. The place of investigation was in Jakarta, the capital city of Indonesia, where the parliament building and political parties are located and the heart of the political process occurs. For additional participants, in terms of triangulation fundamental in a case-study research method (Creswell, 1998), this researcher approached relevant informants considered representative (Patton, 2015; Rubin & Rubin, 2012) to explore their experiences and views on the legislative process under study controlled by oligarchic forces allegedly using cartel work-patterns.

For the entire process of the data collecting, this researcher solely approached the participants from the opposition and the ruling parties. This means that this author, in the entire process of this investigation, played a central role in gathering, analyzing, and interpreting the data, as well as in reporting the study results. When the required data were considerably sufficient, this researcher handled the entire process of data

thematizing, transcribing, analyzing, and ultimately verifying the analyses prior to reporting the final results (Patton, 2015; Rubin & Rubin, 2012) using the NVIVO qualitative data analysis (QDA) software program.

Convenience and judgment samples were the sampling methods applied in this research study, in which the most accessible and productive participants were the lawmakers and party elites (Marshall, 1996). Rubin and Rubin (2012) convincingly stated, “Interviewing people who interact with each other but have a different perspective on the research question is likely to elicit multiple versions of events or situations that can be true at the same time” (p. 69). Qualitative interviews should be rich and detailed (Patton, 2015; Rubin & Rubin, 2012). How data are collected influences the nature of a qualitative inquiry, which should be trustworthy (Anney, 2014; Shenton, 2004). Andrew Shenton (2004) argued that the trustworthiness of an interview is determined by credibility, transferability, conformability, and dependability (See also Anney, 2014).

Korstjens and Moser (2018) argued that “credibility is concerned with the aspect of truth-value” (p. 121). To ensure the degree of truth value, the qualitative researchers must pay attention to prolonged engagement, persistent observation, member check, and triangulation—if the researchers need to increase their confidence toward the research findings (Korstjens & Moser, 2018). Of transferability, Anney (2014) noted, “Transferability is the degree to which the results of qualitative research can be transferred to other contexts with other respondents” (p. 277). The value of trustworthiness also relates to the situation that other researchers could corroborate and confirm the inquiry findings in other contexts (Baxter & Eyles, 1997). When the results are found to be stable over time, this exclusively means that the qualitative

study is trustworthy in terms of dependability (Anney, 2014; Bitsch, 2005). Regarding such trustworthiness principles, this researcher decided to employ in-depth interviews as the primary data collection methods.

The participants in this study consisted of five clusters: (a) party stakeholders (elites), (b) MPs joining the Special Committee (SC), (c) government officials (GOs) from the Home Affairs Ministry (d) media journalists (MJ) reporting the legislative issues, and (e) extra-parliamentary groups (small parties, political observers, and non-governmental organizations [NGO] activists) directly influencing and concerned with the topic under study. This researcher interviewed three key participants for each cluster, with an intended sample size of at least 15 participants. As previously mentioned, all the participants were approached using standard in-depth interview methods. The parliamentary participants selected were those who were explicitly involved in the field of the phenomenon under study. This was the rationale this researcher utilized to select them to join the interviews.

This researcher approached the potential participants and invited them officially using interview invitation letters coupled with the informed consent forms. Regarding the social and cultural backgrounds of the participants, this researcher typically approached them in person in the way that this researcher contacts the participant candidates personally. When the participants verbally agreed to join the interview, they were asked to text “OK” or “I consent” to the researcher’s Walden email address or via personal mobile phone. This notably meant that the process should proceed to the next level. The participants signed the informed consent letter and allocated time for the interview. Journalists, independent observers, and NGO activists have been essential parts of the interviewing process. This author approached

the journalists after collecting their phone numbers or e-mails. The same way was developed to approach other identified participants.

Data collection began when this researcher submitted the invitation to all participants to join the interview. Interview data are the primary data collected using interview protocols (Patton, 2015). To enrich the information required, this researcher needed to view news clippings and revisit the headlines of the selected media (TEMPO, KOMPAS, and DETIK). The secondary data was combined with the records of discussions among scholars, those who are relevant to the phenomenon under study or other printed documents and reports that are fundamental in a qualitative research (Creswell, 2014). The legislative drafting process of the 2017 Election Act was a significantly nationwide issue in 2017 and revealed critical debates among political observers and legal scholars concerning the presidential threshold article. This author utilized this rationale to select this article as the central case-study to be investigated for this dissertation project.

### **Operational Definitions**

*Cartel party:* Cartel party is a term used by Katz and Mair (1995) to refer to parties controlled by a handful of elites by relying on resources from the state—a postulation that confirms the classification of political parties at that time, which is different from the mass party. The concept of the cartel party was first proposed in 1993 as a means of drawing attention to the patterns of inter-party collusion or cooperation rather than competition; it became a way of emphasizing the influence of the state on party development. By definition, the cartel is characterized by the interpenetration of party and state with a pattern of inter-party collusion (Katz & Mair, 1995). With the development of the cartel party, the goals of politics become

self-referential, professional, and technocratic; what little inter-party competition remains becomes focused on the efficient and effective management of the polity. The company is organized on the basis of strong reliance on other benefits and privileges. Within the party, the distinction between party members and non-members becomes blurred; through primaries, electronic polling, and so on, the parties invite all of their supporters, members or not, to participate in party activities and decision-making. Above all, with the emergence of cartel parties, politics has become increasingly depoliticized (Katz & Mair, 1995). In this study, I do not discuss the cartel party as a party system, instead using the concept of political cartel as a strong tendency that led to the formation of oligarchic cartelization.

*Cartel/Cartelization:* Following lexical definition, cartel is defined in various ways. In *The American Heritage Dictionary of English Language* (2009) cartel means (a) a combination of independent business organizations formed to regulate production, pricing, and marketing of goods by the members; (b) an official agreement between governments at war, especially one concerning the exchange of prisoners; and (c) a group of parties, factions, or nations united in a common cause or a bloc. Ivan G. Sparkes (1985) explicated a cartel concept as a political and economic combination between parties or business groups. In the *DOD Dictionary of Military and Associated Terms* (US Department of Defense, n.d.), the term is defined as an association of independent businesses organized to control prices and production, eliminate competition, and reduce the cost of doing business. In political science, the term cartel is also used to refer to political forces that use a cartel pattern in business while managing political parties, limiting electoral competition, and gaining power. This author used this political perspective to define the term cartel in this study.

Cartelization is a process of formation of a cartel or a tendency of a body towards forming a cartel.

*Democracy/Democratization:* Democracy is a form of government in which all citizens have equal rights in influencing the decision-making process concerning their common interest. The fundamental notion of the democracy concept implies that the power is rooted in people, executed by the people, and dedicated to the good of the people under the principle of the majority rule (McLean & McMillan, 2009). The people are the owner of the sovereignty. Democratization is a distinctive concept referring to the process of developing democracy from fragile circumstances to a more stable state.

*Dewan Perwakilan Daerah (DPD):* Dewan Perwakilan Daerah (DPD) is a regional representative council acting as territorial representatives, slightly similar to the Senate in United States Congress. The presence of DPD reflects a bicameral system in Indonesian parliamentary system. The bicameralism, however, has been complicated since there remains an Assembly of Representatives (*Majelis Perwakilan Rakyat/MPR*) inherited from the New Order, whose members consist of both selected members of DPR and DPD to carry out particular functions, such as inaugurating democratically elected presidents or new presidents in the event of impeachments as directed by the Constitutional Court.

*Dewan Perwakilan Rakyat (DPR):* The Indonesian Parliament adheres to a slightly complicated bicameralism system. There is a House of Representatives (DPR) acting as the lower house, seated by members from political parties regularly elected through a 5-year election.

*Legislative Process:* Legislative process involves the law-making process, which has been the core power of the legislative branch in a democratic system. In

general, legislation is the responsibility of the DPR, unless there are acts relating to the affairs of regional autonomy, in which case the DPR and DPD must cooperate. The DPR and DPD each submit a bill to be discussed in a joint committee. This dissertation research focused on the legislative process of the 2017 Election Act, which was under the authority of the DPR. In other words, there remains no discussion about the involvement of the DPD or the MPR in the legislative process examined in this dissertation research.

*Money politics:* Money politics is a concept developed for the tradition of an electoral democracy to describe the practice of utilizing monetary power as a bargaining means in gaining power in elections. The concept correlates with the political culture existing in a society. In parochial political culture, for an example, there is a belief that the electorate does not have sufficient information or adequate knowledge to shape their political preference. Consequently, the politicians spend their money as a medium of exchange to control the electoral market by providing financial support to voters or partaking in vote-buying, involving persons from electoral institutions.

*Oligarchic Cartelization:* This term was developed in the context of this dissertation project to name a new trend in the post-authoritarian era where oligarchic power controls the political process by utilizing a cartel working pattern. In the view of researchers, oligarchic cartelization is realized as the basic assumption in this study of the legislative process of the 2017 Election Act. I argue that the ruling elites who master the politics in post-Suharto Indonesia are the “oligarchic cartels.” They are a small number of elites who possess enormous economic resources, and by such resources then master political practices—intervene in policymaking and legislating



processes, and limit the competition in elections in the pursuit of power to defend their wealth.

Oligarchic cartelization, however, remains a theoretical assumption that might be arduous to generalize. This author deliberately used this term in this project to maintain the underlying assumption of the study that the oligarchy is evident and allegedly overpowers the political practices using cartelized strategies as assumed to manifest through the drafting process of the Election Act of 2017. The Article 222 limited the number of candidates in the presidential election. As known, containing electoral competition is the character of a cartel, not an oligarchy. This study, of course, is open to rebuttal and criticism of the use of this “oligarchic cartelization” terminology. However, as a qualitative inquiry leads to the development of a new theory (Creswell, 1998; Fossey, Harvey, McDermott, & Davidson, 2002), this author boldly used the term to enrich the findings and conclusions of this dissertation.

*Oligarchy:* Oligarchy is a floating concept. Scholars have rigidly understood oligarchy as a system of government run by a handful of rich individuals. This study employs Jeffrey A. Winters’ (2011) definition of oligarchy, which is “the politics of wealth defense by materially endowed actors” (p. 1). Using this definition allows readers to understand that oligarchy is a more flexible concept where it is a potential political force living within a variety of political systems. Oligarchy exists in constitutional monarchies, such as in Thailand (Rhoden, 2015). It also survives in developed countries, such as the United States and Western European countries as in the study of Blyth and Katz (2005), and in developing countries, like Thailand, Malaysia and Indonesia (Robison & Hadiz, 2004; Winters, 2011a).

*Party Elites:* The concept of party elite is different from the definition of an “elite party” developed by Edmund Burke (1770) and described at length by Maurice

Duverger (1972). The elite party is a political party consisting of powerful individuals in the society collaborating politically in the spirit of the common principles and goals. On the tradition of an elite party Duverger (1972) notes: “Members of parliament play key role” (p. 7). In contrast to that term, the contention of party elites in this study refers to the powerful members who occupy the most influential positions in the structure of a party organization.

*Political Efficacy:* Political efficacy refers to the degree of citizens’ trust in how effective their votes in shaping the political process at the systemic levels. This concept is vis-à-vis with the idea of political effectiveness.

*Post-Suharto Indonesia:* Post-Suharto Indonesia is a term commonly found in contemporary literature on the study of democracy in Indonesia. The technical definition of the term does not differ much from the term “Reform era.” The definition, however, of “post-Suharto Indonesia” poses a clue that explicates both the locus and tempus of the study conducted. This investigation focused on the political phenomenon in Indonesia after 1998. General Suharto has become one of the central figures in the history of democratization in Indonesia. His fall in 1998 has been considered the critical turning point that marks the new era of democratization.

*Reform era:* Reformation is the process of reforming an order in which the new order replaces the old order. In this study, the Reform Era, called *Reformasi* in Indonesian tradition, is a phrase used to name the period of political history after the fall of General Suharto in 1998, following the economic depression that hit Indonesia and other Southeast Asian countries since 1997, and bloody riots in May 1998 in Jakarta and many other cities throughout the country. Social and political experts use this term to separate the antidemocratic phase of General Suharto’s 32-year regime (1966-1998) and the democratization phase after 1998.

*Separation of Powers:* Democracy recognizes the concept of separation of powers through the *Trias Politica* model. The core principle of the model is that power should be run separately by three branches: the legislative, the executive, and the judiciary branches. These branches are units that are bound by the Constitution and act as separate authorities in serving the public interest. The legislative branch has the authority to make laws. The authority to implement those laws and the governmental process is in the Executive branch, where the president is in the highest position. The judiciary branch is, to put it simply, tasked with ensuring law enforcement.

### **Assumptions**

This study starts with a hypothetical assumption that Article 222 of the 2017 Election Act had hijacked the freedom of citizens to vote in the presidential election. The article stipulates that a presidential candidate must be carried by a party or a group of parties that claimed a minimum of 20% of the national vote in the recent election or 25% of the parliamentary seats in the DPR. The controversial dispute not only triggered tension between the opposition and the ruling parties, but also divided the community into a double conflicting view; some considered it the castration of citizens' democratic rights to obtain diverse option choices in the presidential election, while some considered it a democratic mechanism to ensure political stability in elections concerning the multiparty system that could be subject to instabilities (Linberg, 2007; Verbeek & Hermsen, 1992).

The substance of the controversy is whether the legislative process reflects the power of public participation or the power of oligarchic pragmatism. A speculation spread among the journalist and observers during the legislative process of the case

study examined that there was monetary transaction involving party elites. The goal was arguably to pay lawmakers from both the ruling and opposition parties to expedite the ratification of the bill investigated. This study would not depend much on this speculation because either true or not, monetary exchange is not the primary clue to measure the oligarchic or cartelized strategies employed in the phenomenon under examination. Prior to conducting this inquiry, this author had intensely been involved in informal conversations with some lawmakers and party stakeholders—when encountering in some public discussions or meetings as part of this author’s work in office. Such encountering truly helped this researcher design the pathway to start this dissertation research journey. The data information revealed from that encountering confirmed that the lawmakers were indeed pushed by party leaders to speed up the ratification of the election bill. Leaked information from such pre-investigation conversations revealed as well that the 2017 Election Act is thus likely a product of compromise among party elites.

### **Scope and Delimitations**

This study is located within the framework of a power system in which there is a democratic, political structure based on the principle of separation of powers, as introduced by Montesquieu (1689-1755), and the mechanism of checks-and-balances (Madison in McLean & McMillan, 2009; Vile, 1998). A political structure in this study context refers to a structural environment that strategically shapes the legislative and administrative processes. The legislative process poses a concrete manifestation of political authority in influencing, fighting for, and defending public interest (Delgadillo, 2017; U.S. Congressional Research Service, 2018).

The legislation of the 2017 Election Act is the scope of this study. Despite allegations of the involvement of oligarchs in other political processes, this researcher delimited the study to the legislative issue of the Election Act. Theoretically, oligarchs wield power in various interactions and operations of the government (Robison, 1986; Robison & Hadiz, 2004; Winters, 2011a). In this study, this author only focused on the parliamentary legal product that relates to the crucial implementation of democratic politics and the ultimate determination of political leadership. The rationale of choosing this legislative process of the 2017 Election Act as the scope of the study is that that election had been the highest mechanism of democracy for citizens to partake in. Consequently, the 2017 Election Act is strategic and fundamental in shaping a quality democracy.

This researcher conducted this study in Jakarta, the capital of Indonesia, and involved selected participants categorized into several clusters. The first three participants represent the party elites and three MPs represent the parliamentarian cluster. Other participants included three independent journalists covering the legislative process, and other three participants representing the civil society or the public in this study consisting of one independent observer/university expert, one NGO activist, and one non-parliamentary party stakeholder. In total sum, there were 15 participants involved. Additional participants were considered to ensure the saturation principle in qualitative inquiry tradition (Fuss & Ness, 2015), and to triangulate the information gathered as a fundamental strategy in conducting a case-study research method (Creswell, 1998).

Consequently, as this researcher delimited the study to the legislative process, other issues that are worthy of being studied using the oligarchic theory or

the party cartel framework were not included in this investigation. Limited participants also consequentially shaped particular conclusions that could not be directly transferred to other contexts of study. The parliamentarian and GO participants selected represent their individual positions, not the entire members of the DPR or the general government institutions. Nevertheless, the working pattern of oligarchy and cartels in the phenomenon under study can be referenced to comprehend the work patterns of oligarchic cartelization in different states. In essence, manipulation of legislative processes as well as the electoral regulations during election seasons poses a pattern of political cartelization the oligarchs employ to achieve their vested purposes. This possible conclusion has the potential for researchers to apply to diverse and broader contexts of study.

### **Limitations**

As this study is a qualitative inquiry, certain limitations need to be addressed. Firstly, and must be boldly underlined, the conclusion drawn is typically the constitution of the limited views of the participants selected. It has further implications since generalizing the results of the study is a challenge that demands convincing measures to guarantee trustworthiness. Secondly, the case occurred two years (2017), prior to the research being conducted (2019). It may have been difficult for the involved participants to recall the details of the legislative process. Many participants would probably be interviewed more times to build the bigger picture and fill in any required missing details.

Another limitation is that the views against the issue investigated are particularly shaped by the political background of the participants involved. This would reduce the degree of objectivity in the participants' views and their perceptions

of the issue studied. Participants from the ruling parties might deny the presence of monetary transaction during the legislative process or perhaps other participants would recognize that money politics is part of the lobbying strategies used because, according to Campos and Giovannoni (2017), lobbying and corruption are inherent in political institutions (see also Hagevi, 2018). The parliamentarian participants, of course, would mind to uncover some sensitive information because of the nature of power politics *an sich* or due to the career maintenance. To overcome the potential limitations addressed above, journalists and independent observers were necessary to interview. These participant groups would demonstrate alternative views. It might be interesting if the information gathered from these participants reinforce the views delivered by the opposition parties. Collecting data from non-party participants is one of the techniques to strengthen the data required in this study in alignment with the theoretical frameworks applied.

Besides the limitations above, the study seems to be potentially biased as well when dealing with this author's political position. *This researcher arguably assumes that the parliamentarians and party stakeholders from the opposition group would be hard to welcome the individual interviews with this researcher regarding the political position as part of the incumbent government's inner-circle.* As a member of the inner-circle of the Jokowi Administration, this author could not enforce the participants from opposition parties to talk much to this researcher during the interviewing process. In this situation, concerning the bracketing method typically used in qualitative research to reduce the potentially damaging effects of assumptions that can taint the research process (Creswell & Poth, 2018; Tufford & Newman, 2012), this inquirer interviewed the opposition participants, those who are in a close relationship with this researcher with an assumption that such personal relationships

might be a contingency to get more opposition perspectives that could enrich this research study. During the analysis and interpretation of the data, this author tried to be neutral and invite volunteers to read the results before submission.

*Moreover, this author must conscientiously anticipate the potential of biases in analyzing the data required and interpreting the study findings.* As underlined by Pannucci and Wilkins (2010), the interpretation of bias cannot be limited to a simple inquisition: is bias present or not? Instead, reviewers of the literature must consider the degree to which bias was prevented by proper study design and implementation. As realized, some degree of bias could be present in a published study (Pannucci & Wilkins, 2010). Regarding the anticipation of biases in this study, volunteers were required to lend a hand in reading the piece before being officially submitted. Colleagues from Walden University, like Michael Hall, and other good people, who prefer not to be mentioned, have also helped this author maintain a scholarly and professional demeanor and mindset in the process of completing this dissertation project.

### **Significance**

Democracy is an idea which reflects the people's sovereignty—as the basis of power per se—as democracy means a government ruled by the people (Dahl, 2000; Inkeles, 1991; McLean & McMillan, 2009). The truth, however, is that people cannot do more than just casting their ballot on Election Day, partaking in protests on the street, or submitting their opinions in polls and surveys. It is challenging for the people to influence power in a political structure when the political system gets mastered by the oligarchy. Even in developed nations, the people cannot effectively control the decision-making process within political institutions. Such circumstance



can be exacerbated by a situation in which political parties build high walls separating the elites from the cadres (Katz & Mair, 1995). As a result, the control and manipulation of power falls within the gray area. It is in this grayishness, a handful of dominant elites play some determining roles—those who are considered oligarchs in this study. Such oligarchs override public participation and deliberation in the legislative process and controls parties and parliaments for fraudulent purposes (Hakim & Jurdi, 2017). It is within this field and its relation to public policy and administration issues in which I have focused on in this study. This researcher believes the review will result in the conceptualization of the existential contestation between the wealth power and participation power in legislative and policymaking processes. Thus, the study is fundamental for scholar-practitioners in the fields of public policy and administration, political science, and other relevant disciplines to understand the dynamics of power in the internal environment of the political system.

Furthermore, the study is useful for lawmakers and practitioners who are responsible for the reformation of the legislation and decision-making system within parliament, bureaucracy, and other governmental institutions. Understanding the working pattern of cartels and oligarchs is a pioneering path to systemic reform in the context of upholding the principles of real democracy based on the sovereignty and the consent of the people. Positive change in the context of democratic development can be realized when all structural components of democracy work effectively to serve the people as the teleological goal of democracy per se (McLean & McMillan, 2009). This study can stimulate the reformists in strengthening the structure of democracy by enforcing participation power and downplaying the hegemony of the wealth power of the oligarchs.

## Summary

This study involved the exploration of the involvement of oligarchs and political cartels in the legislative process of the 2017 Election Act in Indonesia. Using the oligarchy and cartelization theories, this study delved deeper into the views of participants in this investigation to create a complete and comprehensive understanding of the phenomenon of power mastery by a handful of strong individuals. Chapter 1 contains research problem, purpose, background, rationale, and the theoretical framework used in this study. This section is reinforced by an explanation of the definition of operational terms, assumptions, scope, potential bias, and other limitations of this study.

A literature review and the theoretical frameworks used are discussed in depth in Chapter 2. The discussion about literature review is focused on the literature relevant to key variables and concepts applied in this investigation. Chapter 2 begins with an introduction that illustrates the restatement of research problem and purpose. The next section after the introduction is the illustration of literature search strategy. After discussing the literature review, Chapter 2 will end with a summary and concise transition to Chapter 3.

## Chapter 2: Literature Review

### Introduction

At least since the fall of the Suharto regime in the late 20th Century, the study of Indonesian democracy among social and political scholarship has been colored by diverse perspectives. There have been those who examined the relentless influence of military politics (Aspinall & Mietzner, 2010; Kadi & Hargens, 2007); some studied the civil power structures that shaped democratic formation after 1998 (Slater, 2004, 2018; Slater & Simmons, 2012; Ufen, 2006; Winters, 2011a). Influenced by Aristotelian perspective, Winters' (2011) study on oligarchy, specifically under the umbrella of Power Structure theory, and other scholars' investigation on party cartelization (Slater, 2004; Ufen, 2006; See also Mietzner, 2011) have been quite prominent. This study project focused on the intervention of the post-Suharto oligarchs in the legislative process at the parliamentary level. The Election Act of 2017 is a case used to comprehensively examine the overall nature of the underwater mountain regarding the involvement of oligarchs in the policy process.

Though studies on oligarchy and political cartelization in Indonesia's contemporaneous democracy are quite extensive, there have been, however, no studies that specifically explore the involvement of oligarchs in the legislative process in parliament combined with the perspective of political cartelization. This study not only intended to combine oligarchic literature and political cartelization literature but also aimed to examine in depth how the power of wealth of the few replaced public participation in the legal process. In other words, this investigation not only intended to prove the underlying idea that oligarchs and political cartels are active powers but also involved the examination of their influencing capacity in shaping the

characteristics of the legislature. Oligarchs and cartels purposively proceed to control the management of political parties and elections, including the trajectories of power implementation in public office. It is the fundamental point to be carried out in this study and, at least in this author's expectation, makes it different from the current literature about oligarchy and political cartelization in post-Suharto Indonesia. Simply put, the study intended to underlie that power play at the administrative level has been a visible part of the power mastery by the ruling oligarchs (Winters, 2011a).

This chapter includes a conception synopsis of the relevance of phenomenon under study, the strategy used to search literature, theoretical foundations, conceptual frameworks, and the relations between a literature review and critical concepts. Apart from the introduction, the literature review in this chapter is composed of five sections. The section on the definition of oligarchy is to provide a basic understanding of the concept. The key characteristics of oligarchy section aimed to relate the idea with the phenomenon under study. The section on oligarchy in modern democracy is a synopsis of the current literature that portrays the oligarchic aspects in a variety of contexts. Political cartelization is a section that provides an overview of how the cartel working pattern in political management is relevant to the problems highlighted in this investigation. The section on the legislative process is a big picture of what it is and how the legal process works in a democratic political system. This section is useful to provide the basis and rationale for the selection of the 2017 Elections Act as the case employed to understand the oligarchic mastery and cartelization in post-authoritarian Indonesia.

I focused the scope of the literature review on peer-reviewed journal papers. There have particularly many official documents from the DPR, though the issues studied are sensitive. For example, the official transcripts that recorded the entire

drafting process of the Election Act of 2017. Of course, there have been no official documents recognizing the intervention of oligarchy and political cartels in the policy process. Even though participants involved in the legislative process apparently admit the fact that some influential individuals from the party institutions have been the masterminds behind the legislation in DPR, as confirmed by individual members of Special Committee (SC), during informal, unrecorded conversations with this author, those individuals are responsible for drafting the Election Act of 2017. The rationale for using peer-reviewed journal articles is that scholarly papers have been published and are widely used. This implies that the information presented should meet valid scientific criteria or be feasible to use as references.

### **Literature Search Strategy**

This author exclusively obtained the articles reviewed by searching in the public policy and administration oriented databases, as well as the political study databases, in the Walden University Online Library. Search by database included Academic Search Complete, Databases A-Z, EBSCO Discovery Search, Google Scholar, and Scholar Works. Other databases searched typically encompassed Dissertation and Theses at Walden, Encyclopedias & Dictionaries, Education Research Complete, Political Science: A SAGE Full Text Collection, ProQuest Central, ScienceDirect, SAGE Premier 2018, and Lexis Nexis Academic. The additional databases obtained derive from Cornell University Online Library and ResearchGate. The rationale of using Cornell University Online Databases relates to the story that Cornell University has been one of the American universities with prominent Southeast Asian studies widely known among social scholars in Indonesia.

Benedict Richard O’Gorman Anderson (Ben Anderson) was a professor of Cornell University prominently known for his *Imagined Communities* (1991). This researcher knows this social scientist well in terms of a personal relationship, and that particular knowledge has been a personal consideration for using Cornell University Online Library. *ResearchGate* was also necessary to include. As one of the participant members of such an online community, this researcher had excellent access to find more relevant published-articles provided by professional scholars from various academic backgrounds.

The search keywords used exclusively included *Oligarchy, Characteristics of Oligarchy, Oligarchy and Democracy, Oligarchy in Post-Suharto Indonesia, Iron Law of Oligarchy, Cartel Party, Public Participation, Federalist Papers, Legislative Process, Money Politics, Party Elites, Democracy in Post-Suharto Indonesia, and Post-Authoritarian Indonesia*. To get more relevant literature, this researcher used other keywords as follows: *Oligarchy in Southeast Asia, Democracy in Southeast Asia, Cartelization in Southeast Asia, and Legislative Process in Indonesia*. Additional literature on the methodology of the research was also sought using several keywords: *Qualitative Inquiry, Paradigms in Qualitative Research Methodology, and Case Study Approach*.

### **Theory of Oligarchy**

There are two major theories applied as the theoretical frameworks of this study encompassing (a) the oligarchy theory (Winters, 2011a) and (b) the cartelization theory (Katz & Mair, 1995, 2009). The oligarchy theory, as the foundational theory applied, is first explained before the cartelization theory. This section of oligarchy

theory performs the illustrations of what oligarchy is, the paradigmatic position of oligarchic theory, and how the applicability of the oligarchic theory in contemporary literature. Discussing the characteristics of oligarchy is also essential part of this section to provide relevant elements of the theory regarding the research questions developed in this study. Additional explanation about the relationship between democracy and oligarchy has been a crucial part of the discussion in this section because oligarchy investigated in this study lives within a democracy.

### **Defining Oligarchy**

The term oligarchy, as reiterated by Winters (2011a), originally derives from the Greek word *oligarkhia* (government of the few), composed by *oligoi* (the few) and *arkhein* (to rule). When looking at the dictionaries, the term oligarchy holds various meanings. In one sense, it refers to a form of government in which all power is vested in a few individuals or a dominant class or clique (Mclean & McMillan, 2009). In another sense, oligarchy refers to a ruling group of individuals or a dominant class (Johnson, 1994; Reno, 1998). In that second sense, the focus of the concept is on the individuals, while the first definition highlights the structural aspect of oligarchy as a government system. Another definitional elaboration comes from Leonard Whibley (2016) who defined oligarchy as “a form of power structure in which power effectively rests with an elite class distinguished by royalty, wealth, family ties, commercial, and/or military legitimacy“ (p. 15).

As a government system, the pros and cons of the oligarchy have been prolonged scholarly debate. In the order of oligarchy, decisions ought to be taken rapidly because the process only includes a few views. At least it is one example of

advantages the oligarchy holds that has supported its rise in ancient Greece as illustrated by Andrew Alwine (2018). During the revolutionary time in Athens, around 411 B.C.E, in order to maintain stability, “the Greeks establish a restriction on participatory rights” (Alwine, 2018, p. 235)—which then gave rise to complications in the practice of democracy and leads to the emergence of oligarchy in turn.

To a particular extent, building consensus in democracy is typically difficult to conduct because a decision-making mechanism involves many more participants. In a precarious situation, therefore, the oligarchy is more effective in making decisions than democracy (Alwine, 2018). However, the oligarchs are inclined to confine the opportunity for the emergence of alternative groups of power, and they as well squeeze out the middle class in society. In particular cases, the oligarchs could become violently aggressive and strike back those who threaten their position and interest as in the case of Ukrainian oligarchs in the study of Tadeusz Ivanski (2017).

Oligarchs are actors who are working for self-oriented and group-based interests and unwillingly absent in the struggle for the public interest. Edmund Burke (in Hutchins, 1943) questioned the British political representation in the 18th Century which considered only a narrative to satisfy the ruling elites rather than serving those represented. As asserted as well by Robert Hutchins (1943), the Burkean conservatism confronts the self-oriented tradition of modern politics which promotes no truths, but just “fictions” propagated in the service of power.

Foresight is required in understanding the oligarchy concept to anticipate a schematically confusing collision with the plutocracy idea. Plutocracy is a system of government by the people with great wealth or income (Formisano, 2015). In contrast, oligarchy is a government ruled by the ruling elites those who are mostly socially dominant among other groups in society as they control (the access to) the wealth



(Herrera & Martinelli, 2011; Winters, 2011a). Not all rich people are oligarchs, but all oligarchs must be rich people. In a plutocracy system, wealth is an absolute measure of power, but in the oligarchy, wealth is only a means to gain political power even though the power achieved is ultimate to defend wealth. In other words, this author would like to emphasize in this part that “the power to rule” is the foundational spirit of the oligarchy, while “the power to have” is the essential spirit of plutocracy. Both of them claim the most extensive part of the wealth in society, but the oligarchs place wealth as the material power to achieve political control. Instead, the plutocracy treats wealth as the power in itself.

When defining the oligarchy, Winters (2011a) starts confronting the old concept of oligarchy as a form of government in the knowledge that the political power rests on the hands of a small minority. The idea of oligarchy, Winters (2011a) argued, “has been slowly developed in the realm of social and political sciences and such circumstance makes the concept for years have no substantial dynamical meaning” (p. 1). However, the underlying definition of the concept is likely common among scholars. Robison and Hadiz (2004), using the definition of Paul Johnson (1994), attempted to adapt the oligarchic concept into Indonesia’s New Order context (1966-1998). They typically defined it as follows:

A system of government with all powers in the hands of a small group of wealthy people who make public policy more to their own financial gain, through a policy of direct subsidies to agricultural enterprises owned by them or other business endeavors, government work contracts of great value, also of protectionist measures of their business with the intent to destroy a rival business. (pp .40-41)

Robison and Hadiz (2004) conducted a study of the Suharto regime (1966-1998) focusing on how New Order creates “a predatory state” in which policies and public goods are siphoned by public officials and politicians to gain political supports (See also Johnson, 1994). Simply put, Robison and Hadiz (2004) are inclined to say that when the oligarchy controls all political resources, it must give birth to “a predatory state” like Indonesia’s “Suharto State” in the past (1966-1998).

As a conceptual progress which has been the strong point emerged in his work, Winters (2011a) intentionally proposed a new content into the range of the oligarchy conception. He purposively added a central thesis at the definitional foundation of the oligarchy theory that “mastering material resources is the basis of oligarchy” (Winters, 2011a, p. 5). According to him, the oligarchy is no longer a system of government, but a political strategy to manage power which ultimately relates to the mastery of (a) material resources and (b) access to economic resources so that other groups in society ought to lack opportunities to gain power. Oligarchy, as confirmed in the works of many scholars (Eppinger, 2015; Hutchinson, Mellor, & Olsen, 2002; Ramseyer & Rosenbluth, 1998), has no intention to limit its purpose to reaching power *per se*, but how to optimize the potentials to manage the equilibrium and the permanence of control system in order to ultimately defend their wealth (Winters, 2011a).

In clearly unbiased logics, Winters (2011a) typically defines the oligarchs as “the actors who command and control the massive concentration of material resources that can be deployed to defend or enhance their wealth and exclusive social position” (p. 6). Based on that defining knowledge, he concluded that the central meaning of oligarchy must be about the political strategy of defending wealth amid the materially endowed actors. In a lengthy elucidation, Winters argued there have at least two

fundamental things that become the ultimate goals of an oligarchy which encompass (a) the rule of political resources and (b) the defense of wealth. The contextual meaning of “political resources” Winters developed in this realm refers to the following resources: “(a) power based on political rights, (b) power of official positions in government or at the helm of organizations, (c) coercive power, (d) mobilizational power, and (e) material power” (pp. 6-7).

In a definitive interpretation, Winters purposely underlined that the resilience and the sustainability of an oligarchic system are truly determined by the strength and systemic cooperation among the oligarchs to maintain the strategic resources. In most cases, oligarchy remains stronger when taking control over the power resources as what happened in Japan at the end of 19th Century—how the oligarchs designed political moves that caused then the fall of imperial Japan as explained by Ramseyer and Rosenbluth (1998). The Meiji oligarchs failed to build the institutional design because the oligarchs could not cooperate and were prone to self-interest and contentiousness. The study of Ramseyer and Rosenbluth (1998) revealed a telling remark that the mastery of resources on the one hand and the “fragility of cooperation” (p. 20) amongst oligarchs, on the other side, have determined the power shifts ahead of the fall of imperial Japan. In Indonesian case, Aspinall and Mietzner (2014) arguably concluded that the rise of President Jokowi in 2014 shifted the “well-oiled oligarchic machine” and revealed evidence of the limitlessness of the oligarchic dominance in the post-Suharto polity (p. 366).

### **Paradigmatic Position of Oligarchy Theory**

Just to be clear that there have two approaches shared among scholars to define the oligarchy concept: the first model is an Aristotelian approach holding a material definition of oligarchy concept and the other is the “elite theory” approach developing a non-material definition of the concept. This study applies both as the phenomenon under study reveals both the materialist and non-materialist perspectives. This is what constitutes the paradigmatic position of an oligarchy theory applied in this proposed inquiry.

Winters’ (2011a) work is an excavation of the materialist tradition dating back to Aristotle, which argues that oligarchs are a tiny minority of actors empowered by concentrated wealth. The non-materialist perspective, which is in fact simply “elite theory,” arose much more recently at the end of the 19th century, with key writers like Pareto, Weber, Mosca, and Michels, underling that the wealth power is not central to the definition of oligarchy. They are just “the few” who are empowered in all kinds of ways. For Michels (2001), for an example, the empowerment is through holding elite offices like being a party leader. For the contemporary scholars of oligarchy such as Winters (2011a), Michels’ argument is one about social complexity. His point, Winters (2011a) argued, is that any time there have been large and complex societies (rather than small simple communes), a small number of people must be in charge for everything to run effectively. Large numbers of people need small numbers of people to manage their community and interaction. Michels calls this “small minority oligarchs” but in fact, as Winters argued, they are just “elites” who can be empowered without being super-rich.

The non-material origin of oligarchic study paradigmatically resides under the umbrella of the classical Elite theories developed by Pareto (1848-1923), Mosca (1858-1941), and Michels (1876-1936). These quintessential scholars are known as the founders of elite theories in social and political studies. Pareto emphasized the concept of intellectual and psychological superiority of a handful of elites and divided elites into two groups: the governing and the non-governing elites (Homan & Curtis, 1934; Hübsch, 2006). Mosca (1939) brings the concept of personal and sociological characters of an elite and viewed society in two major dichotomies: the ruling class and the ruled class. Mosca's vertical power-relations reflect the line of mastery shaping the characteristics of organizations and society in the elitist view, that power always resides at the peak and spreads its flowing influence to the bottom.

Another elitism pioneer is Robert Michels (2001), well known for his concept of "the iron law of oligarchy" firstly published in 1911 in the German words: *Ehernes Gesetz der Oligarchie*. The basic idea is that each organization requires leaders who form and maintain the rules of the organization. The need for leadership consequentially gives birth to a "leadership class" that eventually holds the oligarchic power. The elites have the right to use the organizational facilities on behalf of "common interests," which has been the foundational principle of a representative democracy model, but in the end, democracy grows much slower than expected because the organization falls into the control of an anti-democratic oligarchy (Michels, 2001). Michels considers democratic system skeptically because he believes that the principle of a representative democracy is arduous to live in complex organizations. In the now-famous statement, Michels (2001) argued that "whoever says organizations, says oligarchy" (p. 241).

In this study, the iron law of oligarchy is used to reinforce the operational definition of oligarchy adopted from Winters (2011a). It does not imply that the focus will be inclined to the structural nature of oligarchy as a power structure, but to strengthen its operational meaning as a political strategy or a “wealth defense strategy” (Winters, 2011a, p. 6) that makes oligarchy able to live within overall models of the political system. Michels (1962) argued oligarchy is born from the character of power *an sich*—that power comes the prowess to reward loyalty, the prowess to maintain information, and faculty to manage the procedures of the organization when making decisions. Therefore, in the light of arguments revealed by Michels, building democracy in complex organizations is impossible, so to speak, because the representative democracy is just a straightforward of legitimizing the rule of particular elites, and that such the rule the elites make is inevitable. Franziska Hübsch (2006) reiterated Michels concept and emphasized that the oligarchy *per se* contains antidemocratic tendencies such as concentrating power on a handful of particular elites, maintaining the organizational procedures to perpetuate the status quo, and restricting the freedom of expression on behalf of political stability.

Darcy Leach (2005) revealed Michels’ thesis, but proposes criticism to build the generalized theoretical foundations of the oligarchy to make the concept more dynamic. Michels’ concept presupposes that power must be institutionalized into the bureaucracy. Leach (2005) conclusively argued: “The iron law can be distilled into three basic claims: (a) bureaucracy happens, (b) if bureaucracy happens, power rises, and (c) if power rises, then power corrupts” (p. 313). Leach considers Michels theory is incomplete because the concept derogates the informal nature of power. Oligarchy, according to Leach (2005), grows across organizational forms and it works as well in

the non-institutionalized power, so there need to be universal criteria to define the concept of oligarchy.

### **Characteristics of Oligarchy**

There are, of course, various characteristics of oligarchy to be explained, but in this study, this researcher intensely required to highlight just four natures of the oligarchy relevant to the research problem under investigation. The first nature is in line with Michels' (2001) iron law, which reveals the oligarchic power as the inherent nature of each organization. The second nature is that oligarchy rejects the notion of public participation. The third character refers to the organizational nature of oligarchy that is resistant to dispersion and equalization. The other aspect relates to the *modus operandi*, as well as the *modus vivendi*, of the oligarchy that capitalizes socio-economic inequality as an opportunity to plant and perpetuate its dominance in the polity.

#### **Rule by the Few**

An organization, from an elitist perspective, consists of a large number of members and few elites who determine the managerial activities of the organization (Homan & Curtis, 1934). Power rests on the few elites. The flow of power forms a vertical line from top to bottom, from leaders to members—which has been radicalized by Michels' (1962) theory of iron law that epitomizes the oligarchic character of any organization. Michels' theory completely describes the very nature of oligarchy that the power in an organizational system ought to go to a few elites. His idea has influenced the study of organizations at all levels. Social scholars, particularly those who engaged to the social movement, ought to thank Michels for

his contribution to the emergence of resource mobilization theory as one of the critical approaches used in analyzing the development of civil society (Tolbert, 2010).

Pamela Tolbert (2010) wrote,

Michels described a number of conditions and processes that inevitably impelled (in his view) even the most democratically-committed organizations to become divided into a set of elites, or oligarchs, with their own set of distinctive interests in the organization, and the rest of the membership whose labor and resources are exploited by the elites. (p. 4)

In a broader scope, Michels' view firmly reveals particular criticisms against the representative democracy. The presence of oligarchy derogates the essence of representative democracy, which implies that power is ruled by people represented by the elected officials who occupy the structure of roles within the political system (Huebsch, 2006). Thinking in Michels' line, political representation could be a fictional narrative because in essence elites in representative democracy tend to be oligarchic in the knowledge that they pursue their own sake.

### **Evading Public Participation**

In a representative democracy system, the citizens are fundamental part of the policymaking process. They can act as individuals or as civil society groups “that are working to channel ideas, interests, or preferences to the state, or advocate for the protection of individual rights from either the regime or from other groups trying to achieve different ends” (Freedman & Tiburzi, 2012, p.133). Through public deliberation and participation, as argued by Shelly Boulianne (2019), the citizens partake in influencing the policymaking among the public officials. Without the involvement of the public, a representative democracy arguably fails its fundamental



and teleological purposes because a democracy system is a political model to serve the people (Blais, 2010; De Zúñiga, Diehl, & Ardévol-Abreu, 2017; Reichert, 2018). However, the discussion of public participation relevance is absent under the oligarchic tradition.

Since an oligarchy is the rule by a few, discussing oligarchy is thus likely talking about the influence of the few (Martin, 2015; Richardson et al., 2018). The definite form of control by few has been metaphorically illustrated in the study of Rihardson, Mullan, Marshall, Franks, and Schlegel (2018) about stable power governing the information flow in house-hunting ants. In human organizations, the oligarchy is about human being's natural will and desire to control over others greedily for the particular sake of interest. The power of the few in an oligarchic system entails the equilibrium that sustains a stable control of resources (Winters, 2011a, 2013). It is the rationale why oligarchs are uncomfortable to include public participation in the decision-making process. The inclusion of various actors must threaten the survival and the sustainability of an oligarchy (McGovern, 2010).

In the unavoidable circumstances, particularly if the oligarchic elites fail to evade the uprising that threatens the status quo, they might control the decision-making process within the political system (Herrera & Martinelli, 2011; Martin, 2015; Premat, 2016; Robison & Hadiz, 2004). Oligarchy in a democratic system cannot eliminate the formal participation of the public in elections and referendums or polls because, following Premat (2016), that is a primary condition to make oligarchy live in representative democracy. However, as a matter of fact, the oligarchs purposefully make participation ineffectual or useless. This researcher applies the adjective "ineffectual" and "useless" to describe the insignificant effects and uses of public participation in the policy process at the institutional levels. It occurs when the

oligarchy entirely controls party organizations, parliaments, and government institutions—in which the oligarchy apparently poses the primary cause of systemic corruption, as in Putin’s Russia in the investigation of Stanislav Markus (2017). In the end, the entire decision-making process ought to be determined by the oligarchy. Public participation truly denotes an empty, ineffectual ritual (Arnstein, 1969).

### **Resistant to Dispersion and Equalization**

It is the very contention of Winters (2011a) that the oligarchs are resistant to dispersion and equalization among members. A tendency of dispersion in other forms of “power by the wealthiest,” like in plutocracy, is typically vulnerable (Formisano, 2015; Freeland, 2012). Potential conflicts occur amongst plutocrats dealing with power management and profit sharing. Formisano (2015) observed that plutocracy in America has not only triggered class conflict (the rich v. the poor) but also destroyed the middle-class defense because of the unfair and greedy penetration of a few plutocrats. The principle of equalization causes a conflict between those who are more meritorious and those otherwise. Oligarchy adheres to the law of proportional distribution of gaining (Formisano, 2015).

The hierarchy of roles amongst members slightly shapes the pyramid of acquisition. Winters (2011a) asserted that the oligarchy survives in all contexts of power systems because of its steady characteristic which is resistant to dispersion and equalization. There has a well-managed sharing mechanism among oligarchs that makes the system more resilient to internal conflicts. System *bagi-bagi* or “sharing” system among Suharto oligarchs under New Order was an example Winters (2011a) reveals to prove the very characteristics of oligarchy. Winters (2011a) argued,

As nascent oligarchs set about grabbing and squeezing the nation's wealth for themselves, they adopted a creed of *bagi-bagi*—which commonly means “share” or “distribute,” but in the context of Indonesia's oligarchy translates more accurately as “the obligatory sharing of oligarchic spoils.” (p. 143)

Furthermore, Winters (2011a) emphasized that “violating the *bagi-bagi* ethic is one of the few acts that risks having high-end theft by Indonesian oligarchs treated as a punishable crime” (pp. 143-144).

### **Capitalizing Economic Gap in Society**

The other nature of oligarchy lies in its unfavorable tendency to take advantage of the economic disparity among society (Robison & Hadiz, 2004, 2017; Winters, 2011a, 2013). In a relatively comprehensive analysis, Winters (2011a, 2013) revealed the state of economic gap, as one of the primary conditions, that gives birth to oligarchy. The logic of economic inequality shapes the political gap. Winters remarked the larger the material gap in society, the greater the political gap that occurred. The scholars of democracy used to believe that democratic justice is associated with problems of access to the political process (Dahl, 1956, 1971; Rawls, 1971, 2001). If Robert Dahl (1971), however, highlights much on the principle of participation, John Rawls discusses the significance of justice value as the primary principle of democracy. In *Justice as Fairness*, Rawls (2001) provided a philosophically foundational meaning of justice as a balanced combination between the principle of liberty and the fair equality of opportunity.

Oligarchy, based on an aggressive ambition to overpower the political system, works to restrain equitable access to opportunity and other potential resources, which eventually ought to sacrifice both the democratic value of equality and the

proportional justice for the non-oligarchic groups of people. It has been inevitable that inequality is the disadvantage of an oligarchy. Even it has been a troubling global phenomenon (Galbraith, 2018). When mainly discussing the U.S. “contribution” to the development of a global oligarchy, Galbraith (2018) wrote, “In the United States, the key driver of equity is capital-asset prices. It is because the capitalist nation, capitalists, and non-workers themselves such as assets get their income from dividends, interests, stock options, and capital gains” (p. 18).

Unequal ownership of resources has been evidence of the thesis, per the illustration of Winters (2011a), that the mastery of material resources relates to the degree of political mastery. The more limited access to ownership of economic resources implicates the limit of access to political constraints. Thus, following the linearity of that logic, assessing the degree of democracy should be seen from how the material mastery exists, because the wealth per se, based on Winters’ (2011) argument, must be intrinsically the material form of power (pp. 4-5). Winters (2012) thoughtfully emphasized the material dimension (stratification) is not truly an aspect of “democracy,” but the aspect of equal political power.

In essence, the argument is that there are two fundamental pillars of political equality: One having to do with freedoms, processes, and institutions (normally called liberal democracy), and other having to do with how evenly (or not) material power resources are distributed (Winters, 2012, para. 2).

His explanation in this section is in line with the philosophical elaboration of Rawls (2001) on the principle of justice as an integral combination of the principle of liberty and the law of fair equality of opportunity.

Winters (2012) seems to underlie that the rise or fall of the oligarchy is not directly related to the sustainability of democracy as a political system but with the

stratification of material resources in society. Consequently, in other words, the oligarchy can live in any political system as long as there exists an economic gap or inequality in access to potential resources. In his electronic letter to the author, Winters (2012) furthermore elaborated, “Oligarchy is not part of democracy or to put it differently, oligarchy is not the result of a democratic deficit. It is the result of material stratification in society and that society can be democratic or not” (para. 2). In his 2011 book, Winters decisively asserted,

Oligarchs do not disappear just because they do not govern personally or participate directly in the coercion that defends their fortunes...The political involvement of oligarchs becomes more indirect as it becomes less focused on property defense...Their political involvement becomes more direct again when external actors or institutions fail to defend property reliably. (p. 7)

### **Oligarchy and Democracy**

This section contains a literature review of the emergence of oligarchies in different backgrounds in contemporary democracies. It is essential to note that the discussion of oligarchy in this study refers to the party oligarchy which has been a prominent force controlling political parties in Southeast Asia, including Indonesia (Robison & Hadiz, 2017; Tomsa & Ufen, 2013; Winters, 2011a). Mietzner (2015) typically argued that the rise of Jokowi is the symbol of technocratic populism competing against the oligarchic power represented by General Prabowo in Indonesian 2014 presidential election (see also Aspinall, 2015; Aspinall & Mietzner, 2014). The untamed oligarchic maneuvers (Winters, 2011a) to some extent cause problematic issues in the implementation of a representative democracy such as a fragile parliamentary coalition and the party-controlled presidentialism (Ufen, 2018).

McRae (2013) indicated the stagnation of democratization in post-Suharto Indonesia (see also Tomsa, 2010) related to the policymaking at the parliamentary level such as a new mass-organizations law enacted in 2013, which “reactivates Soeharto-era controls on societal organisations” (p. 290). Due to the nature of oligarchic parties, it is likely obvious that the coalitional management in parliament keeps fragile causing the emergence of a rainbow coalition (Diamond, 2009; Mietzner, 2016; Sherlock, 2009; Warburton, 2016).

Therefore, before continuing work with the literature review, a discussion about the idea of democracy applied in this project is crucial because the study resides in the scope of democracy as a formal political system implemented in Indonesia. Though Winters (2011a) has shaped a foundational conclusion that oligarchy is not part of democracy, it lives within a democratic system (see Herrera & Martinelli, 2013). Thus, as a technical consequence, this part of explanation seemingly becomes a parameter to delimitate that this dissertation project has no intention to review oligarchy in non-democratic government systems such as in the communist states, the socialist states, or any other model that can be identified.

### **Democracy: A Review**

Democracy, derived from the Greek words, namely *demos* (people/citizens) and *kratos* (rule), is simply defined as “rule by the people” (Dahl, 1956). The fundamental notion of democracy concept implies “the principle of majority rule” (McLean & McMillan, 2009, p.139). In a broader sense, democracy is a form of government that adheres to the principle that all citizens are equal in making decisions related to their lives. Democracy allows citizens to participate—either directly or indirectly through representation—in choosing leaders, making laws and influencing other administrative policies and processes within political institutions (Dahl, 1971;

Diamond, 2008; Huntington, 1991; Schumpeter, 1950). Democracy as a value system implies a set of ideas and principles about freedom complemented by procedures for applying and promoting them. People in a democratic system, either as individuals or as a society, gain proper respect for their human rights and dignity as both human beings and citizens (Linz & Stepan, 2001).

The idea of democracy in this study might be simply understood in two senses: procedural democracy and substantive democracy. Procedural democracy emphasizes election as an absolute measure of the implementation of democracy (Schumpeter, 1950), while substantive democracy is manifested through equal participation among groups in society concerning the political process (Jacobs & Shapiro, 1994). This study would not be going to investigate the procedures of democracy, but focus on the quality of the process of democratic implementation in the policy process at the institutional levels regarding the operational definition of a substantive democracy. The study of Jacobs and Shapiro (1994) is about the quality relationship between public opinion and the policy making at the institutional level. This study follows the application of a substantive democracy evaluated by Jacobs and Shapiro.

In other words, in this section, I am certainly not pretending to explain the concept of democracy completely, but focusing on giving a glimpse of democracy as a systemic frame of the legislative process which is the subject under study. In order to limit the explanative illustration of democracy in this part, the author decided to highlight the significant criteria of democracy in his study. This author uses the criteria of democracy outlined by Linz and Stepan (2001): “Legal freedom to formulate and advocate political alternatives with the concomitant rights to free association, free speech, and other basic freedoms of person; free and nonviolent

competition among leaders with periodic validation of their claim to rule” (p. 18).

Furthermore, Linz and Stepan (2001) underlied democracy with the core criteria:

The inclusion of all effective political offices in the democratic process; and provision for the participation of all members of the political community, whatever their political preferences...Practically, this means the freedom to create political parties and to conduct free and honest elections at regular intervals without excluding any effective political office from direct or indirect electoral accountability. (p.18)

The core criteria of relevant democracy in the study include the existence of political parties, regular elections, public participation, the principle of freedom, the law of justice, and the principle of equality. In a democracy, people have the right to establish political parties as a form of expression of freedom of organization. These party organizations are tasked with recruiting people to fill the power space in public offices through an election mechanism involving the people. In practice, the selection mechanism varies. Some countries implement direct elections where people directly elect the president, governor, regent and mayor. The United States and many developed countries implement this mechanism. In Indonesia, since 2004, this direct election mechanism has been employed. However, some countries adhere to a system of representation where the MPs elect a head of government.

Oligarchy and political cartels survive in democracy because they utilize democratic agencies—for instance, political parties, parliament, bureaucracy, and other government institutions—as Trojan horses (Herrera & Martinelli, 2013; Katz & Mair, 1995; Winters, 2011a). Herrera and Martinelli (2013) exclusively noted, “Throughout history, up to the advent of modern democracy, political power has been concentrated in an entrenched elite so that the government’s objectives have



coincided with those of the elite” (p. 166). They also asserted that even in contemporary world history, de facto political power is mastered by the few of elites.

Herrera and Martinelli (2013) adds,

Even in many countries that exhibit the formal trappings of a modern democracy, that is regular elections, separation of powers, and an ostensibly free press, de facto political power is not distributed uniformly across the populace but rather concentrated in an interwoven political and business elite. (p. 166)

### **Oligarchy and the Logic of Money Politics**

In the tradition of electoral democracy, a term used by experts to name a model of democracy that places great emphasis on the aspect of elections, money is one of the fundamental resources (Schumpeter, 1950). Liberal political traditions, with the basic thesis that economic development is a condition for political development or at least must take place simultaneously, provide a strategic area for the existence of financial resources in the political process, both at the grassroots level and at the system level (Barkin, 2003; Bracking, 2009; Hutchinson et al., 2002). Bracking (2009) even conclusively concluded that money is a resource that shapes power in the modern political-economy development. In similar nuances, Hutchinson et al. (2002) highlighted the strategic position of money in economic democracy as a crucial factor determining sustainability. The primary effect of monetary resources lies in the aspect of distribution which, according to Alec Marsh (1998), defines the distribution of the goods and services. Marsh (1998) particularly wrote, “The flow of money is the key to the flow of goods and services” (p. 73).

In likely ideal nuances, the electorate must vote particular parties or candidates in elections based on the degree of conformity between the vision and mission and the programs campaigned and the expectations, values, and political ideals they hold. However, in unsettled political conditions, for example, political parties failed to offer attractive work programs and qualified candidates, most voters had problems with subsistence affairs because structural poverty, and money politics emerged as a new subculture that tarnished the democratization process. The study of Mietzner and Aspinall (2010) revealed the problems of democratization in post-Suharto Indonesia. The first problem they illustrated is elections in the knowledge that ballots remain tainted by voters fraud and money politics (see Hagevi, 2018).

The study of the emergence of money politics offers a variety of explanations about the causes and adverse consequences of this practice. Ferguson's (1995) observation of electoral politics in the United States in the 20th Century has led to the conclusion that money politics has been the investing strategy of political parties to compete in elections which ultimately shapes the money-driven political systems. In the history of modern Indonesia, money politics emerged as an electoral phenomenon that attracted the attention of the general public since the direct election mechanism implemented in 2004. Candidates distributed cash directly to voters to get a significant vote (Hakim & Juri, 2017). This practice is in line with the fact that after 1998, political parties openly stated their difficulties in funding party activities. The state provides financial assistance to all parties as stipulated in the Law on Political Parties. However, the organizations still lack funds to carry out socialization and political communication in the community.

Interestingly, this critical situation becomes an opportunity for the wealthy people to enter politics. Party organizations widely open the doors for the wealthy

individuals to be members, even leaders of the party. Some conglomerates obviously set up political parties such as Tommy Suharto, the youngest son of General Suharto establishing the Working Party (BERKARYA), the media entrepreneur Surya Palloh who founded the Democratic National Party (NASDEM) in 2011, and the owner of Media Nusantara Citra (MNC) business group, Harry Tanoesoedibjo, who established the Indonesian Unity Party (PERINDO) in 2015.

There has been no single study to date that particularly explores the possibility of a correlation between the rise of conglomerates in democratic politics after 1998 and the emergence of money politics in Indonesia's election traditions, except the general analysis of oligarchy. What is obvious is that the money politics has become a new campaign strategy in post-New Order Indonesia (Winters, 2016)—considered by some social experts as an obvious tendency to the development of a patronage-democracy (Berenschot, 2018). In a comprehensive illustration, Berenschot (2018) imputed the incapability of party organizations to “provide manpower to sustain election campaigns” (p. 1570) as the conditional reason of the emergence of monetary exchange in electoral politics. Such a view is in line with the critical conclusion of Aspinall (2014), and Mietzner (2013) as well, that the need for massive funds in campaigns has stimulated politicians to deploy vote-buying strategy. Oligarchy, as a wealth defense strategy (Winters, 2011a), capitalizes this state, in which political parties have been cartelized, as a potential opportunity to strengthen politics as a profession (Katz & Mair, 1995).

### **Oligarchy in Modern Democracy**

As previously mentioned, the oligarchy in this study refers to a political strategy used by compelling individuals to maintain their ability to overpower the

polity. Therefore, as a consequence of such definitional meaning, oligarchy is no longer a rigid system of government, but a flexible power strategy that potentially lives in any kind of political systems. In modern time, oligarchy poses a major player that designs, determines, and masters the power exercise. In other words, oligarchy always colors the history of politics, not only in the past but also in contemporary democracies. David Johnson's research in medieval China in "Medieval Chinese Oligarchy" (1977) or Nicolas Tackett's (2006) study of the transformation of Chinese elites in medieval times illustrated how the oligarchy controlled politics after they took over the elite role at the center of political structures. The dominance of the ruling elites in political developments in Southeast Asia, including Indonesia, has been part of the prominent literature that inquires the contemporary dynamics of political power in the region. The emergence of the middle classes has brought effects to the social and political development in Asia as indicated in the study of Hattori, Funatsu, and Torii (2003). Even after the decentralization policy implemented in 2001, the presence of powerful local elites in Indonesia has been shaping the nature of administrative process at the regional levels (Hattori et al., 2003; Spinall, 2003).

Many studies, with different backgrounds, using various research methods (quantitative, qualitative, and mixed methods) have proved the ruling position of oligarchy in the contemporary world. Even in non-political organizations the oligarchy grows and flourishes as in the quantitative study of Shaw and Hill (2014) concerning peer production as the laboratory of oligarchy. Ansell et al. (2016) yet provided quantitative strengthening of the oligarchic regime in policy networks. They remarked the natural tendency of an oligarchy that used to work for economic gains and political purposes in an unending vicious circle.

Political transition in Ukraine in Eppinger's (2015) qualitative inquiry is an example of how the oligarchy thrives in transitional societies. After the property changed political direction, from socialism to market democracy, Ukraine became a field growing oligarchy. Political transition in Myanmar also showed similar symptoms. The study of Ford et al. (2016) showed that the oligarchs grow in line with economic privatization in this country of a military junta. Oligarchy is usually fertile in whatever governmental system. That has been what existed in Myanmar as well as in Indonesia in the mixed-methods study of Achwan (2013). In Myanmar, cronyism in the old system turned into an oligarchy after liberal democracy injected into Southeast Asia in the second half of the 20th century. In Indonesia, the practice of oligarchical legacy of Suharto (1966-1998) is still visible in the practice of the economy today. There is a continuation of oligarchy control as in the study Applebaum and Blaine (1975) on local unions in Ohio and Wisconsin.

Ansell et al. (2016) studied the oligarchy as a global property of social networks based on Michels' theory of "iron law of oligarchy" as the foundation. The researchers do not emphasize the organizational but the relational aspects of Michels' oligarchy using "rich club" approach. The underlying assumption is that the structure of social networks is likely to affect the flow of information, the distribution of resources, the patterns of decision-making, and influence. The study purpose is to develop a strategy to measure the oligarchical tendencies of a network using a "distribution of degree" or "rich club" approach. Ansell et al. (2016) studied the networks in Sao Paulo, Chicago, and Los Angeles to determine the degree of oligarchy using a rich club coefficient ( $\Phi$ ) as the ratio of the actual number of links to the maximum of connections among a group of rich nodes. The rich club coefficient reflects the interconnectedness of actors among networks. The researchers concluded

that the rich club coefficient of actors in Sao Paulo is higher than in Chicago and Los Angeles. This indicates the oligarchical tendency in Sao Paulo is stronger than in the American cities because the American networks are likely more pluralist than in South America. Consequently, the oligarchical policy-networks will be less dynamic in responding to the interests of communities less interconnected with the core actors in the rich club networks.

The Ansell et al. (2016) study not only confirmed, but also expanded the relevance of the Michels' iron law of oligarchy theory. Focusing on the relational aspect of oligarchy, the authors generated the concept of oligarchy in today's contemporary society. The strength of this study lies in the ability of researchers to measure the rich club coefficient from all the samples of networks in Sao Paulo, Chicago, and Los Angeles. Methodologically, the study seems to be both internally and externally valid. Unfortunately, such quantitative research has no complete records of sampling strategies and data collection methods applied. The researchers only provided a statistical analysis of quantitative data. There appears no specific explanation about research design making the study hard to be generalized to a broader context.

However, such a research study as Ansell et al. (2016) is worth reading for policy makers and public administrators because the findings revealed the relationship between the oligarchy and the policymaking process. The oligarchical regimes of networks within institutions tend to control the policymaking process entirely. It also provokes scholars of public policy and administration to develop a future study concerning the power of the oligarchy. The underlying point of this study is that the iron law of the oligarchy works in any organization. This message is the essence that is useful in explaining the scope of the issue of oligarchy in the legislative process in

parliament and public policy making in post-authoritarian Indonesia, which is the topic of my dissertation research.

Another study discussing the permanence of oligarchic existence and the rise of counter-oligarchic powers in contemporary Indonesia is the work of Tapsell (2015). Tapsell conducted a study on the media oligarchy and the rise of popular consensus in the current political development in Indonesia in relation to the “Jokowi phenomenon.” Using Winters’ (2011a) oligarchy theory, Tapsell investigated the power game of the media oligarchy in the emergence of Jokowi’s phenomenon as the most favorable candidate ahead of the 2014 Indonesian presidential election. The purpose of Tapsell’s (2015) qualitative study is “to examine Indonesia’s oligarchic mainstream media and Jokowi’s rise as a nationwide media phenomenon” (p. 30).

Tapsell’s (2015) study centered on the Jokowi phenomenon and the influential maneuvers of the oligarchic mainstream media in constructing the public opinions. The researcher considered both Jokowi’s successes in 2012 gubernatorial election and the 2014 presidential election as the evidence of the supportive involvement of the media and party oligarchs. It is in this conclusion, Tapsell arguably confirmed Winters’ (2013) study about the oligarchy and democracy in contemporary Indonesia. Tapsell’s study is interpretively unique because the conclusion proves or disproves the oligarchy theory. It proves the presence of oligarchy in the way how media and party oligarchs successfully made Jokowi a new emerging figure in Indonesian electoral democracy in the 2012 local election. The study disproves the oligarchy theory when examining the electoral phenomena ahead of the 2014 presidential election in which the shifting constellation among media oligarchs affect no significant implication to Jokowi phenomenon because of the emergence of the new platform media representing the power of the citizens. Thus, Tapsell unambiguously

concluded that Jokowi's presidency is a combination of both oligarchy and the popular consensus that has changed the oligarchy constellation in Indonesia's current democracy. Regarding this conclusive remark, Tapsell exclusively stated, "A Jokowi presidency is thus likely to represent a new period of contestation between popular consensus facilitated by new media, versus negotiations and pandering to the oligarchic elite" (p. 50).

To some practical extent, when discussing the involvement of media and political-party oligarchs supporting Jokowi in 2014 presidential election, Tapsell inexplicitly confirmed the applicability of Michels' (2001) iron law of oligarchy. That is, the dominant parties supporting or opposing Jokowi are organizationally oligarchic since the intra-organizational management remains centered on particular oligarchs (Tapsell, 2015; Winters, 2013). It thus likely makes sense to say that the iron law of potential oligarchy is universal. This study does not look deeper into the relational aspects of media oligarchs and party oligarchs. As matter of fact, some of the media oligarchs Tapsell mentioned in his study, like Surya Palloh and Harry Tanoe, are the party oligarchs as they establish political parties. However, Tapsell's research study could be a relevant reference to comprehend the existence and the shifting constellation of the oligarchy in post-Suharto Indonesia.

Another relevant article discussed in this section is Eppinger's (2015) research about the oligarchy in Ukraine. Eppinger conducted qualitative research that concentrated on critical investigations of claims about the relationship between property and the political community in Ukraine. This investigation is a combination of analysis of complex political development and socio-economic changes in the ex-Soviet country. Eppinger presented a complete picture of the political shift from socialism to "market democracy," the dynamics of property control from the single



hand of the state to the sides of individuals, to the emergence of oligarchs. The researcher employed the theory of oligarchy, property theory, and the theory of democracy simultaneously in this study. The relationship between private property ownership and democratic governance is that property and government both serve economic and political purposes, encouraging prosperity and democracy.

Even though Eppinger (2015) conducted no interviews with selected participants, this qualitative research provided comprehensive findings from the correlation between property, oligarchy, and democracy. Eppinger explained thoroughly how the Ukrainian parliament adopts the American law on property and applies to the Ukrainian socialist context. Because the property has an ideological aspect, Eppinger identified the emergence of oligarchs in Ukraine as an inevitable consequence of social evolution. The weakness of this study lies in the methodological issues. There is not a structured research method, employing sound design. Besides, the researcher does not present in-depth data for the democracy of the Ukrainian market. Eppinger has no technical explanation, but only debatably conceptual correlation without sufficient, supportive data sources.

However, Eppinger (2015) is worthwhile as a reference for conducting similar research in ex-Soviet countries. Additionally, scholars of sociology, public policy, and administration, including political science students, can refer to Eppinger's study when examining the same phenomenon in other contexts. Although it does not have a strong contextual correlation, this study can be considered as an appropriate reference to enrich the practice of oligarchy in political development. That is why this article has been included in this literature review.

The qualitative study of Ford et al. (2016) aimed at examining more generally the relationship between the privatization process and the role of forming a business

elite in Myanmar. The underlying assumption is that privatization opens the door for the emergence of minority rights that take over economic and political power to gain financial benefits. This minority was known as Cronyism in the past which evolved into Myanmar's contemporary oligarchy. The first wave of privatization in the 1980s brought Singapore, Indonesia, and Malaysia to a higher level than most countries in the region, although Indonesia later collapsed in the late 1990s (Some observers in the 1990s cited the Indonesian case as a long-term consequence from privatization). Myanmar is on the list of the second wave of privatization in the 1990s. Ford et al. argued that privatization in Myanmar is a group that has strong connections to the center of political power. The emergence of Aung San Suu Kyi's National League for Democracy (NLD) in the late 1990s was a threat to Myanmar's oligarchic regime. Ford et al. identified that privatization lost its primary purpose in Myanmar. Economic privatization aims to develop good governance and clean governance. In Myanmar, the end of political privatization was to weaken the military oligarchy, but what happened was that the oligarchs changed their modus operandi and emerged in a new figure.

Ford et al. (2016) spent much time using the participant observation method to get to know, feel, and understand the socio-political dynamics in Myanmar. This process contributes to the level of trustworthiness of this study. This research gives the color of certain oligarchies that are different from the Michels oligarchy in Europe. The context of Myanmar and Southeast Asia is specific. The military junta and the current regime form a cronyism. The privatization applied later forces cronyism to evolve into an oligarchy.

The study of Ford et al. (2016) concluded that in less democratic countries, the oligarchy is characteristically prone to changing. Myanmar's oligarchy coexists with

military regimes and bureaucrats in a system of cronyism. Despite this study in Myanmar, the conclusion drawn by Ford et al. provided a generalized description of oligarchy in Southeast Asia. The findings in this study are essential for social scholars and researchers who want to explore the relationship between markets, oligarchy, and democracy. There is a space to develop further studies on the relations of the three components (markets, oligarchy, and democracy). Additionally, this study is useful for practitioners who are responsible for public policy in a political system wherein oligarchy becomes dominant.

Mietzner (2013) intended to explain the contemporaneous phenomena concerning the practice of political parties in Indonesia. The focus is to explore the relationship between money, power, and ideology as the main elements shaping the characteristics of contemporary politics. The author's concern is about the nature of political parties as a result of his in-depth research since the fall of Suharto in 1998. Mietzner himself considered it unnecessary to use the term "oligarchy" or "cartel" because his concern was how the ideological crisis coincides with the dominance of money in the practice of power. However, at the foundational line of this research analysis, the author did not deny the oligarchic and cartel perspectives as the possible ways to understand the post-authoritarian Indonesia.

Mietzner (2013) has no focused research questions, but there is one large question to answer in the study: how is the characteristic of the party system in post-Suharto Indonesia? The finding is explicit that the logic of money politics has formed the features of political parties in the post-Suharto era. Such the conclusion provides a contributive background to understanding the context of the research problem in my proposed dissertation research. Mietzner's assertion of political corruption in the parliament and government institutions in Indonesia provided a real picture of the dire

consequences of oligarchy. This reading is relevant to the topic of my study, which has the intention of targeting the legislative process in parliament as a form of oligarchic cartel play.

Rhoden (2015) explored the characteristics and role of oligarchs in Thailand. Thai oligarchy is not a particular system of government, but a small group of wealthy people who control politics. Rhoden made the exciting conclusion that the political coup in Thailand was always funded by the oligarchs to mobilize the masses, in which the military generals responded to take power. Rhoden's findings are not strikingly different from Winters' conclusions about oligarchs in Southeast Asia because Rhoden used Winters' oligarchic theory as a theoretical foundation in this study.

Rhoden (2015) confirmed Winters' theory, and there is an impression that Rhoden just gets lost in it. The absence of a detailed and complete explanation of the differences between oligarchs and rich people makes this study conceptually weak. The wealthy individuals do not necessarily become oligarchs, but all oligarchs must be wealthy people. Even so, Rhoden's qualitative research can be an excellent reference to understand the dynamics of democracy in Thailand and provide a complete picture of the influence of the oligarchy on democratization in Southeast Asia.

This research differs from most studies of Thai politics which are dominated by an analysis of the role of the military and the monarchy. Rhoden's (2015) research can stimulate further studies of oligarchy in other countries in Southeast Asia in the context of economic liberalization amid slowing democratization due to military domination. I use this reference because there are similarities in the context of oligarchy in Indonesia which has coincided with Suharto's military politics which continued during the fall of Suharto in 1998.

## **Theory of Political Cartelization**

As part of the theoretical frameworks in this study, an explanation about the cartel theory is fundamental. This section provides explanation about the definition of political cartel and the emergence of the cartel party in the development of party organizations. Other crucial themes are also part of this section, which include the practical correlation between cartel party and elections and the literature review on the applicability of political cartelization in contemporary democracy.

### **Definitional Term**

In the lexical contentions, a cartel has been defined in various ways. *The American Heritage Dictionary of English Language* (Morris, 1980) confines cartel as (a) a combination of independent business organizations formed to regulate production, pricing, and marketing of goods by the members; (b) an official agreement between governments at war, especially one concerning the exchange of prisoners; and (c) a group of parties, factions, or nations united in a common cause or a bloc. Ivan Sparkes (2008) explicated the cartel concept as a political and economic combination between parties and business groups. Such explication supports the definition of a cartel developed in *DOD Dictionary of Military and Associated Terms* (US Department of Defense, n.d.), which refers to an association of independent businesses organized to control prices and production, eliminate competition, and reduce the cost of doing business.

The etiology of the concept comes, of course, from the economic discipline. A cartel is an oligopoly practice understood as a group of independent producers whose aim is to set prices and limit supply and competition (Connor, 2008). In a democratic economy, where anti-monopoly law implemented, the cartel is designated as a crime.

However, in practice, Freyer (2006) asserted, the cartel still exists, both formally and informally—even has been a global phenomenon (Galbraith, 2018).

In political science, the term adopted refers to the political forces that use a cartel pattern in managing political parties and restricting electoral competition to maintain the status quo (Ceron, 2012; Katz & Mair, 1995). The cartel concept used in this study locates on that political realm. The genesis of the contention starts from the emergence of a cartel party concept for the first time developed by Katz and Mair in the 1990s.

### **The Emergence of the Cartel Party**

Understanding the emergence of a cartel party concept must begin with comprehending the evolution of party organizations. In a 1993 paper, entitled the “Evolution of Party Organizations in Europe,” Richard Katz and Peter Mair examined the development of party organizations in modern time. They denied Michels’ (1962) simple dichotomy of the party’s internal groupings regarding his theory of iron law of oligarchy: leaders and followers. The averment of Katz and Mair (1993) brings to fore a conclusively confronting remark that it has been no longer sufficient to understand the evolution of party based on the quintessential elite logics considering party as a hierarchical organization. In order to objectively understand each party organization, Katz and Mair convincingly argued that there has no other more comprehensive way unless digging deeper and examining in detail the three faces of the party. Those faces include (a) party as a governing organization (party in public office), (b) party as a membership organization (party on the ground), and (c) party as a bureaucratic organization (party in central office).

The evolutionary development of party organizations poses a changing dynamic of those three faces above. At the very nature, party organization in the democratic system raises an instrument that connects civil society with the state concerning aggregation and articulation of interests, arrangement of communication between society and the state, and as well political recruitment to occupy positions in the public office (Stokes, 1999). Party organization, when viewed in a biological perspective applied in structural functionalism (Almond & Powell, 1966), is likely an “organism” that dynamically continues growing and being shaped by the contextual surrounding. Such dynamic changes develop the characteristics of party organizations, both the internal environment of the organization and the external character in relations with civil society and the state.

The three faces of party organizations asserted by Katz and Mair (1993) reflect comprehensively the critical components that shape party characteristics which include: leaders at the central office, members in public office, and members on the ground. These evolutionary interactions not only determine the nature of a party organization but also shape the construction of relations between party and civil society, as well as between party and the state. In the tradition of an elite party or a cadre party as well, the party central-office controls both the party on the ground and the party in public office with a relatively undisputable authority. Managerial control is vertical that it is vulnerable to the development of the iron law of the oligarchy in party organizations (Michels, 1962). Membership in the mass party is increasingly broad and homogeneous, but the control is on the hands of the party members. Katz and Mair (1995) write: “Elite in the mass party is accountable to party members” (p. 18). Additionally, the delegates in the public office are those determined by the

central office party with the consent of members of the party on the ground.

Delegates' political activities must be in line with the will of party members.

However, of course, Katz and Mair (1993) asserted that "members of the party in public office are more likely to see compromise as an incremental movement toward a desired goal rather than a partial retreat from a correct position" (p. 596). At first glance, it appears that there is a potential for tension between the party in public office and the party central office, which may be potentially backed by the party on the ground. Katz and Mair furthermore emphasized,

The need to win elections, both in order to remain in office and to pursue effectively the other rewards that attracted them to politics in the first place is the first important constraint on members of the party in public office. This means that they must be attentive not only to the electorate but as well to those who control the resource necessary for a successful election campaign. (p. 596)

The tradition of elite party implies a fundamental contention that a party organization poses merely a collection of cadres bound by the shared values and goals. Cadres are members on the ground that support the organization at the grass-roots level, while the party elites hold more power than ordinary members in overall management and decision making in the party's internal environment (Katz & Mair, 1995). The character of membership and the model of internal party relations shifted with the emergence of mass parties in the late 19th century, which survived until the second half of the 20th century. The mass party belongs to the civil society, and the representatives who sit in the public office are delegates who get mandates from society. Such a party model has a large membership because it is a collection of



diverse identity groups amid society. The characteristics of internal party relations are prone to being rigid which in turn would ostensibly give birth to Michels' oligarchy.

At least since the 1940s, the catch-all party model had grown as part of the socio-political dynamics that shaped the political character of the 20th Century. Otto Kirchheimer (1966) first introduced the concept of catch-all parties. This party model aims to confuse people with diverse political perspectives, appealing to most of the electorate (Ekinici, 2018; Kirchheimer, 1966; Poguntke, 2014). The model is a reflection of dissatisfaction toward the old-fangled model of party membership, which was rigid and concentrated in the dominant social groups as shown in the study of Oğuzhan Ekinici (2018) about the Christian Democratic Party (CDU) in Germany and the Justice and Development Party (AKP) in Turkey. Ekinici (2018) argued that based on the functional-abstract aspects of a party in the state context, the obviously historical development of CDU and AKP shows a fact that they could develop into dominant powers or "dominante/beherrschende Mächte" (p. 5).

Catch-all party opens to a coalition of all social groups that share the universal principles and political interests (Katz & Mair, 1995; Vincent, 2017). The positive contribution of catch-all party type is to encourage the policymaking process to be more effective than in the political practices of both the elite party and the mass party (Katz & Mair, 1995). However, the pattern of distribution resources in this new model is less concentrated. Katz and Mair (1995), therefore, argued that "parties tend to become competing brokers between civil society and state" (p. 18).

At an extreme point, the presence of the catch-all party, that plays as a broker between civil society and the state, has conditioned the rise of a new party organization called "cartel party" in terms of Katz and Mair (1995). If the catch-all parties are competing brokers, the cartel party goes deeper to be a part of the state

(Van Biezen & Kopecky, 2014). The party that in a conventional sense contended as a bridge connecting civil society with the state is now becoming a corporatist organ inherently attached to the state. Katz and Mair (1995) named the tendency as a neo-corporatist mechanism. Notwithstanding how the people want the state to do, the cartel party focuses on how the state shapes the possible needs and expectations of people. In this respect, the cartel party and the state assure the requirement of stability and treat democratic procedures, such as regular elections as a means to implant the state's interests into the society, as confirmed by the study of Hutcheson (2012) about the hegemonic cartelization of political party in contemporary Russia. Thus, party organization has no longer been a connecting bridge between civil society and the state, but the neo-corporatist mechanism of the state to coop the politics and the civil society (Hutcheson, 2012; Katz & Mair, 1995; van Biezen, 2008; van Biezen & Kopecky, 2014).

Katz and Mair (1995) first proposed the etiology of the cartel party as a means to draw attention to the collusive “symbiosis between parties and the state” (p. 5). In definitional terms, following Katz and Mair, the cartel party is characterized by “the interpenetration of party and state, and also by a pattern of inter-party collusion” (p.17). Katz and Mair (1995) added, “The development of the cartel party depends on collusion and cooperation between ostensible competitors and on agreements which, of necessity, require the consent and cooperation of all, or almost all, relevant participants” (p. 16). What they illustrated has been confirmed in other contexts, as in the study of Klaus Detterbeck (2008) about the political parties in Germany that utilized the state's resources to maintain the survival of party organizations.

Viewing the typical development of a cartel party as previously discussed, it becomes obvious that the goals of cartel politics viably have been self-referential,

professional, and technocratic. If there is internal competition within a cartel party, such little inter-party competition should be focused on the efficient and effective management of the polity. In addition to the nature of a cartel party, the party organization survives from a firm reliance on benefits and privileges (Bolleyer & Weeks, 2017). At the internal level of the party, the distinction between party members and non-members becomes blurred because the parties invite the supporters, members or not, to participate in party activities and decision-making. Such circumstance has been the rationale for Katz and Mair (1995) to argue that the emergence of cartel parties makes politics increasingly depoliticized.

Detterbeck (2005) argued a cartel party potentially uses the resources of the state to maintain its position within the political system. In this study, in the factual context of Indonesia, experts did not agree on whether there developed a cartel party in the post-Suharto political practices. Slater (2004) favorably highlighted that the character of cartelization has been viably developed in the party system after 1998. This implies important implications that there was majority power controlling the parliament since the parties colluded and collaborated to maintain their positions and interests (Katz & Mair, 1995; Slater, 2005). In this study, there was no broader discussion about the cartel party as a party system, as Slater applied the cartelization concept to explore the ostensible tendency that leads to the formation of “oligarchic cartelization” as the alternative epistemological concept proposed at the finding part of this qualitative project.

There are many criticisms against the concept of a cartel party. The most prominent criticism is that a cartel concept is typically the European style of party development, which is difficult to transfer to other contexts of party development. Additionally, Katz and Mair (1995) provided no space in their analysis to explain the

possibility of reversal from a cartel party to traditional membership of organization, as in the case of Fianna Fáil, the Irish Republican party in the investigation of Bolleyer and Weeks (2017).

However, without pretending to reduce the intentional meaning of the criticisms toward the cartel party concept, if many critics reject the applicability of a cartel party concept in contemporary Indonesia because of the absence of a mass party, this researcher tends not to question the formal shape of the concept parameters. While proposing the presence of one or two mass parties as a pre-condition for the establishment of a cartel party, Katz and Mair (1995) as well described the organizational development from the mass party to the catch-all party as the preliminary condition to the emergence of a cartel party. This study gives attention to the processual development of party organizations in Katz and Mair's (1993, 1995) analysis.

The consequence is that this author becomes more interested in seeing the characters from the cartel party described by Katz and Mair (1993, 1995) rather than confusing the structural requirements of the concept. The post-Suharto facts included (a) politics has been a profession (Slater, 2004, 2018; Ufen, 2006), (b) party organizations have drawn distance from civil society and were prone to being close to the state, and (c) political costs have been increasingly higher, that society, from a Marxist perspective, is alienated from the political process in which the party plays a central role. Such facts are genuinely in line with the Katz and Mair's (1995) characteristics of the cartel party.

Katz and Mair (1995) chronologically outlined models and characteristics of parties since the 19th century (elite party and mass party) until the 20th century (catch-all party and cartel party). These parties, following Katz and Mair, differ from

each other in their key characteristics, which include the degree of social and political inclusion, the level of distribution of politically relevant resources, the principal goals of politics, and the basis of party competition. Other characteristics are the pattern of electoral competition, the nature of party work and party compliance, the principal source of the party's resources, and the relations between ordinary members and party elite. Katz and Mair yet elaborated the character of membership, the party channels of communication, the position of the party between civil society and the state, and the representative style exhibited.

**Social and political inclusion.** The rights of members in the tradition of the elite party to engage in social and political activities are prone to be limited, and of course, the suffrage is highly restricted (Katz & Mair, 1995). Polarization among elites ought to affect the party management (Banda & Cluverius, 2018). Members of the mass party can enjoy liberation to vote. In contrast to the elite party, the mass party provides channels for members to enjoy suffrage. The same culture develops under the catch-all party organization coupled with the provision of membership that is open to all groups in society (Kirchheimer, 1966). It is in this niche, that there is no significant difference amongst the mass party, catch-all party, and cartel party. In a cartel party system, following Katz and Mair (1995), members are unrestrained to engage in social and political activities (see also Bolleyer & Weeks, 2017), but “the distribution of political resources is relatively diffused” (p. 18).

**Distribution of resources.** The distribution of politically significant resources is also a diverse character amongst the various models of prevailing party organizations. In the tradition of an elite party, resource distribution is, of course, concentrated in party leaders, and because the party members are the elites themselves, the access to obtaining political resources is firmly limited among party

elites. Under the mass party model, concerning the fact that the mass controls the party and the elites should be accountable to members, the distribution of politically relevant resources is relatively concentrated in selected members based on their rights and obligations. In the culture of a catch-all party, following Katz and Mair (1995), members are just organized cheerleaders of party elites, so that the distribution of political resources is relatively less concentrated (Kitschelt, 2003; Williams, 2009). The top-down feature of intra-party relations, in contrast to the bottom-up style of organizational relationship in the tradition of mass parties, causes the catch-all party trapped in Michels' iron law of oligarchy. It consequentially means that the leaders master the power over members. In a cartel-party tradition, the distribution of political resources is inclined to be diffused since the membership under cartel party tradition emphasizes individuals, not the organizational identity of the party (Katz & Mair, 1995; Kwak, 2003). The organizational nature of cartel parties is no longer the focus as given in other types of party organizations. The ambition of cartel parties to colonize the state implicates the party's managerial strategy, which typically focuses on individuals (Hutcheson, 2012; van Biezen & Kopecky, 2014) as indicated in the cartelization trend among party elites in Korea in the investigation of Kwak (2003), or in the Communist Party of the Russian Federation (CPRF) in Hutcheson's (2012) qualitative study.

**Principal goals of politics.** The primary purpose of politics in the elite tradition is to distribute privileges among members of such a limited class (Duverger, 1972). Such elitist culture triggers resistance among groups in society, which gives birth to the promotion of social reform as the politically ultimate goal of a mass party model. As such, the purpose of mass parties is to encourage social reform through the involvement of mainly participating masses in political activities and the parties

competition based on their representative capacities when occupying the public offices (Katz & Mair, 1995). The more capable the party represents the people in public offices, the more favorable the party among the electorate in elections.

In contrast to mass party tradition, a catch-all party model aims to create the social amelioration (Katz & Mair, 1995, 2009; Poguntke, 2014). The proponents of this party tradition conclusively have argued that the extensive participation under the mass-party culture consequentially causes the political activities to be more focused on the representative aspects rather than on creating measurable social-changes in society through the effective policymaking (Ekinici, 2018; Katz & Mair, 1995; Williams, 2009). Regarding this statement, Katz and Mair (1995) explicitly wrote,

With the emergence of the catch-all parties, the goals of politics remained largely purposive, but came to revolved around questions of social amelioration rather than wholesale reform, with parties competing less on the basis of their representative capacities and rather more on the basis of their effectiveness in policymaking. (p. 19)

Furthermore, Katz and Mair arguably elaborated that the cartel parties purposively enforce the catch-all purposes and purposefully develop politics as a skilled profession (Bolleyer & Weeks, 2017; Hutcheson, 2012; Katz & Mair, 1995, 2009). Politics is no longer an ideological struggle for the utilitarian purpose of “the greatest good for the greatest number,” but a profession that requires ambitious expertise, knowledge, and interests (Enroth, 2017; Kitschelt, 2003; Omar & Hamdi, 2013).

**Basis of party competition.** In an elitist tradition, parties compete from their ascribed status. The social backgrounds of elites determine the degree of competition in gaining electoral support. In the culture of mass parties, the basis of competition is the representative capacity of party organizations (Katz & Mair, 1995). The electorate

assesses party performance based on the quality of representativeness shown by party members in public office. Furthermore, in the catch-all culture, the basis of competition is no longer determined by the representative capacities, but by the quality policies made by the party members in public office as in the study of Poguntke (2014) about the catch-all parties in Germany. The phrase “quality policies” refers to the policies considered effective in promoting social changes in society and arguably yielding, in the utilitarian perspective, the greatest good for the greatest number of people. As Poguntke described, the favorability of parties in elections depends much on their capability in making public policies respond to particular issues in society. As a Christian conservative party, CDU, for instance, as well as the socialist party (SPD), might be more straitlaced than the liberal party (FDP) in maintaining the legalization of casino business. In contrast, in the current situation, the right-wing party (AFD) ought to be more radical in resisting the Muslim immigrants than the Leftist party (*die Linke*) or the Green party (*die Grüne*)—at least based on what this author observed when living in Germany for few years (2010-2014). Simply put, the policy effectiveness determines supports from the electorate regarding the purposive intention of the catch-all politics oriented to the social amelioration (Williams, 2009). In the cartel party, the culture of competition differs from other types of party organizations. As the individuals get the focused spotlight, the managerial skills and work efficiency of party members become the benchmark for cartel parties to compete.

**Pattern of electoral competition.** The way parties compete in elections is undoubtedly diverse. In the tradition of elite or cadre party, leaders manage the pattern of electoral competition. The competition does not sufficiently involve party members on the grounds that the power concentrates in the top of the pyramid. In the



mass party, mobilization is an enforcing strategy. The party organizations compete through mobilizing as much as possible the masses to come to the ballots. Unlike the mass tradition, catch-all politics emphasizes policy-based competition (Ekinsi, 2018; Poguntke, 2014). The catch-all parties have less concerns with the constituencies, because, following Katz and Mair (1995), the parties in the catch-all tradition are the competing brokers between civil society and the state. As the members in a catch-all culture are just the organized cheerleaders for the elite, the intra-organizational decision-making process depends much on the competency of elites (Katz & Mair, 1995; William, 2009). It exclusively denotes that the elites must be those who are capable and competent to organize the parties in terms of the decision-making responsibilities (Ekinsi, 2018; William, 2009).

The electoral adversary becomes more competitive in catch-all party culture rather than in any other types of party systems. This culture differs from the elite party in which the few elites manage the competition or in a mass party model whose pattern of electoral competition is mobilization (Katz & Mair, 1995). In contrast to such tradition, as Katz and Mair (1995) argued, the competition among cartel parties is, in all conscience, contained or limited. As the underlying ambition of the cartels is to confine competition in elections, the cartel party holds the electoral rivalry to prevent electoral dissatisfaction or other worst-outcome scenarios that can potentially threaten the status quo (Enroth, 2017; Hutcheson, 2012; Katz & Mair, 1995; Kitschelt, 2003). The professionalization of politics under a cartel model inherited from the entrepreneurial politics under the catch-all tradition typically, as a matter of fact, refers to the treatment of politics as a skilled enterprise in order to maintain the pragmatic interests of the cartel elites, at least in the Western post-industrial democracies studied by Herbert Kitschelt (2003).

**Nature of party work and campaigning.** In the traditional perspective, party organization is expected to become an agent that connects civil society with the state. The elite parties try to realize such idealism but indeed work for the interests of party leaders. The nature of party work and campaigning is then irrelevant since the elite parties are just an expansion of the elite power. The culture shifted when the mass party emerged. Party work focuses on labor-intensive programs. This continues in the tradition of catch-all politics with an additional emphasis on intensive capital (Katz & Mair, 1995; Krouwel, 2003; Poguntke, 2014). Krouwel (2003) wrote, “Catch-all party organizations become increasingly professional and capital intensive, and depend increasingly on state subsidies and interest group contributions for their income, and on the independent mass media for their communication needs” (p. 28). In the restatement of their cartel party theory, Katz and Mair (2009) arguably concluded that the presence of mass party and catch-all parties is the precondition for the emergence of a cartel party. Labor intensive is no longer favorable when the cartel parties emerged, and then the party organizations focused just on capital intensive—which in the most extreme circumstances, the cartelization is vulnerably juxtaposed with the corruption, as in the study of Lestari (2016) about the current democratic challenges in contemporary Indonesia. The nature of cartel work is in line with the changing role of the party from the broker (under catch-all tradition) to the state stooge (under cartel party) concerning the neo-corporatist mechanism (Hutcheson, 2013; Katz & Mair, 1995).

**Principal sources of party’s resources.** Party organizations need resources to survive. The principal source of party resources for the elite parties come from their contacts in a society mostly affiliated with party leaders due to their socio-economic backgrounds. Mass parties rely not on leaders but members, so that the primary

resources must also come from membership fees and contributions. The more members join along, the more resources the parties collect. In the catch-all culture, large supports come from various groups in the society, which in turn creates the broader opportunity for contributions. In cartel party tradition, party resources are the state subsidies (Katz & Mair, 1995; van Biezen & Kopecky, 2014). As the organic part of the state, the cartel party survives from the inter-collusive relations built with the state (Hutcheson, 2012; Katz & Mair, 1995).

**Intraparty member-elite relationship.** Elites are “ordinary” members of elite parties. It makes sense since elite parties build restricted access for ordinary people to join the party membership. The tradition would be overturned by the mass party, which builds bottom-up relations wherein elites are held accountable to members. In the catch-all parties, oligarchic relations are re-established through the top-down management model, where members are cheerleaders for the elite (Katz & Mair, 1995; Williams, 2009). In the cartel parties, according to Katz and Mair (1995), the applicable system of rule is a “stratarchy,” which means that power ought to be dispersed throughout various ranks within a party organization (see also Bolleyer, 2009).

**Membership characteristics.** Prior to discussing the membership characteristics of a cartel party model, Katz and Mair (1995) initially described the character of membership in other party models. Not all party models, like the elite party model, could apply to the Indonesian context in this study. As a post-colonial country, Indonesia has no record of elite parties. The emergence of political parties in the 1940s like the nationalist party (PNI), the communist party (PKI), and others—related to the popular anti-colonialist struggles before the country’s independence from Dutch colonialism in 1945—was apparently prone to fall into the category of

mass parties instead of the elite parties, though clientelism is the dominant culture of party politics (Aspinall & Berentschot, 2019; Evans, 2003; Tomsa & Ufen, 2013).

The explanation of the membership character of party models in this part is fundamental to provide foundational illustration of the emergence of a cartel party concept applied in this research study.

Katz and Mair argue that the membership of the elite party is small because the party belongs to the limited elites. This contrasts with the mass party which opens great access for the mass to join the organization based on homogenous identity. Provisions for membership are increasingly loose in the tradition of catch-all parties because the party membership is widely open to all groups from heterogeneous backgrounds in society. In the cartel party, the concept of membership becomes liquid as there have no clear boundaries between members and nonmembers (Blyth & Katz, 2005; Bolleyer, 2009; Katz & Mair, 1995, 2009). Additionally, cartel parties approach members as individuals, not as a collectively organized body that the degree of membership is then determined by the individual performance and the principle of mutual autonomy rather than by the organizational work (Katz & Mair, 1995, 2009).

**Channels of communication.** Interpersonal networks are key channels in the elite party. In mass parties, the channels of communication are strategic instruments to promote and build party integration and member loyalty. Therefore, the mass party creates its own channels of communication (Katz & Mair, 1995). In the catch-all tradition, Katz and Mair (1995) concluded that the parties depend less on their own channels of communication, instead competitively struggle for access to the public channels regarding the political entrepreneurship (see also Poguntke, 2014; Williams, 2009). As the catch-all parties aim to capture the large constituencies in elections, at least following the party tradition in the Western European democracies studied by

Katz and Mair, the catch-all parties willingly continue to compete for the access to the public media channels and “devote more and more resources to the employment of professional publicists and media experts” (p. 20). This situation differs from the communication channels in cartel parties that belong to the state. The cartel party obtains privileged access to those state-owned channels as the consequential benefits of the symbiotic interpenetration between party and state (Bolleyer, 2009; Katz & Mair, 1995).

**Position of party between civil society and the state.** In elite parties, there are no clear boundaries between civil society and the state. The elitist membership makes the party arduous to represent the relevant segment of society. In contrast, the mass party has a more definite position than the elite party because the mass model belongs to civil society and, therefore, represents the relevant segment of civil society. Representatives in catch-all parties, with the concentration on both labor intensive and capital intensive, are inclined to be competing brokers between civil society and the state (Katz & Mair, 1995; Kirchheimer, 1966). However, the distant position of parties from civil society achieves the most extreme form in the cartel party model, which lastly becomes part of the state. The cartel party positions itself as an integral part of the neo-corporatism, as argued by Katz and Mair (1995).

**Representative style.** The position of political parties determines representative styles that arise (Duverger, 1972). Representatives in the elite party that occupy the public office are trustees who are entrusted by members to represent the party (Bolleyer & Bytcek, 2014). In mass parties, as what Daniel O’Connell arguably established in early 19th century with the Catholic Emancipation in Ireland regarding the rights of the Catholics to sit in Westminster Parliament (Boylan, 1998), the representatives are those who work for the collective interests of the mass. Under the

catch-all culture, the degree of political representation is determined by the ability to make policies (Katz & Mair, 1995; Kirchheimer, 1966). The representatives are the entrepreneurs who have technical skills in making policies concerning social amelioration. About this, Krouwel (2003) noted,

The policy preferences of elected representatives had shifted, affecting the cohesiveness of party organizations and the mechanisms of inner party decision-making. Democratic political regimes no longer sought to integrate citizens into the body politic, but only to appease them in their role as uncritical consumers of “political products” (p. 31).

In the cartel parties, Katz and Mair (1995) argued, political representatives willingly have no explicit responsibility to civil society because they act as the agents of the state. Katz and Mair’s conclusion is thus likely debatable when looking at the worldwide experiences of electoral democracies today in which the elected representatives should be directly responsible for their constituencies regarding the implementation of direct election system, as applied in Indonesia since 2004, which has significant consequences for citizens.

### **Elections and Cartel Party**

Understanding the conceptual linkage between elections cartel parties in this part would provide a theoretical background to understand the phenomenon of cartelization in contemporary Indonesia arguably assumed in this research study. This study started with an underlying assumption that both the party and election in contemporary Indonesia have likely been cartelized—though Ahmad and Herdiansah (2012) arguably indicated that the cartelized nature of Indonesian democracy remains ambiguous.

Democracy as a political system is characterized by the idea of alteration in office through regular elections that involves the people as voters (Dahl, 1956; Duverger, 1972). In the cartel-party model of democracy, the function of votes is shifting (Bolleyer, 2009). Elections, which earlier were defined as the highest form of citizens' participation to determine who represents them in occupying the government offices, have been the neo-corporatist strategy under a cartel tradition concerning the pie-sharing among major parties, as in Western European parties in the study of Katz and Mair (1995, 2009), van Biezen and Kopecky (2014), or particularly in contemporary Russia studied by Hutcheson (2012). The similar phenomenon has been part of the democratic dynamics in contemporary Indonesia as concluded by Slater (2004, 2018), Ufen (2018; 2008), and many other researchers.

In a cartel tradition, the party organizations become an inherent part of the state, as shown in Figure 2. Van Biezen and Kopecky (2014), when picturing the party-state linkages in European democracies, identified three dimensions of party-state linkage which include "(a) the dependence of party on the state, (b) the management of parties by the state, and (c) the capture of the state by parties" (p. 171). About these dimensions, van Biezen and Kopecky (2014) explained,

The first element comprises the financial dependencies of parties on the state, which results from the distribution of direct public subsidies; the second entails the regulation of party activity, behavior and organization by public law; the third involves the extent of party patronage appointments within the state administration. (p. 171)



*Figure 2.* Parties become part of the state. Based on the explanation of Katz and Mair (1995, pp. 16-23)

Dimensions of the party-state linkage implicitly explain the nature and the functions of elections in the cartel political tradition. Election is no more than just a procedural mechanism to formally legitimize the power that has been gripped by cartel elites because, following Krouwel (2003), “democratic political regimes no longer sought to integrate citizens into the body politic, but only to appease them in their role as uncritical consumers of ‘political products’” (p. 31). The cartel elites control the electoral regulations and reduce the degree of dissatisfaction, which is detrimental to their status quo, through devising a power-sharing mechanism among them.

Elections in the classical sense bring consequences of losers and winners. In the cartel tradition, the boundary between winning and losing is rather blurred because the parties develop a power-sharing strategy on behalf of social stability (see van Biezen & Kopecky, 2014). The practical consequence is obvious that the electoral democracy poses a procedural mechanism for pie-sharing among cartel elites. Katz and Mair (1995) considered clearly that electoral democracy is a means to maintain social stability, not social change. In a more penetrating sense, the electoral democracy has become a neo-corporatist means “by which the rulers control the ruled” (Katz & Mair, 1995, p. 22). Slater (2004, 2018) discursively indicated that Katz and Mair’s conclusion truly applies in Indonesia. Slater (2018) convincingly concluded, “Democratic elections in Indonesia have not been competitions to destroy



the party cartel, but to lead it” (p. 30). Slater was apparently willing to state that after 1998, the electoral celebrations in Indonesia’s cartelized democracy likely denote just the procedural mechanisms to ensure social stability rather than creating social changes. Slater’s conclusion derived from the electoral phenomena since the 1999 first-election in post-Suharto Indonesia. In a likely similar nuance, Ufen (2018) argued that the parties in contemporary Indonesia have been the central part of the presidency and, therefore, for that arguable evaluation, Ufen particularly used the term “party presidentialization” to describe such phenomenon.

Katz and Mair (2009) noticeably emphasized that in the cartel tradition, elections as the channels for political participation become less legitimate to reduce the potential dissatisfactions in elections. The cartel parties obviously, in more raffish senses, manipulate no electoral procedures, but conversely utilize the frameworks of legally elective procedures regarding the pie-sharing principle amongst the cartel parties (Blyth & Katz, 2005; van Biezen & Kopecky, 2014). The evident consequence is that whoever wins the election, the winner must automatically have the sentient and commitment to share allotments with the competing parties. The principle that politics is a profession has automatically turned aside the classic moral discourse of electoral teleology—that the elections are an opportunity for the citizens to encourage social change (Katz & Mair, 1995). Elections in the hands of cartel parties are state instruments to control the polity.

### **Cartelization in Contemporary Democracy**

Cartelization is a process of, or a tendency towards, forming a cartel model organization. Blyth and Katz (2005) analytically described the trend of cartelization among political parties in the United Kingdom, the United States, and Sweden. Blyth

and Katz seemingly concluded that the cartelization has likely been a common phenomenon among Western European countries that, perhaps, judging from the perspective of political sociology, might be related to the nationalist-identity background as “European community,” which in some respects typically characterizes the regional policies as designed by the European Union (EU), for instance, as performed in the analysis of Benedict DeDominicis (2018) about the European state-building vis-à-vis the EU’s common security and defense policy. The situation contrasts with Indonesia’s multiculturalism, at least based on the contention of multicultural citizenship elaborated by Will Kymlicka (1995). Thus, consequently, Blyth and Katz’s literature, as well as Katz and Mair’s (1995) early literature on the cartel party theory, needs a cross-contextual interpretation, which in an unfavorable sense would affect epistemological considerations about the applicability of the cartel party theory in non-European contexts.

An undeniable fact is that economic disparity and inter-ethnic tensions remain the fundamental social problems in today’s Indonesia (Bertrand, 2003). The national development centered on Java Island, besides forging the Javanese hegemonic dominance in all aspects, has as well provoked a collective sentiment among the non-Javanese ethnic groups to identify themselves as the “second-class” citizens. This unfinished project of nationalism, which in the historical sense urges Max Lane (2008) to label Indonesia as the “unfinished nation,” has caused several ethnic conflicts in the history of this archipelagic country as concluded in the study of Jacques Bertrand (2003). There have, as far as this author observes, no specific studies that examine the correlation between the multinational state-building and the power management of party politics. However, thinking in the oligarchic logic that Winters (2011a) argued, economic inequality provides a contingency for party

oligarchs to perpetuate hegemony—which in this study is assumed to develop a new work pattern regarding the cartelization.

The purpose of Blyth and Katz's (2005) qualitative inquiry reviewed in this part is to understand the dynamics of party organizations and party systems in advanced capitalist countries. The underlying assumption of researchers is that political parties in modern countries face coordination problems because of these three factors: (a) historical changes in party form, (b) systemic changes in the global economy, and (c) changing the notion of appropriate government roles and functions. There are coordination problems at the internal, external and network levels. At the internal level, the party control centers in the hands of a small number of elites. In the outer scope, as an effect, the elite parties are willingly inclined to build a wall separating themselves from the members on the ground. This is in line with the discussion provoked by Katz and Mair (1995, 2009) that a cartel party inevitably moves away from the society concerning the collusive interpenetration with the state. The next issue is the party manages to adjust to global economic development by designing a model of an industrial-oriented Keynesian approach. The logic of Keynesian economics which typically introduces the quantity of productions, Blyth and Katz argued, enforces the cartel politicians to make more policies as the products of their political activity. Based on the dynamics of party systems in the United Kingdom, United States, and Sweden, Blyth and Katz particularly concluded that cartelization is an alternative to solve problems of coordination in party organizations and to regulate the number of policies as political production. For the positive changes, Blyth and Katz support cartelization in the way that the restriction of competitors in elections is to control government policies. Liberal politics that places capital as a primary indicator of development has encouraged the cartel party to

maintain balance by applying cartelized politics in the realm of policymaking (Blyth & Katz, 2005).

However, Blyth and Katz's (2005) study is vulnerable to criticism. The researchers provide insufficient data about the issue of coordination among the political parties in the United Kingdom, the United States, and Sweden. It undermines the conclusion of this study. The researchers develop an analysis based on the general data about the grand picture of party politics in those three studied countries. As a qualitative study, this interpretive research is, of course, subjective, but the lack of detailed data on the role and function of the cartel parties in the policymaking process in the United Kingdom, the United States, and Sweden dilutes the conclusion of the study.

Nevertheless, Blyth and Katz (2005) have introduced a cartel study that focuses on the role and function of the party in the current government. This new approach provides contingency and opens the horizons of other researchers who want to strengthen the theory of political cartelization. Social science scholars, legislators, politicians, and public administrators need to read this study as a reference in understanding the correlation between the interests of political parties and the public policies as the outputs of the political system. This study strengthens the understanding of political cartels in contemporary contexts, so it is relevant and significant to include in the literature review of my dissertation project.

Havlik and Pinkova (2013) applied cartelization theory in their study. They found that cartelization takes place within the political party system in the Czech Republic. Permanent subsidies from 1992 to 2002 showed an increase in state financial support to political parties. In this quantitative study, the researchers presented complete statistical data on party funding and state subsidy allocations. This

article, according to this author, is worth reading by all scholars from social sciences who want to understand the relationship between political power and capital power. Money logic is proven in political trends in the Czech Republic when Havlik and Pinkova conducted this study. This article may not be attractive for social science students who are not familiar with the theory of cartelization and oligarchy. However, this article is very suitable for those who have interests in studying party system and is relevant to enriching the study of oligarchy in the study context of my dissertation research.

Slater (2004) believed that the post-Suharto politics has been cartelized in essence. The term “accountability trap” intends to show a clash between collusive democracy and delegative democracy. The collusive democracy meant by Slater refers to the practice of compromise-based democracy that is common to pragmatic political parties. This democratic model collides with the substance of the delegation by the people for representation, which is the meaning of delegative democracy. The cartel party was formed as a result of the political collusion of traditional party elites. It is this power which then controls democracy in contemporary Indonesia.

The qualitative study of Slater (2004) is methodologically not very well organized, but this finding provides new opportunities for researchers because Slater was the first person to develop a political cartelization study in Indonesia. This researcher is among those who accept Slater’s analysis, even though it does not completely negate the fact that the oligarchs and the cartels could not be separated. It is precisely in this space that this researcher would like to develop this dissertation research as an alternative to understanding the existence of oligarchs and cartels as a real mastering force of the Indonesian post-authoritarian. Slater’s study should be

used by lawmakers and policy-makers to understand the obstacles and challenges in formulating legislation and public policy based on public will.

Ufen (2006, 2008) examined the development of political parties in post-Suharto Indonesia. The essence of his 2006 study is that political parties in the post-authoritarian era tried to make reconfiguration as a consequence of Golkar's fall as the single dominant party. After 1998, there was no real majority in the Indonesian political party system. It is the rationale, according to Ufen, for why the political cartels typically emerge in contemporaneous Indonesia. The absence of an ideologically strong majority party and the tendency of fragmentation in party institutions provides contingencies for the birth of political cartels—colored by the collusive relationship among parties (Ufen, 2008). Ufen's study provides a quality explanation of why political fragmentation often occurs in parliament. Political parties are politicized with a cartel pattern in the economy because there is no strong majority. The weakness of Ufen's study rests on the absence of explanation about the relationship between the oligarchs who controlled politics before and after the Suharto era and the emergence of party cartels after the fall of Suharto in 1998. Additionally, Ufen appeared not to ignore oligarchy as a real power that controls politics. He just focused on the party management model in parliament.

In another work, still with the similar nuances, Ufen (2018) saw Indonesia's presidentialism has exclusively placing the presidents on the strategic position to forge a grand coalition in parliament to prevent dualism. The condition he named as a "party presidentialization" denotes, following Ufen, an ostensible reflection of the increasing power of the presidents over party organizations and parliament. This researcher thinks Ufen's analysis in his 2018 work is a continuation of the

epistemological consideration developed in his 2006 paper that party organizations in post-Suharto Indonesia have been slightly cartelized.

### **Legislative Process**

As the case examined is a legislative drafting process of the 2017 Election Act, this researcher considers essential to discuss the conceptual understanding of a legislative process in this section. This part would help this study link to the procedural implementation of policymaking process in democracy in which the party oligarchs involve, as the fundamental perpetrators behind the legal process at the parliamentary level. Additionally, as one of the key concepts reviewed in this study, the comprehension of the legislative process contention would help the readers of this study highlight and evaluate the central issue investigated under the influence of oligarchy theory and cartelization approach.

The legislative authority to make laws is part of the conception of powers separation in a democratic system. The framers of the U.S. Constitution went through a long debate, compiled in the Federalist Papers, when formulating the most appropriate government system. They were involved in lengthy polemics and debating to determine the government model that is in harmony with American ideals. The underlying idealism developed amongst the U.S. founding fathers, like Alexander Hamilton, John Jay, and James Madison was to guarantee that power, when executed, might not be misused. The core idea was that authority, directly delegated by the people in regular elections, had to be run with the consent of the people. They came to a plausible conclusion that there ought to be a powers-separation mechanism to anticipate the possible concentration of power on one single hand, as in the monarchy (Bianco & Canon, 2017). The model applied, as seen today, has been the Trias

Politica, which implies the separation of powers among three branches: the legislature, judiciary, and the executive branch.

As noted in prevailing literature, the United States government system is largely credited to James Madison, so it is often called the Madisonian model (Bianco & Canon, 2017; DeHaven-Smith, 1999; Taylor, 2002). In the *Federalist*, No.51, Madison expressed his belief in the need for a balanced power of government in the framework of the French philosopher Baron Montesquieu who put forward the *Trias Politica* in 1748. At the 1787 Constitutional Convention, Madison had a central role in influencing the perception and views of the majority of Framers to conceptualize separation of powers into the U.S. Constitution (DeHaven-Smith, 1999; Lynn, 2011).

The authority to make the law is in the hands of the legislature, even though the executive branch is also delegated by the Congress some legislative authority to make regulations, executive orders, and other legal instruments concerning the implementation of executive duties. The central power of an executive branch is in the hands of the President as head of the government. The President of the United States has the other authority as well to become a supreme leader in the military, the executive officials and the judges, to veto the basic plan of law that has received approval from the legislature, to give or treat clemency, and carry out support abroad (DeHaven-Smith, 1999). Meanwhile, the authority of the judiciary is held and run by the Supreme Court and the judicial bodies under it. The body whose position is under the Supreme Court is the state court located in each state.

In this study, the underlying definition of a legislative process refers to the law-making process that has been the chief function of the legislative branch discussed above. In the United States, Article I, Section 1 of the Constitution, stipulates that “all legislative powers herein granted shall be vested in a Congress of



the United States, which shall consist of a Senate and House of Representatives” (The U.S. Constitution Online, 2019). The legislative or policy process in the U.S. political system comprises three basic steps. The first step is the introduction of a bill in Congress supported with evidence as the requirement for MPs to debate and vote upon the bill. The next step is to pass the bill into law, and finally, “if the law is challenged on legal grounds, the Supreme Court intervenes to interpret the law or overrule it” (Walden University, n.d.a, para. 3).

The process starts when the representatives sponsor a bill before being assigned to a committee for study. If released by the committee, the bill would be placed on a calendar to be voted on, debated, or amended (The U.S. House of Representatives, n.d.). There is, of course, a difference in the drafting process between the U.S. tradition and the Indonesian tradition. In the United States, if there is a simple majority (218 of 435), the bill must move to the Senate. In Indonesia, a simple majority (288 of 575) requires no more moves as the bill has been automatically passed into law. The provision under MD3 Act of 2018, the bill can be ratified when at least two-thirds of MPs attend a plenary meeting and/or at least two-thirds of those present subscribe to confirm the bill passed. In another wording, the legislative process in Indonesia employs a more radical simple-majority principle than as applied in the United States.

### **Legislative Process and Public Participation**

Parliamentary process refers to the legislative activities directly involving MPs as the lawmakers. Under the representative democratic principle, MPs are party members elected by the people to represent them occupying government institutions. Delegating representatives to fill the public offices does not mean that the people on

the ground are confined to communicate with their delegates. Citizens, in terms of members of the political democracy (Bellamy, 2008), either as individuals or collective groups, are allowed by the constitution to declare supports, protests, criticisms, or policy boycotts to uncover the degree of supports or rejections against the policy process within the political system. In the American individualist tradition, as revealed by Alexis de Tocqueville (2003) in his famous work of *Democracy in America*, individual liberation and free association can grow simultaneously. Tocqueville illustrated such tradition as the inherent contradictions of American individualism. Civil society is legally able to promote their political rights through relatively established organizations, such as interest groups and pressure groups.

In the classical approach, the deadlock in parliament during the legislative drafting process can be resolved by direct involvement of the people through a referendum mechanism. However, in the practice of the parliament in Westminster, the United Kingdom, there was a new stage of the legislative process in 2013 that was piloted by the lower house (House of Commons). The public reading stage (PRS) invited the public to be directly involved in the scrutiny of legislation through public forums on parliamentary websites (Cristina & Louise, 2017).

The application of internet technology regarding e-government implementation has been an emerging trend since the end of the 20th Century. The presence of cyber channels is designed to accommodate public deliberation and aggregate interests, as well as general assessment toward the government's performance. During the legislative drafting process of the 2014 Tobacco Bill in Indonesia, civil society protested through social media after the street protests had been no longer active (Suwardi, 2018). In some instances, the non-governmental groups mobilized support using conventional approaches, like an organized uprising,

but eventually, they returned to the social media in order to increase the effectiveness of public pressure on the policy process at the institutional level. At least, it occurred in 2014 during the legislation of the 2014 Plantation Act; the interest groups organized public discussions to attract concerns of the mainstream media and even mobilized street protest. They tried to influence the parliamentary process, as they assessed the bill was evident mismanagement of the national natural resources. The content of the bill was considered to derogate the greatest good of the people and was prone to promoting the benefits of palm oil companies (Josi, 2018).

The point in this part is that the legislative process at the parliamentary levels is an elitist process, which in some cases is inclined to serve the particular interests of lawmakers rather than the benefits of the electorate. Katz and Mair (1993), when elaborating the faces of party organizations, asserted,

An important characteristics of the party in public office is its transience, with continued corporate existence and individual membership dependent on extra-party forces...The need to win elections, both in order to remain in office and to pursue effectively the other rewards that attracted them to politics in the first place is the first important constraint on a member of the party in public office. (p. 596)

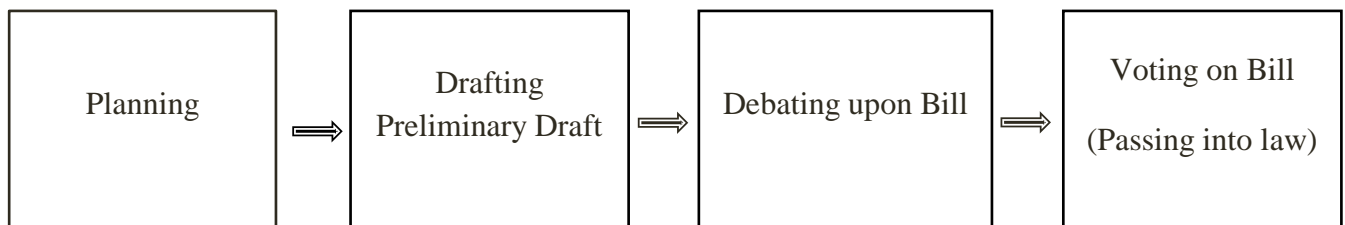
### **Steps of Legislative Process: Indonesian Context**

Indonesian democracy applies the universal principle of separation of powers in the knowledge that the legislative authority is vested in DPR and DPD. The general picture of the policy process adopts the American model, though there the simple majority method applied is more radical than the one adopted in the U.S. legislature. The process of lawmaking in DPR must adhere to the Drafting Legal Instruments Act

of 2004, which entails several procedural steps: (a) planning the potential bill, (b) drafting the preliminary proposal, and (c) drafting the bill, both academic draft and the legal draft. When the final draft has been agreed upon, the next step is to share the bill among lawmakers to debate and discuss. After lengthy discussions, the MPs should decide to pass the bill, by acclamation or through a voting mechanism, prior to ratification into law. The law that has been ratified is to be codified and socialized when already approved by the president in his capacity as head of state (See also Baidowi, 2018).

The bill possibly comes from three sources: DPR, DPD, and the executive government. The bill proposed by the House ought to be based on the annual legislative priority list. The government's bill is the initial proposal delivered to DPR regarding the specific issues considered to be fundamental for the national interest. After confirming the preliminary draft from the government, DPR must share the draft to all MPs through the fraksi (fraction) to collect the party's opinions. With opinions of all fractions well documented, MPs create a Special Committee, and all fractions must propose delegates to be members of the Committee. In other words, the Special Committee consists of delegates from all fractions in DPR. When started, the Committee invites the government to be involved in the drafting process. The government will have selected delegates to join along. It is essential to note that though the government envoys join along the legislative drafting process, they principally have no rights to vote on the bill to pass into law. The Election Act of 2017 discussed in this research project is an example of a government-proposed bill and the focus of this qualitative case-study inquiry to investigate cartelization of parties in contemporary Indonesia.

The practice of legislative process in Indonesia includes the regional representatives (DPD). The bill may come from DPD. Proposals from DPD must be related to the regional issues such as local autonomy, balancing strategy of regional and central finances, management of natural resources, and the establishment of new provinces and districts/cities (Baidowi, 2018). The drafting process follows a similar trajectory as in the lawmaking process of the government's proposal. Figure 3 is the review of the policy process at the political level previously discussed.



*Figure 3.* The simple steps of the legislative process in indonesia

When looking at the discussion mechanism among MPs, the drafting process includes two mechanisms: (a) closed mechanism and (b) open mechanism. Preliminary draft discussion, before the formation of the Special Committee, ought to be closed. MPs should hold an internal debate based on their fractions. After the Special Committee formed, the bill must be ready to be announced publicly. The entire process of discussion among the Committee members has to be open to the public, except for the lobbying and the preparation of the Problem Invoice List (*Daftar Inventaris Masalah/DIM*) at the fraction level. DIM is a fraction's record on the problems contained in the bill draft that need to be further discussed by the Committee.

For the government-proposed bill, the Special Committee might create a “synchronizing team,” a temporary team developed to synchronize the views from the government and DPR concerning the drafting process. During the discussing process, MPs ought to coordinate with party organizations through *fraksi* (fraction). Fraction is a structural representation of the party in parliament (Baidowi, 2018; Solechah, 2001). In many countries, including in the United States, the term used is a faction, as illustrated by Charles Cushman (2006) in *Introduction to the U.S. Congress* or discussed by Belloni and Beller (1978) in *Faction Politics: Political Parties and Factionalism in Comparative Perspective*. The term “fraction” comes from the Dutch parliamentary tradition. As known, the Dutch 350-year occupation has brought direct effects on Indonesian legal and political systems. *Fraksi*, which usually has a minimum of 13 members, is an extension of the party in parliament to guarantee MPs loyalty to the party in central office. Ahmad Baidowi (2018) noted,

The main task of the fraction is to coordinate the activities of members in carrying out their duties and authority as MPs. The intentional purpose of the fraction is to increase as well the ability, discipline, effectiveness, and work efficiency of MPs in carrying out their tasks. (p.13)

### **Qualitative Methodology and Method: A Literature Review**

At the beginning of this section, it is crucial to explain the terms “method” and “methodology.” A method is a settled procedure for attaining something.

Methodology, both in an etiological and practical sense, might be a combination of ideology and epistemology. Specific in the tradition of qualitative inquiry, Ravitch and Carl (2016) asserted: “Qualitative methodology refers to when ideology and epistemology meet research approach, design, methods, and implementation and

shape the overall approach to the methods in a study, including the related processes, understanding, theories, values, and beliefs that inform them” (p. 6). In this section, the qualitative method and methodology ought to be the focus of the description because the investigation is under the qualitative inquiry tradition. The discussions about the research paradigms that affect qualitative research are, however, significant parts of this section as well.

This section is a complete review of the qualitative literature relevant to the topic under study. A full description of the inquiry, sampling strategy, participant selection, data collection methods, instrumentation, and data analysis plan is in Chapter 3. The focus on this section of Chapter 2 is the literature review related to the fundamental concepts and phenomenon under study to describe what is known about them, what is controversial, and what remains to be studied.

### **Qualitative Research Methodology**

This project locates within the constructivist framework customarily applied in qualitative studies. Constructivism is an epistemological approach that rests on the principle that humans construct knowledge from their life-experiences (Cleaver & Ballantyne, 2014; Patton, 2015). The epistemological consequence of that argument is that the essence of each phenomenon per se can never be fundamentally understood because the truth is produced in the human mind that interprets and gives meaning to the experiences or events. Patton (2015) asserted, “It would appear useful, then, to reserve the term constructivism, for the epistemological considerations focusing exclusively on the meaning-making activity of human mind” (p. 122).

Constructivist researchers, for example, believe that knowledge of reality is never intact because the meanings produced are the result of subjective interpretations

of experiences or events. Constructivist logic commonly applies in qualitative research. The basic idea of this philosophical framework, as explained by Creswell (2014) and Patton (2015), confirms a belief that knowledge is never definitively objective because the meanings shaped upon reality are just the abstraction of subjective perception and interpretation. Subjectivity in research management can be directed to promote and create social transformation in unfair or oppressed social situations. Researchers who are committed to social change usually use transformative logic to carry out social change (Creswell, 2014). Mertens (as cited in Creswell, 2014) asserted, “A transformative worldview holds that research inquiry needs to be intertwined with politics and a political change agenda to confront social oppression at whatever levels it occurs” (p. 9). In more realistic nuances, knowledge of reality is no longer about subjectivity in the minds of individuals but instead about the interests and objectives of a research study. The pragmatist logic asserts that researchers are free to determine research methods and designs based on intended consequences because the truth is what works at that time (Creswell, 2014).

Besides constructivism, there are several philosophical frameworks, or some scholars use the terms approaches and/or paradigms, that affect a qualitative investigation elucidated in most literature. Ravitch and Carl (2016) described 10 approaches that include action research, case studies, ethnography and ethical ethnography, and evaluation research. Other approaches are Grounded theory research, narrative inquiry, participatory action research (PAR), phenomenological investigation, and practitioner research. In a typically vague description, regarding the “interpretive” and “reflexive” terms that ought to be the primary characteristics of qualitative inquiries, Ravitch and Carl (2015) defined action research as “a practice of situated, interpretive, reflexive, collaborative, ethical, democratic, and practical



research” (p. 20). Investigating the contemporary experience or real-life events is the definition of a case study approach based on Ravitch and Carl’s (2015) illustration—a strategy that is considered by O’Sullivan et al. (2017) to be the most appropriate method applied when a researcher needs to inquire about a policy, program, or phenomenon with unique characteristics.

Patton (2015) mentioned 16 qualitative research frameworks, some of them particularly described in Ravitch and Carl (2016). Such frameworks include phenomenology (and heuristic inquiry), constructivism mentioned above, ethnomethodology, semiotics, and foundationalist epistemologies (like positivism, post-positivism, empiricism, and objectivism). Patton (2015) discussed as well these frameworks: realism, hermeneutics, systems theory, complexity theory, and pragmatism.

In research experiences, researchers somehow utilize the philosophical frameworks as frames of thought to find appropriate research methods and designs with the topics under study. The classification of paradigms generally depends on the perspective and experience of the researchers who diligently review the research methods. The research approaches, described in Ravitch and Carl (2016), are principally similar to some categories presented in Patton (2015). Creswell (2014), for example, elaborated several research paradigms using the term “worldview.” What Creswell does is likely an in-depth elaboration of categories explained in Ravitch and Carl (2016) and Patton (2015). The focus is clear, as Creswell underlined widely used paradigms, which include the post-positivist worldview, the constructivist worldview, the transformative worldview, and the pragmatic worldview.

The term worldview is based on Guba’s (as cited in Creswell, 2014) definition, which refers to “a basic set of beliefs that guide action” (p. 6).

Postpositivist research, mostly employed in quantitative traditions, is the process of making claims and refining the claims (Phillips & Burbules, 2000). As also explained in Creswell (2014), postpositivist researchers hold a deterministic philosophy that relies on the underlying logic that causes determine effects or outcomes. Patton (2015) offered this paradigm as part of foundationalist epistemologies because postpositivism, like objectivism and empiricism, underlies the basic belief that “knowledge must rest on foundations that require no further justification or interpretation” (Schwandt as cited in Patton, 2015, p. 106).

In quantitative studies, theoretical testing is a clear example of such post-positivist logics—though in some qualitative investigations such paradigms have been somewhat used by particular researchers who are insistent with the issue of confirmability or objectivity (a term used in quantitative traditions)—or “the truth-and reality-oriented researchers” in Patton’s (2015, p. 106) words. Qualitative researchers who are reluctant to use the postpositivist system of thinking tend to refuse structuralist logics that simplify the complex realities.

Whatever paradigms or frameworks are used, qualitative research is flexible, oriented towards the search for deep meanings behind visible reality, and has the ambition to explore deeper and more perceptions, memories, and opinions about experiences related to the subject under study. Criticisms towards the qualitative approach are usually directed at its interpretive logic, which is considered too subjective to generalize. Researchers who have limited time are also reluctant to use this approach because it requires a long time to gather information. However, a qualitative inquiry has particular advantages to be applied.

This study is under the qualitative research paradigm. A paradigm in this sense means a way through which one views the world or understands reality. Of such

paradigm, Michael Patton (2015) defined it as “a worldview—a way of thinking about and making sense of the complexities of the real world” (p. 89). There are three major paradigms in social research, namely the qualitative paradigm, the quantitative paradigm, and the mixed-methods paradigm. The qualitative paradigm guides the researcher in understanding comprehensively the complexity of phenomena based on interpretations of real phenomena and experiences. In qualitative research, numerical data is rarely present as in quantitative research. The quantitative paradigm uses a deductive mindset in gathering information and conducting statistical analysis to obtain numerical data about the subject under study. These two paradigms have strengths and weaknesses, which in the extension led to ideas in “critical multiplism” (Shadish as cited in Patton, 2015, p. 90) to combine these two paradigms into a mixed-methods model.

In this study, as a qualitative research paradigm is the selected method of inquiry, the researcher does not need to explain the details of the quantitative and mixed-methods standards. Qualitative research methods are usually known as inquiry approaches used to inquire about a phenomenon in depth, explore people’s experiences, and document memories, symbols, and other detailed information to comprehensively understand the perspective and value of human experiences. In a profound definition, Creswell (1998) defined a qualitative method inquiry as “a research process of understanding a social or human problem, based on building a complex, holistic picture, formed with words, reporting detailed views of informants, and conducted in a natural setting” (p. 15).

Such qualitative approaches contribute significant insights to the development of social research. Patton (2015) outlined at least seven contributions of such qualitative inquiry. The first benefit is to illuminate meaning. It means that

“qualitative research studies, documents, and interprets how people make meanings to their experiences” (Patton, 2015, p. 13). The next contribution is learning how things work, capturing stories to understand deeper people’s perspectives and experiences. Qualitative inquiry also intends to understand how their consequences and systems affect people’s lives. Patton (2015) wrote,

Qualitative research often inquires into the stories of people who understand and understand their perspectives ... But often the answer to why people do what they do is not just within the individual but, rather, within the systems of which they are a part: social, family, organizational, community, religious, political and economic systems. (p. 8)

Other contributions of a qualitative investigation asserted by Patton (2015) included understanding contexts, identifying unanticipated consequences, and making comparisons to discover essential patterns and themes across cases. Patton’s explanation implies an underlying thought that qualitative research inquires the phenomenon to find what resides behind what appears. In line with such an idea, Rossman and Rallis (1998) argued that qualitative research is an inquiry process conducted in the field where researchers must enter into the specific context that shapes a phenomenon. As the context of an event under study forms the qualitative nature of the research, the kind of the research design, therefore, is usually flexible. O’Sullivan et al. (2017) wrote, “In qualitative studies, the researcher usually works with a flexible design” (p. 43).

The rationale of applying a qualitative approach in this project is due to its three promising characteristics. First, qualitative research is an exploratory approach to explore the meaning behind reasons, motivations, and opinions of participants about the phenomenon of under study (Creswell, 2014; Patton, 2015; Ravitch & Carl,

2016). Second, the strength of qualitative studies, while taking into account the contributions developed by Patton (2015), lies in the in-depth interpretation of the researcher when analyzing the information collected while at the same time maintaining alignment with applied research design, research questions, and theoretical frameworks.

Another rationale to employ the qualitative inquiry is related to the flexibility of the approach that provides a broad space for any researcher to be creative, free to be critical, and patiently look for the emergence of opportunities for new sources in order to enrich information and eventually the analytical findings (Creswell, 1998). Such benefits discussed are relevant to the issue of the legislative process in DPR, which is the subject under study. The legal process is not seen as a structural work of parliament but as a political process, which certainly involves individuals and systems, but the emphasis lies on the actors and the process per se. Thus, the perceptions, reasons, arguments, motivations, and memories of participants during the administrative process determine the quality of data collection and ultimately the quality analysis of the study (Ravitch & Carl, 2016).

### **A Case Study Method of Inquiry**

Among various particular strategies mostly applied in qualitative studies, the researcher decides to employ a case study method inquiry as an option. Investigating the influence of powerful individuals in the political system, as a major theme of this project, is a considerable area of inquiry. Without any specification, the study can fall into a broad gray area. Concerning this challenging circumstance, the researcher utilized a single case, namely the legislative process of the 2017 Election Act, to

maintain the focus of the project. It is in line with the central principle of a case study research as a detailed and in-depth study (Bennet & Elman, 2007; Brown, 2008; Burkholder et al., 2016).

Case study, as described by O'Sullivan et al. (2017), is "a preferred research strategy for investigators who want to learn the details about how something happened and why it may have happened" (p. 44). Furthermore, they argued that public administrators and policymakers are supposed to apply this inquiry method when studying a single program or policy considered remarkably successful or having unique and ambiguous outcomes for the public interest. A case study approach can also be used to examine discretionary situations in public institutions (O'Sullivan et al., 2017). Burkholder et al. (2016) asserted that case study research helps researchers provide a comprehensive knowledge of a bounded unit and "helps the reader examine that case so she or he can learn from it" (p. 228). They also believe a case study approach provides a chance for others to transfer the principal findings of the case under study to other situations.

Brown (2008) revealed a confusingly dilemmatic position of a case study approach among scholars. The debate is about whether the case study is a research paradigm or a research strategy. However it is, it is inevitable that, according to Brown, a case study method provides "rich and significant insights into events and behaviors" (p. 8). Additionally, in the view of Yin (2005), an effective case study is used to examine political phenomena because the skills of the investigator play a central role in data collection. It is in line with O'Sullivan et al.'s (2017) argument: "One of the hallmarks of a case study is the combination of several different sources of information which include documents, archival information, interviews, direct observation, participant observation, and physical artifacts" (p. 44).

Robert Yin (as cited in O'Sullivan et al., 2017) argued, "A case study entails the researcher stating a problem; formulating a research question, objective, or hypothesis; identifying the case to be studied; planning the data collection; collecting the data; analyzing the data, and writing a report" (pp. 45-46). However, O'Sullivan et al. (2017) warn the case-study researchers to be careful when deciding what kind and how much data would be required in the data collection process and who conducts the case study because an investigator with limited knowledge and resources may not contribute many useful insights (pp.45-66). O'Sullivan et al. (2017) asserted as well that before conducting a case-study investigation, researchers need to be clear with the details of what constitutes a case because "an ill-defined case can distort data" (p. 46).

Winters' (2011) study of global oligarchy, which includes Indonesia, is an example of a relatively prominent qualitative investigation in oligarchic literature. Although not systematically pouring out research method in his book, Winters seemed to use the in-depth participant-observation approach as a data collection strategy. A similar plan can be found in the works of Fukuoda (2013), Slater (2004, 2018), Tomsa (2018), Mietzner (2013), Ufen (2006), and other scholars concerned with the oligarchic and cartel studies in post-Suharto Indonesia. In particular literature, researchers can use a quantitative approach to study oligarchy, as in the study of Ansell et al. (2016) on the development of oligarchy in America, including the Rhoden's (2006) study on the phenomenon of oligarchy in contemporary Thailand.

The research questions in the study require explanations that are more than numerical data provide. The main question is how the oligarchs overpower the legislative process in post-Suharto Indonesia. The sub-questions are (a) why the process of ratifying the Election Bill in 2017 which was previously thought to be

complicated and severe, based on the disputes that occurred during the legislative process, eventually became efficient and (b) how the relationship among lawmakers, oligarchs, and cartels during the legal process was constructed. These are qualitative questions that require more profound exploration and richer insights so that, according to the arguments of Brown (2008), a qualitative case-study method is the right option. Creswell (2014) emphasized that the strength of inquiry is the depth of analysis. In-depth analysis requires rich and deep data. Sub-questions in this study require detailed, exploratory analysis of opinions, memories, feelings, and motivations of lawmakers and how they argued during the drafting process of the Election Act. Thus, a case-study approach is an appropriate inquiry approach.

### **Summary and Conclusions**

At least during the Suharto Administration (1966-1998), the oligarchy has been a real power that had monopolized the overall political practices in Indonesia as revealed in the study of Robison and Hadiz (2004) and Winters (2011a, 2013). Winters then consistently argued that the oligarchy is a fundamentally decisive power in the post-authoritarian period. Using power resource theory, he developed a proposition that extreme material inequality leads to extreme power inequality. Such condition bring opportunities for wealthy people to overpower the social, economic, and political realms because the material strength, following the theory of Winters, is the basis of the oligarchic power. Winters' research made an essential contribution to the study of oligarchy, especially for scholars who are interested in investigating the conflicting binary position of oligarchs in democracy systems regarding the public service from one perspective, in which public participation has been a nodal principle of democracy, and defending their vested interests from another perspective.



Although Winters' (2011) theory is appropriate to apply, the phenomenon of controlling the legislative process by oligarchs does not stand alone with the management of political parties. Scholars assess that party organizations in contemporary Indonesia have been cartelized (Slater, 2004, 2018; Ufen, 2006, 2010)—even though the material requirements to arrive at that epistemological consideration remain debatable! Katz and Mair (1995), as the founders of the cartel-party theory, argued that a cartel-party contention is a dynamic continuation in the developing process of party organizations. There ought to be the mass party and the catch-all party models before any political condition enters into the cartelization phase. In other words, Katz and Mair wished to state that a cartel party is the consequence of a mass party and catch-all party.

This study has no intention to debate the structural foundations of the cartel concept, instead its focus is on the quality process of the political development after 1998. The party coalition model in parliament, which is liquid, and the practice of sharing pie among parties in post-elections are the operational characteristics of a political cartel. Such circumstance has been reinforced by the oligarchic methods in which a handful of wealthy people overpower both party in public offices and party in central office. This researcher wishes to emphasize that both the oligarchy and cartel theories are relevant in understanding the post-New Order political phenomenon. However, there has been no attempt, so far, to provide an epistemological lens which is a combination of the two to understand objectively and accurately the political phenomenon after 1998. I see the opportunity in which the oligarchs mobilize cartelized political strategies, as happened in the legislative process of Election Act studied in this project. Such an opportunity is the gap left in the existing literature and has been a promising chance for a researcher to carry out this investigation.

Qualitative research method has been a proper choice option because, in order to understand the power process, one should start with understanding the contexts, perceptions, and dynamics having carved the development of such means. A case study approach is applied to help researchers narrow down the phenomenon under study, which is indeed complex and plural in essence. The involvement of oligarchs and cartels in the policy process and other political activities in the political system is a pluralistic practice. However, for the benefit of this study, the researcher takes a single case as a sample to open the vast and complicated Pandora's box.

A complete review of qualitative methodology and a qualitative case study method of inquiry is an integral part of Chapter 3. In the same chapter, the researcher explains research design and the rationale to choose the model applied. The method of participant selection, instrumentation, and analysis plan data are also the key sections of Chapter 3, as well as the issues of trustworthiness.

## Chapter 3: Research Methods

### Introduction

The purpose of this qualitative investigation is to explore how the oligarchs, using cartel work-patterns, overpower the legislative process in post-Suharto Indonesia. This study will involve investigating how lawmakers (or MPs) make decisions in parliament, party elites influence the individual choices of MPs, and oligarchs, using cartelized patterns, intervene in the legislation either directly or indirectly. Those who are familiar with Indonesia's situation after 1998 would be undoubtedly familiar with the literature of oligarchy and political cartelization as conceptual approaches developed among scholars to understand the real power that determines the heartbeat of democracy in the country of 267 million populations (Statistics Indonesia, 2019).

Among other approaches, oligarchy and political cartelization have been prominent approaches in comprehending power structures used in reality. I have observed, with some concern, the democratization process after General Suharto's fall in 1998—how the wealthy elites took over power from General Suharto's military and oligarchic bureaucrats who were in control for 32 years. The 1998 *Reformasi* allowed people to realize their political rights and civil liberties. It is unfortunate, then, that at the most fundamental decision-making level, the people have no real power at all. Elections are procedural rituals earnestly mastered by oligarchic forces (Fahmi, 2016; Fukuoda, 2013a, 2013b; Winters, 2011a). In identifying this situation, this author has become interested in conducting a more profound and comprehensive study of how such oligarchs overpower the legislative process. The results of the study will

constitute the epistemological consideration of what kind of power controls post-Suharto politics.

This Chapter 3 of a research method includes many significant sections. The first section is an introduction to describe the study purpose and briefly introduce the entire government articles in Chapter 3. The second section is about the research design and the rationality in choosing the research design tradition. In this section, there is also an explanation of the central concept of the phenomenon under investigation. The full description of the research methodology is in the third section. This part contains an account of participant selection logic, instrumentation, data collection instruments, bases for instrument development, procedures for participant and data collection, and data analysis plans. In the fourth section, this author describes some potential issues of trustworthiness, which include credibility, transferability, dependability, and confirmability. The ethical procedures are also part of the section, and the end of the chapter includes a summary of the significant points throughout the chapter and a transition to Chapter 4.

### **Research Design and Rationale**

This researcher has designed the study to answer the central question of how the ruling individuals, allegedly using cartel work patterns, overpower the legislative process. The following sub-questions will also guide this investigation:

1. Why did the process of ratifying the Election Bill in 2017, which was previously thought to be complicated and cumbersome, based on the disputes that occurred during the legislative process, eventually become efficient?

2. As it was the government-proposed bill, how did the lobbies among the Special Committee and the government take place during the legislative drafting process?
3. Why did the protests from the extra-parliamentary groups (small parties, independent observers, NGO activists) not inherently and effectually shape the legislative drafting process?

The research questions fall into the category of qualitative items oriented towards finding detailed information, exploring perceptions and opinions of participants about the phenomenon of under study, and providing comprehensive interpretive analysis. Research design determines the method of data collection and analysis plan used. Before this researcher discusses the details of research design and rationale of why a particular model is chosen, a brief description of the central phenomenon under study is needed.

### **Central Phenomenon of the Study**

This study aims to explore political mastery by the powerful individuals who allegedly employ the cartel approach. The case used as the research subject is the legislative drafting process of the 2017 Election Act. The selection of a case study is a strategy to determine the focus that makes it easier for this researcher to explore this broad and plural phenomenon. Oligarchic practices and political cartelization might occur in a broader scope and various situations. This researcher has no pretension to conduct vague research, and in the end, it may be difficult to determine the degree of trustworthiness from the results of the study. The legislative process of the Election Act is a phenomenon that in this study the researcher considered to reflect the fact that

there is a prevailing practice of cartelized oligarchy in determining the legislative mechanism at the political level.

As a case-study inquiry, the central phenomenon of a policy process highlighted in this project focuses on six primary elements of a legislative drafting process. The first element is the formal actors involved in the legal process. The second element is the challenges and obstacles that affect the drafting process, and the third one is the discussions among members of the Committee. The other components to be investigated include (a) the communication between MPs and party stakeholders at the central offices, (b) the political lobbies that occur between the Special Committee and the government in passing Article 222, and (c) the protests from the public represented by political parties and non-governmental organizations that directly opposed the provisions of the presidential threshold in Section 222.

Presidential threshold stipulated in Article 222 under the 2017 Election Act is the central element of the case study investigated. The rationale for selecting the presidential threshold as the central element studied is related to the strategic position of this legal provision in shaping the nature and the quality management of the presidential elections concerning the implementation of a democratic system. There were indeed five strategic issues debated among MPs when discussing the election bill. Table 1 demonstrates the crucial issues during the legal process, which has been the focus of lengthy discussions among the SC members in DPR—in which the party fractions in DPR fall into five groups (A,B,C,D,E) representing the polarization due to the debatable issues during the legislative process.

Group A representing the ruling parties (PDIP, GOLKAR, NASDEM, HANURA, PPP and PKB) is the party fractions proposing the 20/25% presidential threshold article, which rules that a party or a group of parties must have a minimum

of 20% of the national votes in the current elections or 25% of the current parliamentary seats to carry out a presidential candidate in elections. Group E is along with Group A for the presidential threshold issue, but they are difference in other issues like the parliamentary threshold and the vote conversion system. Group A supports the 4% parliamentary threshold, which implies that only parties achieving a minimum 4% of the national votes in elections are allowable to sit in DPR. This group defends the open-list proportional system as the electoral system applied and proposes seat allocation per constituency in the reasonable range of 3-10 seats based on the Modified Sainte-Lague system.

The Sainte-Lague system refers to the highest yield method of voting system applied to allocate seats in party-list proportional representation system (Lijphart, 2003). The term genealogically derives from the name of a French mathematician André Sainte-Laguë and became well-known in the United States after the statesman and senator, Daniel Webster, introduced it in Congress in the middle of 19<sup>th</sup> century. A modified Sainte-Lague system in this discussion, following Lijphart (2003), means that the order of divisors is changed, which in turn would give a slightly greater contingency to the major parties to claim the seats rather than the small parties. In other words, particularly in the election bill discussion in this study, the modified method will limit the chances of small parties gaining seats in elections for the reason of multiparty-system simplification (Edy, 2017).

Group B representing the opposition group (PAN, GERINDRA, PD, and PKS) has a different view on the five strategic issues above (Edy, 2017, p. 169). Party fractions from this group reject the presidential threshold (0%), propose a 4% parliamentary threshold, a closed-list proportional election system, and propose the Hare Quota system to vote for a conversion mechanism. The Hare Quota system—

introduced by a British electoral reformer Thomas Hare—employs a Single Transferable Vote (STV) system in which the quota provision is the minimum number of votes required to obtain a seat in parliament (Pukelsheim, 2017). Group C and D suggest a lower condition for the presidential threshold (10%/15%). Group C is also in common with Group A and B for the parliamentary threshold article, in line with Group A for the electoral system argued, and in harmony with other groups (A, B, E) regarding the seat magnitude per constituency or electoral district. About the Hare Quota system for vote conversion, there is no different suggestion among groups C, B, and E. Group D proposes a higher parliamentary threshold (5%), and on the contrary, Group E argues a lower legislative limit (3.5%). In addition, Group D carries out a closed-list proportional system as the electoral system applied, determines the seat magnitude in the range of 3-8 per electoral district, and defends the pure Sainte Lague model.

As the membership of these groups (A, B, C, D, E) is dynamically changing along with the lobbying established by the ruling parties and the government officials involved, Baidowi (2018) and Edy (2017) provided incongruent information about the shifting constellation of party fractions during the bill discussion. Baidowi (2018), for instance, indicated that GOLKAR, NASDEM, and PKB propose the 7% - parliamentary threshold, but Edy (2017) reported that the highest proposal for this parliamentary limit is 5%, as shown in Table 1. Baidowi (2018) also noted that PKS is part of the Group A in Edy's (2017) classification, but in fact, PKS as part of the opposition group, criticizes the government proposal provisioning a high presidential threshold (Edy, 2017). Apart from the incongruence of this technical information, the point in this section is that the provision regarding the presidential nomination has been a central debate in the legal process of the 2017 Election Act as the case study



inquired in this qualitative investigation—and that makes it obviously difficult to mention the list of parties based on the given groups.

Table 1

*Crucial Issues under the 2017 Election Bill*

No	Crucial Issues	Group A	Group B	Group C	Group D	Group E
1	Presidential Threshold	20/25%	0%	10/15%	10/15%	20/25%
2	Parliamentary Threshold	4%	4%	4%	5%	3,5%
3	Electoral System	Open-list Proportional system	Close-list proportional system	Open-list proportional system	Close-list proportional system	Open-list proportional system
4	Seat Magnitude	3-10	3-10	3-10	3-8	3-10
5	Vote Conversion	Modified Sainte Lague	Hare Quota	Hare Quota	Sainte Lague	Hare Quota

*Note.* Derived from Edy, L. (2017). *Konsolidasi demokrasi Indonesia: Original intent UU Pemilu*. Jakarta: RMBooks, p. 168; see also Baidowi, A. (2018). *Di balik penyusunan UU Pemilu: Proses negosiasi dan konfigurasi antarfraksi*. Jakarta: SUKA Press, pp. 34-35.

### Research Tradition

The research tradition applied in this project is qualitative case study, a methodological approach to inquire about the legislative drafting process of the 2017 Election Act as the particular case selected. The rationale of choosing this research methodology is related to the nature of a qualitative inquiry, which is causal or explanatory (Creswell, 1998, 2014; Ravitch & Carl, 2016). By completing this

investigation, this researcher intends to explain the operational influences of oligarchic powers in the making of laws at the institutional level. The interpretive nature of a qualitative inquiry is part of the strengths of this approach relevant in this study. By considering the flexibility of qualitative analysis, the interpretation of data becomes the strength of the study, because the results of qualitative studies are indeed assertions (Erickson, 1986). Wheeldon and Faubert (2009) further supported this claim in stating that “qualitative research is ideally suited to the generation of new theories grounded in participants’ knowledge” (p. 72).

Various frameworks, paradigms, or worldviews typically forge a research approach. As such, each qualitative study is based upon a specific genre of research, with particular ontological and epistemological assumptions. When exclusively discussing research genres, Bansal (2018) noted, “Specific genres reflect particular onto-epistemological assumptions that should be taken seriously through the research process and writing the paper” (p. 1192). The policy process as a case study that will be investigated in this qualitative study involves human actors acting under specific circumstances and rules. Considering the character of this phenomenon under study, this researcher decided to utilize a constructivist framework, which is a commonly used qualitative framework. Interpreting data related to the legislative drafting process ought to be an individual effort based on the researcher's subjective mind. The epistemological considerations of a constructivist framework, following Patton (2015), focus exclusively on “the meaning-making activity of the human mind” (p. 122).

Constructivism is a kind of epistemological approach that rests on the principle that humans construct knowledge from their life-experiences (Aoun, 2017; Cleaver & Ballantyne, 2014; Patton, 2015; Saldaña, 2016). This argument bears an

epistemological implication, which indicates that the essence of each phenomenon per se can never be fundamentally understood because the production of truth is in the human mind and the human rational thinking interprets and gives meaning to the experiences or events. John Ruggie (in Aoun, 2017) designated constructivism as “an inter-subjective framework of meaning” (p. 24). Creswell (2014), as well as Patton (2015), underlined that the constructivist logic confirms the belief that knowledge is never definitively objective because the meanings shaped upon reality are just the abstraction of subjective perception and interpretation. However, subjectivity in research management can be directed to promote and create social transformation in unfair or oppressed social situations (Patton, 2015).

This study is under the qualitative research paradigm. This research tradition, according to Ospina, Esteve, and Lee (2017), “illuminates the process and meanings associated with a phenomenon in a real-life setting and offers insights that are often difficult to attain with numeric data” (p. 594). Furthermore, Ospina et al. explained that, as also found in other literature (Creswell, 1998), a qualitative approach principally combines a holistic view of the study context and replaces standardized instrumentation, because, particular to this methodological approach, the researcher himself is the primary instrument.

In line with the aforementioned, a qualitative paradigm, following Patton (2015), guides the researcher in understanding comprehensively the complexity of phenomena based on interpretations of real events and experiences. Creswell (1998) defined a qualitative method inquiry as “a research process of understanding a social or human problem, based on building a complex, holistic picture, formed with words, reporting detailed views of informants, and conducted in a natural setting” (p. 15).

The nature of qualitative research is flexibility, oriented towards the search for deep meanings behind visible reality, and positioned to explore more profound and more perceptions, memories, and opinions about experiences related to the subject under study (Creswell, 1998; Patton, 2015; Saldaña, 2016). Criticisms towards a qualitative approach usually focus on its interpretive logic, which many scholars consider too subjective to generalize. Researchers who have limited time are also reluctant to use this approach because it requires a long time to gather information. However, a qualitative inquiry has particular advantages over other approaches.

Qualitative research methods usually involve in-depth exploration of a phenomenon, exploration of people's experiences, and documenting memories, symbols, and other detailed information to comprehensively understand the perspective and value of human experiences. Patton (2015) outlined at least seven contributions of such qualitative inquiry. The first benefit is to illuminate meaning. It exclusively denotes that “a qualitative research studies, documents, and interprets how people make meanings to their experiences” (Patton, 2015, p.13). Fossey, Harvey, McDermott, and Davidson (2002) emphasized that the purpose of a qualitative research is to provide privileges to the perspective of research participants and illuminate the subjective meanings, actions, and the contexts of the study. Thus, according to Fossey et al., the center of qualitative research is whether participants' perspectives have been authentically represented in the research process and interpretations made from data collected, and whether the findings make sense in the knowledge that those findings “match” the data and the social context from which they came from.

The next contribution is to learn how things work and capture stories to understand deeper people's perspectives and experiences. The qualitative inquiry as well intends to understand the consequences and systems for people's lives. Patton (2015) wrote,

Qualitative research often inquires into the stories of people who understand and understand their perspectives ... But often the answer to why people do what they do is not just within the individual but, rather, within the systems of which they are a part: social, family, organizational, community, religious, political, and economic systems. (p. 8)

The relation between the researcher and the researched is essential to understand.

Fossey et al. (2002) underlined:

The importance of the power relations between the researcher and researched, and the need for transparency (openness and honesty) of data collection, analysis, and presentation implied here highlight the extent to which criteria for quality profoundly interact with standards for ethics in qualitative research. (p. 723)

Patton (2015) asserted other contributions of a qualitative investigation, including understanding contexts, identifying unanticipated consequences, and making comparisons to discover essential patterns and themes across cases. Patton's explanation implies an underlying thought that qualitative research involves inquiring about the phenomenon to find what resides behind what appears. In line with such an idea, Rossman and Rallis (1998) argued that qualitative research is an inquiry process conducted in the field where researchers must enter the specific context that shapes a phenomenon. As the context of an event under study forms the qualitative nature of the research, the kind of the research design, therefore, is usually flexible. As

O'Sullivan, Rassel, Berner, and Taliaferro (2017) wrote: "In qualitative studies, the researcher usually works with a flexible design" (p. 43).

The rationale of applying a qualitative approach in this project is due to its three promising characteristics. First, qualitative research involves exploring the meaning behind reasons, motivations, and opinions of participants about the phenomenon under study (Aoun, 2017; Creswell, 2014; Patton, 2015; Ravitch & Carl, 2016; Maxwell, 2005). Second, the strength of qualitative studies, while taking into account the contributions developed by Patton (2015), lies in the in-depth interpretation of the researcher when analyzing the information collected while at the same time maintaining alignment with applied research design, research questions, and theoretical frameworks (see Ospina et al., 2017).

Another reason to employ a qualitative method is related to the flexibility of this approach that provides a broad space for any researcher to be creative, free to be critical, interactive, and patiently look for the emergence of opportunities for new sources to enrich information and eventually the analytical findings (Creswell, 1998; Maxwell, 2005; Saldaña, 2016). Such benefits discussed are relevant to the issue of the legislative process in DPR, which is the subject under study. The legal process is not seen as a structural work of parliament but as a political process that certainly involves individuals and systems, but the emphasis lies on the actors and the process per se. Thus, the perceptions, reasons, arguments, motivations, and memories of participants during the administrative process determine the quality of data collection and ultimately the quality analysis of the study (Aoun, 2017; Grant & Osanloo, 2014; Ravitch & Carl, 2016; Saldaña, 2016).

### **Rationale for Case Study**

The administrative process of the 2017 EA is an example of political outputs in this proposed study that allegedly reflects the dominance of oligarchy in political administration. The focus is on the experience, opinion, feelings, and insights derived from the participants interviewed. Thus, the focus of the study aligns well with a case-study research method. This researcher has decided to conduct a qualitative case study because this method is known as a detailed and in-depth approach (Bennet & Elman, 2007; Brown, 2008). Moreover, this study focuses on a single subject to get an interpretive and comprehensive understanding of the policy process under study, and to later transfer the results to other contexts. This approach is in line with the nature of a case-study research argued by Burkholder, Cox, and Crawford (2016), which encompasses “a detailed and intensive analysis of a particular event, situation, organization, or social unit” (p. 227). Support for the approach also comes from Patton (2015), who argued that “the variety of approaches to defining a case gives a researcher an opportunity [and responsibility] to define what a case is within the context of the researcher’s field and focus of inquiry” (p. 259).

Discussing particularly about the case-study approach, O'Sullivan et al. (2017) argued, “A case study approach is a preferred research strategy for investigators who want to learn the details about how something happened and why it may have happened” (p. 44). Such a research approach is a proper method for the public administrators and policymakers who need to study a single policy considered remarkably successful or a program with unique and ambiguous outcomes for the public interest. O'Sullivan et al. (2017) asserted as well that a case study approach can also be used to examine discretionary situations in public institutions.

The Election Act of 2017 is a central law regarding the quality of the implementation of electoral democracy. Such code has publicly become controversial since its discussion in parliament in 2016. Moreover, if the oligarchs or political cartels work in diverse contexts, it might be confusing for this researcher to determine the appropriate research method or approach to initiate a qualitative inquiry. As a case-study research method, the data collection method in this study applied a critical-case purposeful sampling strategy, which depends much on the evidence gathered. About such sampling strategy, Patton (2015) noted,

The weight of evidence from a single critical case permits logical generalization and maximum application of information to other, highly similar cases, because it's true here of this one case, it's likely to be true of all other cases in that category. (p. 266)

With using a case-study research approach, the aim of this study is to delve into the phenomenon of a legislative process, searching for more information, motives, opinions, and interpretation about the crucial elements that postulate the policy drafting process at the parliamentary level. As Burkholder et al. (2016) underlined, case-study researchers could apply the approach to investigate a single program or policy. Moreover, the research questions of this study exclusively demand qualitative explanations more than just numerical data. As previously discussed, the qualitative questions in this study need more profound exploration and richer insights. Creswell (2014) emphasized that the strength of a case-study inquiry is the depth of analysis based on the rich and deep data.

However, Brown (2008) referred to the debate of whether case study is a research paradigm or a research strategy. Without pretending to question the epistemological status of this tradition, a case-study method is inevitably appropriate



to inquire about particular public policies or programs, as shown in Araya's (2011) doctoral dissertation at Walden University highlighting the political control and accountability in Ethiopian rulemaking. About the contribution of a case-study research method, Brown (2008) argued that the process provides "rich and significant insights into events and behaviors" (p. 8). Additionally, in the view of Robert Yin (2005), researchers can use an effective case study to examine political phenomena because the skills of the investigator play a central role in data collection. This reasoning also aligns with O'Sullivan et al.'s (2017) argument: "One of the hallmarks of a case study is the combination of several different sources of information which include documents, archival information, interviews, direct observation, participant observation, and physical artifacts" (p. 44).

Robert Yin (as cited in O'Sullivan et al., 2017) argued, "A case study entails the researcher stating a problem; formulating a research question, objective, or hypothesis; identifying the case to be studied; planning the data collection; collecting the data; analyzing the data, and writing a report" (pp.45-46). However, O'Sullivan et al. (2017) warned the case-study researchers to be careful when deciding what kind and how much data required in the data collection process and who conducts the case study, because an investigator with limited knowledge and resources may not contribute many useful insights (pp. 45-66). O'Sullivan et al. asserted as well that before conducting a case-study investigation, researchers need to be clear with the details of what constitutes a case because "an ill-defined case can distort data" (p. 46).

### **Role of the Researcher**

This researcher is responsible for the entire research process in this study. However, the political position of this researcher as a back-office analyst at the Executive Office of the President, which undoubtedly means that this researcher is officially part of the government, is a significant consideration to the data collection process. To anticipate or reduce the potential, ethical conflicts that might occur in interacting with participants from opposition parties, this researcher will discretely approach the opposition politicians, those who have good relationships with this researcher, to become the participants while considering their responsibility in the phenomenon under investigation.

As the inner-circle of the current administration, this researcher has, of course, good communication with participants from the ruling parties, including with the participants from Home Affairs Ministry, those who are responsible for the development of the bill initial draft. It is a promising contingency for this researcher to obtain a lot of sensitive information about how the legislative process takes place. However, the participants may not allow all confidential information to starkly appear in this study report. They will probably require the narratives presented in this study to exclude sensitive information. Most of the journalist and observer participants in this study are those who used to be in contact with this researcher when serving as an independent political observer before the Administration of President Jokowi started in 2014. This researcher also communicates well with influential NGO activists, including the activists from the civil society groups involved in the legislation of the 2017 Election Act (Baidowi, 2018; Edy, 2017).

This researcher will be solely responsible for the entire process of transcribing the interviews, translation of transcripts from Indonesian to English, and analysis of data using the *NVivo* software program. Although this researcher officially serves the President Jokowi Administration, which in this study is thought to be a beneficiary of the Election Act of 2017, this researcher will, during the entire process of this investigation, professionally position himself as a neutral scholar-practitioner. Simply put, this qualitative inquiry will be purely an individual, academic work considered neutral in all senses.

### **Methodology**

This methodology section contains an explanation of the participant selection method, instrumentation, procedures for data collection, published data collection instruments, researcher-developed instruments, and data analysis plans. This part of Chapter 3 provides methodological information that confirms how this researcher applies a case-study qualitative inquiry in this project. The fundamental point is to make an illustration of the research methodology employed in sufficient depth so that other researchers can replicate this study.

#### **Participant Selection Logic**

As discussed earlier, this study will entail interviews with participants from five clusters, namely members of DPR's Special Committee, party stakeholders, government officials from the Ministry of Home Affairs, and journalists. Another group will include the independent observers and NGO activists—two categories of participants but combined into a single cluster, as their position is to represent the public deliberation in the phenomenon under study. In other words, these participants are connected, either directly or indirectly, with the subject under study. The first

three clusters are those considered as actors of the policy drafting process, and the next two groups are those who represent the public interest regarding the opinion and insights toward the legislation of the 2017 Election Act. Table 2 and Table 3 offer detailed information about the political parties in DPR and members of the Special Committee as the environmental context of this study.

Table 2  
*Parties' National Votes in 2014 Election and Numbers of Seats in DPR (2014-2019)*

No	Party	Votes	%	Seats
1	Indonesian Democratic Party of Struggle (PDI-P)	23.681.471	18,95	109
2	Party of the Functional Groups (Golkar)	18.432.312	14,75	91
3	Indonesian Great Movement Party (Gerindra)	14.760.371	11,81	73
4	Democratic Party (PD)	12.728.913	10,19	61
5	The Nation's Awakening Party (PKB)	11.298.957	9,04	47
6	The National Mandate Party (PAN)	9.481.621	7,59	49
7	Prosperous Justice Party (PKS)	8.480.204	6,79	40
8	National Democrats Party (NasDem)	8.402.812	6,72	35
9	United Development Party (PPP)	8.157.488	6,53	39
10	People's Conscience Party (Hanura)	6.579.498	5,26	16
11	Crescent Star Party (PBB)	1.825.750	1,46	-
12	Indonesian Justice and Unity Party (PKPI)	1.143.093	0,91	-
	Total	124.972.490	100	-

*Note.* Derived from the National Election Commission (May 10, 2014). Recapitulation of 2014 National Election Votes. Retrieved from <https://kpu.go.id/index.php/pages/detail/2014/282>

Participants in this study will be human subjects selected because of their strategic position with the phenomenon under investigation. This strategy complies with the justice principle of ethical treatment of human subjects in conducting a research study (O'Sullivan et al., 2017). Members of DPR's Special Committee selected to interview will be those who played significant roles in the entirety of the process. The parliamentarian participants selected must represent various party fractions regarding the comparative ratio between the opposition and the ruling parties. The party stakeholders are party members in the central office from high-rank positions, such as party treasures and deputies for legal issues. The participant selection will incorporate the comparative ratio between the opposition and the ruling parties.

Table 3  
*Members of Special Committee based on Party Fractions in DPR*

No	Party Fractions (F)	Members
1	F-PDIP	Arif Wibowo, Erwin Moeslimin Singajuru, Trimedya Panjaitan, Diah Pitaloka, Esti Wijayati, Sirmadji
2	F-GOLKAR	Rambe Kamarul Zaman, Agung Widiatoro, Hetifah, Ahmad Zaky Siradj, Agung Ginanjar
3	F-PD	Edhie Baskoro Yudhoyono, Didiek Mukhriyanto, Fandy Utomo, Benny K Harman
4	F-GERINDRA	Ahmad Riza Patria, Endro Hermono, Nizar Zahrul, Supratman, Andi Atgas
5	F-PAN	Yandri Susanto, Totok Daryanto, Vivah Yoga Mauladi
6	F-PKB	Lukman Edi (the Committee Chair), Neng Eem Marhamah Zulfa
7	F-PKS	Almuzzammil Yusuf, Sutriyono
8	F-PPP	Reny Marlinawati, Ahmad Baidowi
9	F-NASDEM	Tamanuri, Mukhtar Lutfi Mutty
10	F-HANURA	Rufinus Maulana Hutauhuruk

*Note.* Derived from KOMPAS (Oct 28, 2016). Members' composition of the Election Bill Special Committee. [Online source]. Retrieved from <https://nasional.kompas.com/read/2016/10/28/12180741/ini.susunan.anggota.pansus.ruu.pemilu>

The government officials are those who organized the initial draft of the bill representing the Ministry of Home Affairs. Meanwhile, to get non-political perspectives of the issue under study, this researcher interviewed selected journalists from the mainstream media who were directly involved in the legislation regarding the media coverage. Independent observers and NGO activists represent the public

interest, as they criticized and organized protests against the controversial articles stipulated under the bill. Considering the participants' strategic positions in front of the subject under study, this researcher believes that they are reliable to provide the confirmable information required in this project appropriately.

As previously mentioned, the underlying criterion for the participant selection is their strategic position in the case study inquired. This researcher typically selects the parliamentarian participants in this project based on their decisive role within the SC. To find out their role in the Committee, this researcher will examine the public reports concerning the SC members. The party stakeholders interviewed will be those who represent the major parties from the ruling groups such as PDIP and Golkar. This researcher will also invite one participant from an influential party among the opposition groups, such as a stakeholder from the Democrat—the party of the former President Susilo Bambang Yudhoyono (2004-2014). An effective way to find out who is worth interviewing is to look at the composition of party stakeholders based on the party's published official document. Political parties in Indonesia generally overhaul the party management structure regularly every 5 years. In this Internet era, people can see the structure of party management on the party's website.

Selecting the government officials exclusively regards their role in formulating the initial draft of the election bill because the bill, as the case study, is a government-proposed legal draft. This researcher will make phone calls with the relevant sources inside the Ministry of Home Affairs to find out the names of those who are responsible for developing the initial draft of the bill. Based on that information, this researcher will select particular officials to join the interviews. This study also requires knowledge from the journalists selected based on their proximity

to the case under review determined from the intensity of coverage during the legislative drafting process. The first step is to register the mainstream media that intensively covers the drafting process. In the second step, this researcher will contact the relations within those media institutions to find out the journalists exclusively involved in the case under study.

To include the NGO-activist participants, this researcher will interview those who openly declared protest against Article 222 stipulated under the Election Act of 2017. Based on the media report, it is convenient to know the NGO activists and opinion-makers relevant to the phenomenon under investigation. The next step is to collect information about their telephone numbers and email addresses before inviting them to the individual interviewing. This study also requires data from independent observers, those who were concerned with the legislative issues and exclusively involved in observing the lawmaking process of the 2017 Election Act. The participants contacted will be those personally close to this researcher. The participants will be free to determine the time for interviews, and this researcher will adjust the schedule based on the participants' availability.

The participants from the five clusters reflect the diversity of views and perceptions required to get complete information about the phenomenon under study. Rubin and Rubin (2012) asserted, "Interviewing people who interact with each other but have a different perspective on the research question is likely to elicit multiple versions of events or situations that can be true at the same time" (p. 69). Moreover, as the qualitative interviews should be rich and detailed (Patton, 2015; Rubin & Rubin, 2012), this researcher will use three participants from each cluster to address saturation. This strategy indicates the need for 15 participants. The rationale for determining the number of participants relates to the nature of (a) the phenomenon



inquired which is politically sensitive and (b) the qualitative research method applied, which requires rich, detailed, and in-depth data. This study requires various perspectives represented by the various participant-backgrounds, which would be the contingency to get the qualitative data required. The 15 participants derived from five clusters should provide an adequate starting point to meet saturation. With three participants for each cluster, this researcher intends to provide a broad opportunity for the emergence of unique, specific, and in-depth information because each participant ought to be different in responding to each question during the interviewing process.

### **Finding People to Interview**

The researcher will use a face-to-face interview format (Marshall, 2016). Considering the social and cultural backgrounds of the participants, this researcher needs to approach them in person. The first step is to list the potential participants from each cluster of participants, including the way to contact them. This researcher will contact some by phone and others in-person. If the participant verbally approves of being interviewed, they would be emailed or texted an interview invitation, the Informed Consent form, and the interview protocol. When confirmed, the participants will email or text "I Consent" to this researcher's Walden email address or via cellular Short Message Service (SMS), respectively. When completed, the researcher will proceed with scheduling the interviews.

The participants are freely allowable to allocate their time for interviews. Data collection will begin when this researcher submits an official invitation to all participants to join the conversation, and of course after having approval from Walden Institutional Review Board (IRB). To enrich the data collected, this author will need to view news clippings, the media headlines, and combine them with the relevant

discussions among the scholars or other printed documents relevant to the phenomenon under investigation.

### **Instrumentation**

The essential data sources required in this qualitative inquiry include transcripts of in-depth interviews, field notes from informal conversations, and secondary data such as the official documents, media clippings, and reports of scholarly discussions about the case investigated. During the interviewing process, this researcher will use a semi-structured interview protocol adapted from Patton (2015) and aligned with the theoretical frameworks applied in this study. It is semi-structured in the way that the interview instrument, following Brod, Tesler, and Christensen (2009), “poses broad questions to the subject that can then be followed up through probes for further clarification” (p. 1266). The researcher will use five interview protocols in this study. The first protocol (P1) is an interview guide to approach the DPR's Special Committee (SC) members; the second protocol (P2) will be used to interview the party stakeholders (PSs); the other three protocols will be used to conduct interviews with the government officials/GOs (P3), the media journalists/MJs (P4), and NGO activists and independent observers (P5).

This researcher will develop particular guidelines on the credibility of the interview protocols based on scholarly literature illustrated by Patton (2015) as well as Rubin and Rubin (2012). The participants will receive the interview guides and the Informed Consent form. Ensuring the quality and credibility of the interview process is fundamental. This researcher will also reinforce the ethical principle of confidentiality during the interview process, such as the protection of participants' identity and the transcripts of interviews. During the interview process, this author

will use an audio recording device to record the interview, as well as a video camera only if allowed by the participants. This author will also collect field notes, primarily to ensure collecting of data from party stakeholders who do not permit interview recording. During the interview process, the participants will be allowed to interject comments that do not strictly follow the interview guide (Rubin & Rubin, 2012), but as a case study, this researcher will control the process using the interview protocols (Creswell, 1998).

### **For Published Data Collection Instruments**

For published data collection instruments, this author will collect data from DPR (for official documents), the public research institutions (for published reports, printed documents, and others), and media institutions. The relevant data required from DPR is the transcripts of the official discussions among the SC members during the legal drafting process from November 30, 2016, to July 13, 2017. This document directly derives from the SC stakeholders. Other participants representing the SC may also provide the copies of the party fractions' opinions on the bill or the minutes of the meetings. As discussed in Chapter 2 of this study, a fraction is a representation of a party organization within DPR. When serving as the representatives, all MPs must work under the coordination of their party fractions (Baidowi, 2018). When discussing the bill, members of the Special Committee argue and debate on the bill based on the opinions developed by their fractions. It means that the copies of the fractions' opinions ought to be the essential data information required in this study.

For published data from media institutions, this researcher might collect from three media institutions, including (a) KOMPAS, the most influential newspaper nationwide, (b) TEMPO, a highly recommended weekly magazine, and DETIK, a

leading online media in Indonesia. This author has been a regular reader of KOMPAS and TEMPO, and has even made relevant news clipping about the issue under study since the case came to public in November 2017. Information collected from DETIK is freely accessible because this online media used to be open to public access. Such media institutions have extensive readers, are leading, and well known among the readers from various social, economic, and political backgrounds in the country in which this study will be completed. The independence of those media convinces this author how they report the debates around the legislative process of the 2017 Election Act, as shown in the case study used in this dissertation project. The focus of the data collected will be the publications from November 2016 to July 2017. The focus of data collection process will be to find the controversial issues and how these media reported on the political dynamics in DPR during the legislative drafting process of the 2017 Election Act.

However, concerning the triangulation discussed by Creswell (2014), this researcher gathered other printed documents and reports from other database sources to explore the indications that could lead this study to drawing a relevant conclusion regarding the party cartelization in contemporary Indonesia. Published reports on the issue investigated have enriched the data required for this study analysis. Using triangulation would maximize the depth of data and guarantee the transferability of findings to enable the development of conceptual models in alignment with theories applied (Creswell, 1998).

### **For Researcher-Developed Instruments**

The researcher-developed instruments in this study include the interview protocols used in the semi-structured interviews with 15 participants selected and the

literature sources collected from various sources. The interview protocols (see Appendix D, E, F, G, and H) developed in this study followed the interview guidelines in Patton (2015), including Rubin and Rubin (2012). The five interview protocols used in this study reflect five clusters of participants to be interviewed. Participants involved in semi-structured interviews likely see this phenomenon differently based on their position and interests.

Consequently, the researcher designed the interview protocols, including the cultural strategy in approaching participants, to the backgrounds of clusters of participants. The political culture context forms a way of approaching participants. This researcher is open to any contingencies, including if the parliamentary participants, as well as participants from party organizations and government institutions, prefer to interview in non-private places such as coffee shops or restaurants rather than in their offices. They might be more relaxed to share if the interview takes place outside the office. The point to be highlighted here is that the context shaping the interviewing process must influence the interview protocols developed.

For the literature sources, this author collected relevant literature from many sources, such as the Parliamentary Library, LIPI Library, CSIS Library, and the library of Indonesian Electorate Institute (LPI). These libraries are located in Jakarta. This researcher checked the relevance of the existing literature to support the primary data in answering the research questions in this study. The literature required ought to be directly relevant to the legislative issue as a case study under investigation.

### **Data Content Validity**

Establishing the content validity of the data collected is a fundamental part of the study (Brod et al., 2009). This researcher builds content validity from the data collected, namely interview data, documents, and literature sources. There are many steps applied. First, after the researcher translates the interview transcripts from the local language into English, this researcher delivers the translated transcripts to the participants to confirm if the results are accurate and precisely similar to the information in the interview.

The second step, related to documents and minutes of the meetings, this researcher checks the authenticity of the materials. The focus is on the signature and the official stamps stated in the papers. For official documents from the DPR, there must be a parliamentary logo, the name of the individual responsible for the material and the official stamp of the institution. The next step is related to literature sources. This researcher checks the relevance of the literature by looking at the topic of the paper or book, whether explicitly discussing the legislative process of the Election Law. This researcher looks as well at the date of publication and the institution that publishes the literature to find out whether the writing is arguably legitimate as scholarly sources.

### **Procedures for Data Collection**

This researcher officially collected interview data after obtaining approval from the Walden's IRB on September 5, 2019. Data collection instruments in this study chiefly encompassed the interview protocols, official documents, and literature sources. Some participants might be sufficient to be approached through one interview schedule, but some might be interviewed many times because they could

have limited time for just one longer interview appointment. The researcher used audio recording devices to record the interviews, and a video camera when allowed by participants. This researcher also gathered official documents, minutes of meetings, and official copies of the parliamentary fractions' documented opinions (e.g., the fractions' standing positions against the bill examined) after having an official permission from the DPR. Another instrument is the literature sources. This researcher visited the particular databases (libraries) in Jakarta to find relevant literature directly discussing the phenomenon under study.

Each instrument relates to the research questions developed in this investigation. Interview data collected from the first three clusters of participants (MPs, party stakeholders, and government officials) will be used to answer the central research question about how the oligarchs, using cartel work patterns, govern the legislative process. The primary data collected from the interview process would help this researcher answer the three sub-questions of the central research question of this study. Data likely derived from interview participants would help this researcher answer the first sub-question of why the drafting process of the 2017 Election Bill previously thought to be complicated and cumbersome, based on the disputes that occurred during the legislative process, eventually became efficient.

Interviews with the GOs from the Home Affairs Ministry necessarily demonstrated possible illustrations to answer the sub-question of how the lobbies among the Special Committee and the government occurred during the policy discussing the process. Information from journalist participants has strengthened data collection required to answer those questions, especially the first and the second sub-questions of the central research question of this study. Data collected from the interviews with MPs from opposition parties, independent observers, and the

representation of civil society groups would help this researcher find the reasoning why the protests from small parties and NGOs failed to inherently and effectually forge the administrative process reviewed.

Literature sources denote a data-collection instrument used to get information about the printed sources, scholarly opinions, and other records explicitly relevant to the case under study. This researcher will collect data from the DPR's library, including the libraries of LIPI, CSIS, and LPI. These institutions are used to document most politically controversial issues, as well as the legal process of the 2017 Election Act. This researcher listed the literature sources, and made copies of some crucial parts of them to get a richer understanding of the phenomenon investigated. The ultimate purpose was to comprehend in its entirety the problematic issue of the policy process under examination.

### **Data Analysis Plan**

The analysis is about data selection, interpretation, and abstraction (Creswell, 2014). By emphasizing the descriptive and interpretive aspects of the qualitative inquiry, this author, as mentioned earlier, applied the case study approach in this investigation. A case study approach is a proper analytical strategy to understand how the legislative drafting process occurred. The participants selected are the principal sources in the entire process of this investigation (Rubin & Rubin, 2012).

The typical analysis method applied would be a thematic analysis that could be a combination of theory-driven and data-driven analyses (Javadi & Zarea, 2016). For data-driven analysis, this study depends much on primary data derived from the individual interviews of selected participants. The secondary data would also be useful to strengthen the interpretive analysis mostly based on the official documents,



media reports, and other possible sources. Data collected was thematized. To this purpose, this author applied a qualitative data analysis (QDA) software program. Nud\*ist Vivo (NVIVO) has been a software program commonly used to summarize data and unify it in an easy-to-understand analysis flow (Janjua, 2013; LaPelle, 2004). Qualitative data analysis should flow in three lines: data reduction, presentation, and conclusion (Miles, Huberman, & Saldaña, 1992). This process continued throughout the study, even before the data was indeed collected, as seen from the conceptual framework of the investigation, study problems, and approaches to managing data chosen by the researcher. NVivo is an attractive and widely used QDA software. This software has a large capacity for data search, compilation, and preparation of constructing a new theory.

As Rubin and Rubin (2012) argued, the critical elements of data analysis include (a) transcribing and summarizing interview data, (b) coding, (c) sorting data into single files, (d) integrating the descriptions from interviewees, (e) generating theory to explain the presented data, and (f) generalizing the analysis result. The analyzing process must be dynamic, but the general construction would rest on the above alignment. In some cases, when data information seems to be complex, a researcher needs to utilize an appropriate coding method to ease the process (Patton, 2015).

Transcribing and summarizing interview data would be the initial step of the final analysis plan (Creswell 1998; Rubin & Rubin, 2012). Hand-coding might be hard to do when the data information collected is enormous and complex. As such, NVIVO will provide the researcher a convenient and useful tool with which to perform the analysis. The next step of data analysis will be to sort data into a single file. Simplifying the data might help this researcher before starting to analyze them

while comparing with the applied theoretical frameworks. The fourth step will be to integrate the descriptions from interviewees including data from other sources like focus groups, field notes, or secondary sources. Furthermore, this author generates a theory to explain the presented data and generalize the analysis results. Since the purpose of a qualitative inquiry is to generate theory, this step ought to be an essential part of the analysis (Creswell, 1998; Patton, 2015).

### **Issues of Trustworthiness**

Qualitative interviews should be rich and detailed (Patton, 2015; Rubin & Rubin, 2012). These characteristics influence the trustworthiness of a qualitative study (Anney, 2014; Shenton, 2004). Andrew Shenton (2004) argued trustworthiness is determined by credibility, transferability, conformability, and dependability (see also Anney, 2014). The components Shenton revealed constitute the issue of integrity in conducting a qualitative investigation.

#### **Credibility**

Credibility is about the degree of truth. In a concise illustration, Korstjens and Moser (2018) argued that “credibility is concerned with the aspect of truth-value” (p. 121). To ensure the degree of truth value, the qualitative researchers ought to pay attention to prolonged engagement, persistent observation, member checking, and triangulation—if the researchers need to increase their confidence in the research findings (Korstjens & Moser, 2018). To develop credibility, this researcher communicates with the participants through prolonged contact and systematically attends to the whole process of knowledge construction at each stage of this research to ensure and acknowledge the potential for biases. Reflexivity is a fundamental aspect of an investigating process to establish a degree of credibility. Moreover, this

researcher would invite voluntary peers, as well to review the analysis results to find opportunities for mistakes, jumping conclusions, or other biases in concluding.

Triangulating the collected data poses a crucial part of this study to ensure this researcher's confidence in data collection and analysis results.

### **Transferability**

Transferability is a synonym of generalizability in a quantitative research tradition. About the principle of transferability, Anney (2014) stated, “Transferability is the degree to which the results of qualitative research can be transferred to other contexts with other respondents” (p. 277). This researcher develops a variation of participant selection to invite various perspectives toward the phenomenon under study. Having richer information and multiple sources of data helps this researcher develop a thick description, which would eventually make this study possibly transferable to different contexts.

### **Confirmability**

The third component of the trustworthiness principle in a qualitative inquiry is confirmability. The value is related to whether other researchers could corroborate or confirm the findings in other contexts (Baxter & Eyles, 1997). The degree of confirmability constitutes the degree of acceptability among qualitative readers. As discussed above, a qualitative research study would be confirmable if the researcher establishes a value of credibility. This researcher must systematically attend to the entire process of knowledge construction in this research study to anticipate any potential of biases. This strategy is arguably sufficient to establish both the credibility and confirmability of this qualitative case-study investigation.

## **Dependability**

Scholars consider a qualitative investigation trustworthy if the results found remain stable over time. A qualitative study is dependable if the substance of findings do not change over time (Anney, 2014; Bitsch, 2005). The degree of dependability is another fundamental component of a trustworthy qualitative study. In this research study, this author will develop an audit trail to make sure the findings constructed are genuinely parallel to the participants' narratives. The translated interview transcripts will be shared with the participants to let them examine if the data align with their narratives. This researcher also invites peers to review the data to confirm whether the study findings genuinely reflect the data collected.

## **Ethical Procedures and Issues**

To prevent the potential for unethical consequences, this researcher follows all the code of ethics stated in the Walden's IRB documents and conducts the research study after obtaining the IRB approval number: 09-05-19-0577255. Furthermore, this research study should comply with the Walden ethical standards, including the U.S. federal regulations. As this study involves human participants, this researcher finds that this investigation has no intention and potential to harm humans in any senses. Because data collection instruments in this study include individual interviewing, documents, and literature sources, this researcher needs to explain the ethical procedures during the data collection process.

First, due to collecting interview data, this researcher provides an official invitation (Appendix B), and each participant must sign the informed consent form as an essential requirement for engaging in the interview (Appendix C). This researcher also guarantees the protection and confidentiality of the research process, the

participant's identity, and the interview results. This study never occurred without the conscious and voluntary consent of the participants. Informed consent form contains information about participants' willingness to participate if only they are convinced that the researcher protects the confidentiality participants and that the overall investigative activity would not harm the participants (O'Sullivan et al., 2017). Regarding the ethical issues, this researcher also developed an ethical release form. About this ethical form, Rudestam and Newton (2015) stated, "The ethical release forms are crucial because they are about the potential hazards of participating in the study, limits to confidentiality, and the use of the data and they make it clear that participation is voluntary" (p . 116).

All the secondary documents would be open documents transparently collected. When collecting secondary data, this researcher ought to submit an official letter to the DPR to obtain official records in the form of memos, minutes, and transcripts of the entire discussion process during the legislative drafting process of the 2017 Election Act. The DPR fortunately provided the documents to this researcher along with other relevant materials required.

To obtain more literature sources, this researcher visited the DPR online library and directly got the official documents from parliamentary participants. This researcher also visited LIPI and CSIS offices in Jakarta to get the library service. To reproduce the literature needed, this researcher required approval from the library management and payment for photocopying services available in the library. The entire process of data collection followed the understanding of qualitative data collection argued by Creswell (2014). Creswell (2014) unambiguously stated, "During the process of research, the investigator may collect qualitative documents [...]. These may be public documents [e.g. newspapers, minutes of meetings, official

reports) or private documents [e.g. personal journals and diaries, letters, e-mails]” (p. 190).

### **Summary**

This researcher has designed the study to answer the central research question of how the ruling individuals, allegedly using cartel work patterns, overpower the legislative process. The following sub-questions would also guide this investigation:

1. Why did the process of ratifying the Election Bill in 2017, which was previously thought to be complicated and cumbersome, based on the disputes that occurred during the legislative process, eventually become efficient?
2. As it was the government-proposed bill, how did the lobbies among the Special Committee and the government take place during the legislative drafting process?
3. Why did the protests from the extra-parliamentary groups (small parties, independent observers, NGO activists) not inherently and effectually shape the legislative drafting process?

The focus of the central phenomenon highlighted in this project is the six core elements of the legislative drafting process, which include the formal actors involved in the legal process, the challenges and obstacles that affect the drafting process, and the discussions among members of the Committee. The other elements encompass the communication between MPs and party stakeholders at the central offices, the political lobbies between the Special Committee and the government during the policy process, and the public protests represented by small parties and non-

governmental organizations which directly opposed the provisions of the presidential threshold of Article 222 under the Election Act of 2017.

As a qualitative case study, this investigation requires 15 participants selected from various backgrounds. All the participants ought to be those directly connected with the phenomenon under study. Focusing on a single case or elements of the case is the strength of a qualitative case-study method (Creswell, 2004). The rationale of using a case-study approach is in line with the argument developed by O'Sullivan et al. (2017). They considered a case study approach as an appropriate strategy "for investigators who want to learn the details about how something happened and why it may have happened" (p. 44). This study aims to investigate how the legislative drafting process of the 2017 Election Act occurred and why it might happen.

The participant selection in this study entails several criteria. The parliamentarian participants should be those who were serving as MPs at the time the policy process occurred and directly participated as members of the Special Committee. The party stakeholders selected ought to be those who were actively managing the party at the time the phenomenon under study happened. This researcher also selected the government official participants based on their direct involvement in developing the initial draft of the bill under study. They ought to be the officials from the Ministry of Home Affairs as the initiator of the bill examined. The primary criteria for journalist participants would be their direct involvement in the phenomenon investigated and the media institutions for which they work. The selected journalist participants were those who have been for years working for TEMPO, KOMPAS, and DETIK as the leading media selected for data collection method in this study. Observer participants must be those who intensively observed

the Indonesian political phenomena for at least the last five years (2014-2019). The NGO-activist participants selected were those who were exclusively involved in and officially represented the civil society groups involved in the legislative process and organized the protests against the legislation of the 2017 Election Act before the beginning of this study.

Data collection instruments applied in this study include the individual interview protocols, official documents, and literature sources. Besides the issue of trustworthiness (credibility, transferability, confirmability, and dependability), the ethical procedures and issues, based on the IRB documents, are also fundamental concerns in this research study. The complete description of the evidence of trustworthiness will be an inherent part of Chapter 4 in this study report. Chapter 4 will contain a detailed description of completion of the study, the participant demographics, data collection, data analysis, evidence of trustworthiness, and the complete results of this study.



## Chapter 4: Results

### Introduction

The purpose of this qualitative case-study investigation was to explore how the oligarchs, reputedly applying cartel work-patterns, overpowered the political practices in post-Suharto Indonesia. In this qualitative case-study research, this author investigated how MPs developed, discussed, and voted on the bill regarding the policy drafting process of the 2017 EA. This investigation also focused on how the party elites forged the individual choices of MPs during the legislative process and how the oligarchs, using cartelized patterns, intervened the legislation either directly or indirectly. As located under the constructivist research paradigm, this qualitative case-study inquiry employed the oligarchic and the cartelization approaches (Katz & Mair, 1995, 2009; Winters, 2011a).

The important goal of this research study aimed to answer the central question of how the ruling individuals, allegedly using cartel work patterns, overpowered the legislative process. This qualitative case-study inquiry also provided answers to the following sub-questions:

1. Why did the process of ratifying the Election Bill in 2017, which was previously thought to be complicated and cumbersome, based on the disputes that occurred during the legislative process, eventually become efficient?
2. As it was the government-proposed bill, how did the lobbies among the Special Committee and the government take place during the legislative drafting process?

3. Why did the protests from the extra-parliamentary groups (small parties, independent observers, NGO activists) not inherently and effectually shape the legislative drafting process?

Chapter 4 covers many core sections. The first section is an introduction, which contains a brief review of the study purpose and research questions, including a preview of this chapter organization. In the second section, this author explains the settings of this study, namely any personal or organizational conditions influenced by participants or their experience at the time of research that might affect the interpretation of the study results. The participant demographics and characteristics relevant to the study are the content of the third section of this study.

In the next section, this author explains in full the implementation of data collection method in this study. Included in this section are the number of data collected and how such data were recorded. This part also consists of the location, frequency, and duration of the data collection. In the fifth section on data analysis, there is a reporting process used to move inductively from coded units to more extensive representations, including categories and themes. Included in this part are the details of the specific codes, categories, and themes that emerged from the data analysis process using quotations based on the NVIVO software program. This section also covers an illustration of the quality of discrepant cases and how they factored into the analysis.

In the sixth section, there is an explanation of the evidence of trustworthiness that provides rationale for why the study results deserve to be considered credible, transferable, dependable, and confirmable. The most essential results of this qualitative case-study inquiry exist in the sections of Chapter 4 that include the

answers to the central research question and the subquestions developed in this inquiry. Chapter 4 closes with a section on summary, which restates the answers to research questions and transitions to Chapter 5.

### **Setting**

This researcher describes the setting of this study in this section in two ways. The first is related to the currently structural condition of Indonesia's representative democracy—to light up the locus wherein this research study takes place. In the second sense, the setting refers to the particular circumstance of the data collection, particularly concerning the situation of the participants and the particular interactions between this researcher and the participants during the interviewing process.

At least since 1998, the feature of Indonesia's democracy, both in the procedural and substantive senses, has been accentuating some progress as confirmed by McWilliams (2018) or, to some extent, indicated by the Freedom House's (2019) annual report about the freedom in the world. Notwithstanding such outgrowth, some scholars particularly reveal typical problems such as the course of political corruption in public offices both at the local and national levels and the proliferation of vote buying in elections (Aspinall & Mietzner, 2010). The institutions of party politics, the DPR, and the bureaucracies remain the most corrupt democratic institutions following the report of Transparency International Indonesia (TII) in 2017 (Kompas.com, 2017). Among 180 countries surveyed in 2018, Indonesia remained in the list of the countries with the worst Corruption Perception Index (CPI; TII, 2018). Aspinall and Mietzner (2009) argued that a political corruption among MPs remains the challenging issue in democratizing contemporary Indonesia.

Besides the corrupt culture, the criticism against party institutions after 1998 is related to the use of state funding which has brought no significant changes to the organizational performance of party institutions (Omar & Hamdi, 2013; Robison & Hadiz, 2017; Slater, 2004; Winters, 2013). There appears an obvious tendency that the parties become the brokers pursuing privileges in a collusive democracy (Slater, 2004, 2018). The institutions of party politics increasingly keep distant from the civil society and, at the same time, collusively penetrate the state in order to gain privileges and access to strategic resources, which, to a scholarly extent, stimulated Ufen (2006, 2018) to conceptualize such predisposition as a “party presidentialization.” Omar and Hamdi (2013) reiterated the Bali Bank scandal in 2004, as a 2008 Century Bank scandal, to highlight how political parties under the Administration of President Yudhoyono (2004-2014) “legally” and collectively “robbed” the state.

It is in this niche, this author confirmed Slater’s (2018) conclusion that the parliamentary parties in contemporary Indonesia fail to build opposition since the cartelization allows parties to benefit from the post-Suharto presidential system. Party in the central office and party in public offices become the exclusive members of party organizations whose linkage with the party members on the ground becomes blurred. Political parties are vulnerable to criticism, as they build walls separating the party elites from their followers or supporters on the ground (Slater, 2004; Bunte & Ufen, 2009). Parties are absent from their fundamental roles as the agents of political changes in terms of the articulation and aggregation of public interests to transform into particular policies within the political system as the very foundational functions of party institutions (Diamod, 2008; Duverger, 1972). Such a situation exclusively shapes the nature of party organizations and affects the character of the linkage

between the state and civil society in post-Suharto Indonesia (Omar & Hamdi, 2013; Slater, 2004; Ufen, 2006).

The predicaments of party institutions previously discussed, according to this author, have exclusively shaped the context of this qualitative case-study dissertation project. This study took place when the public questions the ethical commitment of party organizations, including MPs, to serve the public interest concerning the research findings that reveal DPR, political parties, and bureaucracies as the most corrupt institutions in contemporary Indonesia (TII, 2017). This qualitative case-study inquiry took place as well when party stakeholders and MPs were strenuous with campaigning activities facing the national elections on April 17, 2019, to elect a new president and the members of DPR, including members of DPD, both at the local and national levels.

Such a contextual setting affects this investigation in two ways. The first way is that the grouping of oligarchs seems to be relatively apparent during the campaign seasons. This circumstance has helped this researcher obtain additional information about the relations between the oligarchs and the political parties that, to some fundamental extent, would provide a richer understanding of the party management discussed in this study. Secondly, this campaign season has directly influenced the activities of participants from political backgrounds. Many participants decided to change their schedule of interviews, and some had to be approached two or three times due to lack of time to speak more in a one-time conversation. As such, some participants changed from face-to-face interviews to the phone interviews.

For participants from non-political backgrounds, there was no significant changes in interview settings. The journalist participants selected were still in their profession as journalists when this research study took place, so that this researcher

found no severe obstacles in conducting interviews with them. The observer-participant selected was busy with his new position as an assistant professor at the university, but the participant was available to be interviewed as scheduled. The activist participant selected was staying overseas when the interview was to start. This participant could not join the meeting but recommended another activist with the same organizational background to join the conversation. This researcher approached that recommended activist without changing the participant's inclusion criteria designed for this research study.

A party-stakeholder participant representing the non-parliamentary parties has a unique story. This participant admitted that his party, like other small parties, was working hard to reach the 4% electoral threshold stipulated under the EA of 2017. The limit implies that parties must gain at least 4% of the national votes both to get seats in parliament and take part in the next 5-year elections. In addition to these challenges, the votes they can obtain in the 2019 elections would determine their bargaining position before the new government concerning the post-electoral management of party coalitions. Interview with this participant was a strategic opportunity for this qualitative project because the participant represented those who directly took the disadvantages of the 2017 EA. At least they lose their chance to promote presidential candidates. Interestingly, the opinion of this non-parliamentary party stakeholder was in line with the views of independent observer and NGO activist, interviewed in this study, in the knowledge that the 2017 EA had contained the voters' right to have more candidates in presidential elections, including the right of non-parliamentary parties to promote presidential candidates in elections.

## Demographics

This study included 15 participants. There were seven participants from political backgrounds, namely three MPs, three stakeholders of the parliamentary parties, and one stakeholder from the non-parliamentary party. The participant representing the non-parliamentary parties gathered with the observer and NGO-activist participants to be an individual cluster representing the public participation course during the legislative drafting process of the 2017 EA, which was the case study chosen for this dissertation project. Other participants included three government officials from the Ministry of Home Affairs those who were responsible for formulating the initial draft of the bill, including the journalists selected from TEMPO, KOMPAS, and DETIK—the media institutions selected for the data collection instruments in this study.

The parliamentarian participants selected were the party cadres elected as MPs in the 2014 election to occupy parliamentary seats for 5-year-in-office period (2014-2019). These participants actively carried out important assignments in the Special Committee—a DPR's temporary committee responsible for the legislation of the 2017 EA. The stakeholders of parliamentary parties interviewed were those who occupy high-rank positions in the institutions of party politics at time the phenomenon under study occurred. The participant selection involved considering the representation ratio between the ruling coalition and the opposition, both for the MPs and the party stakeholders.

When conducted, two of those party stakeholders interviewed in this study were serving as a governor and a cabinet member under the Jokowi Administration. The governor participant is a former client of this researcher during the regional

elections in 2015—a few months before this researcher’s promotion to a new position as a commissioner of the State News Agency (ANTARA) in January 2016. The participant who was serving as a cabinet member is a friend of this researcher, as well as most of the participants who joined along with this research study. The participant representing the non-parliamentary parties worked together with this author in the past as assistant lecturers at the University of Indonesia (2005-2009). The personal relationship with the participants interviewed has helped this researcher get more required abundant data, though not all of them are published in this study.

Journalist participants selected in this study were those who had been working as journalists for more than 10 years when this study was conducted so that this researcher could confirm that they were competent participants to be involved in the interviewing process. The observer-participant selected is an academic who had been examining the political phenomena for more than 10 years when this study was conducted and who was politically affiliated with no parties or power groups. The NGO-activist participant is the one who organized protests and demonstrations during the drafting process of the 2017 EA. Though this study does not consider the age factor, this researcher needs to confirm that the selected activist might be under 40 years old and standing in a neutral political position because of not having a political affiliation with any power organizations.

### **Data Collection**

Data collection is a central part of research process before the researchers conduct an analysis in alignment with the theoretical framework and the research design applied (Creswell, 2014; Creswell & Poth, 2018). This researcher started collecting data officially after getting the approval from the IRB with the approval



number 09-05-19-0577255. When collecting data, this researcher used three data collection instruments as described in Chapter 3 of this study, which encompassed the semi-structured interview protocols, documents, and literature sources.

This researcher scheduled interviews with the participants through SMS/Whatsapp texting or phone calls. All the participants were interviewed in Jakarta and the process was recorded using tape-recorder device. One of the parliamentary participants asked to be interviewed in his office in DPR, while the two others, those who represented the opposition parties, were interviewed at the restaurant outside the office. In a separate place, both of them attended interviews, which were recorded with proper audio devices and video cameras. One participant had limited time to respond to all interview questions in one go, so there were more conversations with this participant at different times and locations. In addition to recording data, making field notes was also part of the data collecting methods.

This researcher interviewed three stakeholders from the parliamentary parties and one participant representing the non-parliamentary parties to complete the participant requirement for an extra-parliamentary participant cluster. Aside from the party stakeholders at the central offices, these participants run other professions. This situation shapes the conversation model and process. When interviewing the participant who is now serving as a governor, this researcher recorded and made field notes because the data collection mostly applied natural conversation methods. I had a schedule to interview this participant as he used to visit Jakarta two days in a week concerning his duties as a party senior stakeholder. Using the interview protocol, conversations with this participant took place two times. With a somewhat similar approach, this researcher made a conversation with another party leader who is also serving as a cabinet member under Jokowi Administration (2014-2019). Interview

with this participant only lasted once because this researcher assessed that the data collected were sufficient to meet data saturation. Approaching two other party stakeholders, this researcher held face-to-face interviews using recorder devices. The interview situation after elections was unique because the party stakeholder participant representing the non-parliamentary parties spoke bolder and more openly about the hegemony of dominant parties, which he accused of being the root of evils for his party for not passing the 4%-parliamentary threshold in the current elections on April 17, 2019.

Interviews with journalists, observers, and activists are based on the semi-structured interview-protocols designed. Each conversation with participants took place separately. Most of the participants determined the interview schedule confirmed through cellular devices using SMS or *Whatsapp* services. For these potential participants, the discussion only took place once for each of them because they provided sufficient time to answer the interview questions. The second data collection instrument employed in this research study was an official document. This researcher wrote an official letter to DPR to get the official reports on the legislative drafting process of the 2017 EA. The DPR authority represented by the Secretariat General and Expertise Bureau of the House of Representatives of the Republic of Indonesia sent this researcher an official permission to access the DPR's online library. Also, the Chair of the DPR's Special Committee voluntarily gave the hardcopies of the official documents required as a favor to support this research study. When encountering this researcher, the Committee chairman, Lukman Edy, admitted that all sorts of investigations about the legislative process would provide helpful information for the public. The official documents obtained included the official transcripts of the entire discussions of the SC members, including the government

officials from the Ministry of Home Affairs representing the government in the administrative drafting process of the case study investigated. In addition, this researcher obtained documents about the views of the parliamentary fractions during the discussion of the bill studied. All papers were valid because there appeared signatures and official stamps of the DPR in each document gathered.

The third data collection instrument used in this research study was literature sources. This researcher visited the LIPI's library as well as the CSIS and LPI libraries in Jakarta openly available to the external visitors. There was no hassle to use library services because each visitor with an identity document was allowed the service, including requesting the librarians to copy some sources. The librarians were friendly and helpful to make the copies of the sources needed for this study. The data from the LPI Library was quite helpful because the institution had been clipping the news and regularly discussed political issues, including the issue of legislations, since its foundation in 2008. Fortunately, this researcher is the founder and currently remains the managing director of this research institute.

After collecting all the relevant literature sources, this researcher made some data folders to group the data gathered based on the theory-driven themes derived from the theoretical frameworks and linked such data folders to the research questions of this study. Classifying the literature data helped this researcher map the research questions to manual categories, codes, and themes. The next step was analyzing the data analyzing. This author analyzed interview transcriptions and field notes using the NVIVO software program.

### **Thematic Data Analysis**

In Chapter 3 of this study, this author described the preliminary data coding analysis. Data analysis in this study refers to data selection, interpretation, and abstraction (Creswell, 2014). The model of analysis applied was a thematic analysis, which is a combination of a theory-driven analysis and a data-driven analysis (Ainscough, Smith, Greenwell, & Hoare, 2018; Javadi & Zarea, 2016). Javadi and Zarea (2016) wrote, “Thematic analysis is an approach for extraction of meanings and concepts from data and includes pinpointing, examining, and recording patterns or themes” (p. 34). Javadi and Zarea meant data can be in any form, including interview transcriptions, field notes, official documents, pictures, and videos. They also underlined that the purpose of thematic analysis is to detect, analyze, and report the themes in data. Braun and Clarke illustrated phases of thematic analysis: “(a) familiarizing with the data, (b) generating initial codes, (c) searching for themes, (d) reviewing themes, (e) defining and naming themes, and (f) producing a report” (as cited in Javadi & Zarea, 2016, pp. 36-38).

Two steps applied in data analysis process in this study consisted of the manual coding and NVIVO-based coding. At the first step, this researcher made a manual coding based on oligarchic theory and cartelization theory as the theoretical frameworks used in this study. The codes derived from theoretical frameworks move deductively into categories and themes. This manual coding method aimed to find patterns or correlations between the theoretical framework, research questions, and codes considered essential in this study’s analysis plan. A manual coding method, following Saldana (2016), is an effective way for qualitative data such as well-structured transcripts, non-complex field notes, and other physical data sources.

Figure 3 in this study shows the relationship between research questions and coding categories, codes, and themes.

For interview transcriptions and field notes, this researcher employs Nud\*Ist Vivo (NVIVO) qualitative data analysis (QDA). NVIVO is a computer-based software program used to help researchers manage complex and vast research data. Of the significance of this QDA program, Naseer Janjua (2013) noted,

NVIVO was developed by researchers and continues to be developed with extensive researcher feedback to support researchers in the varied ways they work with data [...]. The computer's capacity for recording, sorting, matching, and linking can be harnessed by researchers to assist in answering their research questions from the data without losing access to the source data or contexts from which the data have come. (p. 2)

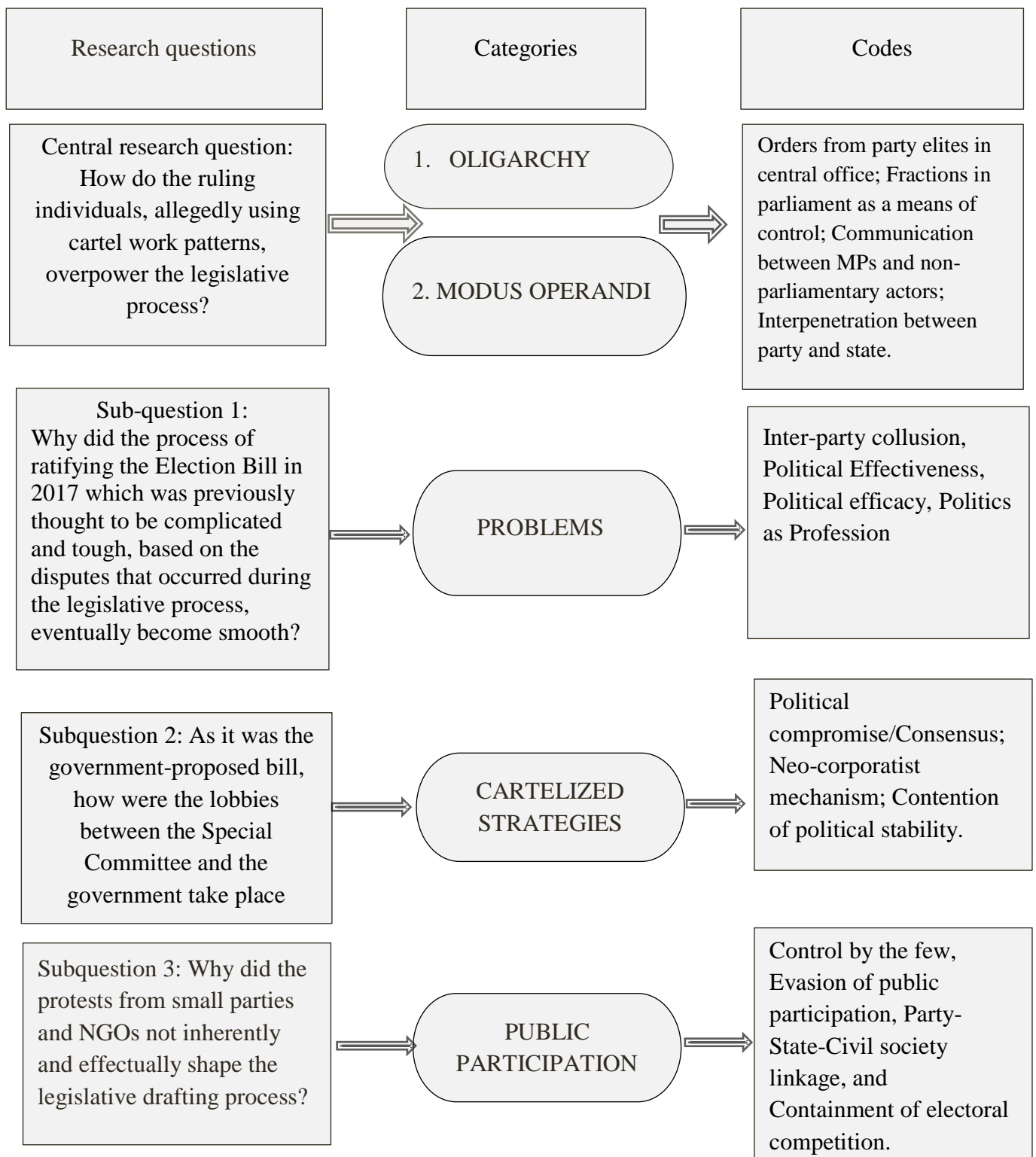


Figure 4. Mapping of research questions to coding categories, codes, and themes.

In this data-driven analysis, this author was open and flexible to the emergence of new codes derived from the primary data. The entire process of data analysis followed the key elements argued by Rubin and Rubin (2012), which include transcribing and summarizing interview data, coding process, and sorting data into single files. The next steps were integrating the descriptions from interviewees, generating theory to explain the presented data, and generalizing the analysis result (Rubin & Rubin, 2012). The nature of the analyzing process ought to be dynamic, but the general construction should be based on Rubin and Rubin's alignment. In some particular cases, following Rubin and Rubin, when data seemed to be complex, the researchers needed to utilize an appropriate coding method, like the NVIVO program applied in this study, to ease the process (Patton, 2015).

NVIVO is a software program widely used to summarize and unify data in an easy-to-understand analysis flow (Janjua, 2013). NVIVO data analysis would flow in three lines: data reduction, presentation, and conclusion (Miles, Huberman, & Sadana, 1992). Such process continues throughout the research, even before the data is indeed collected, as seen from the theoretical frameworks of a research study, the research problems, and approaches to data collection methods. The acceptance of this software program has been quite high regarding data search, compilation, and preparation of constructing a new theory, as the ultimate purpose of a qualitative inquiry (Wheeldon & Faubert, 2009). Figures 5, 6, and 7 in this section display the emerging codes derived from the QDA process of data analyzed in alignment with the theoretical frameworks applied.

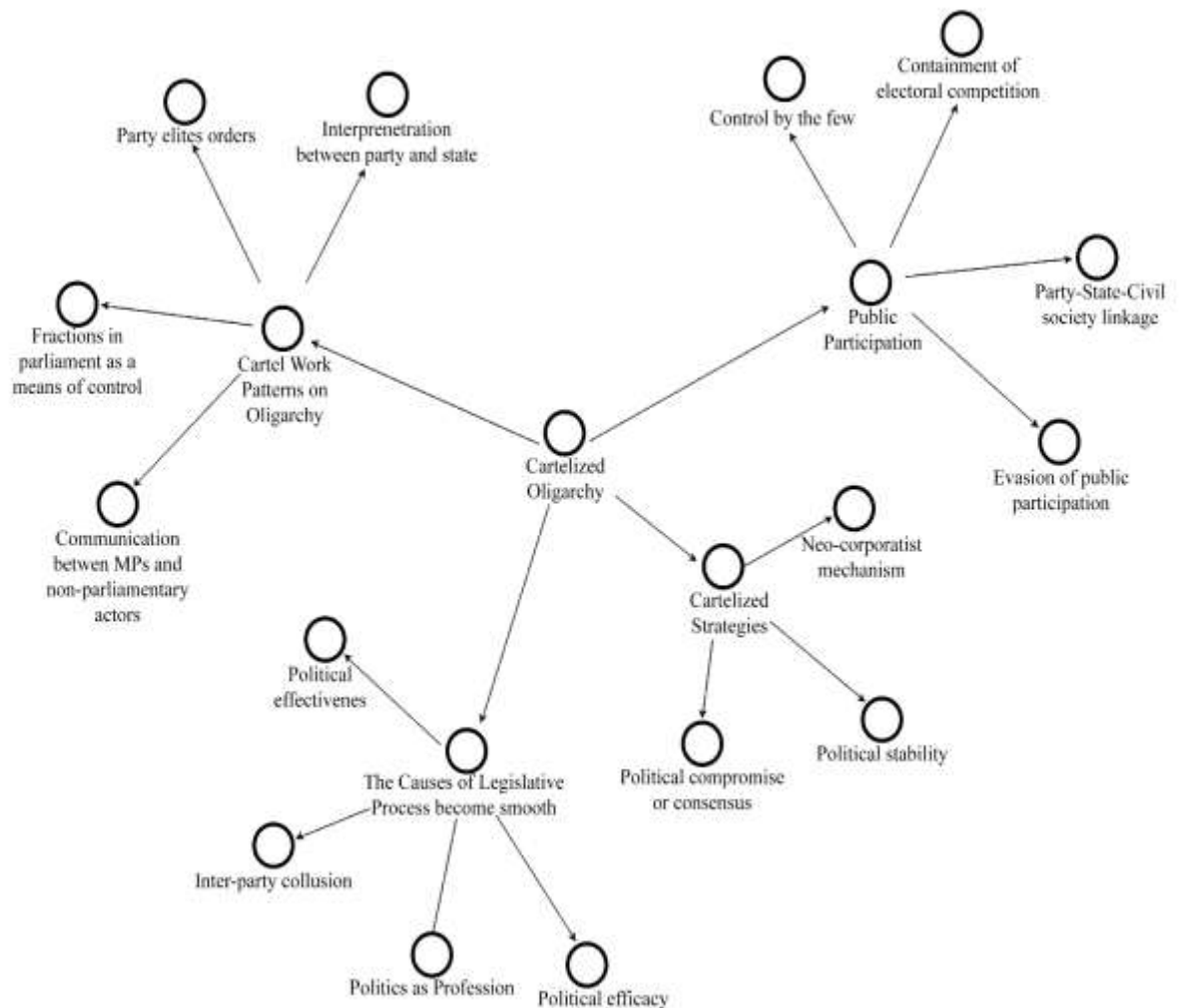


Figure 5. Coding tree of general data analysis.

Transcribing and summarizing interview data are the initial steps of the final data analysis (Creswell 1998; Rubin & Rubin, 2012). This author summarized the interview transcripts before sorting the data into a single file. Simplifying the data prior to analysis, while comparing with the applied theoretical frameworks, is a helpful strategy for the analysis process. The next step is to integrate the transcripts and the additional descriptions of interviewees based on the field notes organized during the data collecting process. At the further level, this author generated theory to explain the presented data and generalized the analysis results. This part has been the

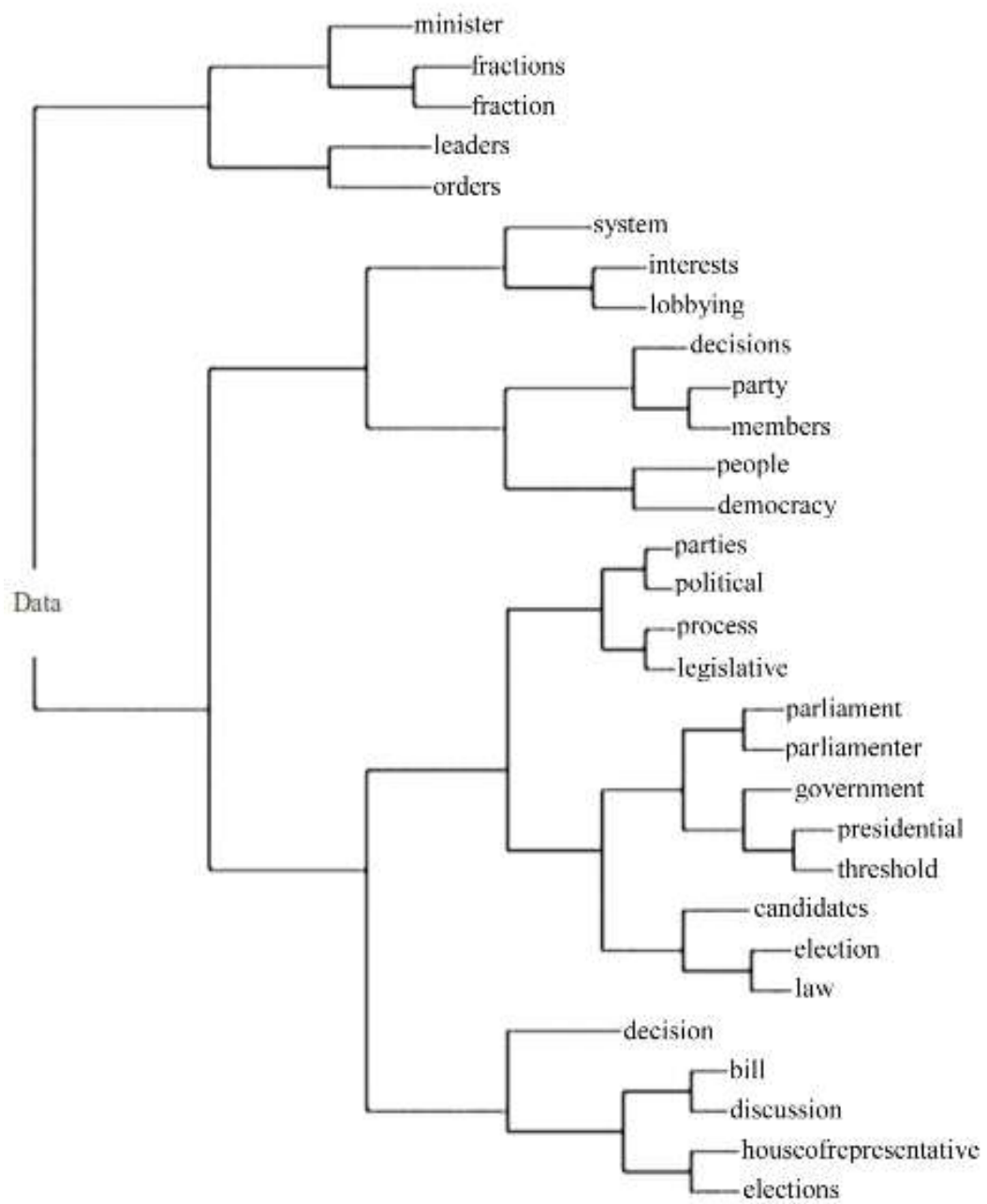


most fundamental part of a qualitative investigation because, as argued by Creswell (1998), the ultimate purpose of a qualitative inquiry is to generate theory (see also Patton, 2015).

Working with NVIVO encompassed four technical steps. The first step was data importing by making a single data-file and developing data-folders in *section Data > File* under the navigation pane. In the second step, this author made nodes to gather the findings based on theory-driven themes to find the code pattern emerged. In the next level of data analysis, the researcher started coding to categorize interview transcriptions and field notes. The coding process encompassed two steps: coding per research question and general coding of the entire data imported. In the fourth step, this researcher visualized the emerging codes into several models of coding presentations, which included (a) hierarchy, (b), chart, (c) world cloud, (d) tree map, (e) cluster analysis, and (f) word tree.

The *hierarchy* presented details of the number of informants who delivered statements related to the theme in each research question. The *chart* described the details of the number of statements given by each participant on each theme. In this section, the participants who provided no relevant statement did not appear on the chart. *Word cloud* demonstrated words that often appear in each research questions by packaging font size (the size of the words shows the frequency that is increasingly appearing). *Tree map* functions similar to the word cloud except that the data were packaged in the form of a box (the boxes on the far left and top show frequencies that are increasingly frequent). *Cluster analysis* displayed similar comparisons of words contained in each research question. Next, the *word tree* showed the tree of relationships between codes frequently appear and the other codes. Codes that often





*Figure 7. Data Structure*

## **Evidence of Trustworthiness**

This section describes the implementation and adjustments of the trustworthiness issues. In Chapter 3 of this study there was an affirmation that a qualitative investigation must be rich, detailed, and trustworthy (Anney, 2014; Patton, 2015; Rubin & Rubin, 2012; Shenton, 2004). All qualitative researchers typically believe that trustworthiness is a fundamental issue concerning the credibility, transferability, confirmability, and dependability (Anney, 2014; Shenton, 2004). This researcher focused on the question of trustworthiness during data collection and analysis in this qualitative case-study inquiry.

### **Credibility**

The issue of credibility is about the level of truth. In a brief illustration, Irene Korstjens and Albine Moser (2018) argued that “credibility is related to aspects of the value of truth” (p. 121). To ensure truth value levels, following Korstjens and Moser (2018), qualitative researchers must pay attention to prolonged involvement, persistent observation, member examination, and triangulation—if researchers need to increase their trust in research findings (see also Anney, 2014; Patton, 2015; Rubin & Rubin, 2012; Shenton, 2004). To develop credibility, this researcher has communicated with the participants in this study through prolonged contact and systematically attended in the whole process of knowledge construction at each stage of this research to ensure and acknowledge the potential for bias. Reflexivity is a fundamental aspect of an investigating process to establish a degree of credibility (Creswell, 1998). This researcher invited voluntary peers as well to review the analysis results to find mistakes, jumping to conclusions, or other biases in conclusions. In addition, this author shared the findings of this study with Professor

Jeffrey Winters, whose theory of oligarchy has been the theoretical frameworks in this research study, to get critical feedback regarding the potential biases or jumping to conclusions. Moreover, to ensure this researcher's confidence in data collection and analysis results, triangulation was a crucial strategy implemented.

### **Transferability**

In a qualitative research tradition, transferability juxtaposes with or is a synonym of a generalizability principle in a quantitative inquiry. About the law of transferability, Vicent Anney (2014) stated, "Transferability is the degree to which the results of qualitative research can be transferred to other contexts with other respondents" (p. 277). This researcher made a variation of participant selection to invite various perspectives toward the phenomenon under study. Participants aggregated into five clusters to represent the variation of views about the phenomenon under study. There were parliamentarian participants as actors who directly handed the policy process, and there were party stakeholders who correlated explicitly with MPs through their fractions in the DPR. These participants' views may not have been much different from the opinion of government officials involved in the phenomenon under study but were undoubtedly different from the views of journalists, independent observers, NGO activists, and non-parliamentary party stakeholders. Such various perspectives have enriched the perceptions of the phenomenon under investigation. Having more abundant information and multiple sources of data would help this researcher develop a full description, which would eventually make this study possibly transferable to different contexts (Anney, 2014; Creswell, 2014; Ravitch & Carl, 2016; Yin, 2005).

### **Confirmability**

The value of confirmability is whether the inquiry findings could be corroborated or confirmed by other researchers in other contexts (Anney, 2014; Baxter & Eyles, 1997; Ravitch & Carl, 2016). The researcher conducted an audit trail of interview transcriptions and translations. The translated data transcriptions were sent back to the interviewed participants to ensure that all narratives in the transcriptions truly came from the individual interviews. In addition, in the entire process of data collection and analysis, this researcher remarkably tried to be cautious and critical of his political position in the inner circle of the current government. This researcher realized as well that reflexivity is a fundamental issue to develop the trustworthiness of this study. As various scholars have stated, the degree of confirmability constitutes the extent of acceptability of a qualitative study (Yin, 2005; Creswell, 2014).

### **Dependability**

Qualitative investigations become reliable if the results found remain stable over time (Anney, 2014; Creswell, 1998). This exclusively means that qualitative studies can be reliable if the substance of the findings does not change over time (Anney, 2014; Bitsch, 2005). To guarantee the degree of dependability in this qualitative research method, this researcher developed an audit inquiry strategy at two levels. At the first level, this author developed an audit trail to ascertain whether the findings constructed were truly parallel to the participants' narratives during the individual interviews. Translated transcriptions of interviews were shared back with participants to let them check whether the data aligned with their stories. At the second level, this researcher invited two senior researchers, both from the University

of Indonesia (UI), where this researcher worked as an assistant lecturer for many years (2005-2010) and the Indonesian Survey Institute (LSI), one of the currently leading survey institutes nationwide. This author explicitly required these peers to conduct an inquiry audit on data collection methods and data analysis mechanisms applied in this qualitative case-study inquiry.

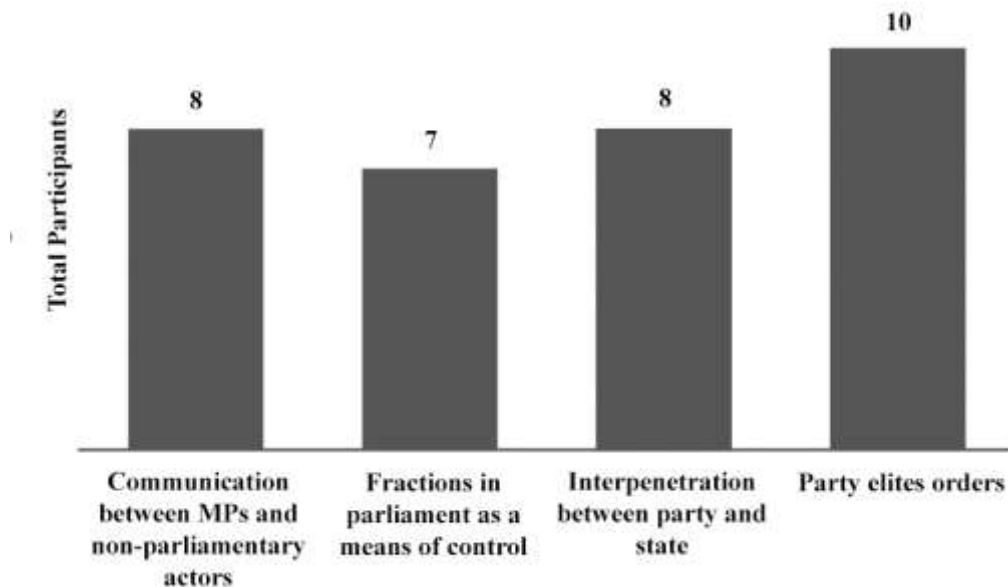
## **Results**

This section is the central part of Chapter 4 of this research study. This author presents in this part the findings of the primary research questions developed in this qualitative case-study investigation. The results of a qualitative data analysis using a computer-based NVIVO software program applied demonstrate the answers to the research questions based on the data collected. As seen, certain themes derived from the findings of this study seem to align across multiple research questions. Nonetheless, this researcher endeavored to explain the themes based on each research question regardless of the multiple alignment of themes.

### **Findings of the Central Research Question**

The central research question of this study is how the ruling individuals, allegedly using cartel work-patterns, overpowered the legislative process in post-Suharto Indonesia. The purpose of this fundamental question was to find out how the actors control the policy process at the parliamentary level reputedly applying cartelized strategies. This question became vital after this researcher traced the existing literature on political mastery in post-Suharto Indonesia. The current research had two themes: the oligarchic studies and the cartelization literature. This researcher discovered both themes, but it remains questionable whether both themes indeed work

to explain the legislative process of the 2017 election bill as the case study investigated in this qualitative inquiry.

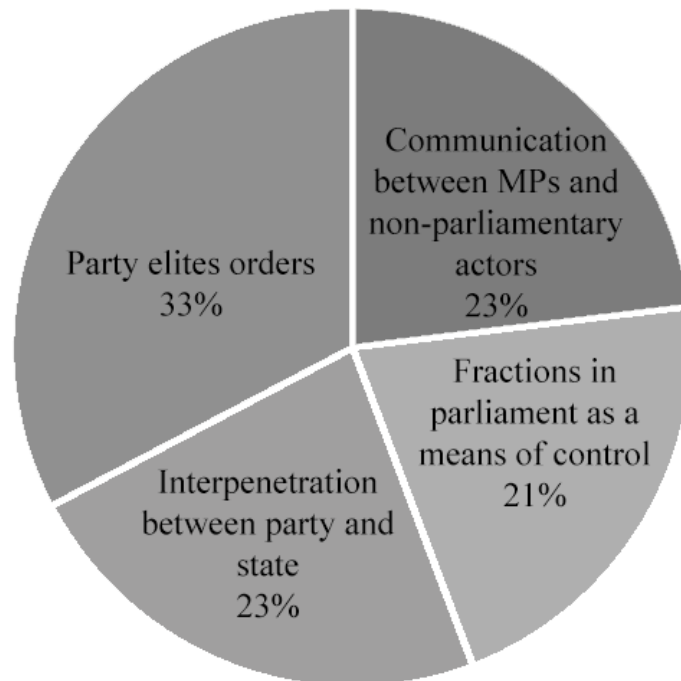


*Figure 8.* Bar chart of emerged themes of the central research question.

The transcriptions of interviews with participants, including the official documents and literature sources, show that the central research question has some answers as shown in Figures 7, 8, and 9. A few influential people who control the institutions of party politics have become the determining individuals in the phenomenon under study. The participants from political backgrounds confirmed that there have been inevitable orders from party elites that all MPs had to serve particular interests, designed by the elites in the parties' central offices. Based on the contention of oligarchy argued by Winters (2011a) as part of the theoretical frameworks in this study, this author concludes in this part the ruling individuals within political parties who overpowered the legislative process should be considered oligarchs in this investigation. Figure 8 demonstrates the percentage of the emerging codes that



indicate the cartel work patterns applied by the oligarchy under the phenomenon investigated in this research study.



*Figure 9.* Diagram pie of the codes derive from the data collected.

The interview data collected in this project have provided reasonable arguments to conclude that the fractions in parliament have been the instruments of a few ruling individuals in central offices to determine and direct the legislative process among MPs in the DPR. The SC forged temporarily to manage the lawmaking has been an instrument of the party institutions. In the representative democracy, the MPs principally serve their constituents, but the oligarchic elites have enforced them to put party interests as the top priority service. Table 4 exhibits the relationship between the central research question and the ruling individuals, including their modus operandi in overpowering the administrative process in DPR.

Table 4

*Central Research Question, Interview Questions, and Applicable Protocols*


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Central research question: How do the ruling individuals, allegedly using cartel work patterns, overpower the legislative process?

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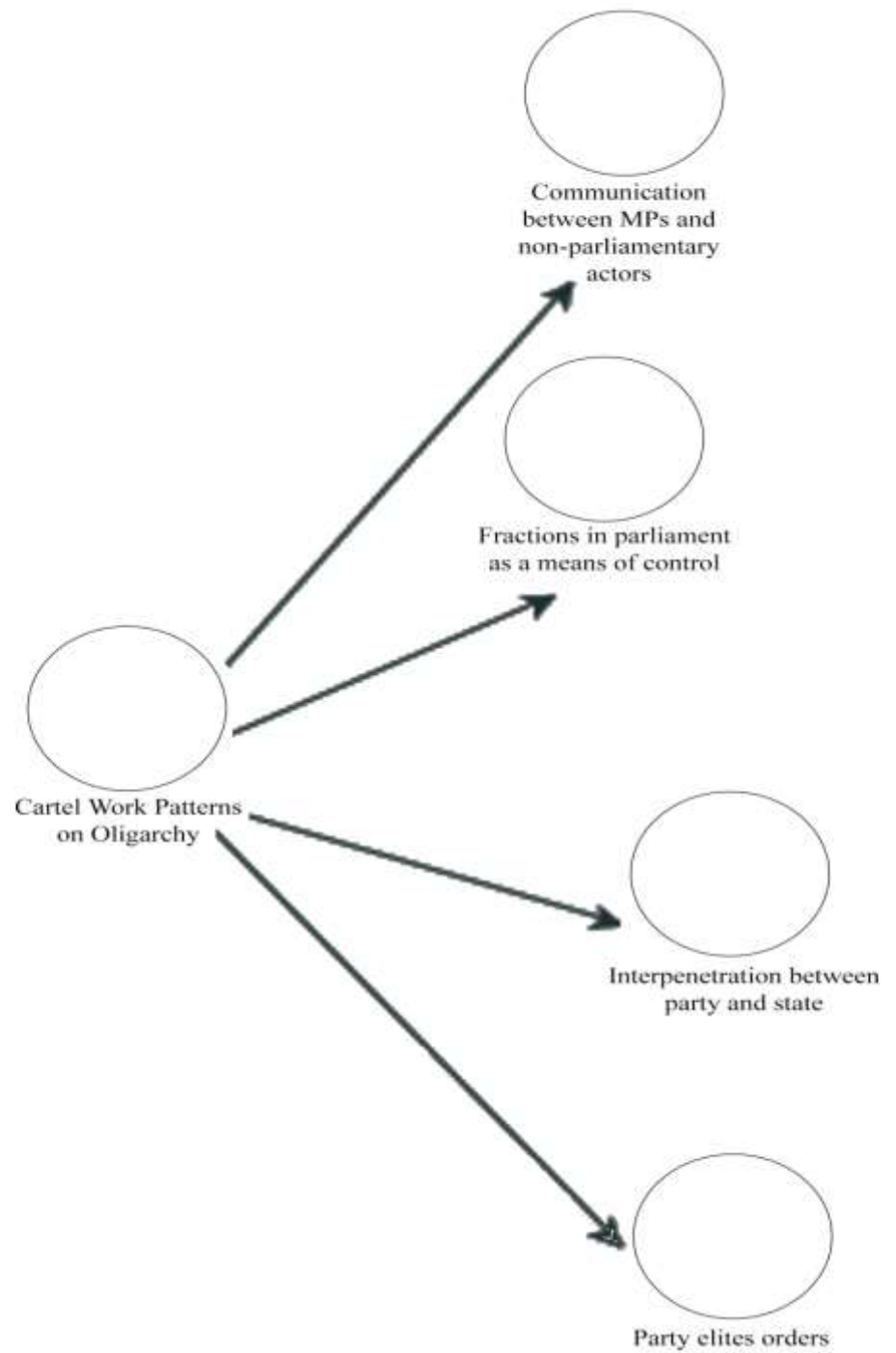
Protocols	Interview Questions
P1	Question 4: Would you please give some comments on how the party elites direct their members in the parliament during that legislating process?
P2	Question 2: As a party leader, what memories do you have in mind when talking about the making of the 2017 Election Act?
P2	Question 3: The policy process was somewhat complicated and involved lengthy lobbies. There was strong resistance from many party fractions in DPR. As party leader, what might you have done with your party fraction in DPR to respond such political process?
P2	Question 4: Would you please give some comments on how you and other stakeholders in your party directed party members in DPR during that legislative drafting process?
P2	Question 7: Regarding this legislative process, what orders did you or your party give to the party members in DPR?
P3	Question 4: When talking with MPs, during the legislative process, you might get more information about the role of party elites behind the lobbying process among MPs. Would you please give some comments that issue?
P4	Question 3: As known, when the bill was discussed among MPs, the process was somewhat complicated and involved lengthy lobbies. As a government's representative involved in that legislative process, you saw and experienced how MPs and government officials developed communication and lobbies. Would you please tell me the details of those experiences?

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*Note.* Relationship between central research question, related interview questions, and protocols.

NVIVO data analysis for the central research question particularly revealed some emerging themes related to the thematic analysis, both the theory-driven and

data-driven analyses. Figure 9 shows the coding tree of the central research question emerged during the NVIVO data analysis process. The coding tree reflects the fundamental themes derived from the data analysis process.



*Figure 10.* Coding tree for the central research question of the study.

### **Oligarchy and Institutions of Party Politics: The First Finding**

This part begins with a brief introduction of the first point of the study findings. An introduction is necessary to include in this section as the lay readers could get confused reading the relationship between oligarchy and party institutions if they have no specific information about the current background of power exhibition in contemporary Indonesia. The researcher started this study with an assumption that the contemporaneous party organizations in post-authoritarian Indonesia live under the dominion of a few oligarchs. This conclusion comes from various existing articles on Indonesia (Fukuoda, 2013a, 2013b; Hakim & Jurdi, 2017; Robison & Hadiz, 2004; Winters 2011a), which to some extent justify the permanence of Michels' (2011) iron law of oligarchy.

#### **Introduction to the First Finding**

In Chapter 2 of this research study, there emerges a discussion of the three faces of party organizations following Katz and Mair (1993), which include the party in the central office, the party in public offices, and the party on the ground. These faces reflect party elites, party members in public offices, and party members/cadres on the ground, respectively. Discussing the organizational pattern of power relations within parties is about the linkage between those three organizational dimensions of party institutions. Theoretically speaking, regarding the party tradition in a representative democracy, such party faces functionally interact regarding the differentiation of roles among party members to achieve common goals as the foundational principle and the teleological purpose of establishing political parties. The point is that the elites, the party members in public offices, and the members on

the ground could have separate roles but they stand on a common foundation and for a common goal (Dahl, 2009).

Data collected in this research study confirms that the intra-organizational relationship among party members and between party members and party elites is under the influence of patronage and patrimonial culture, as concluded in the existing literature (Aspinall, 2014; Webber, 2006; Winters, 2016). The organizational management of party institutions exclusively confirms Michels' (2001) iron law of oligarchy in the knowledge that the concentration of power in political parties centers on a handful of ruling individuals. These ruling individuals become powerful among others because of the patronage, the mastery of economic resources, or the socially privileged positions, such as the New Order's military generals who have been strenuous establishing political parties after the fall of General Suharto in 1998 (Aspinall & Mietzner, 2010). In this study, this author names those ruling individuals as oligarchs based on the illustration of Winters (2011a). The explication of Indonesia's current wealthy individuals in this part aims to strengthen the foundation of the findings of this study regarding the oligarchic mastery in the phenomenon under study. Although it appears to slightly deviate from the scope of this research study, this researcher considers that a broader explanation about the oligarchic phenomenon in Indonesia would enlighten the understanding of the findings of this research study.

Oligarchs, per Winters' (2011a) analysis, could be both directly or indirectly in power regarding the mastery of political institutions. In a lucid illustration, Winters unambiguously asserts: "Oligarchs do not disappear just because they do not govern personally or participate directly in the coercion that defends their fortunes" (p. 6). Winters furthermore argues: "The political involvement of oligarchs becomes more

indirect as it becomes less focused on property defense. Their political involvement becomes more direct again when external actors or institutions fail to defend property reliably” (p. 6). Before continuing to discuss the findings of the central research question in this study, this author considers it is essential to elaborate the oligarchic background of Indonesian contemporary politics to provide the readers the elementary setting of this investigation. Table 4 reveals the applicability of Winters’ argument about the direct and indirect involvement of oligarchs in political practices. Some wealthy individuals in Table 5 are not oligarchs, but some demonstrate their oligarchic roles based on their political involvement. Aburizal Bakrie, the owner of Bakrie Group, is a former chairman of GOLKAR and remains to play some strategic roles in this General Suharto’s legacy party.

Chairul Tanjung, for instance, became a Coordinating Minister for Economics (May-October 2014) under the President Susilo Bambang Yudhoyono (SBY) Administration. Other wealthy individuals with indirectly intense political involvement are Budi Sampoerna, Prajogo Pangestu, Arifin Panigoro, and many other names. Budi Sampoerna of Sampoerna Group was even allegedly prone to be involved in the bailout scandal of Century Bank in 2008, the most horrendous scandal in the first term of SBY Administration (2004-2009), which cost the country more than the US \$ 600 million.

Under SBY Administration (2004-2014), Bakrie took control over GOLKAR and became a dominant figure behind the establishment of a joint secretariat of the ruling coalition (*Setgab Koalisi*) in early 2010, as a response to the disclosure of the Century Bank scandal in DPR. The opposition coalition in DPR, which included PDIP, GERINDRA, and HANURA, pushed the government to disclose the scandal officially (McLeod, 2010). NGO activists, in which this author has been one of the

initiators, mobilized street protests against the ruling government pursuing the presidential impeachment agenda, along with the emergence of allegations accusing SBY Administration a puppeteer behind such white-collar scandal—at least if one evaluates this scandal from the political perspective, such as the approach of Ross McLeod (2010). As part of this civilian movement along with other activists, this author organized dialogs with the commissioners of KPK to support them investigating such corruption scandal and MPs in DPR to establish a special parliamentary committee conducting a legislative investigation of this scandal (Detik, 2009d; Jakarta Post, 2009). DPR eventually investigated the case in terms of their interpellation right, but there was no significant progress. KPK did the same, but did not arrest the underdog players in this large corruption scandal.

The outline of this Century Bank scandal, which occurred a year ahead of the 2009 elections, was that political parties sought economic spoils for political campaigns—which has been the nature of cartel parties (Ambardi, 2011; Scarrow, 2006; Ufen, 2010). This information provides the background for the findings of this research study, especially in terms of symbiotic relations between the state and parties regarding the occupation of financial resources (Katz & Mair, 2009). The existence of wealthy individuals, as shown in Table 5, amid the electoral campaigns has been so far the crucial issue in elections. In some cases, as in the Bank Century scandal, the party personnel collaborate with the non-party oligarchs to obtain privileges from the state. Budi Sampoerna of Sampoerna Group could be an excellent example.

Table 5 A List of 2018 Wealthy Individuals in Indonesia

No	Corporate	Owner	Assets (US\$)
1.	CT Corp • Media, banking, retail	Chairul Tanjung	\$4.6 billion
2.	Sampoerna Strategic • plantations, agribusiness	Putera Sampoerna	\$4.3 billion
3.	Bakrie Group • Investment	Aburizal Bakrie	\$2.05 billion
4.	Gajah Tunggal Group • Tires, retail, property	Sjamsul Nursalim	\$2.0 billion
5.	Lippo Group • Property, retail, healthcare, technology, investments, media	Mochtar Riady	\$2.0 billion
6.	Rajawali Group • Energy, plantations, investment	Peter Sondakh	\$1.8 billion
7.	Bosowa Corporation • cement, infrastructure, trading, energy	Aksa Mahmud	\$1.8 billion
8.	MNC Group • Media, finance, property, infrastructure	Hary Tanoesoedibjo	\$1.8 billion
9.	TNT Group, Adaro • energy, mining, multi-finance	Garibaldi Boy Thohir	\$1.45 billion
10.	Central Cipta Murdaya • Property, manufacturing, energy, IT	Murdaya Poo, and Siti Hartati Murdaya	\$1.4 billion
11.	BARITO Pacific Group • petrochemicals	Prajogo Pangestu	\$1.38 billion
12.	Medco International • Energy	Arifin Panigoro, and Hilmi Panigoro	\$1.3 billion
13.	Lion Air Group • airlines	Rusdi Kirana	\$1.2 billion
14.	Artha Graha Network • banking, hotels, agribusiness	Tomy Winata	\$930 million

*Note.* The list includes only names either directly or indirectly affiliated with the power politics. Data were derived from the annual report of Globe Asia Magazine (2018). Retrieved from <https://www.globeasia.com/cover-story/150-richest-indonesians-2/> accessed on April 10, 2019.



After selling the majority of the company's shares (97%) to Philip Morris, the U.S. transnational company, in 2005, Sampoerna Group became publicly discussed due to the allegation of Budi Sampoerna's involvement in Century Bank scandal. Rumors continued to expand and invited investigators such as the sociologist of corruption, George Junus Aditjondro, to carry out an investigation published in his controversial book of *Cikeas Octopus* (2010). Cikeas is the hometown of President Yudhoyono. This book reveals the oligarchic vicious-circle of Cikeas Octopus in which Budi Sampoerna was mentioned under the Century Bank case (Aditjondro, 2010). Budi along with his brother, Putera Sampoerna, run their family business. After selling the majority of shares to Philip Morris in 2005, Putera delegated this family business to his son Michael Joseph Sampoerna and developed a new holding under the name "Sampoerna Strategic." Michael made a breakthrough when buying the Israeli Insurance Company, Harel Investment Ltd., and the Casino in London and developing a million hectares of palm plantations in Sulawesi along with teamed Aksa Mahmud's Bosowa Group (Aditjondro, 2010). Mahmud is the brother in law of Indonesia's current Vice President Jusuf Kalla (2014-2019).

Another influential name in Table 5 is Arifin Panigoro, the owner of the Medco Energy International Drilling Company (Medco Energy International). This wealthy individual is well known as Indonesia's king of oil and gas. Panigoro was close to the PDIP elites in the past and then migrated to PD when General SBY started his presidency in 2004. In the context of the 2019 election, Panigoro's involvement did not stand out as in the 2000-2010 decade. Sampoerna's family also seems to keep away from politics since the 2008 Century Bank scandal, which dragged this business family to the brink. Bakrie as well is absent from the political

chess, though GOLKAR has been supporting Jokowi Administration. A few months before the 2019 elections, Bakrie publicly stated his support against Jokowi, but Viva Group, Bakrie's media business, remains critical toward Jokowi Administration. Bakrie's current position is no different from Mochtar Riady of Lippo Group who tends to be quiet from political frenzy, even though the media group belonging to Lippo Group relatively establishes bright images about the performance Jokowi Administration.

Aksa Mahmud is in a quite complicated position. His son, Erwin Mahmud, supported General Prabowo in the 2019 presidential election, while Aksa himself and Jusuf Kalla sided with Jokowi. The political choices of the Bosowa Group and the Kalla Group are of public concern because of the significant influence of Jusuf Kalla in contemporary Indonesia. In this 2019 political process, many influential entrepreneurs, including Sjamsul Nursalim, Prajogo Pangestu, and Peter Sondakh, did not show their political affiliation openly. It seems different with Tomy Winata of Artha Graha Group, Hary Tanoesoedibjo of MNC Group, Murdaya Poo of Central Citra Murdaya, and Rusdi Kirana of Lion Air Group who openly expressed their support toward the incumbent President Jokowi. Kirana is now serving as Indonesia's ambassador to Malaysia since 2017. Boy Thohir from the TNT Group also does not show his political affiliation openly, even though his sibling, Erick Thohir, was chosen to be the coordinator of President Jokowi's National Campaign Team (Tim Kampanye Nasional/TKN) in his running for the second period in April 2019.

Discussing the involvement of the wealthy figures in electoral politics is an integral part of this section to emphasize one thing, that Indonesia's contemporary politics is inseparable from the influence of the wealthy individuals. Some of them attempt to establish political parties, some others enter the existing parties and take

strategic roles within, but some remain outside of the institutions to affect the power exercise from outside party organizations. Traditional elites in old parties are inclined to be more potent since they gained support from the wealthy people those who control the national economic resources in a more significant portion of the population. Some wealthy people, particularly those who served General Suharto's New Order, set up political parties and show themselves as pure oligarchs (Robison & Hadiz, 2004; Winters, 2011a).

General Prabowo, the chairman of GERINDRA, is one of the influential individuals under General Suharto's regime. This military general currently ran for the presidential election for the second time on April 17, 2019. Prabowo got financial support from his family business managed by his younger brother, Hasyim Djojohadikusumo. General Wiranto, the former chairman of HANURA before it was handed over to Oesman Sapta Oedang (OSO), a businessman and politician, which is another example of influential people from the past. MNC Group's Hary Tanoesoedibjo is one of the wealthiest entrepreneurs having started his business since the New Order and established PERINDO in 2015 after his exclusion from Surya Palloh's NASDEM. Palloh is the owner of Media Group.

### **Study Finding: Party Oligarchy**

The interview data and documents collected in this study indicated a phenomenon of power relations within oligarchic parties because the party's strategic decisions come from the most influential individuals inside the organizations. Figure 10 demonstrates the *word cloud* representing the emerging codes from NVIVO data analysis related to the theoretical frameworks applied and data collected in this investigation.



and solidity, including the loyalty of party members. Standing behind the idea of a “strong leadership,” the participants interviewed in this study supported a handful of elites in occupying decision-making. P.S.3 participant provides an illustrative argument:

You see in history, there have been many parties broken down and factionalized. Factionalism threatens every party organization if the party elites do not take control. Sometimes we must ignore the principle of democracy in managing political parties for the greater good parties wanted to achieve. Each party organization needs strong leadership. I am proud of my party chairman who has been able to get through the storm to this day and ensure our party remains as strong as today. Internal conflicts happened to many parties because their stakeholders felt in uncontrolled situations. Our party remains intact and solid because the decision-making hangs on the top leadership.

When speaking specifically about the legislative process in parliament, all participants from political backgrounds confirmed the order from the party elites in the central offices was absolute. A parliamentary fraction poses a procedural instrument that becomes a control channel to guarantee requests of the party elites in the central office directly shaping the individual decisions of MPs when carrying out their daily duties as parliamentarians. M.P.1 emphasized: “In every decision in the DPR, each member must coordinate with their respective factions. Our presence in the DPR is not to carry out personal will but to carry out the peoples’ mandate and order of party leaders.”

M.P.1’s sentiment is in line with the views of other participants. M.P.2 acknowledged that each MP might differ in opinion, even within in their party

fraction, but at the end, when decision-making should be put on table, the party elites in the central office must forge the final decision. M.P. 2 emphasized:

You know... We are also human beings. Sometimes there are party decisions that confuse us because what our constituents on the ground want differs from what we have to take following the party's order. I don't think this is just a problem for us, in many countries they face the same issue. I did visit several countries since becoming a member of the House of Representatives in 2009. I met with fellow members of the parliament in neighboring countries; I heard the same story as what happened to us here.

More detailed explanations come from this M.P.2 participant. This participant emphasized that the freedom of MPs in all their task units in parliament is only in the realm of non-crucial issues. That is, in the central and strategic matters, the MPs act on the party orders or the requests of party elites. This M.P.2 participant furthermore argued:

Party elites, in this case, are the Chair including the General-Secretary, those who provide initial guidance on what we have or not have to do. We return to the DPR following the discussion of the bill based on what our bosses ordered. We regularly report the progress in the field to the party leaders in the central office. Those who make decisions regarding five crucial issues in the Election Law are party leaders because these issues are the spirit of the Election Law which is certainly related to the fate of the party in each election. In each final decision making, officials from all usually meet, so you have to understand why there were several meetings during the discussion of this bill involving party leaders. The meeting certainly takes place outside parliament. It shows

that the technical affairs of discussing the Election Bill are indeed the responsibility of the faction, but the main policies or decisions are in the hands of party leaders. That decision became our benchmark for negotiating in this legislative process. When all party leaders have agreed, the drafting process at the Pansus level certainly becomes easier in making consensus. That is, first there must be an agreement at the level of the “gods” (read: party elites), then we can operate in the field.

The top-down or vertical model of intra-organizational relationship has been part of the oligarchic characteristics. Even in non-political organizations, such a model of oligarchic power relations often stands out as in the study of Shaw and Hill (2014) about peer production as a laboratory for oligarchy. This oligarchic power relation is a vicious circle (Ansell, Bichir, & Zhou, 2016). In the transitional societies attempting to move from an authoritarian regime to a democratic norm, as in Eppinger’s (2015) study in Ukraine, oligarchy remains a dominant force mastering the process of socio-political changes. The similar situation emerged in the study of Robison and Hadiz (2004), including Winters (2011a), when Indonesia transitioned from the General Suharto military regime in 1998 to the era of *Reformasi*. Suharto’s political chronicle developed into a new oligarchy after 1998 (Fukuoda, 2013; Winters, 2011a), as in the context of Myanmar in Ford, Gillan, and Thein (2016). They pointed out that in Myanmar, cronyism turned into an oligarchy after the injection of liberal democracy into Southeast Asia in the second half of the 20th century. Oligarchic control is a sustainable mastery as reinforced by the old study of Applebaum and Blaine (1975) on local unions in Ohio and Wisconsin, in the United States of America.

Based on the interviews, organizational management of political parties places party leaders in an indisputably central position in which no party members are able to intervene in all extents. M.P.3 participant had an interesting opinion supporting this finding that the party leaders are, however, the party itself. More clearly, MP3 argued:

To be honest, if we want to talk about political parties, I am convinced to say that party leaders are the party itself. Those bosses are the ones who determine every single decision the party should make. In many cases, the bosses make decisions in coordination with the managing boards. In practice the discussions among the managing boards must be in line with the will of the top leader.

Similar concepts derive from the interviews with P.S.3 and O.N.A.1 who conclude that party leaders must determine the final decision as an active model of a strong leadership concept. P.S.3 exclusively emphasized:

The party leadership does have to determine everything so that there is a clear line of command. How can parties respond to political problems that are so complex and many if they do not have a single command? I see the existence of a general chairman as the final determinant in making party decisions is for a good purpose, namely maintaining the integrity of the party and facilitating the decision-making process in urgent situations. Many observers misjudge that the dominant role of the chairperson, according to them, shows that our party is not ready to democratize. Since the fall of Suharto until now, you could see how devastating democracy is in this country. It could never be possible if our party has not been at the forefront of defending the Constitution and *Pancasila* from the anti-democratic forces that wanted to undermine the state's ideology and the Constitution.



In line with the arguments above, participant O.N.A.1 asserted:

Party leadership takes a big role in the process of this legislation. From the various information that I have found, centralism in decision making in the party body forms the work patterns of party members in the parliament or the government. In such case, I agree that the oligarchy has been a decisive force in the political implementation either at the parliamentary level or at the government level.

The character of an oligarchic political party in Indonesia has become a conclusion in particular literature. Even the political mastery of oligarchy has become a regional phenomenon in Southeast Asia as revealed in Winters' (2011) study. Rhoden's (2015) investigation of the characteristics and role of the oligarchy in political development in Thailand is a unique example. Politics in Thailand, with a constitutional monarchy system, formally relies on the democratic institution, like Indonesia, but in fact, a small group of wealthy people controls the party and government. Rhoden made a satisfying conclusion that the political coup in Thailand always involved oligarchs as advocates of funds to mobilize the masses, which military generals responded to by taking power. The oligarchy prepares the way for a greedy military to gain control. In Indonesian tradition, political coups have no prominent place. However, the military generals from the Suharto era entered the political realm and some even established political parties like GERINDRA, PD, HANURA, and PKPI. When looking at the reality of parties in Indonesia, there must be military generals in every single institution of party politics. This somehow marks the effects of militarism that remain working in the implementation of the democratic system currently (Aspinall & Mietzner, 2010).

## **Party-Parliament Linkage: Understanding the Modus Operandi: The Second Finding**

Based on the interview transcripts about how the party elites restrain the MPs in the phenomenon under study, it is difficult not to conclude that Michels' (2001) iron law of oligarchy is undeniable. Influenced by the elitism, Michels (2001) argued that existence of a dominant class in society, including in all sorts of organizations, is an inevitably sociological phenomenon. In this research study, the party elites have demonstrated their oligarchic nature in the way they organize the party institutions. Specific to the phenomenon under study, the existence of party fractions in DPR is a direct instrument of the elites' oligarchic control in confining the MPs' individual decisions. The opinion of participant M.P.1 is unequivocal that the fraction decides everything strategic based on orders from party elites in the central offices. This M.P.1 participant argued:

A fraction is an extension of the party's hand. What comes from the faction generally comes from the party. Each member must run because there are inter-time change sanctions (PAW) for members who are not disciplined or do not follow party orders.

The argument of M.P.1 participant confirms the nature of a fraction an extension of the party organization in parliament. In Article 14 of the DPR's Standing Order (*Tata Tertib/TATIB*), the definition of a fraction refers to a grouping of DPR members based on the configuration of political parties resulting from the general election (see also Baidowi, 2018). Marbun (2007) distinctively defined a *fraksi* as "a group of people who have and fight for particular political values in parliament or representative councils" (p. 153). The nature of this political group is party-based and

has at least 13 members. Regarding the fraction's task, Baidowi (2018), who was also a member of the Special Committee of the 2017 Election Bill, emphasized:

The main task of the fraction is to coordinate the activities of members in carrying out their duties and authority as MPs. The intended purpose of the fraction is to increase as well the ability, discipline, effectiveness, and work efficiency of MPs in carrying out their tasks. (p.13)

At least in the first decade of the 21st century, there was a discussion among parliamentarians about the possibility to remove fractions from Indonesia's political representation system—which is principally not possible in the light of democratic parliament practices—concerning the argument that the presence of fractions has contained the MPs' freedom in pursuing their constituents' interests (Solechah, 2001). An independent law observer of Esa Unggul University, Irman Putra Sidin, doubtlessly argued that the elimination of fractions would disentrall the MPs from the hegemony of party leaders when carrying out their representative duties in DPR (Detik, 2009b; Kompas, 2009). Responding the discussion, many parties, such as PD and PPP, assertively opposed the idea of fraction abolition, as they considered the fraction represents the party organization so that removing the fraction firmly means removing the party from the political representation-system (Detik, 2009a; 2009c).

Notwithstanding such debates, as a matter of fact, the fraction's authority to conduct a recall has threatened the critical MPs in DPR. The case of Fahri Hamzah in 2017 was an epistemologically exciting exception. In 2017, DPR received a dismissal letter from the PKS fraction due to Hamzah's political activities judged by the party to have deviated from the organizational rules. Hamzah's dismissal was a follow-up of the party's decision on March 11, 2016, which dismissed him from the party management structure. Hamzah automatically carried out a legal fight, and the South

Jakarta District Court (PN) eventually won a portion of Fahri Hamzah's lawsuit against PKS (Kompas, 2017). As of conducting the present research, Hamzah remains acting as the MP from the PKS fraction, and as a matter of fact, Hamzah and the clique have set up a new political faction called *Gerakan Arah Baru Indonesia* (GABRI) (Indonesia's New Direction Movement) allegedly to be a new party in the upcoming 2024 elections.

In this study, based on interview transcriptions, documents, and literature sources gathered, the parliamentary fractions have been the instruments of the party's oligarchic elites to perpetuate control of the legislative process at the institutional level. During the Election Draft Bill, parties differed in their views on five crucial issues, namely the electoral system, parliamentary threshold, presidential threshold, constituency magnitude, and method of vote conversion (Baidowi, 2018; Edy, 2017). The efforts to build consensus during the phenomenon under study occurred at two levels: the formal level through the DPR's Special Committee and the informal level through extra-parliamentary forums such as the Whatsapp group discussion of "Mulia coffeekbreak" referring to the MPs' coffeekbreak activities at the Mulia Hotel. The informal lobbying in hotels acknowledged by the participants in this study has had confirmation from Ahmad Baidowi (2018) who recorded the dynamics behind the drafting process of the 2017 EA. Baidowi was a member of the SC and published a particular book discussing the policy process of the 2017 EA.

Baidowi (2018) witnessed that when the lobbying between MPs produced no significant changes to the legislative drafting process, the party elites then consolidated. On June 8, 2017, ahead of the DPR plenary meeting to ratify the bill, the party chairmen gathered at the residence of PAN's general chairman, Zulkifli Hasan who was also the MPR Speaker. The gathering, following Baidowi, included

General Prabowo Subianto of GERINDRA, even a 2019 presidential candidate, Romahurmuziy of PPP before arrested by KPK for corruption scandal allegation on March 15, 2019, Muhaimin Iskandar of PKB, Sohibul Iman of PKS, Oesman Sapta Odang of HANURA, and Edy Baskoro Yudhoyono of PD. Regarding the consolidation of party elites, Baidowi (2018) delivered a crucial testimony:

As if he realized that he would lose the start, the ruling coalitions under PDIP's leadership immediately consolidated. If previously the meeting only involved faction leaders, this time they began to involve party leaders. The general chairperson and secretariat general of the party were invited to a meeting, not only that, Interior Minister Tjahjo Kumolo and Yasonna Laoly Law and Human Rights who became the government's representatives in the Election Draft Bill came down the mountain to lobby with faction leaders in the days last term of the Special Committee. (p. 122)

This information is in line with what was stated in the book of the Chair of the Special Committee, Lukman Edy (2017). Edy revealed, particularly concerning the presidential threshold, the debates among MPs based on the views of political experts invited. The disputes, according to Edy, fell in two major groups: (a) the opposing arguments which assert that the threshold system is unconstitutional since there has no stipulation under the 1945 Constitution and (b) the supporting groups for the reason that the threshold mechanism would strengthen the presidential system vis-a-vis a multiparty system.

The views delivered by the participant P.S.2 reinforced the information revealed by Baidowi (2018) concerning the consolidation of party elites vis-à-vis the MPs' collective decisions during the administrative drafting process of the case study under investigation. P.S.2 explicitly emphasized:

Party decisions must be a fraction's decision because that is the how the political mechanism works. It is impossible for the party to let its members in parliament act differently from the party's political standing. What is the point of establishing a party organization if the party members in public offices act independently?

M.J.1, M.J.2, G.O.1, G.O.2, and G.O.3 favorably revealed additional information supporting the conclusive remark in this part that the parliamentary fraction has been a political instrument built for and acted as an extension of the oligarchic elite that controlled political parties. The oligarchic power-relations between party elites and members in parliament, at least based on the data gathered in this study, recall the essence of Michels' iron law of oligarchy. The classic expression of Michels' theory about "who says organizations, says oligarchy" applies in the political reality that shapes the phenomenon under study. M.J.1 obviously argued:

The fraction has been an extension of a party institution. It is not my personal opinion, but the official provision stated under DPR's TATIB. In certain situations, as long as I observe the performance of MPs for years of my career, members can influence the views of fractions as long as they are in line with the party's elitist views.

Government officials interviewed in this study talk without specific illustration about the party fractions, but they provide insightful sources about how the government representatives were lobbying the leaders of parliamentary fractions as the follow-up of the meeting between the ministers and the party leaders. G.O.1 and G.O.2 apparently provided information alike that they accompanied the minister in several meetings with the fraction leaders in hotels in Jakarta. G.O.3 delivered no comments on those meetings, but he acknowledged that the lobbying between the

ministers and parliamentary fractions has been an effective strategy to influence the SC in accelerating the legislative process of the phenomenon examined.

Based on the information collected in this research study, it would be reasonable to conclude that the fraction has been an outlet that connects the oligarchic parties with the legislative process conducted by their pawns in DPR. To be more incisive, the underlying conclusion in this part is that the existence of the fraction has been an oligarchic means to control the legal process at the parliamentary level. The interview with M.J.3 contributed to shaping this conclusion. The M.J.3 participant critically opined:

I see the oligarchs wanting this to happen that our democracy gets filled with those who ambitiously maintain the status quo. This Election Act, in my opinion, seems to be the product of invisible hands that we cannot clearly see but we *do* feel it. I say this since I saw an intention of MPs to minimize the emergence of various presidential candidates in elections. Indeed, before this law was proposed, I have predicted that the presidential candidates would only have a maximum of three candidates, but now it's worse. There are only two candidates. The public cannot do anything against this legal instrument because the judicial review at the Constitutional Court has come to the final decision. The Court rejects any lawsuits against this Act. I can only say, the oligarchic forces have contained our democracy that it is no longer an ideal democracy. We as journalists and media institutions can certainly try to continue guarding this democratic process.

The conclusive remark above will be broadly considered in the section of the findings of Subquestion 3, which questions the public participation in the legal process of the case study investigated. The underlying discussion is about the

involvement of the NGO activists and university experts in case study investigated. However, their inclusion insignificantly affects the administrative process of the Article 222 as the central element of the legal process in this study because the party elites were excessively decisive.

### **Legislative Process and Cartelized Strategies: The Third Finding**

In this third section of the findings of the central research question in this qualitative case-study inquiry, this author deliberately revealed a twofold scenario potentially used to deliver the noticeable intervention of oligarchic elites in overpowering the legislative process under study, which encompasses: (a) political lobbying and (b) party orders to parliamentary fractions. The structural instruments of this oligarchic mastery, derived from the interview transcriptions of the data collection method in this study, are the parliamentary fractions and government officials. Interviews with participants in this study provide sufficient sources of how the oligarchic elites govern the policy process using cartelized strategies. Data compiled from the interview transcriptions with M.P.1, S.P.2, M.J.1, M.J.2, O.N.A.2, G.O.1, and G.O.3 has enriched the findings in this section.

Political lobbying is an inevitable part of the political process as—what the bureaucratic entrepreneurs do during Turkey's European Union (EU) integration in the study of Bilge Firat (2016)—to influence the policy process (Campos & Giovannoni, 2017). It has as well been a prominent strategy and an effective instrument in the legislative process of the phenomenon examined in this research study. The majority of participants in this study acknowledged the central role of lobbying in the formulation of strategic articles under the 2017 Election Law. However, the concern in this section is who should and how to promote lobbying.



Many participants of this study acknowledged that the lobbying includes the distribution of material resources. Participant M.J.1, for example, admitted knowing that a dominant party from the ruling group organized the distribution of monetary exchange among particular fractions in DPR. M.J.1 lucidly opined:

As far as I know, there was one party delegate representing the ruling coalition whose duties under the legislative process were to mobilize support from parliamentary fractions. In that process, this guy distributed what they call “political contribution.” I have no idea whether Setya Novanto as the Speaker of the House at that time involved in the lobbying process, but what was clear was that the journalists get informed about the issue but, of course, there has no legal evidence. As you know, as part of the political strategies, it is complicated to find evidence.

Setya Novanto, who was the Speaker of the House at time of the phenomenon under study, is now in prison for his involvement in a corruption scandal of the electronic identity card (*e-KTP*) project. The information of M.J.1 is in line with the interview transcriptions of M.J.2 and O.N.A.2. Participant M.J.2 understandably revealed some details:

The issue of monetary exchange has emerged since the beginning of this bill discussion, long before the plenary meeting was held for the MPs to vote on the bill. In the first discussion of the SC, we were informed that there were several fractions “masuk angin” (catch a cold) because they had received funding from political traders. I heard that even members of the ruling parties enjoyed that trade-off as there was no compromise among parliamentary parties about some strategic issues under that government-proposed bill. I think that’s normal in politics. They conducted lobbying not in DPR, but in

hotels outside the parliament. They used to gather at Mulia Hotel, including the Fairmont Hotel. I have no exact clue when and where the transaction took place; it is clear that the issue has been a rumor among the parliamentary journalists.

To be honest, as a political maneuver, no participants of this study or even the law enforcement authority would find the legal evidence to verify such information, but, M.J.2 denotes some current cases that indicate how KPK often detains MPs for corruption allegations, including briberies. The illustration of the lobbying as a strategy to influence the policy process is so far sufficient to develop the landscape of understanding of how MPs implement lobbying during the policy process.

Particularly about the legal process of the 2017 EA, M.J.1 unambiguously argued:

Lobbying in the legislative process involves actors from various levels of power, such as the presidential palace, parliamentarian elites, and party bosses. I have seen one of a party boss from the dominant parties several times come in and out of the presidential palace to lobby several strategic articles. It was the sensitive information widely spreading among journalists at that time. In the discussion of this bill, the segmentation was clear between the major parties, middle parties, and small parties. Therefore, I think, the lobbying has not only been about the presidential election provision as you examine, but also the party interests in elections.

Besides the journalist participants, other participants approached in this study were scrupulous to respond to the issue of monetary exchange assumed as a means of lobbying in the policy process studied. O.N.A.2, for instance, decided to be diplomatic in explaining that transactional issue. This observer-background participant conscientiously accounted:

For years, I observed the political process in parliament. The question of monetary transactions has become an old song. We can't pretend to close our eyes. Since 2008, I have finished writing a dissertation on the cartel, I continued to observe how later the parties lobbied for political spoils or economic spoils. That still happens today. But what I saw from 2005 to 2008 was always simple, namely between power incentives or monetary incentives. That is all. But lately, it turned out that the variations of the excuses were more than I expected.

The point delivered by O.N.A.2 aimed to emphasize that the nature of political lobbying is dynamic and takes various forms in its execution. Furthermore, this participant insightfully explicated that the transactional logic remains inherently constituting the political process at the parliamentary level. In this qualitative case-study inquiry, the description of M.J.2 helped provide a more contextual understanding of why the lobbying oftentimes involved material instruments, not to explicitly say "the monetary exchanges." This participant exclusively confirmed:

Just logically thinking, it is impossible for the KPK to do surveillance over MPs if the monetary transaction is not unusual herein. During the discussion of the election bill, we heard the same issue, but unfortunately, as you already know, it is impossible for us to get the details. What is clear is that it has been part of the lobbying to launch a consensus among the party fractions. The government itself as the initiator of the bill, at that time, wanted the legislative process to be quickly completed due to the limited time regarding the preparation of the 2019 elections.

Apart from the implementation of lobbying, it is obvious that the role of the party elites in central offices is prominent and influential shaping the policy process

studied. Most of the participants of this research study agreed that the party orders have been the most powerful elements in the phenomenon under investigation. Those particular orders not only go to party members in DPR, but also those in government institutions. Interviews with G.O.1 and G.O.3 brought in an optimistic description about the relationship between the party elites in central offices and the party members in public offices. These participants explicitly recognized the incorporation of party interests through the initial drafting process of the election bill examined. Indeed, per the recognition of G.O.1, the initial draft consists of a doubled version that reflects a moral dilemma among the officials in charge: either serving their individual, ethical considerations or their leaders in office. G.O.1 truthfully argued:

To be honest, as a team member that develops the academic draft from this bill, I need to convey that there are two versions prepared. In the first draft, there is no presidential threshold because we consider irrelevant to the current electoral system applied. Moreover, the provision presupposes that the results of the 2014 elections would be the reference in determining the 2019 presidential candidates. It, of course, kills the rights of the new parties and non-parliamentary parties to include in promoting the candidates. In the second version, we follow the official orders from our bosses in office that is to defend the Article 222 concerning the presidential threshold of 20% of DPR seats or 25% of the national vote. We conceal the first draft, of course, to secure our career. What I am going to say is that we are facing a moral dilemma during the development of the initial draft of this bill.

In a similar nuance, G.O.3 conveyed what G.O.1 argued. Participant G.O.3 confirmed the fact that the drafting process of the initial draft was to develop a

common ground that could make a trade-off between the academic contention and the political interests. G.O.3 particularly underlined:

We are working for the government, not for our own sake. Looking at the individual standing, of course I would not approve the provision of the presidential threshold because the 2019 election model is a simultaneous system, which means that the legislative and presidential elections take place simultaneously. Party's votes have no relevance in determining the presidential candidates. It absolutely means that the presidential threshold loses its relevance. But again, the government serves a particular purpose, which is how to strengthen the presidential system in order to guarantee the political stability. We see how inter-party conflicts often occur in parliament that consequently the government becomes unstable. The government seems to prevent this situation by drafting that threshold provision under this election bill. The point is how to make our democracy better.

Based on the literature sources gathered in this study and confirmed by the interview transcriptions, the lobbying prior to the voting process in the DPR's plenary session on July 20-21, 2019, was a challenging drama (Baidowi, 2018; Edy, 2017). MPs from the opposition fractions walked out the plenary room when voting was about to begin. G.O.1 delivered some details:

At the beginning, four fractions started to convey their fractions' views, especially highlighting the issue of the presidential threshold. GERINDRA fraction was the first to convey represented by Mr. Muzani, followed by PD fraction represented by Beny Harman, PAN represented by Mr. Yandri Susanto, and PKS represented by Muzammil Yusuf. This opposition group rejected the percentage stipulated under the Article 222 and decided to walk

out of the plenary session [...]. In my opinion, considering the real situation in the plenary session that night, the walk-out they made was just a political drama to level up their parties' image in public, not truly opposing the material of the bill eminently. I say this because, during the bill discussion in the SC, those fractions that walked out never opposed as hard as what they did before the voting at the plenary session that night. It just seems to be strange in my eyes.

Data collected in this study leads this author, in this section, to the conclusion that the oligarchic elites control the legislative process by optimizing the functions of the party fractions in DPR. The parliament works more as an expedition of party interests rather than the institution of a representative democracy principally representing the constituents. Political lobbying is a sort of technical strategies applied to achieve the ultimate purpose of controlling the policy process in harmony with the interests of the party elites in central offices. Information about monetary transactions is not central to this section but has been a potential to strengthen findings that the oligarchic approach truly effectively works.

As delivered earlier, the interview transcriptions and other data gathered in this study have confirmed that the lobbying during the legislative process of the case study involved both the party elites and party members in government realm. What appears here is what would be part of the conclusion of this study that the strategic collusion between party and state emerges in the phenomenon under study. The 2017 Election Law is indeed a political product designed to serve the interests of the oligarchs and parties as organizations. As revealed in conversations with participant M.J.3, the Election Act of 2017 was intended to maintain the candidates in presidential elections. Restricting the electoral competition has exclusively been the

nature of cartels. The epistemological consequence is that the policy process of the case study examined has provably involved the oligarchic intervention using cartelized strategies. The ultimate intention of such intervention is to serve the hidden agenda of the oligarchs in order to perpetuate their status quo of power.

### **Party-State Linkage, A Collusive Interpenetration: The Fourth Finding**

This section of findings starts with recalling the main characteristics of a cartel party, following Katz and Mair (1995, 2009), which encompass (a) the interpenetration between party and state and (b) the inter-party collusion. In the first aspect, party penetration into the state intends to gain state subventions (Bolloyer, 2009; Katz & Mair, 2009). Penetration is reciprocal because the state in return penetrates the party through regulations that could bind political parties and make them, to some feasible extents, subject to the state. Such interpenetration in its development leads to the collusive cooperation in which the party claims the access to occupy state's strategic resources.

In this research study, based on interview transcriptions, documents, and literature sources gathered, party members within government institutions were considered to serve both the interests of the state and the party. The involvement of the government representatives in the legislative process of the case study examined reflects obviously the collusive symbiosis between state and party. O.N.A.1 and O.N.A.2 delivered some critical views about the consequences of the government's intervention in the policy process of the 2017 EA on the party-state relationship in a representative-democracy system. These participants have sufficient academic backgrounds to explain this phenomenon in the more scientific nuances. O.N.A.1 insightfully argued:

Lobbying is common in politics, as you also know, but what happens in the discussion of this RUU, the government seems so aggressive. The government's approach to the DPR's factions, including the party chairmen, truly demonstrates the vested interest they hide behind this RUU. The government seems to enforce the MPs that the RUU ought to be in line with their interests. As already known, the end is to maintain the election regulations that the 2019 presidential election presents no more potential candidates.

In line with the arguments delivered by O.N.A.1, the participant O.N.A.2 was convinced that the parties had conspired to pass the provision of a presidential threshold even though they appeared to be involved in polemics since they put the issue on table. O.N.A.2 more understandably opined:

The majority of DPR factions have from the very beginning rejected the high parliamentary and presidential thresholds stipulated under the bill proposed by the government. They were afraid that those articles would harm themselves. But, party elites have other considerations for the party members in DPR to be undertaken. What I am going to say is that the consensus among party-elites has firmly ended the internal division among MPs during the legislative drafting process of the bill.

A likely conclusive remark in this part, so far, is the party institutions have played the determining roles in the phenomenon under study regarding the presence and dominance of the party oligarchs. Interviews gathered from the government officials involved in this study provide adequate sources leading to the primary injunctions of party politics in shaping the government's decisive judgments. Participants G.O.1 and G.O.3 distinctively indicated the inclusion of party interests as



an influential factor forging the content of the initial draft of the bill studied.

Contrarily, however, the participant G.O.2 revealed the incongruent argument with G.O.1 and G.O.3 in the sense that the initial draft of the bill excluded any particular interests and prioritizes the primary concerns of the state in broader and brighter senses. More clearly arguing, the government was insisting to propose the provision of presidential threshold for the sake of the country. In defending his opinion, G.O.2 refutably argued:

I won't question whether our leaders work based on the particular orders from their home parties or their own initiatives. Because the most important thing is that the ministry I am working for seeks for the benefits of this country to a wider sense. The presidential threshold stipulated under the 2017 EA has been a democratic means to simplify the multiparty system and strengthen our presidential system.

In the second aspect, the cartel party entails inter-party collusion to minimize the degree of dissatisfaction after elections. In this cartel tradition, there are no absolute winners or losers (Katz & Mair, 2009). The mechanism of inter-party cooperation guarantees a pie-sharing system among dominant parties (Bolleyer & Weeks, 2017; Slater, 2018). Katz and Mair's thesis (1995) derives from the European models of party institutions. Data analyzed in this part of this study confirmed part of Katz and Mair's thesis as applying to the situation of contemporary Indonesia. Individual interviewing, documents, and literature sources gathered reveal the tendency of inter-party collusion inherently constituting the drafting process of the 2017 EA. The inter-factional lobbying, the lobbying among party leaders, and between SC and GOs, even as well as between the DPR fraction leaders and the

cabinet members, has been a consensual instrument or political compromise in the case study examined.

The standing position of most DPR fractions was changing. Some party fractions, in the beginning of the bill discussion among SC members, assertively decided to turn down the presidential threshold provision, but eventually compromised with the government's proposal. The lobbying and other maneuvers conducted among parties involved have strategically reshaped the constellation inside DPR. The interview transcriptions of the observers and journalists in this study reinforce the conclusion in this section that the dominant parties in DPR are typically subject to a collusive mechanism—even though not all participants revealed the presence of monetary exchange during the legislative process of the case study inquired. It consequentially means that monetary exchange could be *de jure* non-confirming data. However, no matter what are the motives, either the monetary exchange or the other political incentives, the compromise has firmly exhibited the collusive model of an interparty cooperation during the legislation investigation. This evidence gives the rationale why the complicated-and-cumbersome legislative process ultimately ended up efficient.

### **Recap of the Findings of the Central Research Question**

The central research question of this study is how the ruling individuals, allegedly using cartel work-patterns, overpowered the legislative process. The documents, literature sources, and interview transcriptions of 15 interviewees from five cluster participants involved in this case-study research study revealed some potential answers to the central research question. The central research question, aligned with the theoretical framework employed, gave rise to two broad categories:

(a) the main actors taking control over the policy process and (b) the *modus operandi* in establishing the mastery of the phenomenon under study. The conversations with P.S.3, M.P.1, M.P.2, and M.P.3 supported the conclusion that the main puppeteers behind the phenomenon under investigation arguably refer to the oligarchic elites in the institutions of party politics.

At the level of *modus operandi*, particularly in terms of how executing their power in the legislative process these actors slightly optimized the use of their fractions in DPR. In another way, they intentionally fostered the functions of government bureaucracies as revealed in this study in the conversations with M.P.1, M.J.1, M.J.2, G.O.1, G.O.2, and G.O.3. The party oligarchs in party central offices, concerning the top-down model of intra-organizational relations, direct as they please the party members in the government offices to make decisions whose strategic values are pretentiously supposed to be on behalf of the state's interest. As known, the state in this sense is just a shield to cover the vested interest of the party oligarchs themselves. Interviews with M.P.1, S.P.2, M.J.1, M.J.2, O.N.A.2, G.O.1, and G.O.3 confirmed this conclusion. These participants argued that the legislation under study was a political product centered on the stake of the elites in party central offices. The involvement of government officials in the phenomenon studied reinforced the argumentation of the applicability of cartelized strategies in mastering the legal process at the parliamentary level.

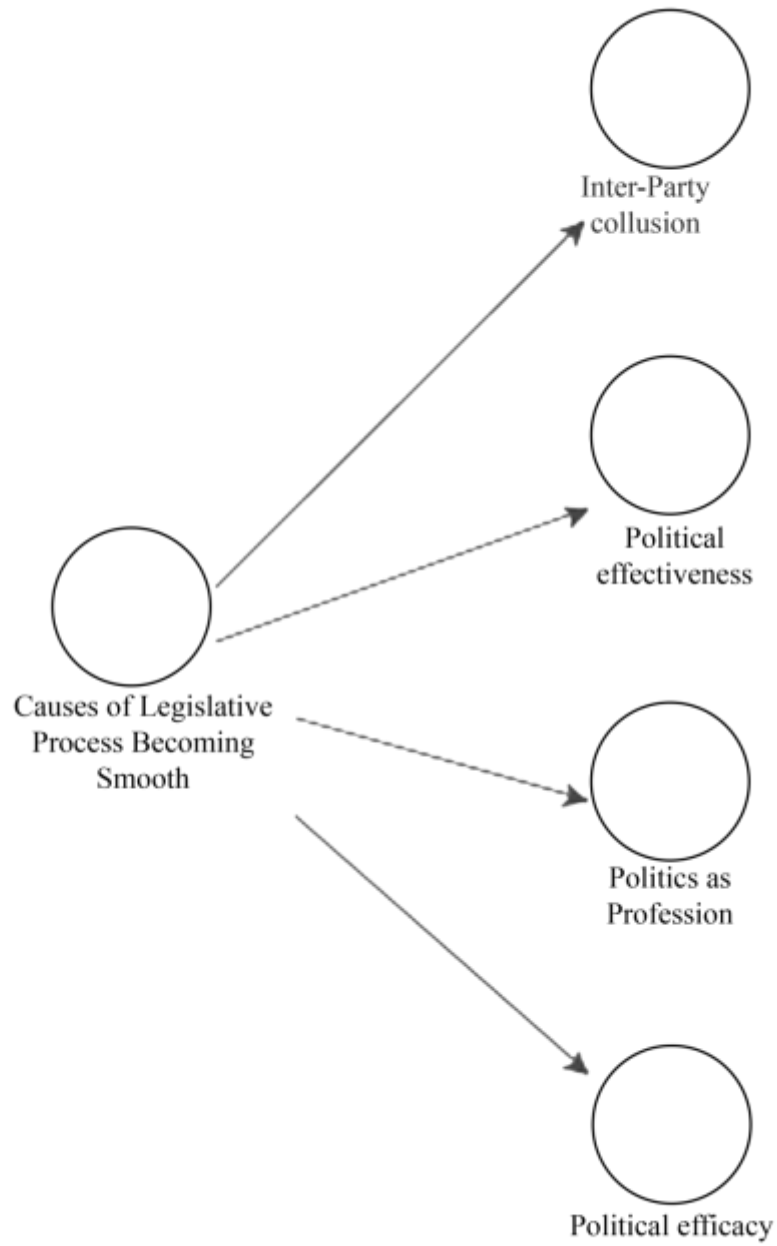
Interpenetration between party and state concretely appears in this study, at least based on the information delivered by G.O.1, G.O.2, G.O.3, O.N.A.1, and O.N.A.2. These participants helped to develop the findings of the central research question regarding the thesis of a collusive party-state linkage, which is one of the primary characteristics of a cartel party concept per Katz and Mair's (1995)

theoretical contention. In short, the findings of the central research question in this study have exclusively justified the theoretical assumption at the beginning of this study that the oligarchs, allegedly using the cartel work-patterns, truly overpowered the legislative process of the case study.

### **Findings of the Subquestion 1 of the Central Research Question**

Subquestion 1 of this inquiry asked why the process of ratifying the Election Bill in 2017 previously thought to be complicated and cumbersome, based on the disputes that occurred during the legislative process, became eventually efficient. The dialog with the participants involved supported by other sources gathered in this research study provided answers, which are the points in this section. The emerging themes performed in Figure 7 would be the major issues reflecting the key findings of the Subquestion 1.

Table 6 demonstrates the relationship between Subquestion 1, related interview questions, and protocols. The Interview Questions 3, 4, and 7 of Protocol 1, the Interview Question 7 of Protocol 2, and the Interview Questions 3, 4, 5, and 6 of Protocol 3 revealed the relevant information considered answers to Subquestion 1. The participants' interview transcriptions related to the Interview Question 5 of Protocol 4 and the Interview Question 4 of Protocol 5 enriched the required data that developed the findings of Subquestion 1 of this study.



*Figure 12.* Coding tree of the Subquestion 1 of the central research question.

Table 6 *Subquestion 1, Interview Question, and Applicable Protocol*


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Sub Question 1: Why did the process of ratifying the Election Bill in 2017, which was previously thought to be complicated and cumbersome, based on the disputes that occurred during the legislative process, eventually become smooth?

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Protocols	Interview Questions
P1	Question 3: What fundamental aspects of the process do you consider crucial to be shared with the people?
P1	Question 4: Would you please give some comments on how the party elites direct their members in the parliament during that legislating process?
P1	Question 7: [...] However, when the voting took place on July 20, 2017, it turned out that 59.7% of MPs voted on that controversial Article. Based on your experience, what factors have shaped such voting process?
P2	Question 7: [...] Regarding this legislative process, what orders did you (or your party) give to the party members in DPR?
P3	Question 3: As you have well explained, the policy process was somewhat complicated and involved lengthy lobbies [...]. What fundamental aspects of the process do you see crucial, based on your individual observation, to be shared with the people?
P3	Question 4: When talking with MPs, during the legislative process, you might get more information about the role of party elites behind the lobbying process among MPs. Would you please give some comments that issue?
P3	Question 5: There was a rumor that there occurred monetary exchange as the instruments of lobbies among MPs. Could you share your memories about that rumor?
P3	Question 6: There were only four out of 10 party fractions that maintained the Article 222 under the Election Bill. Based on the distribution of seats in DPR, it means that there were about 49% of MPs supporting. However, when the voting took place on July 20, 2017, it turned out that 59.7% of MPs voted on that controversial Article. Based on your individual records, what factors have shaped such voting process?
P4	Question 4: [...] Do you mind sharing with the people any information that shows that the government officials lobbied with the MPs from ruling parties during this legislative process?
P4	Question 5: Can you also explain the forms of lobbying applied among the government officials and MPs during that legislation?
P5	Question 4: Some MPs said, as reported in the mass media, the legislative process has involved public views represented by NGOs appointed by the DPR to attend the initial discussion of the Bill, for example the inclusion of the Election and Democratic Union (SPD). Why do you still consider the discussion of that Bill did not accommodate the principle of public deliberation?

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*Note.* Relationship between Subquestion 1, related interview questions, and protocols.

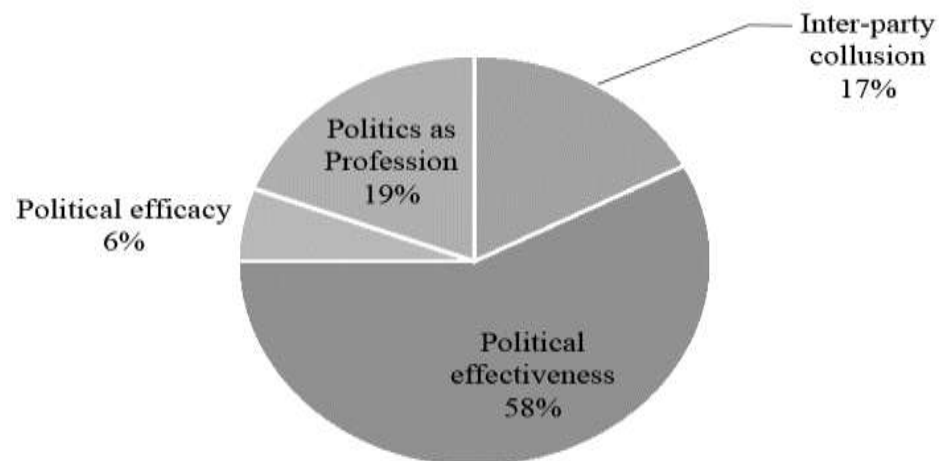
The emerging codes derived from the NVIVO data analysis enhanced this illustration and helped correlate the research questions, interview protocols, and theoretical frameworks applied. Figure 13 demonstrates the *word cloud* of the codes emerged from the data collected in relation to Subquestion 1. This figure reflects the interview and field notes data coded. This author managed the data based on the theories used before importing the entire data into the NVIVO analysis system. The words frequently emerged contributively shape the particular themes.



Figure 13. Word cloud of the Subquestion 1 of the central research question.

The visual presentation of the emerging themes appears in Figure 14, which denotes the pie chart of the thematized answers for Subquestion 1 in this study. This figure demonstrates the distribution of the participants' views in percentage emerged from the data sources imported. As seen, the majority of participants interviewed

delivered the issue of political effectiveness much more frequent than other themes, such as the interparty collusion and the political efficacy. The term “effectiveness” in Figure 14 describes how effective the performance of the public officials, which has been the rationale argued by the MPs and government officials to justify the interparty collusion they apply in the phenomenon under study. In contrast, the issue of political efficacy denotes the perception of the public against how effective the performance of the public officials could be.



*Figure 14.* Pie chart of data analysis of the Subquestion 1 of the central research question

### **Interparty Collusion: The First Finding**

Information described by Baidowi (2018) and Edy (2017), the official documents of fractions’ standing position vis-à-vis the government-proposed bill, and the interview transcriptions gathered in this study have been the affirmation of the fact that the majority of DPR’s fractions turned down the presidential threshold in the beginning of the bill discussion. The fractions split, based on seats, into three groups:



large, middle, and small. Such categorization was slowly melting away along with the political dynamics that occurred among MPs and other parties involved.

The lobbying at the party-elite level, as confirmed by the participants involved in this study, shaped the decisions of the MPs. The explicit consequence is that the party constellation initially based on the number of seats turns into another constellation following the political position of the parliamentary parties: the ruling coalition v. the opposition group. Participant M.P.1 convincingly informed:

The bill discussion was initially very dynamic. Many ideas emerged and the MPs debated day and night. We invited university experts and NGO delegates to provide alternative views. However, in the end, the whole process returned to the interparty agreements. The culmination of the agreement was when party chairmen gathered at Zulkifli Hasan's house. The party bosses were gathering to discuss some strategic issues under the bill. It was, of course, not a formal meeting, but, I think, politics is about compromise, so wherever and whenever the politicians can make a deal.

As known, Zulkifli Hasan is the chairman of PAN and the speaker of MPR—the upper house of the Indonesian parliamentary system. The recognition alike derives from the conversations with the participants interviewed. M.P.2, for instance, conveyed the same story as this participant claims to have witnessed that informal gathering, which ultimately affects the continuation of the bill discussion among the SC members. M.P.3 exclusively delivered distinctive information:

Almost all fractions in DPR agree to set up threshold for parties to enter parliament, but they are in difference of options about the magnitude of the limit. Our fraction, for instance, considers the threshold provision as a democratic means to simplify our multiparty system. The parliamentary

threshold is principally to promote political stability after elections. No party wants that the president elect would be challenged just because there have too many parties in parliament. We as MPs would also be hard to execute our duties to serve our constituents if we face conflicts inside. But, when particularly talking about the presidential threshold, our fraction is in common with most of the DPR fractions those which reject the provision because we regard it would potentially eliminate our rights to carry out candidates in elections. I am pretty sure that most of the government fractions in DPR share as well the same views, but they are forced to support the bill as the consequence of their political standing.

Interviews with the party stakeholders in this study have strengthened sources derived from the parliamentary participants. They confirmed that parties are the instruments of democracy, that it would be understandable if the party elites involved in any kinds of policy processes include party members at appropriate levels. The participants interviewed argued that the consensus built among party leaders is a sort of party contributions to succeed the administrative process of the case study examined. When discussing that inter-party compromise, P.S.3 intelligibly delivered some crucial views:

Well...I think we need to agree first that the party at the very principle of its foundation is an instrument of democracy. In implementing its daily activities, each party needs one another. In the case you asked, I think, there has no other possibility for parties rather than having to work together to ensure the stability of the government in all respects. Interparty collaboration determines the effectiveness of the political process and the government needs stability to work effectively. The fractions in DPR indeed require an inter-fractional

cooperation to make the decision-making able to be maintained smoothly. The situation our members in DPR faced during the legislation was understandably complicated. I think you need to know that the time was very limited and at the same time parties are divided. Without compromise or any other consensus, the bill discussion would have never ended and it ought to fail the preparation of the 2019 elections in turn.

In Chapter 5 there would be an interpretive explanation revealing that the interparty cooperation is firmly a strategy of interest management among parties, arguably applied in a cartel tradition, to minimize the consequences of losses in elections (Katz & Mair, 1995, 2009). A coalition contingency in a cartel tradition is notably flexible because parties are prone to establish a mutual consensus in elections. In this study, the participants involved exclusively acknowledged that there was a compromise between parties correlated with the post-electoral pie sharing agenda. O.N.A.1 unequivocally asserted:

The DPR parties compromise in many forms. Generally, they establish a symbiotic compromise regarding the political gains they could share with after elections. They typically make agreement on, for instance, who controls how many seats in the upcoming cabinet or who control which part of the state-owned enterprises [read: BUMN]. We cannot deny that BUMN is still considered a “spring” for parties to gather economic resources.

Interparty cooperation has been an underlying conclusion in this part. The information derived from O.N.A 1 is in line with the views opined by O.N.A. 2 as discussed in early sections of Chapter 4. Participant O.N.A.2 who studied the cartelization in Indonesia for years emphasized that interparty collusion has been the nature of parliament’s performance in contemporary Indonesia. Such cooperation,

O.N.A.2 argued, used to be related to political booty or economic spoils, but it turns out recently that the incentives have been more than this participant could imagine. To enrich this part of information, this author interviewed the journalist and government officials involved in the phenomenon under study. They convinced this author that the existence of interparty collusion is real. Based on the direct observations while working as a journalist in parliament, M.J.1 notably argued:

Cooperation must have been obvious. As you know, in the beginning of the bill discussion, most of the party fractions are not in common against the parliamentary threshold provision they considered too high. They understand that the government might carry out their own interest, but it is also about the party's survival. Some parties are afraid they would have no power to determine the presidential candidates. The lobbying, in which party elites and cabinet members are involved, has been a mostly strategic move that enforces the parliamentary fractions to come up to a common decision.

Explanations delivered by G.O.2 reinforced the narratives in this section to make a definitive conclusion that the interparty collusion has been an approach model facilitating the ratifying process of the election bill studied. G.O.2 understandably admitted:

As far as I know, the parties establish an agreement after their bosses met. The government's envoys involved during the bill discussion attempt to succeed the lobbying and maintain the interparty consensus. The major point is how to make this legislative process smooth and more unchallenging.

G.O.2's recognition parallels the acknowledgment derived from M.P.1, who arguably stated that the party stakeholders became cabinet members involved in

mobilizing supports and lobbying by the time of voting on the bill on July 20, 2017.

M.P.1 explicitly alleged:

The Minister of Home Affairs, Tjahjo Kumolo, and the Coordinating Minister for Politics and Security Affairs, General Wiranto, mobilize supports from party stakeholders to establish consensus regarding the Article 222 under the bill which exclusively stipulates the presidential threshold provision. This article, of course, is very important for the government because they need to secure the second period of Jokowi Administration. Is it wrong? No. They do what they have to do as politicians. I must do the same if I were in their position. Everyone must do that way.

### **Political Effectiveness v. Political Efficacy: The Second Finding**

Based on the discussions above, this study found that there was an interparty cooperation and that the party fractions were direct instruments in realizing the consensual agreement among party elites. The underlying purpose behind this political engineering is to develop political effectiveness vis-à-vis a political efficacy (Boulianne, 2019; Craig & Maggiotto, 1982; Reichert, 2018). The participants involved in this research project revealed sufficient information as to the empirical considerations to shape that conclusion. Parliamentarian participants (M.P.1, M.P.2, and M.P.3) particularly asserted that establishing the political efficacy was a common goal among party fractions in DPR when drafting the election bill, as the case study examined. Of course, there was no measurement that could guarantee if the rationale of that political efficacy truly worked. What is obvious is that the interparty controversy and lengthy debates on the strategic articles under the bill investigated

were no longer an obstacle since the party elites gathered and made a deal among them. Unambiguously, M.P.1 explained:

It is real that the fractions are different in the views toward the bill, but the majority of parties realize that the national interests are more important than the party interests. That is why some fractions that are divided in the beginning then support the bill eventually. The political lobbying and other maneuvers applied during the decision-making in DPR are only the technical issues. Most of the fractions principally realize that the law should be ratified immediately to secure the preparation of the 2019 elections. DPR, especially the Special Committee, does not want to hamper the election preparation, which is the most important way for citizens to participate in democracy.

It seems that the parliamentarians considered the effectiveness of their performance regarding the phenomenon under study. The term “effectiveness” in this part is of course highly debatable, but at least, information gathered in this study confirmed that the politicians in DPR think of how effective their performance in the eyes of their voters. The political effectiveness they mean could be typically about the survival and sustainability of the oligarchic status quo. To establish a more trustworthy understanding about this issue, interviews with O.N.A.1 would provide some important information. This American university alumnus (O.N.A.1) notably explicated:

When the legislative process occurred, I was still working for the electoral commission [KPU], so I got no more details about how the implementation of the lobbying was. But looking at the substance of this Election Act, one could acknowledge that the party interests firmly worked in shaping the legislation of this law. I guess, the point is to manage the elections in the way that the

candidates must represent the party interests, which means the interest of the oligarchy. In the case of the parliamentary threshold, the oligarchs from the dominant parties aim to constrain the new parties to enter the parliament. They use the logic of party simplification as the primary condition to secure the stability of a presidential system. I studied electoral politics and I have observed for years the performance of party politics in electoral seasons since Suharto's era. One thing I understand is that these parties have no willingness to serve the people or the democratic system, though they talk a lot about democratic principles. Believe me, they are bluffing and people already know that.

Maintaining the political effectiveness has been the reasoning of the MPs and GOs to accelerate the ratification of the election bill, even though the controversy was obviously complicated and cumbersome. It is ostensible, however, the principle of effectiveness is necessary to question. Information derived from the participants approached in this study understandably confirmed that the subjective opinion of the elites shapes the contention of the effectiveness concept which is, strictly speaking, contradictory to the efficacy of their performance in the public's eyes. O.N.A.1 convincingly asserted:

It is just about the party interests. Oligarchy is real. They control everything in the political sphere. The controversial articles under the EA, especially those related to the parliamentary and presidential thresholds and vote conversion truly reflect the power of the dominant parties. In such cases, frankly speaking, the oligarchy has, indeed, been the invisible hands taking control over what the MPs should or should not do.

People who watched televisions and read newspapers during the legislative process of the 2017 EA in the past few years ought to remember how the MPs were assertively convinced to argue that what they did during the legislation was for the sake of state interest regarding the strengthening of representative democracy. Sources collected in this study revealed that such argument is no more than just a rhetoric. Along with O.N.A.1, the participant O.N.A.3 notably delivered a similar opinion:

Politicians get themselves trapped in the logic of power politics. They might try to do something with our democratic system, but what they are doing is, as the matter of fact, to destroy the existing democratic order. Sometimes I think the transformative ideas we propose to DPR in several legislative processes, not only during the discussion of this election bill, just overload the documentary databases in DPR Library. The inputs, we deliver, have no significant effects on improving the quality of the legislative issues. Indeed, in some cases, the MPs require and incorporate some insightful inputs delivered by the NGOs or other external parties. But, mostly at the very fundamental issues they debate on in DPR, our presence tends to be worthless. The presidential threshold, we are discussing, is an example in which our responses truly affect nothing to the MPs' decisions.

There was no field information that supported the evidence about the political efficacy concept in this part. However, as the degree of public trust in how effective political performance takes place in the political system, the concept of political efficacy is significant to discuss vis-à-vis the political effectiveness politicians argued in the phenomenon investigated. The MPs, SPs, and GOs established the understanding of a political effectiveness concept particularly oriented to defending



the status quo rather than serving the public expectation. Strictly speaking, M.J.2 shared her life-experiences:

During my 7 years working as a journalist in DPR, I have been explicitly observing the performance of our lawmakers from time to time. There is nothing strange because what they did or are doing typically reflects the nature of the politicians in general. They are rhetoric by using democratic jargons. When interviewing them or they speak in the public channels, they normatively behave. But, if you look through the facades, you see the real them, you might be surprised that what they do is just to serve their individual interests and to maintain their collective gains as political flocks.

### **Politics as Profession: The Third Finding**

Interview transcriptions performed in this section would conceptually recall Katz and Mair's (1995) thesis about the nature of politics in a cartel tradition—restated in their 2009 work. The emerging theme discussed (“politics as profession”) is related to the professionalized politics coupled with the emergence of a cartel party tradition. About this, Katz and Mair (1995) distinctively wrote:

Finally, with the emergence of the cartel party, comes a period in which the goals of politics, at least for now, become more self-referential, with politics becoming a profession in itself—a skilled profession, to be sure, and one in which the limited inter-party competition that does ensue takes place on the basis of competing claims to efficient and effective management. (p. 19)

In a cartel tradition, politics becomes depoliticized in the way that politics becomes a skilled profession, self-referential, and capital-intensive (Hutcheson, 2012; Katz & Mair, 2009). The views of the participants involved in this qualitative

case-study inquiry, enriched by literature sources and collected documents, reinforce that tendency of the professionalization of politics. Party members in parliament (MPs) were *pekerja partai* (party workers) with professional skills to serve the party interests explicitly, which for most there was no direct linkage with the interests of civil society because the party became part of the state (Hutcheson, 2012; Slater, 2018; Katz & Mair, 2009).

M.P.3 argued that the institution of party politics is a strictly well-regulated organization in which each party member should be subject to the party orders though it might mean that the party members in public offices should sacrifice their constituents. In the ideal condition of a democratic party, the decisions of MPs reflect both the party interests and the voters' interests. In a cartelized culture, the party interests become absolute and indisputable. Interviews with M.J.1 helped highlight the issue. M.J.1 exclusively confirmed:

It is very obvious that the MPs' maneuvers reflect the dominance of party elites in the policy process of the election bill. MPs are just pawns of their bosses. Most of them are not happy with this situation. They realize, at least in accordance with the personal discussions we made, that they must serve their constituents, but they have no power to bargain facing the dominance of party bosses. It is the fact why, notwithstanding the voters' benefits, MPs persistently decide to serve their parties. As politicians they have to maintain their political careers. In some cases, of course, they seem to serve their constituents, but it is part of the pragmatic thinking related to the maintenance of their career.

The opinion of M.J.1 is the normative reflection of the political performance of party members in public offices. However, the concern of this study in this part is

to understand how the meaning of politics has been shifting. As the matter of fact, the institutions of party politics have significantly contributed to establishing a cartel tradition in which the party becomes distant from civil society and closer to the state regarding the acquisition of material resources. S.P.2 justified the party maneuvers and convincingly argued that the parties were understandably defending both the party interests and the state interests. This participant did not deny that party members in government offices are supposed to work both for parties and state. O.N.A.1 challenged S.P.2 and notably emphasized that parties have lost their ethical orientation in executing their duties in representative politics because parties are prone to serve the state instead of the society. O.N.A.1 received support from O.N.A.2 who trustworthily explained that the institutions of party politics today build a wall separating them from society. This participant (O.N.A.2) explicitly stated:

According to the surveys in the past 3 years, I noticed that there had only been about 12% of the people still close to political parties. That is, most people have no feeling anymore toward the presence of party politics. The 1999 election, so to speak, could be the last election that reflected the firmly emotional relationship between party and voters. After 1999, the politics has been increasingly much more elitist.

Politics as a profession, following Katz and Mair (2009), is the consequence of catch-all culture in which the politicians become the entrepreneurs. In a catch-all culture, the political parties are the competing brokers between civil society and the state (Hagevi, 2018). The brokers create the political realm as the political market in which the occurrence of money politics could possibly make sense. O.N.A.2 participant, for instance, seemed to be not surprised when learning of the rumors of the presence of monetary exchanges during the discussion of the election bill

studied—though participants from political backgrounds, of course, and should, refute such rumors. O.N.A. 2 particularly stated:

The involvement of financial resources in the lobbying is an old song. As long as I have observed the political dynamics in DPR since 1999, I am full with such stories. There is nothing surprising. None could discuss the nature of party politics without understanding their attempt to obtain the political and economic spoils as much as they could find out.

Politics as profession in this study is directly related as well to the skilled performance of the parliamentarians. M.J.1 and M.J.2 appreciated the MPs' performance progress in recent years, especially since 2004. M.J.1 appreciatively acknowledged:

If I am not mistaken, since 2005 the MPs have been trying to be more professional in executing their daily duties as the people's representatives. The presence of professional aides in 2005, under the new regulation about DPR, truly contributed to improving the MPs' capabilities in carrying out their representative tasks. (personal communication, February 7, 2019)

As known, the current DPR Regulation 3/2014 stipulates that each MP is allowed to hire at least personal assistants and five professional aides who get regular payment from the state budget. When politics becomes a profession, following the cartel concept (Katz & Mair, 2009), party members in public offices need expertise in making laws, dealing with issues of budgeting, and implementing a checks and balances system. When discussing this DPR Regulation 3/2014, M.J.3 disappointedly complained:

The increasing facilities or salaries would never improve the quality of the MPs' performance. It is not about the official incentives the state should

provide, but the culture they hold. As everyone can see, MPs are prone to be party representatives instead of the people's representatives. Personally, they could also complain that the party absolutism undermines their idealism to serve their constituents. But, politics as a collective action is truly about the culture. The culture of our political parties is still shaped by the market logics. The politicians are like the businessmen who are seeking for profits. It is for this reason I am not believing that the increasing facilities and salaries would improve DPR's performance.

### **Recap of the Findings of the Sub-question 1 of the Central Research Question**

The findings of the Subquestion 1 raised several issues that shape the context of the phenomenon under study. Based on the participants' interview transcriptions, documents, and literature sources gathered in this investigation, this findings of the Subquestion 1 encompassed three major themes aligned with the theoretical frameworks applied. The first point is the interparty collusion as a symbiotic linkage among the parliamentary parties, which ultimately explains why the complicated legislative process eventually became efficient. Information forging this first conclusion derives from the interviews with the MPs (MP1, MP2, and MP3), PSs (S.P.3), NGO activist and observer (O.N.A 1, and O.N.A.2), including the GO (G.O.2).

The second finding, based on the conversations with the parliamentarian participants, as well as O.N.A.1 and M.J.2, includes the discussion of a political effectiveness as the primary rationale argued by the MPs and GOs to justify their maneuvers in the case study investigated. Conversations with O.N.A.1 and M.J.2 revealed a rival narrative of a political efficacy as the concept testing the essence of

the effectiveness postulation defended by the politicians in this study. The relevant participants argued that the degree of efficacy is firmly absent from the legislative process of the case study examined. They seemingly denied the logic of “political effectiveness” is truly in line with the political efficacy, which reflects the degree of public confidence in considering how effective the performance of the public officials, including MPs, could be.

The third finding of the Subquestion 1 of this study was the professionalized politics. The opinions of M.P.3, M.J.1, S.P.2, O.N.A.1, and O.N.A.2 particularly encourage this researcher to conclude that the actors responsible for the phenomenon under study are the professional actors who intend to make politics a skilled profession, self-referential, and depoliticized. MPs, PSs, and GOs involved in the lawmaking inquired have treated politics as a profession in which, following Hutcherson (2012), “the parties’ political role has moved from being one representing societal interest to representing the interests of the state and interest groups” (p. 914).

### **Findings of the Subquestion 2 of the Central Research Question**

The findings of Subquestion 2 showed strategies applied under the policy process of the case study examined in this qualitative inquiry. Data gathered leads this section to several themes reflecting the crucial, epistemological considerations concerning the lobbying among participants responsible for the legislative process of the 2017 EA. In the first part, this section is focused on the consensus established among the party elites regarding the phenomenon under investigation. In the second part, the relationship between the party, state, and parliament in this study reveals, to some extent, a discussion of a neo-corporatist mechanism, which broadly adds to the

discussion in another section of Chapter 4 of this study. In the third part, this author reiterates the excuses argued by the MPs to justify the ratification of the 2017 EA, which is partly related to the argument of the political effectiveness notion. In this part, political stability is the argument the participants interviewed revealed to rationalize the maneuvers of the party pawns behind the legislative process of the case study examined. Table 7 particularly demonstrates the relationship between the Subquestion 2, interview questions, and protocols.

Table 7 *Subquestion 2, Interview Question, and Applicable Protocol*

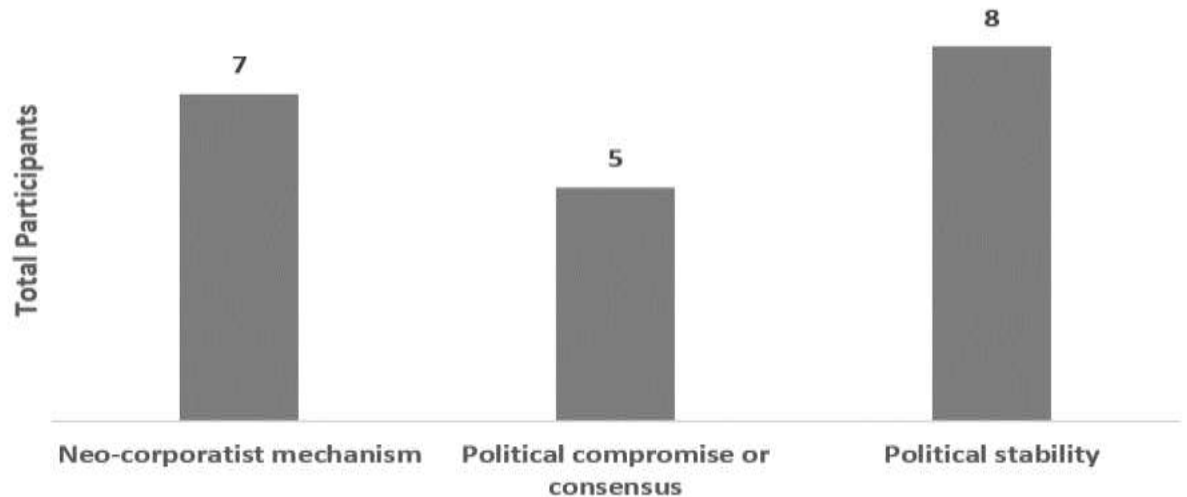
Subquestion 2: As it was the government-proposed bill, how did the lobbies among the Special Committee and the government take place during the legislative drafting process?	
Protocols	Interview Questions
P1	Question 3: As you have well explained, the policy process was somewhat complicated and involved lengthy lobbies. There was strong resistance from many fractions in Parliament. What fundamental aspects of the process do you consider crucial to be shared with the people?
P4	Question 3: As known, when the bill was discussed among MPs, the process was somewhat complicated and involved lengthy lobbies. As a government's representative involved in that legislative process, you saw and experienced how MPs and government officials developed communication and lobbies. Would you please tell me the details of those experiences?
P4	Question 4: The initial draft of the bill came from the Ministry of Home Affairs you represented in the parliamentary legislative process. Your Minister could be representing both the government and his political party. Do you mind sharing with the people any information that shows that the government officials lobbied with the MPs from ruling parties during this legislative process?
P4	Question 5: Can you also explain the forms of lobbying applied among the government officials and MPs during that legislation?
P5	Question 4: Did you see that the involvement of the government officials in that legislative process both representing the party's and the state's interests?

*Note.* Relationship between Subquestion 2, related interview questions, and protocols.

NVIVO data analysis performed in Figure 14, 15, and 16 reflects the significant themes discussed in this section as the key findings of Subquestion 2. These themes are the key findings derived from the interview transcriptions gathered in relation to the theories employed in this research study. This author thematizes the emerging codes based on the theoretical frameworks applied to make the illustration



of the findings more understandably aligned with the research questions, problem, and design.



*Figure 15.* Bar chart of data analysis.

The focus of Subquestion 2 is on the obvious relationship between MPs and GOs in terms of the lobbying that raises a theoretical reflection of the party-state symbiotic linkage in the phenomenon studied. The lobbying has been a technical means to build an elitist consensus regarding the culture of oligarchic cartelization. The symbiotic relationship between state and party is part of characteristics of a cartel tradition. In addition to that character, the elections in a cartel culture aim to guarantee a socio-political stability instead of creating a socio-political change. This section discuss three critical themes based on the emerging codes in the NVIVO data analysis process and the theories applied.



### **Political Consensus: The First Finding**

The political consensus in this section refers to the “the gentleman agreement” among parliamentary parties concerning the strategic issues under the bill discussed in this study. The agreement occurs at two levels: the interparty consensus at the parliamentary-fraction level and the MP-GO level in terms of the mutual understanding between the government as the initiator of the bill and DPR’s Special Committee as the lawmakers. In the previous sections of Chapter 4, various information emerged that demonstrates the lobbying and the maneuvers occurred involving the oligarchic elites in party central offices and party members in the government institutions. In this section, this author intends to highlight the relationship between the GOs and the members of SC regarding the consensual agreement on the strategic articles disputed during the discussion of the election bill studied.

As shown in Table 6, the findings of this study elaborated in this section derive from the interview transcriptions of the relevant participants (MP1, MP2, and MP3) using Protocol 1, especially when answering Interview Question 3, and Protocol 4 (GO1, GO2, and GO3) related to the Interview Questions 3, 4, and 5. All participants claim the presence of the intensive lobbying and reciprocal communication between the GOs and SC during the bill discussion. The most intensive interaction occurred by the plenary session held on July 20, 2019, which ended with voting mechanism at dawn of July 21, 2019. The cabinet members from the relevant ministries set up deals with party elites and parliamentary fractions as discussed earlier in this chapter. As already mentioned earlier, M.P.1 reliably witnessed that the Minister of Home Affairs, Tjahjo Kumolo, and the Coordinating

Minister for Politics and Security Affairs, General Wiranto, mobilized support to establish interparty consensus regarding the Article 222 under the bill, which exclusively stipulates the presidential threshold provision.

The political tradition of a *musyawarah* (consensus) is a cultural approach of Indonesian-style decision-making mechanism applied at various levels concerning the Pancasila democracy. Pancasila democracy, following David Bouchier and Vedi Hadiz (2003), “originates from the an understanding of family values and mutual cooperation” (p. 38). *Musyawarah* is the primary principle of Pancasila democracy in which the decisions must carried out by means of deliberation (Bouchier & Hadiz, 2003). The voting model is the ultimate strategy when the deadlock is inevitable. As a universal democratic mechanism, voting is part of the practical tools of a democracy. It seems that, considering the sources gathered in this study, the principle of *musyawarah* has become a shield covering the oligarchic games behind the decision-making process. In some cases, *musyawarah* could be a rationalization of money politics or any forms of unethical conducts of political lobbying that could occur among politicians or public officials. The involvement of party elites and GOs in the policy process of the 2017 EA is supposed to be part of the consensus building. The consensus in this situation differs from the principal denotation of the *musyawarah* principle, which aims to maintain and defend the people’s interest. The consensus in this part of the findings of this study refers to the elitist compromise regarding the defense strategy of oligarchic parties. The recognition of G.O.1 when sharing his experiences in partaking in the bill discussions confirmed this conclusion. G.O.1 convincingly recognized:

The lobby day and night is endless. The Home Affair Minister approaches leaders of fractions and parties to secure the presidential threshold stipulation

under the bill. It was, indeed, cumbersome to persuasively approach both the ruling parties and the opposition. Ahead of the voting day on July 20, 2019, the majority of the ruling coalition ultimately decides to support the government's draft. The government attempts to promote a deliberative model of decision-making, but it is not easy to apply in this issue because this election bill directly affects the survival of political parties. Most of parliamentary parties disagree with the Article 222 because they think that this article benefits the major parties behind the president. The middle-low parties mind to support before the minister lands his hand on that policy process. I do not know exactly the points of the lobbying our minister successfully does, but as you can see the bill finally gets approved and passed into law.

As discussed before, the political participants (M.P.2, M.P.3, and G.O.3) considered the interparty consensus in this study as part of the Indonesian culture implied in the fourth *sila* (precept) of Pancasila (the state's ideology): "Democracy is led by the wisdom of the deliberation/the representatives of the people." Though it is debatable, at least about the intentional meaning of the consensus *per se*, the *musyawarah* principle has been the alibi in hands of the party politicians. M.P.2 arguably admitted:

As you know, consensus is our culture. It makes our democracy distinctive from other democracies in the world. That is what we have tried to develop during the bill discussion. Our fraction believes that the interparty consensus is inevitable, even a must, but it is very hard to build. In particular issues, parties may agree to be in common, but in other issues, they must get divided. On the presidential threshold, for instance, most of the ruling fractions ultimately have a common decision, but on other articles like the provision of a 4%

parliamentary threshold and the article of a vote conversion method, the ruling parties no longer stand the same foundation. There is no more ruling versus opposition group, except for the major parties and the middle-low group. The middle and small parties are afraid of their destiny in elections. This situation makes the consensus hard to establish among the members of SC. In a deadlock, there is no other way, unless applying the voting mechanism.

The recognition of G.O.3 about the involvement of a cabinet member in lobbying for the election bill studied indicated one thing that the party elites require the support from the majority of MPs to secure the bill. It goes beyond the idea of consensus; it is about the survival of the party oligarchs and the sustainability of the privileges they gain from the symbiotic interpenetration with the state. Consensus is just a strategy to secure the party agenda behind the drafting process of the case study investigated. About the hard work of party-based cabinet member driving the lobbying, G.O.3 convincingly acknowledged:

I am the witness to see how the minister was hard working to approach all chairmen of party fractions in DPR. He also arranges informal meetings with all leaders of dominant parties. I was accompanying the minister when we approached them, including the SC members and the fraction leaders in DPR.

In alignment with the acknowledgment of G.O.3, a parliamentarian participant (M.P.3) confirmed the strategic role of the government facing the final voting in the plenary session held on July 20, 2017. M.P.3 unambiguously confirmed:

All MPs expect to ratify the bill immediately as what the government does as well. But, we cannot proceed to speed up the process as long as the party leaders have no mutual agreement among them. However, the bill is highly political in the way that it is related to the interest of all parties, either the

ruling or the opposition. Some of us conclude that the active involvement of the GOs in lobbying the party leaders is a kind of help. It is no longer about the ruling group or the opposition, but the mutual understanding among parties to make a more deliberative decision. Each MP realizes that the bill must get passed into law as soon as possible, but the parties are divided. I think it is undeniable that the government has done their job very well in helping the DPR complete the legislative drafting process.

### **Neo-Corporatist Mechanism: The Second Finding**

Neo-corporatism is a concept that develops in the study of interest groups that refers to cooperative relations between interest groups and the government for the goals set jointly by both. It is a central concept concerning the presence of the major parties and interest groups as the expansion of state's penetration in society (Scholten, 1987; Streeck & Kenworthy, 2005). In this part, the concept of neo-corporatism refers to the shifting existence of parties and party-affiliated interest groups as part of the state. Following Katz and Mair (1995, 2009), neo-corporatism is a tendency emerged along with the emergence of a cartel party. This researcher would consider the collusive relationship between party and state would be a part of the neo-corporatist mechanism. The recognition of the parliamentarian participants (M.P.1, M.P.2, and M.P.3), PS (P.S.2), GOs (GO1, GO2, and GO3), and other participants involved in this study helped form the large scope of the interpenetrative linkage between party and state. Following the central thesis of a cartel concept, the party depends on state subventions, and in turn, the state regulates the party binding it to be subject to the state (Katz & Mair, 1995, 2009).

Though a cartel concept remains debatable among scholars studying contemporary Indonesia, due to the insufficient conditional criteria to conclude the possible emergence of a cartel party, the party dependence on state funding is firmly ostensible. This dependency is not only related to the material subventions, but including the privileges to control the channels to the state-owned resources, such as thousands of state-owned enterprises—which since the Suharto regime have been the “dairy cows” of the dominant parties vis-à-vis the capitalist state (Robison, 1986; Robison & Hadiz, 2004). In respect of the mutually binding linkage between party and state, the argument delivered by M.P.3 is noteworthy:

By theory, we are the elected by and working for the people, for those who delegate their trust to us as their representatives in DPR. But, it is the political fact that we are representing both our voters and parties simultaneously. Our colleagues who are occupying the executive offices are the same. As party members, all decisions we make must be based on two orders: the party orders and the government’s orders. We are the ruling party. If our chair in central office has us do A, we have to do A. There is no way to carry out B [...]. Becoming MP from the ruling party is slightly challenging. We have to satisfy our voters, and at the same time, we are subject to the government’s program and policies.

M.P.3 opinions, as well as other participants’ views, emphasized that the party’s decisions were absolute and must be a guide for party members in both DPR and executive branch in making decisions. It is in this line, there appears no obvious boundary between the interests of the (ruling) parties and the interests of the state. On the contrary, there seems, in a pragmatic sense, a fusing tendency to eliminating a distinction between party interest and state interest. In this realm, the cartel nuance is



arguably striking. To support this conclusive statement, S.P.2's argumentation was exclusively considerable:

Party members are clearly subject to the party decisions, either they are in the parliament or in the executive. All parties apply this principle. You can ask those in other parties. I am sure they will give you the similar view. The party's rule is palpable that all members must serve both party and state. It's already a natural law in democracy, isn't it? The party establishment is to promote democracy in the point that the party is seeking for the people's benefits. The party is working for the good of people. If you ask me about our cadres in the cabinet, the principle is the same. As cabinet members, they follow the president's orders as their boss in the executive. Whatever and however the situations faced, they have to obey their boss. But, don't forget that they are party cadres as well. So, in terms of any political decisions related to party interests, they should, of course, coordinate with the party. No member can take his/her own decision without a consultation with the party.

In line with what S.P.2 delivered, G.O.3 typically opined from the government perspective:

The government is not haphazardly subject to the party although the president is a party member. The government has its own agenda, programs, and targets. We follow the president as the highest leader. In some cases, the president and the ruling parties are of course in line, but not in all respects. My experiences make me understand more about this. Under President Yudhoyono Administration, there was an issue in which the parties enforced us in government bureaucracy to do as they wanted, but the minister told us to do otherwise. In that case the government was not subject to the parties [...]. The

scandal of e-KTP is another issue. Politicians across parties were involved as they collaborated in planning that mega-corruption scandal.

G.O.3 appeared to deny the collusion between party and state for the security of his career, but this participant confirmed one essential thing that the government and the ruling parties could make common decisions in particular cases. Meanwhile, the interview with G.O.2 reinforced M.P.3's opinion that separating party interest and government interest could be slightly arduous. G.O.2 stated:

I think, to be honest, the government and the ruling parties are inevitably one. You know better than me that the politics is not always about what appears, but what lies behind. Frankly speaking, this brings us a dilemma when working within bureaucracy. By law, we are supposed to serve the state, but our bosses are coming from party. As the consequence of working under the organizational leadership, we follow our bosses if wanting to maintain our career as bureaucrats. If people say that there is no place for idealists to be in bureaucracy, I do understand what it means.

The practical implication of a neo-corporatism is that political parties, including interest groups, are the expansion of state power in maintaining civil society. In a cartel tradition, such a relationship is reciprocal in the sense that the party not only works for the party, but also rules the state. Interviews with M.P.1 provided a solid basis to conclude that the logic of neo-corporatism has forged the symbiotic linkage between state and party in the phenomenon under study. M.P.1 unambiguously argued:

This Election Bill is a government initiative, so it makes sense if the government becomes proactive in establishing political lobbying. The purpose is to secure the government's interest. As party stakeholder and former

member of DPR, the minister involved in the lobbying surely knows how the tradition of lobbying works in DPR. He is just representing the government to succeed the bill. I think it is normal in politics. If you want to criticize, perhaps you need to ask the minister in what points he works for the government and for the party. But, is it possible? Yes, you might be able to do that, but I am pretty sure it would be impossible for him to tell anyone the truth because it is very sensitive. However, as you read the newspapers or watch the TVs, this minister has openly declared his position during the bill discussion that his interest is to secure the presidential threshold. As I mentioned before, he does not care about other disputable articles in the bill, except that article, because the government, to be honest, is just concerned with the presidential candidacy.

When discussing the minister's confusing role in the phenomenon under study, between a cabinet member and a party stakeholder, M.P.3 claimed it is habitual in politics. M.P.3 understandably explained:

I ask you, how could you measure it? There is no appropriate measurement to separate both and no necessity to do that. I think the point is not in your question, but in the way whether he serves the state or not. It is obvious that the government, when presenting their positioning paper in front of the SC, is concerned with the security of our democracy, especially the presidential system. From this statement you can make a conclusion that there is nothing wrong with what the government has done in this legislation. As party member, I do understand his position, and even if he explicitly serves his party, there is nothing wrong with that. Every politician does it, right?

O.N.A.3 responded to the question about the presence of GOs in the legislative process investigated. This participant arguably stated there was no measureable boundary of interests between state and party. The party-state linkage, following O.N.A.3, is seemingly blurred. O.N.A.3 completely responded:

I think many people already know that the ministers are engaged in lobbying the MPs and the parties for the success of the bill discussion. Mr. Kumolo and Mr. Wiranto handle some meeting with fraction leaders and approach the parties to support the government's RUU draft. Of course, they just follow the orders directed to them, but many questions could be raised in this case. Why should the ministers so actively arrange the lobbying? If it is about democracy, why don't they just trust their colleagues in DPR to make the law? Is it true that the president has them involve in this policy process? How can we guarantee that the ministers are not working for their party interests? It could be a lengthy debate if we reveal a discussion about the interest-based policy process. The involvement of these ministers, I believe, is not just to secure the regulation as they argue, but also to seek for their particular interest as party-originated executive officials. I am also a party man, so I know what the politicians pursue.

At this point in the analysis, there are no obvious lines to distinguish the extent the ministers were actively involved in lobbying the parties and DPR work for the state, and in which aspects they moderately serve their original parties. It is in this gray niche, the opportunity for cartelization is widely open. G.O.1 responded a little about the government-party relations. However, this participant supported what the government has done in this policy process of the 2017 EA. G.O.1 supportively argued:

The government does what they must do. It is our initial proposal in which we are fully responsible for the success of its legislation. Our minister expects to do his best for the good of this country's democracy. I think there is no need in this issue to speculate about his relationship with his party. Whatever the motives lying behind the minister's decision, I guarantee the ultimate purpose was to succeed in administering the 2019 elections. It was a hard work. I personally do appreciate the government and DPR for their effective cooperation in the completion of this legislation.

In his response to this part of the case study examined, O.N.A.1 exclusively delivered a more scientific explanation. This scholar-activist hypothetically emphasized that understanding the relationship between government and parliament in contemporary democracy is to understand the relationship between party and state. O.N.A.1 explicitly illustrated:

In the implementation of a representative democracy, where the party plays central roles, it is uneasy to separate the interests of the party from the government's activities. Even in the most complicated situations, we find it difficult to separate the government from the state. In practice, the government assumes itself as a state. More terribly, when the party-based presidents come into power, the parties claim the power. The government formed is indeed the party government. As a consequence, most of government activities are under the parties' control, and they use "state interest" argument to legitimize what they do. I am an activist, but also an academic. I am concerned with the future of our democracy which so far has been a "party regime." People like us who are standing outside the party cannot firmly influence the execution of democracy if we do not strengthen civil society.

Interesting arguments derived from the participants selected in this study convinced this researcher to cross reference the participants' responses with additional information. This researcher recalled the statement of a senior political scientist from LIPI, Indria Samego, who had been observing the dynamics of Indonesian democracy since General Suharto's authoritarianism. In a public discussion held in Jakarta on May 11, 2019, Samego critically argued:

During the New Order administration, the obvious collusion used to occur among the entrepreneurs and the state, but today, what is increasingly happening is the corrupt symbiosis between party and state. The party aggressively controls the access to state resources and vice versa, [and] the state governs the party to maintain the power status quo.



*Figure 18.* Indria Samego (right) and this author are attending a public discussion in Jakarta highlighting the potential conflicts after 2019 elections. Source: Detik.com (May 11, 2019). Mengupas tuntas gejolak pemilu 2019. Retrieved from [https://news.detik.com/foto-news/d-4545564/mengupas-tuntas-gejolak-pemilu-2019/3#share\\_top](https://news.detik.com/foto-news/d-4545564/mengupas-tuntas-gejolak-pemilu-2019/3#share_top)

### **Elections and Political Stability: The Third Finding**

In a cartel tradition, following Katz and Mair (2009), elections are a regular mechanism to maintain social and political stability, not to create social change (Hutcheson, 2012). Data collected in this research study indicated that the party-based politicians governed the electoral regulations to be a means of political-stability management. The party oligarchs have their pawns in DPR, and government institutions maintain the electoral regulations to maintain the degree of dissatisfaction in elections. Apart from the advantage regarding the management of a multiparty system, the presidential threshold contains as well a tendency to contain the candidates in elections. This conclusion reflects a cartelized effort emerged from the phenomenon investigated. The dominant parties appear to ambitiously win both the presidential and legislative elections. The conversations with the participants involved in this study provide an insightful basis for defending this conclusion. M.P.1 shared with this author the chronology of the policy process studied:

Coordination between DPR and government is investable. As told before, the initial draft comes from the government. But they must coordinate with us in DPR, as the power branch that has the right to make the law. So it is just a normative process. The government is the key to succeed this legislation as the initiator. We just help accomplish it in a proper way [...]. The problem was the timeline. The government has a target to achieve that the election bill ought to be completed before the end of 2017 concerning the preparation of the 2019 elections. The KPU cannot work if this Election Act is not ready before the end of 2017. One could say that this law is a rushed product. That's the truth. Both DPR and the government prioritize the success of the 2019

elections because it is a new history for us to arrange simultaneously the legislative and presidential elections at the local and national levels. And...the other truth is, this is very important for you to note, that the bill is designed to benefit the government.

M.P.2 directly mentioned political stability as the purpose the government wants to achieve through this election act. The lobbying and other maneuvers they arrange in the case study examined are an attempt to secure that designed goal. M.P.2 explicitly reviewed:

Threshold provisions, both the parliamentary and presidential thresholds, are a democratic mechanism to create political stability that would help the president elect run his administration effectively. The simplification of the multiparty system is an idea to guarantee stability in DPR. We feel it in DPR how difficult it is to negotiate in carrying out typical duties, as long as there are too many parties in parliament. But, it is unallowable to reduce the number of parties unconstitutionally, as in the communist system or any other undemocratic systems. The threshold rule is the most constitutional means possibly applied to maintain stability in a complex multiparty system like in our country. So, we consider the government's proposal as the state interest, which must be supported. The intention is firmly positive for the future of our democracy.

In line with M.P.2, a party stakeholder representing the ruling coalition (S.P.1) rested his arguments on the thesis of political stability. This participant revealed the experience by the end of 2014 when Jokowi started his administration in which DPR, ruled by the opposition, restrained the fiscal policy and nearly caused the government shutdown. S.P.1 explicitly stated:



Stability is the primary requirement for the government to work. It means that the government must get support from the majority in parliament. As the ruling party, it is our responsibility to ensure that the stability is well maintained. The Election Act we are discussing is a crucial regulation that could uphold our democratic system and guarantee that the government could work effectively. It has been our party's standing position in DPR during the drafting process of this act. We need opposition, of course, but a soft opposition that focuses on the implementation of the checks and balances mechanism, not on how to impeach the democratically-elected government. That is, there would be no more disruptions like in 2014 when President Jokowi began to rule. The parties at that time hampered the executive because we had no adequate power in parliament. Our coalition was smaller than the opposition. After GOLKAR and PPP joined the coalition in 2015, the situation gets stabilized. My point for our discussion is that stability is fundamental. That is what we need to develop through the existence of this Election Act. The presidential threshold must be high so that the president elect will get enough support from DPR and able to govern effectively.

Creating a political stability is just an alibi since the ruling parties, as the matter of fact, hold a hidden agenda to optimize their opportunity to win the elections. This conclusion comes from O.N.A.3 who believed that the government and the ruling parties in DPR particularly conspire to maintain the electoral regulations regarding the protection and defense of their interests. O.N.A.3 arguably explained:

It is obvious that the government aims to regulate the elections in order to optimize the contingency of defeating other candidates that possibly emerge. As said earlier, the government and the ruling parties in DPR obviously plan

to limit the number of candidates in next elections. They could argue on behalf of a “political stability” rhetoric, but the stability they meant is not compatible with the principle of a democratic stability in the true meaning.

Another participant, O.N.A.1, insightfully argued that the electoral politics in a practical sense is a struggle of interest to defend status quo and gain the most considerable portion of electoral benefits. In responding to the collusive coordination between the GOs and MPS during the policy drafting process in DPR, O.N.A.1 assertively highlighted:

I don't see anything strange because politics is truly a matter of compromise. The collusion between GOs and MPs, regardless of their purpose, is part of the reasonably political works. The government, as well as the dominant parties, must hold an agenda to ensure their opportunity to triumph the elections. There is only one group that might deserve to be disappointed with this legislative process, which is the small parties, because they lose their right to carry out candidates in a presidential election.

Participant G.O.2 based his arguments on the timing aspect of the legislative process. This participant supported any lobbying and political communications built among the government and MPs during the phenomenon under study. G.O.2 particularly argued:

We already discussed that the situation was unique because both the government and DPR were in a rush. They had to meet the target to pass the law before the end of 2017. Whatever they did in order to complete this legislation, I think, it was reasonable. What we thought and pursued was to do our best regarding the preparation of the 2019 elections. KPU was waiting to start working, and they could not work if the law remained unfinished. We applied many approaches to gather support from the major parties. Whatever

the criticisms could arise against our performance, I am pretty sure that we did our best for the sake of this country.

### **Recap of the Findings of the Subquestion 2 of the Central Research Question**

The findings of Subquestion 2 in this qualitative case-study investigation rested on the interview transcriptions, field notes, official documents, and literature sources gathered. Three relevant protocols apply to support the findings in this section: Protocol 1 (P1), Protocol 4 (P4), and Protocol 5 (P5). Guided by interview questions, the participants from three clusters (MP1 MP2 MP3, GO1, GO2, GO3, ONA1, ONA2, and ONA3) provided answers that led this author to draw three potential conclusions in this part: (a) political consensus, (b) neo-corporatist mechanism, and (c) political stability.

The first finding in this section indicates that the lobbying among GOs and MPs has been a cartelized strategy to build a political consensus, which benefits both the party and the state. This finding derives from conversations with the parliamentary participants (MP1, MP2, and MP3), and GOs (GO1, GO2, and GO3). The common idea emerging was that both the GOs and MPs build consensus to succeed the legislative process of the bill examined. Since a consensus is part of the democratic nature, this researcher arguably concluded in this section that the consensus built is a product of party-based mobilization, which puts the party elites as the most influential individuals behind the entire process of the phenomenon under investigation.

The second finding of Subquestion 2 dealt with the neo-corporatist mechanism. The term “neo-corporatism” applied in this part to name the collusive linkage between the GOs and MPs, which is mostly not in terms of the executive-

legislature relationship in the perspective of separation of powers, but instead a consensual agreement among party members occupying the public offices in legislature and executive branches. The central locus of their interests originates from their original institutions of party politics. Based on the information gathered and analyzed, these party members take steps simultaneously, both as the representatives of party and state. This conclusion derives from the interview data collected from M.P.1, M.P.3, G.O.1, G.O.2, and G.O.3.

The final finding of Subquestion 2 of this study posed an interpretive belief that the symbiotic relations between the GOs and MPs aimed to directly maintain the electoral regulations regarding the promotion of a political stability. The GOs and MPs typically argued that the political stability was the primary condition for the government to handle the public interest. It is in this alibi they created a moral legitimacy to ambitiously intervene the legal process of the 2017 EA. This conclusive remark strengthens Katz and Mair's (2009) thesis on elections as a means to create social stability, instead of a social change. The interpretation in this section rests on the views of M.P.1, M.P.2, O.N.A.1, O.N.A.2, and G.O.2. These participants justified the government's penetration into the policy process at the parliamentary level based on and for the purpose of such subjective political-stability.

### **Findings of the Subquestion 3**

Findings of Subquestion 3 revealed the central discussion about public participation regarding the phenomenon studied. Most of the information gathered derived from the interview transcriptions of O.N.A.1, O.N.A.2, and O.N.A.3. These participants notably argued the representation of the public in the policy process, but that presence does not significantly contribute to shaping the Article 222, as the

central element of the phenomenon under investigation. Table 8 demonstrates the relationship between protocols and interview questions required to find the answers of Subquestion 3 in this study.

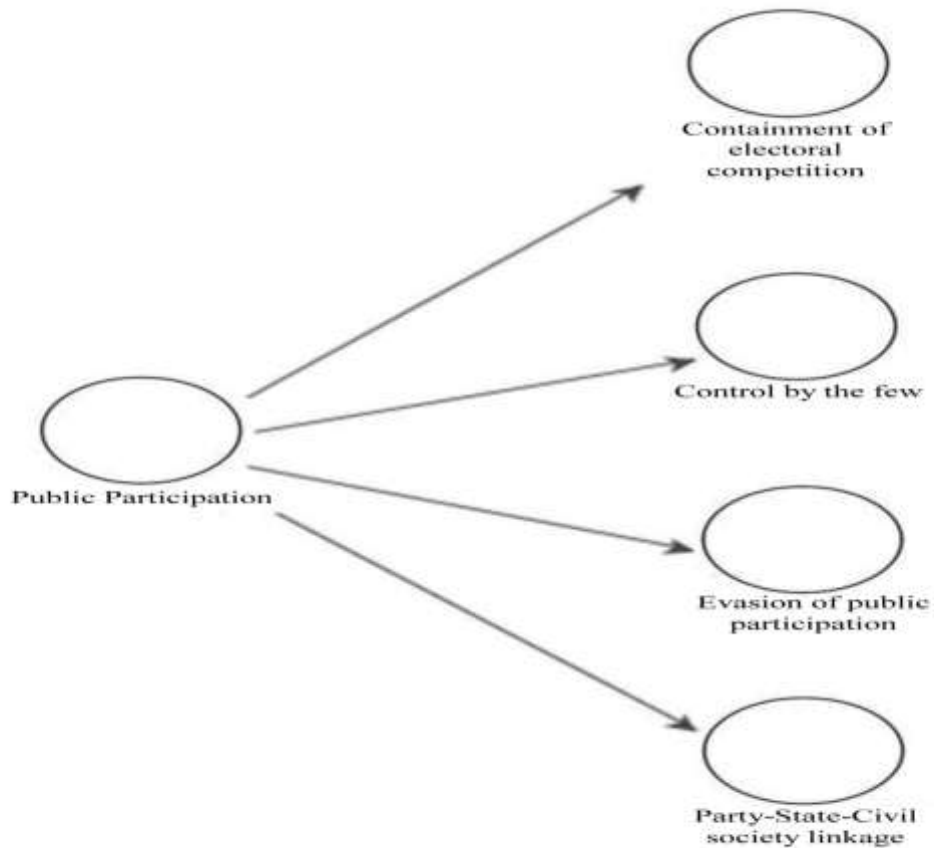
Table 8 *Subquestion 3, Interview Question, and Applicable Protocol*

Subquestion 3: Why did the protests from the extra-parliamentary groups (small parties, independent observers, NGO activists) not inherently and effectually shape the legislative drafting process?	
Protocols	Interview Questions
P5	Question 2: As an independent observer/NGO activist/non-parliamentary party stakeholder, you have openly protested against the formulation of Article 222 and any other strategic articles under the 2017 Election Act. Would you please share with the people why you oppose that legislative process?
P5	Question 3: In some media reports we have gathered, you argued that the 2017 Election Act has been <i>undemocratic</i> and against the <i>people will</i> . Can you explain what is meant by "undemocratic" and "people will"?
P5	Question 4: Some MPs said, as reported in the mass media, the legislative process has involved public views represented by NGOs appointed by the DPR to attend the initial discussion of the Bill, for example the inclusion of the Democratic and Election Union (SDP). Why do you still consider the discussion of that Bill did not accommodate the principle of public deliberation?

*Note.* Relationship between Subquestion 3, related interview questions, and protocols.

The emerging themes considered as the key findings of the Subquestion 3 of this research study appear in Figures 18, 19, and 20. In the first point, the participants interviewed concluded that the policy process under study was slightly the oligarchic product of the few "ruling individuals" in the institutions of party politics. Based on the interview transcripts of the participants involved, this researcher concluded that there are a handful of party elites significantly governing the policy process in the case study investigated. They are truly party oligarchs whose ambition is to make

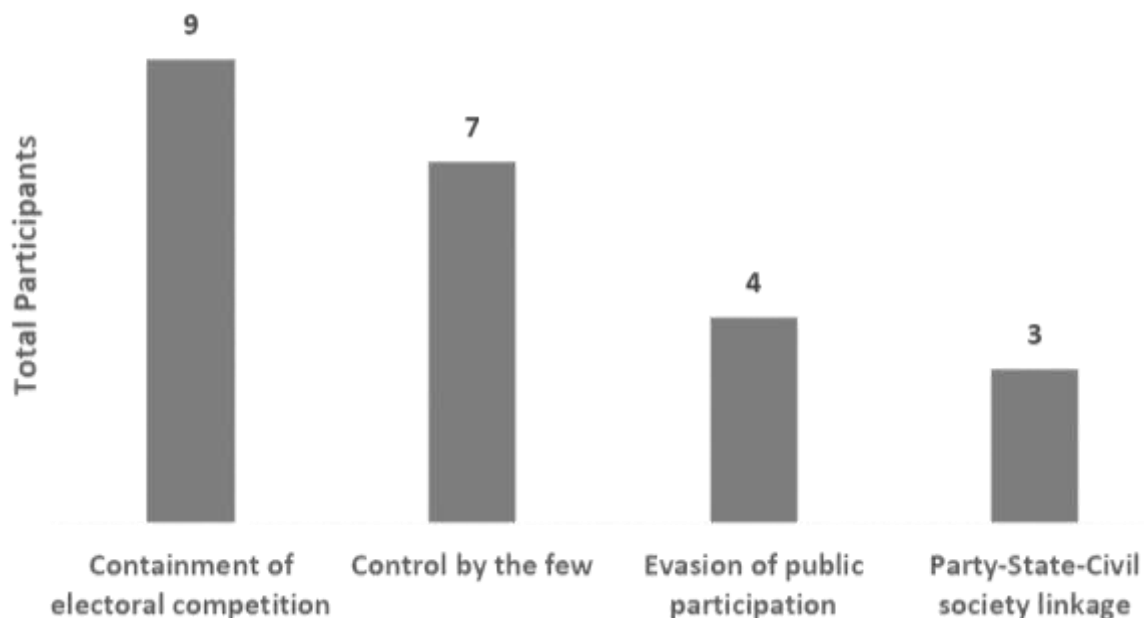
electoral regulation an instrument for a status-quo defense. Party elites work explicitly through party members in DPR and government institutions.



*Figure 19.* Coding tree of Subquestion 3 of the central research question.

The second finding of this study in this section is about the ineffectual participation of civil society. The presence of the civil society in the bill discussion, according to this researcher's interpretation of data analysis, was just a camouflaging to "legitimize" the formal inclusion of civil society in the administrative process of the case study examined. The civil society groups involved included the Joint Secretariat of Law Codification, Institute for Democracy and Electoral Assistance (IDEA), Democracy and Election Union (SPD), CSIS, Civil Perimeter (LIMA), Voter Education Network for the People (JPPR), Association for Election and Democracy

(PERLUDEM), Indonesia's Partnership, and university experts (Edy, 2017, pp. 112-130).



*Figure 20.* Bar chart of data analysis related to Subquestion 3 of the central research question.

The participants critically admitted that their involvement significantly affected the formulation of particular strategic articles under the 2017 Election Law, for example, the parliamentary threshold and the vote conversion method. However, specifically regarding the presidential threshold article, the involvement of civil society has merely been an empty ritual because it has brought no influence at all. The academic and legal studies presented in the discussion of the bill did not affect the MPs because the government insisted on defending the formulation of the presidential threshold provision.



*Figure 21.* Word cloud of the codes related to Subquestion 3 of the central research question.

The third finding of Subquestion 3 discussed the relational linkage between party, civil society, and the state. The underlying idea, derived from the information gathered in this study, was that the relationship between party and civil society has been increasingly blurred and distant as a consequence of interpenetration between party and state. In the fourth part of the findings of this investigation in this section, this author discussed the restriction of electoral competition as the primary nature of a cartel party. Information from the participants approached in this study confirmed that the insistence of the GOs and MPs to pass Article 222 of the presidential threshold is part of the cartelized agenda to contain the electoral competition.



### **Control by the Few: The First Finding**

In the first section of the findings of the central research question of this study, this author discussed the party oligarchs as the central actors behind the political mastery of the policy process in the case study examined. In this section, the author deliberately reinforces the similar theme based on the information delivered by civil society participants (O.N.A.1, O.N.A.2, and O.N.A.3) to provide some additional explanations that could enrich the key findings of this research study. When answering interviews questions outlined from the Subquestion 3 of this study, O.N.A.1, O.N.A.2, and O.N.A.3 apparently alluded to the dominance of party elites in decision-making process of the phenomenon under study. O.N.A 1 understandably signified:

There is only one central force that determines in all DPR activities, namely political parties. The MPs carry out what the party orders. In discussing this election law, the presence of party elites are very striking. Ministers from political parties are actively involved in garnering support from parliamentary parties. The ministers even openly state that the draft concerning the presidential threshold is final. There is no possibility to change what written in the government's initial draft. The views of the experts and election activists who attended the discussion in the SC were only a drama, when viewed from this angle of issue. It is undeniable that the MPs truly included the insightful feedback from civil society groups involved, but behind this entire legislative process, the power that determines everything is the party elites.

There was a similar opinion derived from O.N.A.3, who boldly stated that the dominant parties have become the culprit of the destruction of democracy. This

participant acting on the non-parliamentary parties in this research study accused the legislative process of the 2017 EA as a pawn of the major parties. Convincingly, in a severe sense of disappointment, O.N.A.3 responded:

In every discussion of the bill, the DPR does have to hold a public hearing. It is part of the legal provisions in making laws. But the question is whether the involvement of civil society would be a significant factor. Exactly there lies the problem. The MPs are, of course, open to the public participation as far as what they convey is in line with the dominant parties' interests. It is unbelievable for me that the presence of NGOs invited in the discussion of the election bill truly affects the substance of the law. In fact, as you see, this law has been prominently an expression of party hegemony. The dominant parties in the DPR just plan to destroy democracy, not to build it.

O.N.A.2 responded to this issue a bit more elegantly. This participant typically concluded that the political parties in power always tend to perpetuate the status quo as the natural law of power politics *per se*. O.N.A.2 skeptically argued:

I am not surprised because there is nothing surprising if this legislation demonstrates the dominance of a handful of party elites in power. They must indeed maintain their status quo. By all means, including through legal instruments, they will try to minimize losses in elections.

The underlying idea of this section is that the control of the few party elites in the legislative process of the case study examined is obvious. It has been the nature of power politics and, to some extent, expresses the oligarchic tendency in the implementation of representative democracy.

## **Ineffectual Participation of the Civil Society Representatives: The Second Finding**

The participants from the civil-society cluster in the research data collection method in this qualitative case-study inquiry delivered common views when responding to interview questions outlined from Subquestion 3. The findings demonstrate that the involvement of civil society does not inherently and effectually shape the central element of the legislative drafting process investigated which is the article of a presidential threshold. The diverse opinions of the participants selected lead to several conclusions. The first conclusive point was about the intervention of the party elites. O.N.A.1 particularly delivered such an interesting review:

It is uneasy to measure the DPR's performance. Not only in the issue we are discussing, but in the entire issues the MPs handle. I am not surprised when knowing that the party interests truly work in the legislative process of the election act. As I already mentioned before, party members both in government institutions and DPR are working for particular benefits that their parties have surely designed. It could be a jumping conclusion, but it is what happened when involved in the initial discussion of the election bill. To some extent, they recognized the insights we delivered. At least, the MPs today have been better than the previous ones when our democracy was severely undermined. However, in the case you are asking, I mean the presidential threshold provision, honestly speaking, our presence was seemingly camouflaging. It could say that the parliamentarians just wanted to meet the technical requirement of a public hearing as part of the policy process at the congressional level. The article of a presidential threshold you are asking was

truly a trade-off. The dominant parties and the government have made a deal, which no one knows, unless they alone.

Before continuing to discuss the substantial contribution of the public hearing in the phenomenon under study, it is crucial to notice the reasons of the SC to invite the civil society groups to the parliamentary discussions. Edy (2017) particularly argued: “The SC invites various elements of civil society such as NGOs, the media, and the electoral observers intensely highlighting the dynamics of the democratic consolidation in contemporary Indonesia. The SC needs important thoughts and studies from civil society groups” (p. 112). In a personal conversation with this author on April 15, 2019, this chair of the election bill SC, Lukman Edy, explicitly confirmed: “We need the representation of civil society to ensure the quality of the bill discussion process. That has become part of the parliamentary tradition. DPR cannot work alone without any assistance from non-governmental organizations” (personal communication, April 15, 2019). Regarding the ineffectiveness of such public involvement in the bill discussions, particularly about the presidential threshold, Edy acknowledged that the political challenges facing the MPs are beyond his capacity as the chair of the SC.

As likely stated in Edy’s (2017) literature about the technical issues of the legislative process of the 2017 EA, O.N.A.1 convincingly argued that the representation of civil society, which include the NGOs and the university experts, are to provide alternative viewpoints in order to insightfully enrich the discussion of the election bill. DPR officially invites the civil society groups as part of the regulatory requirement of a legislative process (Baidowi, 2018; Edy, 2017). O.N.A.1 unambiguously signified:

It is the MPs' right to decide whether the external insights would be relevant and significant to include. As far as I remember, they did respect the civil society groups involved and incorporated some central evaluations delivered to improve the bill draft. However, we also need to understand that the legislation is not entirely dependent on the MPs' individual decisions, but rather more dominantly hangs on the direction of their bosses in the institutions of party politics. It is in this point that it might make sense when the resistance of civil society against the presidential threshold brought no changes to the article discussed.

The non-parliamentarian participants (O.N.A.1, O.N.A.2, and O.N.A.3) of this study performed affirmative evaluations regarding the involvement of civil society groups in the policy drafting process of the 2017 EA. These participants genuinely recognized that the MPs are open to criticisms and insights during the bill discussion. Some articles under the 2017 EA firmly reflect the contributions of the NGOs' participation, such as the article of parliamentary threshold, the vote-conversion calculating formula, and the gerrymandering. However, as mentioned many times before in Chapter 4 of this study, the presidential threshold as the central element of the legislative process investigated is an exception. The participants interviewed acknowledged that the public participation demonstrates no significant effect on the provision about the presidential candidacy. About this, O.N.A.3 pessimistically responded:

It is hard for the civil society to influence the political process at the system level when our democracy remains under the control of the dominant parties. That is the fact we are facing currently. The major parties maintain hegemony and singe out the opportunity for small parties to obtain seats in DPR through

maintaining the electoral regulations. This Election Act is just one example of the legal instruments they design to pursue their vested interests and defend the status quo. They have no willingness to give the small or new parties a chance to enter the parliament. It is terribly crazy, that we are inevitably losing our opportunity to determine the future leadership of the country because of this law.

O.N.A.2, an academic-participant studying cartelization in post-Suharto Indonesia, reiterated the message delivered by O.N.A.3. This participant believed that the political scene in DPR apparently dynamically changes on its surface, but there was indeed no change at the very foundation of the political performance. O.N.A.2 exclusively signified:

The cartel indication in the legislative process at the parliamentary level is obvious when there are no distinct boundaries between the opposition and the ruling coalition. Even if there is seemingly an opposition on the table, which probably means that the cartel appears to be dividable, the parties would return to forge a novel coalition model after elections. The point is not about the exhibition of normative roles, but how to proportionally claim the political resources they obtain from such inter-party collusion.

In order to promote trustworthiness, including this researcher's confidence in the data analysis in this section, this researcher triangulated the interview data gathered by using open sources. To this purpose, this researcher recalled some notes of personal communications from the past with Titi Anggraini in her capacity as the coordinator of PERLUDEM and Agus Melaz as the most responsible person in SPD. In a capacity as an executive director of LPI, this author discussed with those activists. These two observers are among the NGO activists involved in the legislation

of the case study investigated. Mrs. Anggraini and Mr. Melaz, explicitly stated that they consented to share their evaluations about the policy process of the 2017 Election Act and voluntarily had no objection to uncover their identity in any study report. This particularly means that this researcher was allowable to cite their opinions overtly for any publication. That is the reason why this researcher used their opinions for the purpose of this study. The views of Mrs. Anggraini and Mr. Melaz, in this author's assessment, were essential to develop trustworthiness of the findings of this study. Mrs. Anggraini bluntly argued:

As known, from the very beginning, our organization [PERLUDEM] rejected the presidential threshold stipulated under the government-proposed bill. I did declare my organizational refusal when involved in the discussion among the SC members in DPR. As stated in our official document submitted to the SC, the article of presidential threshold is considered irrelevant to the 2019-election system. After the bill already passed into law, PERLUDEM submitted judicial reviews to the Constitutional Court two times and all our claims got rejected. The basis of our refusal is the constitutional consideration under Article 6A Paragraph 2 of the 1945 Constitution, which states that the presidential candidate is proposed by the party or a joint-coalition based on their votes in the legislative elections. This means the presidential threshold only applies when the legislative election and the presidential election take place separately. Since the 2019 elections are a simultaneous election method, the threshold provision automatically becomes irrelevant and must be cut-off from the bill draft.



*Figure 22.* Small talk with Mrs. Tuti Anggraini (left), Mr. Agus Melaz (center), and this author. Source: Courtesy of this author.

Regarding the participation of the civil society groups in the case study examined, Mrs. Anggraini convincingly admitted that the DPR had supportively included any of the critical ideas they shared in front of the SC. However, Mrs. Anggraini additionally evaluated, as part of the political processes, the policy drafting process of the phenomenon investigated obviously significantly reflected the interests of the dominant parties. It is the rationale for MPs to exclude some critical perspectives shared by the civil society's representatives involved. Mrs. Anggraini furthermore emphasized: "I believe the House members mostly welcome the insights delivered by the NGOs during the public hearing session of that policy process, but they are, however, politicians who must subject to the party orders." Mrs. Anggraini referred to the stipulation of a presidential candidacy requirement as the central element of the phenomenon discussed in this research study. Mrs. Anggraini willingly clarified:



It was like a mutual agreement among the MPs to not grub up the article about the presidential threshold. Since the Minister of Home Affairs, Tjahjo Kumolo, officially declared in the parliamentary forums that the SC might debate on any other articles under this government's bill, the presidential threshold is indisputable. It has been final, the Minister said. He stated it openly before the SC, as well as the media.

In similar nuances, Mr. Melaz of SPD emphasizes that the legal process of the case study examined is indeed a rational-choice drama. Mr. Melaz understandably assessed that the legislation is truly colored by the pragmatic political calculations. He arguably conveyed:

I have no idea how exactly the lobbying among MPs occurred, but every decision the MPs took was thoroughly reflecting scrupulous calculations. The government provides no change for the MPs to negotiate anything about the presidential threshold stipulation. It might be contradictory because the right to make the law is in the hands of lawmakers. However, this uniqueness of the process is what I explicitly mean by the "political calculations" in this sense.

Lukman Edy, the chairman of the Election Bill Special Committee, noted in his 2017 book about the involvement of the civil society groups to include the public considerations in the bill discussing process. The NGOs invited delivered some alternative insights regarding five crucial issues under the bill (Edy, 2017). Baidowi (2018), a member of the SC, notably illustrated those debatable issues, which include the legislative electoral system, the seat allocation for each electoral district or constituency, the vote-conversion method, the parliamentary threshold, and the presidential threshold. The central element of the phenomenon studied was one of those debatable issues among MPs during the legislation.

Regarding the first issue, following Baidowi's (2018) report, the party fractions fell into three groups based on the electoral system they propose. One group was supporting the open-list proportional system, which included PPP, PD, GERINDRA, PKB, PKS, HANURA, NASDEM, and PAN. The other group was proposing the close-list proportional system denoting that the voters cast ballots. This group encompassed GOLKAR and PDIP. The third group was arguing the limited open-list proportional system in which the voters cast their votes both on parties and candidates.

Concerning the seat-allocation mechanism for each electoral district or constituency, Baidowi (2018) noted that the MPs agree to add the number of parliamentary seats both at the local and national levels. Some parties proposed the addition of 3-8 seats per constituency, while others proposed to re-manage the gerrymandering mechanism applied (see also Edy, 2017). In the third issue of the vote-conversion method, the MPs supported the modified Sainte Lague system (PDIP), Hare quota system (PKS, NASDEM, PKB, PPP, and PAN), and the pure Santé Lague system (GOLKAR, HANURA, PD, and GERINDRA).



*Figure 23.* Public discussion focused on the post-Suharto democratic consolidation. From right to left: Mr. Agus Melaz (SPD), Mr. Ahmad Baidowi (a member of DPR SC), Mrs. Tuti Anggraini (PERLUDEM), Arbi Sanit (a senior political analyst from University of Indonesia), Ghiovani (Moderator), Lukman Edy (the chair of DPR SC), and this author. Source: Media Indonesia (April 15, 2019). Masa depan v. masa lalu. Retrieved from [https://mediaindonesia.com/galleries/detail\\_galleries/10554-masa-depan-vs-masa-lalu](https://mediaindonesia.com/galleries/detail_galleries/10554-masa-depan-vs-masa-lalu)

Another issue discussed was the parliamentary threshold in which parliamentary fractions were divided in three groups based on the threshold proposal: one group supporting the 3.5% parliamentary threshold, the other group proposing 4.5%, and the third one supporting the 7% threshold. In the end, the parties compromised to stipulate the 4% parliamentary threshold under the 2017 EA. The fifth issue, based on Baidowi's (2017) records, was the presidential threshold. In the beginning, PDIP, NASDEM, GOLKAR, and PKS supported the provision stipulated under the government proposal. PAN, PPP, PD, GERINDRA, and HANURA initially confronted the provision as they argued the lower threshold. PKB alone proposed that

the threshold for the presidential candidacy ought to be similar to the parliamentary limit (4%). As time went by, and the interparty lobbying occurred intensively, the party constellation changed. PKS then sided with the GERINDRA and other opposition parties that arguably confronted the government proposal regarding the presidential threshold. The standing position of other parties also changed. Both Baidowi (2018) and Edy (2017) provided no details about how and why the party constellation changed until the voting day on July 20, 2019.

Back to the discussion of civil society's deliberation and participation in the case study investigated, the explanation above, based on the information gathered from the participants interviewed, is obviously understandable because the party interest dominantly governs the MPs' individual decisions. It is noteworthy in this part to recall the evaluation of the process based on O.N.A.1's arguments:

When involved in the bill discussion, I think democracy was truly procedurally working. The DPR's SC was respectful and included the evaluations delivered. They firmly required enriching their understanding in making the law, and that was the reason they invited us to come along. As discussed in the previous interview, the parliamentary politics was not in the hands of the MPs alone, but more inclined to what the party said. Their bosses in party organizations hold the most powerful authority to decide anything, including in the legislative process of this election law. If you find someone to be blamed, you should blame the party elites who control everything from behind the scenes. Some MPs I am close with are politicians with critical thinking and ethical liability, but they have no power to confront their bosses in party.

An observer involved in the bill discussion, Ray Rangkuti of LIMA, as noted by Edy (2017), assertively argued: “The presidential threshold only strengthens the hegemony and oligarchy of large parties because this provision implies that only eligible dominant parties to nominate the president” (p. 123). Rangkuty’s views are in line with the opinions of many representatives of NGOs and university experts attending the bill discussion under study. Based on data collected, this researcher compiled similar views among NGO representatives and university experts, concluding that the presidential threshold reflects the oligarchy of the major parties ambitiously maintaining the elections. In an official document submitted to the DPR’s SC, reflecting its organizational standing position, PERLUDEM delivered a rejection of the presidential threshold based on the consideration as argued earlier by Mrs. Anggraini. PERLUDEM also considered that such provision has put aside the political rights of small parties in carrying out the presidential candidates in democratic elections.

Indeed, the summary of evaluations delivered by the civil society involved in the policy process under investigation has been reviewed Edy (2017). The first reason, following Edy (2017), is related to the legal decision ratified by the Constitutional Court (CC) that the electoral method applied is a simultaneous election system. This legal provision simultaneously derogates the relevance of the regulatory threshold, which rests on the results of the previous legislative elections. In the simultaneous election system, there is no longer “previous legislative elections.” The civil society also argued that the presidential threshold would undermine the citizens’ right to be a presidential candidate. This reasoning is coupled with the third argument that the threshold rule would lose the rights of small and new parties to nominate the president. Other civil-society participants, Edy (2017) noted, argued that the

elimination of the presidential threshold is a way to fight against the oligarchy and dynasty in the institutions of party politics.

Public participation, following Melaz (2019), is indeed the central question in this section because the essence of the participation concept is absent from the very foundation of the legislative process at the parliamentary level. Mr. Melaz insightfully explained:

What I observed, both the lawmakers and the academics involved in the election bill discussions were getting trapped in two arguable orientations: oriented to building a democratic instrument or fighting for the electoral benefits. The civil society groups or the academics participated might enforce the legislation to serve the development of democratic system, but the lawmakers are the party politicians bounded by the temporary benefits or party pressures. When advocating the MPs in drafting this election bill, I discuss and dig insights of the parliamentarians. Then, I do understand that at the individual level, most of the MPs are truly considering the future of democracy as what we do. The problem is that what they want is not what the party does because the real party is the oligarchy inside the organization.  
(personal communication, April 15, 2019)

This research study started before the 2019 elections and completed after the elections accomplished with the reelection of the incumbent President Jokowi. Based on the KPU data, the current dominant parties also took the majority of the national votes, which means that there would be no change in the party constellation in DPR in the next term (2019-2024). If this study analysis rests on the electoral results of the 2019 elections, it is obvious that the hypothetical assumptions of the cartelized orientation of the party oligarchs in governing the electoral regulation under study

were confirmed. The current elections undoubtedly benefit the ruling parties—and the noteworthy evidence that emerged in the current election was that there would be no newcomers in DPR because all small and new parties failed to reach the 4% parliamentary threshold.

### **Civil Society-Party-State Linkage: A Paradox: The Third Finding**

Discussing public participation in the previous section leads to another epistemological discussion in this section concerning the relationship between party, civil society, and state. Theoretically speaking, at least in the classical sense, the institutions of party politics are principally the democratic instruments that bridge civil society with the state regarding elite recruitment, civic education, political communication, including interest aggregation and articulation (Dahl, 1956; Duverger, 1972; Inkeles, 1991). In a cartel tradition, party and civil society relations lose their connection because parties collude with the state and become part of the state regarding the interpenetration between party and state (Katz & Mair, 2009).

The data gathered in this inquiry guided this researcher to conclude the party-civil society linkage lost its foundational space since the parties ostensibly become the state agent regarding the collusive interpenetration. This cartelization phenomenon has consequentially undermined the relational foundation between party and civil society. This conclusion is in line with the interview data in this research study. O.N.A.2, for instance, undoubtedly argued that the party politics is about to serve the vested interest and that the civil society is essential for the party as far as it could benefit the party interest. The following excerpt of the conversations with O.N.A.2 would enlighten the empirical sense of the conclusive remark above:

From the very beginning, I already guessed that it would be hard for the parliamentary parties to refine the inputs and feedback delivered by the civil society groups. However, at the first point, I must appreciate that it has been the current tradition in DPR to involve the more extensive inclusion of civil society groups in the legislating process. At least they carry out the technical procedures to guarantee that the legislative process must be democratic [...]. About the legal process of the election bill we are discussing, everyone close to the DPR would well notice that the dominant parties must hold their solely agenda separate from the best idea of a substantive democracy you could imagine. The consequence is that the inclusion of civil society in the bill discussion has nothing to do with the execution of substantive democracy. Representation is no longer about the interest and consent of the people represented, yet honestly about the incorporation of party interests.

The participants speaking up in this research study realized that political parties are improving themselves since the modernization of democratic system is an inevitable necessity currently. However, the participants of this study, like O.N.A.1, pessimistically discussed the performance of party institutions in relations to the policymaking process in DPR. O.N.A.1 skeptically argued that discussing the party institutions is no more about the political organizations, but a handful of ruling individuals who take control over the entire organizational operations. The following insightful reflection argued by O.N.A.1 in the first interview provokes an epistemological contribution to the finding of this study in this section:

When we talk about political parties, we don't talk about complex organizations with the particular system of role differentiation. One could not understand party organizations today using the classical perspectives. Talking



about political parties today is talking about a handful of people who treat parties like their private companies. In this sense, you could talk about oligarchy or whatever you might call. What is obvious is that the consequences of such party culture are very complicated. MPs in parliament are party members who work under the shadow of party oligarchy. Simply put, there remains a narrow space for civil society to partake in influencing the practice of current party-dominated representative-democracy.

In previous sections of Chapter 4, there was a discussion, derived from the interview transcriptions, about the influential power of party politics in government institutions. Dialogue with GOs (G.O.1, G.O.2, and G.O.3) during data collection of this investigation uncovered the evidence that the ministers represent both the government and the party when involved in the legislative process of the case study examined. The message from this data exclusively confirms that when party members occupy public offices, their political activities must be shadowed by the party interest and the state intervention. If they as yet have the sense of an individual freedom to make their own decisions in particular situations, it must be related to the career defense (Campos & Giovannoni, 2017; Firat, 2016).

Civil society in democracy struggles for the establishment of fair balance between representation and participation (Dahl, 2000; Stokes, 1999). Political parties are agencies that formally connect civil society with the state (Bawn et al., 2012; Dahl, 1956; Duverger, 1972). In representative democracies, parties, in the end, are the legitimized institutions to participate and promote candidates in elections regarding the political representation. Recruiting the candidates to occupy the public office is the primary function of party institutions. Under a democratic culture,

political parties act on behalf of the society, becoming the organized expansion of the civil society groups in and after elections (Bawn et al., 2012).

In this study, based on the transcriptions and literature sources, participants typically assessed that political parties keep separate from civil society and, to the most practical extents, become a state agent. G.O.1 particularly shared his experience during the bill discussion of the case study under review:

I singly have no objections at all to what the government has done in this lawmaking. Our minister has done his best for the sake of this country—even if you say that the minister serves his party organization when maneuvering during the legislation [of the election act]. I have no idea if it is important to make a distinction between party member and cabinet member. What I see that the minister is successful in accomplishing his job because he has intensive communication with the parties, not just with his original party. All he does is in knowledge of the president as his boss in the cabinet.

O.N.A.3 had a different view as a non-parliamentary party stakeholder. This participant pretentiously complained about the performance of parliamentary parties, which he thought maintained their status quo and were absent from the primary liabilities of being a democratic agency acting based on and for the interests of the people. O.N.A.3 particularly argued:

The major parties just think of how to continue controlling state resources. It is not surprising, at least for me, that many of their cadres go to jail for corruption allegations. The major parties have undermined our democracy. That's what we aim to change. As a new party, we assertively want to fight to change the party tradition, which has been connoted as a corrupt and elitist organization. We want to make people proud of the party because the party

could be clean and truly fighting for the good of people. It is our dream. But, unfortunately, it seems that the new election act with its parliamentary threshold would hinder us to make our dream come true.

Another issue stipulated under the election bill is the rule to provide more financial support for the party in elections. As provisioned under the government proposal, the party would receive state-funded training for party witnesses in elections. O.N.A.1 considered this a severe situation because, in addition to imposing state finances, it strengthened the symbiotic relations between party and state on one hand, and on the other hand, as the consequence, the party would prefer to serve the state rather than civil society. O.N.A.1 arguably stated:

Training the party witnesses in elections is the responsibility of political parties as the consequential risk they should face in partaking in elections. It is obviously an oddity that the government wants to pay the party's dun when the party itself proves nothing to perform better in managing our democracy. Using state budget to train witnesses in elections is an extremely challenging idea. I think this proposal truly undermines the concept of democratic elections. Witnesses are the party's responsibility as contestants.

The government proposal stipulating the state-funded training of witnesses provided prominent evidence of the symbiotic interpenetration between party and state. It seems that, based on the arguments delivered by O.N.A.1, the government plans to foster the degree of party dependence on the state. Instead, the party would be the beneficiary concerning the increase of state subventions.

### **Containment of Electoral Competition: The Fourth Finding**

In the literature sources and official documents containing the opinions and standing position of the ruling fractions DPR during the bill discussion of the phenomenon under review, the presidential threshold, as the central element of the case study examined, was a central concern. These parliamentary fractions (PDIP, GOLKAR, NASDEM, PKB, and PPP) without hesitation argued that defending the high threshold is a democratic means to consolidate the presidential system. Another rationale they congregationally revealed is simplifying the constellation of the post-electoral coalition, which in turn, arguably, could encourage the realization of an effective opposition in DPR. Edy (2017), as well as Baidowi (2018), reiterated these arguments in their reports.

PDIP, the largest ruling party in DPR, delivered evidence as stated in its “fraction view” presented in the bill discussion among the SC members (Fraksi PDIP, 2017). This president’s party explicitly argued that the presidential threshold aims to contribute to the development of stability in the presidential politics. However, O.N.A.1, O.N.A.2, and O.N.A.3 interviewed in this research study open the Pandora’s Box. These participants selected were convinced to conclude that the aloft threshold for the presidential nomination has reflected the maneuvers of the oligarchy among the dominant parties. The alleged purposes of such an oligarchic scenario, following these participants’ interview transcriptions analyzed in this study, are typically to confine the electoral competition, somehow manage the degree of dissatisfaction in elections, and ultimately ensure the profitable opportunities in elections. During the additional conversation with this author, O.N.A.1 forthrightly underlined:

The major parties certainly reveal reasonable explanations when discussing the bill, but indeed hide their evil intentions behind the rhetoric seemingly right. But we know, and I believe the public also knows, that they just need to perpetuate the status quo and determine the contingency to win the elections. I hope it would not be too excessive when saying that the major parties DPR utilize the logic of a presidential system to cover their oligarchic agenda. If looking back to the 2014 presidential elections, some how they could be right. In the first few months of Jokowi Administration, the DPR held the president hostage because the government's parliamentary support was not powerful enough. The inclusion of GOLKAR and PPP in early 2015 suddenly reduced the tension between DPR and the president. However, I am still skeptic to believe that the major parties in DPR now are working for the establishment of democracy. They could reconstruct the parliamentary constellation whenever they see it necessary to carry out.

O.N.A.1 also argued that the hegemony of ruling parties in shaping the legislative process of the phenomenon under study is without the president's knowledge. This author was truly inclined to agree with O.N.A.1 after revisiting the records of this author's personal discussions with President Jokowi since 2013 concerning the primary concepts of political changes he would promote, have been implementing, and will always keep executing in the next second period (2019-2024). President Jokowi is not a party leader and far away from the imaginable concept of political boss or patron (Tapsell, 2015). His presidency could be a debatable topic to discuss, as to whether President Jokowi plays a central role in managing the multiparty-based coalition or the president himself is truly the captive of the parties. It

must be out of this study's realm, but the answer will be the empirical evidence to testify the validity of O.N.A.1's argument confirmed by this author.



*Figure 24.* The President of the Republic of Indonesia, Mr. Joko Widodo (right), and this author in the President's office in Jakarta. Source: Courtesy of this author.

In respect to the argument that the threshold article is to foster the presidential system, O.N.A.2 and O.N.A.3 apparently exhibited the similar views as O.N.A.1 delivered. As a non-parliamentary party stakeholder, O.N.A.3 was somewhat cynical in responding to the argument of parliamentary parties regarding the establishment of presidential system. This participant convincingly inculcated the dominant parties for governing the electoral regulations to defend their hegemony in elections. O.N.A.3 explicitly expressed:

Everybody knows, as part of the non-parliamentary parties, we could not hold that argument. It is impossible for the parliamentary parties to think of how stabilizing the presidential system or the future of our democracy. What they are arguing is all just disgusting lies. What they truly pursue is to maintain the

opportunity to win the elections and constrain the contingencies for new parties to enter DPR or carry out presidential candidates.

Convincing the rhetoric of a political party amid a decreasing public trust is like painting the sky. Conversations with O.N.A.2 focused on this issue to uncover the scenario of dominant parties in DPR during the legal drafting process of the 2017 EA. O.N.A.2 unambiguously approved:

The election act is a highly political legal-instrument. It must be attracting the concerns of all parliamentary parties. My point is that the major parties, of course, could become aggressive to take control over the legislation facing the 2019 elections. The high threshold provision indeed narrows the opportunity of small parties to have seats in DPR in the next elections. Honestly speaking, none would believe that the threshold mechanism has something to do with strengthening the presidentialism. People would be easy to conclude that the major parties have so far truly failed to think of the institutional design of the presidential system they were talking about since they are intensively focused on short-term interests.

The Indonesian 2019 presidential election on April 17, 2019 confirmed the reelection of President Jokowi (55.5%) for his second period. General Prabowo (44.5%) failed for the second time as in the 2014 presidential election. As predicted, PAN and PD approached the incumbent government to join the ruling coalition following the defeat of their presidential candidate, General Prabowo Subianto, in the 2019 presidential election. Though during the presidential campaign these two parties were the significant pillars of the opposition group, the election changed parties' positions on the power chess board. If President Jokowi eventually includes such two parties into the upcoming cabinet, then the cartel-party thesis applied in this study

would be proven that the 2017 EA is truly a means of competition containment strategy among party oligarchs. The dominion of major parties and the emergence of the post-electoral grease coalition are aligned with the primary assumption of this study concerning the cartel-party theory (Katz and Mair, 1995, 2009; Slater, 2018).

The forged grease coalition has been controversial since the public expects the parties to manage the power equilibrium concerning the presence of an effective and powerful opposition in DPR as indicated by the Kompas Survey performed in Figure 21. Almost 75% of the respondents confirmed the existence of strong opposition as required to control the Executive. Almost 78% of the respondents were convinced the new administration would perform better if there were a strong opposition in parliament.



*Figure 25.* The excerpt from Kompas Survey about Public Perception on Parliamentary Opposition after 2019 Presidential Election. Excerpt from KOMPAS Survey conducted after the 2019 presidential election. Source: Kompas Daily, July 8, 2019 (p.4).



### **Recap of the Findings of the Subquestion 3 of the Central Research Question**

The findings of Subquestion 3 of this study were based on the literature sources, documents, and the transcriptions of interviews with O.N.A.1, O.N.A.2, and O.N.A.3. Three emerging themes in this section were derived from the theory-driven and data-driven thematic analysis using NVIVO software program. The first theme is the reiteration of the party's oligarchic control regarding the policy process of the case study investigated. Such a theme exceptionally supported the primary findings of the central research question regarding the oligarchic elites in the institutions of party politics that dominantly determine the policy process of the phenomenon. The conversations with the relevant participants constitute the conclusion of this section. This researcher triangulated the first finding of Subquestion 3 by interviewing selected NGO activists involved in the phenomenon under investigation. The interviews with Mrs. Anggraini of PERLUDEM and Mr. Melaz of SPD are allowable to openly publish in order to foster this researcher's confidence about the data collected from the participants interviewed in this research study.

Another finding for Subquestion 3 was the public participation during the administrative process of the case study examined. The DPR's SC invites several NGOs and university experts to participate in the bill discussions to attract alternative perspectives and inputs that could enrich the policy process. As discussed earlier, the participants admitted that their involvement applied in several strategic issues under the bill investigated. However, when discussing the presidential threshold article, no parties and individuals could have changed the article, which has been the central element of the phenomenon examined in this research study. Based on the recognition of the participants selected, the orders of party elites in the central offices and the

government's intervention were two determinant factors constituting the presidential threshold article under the 2017 EA. Thus, this researcher concluded in this section that the public participation during the bill discussion of the case study examined was real, but the control of party oligarchs was more dominant than the participation power of civil society groups.

The second finding of Subquestion 3 led to a third crucial theme in this study, which is about the linkage between civil society, party, and state. A party, following the classical perspective, poses a bridge that connects civil society with the state. This contention, however, is arguably disputable when applying to the phenomenon under study. The data gathered shapes a conclusion that party organizations in this case study investigated has turned away from civil society and collusively become part of the state. This exclusively means that party members in DPR and government offices were absent in accommodating the interests of civil society because they served both the party and the state. Contrarily, the participant G.O.1 distinctively confronted O.N.A.1, O.N.A.2, and O.N.A.3 concerning the conclusion in this section. This GO participant strictly argued that the involvement of cabinet members in the policy process of the election act studied is part of their commitment to serving the state's interests. As party members, following G.O.1, their activities could benefit the parties, but it is not the ultimate purpose of what the ministers have done during the case study examined.

The third finding of Subquestion 3 of this research study concerned the electoral competition. Based on the data sources gathered, the ruling parties defended the presidential threshold using the democratic rhetoric as a shield to hide their vested interests. The participants interviewed in this study (O.N.A.1, O.N.A.2, and O.N.A.3)

disputed such logic and typically accused the dominant parties for manipulating the electoral regulations to contain the competition in elections.

### **Summary**

Chapter 4 of this qualitative case-study inquiry includes the findings of the research questions developed. The central research question is how the ruling individuals, allegedly using cartel work-patterns, overpowered the legislative process. This qualitative investigation entails three sub-questions as well. The first subquestion of the central research question is why the process of ratifying the Election Bill in 2017 previously thought to be complicated and cumbersome, based on the disputes that occurred during the legislative process, eventually becomes efficient.

Subquestion 2 of the central research question is how the lobbying among the SC and the GOs happened during the legislative drafting process of the 2017 EA. The last research subquestion is why the protests of the extra-parliamentary groups (small parties, independent observers, NGO activists) did not inherently and effectually constitute the phenomenon under study. Data analysis using NVIVO software program led this qualitative case-study investigation to some significant findings.

Based on documents, literature sources, field notes, and interview transcriptions derived from 15 interviewees of five cluster participants involved, several answers emerged for the central research question. In general, this fundamental research question, in alignment with the theoretical frameworks, resulted in two broader categories, including (a) the primary actors overpowering the policy process of the case study examined and (b) the modus operandi they employed in taking control over the phenomenon under study. Interviews with P.S.3, M.P.1,

M.P.2, and M.P.3 convincingly exhibited the role of the party's oligarchic elites in mastering the policy process of the election act studied.

At the *modus operandi* level, these actors maintained the legislation by optimizing the existence of party fractions in DPR as the procedural instruments to deliver their particular orders. Another mechanism was to optimize the role of party members in government institutions as expressed in conversations with M.P.1, M.J.1, M.J.2, G.O.1, G.O.2, and G.O.3. The oligarchic elites in the party's central offices typically directed party members in government offices to make decisions per the party's interests. The interviewed participants in this study particularly indicated that the Election Act of 2017 is a political product driven by the will of the party elites. The involvement of GO in the policy process, in terms of the intervention of political parties, firmly strengthened the argument about the adoption of cartelized strategies in mastering the legislative practices at the parliamentary level. The point outlined from the phenomenon under study is the evidence about the interpenetration between party and state, at least based on information derived from in-depth interviews with G.O.1, G.O.2, G.O.3, O.N.A.1, and O.N.A.2. These participants helped this author develop the findings of the central research question regarding the collusive linkage between party and state, which has been one of the major characteristics of Katz and Mair's (1995, 2009) cartel party concept.

Findings of the Subquestion 1 of the central research question revealed the inter-party collusion which eventually helped this author arguably comprehend how the phenomenon under study occurred. The conversations with parliamentarians (M.P.1, M.P.2, and M.P.3), PS (S.P.3), and the representation of civil society (O.N.A.1, O.N.A.2), including the GO (G.O.2), confirmed the conclusion above. Subquestion 1 of the central research question presented as well the clash between the

concept of political effectiveness and the notion of political efficacy as the second finding derived from the data gathered in this inquiry. The participants apparently confuted that the logic of “political effectiveness” argued by the stakeholders in the case study investigated is in line with the idea of political efficacy, which refers to the level of public confidence against the effectiveness of the public officials’ performance.

Another finding of the Subquestion 1 is a discourse about politics as a profession. Data sources gathered, exceptionally conversations with M.P.3, M.J.1, S.P.2, O.N.A.1, and O.N.A.2, presented adequate evidence to conclude that the politics has been a skilled profession, self-referential, and depoliticized. Such a finding, coupled with the results of the Subquestion 2 regarding lobbying as a cartelized strategy, would understandably strengthen the inter-party collusion at the DPR level and the symbiotic interpenetration between party and state. Using Protocols 1 (P1), Protocols 4 (P4), and Protocol 5 (P5), interviews with participants selected from the three groups (M.P.1, M.P.2, M.P.3, G.O.1, G.O.2, G.O.3, O.N.A.1, O.N.A.2, and O.N.A.3) conclusively directed this study to three major themes: (a) building political consensus, (b) neo-corporatist mechanisms, and (c) political stability.

The essential message of the first finding concerns the interest-based consensus built among GOs and MPs to pass strategic articles under the election bill aligned with the pragmatic interests of party and state. A consensual agreement was a product of party-based mobilization that placed the party elites as the most influential individuals behind the entire process of the phenomenon reviewed. In the second finding of Subquestion 2, this study exclusively showed the emergence of neo-corporatist mechanism as a new form of state-party linkage. Neo-corporatism

provided a basis for why the legislative process at the parliamentary level had been an instrument for the establishment of a socio-political stability rather than the engineering of socio-political changes. This finding discursively reinforced Katz and Mair's (2009) thesis on the function of elections in a cartel tradition as a means to create social stability, instead of social change among society.

Subquestion 3 of this qualitative case-study inquiry revealed a topic of public participation. Based on given information gathered in this study, this researcher presented three emerging, essential themes in this section. The first typically confirmed the dominance of a few oligarchic elites in the phenomenon under study. The interview data derived from O.N.A.1, O.N.A.2, and O.N.A.3 predominantly indicated such a conclusion. In addition, the participants confirmed that the party orders and government intervention were the two decisive, strategic instruments that established Article 222 of the presidential threshold under the 2017 EA. Participants without hesitation admitted that the party oligarchy had weakened the power of civil society's participation in the legislative process inquired.

Subquestion 3 in this study provoked the discussion about the relations between party, civil society, and state. In the classical perspective, a party aims to connect civil society with state, but in this research study, it turned out that parties colluded with the state to take control over the electoral regulation at the parliamentary level. The party kept distant from the civil society and collusively penetrated the state. The MPs' decisions in the phenomenon under study reflected the existential collusion between party and state, which were contrastingly separate from civil society.

The last finding of the Subquestion 3 revealed in Chapter 4 was the containment of electoral competition. The participants interviewed (O.N.A.1,

O.N.A.2, and O.N.A.3) argued that the presidential threshold article under the 2017 EA is a procedural means to contain competition in elections. The dominant parties in DPR colluded to design an electoral regulation that satisfied their particular interests. This finding, as well as other findings of the research questions in Chapter 4 provided epistemological considerations for this researcher to conclude that the legislative process of the case study had performed the dominance of party oligarchs, using cartelized patterns, in making the law in order to maintain their interest in elections.

A more comprehensive analysis about the interpretations of the findings of this qualitative case-study research project will be an essential part of Chapter 5. After the introduction in the first section, Chapter 5 of this study will include the interpretations of the findings, the limitations of the study, the recommendations for further research, and the implications for social change. Chapter 5 will end with a final remark that demonstrates the “take home” messages that arguably emerged from this study in its entirety.

## Chapter 5: Discussion, Conclusions, and Recommendations

### Introduction

The purpose of this qualitative case-study project was to explore how the oligarchs, reputedly applying cartel work-patterns, overpowered the political practices in post-Suharto Indonesia. This research study inquired how the parliamentarians developed, discussed, and voted on the bill during the legal drafting process of the 2017 EA. The central focus of this investigation was to explore how the oligarchic elites in the institutions of party politics—reputedly employing cartelized typical strategies, either directly or indirectly—forged the individual decisions of their party members in DPR and government institutions concerning the legislation of the case-study reviewed. As located under the constructivist research paradigm, this qualitative case-study inquiry employed oligarchic and cartel theories (Katz & Mair, 1995; Winters, 2011a).

Data compilation required in this research study included the views, perceptions, feelings, and experiences of the participants from various backgrounds, such as the MPs, the PSs, MJs, GOs, and the representatives of civil society groups. The particular paradigm applied was the case-study research method (Creswell, 1998; O'Sullivan, Rassel, Berner, & Taliaferro, 2017; Patton, 2015; Yin, 2005). The case study approach, according to O'Sullivan et al. (2017), is “the preferred research strategy for sympathizers who want to learn details about how things happen and why they might happen” (p. 44). The case study method, following Brown (2008), reliably provides “rich and significant insight into events and behavior” (p. 8).

The key findings of this case-study investigation conclusively embraced (a) the involvement of party oligarchs using the cartelized strategies in governing the



legal process of the case study delved, (b) the presence of inter-party collusion, and (c) the treatment of politics as a skilled profession. These findings derived from the data gathered in relations to the central research question and the Subquestion 1 of the central research question. The other findings likely conceived the containment of electoral competition in terms of the elitist management of political stability, the substantially evasion of public participation, and the neo-corporatism regarding the linkage between civil society, party, and state. Such conclusions originate from the data gathered regarding the Subquestion 2 and Subquestion 3 of the central research question of this study. In Chapter 5, this author will elaborate these key findings in alignment with the theoretical frameworks applied and the literature review elaborated in Chapter 2 of this study.

### **Interpretation of the Findings**

In this section, this author describes in details about in what ways the findings of this research study confirmed or disconfirmed, proved or disproved, and/or extended the knowledge in the discipline by comparing them with what has been found in the peer-reviewed literature described in Chapter 2. This section also entails the analysis and interpretation of the findings in the context of theoretical frameworks applied. This author, of course, endeavored to be thorough in interpreting the findings of this study in the knowledge that the interpretations should not exceed the data, findings, and scope of this case-study examination.

This researcher purposely subsumed the discussion of interpretations of the key findings of this study into several major themes, including (a) the oligarchy and the cartelized strategies, (b) the inter-party collusion, (c) the collusive interpenetration between party and state, and (d) the politics as profession. The other essential

emerging themes exclusively included (e) the management of political stability, (f) the substantially deterrence of public participation vis-à-vis the oligarchic dominion, (g) the containment of electoral competition, and (h) the neo-corporatist mechanism regarding the linkage between civil society, party, and state. These concluding discussions substantially and concisely summarize the fundamental findings of this qualitative case-study inquiry.

### **Oligarchy and Cartelized Strategies: The First Interpretation**

In this section, there are at least two important topics constituting the core points of the findings of this study, which included (a) the oligarchy is the ostensible power consistently overpowering the legislative process of the 2017 EA as the case study inquired and (b) the oligarchs and their pawns in political institutions apply cartelized strategies in order to master the administrative process of policymaking at the parliamentary level. It was this researcher's primary ambition to start conducting this qualitative case-study examination to combine the oligarchic approach and cartel model as a means to develop a new conceptual lens through which one could more accurately and objectively comprehend the political mastery in post-Suharto Indonesia. Based on the data information compiled and analyzed in this research study, this author concluded in this section that the party oligarchs overpowered the legal process of the 2017 EA reputedly using the cartelized strategies. The other sections in Chapter 5 of this study will convincingly prove such a conclusive interpretation.

The interview transcriptions, official documents, and literature sources collected in this research study directed this researcher to conclusively underline that the "ruling individuals" in the institutions of party politics mentioned in this inquiry,

those who allegedly overpowered the legislative process at the parliamentary level, were considered the “party oligarchs” in this study. Ufen (2018) exclusively emphasized the similar conclusion that the intra-organizational decision making in post-Suharto political parties mostly involve the businesspeople, indicating “an oligarchization marked by (a) the increasing role of money in party politics, and (b) the growing impact by very few people [the oligarchs] on the financing and the decision-making of political parties” (p. 319). This conclusion relates to Winters’ (2011a) argument of the oligarchic power resources, which could derive from the “official positions in government or at the helm of organizations” (p. 12) and, conclusively, in line with Michels’ (2001) analysis about the oligarchic nature of party organizations. Michels exclusively noted:

The supremacy of the leaders in the democratic [and revolutionary] parties has to be taken into account in every historic situation present and to come, even though only a few and exceptional minds will be fully conscious of its existence. (p. 241)

The political competition in the Indonesian 2014 presidential election between General Prabowo and ordinary civil figure Jokowi, and repeated in the current 2019 presidential election, was evidence of the struggle between the oligarchic populism (Aspinall, 2015) and the technocratic populism (Mietzner, 2015)—albeit Jokowi also gained support from both party and media oligarchs (Mietzner, 2015; Tapsell, 2015). According to Mietzner, Jokowi’s political standing was vulnerable to oligarchic dominion. Mietzner (2015) explicitly wrote: “Being inclusive, non-confrontational, and supportive of the democratic status quo, Jokowi made himself vulnerable to influence meddling by oligarchs, party leaders, and other patronage-driven actors” (p. xiii). Concerning the oligarchic nature of the Indonesian 2014 presidential election

candidates, Mietzner (2015) particularly assessed: “Jokowi became the first president not to originate from one of Indonesia’s traditional power networks: that is, political families, the military, the bureaucracy, or Muslim mass organizations” (p. 1).

Reflecting on Jokowi’s first five years in power, Winters (2019) challenges this conclusion by saying:

The fact that Jokowi was from outside traditional power networks did not mean those networks were damaged, dysfunctional, falling apart, or had lost control. It just meant that for Indonesia’s ruling oligarchy to function, it does not require that the presidents come from traditional networks. But whoever the candidate is must still be strongly supported by those networks to win the presidency. Jokowi was not from the traditional power networks (oligarchic and elite), but he never pursued any politics that was seriously against their interests. (para. 2)

For that reason, Winters concludes that everything was still business as usual under Jokowi Administration (2014-2019).

Meanwhile, however, Edward Aspinall (2015) explored Prabowo as an oligarchic populist representing both the oligarchs supporting his financial campaigns in Indonesian 2014 presidential election, and the large number of people supporting him during the presidential campaign—regardless of his failure in 2014 as well as in the current election (April 17, 2019). Aspinall (2015) arguably drew a conclusive remark of Prabowo’s emergence in Indonesia’s current electoral democracy:

“Prabowo’s presidential bid was also a reminder of the fragility of Indonesian democracy, casting doubt on analyses arguing that Indonesia democracy is already consolidated” (p. 28). It is increasingly consolidated, but in an untamed, ruling oligarchic way (Winters, 2011a). Prabowo and his allies have behaved in a classic

“untamed” manner within Indonesian’s ruling oligarchy. An example of tamed ruling oligarchs within a democracy is the Philippines from the election of Quezon in 1935 until Marcos in 1965. Winters (2011a) underlined that the tamed nature of that ruling oligarchy broke down when Marcos was the first president to win a second term in 1969; this was highly disruptive to the norms of oligarchic rotation in the Philippines.

Interviews with the participants selected from various backgrounds confirmed the dominant role of these oligarchs in forging the individual decisions of MPs during the legislative drafting process of the case study examined. The current literature confirmed the conclusion that the oligarchic tradition has been the inherent characteristics of the party system in contemporary Indonesia (Fokuoda, 2013; Robison & Hadiz, 2017; Von Loubke, 2010; Winters, 2011a). Robison and Hadiz (2004) particularly annunciated that General Suharto’s authoritarian rule supported the revival and the strengthening of oligarchy, especially after the era of oil boom in the 1970s. In another work, Robison and Hadiz (2017) exclusively wrote:

This oligarchy initially emerged within a system of state monopolies and state ownership of the “commanding heights” of the economy that provided successive Presidents, public officials and military commanders with enormous sources of revenue and discretionary power over the allocation of rents and patronage. (p. 901)

Winters (2011a) categorized oligarchy depending on their power basis, namely the warring oligarchy, the ruling oligarchy, the sultanistic oligarchy, and the civil oligarchy. The ruling oligarchy, according to Winters (2011a), emerged in the circumstance wherein oligarchs maintained individual roles significantly “in the provision of coercion, and yet rule collectively and through institutions marked by norms or codes of conduct” (p. 35). Winters expressly argued: “In a ruling oligarchy,

oligarchs still play a direct role in defending their wealth and in ruling over a community or society. However, they do so collectively rather than as individuals” (p. 66). Furthermore, about the characteristic of this ruling oligarchy, Winters additionally denoted:

The most important internal factor affecting the stability of a ruling oligarchy is the degree to which oligarchs insist on remaining personally armed and dangerous, or accept partial disarmament, using their wealth and positions to hire the coercive capacities of others [whether as individuals, or through their collective institutions of rule, or some combination of both]. (pp.66-67)

The clearest example delivered by Winters was the Mafia Commission in the United States and the Italian *Commissione*, a council of mafia *dons* that adjudicates conflicts among the families and sometimes metes out sanctions.

The sultanistic oligarchy notoriously referred to General Suharto’s bureaucratic and military-backed oligarchies. This type of oligarchy, according to Winters (2011a), survives when the monopoly of the means of coercion is in the hands of one single oligarch rather than the institutionalized state constrained by a set of rules. Winters apparently adopted Juan Linz’s sultanistic concept—originally coined by Max Weber to name the extreme case of patrimonialism and developed by Juan Linz to conceptually distinguish the nondemocratic rules emerged in the 1970s (Chehabi & Linz, 1998, pp.3-48)—to smuggle in the definition of patrimonial culture as the basis for sultanistic oligarchs to survive. Authority and violence are the exclusive preserve of the ruler, whose stability at the apex of the regime, and especially over the powerful oligarchs immediately below, depends vitally on providing property and income defense for the oligarchs as a system. As in a sultanistic model, oligarchs in a civil oligarchy are fully disarmed and do not rule

directly, but sporadically maintain the politics as individual figures instead of an oligarchic system. Wealth defense in a civil model, Winters argued, is focused on income defense. The United States and India are procedurally democratic while Singapore and Malaysia are soft-authoritarian, but, following Winters, all the oligarchs in these countries fall into the category of civil oligarchy.

Indonesia, after the fall of General Suharto in 1998, faced an increasingly firm and complicated oligarchic phenomenon (Fukuoda, 2013; Robison & Hadiz, 2017; Winters, 2013). Fukuoda (2013) hesitated to be convinced that the fall of General Suharto would automatically reveal the emergence of civil society as the new democratic power after 1998. Pursuant to Winters' (2011) argument, Fukuoda was apparently confident that the powerful minority from General Suharto's sultanism remained to master the political realm, and even more untamed (Winters, 2011a, p. 36), regarding the patronage culture (see also Webber, 2006). Fukuoda (2013) explicitly indicated: "Although elections grew increasingly free and fair after 1998, power remains the preserve of the few and the clientelist nature of Indonesian politics has displayed more fundamental continuity than discontinuity" (p. 57). Moreover, still about the post-Suharto oligarchy, Winters (2011a) particularly noted:

The fall of a dictator who had successfully tamed a nation's oligarchy frequently produces both a transition to democracy and a transition to wild oligarchy, in which the formal institutions of law and punishment that were deliberately weakened during the authoritarian period prove too feeble to constrain oligarchs when electoral democracy displaces dictatorship. (p. 38)

The Suharto State (1966-1998) provides a strategic foundation for the tamed oligarchy to occupy the political and economic resources softly. Robison and Hadiz (2017) notably emphasized:

The political allocation of various licenses, forestry concessions, trading monopolies, contracts and subcontracts, and subsidized state bank credits provided the basis for the emergence of the private business conglomerates that were to be so dominant in the latter stages of the Suharto era. (p. 901)

If viewed from the procedural measurements, the post-Suharto democracy seemed to progress with the presence of various democratic institutions that guarantee the political rights and civil liberties of the people. However, Winters (2011a) intensely indicated otherwise, that the post-Suharto oligarchy even became more untamed because the democratic regime under the Reform era constituted no stronger legal instruments to tame the oligarchs successfully. It is in this line, one could, at least in this study, understand why the contention of public participation showed ineffective influence on the policymaking process at the systemic level. There appears an atmosphere of “democratic uncertainty” (the term of O'Donnell & Schmitter, 1986), which in the view of particular scholarly accounts related to the fact that General Suharto's lackeys remained in power after 1998 (Crouch, 2010).

Back to the findings in this research study, the *modus operandi* of the oligarchs, based on the interviews with participants P.S.3, M.P.1, M.P.2, and M.P.3, typically confirmed the cartelized strategies. There have been two strategies employed: (a) the optimization of the role of the parliamentary fractions and (b) the involvement of party-based government officials in the policy process under study. Lobbying between the factions in parliament and aggressive maneuvers from the government in lobbying party elites and faction leaders in the DPR were strategic steps to ensure Article 222 of the presidential threshold, which is the main interest of the ruling coalition and the government, obtained consensual approval from the parliamentary fractions during this study period. In lobbying, there is inter-party



collusion, which is the character of the cartel party (Katz & Mair, 1995, 2009). The party factions which initially opposed the high presidential threshold and even wanted to abolish the provisions on the presidential limit finally agreed to support Article 222 under the Election Act of 2017. Katz and Mair (1995) expressly emphasized: “This development [of cartel party] depends on collusion and cooperation between ostensible competitors, and on agreements which, of necessity, require the consent and cooperation of all, or almost all, relevant participants” (p. 17).

Another strategy assessed as part of the cartelized strategies in this study is the optimization of the GO’s role in lobbying party elites from both the ruling coalition and the opposition group per interview transcriptions with the relevant participants of this research study. Many participants (MP1, SP2, MJ1, MJ2, ONA2, GO1, and GO3) of this study directly argued that political products are centered on the will of the party elites, but there was a tendency that they wanted to overpower the policy process and the electoral regulations in general. Based on the detailed evidence from the presidential cabinets since 1999, Slater (2018) argued: “A form of party cartelization has indeed long afflicted coalitional politics in democratic Indonesia” (p. 25). Slater believed that the execution of a direct presidential election system in 2004 has sharpened the government–opposition dichotomy.

In line with Slater’s (2018) analysis, the strategies applied are cartelized models, but, particularly based on the data collected in this study, the perpetrators were truly oligarchs. It is in this realm, this author finds a confirmation of both Winters’ material definition of oligarchy, in the sense of an Aristotelian perspective, and the applicability of Michels’ iron law of oligarchy in the sense of non-material definition of the concept particularly associated with the “elite theory” that arose at the end of the 19<sup>th</sup> century with key writers like Pareto, Weber, Michels, and Mosca.

Michels (2001) argued that the organization, even the society itself, cannot exist without the existence of dominant, ruling, or political class. This implies that the minority that rules the majority constitutes the only long-lasting efficacy factor in the history of human development. In accordance with this view, following Michels (2001),

[...] the government or, if the phrase be preferred, the state, cannot be anything other than the organization of a minority. It is the aim of this minority to impose upon the rest of society ‘a legal order,’ which is the outcome of the exigencies of dominion and of the exploitation of the mass helots effected by the ruling minority, and can never be truly representative of the majority. (p. 233)

As Winters (2011a) criticized, even though the “minority” Michels referred to is not necessarily a wealthy minority and, therefore, the “iron law of oligarchy” could be the “iron law of elites,” Michels is worth reading to understand the non-material aspect of the oligarchic power discussed in this proposed study.

Data collected to answer the central research question of this study confirmed that the oligarchic relations within party institutions transcended into the relationship between the party elites in the central office and the party members either in parliament or government offices, which in turn exclusively shaped the political decisions both at the parliamentary and governmental levels. Following the cartel logic (Katz & Mair, 2009; Slater, 2004, 2018; van Biezen & Kopecky, 2014), the involvement of GOs in the legislative process under study typically reflected the interpenetration between party and state, which in turn strengthened the hypothetical argument in this study that party oligarchs have implemented cartel work-patterns in mastering the legal process at the congressional level. Regarding the collusive linkage

between party and state, under Katz and Mair's (1995) cartel model, Slater (2004) was inclined to name the post-Suharto democracy as the "collusive democracy" characterized by the emergence of party cartels in political mastery.

As understandably amplified through the findings of the research questions in this study, the party-state transpiration occurred formally (through the involvement of GOs in the bill discussions in DPR) and informally (through the GO-initiated lobbying inside and outside the parliament). In-depth interviews with G.O.1, G.O.2, G.O.3, O.N.A.1, and O.N.A.2 emphasized such conclusion that, to a central extent, aligned with the fundamental aspect of Katz and Mair's (1995, 2009) cartel party concept. This firmly provided evidence of a collusive linkage between party and state. Without intentionally pretending to exceed the scope of this study, this researcher preferred to emphasize, so far, that the oligarchy has been the real power that controls the political party in contemporary Indonesia. Per data gathered and analyzed in this inquiry, the party oligarchs appeared to employ cartelized strategies in delivering their interests incorporated into the legal policies. The findings of this case-study investigation provide informative explanations and epistemological considerations of how these ruling individuals overpowered the phenomenon under study using the cartelized tactics.

### **Interparty Collusion: The Second Interpretation**

The underlying message in this section is that the parliamentary parties collusively established interparty cooperation during the occurrence of the phenomenon examined. It would be noteworthy to emphasize that the interparty collusion meant in this part poses a pragmatic strategy that has been part of the political architectures in the hands of party oligarchs. This author is eager to

conclusively say that the actors under study were thus truly the party oligarchs, but the strategies employed particularly reflected the cartelized tendencies. The interparty cooperative management was an underlying section of the initial cartel-party concept (Katz & Mair, 1995). Explicitly when restating their theory of cartel party, Katz and Mair (2009) vividly recalled the concept as “means of drawing attention to patterns of interparty collusion as well as competition, and as a way of emphasizing the influence of the state on party development” (p. 755). The cartel party, pursuant with Katz and Mair (2009), refers to the parties in democratic polity “characterized by the interpenetration of party and state and by a tendency towards interparty collusion” (p. 755).

Participants involved in this investigation, such as M.P.1, M.P.3, P.S.3, M.J.1, G.O.2, O.N.A.1 and O.N.A.2, provided sufficient information that supports the conclusion in this section that the interparty agreement has been the underlying condition to develop consensus during the discussion of the election bill investigated. Most of the parliamentary fractions sought a mutual compromise concerning the strategic articles, especially the provision of presidential threshold, which was the central element of the case study. Interparty collusion and cooperation in the post-Suharto period are remarkably part of the dynamics of a multiparty system in Indonesia’s presidential system (Ahmad & Herdiansah, 2013; Slater, 2004, 2018; Ufen, 2006). Ahmad and Herdiansah (2013) emphasized that the imbalance of relations between the president and parliament in the post-Suharto multiparty system gave rise to the opportunities for cross-party “power-sharing.” Though they incompletely explored how such interparty cooperation was established in Indonesia’s “cartelized democracy” (the term of Ahmad and Herdiansah), these researchers

recognized that the multiparty system had a direct influence on the presidential stability. Ahmad and Herdiansah (2013) unambiguously wrote:

When a direct presidential election system applied in 2004, the president might not truly attain power due to the parliamentary power imbalance. Thus, the president should have enough parliamentary supports. Otherwise, the government would not get along very well. The winning party then shared the power or other resources as a trade-off to their counterparts. (p. 246)

In the discussion of the election bill examined in this study, the parliamentary parties were inclined to defend their particular agenda—as the bill concerned the benefit of all intra-parliament parties. The lobbying was an instrument harmonizing the party interests in the sense that the elections should have reduced the degree of dissatisfactions the parties in collusion could potentially face. It confirmed what Katz and Mair (1995) indicated that under a cartel tradition “none of the major parties is ever definitively ‘out’” (p. 22). Building mutually interparty interest-based harmony in this study’s context concerns not only the party members in DPR, but also those in the executive office. This evidence affirmatively demonstrated the applicability of Katz and Mair’s (1993) conclusion that the nature of entirely understanding party organizations is to comprehend the three faces of the party institution, namely the party in central office (party elites), the party in public office (MPs and GOs), and the party on the ground (ordinary members).

Interview transcriptions with the selected participants arguably confirmed the involvement of the government senior officials in developing interparty cooperation to govern the phenomenon under study. M.P.1 even revealed an examination that the consensual compromise among party elites had been the strategic exit to end the lengthy discussions among MPs in DPR concerning the legal process of 2017 EA.

Furthermore, in more supportive perspectives, M.P.3 underlined the significance of government's involvement in encouraging cross-party collaboration prior to voting on Article 222, which exclusively stipulated that the party or joint parties should have a minimum of 20% of the national vote or at least 25% of the parliamentary seats to be able to promote the presidential candidates in elections. This information drives a conclusive remark that the party oligarchs employed cartelized tactics when governing the case study investigated in this research project.

Economically speaking, Blyth and Katz (2005) argued: "The basic purpose of a cartel is to maximize the joint profit of oligopolistic firms through the restriction of competition" (p. 38). The coalition, following Blyth and Katz, is a strategic choice to maximize profits. It seems that the parliamentary parties in this study viably held such cartel logic in the knowledge that if they cooperated, they could secure their own future while at the same time achieving resources that were part of the political spoils deriving from the interparty collusive mechanism. As known, in the beginning of the bill discussion, the ruling parties were divided regarding the presidential threshold provision as concluded from the literature sources gathered (Baidowi, 2017; Edy, 2018) and interview transcriptions analyzed in this case-study research. PDIP, GOLKAR, and NASDEM were the first three parties supporting this provision. PKB, PPP, and HANURA initially decided to design another option along with the opposition parties (Baidowi, 2018).

Facing such a situation, the architects of the case study examined decided to employ the cross-party lobbying, considerably a strategic move to develop interest-based harmony among parliamentary parties. They held a meeting at the residence of the PAN Chairman, Zulkifli Hasan, as what Baidowi (2018) illustrated in his book and the interview transcriptions confirmed as well. M.P.2 acknowledged that there

had been a collective agreement among parties in that meeting aimed to design a win-win solution. Per this participant, most of the parliamentary parties agreed on the presidential threshold standard stipulated under the government-proposed bill, but they purposely lobbied the government parties to allow them to freely ratify the other strategic articles, such as the parliamentary threshold, the provision on the vote-conversion method, and the seat magnitude article.

From the cartel perspective, the information above truly performed the essential example of interest exchanged among parties regarding the symbiotic collusion (Bolleyer, 2009; Detterbeck, 2005; Katz and Mair, 2009). Nonetheless, viewed from the oligarchic perspective, particularly following Winters (2011a, 2013), such an elitist approach was a means to build a “gentleman” commitment to pie sharing among party oligarchs to maintain the interest equilibrium of the cross-party oligarchic system (see Ceron, 2012; Leach, 2005; Robison & Hadiz, 2017). In a money-politics-driven-and-oligarchy-dominated democracy, following Robison and Hadiz (2017), any political party is defenceless to get trapped in a very pragmatic compromise “not by policy agendas or common ideology, but by a requirement to engage in electoral competition for control over public institutions and resources” (p. 906).

P.S.3 emphasized that collaboration and cooperation between parties are a necessity to promote stability and maintain political effectiveness in the policymaking. Katz and Mair (1995) decisively signified that the inter-party collusion is a cartelized strategy to minimize losses as absolute consequences of electoral competitions. In a cartel tradition, the party coalition is a flexibly floating strategy because the parties could develop mutual consensus before the elections and, to some extent, the consensus could shift after elections depending on the degree of post-

electoral satisfactions or dissatisfactions facing political parties. The interviewees partaking in this research study admitted without hesitation that the compromise between parties was correlated with the post-electoral pie-sharing system. Pie-sharing is the oligarchic modus operandi to serve the oligarchic equilibrium. Winters (2011a) explicitly noted:

As nascent oligarchs set about grabbing and squeezing the nation's wealth for themselves, they adopted a creed of *bagi-bagi*—which commonly means “share” or “distribute,” but in the context of Indonesia's oligarchy translates more accurately as “the obligatory sharing of oligarchic spoils” (p. 143).

Furthermore, Winters (2011a) emphasized that “violating the *bagi-bagi* ethic is one of the few acts that risks having high-end theft by Indonesian oligarchs treated as a punishable crime” (pp. 143-144).

O.N.A.1 informed the findings of this study in this part to the cartel context. This participant typically argued that the parties preferred to compromise on measurable benefits after elections instead of pursuing temporary pre-election benefits. Such political spoils were reputedly about who received how many seats in the cabinet or who controlled what business of the state-owned enterprises they could occupy. This conclusion is in line with the critical views delivered by O.N.A.2, a scholar participant who explicitly emphasized that interparty collusion was related to the political booty or the economic spoils. The journalist participant, M.J.1, supported this conclusion with details based on her direct observations for years as a media reporter in DPR. This journalist acknowledged that there was interparty collusion, which has been the basis for the majority of parliamentary fractions in DPR to deal on the provisions disputed. An explanation offered by a GO interviewee, G.O.2, boldly reinforced the conclusion above and directed the narrative in this section to a



definitive conclusion that the interparty collusion was a primary condition to establish a based-on-pie-sharing agreement among parliamentary parties.

The information discussed above encouraged this researcher to draw a conclusive remark in this line that cartelization is an inevitable symptom in understanding the dynamics of the multiparty system in contemporary Indonesia. Slater's (2018) study of seven presidential cabinets since 1999 provided epistemological considerations of the applicability of party cartelization analysis. Slater intensely acknowledged that a cartel party concept is a European perspective, "but it still qualifies as party cartelization because it has produced the same troubling outcome for democratic accountability that motivated cartelization theory in the first place: the stunting and scuttling of clearly identifiable party coalition" (p. 25). The most striking consequence of cartelization is arguably twofold: (a) the party abandons its historical nature as an agent of civil society to become a state agent as in Bolleyer's (2009) study of Fianna Fáil in the Republic of Ireland, and (b) the notion of representation under representative democracy system shifts away towards the representation of party-state interpenetrative interests (Detterbeck, 2005; Enroth, 2017).

Collusion between parties, typically viewed in the cartel perspective, is not a temporary but a sustainable strategy related to the post-electoral interparty power-management. Regarding the win of incumbent President Jokowi in the current 2019 presidential election, the public begins to fret if the political opposition would be able to effectively exist in his second period (2019-2024) since the majority of parliamentary parties would be part of the ruling group (*Kompas*, April 24, 2019). This is part of the worst-case scenario of cartelization that inhibits newcomers to enter the power realm by maintaining electoral regulations that could measurably minimize

the chances of new parties gaining seats in parliament (Bolleyer, 2009; Detterbeck, 2005; Katz & Mair, 2009). With the provision of a 4% parliamentary threshold under the 2017 EA, based on the results of the 2019 elections, all new parties such as PERINDO and PSI, as well as many old small parties, failed to claim seats in DPR. At the same time, the coalition constellation shifted towards imbalance because the majority of parties supported the incumbent government prior to the 2019 elections.

Theoretically, the circumstances could potentially trigger an internal conflict within the cartel system in terms of seizing the greatest influence in controlling the privileges of state resources, as occurred in the Republic of Ireland studied by Bolleyer (2009). However, the situations could potentially push as well the presidential system towards the worst phase in Indonesia's democratic history, where the power in the hands of the president would increasingly become stronger than the power the opposition could show off concerning the checks and balances mechanism. Unfortunately, such fidgetiness, as a matter of fact, has been a challenging fact under President Jokowi's second-term administration (October 2019-October 2020) regarding the inclusion of General Prabowo Subianto, against whom he competed during the 2019 presidential election, to occupy the defense minister post in his new, pie sharing-characterized cabinet.

### **Collusive Interpenetration between Party and State: The Third Interpretation**

This section, as part of the interpretation of the key findings of this qualitative case study inquiry, will strengthen the cartelized nature of the party oligarchs playing a central role in the phenomenon under study. The party-state interpenetrative linkage was part of the cartel party characteristics (Bolleyer & Bytzek, 2014; Detterbeck, 2005; Katz & Mair, 1995, 2009). The cabinet members involved in the legal process

of the case study examined originated from the party members, and thus, due to their official positions, their involvement in forging the phenomenon under study could be directly representing the “state.” Therefore, and thus precisely for that reason, this author arguably interpreted such cabinet members’ active involvement as the evidence of the involvement of both party and state in orchestrating the case study investigated. The use of term “state” could be debatable, or considered a jumping to conclusion, when there was no measurable criteria in this study to distinguish the “government” and the “state.” However, according to this author’s contention, the official position of cabinet members in the executive office performed for both the government and state concurrently. Therefore, at least for the interest of this study, the use of the term “state” in this interpretive section of the study findings could conceptually be considered accountable.

In this study, the GOs concurrently served on behalf of the executive government, state, and party when purposely orchestrating the policy process of the case study inquired. At the same time, the party members in DPR (MPs) were following their partners (GOs) in the executive branch. In the spirit of organizational solidity as party members, they collusively designed the electoral regulations to serve both the party interests and the incumbent government in the next elections. The reelection of President Jokowi and the fiasco of new and small parties to sit in DPR as the consequences of high threshold-standardized 2019 elections obviously provided evidence of the success of cartelized scenarios in codifying the electoral regulations concerning the 2017 EA.

Slater (2018) verified the aforementioned conclusion: “Promiscuous power-sharing is strategically optimal for political parties in Indonesia’s parliament because it allows them to maintain privileged access to state patronage, even when they fare

miserably in national parliamentary elections” (p. 24; see also Slater, 2004). Slater (2018) furthermore imposed an additional illustration that “presidents persistently find strategic advantage in building coalitions that are not just oversized, but at times include every single significant party, wiping out party opposition entirely in the process” (p. 24).

Simply put, the logic established that justifies the party-state symbiotic relations is due to the development of representative democracy in the way that the state needs to support the parties to increase the effectiveness of unique functions of political parties as part of the fundamental, democratic institutions. On the basis of, and for, that argument, Katz and Mair (1995, 2009) explained that under the liberal, capital-intensive politics, the institutions of party politics envisage the complex challenges in maintaining the intra-organizational management and empowering cadres who would fill the official positions in public offices. The financial dependence on the state gives birth to a new extension of the meaning of representative politics in which the party, at its most extreme consequences, thoroughly serves the state and apparently abandons the civil society (Bolleyer, 2009; Jalali, Silva, & Silva, 2012). The dominant parties in Portugal, in the study of Jalali et al. (2012), were inclined to employ the state resources in occupying civil society to maintain electoral benefits. State subsidies allow parties to be financially stable and, to the most practical extents, regarding such state funding, the parties are permissive to the state’s penetration as they also occupy civil society to optimize the political gaining (Scarrow, 2006; van Biezen & Kopecky, 2014).

Scarrow's (2006) study of modern parties in Western Europe presumably reinforced Katz and Mair’s thesis that state subsidies are means for the state to penetrate the party through regulating the entire management of political parties. The

state orchestrates the legal provisions of party organizations through constitution or laws that in particular inject the state's dominion into the organizational management of party institutions. Scarrow concluded that state subsidies must benefit the parties, which in its length would affect the electoral competitions in the sense of, following Slater (2004), collusive democracy. Scarrow explicitly stated: "The only systematic attempt to analyze subsidies' impact concluded that subsidies play a negligible role in the midst of all the other factors which affect political competition" (p. 628). Scholars particularly deduce that the threshold provisions under the electoral laws, as also confirmed in this research study, are the legal instruments intentionally used by the state to contain the multiparty management which is, as a matter of fact, ultimately manage state expenditure for parties (Jalali et al., 2012; van Biezen, 2008). In other cases, as in the context of this proposed study, the state agents reveal "political stability" rhetoric or "strengthening the presidential system" arguments to defend electoral thresholds and as an alibi to cover the state's ambition to contain competitions in elections—as the way to maintain the status quo (see Slater, 2018; Ufen, 2018).

The threat to Indonesia's current democracy, according to Hakim and Jurdi (2017), was the dominant influence of wealthy people, and that, following Winters (2011a), the wealth mastery truly became the basis of power mastery. Such a challenging situation, in accordance with Ufen's explanation (2010), has put Indonesia's democratic deepening at risk regarding the "rise of market-oriented parties" (p. 33). It is arguable that the dominant parties, concerning their interpenetrative linkage with the state, purposely maintained the electoral regulations, on the one hand, to perpetuate the status quo, and on the other hand, to satisfy both the organizational economic interests and the vested interests of a few oligarchs those

who, in Winters' (2011a) terms, have been increasingly "wild or untamed" (pp. 36-38) after the Suharto regime ended in 1998. It is in this line, one could conclude that the party oligarchs treated the party's dependence on state subventions as a means to seek for the economic spoils to serve both the organizational party interests and the individual interests. On the basis of this reason, the parties were apparently permissive, even intensely expecting, to the state's excessive intervention in regulating the party institutions.

Subsidies are not just a means to promote the effectiveness of unique functions of party institutions in democracies, but as well to create party dependence on the state, which in turn would widen the path for the state to invade parties through strong regulations (Bolleyer, 2009; Pierre, Svasand, & Widfelt, 2000; Scarrow, 2006; van Biezen, 2008; van Biezen & Kopecky, 2014). In a particular sense, van Biezen (2008) concluded:

In addition to an increased financial dependence on the state, to which we will return later, parties in contemporary democracies are to a growing extent managed by the state, in that their activities are to an increasing degree subject to regulations and state laws which govern their external activities or determine the way in which their internal organization may function. (p. 340)

The evidence in this research study that supports the discussion above derived from the individual interviews with the participants selected.

The participants O.N.A.1 and O.N.A.2, for instance, delivered some critical views that revealed the government's intervention during the legal process of 2017 EA concerning the party-state linkage. These with-trustworthy-academic-background participants revealed some evaluations in scholarly senses about the phenomenon under review. O.N.A.1 severely argued that the GOs' purposeful involvement in

enforcing the MPs to be subject to the government's direction during the legislative process was the natural way of defending their political career and serving their organizational purposes as party members. As their original parties wished to restrict the candidacy pluralism, the GOs, as well as the MPs, were just the pawns of their patrons in party institutions. This circumstance appeared to confirm the iron law of oligarchy. Michels (2001) eminently noted: "Every party organization represents an oligarchic power grounded upon a democratic basis" (p. 241).

O.N.A.2 was more convinced to signify that party bosses, as predictable, conspired to set up the electoral regulations, in order to, undoubtedly, maintain the present status quo and the more benefits to come. The message was that, following O.N.A.2, the elections in the Indonesian democratic case no longer served the public interests as the philosophical and ethical foundations of politics *an sich* argued in most of the democratic theories, unless the legitimized orchestration of pursuing particular interests concerning the economic or political spoils. Both the compromised, established among party elites, and the lobbying involving the GOs and MPs were the strategic maneuvers employed in taking control over the debates upon the disputable issues under the case study examined. In the study of Campos and Giovannoni (2017) focusing on electoral rules across 26 countries in Central and Eastern Europe, lobbying posed a prevalent strategy applied to shape decisions within political institutions. The central hypothesis of Campos and Giovannoni's (2017) study was that "political institutions in general and electoral rules in particular, are a crucial determinant of a decision to lobby" (p. 925). The lobbying employed in the case study investigated, based on data collected, was the dominant tactics to engineer the legislative process, which purposively transcended the acceptable standards of the legislating mechanism, as the perpetrators designed that legal process to maintain the

interparty collusion and symbiotic interpenetration between party and state, through which they could obtain more from the state resources (Bolleyer, 2009; Pierre et al., 2000; Scarrow, 2006; van Biezen & Kopecky, 2014).

In particular cases, thinking in the interpenetrative perspective, the party dependence on state subventions would be in turn the capture of state by party patronage—as concluded by van Biezen and Kopecky (2014) in their study of contemporary European democracies—to the extent that “parties penetrate and control the state and use public offices for the purposes of party organizational building and advancement” (p. 176). The Indonesian case legibly reinforced this conclusion seeing the emergence of multiparty systems after 1998, giving birth to a party-controlled, presidential system (Slater, 2004, 2018; Ufen, 2006, 2018). Competition among parties aim to seize power to control the state’s strategic resources to serve both the party oligarchs and parties as organizations (Winters, 2013). The oligarchic approach accurately portrays this phenomenon as evidence that underlies the political mastery by a handful of ruling individuals (Fukuoda, 2013; Hakim & Jurdi, 2017; Winters, 2011a, 2013), but the way the parties use the state and conversely the state controls the parties understandably shows a conclusive tendency of cartelization (Slater, 2018). Interviews with GOs in this study (G.O.1, G.O.2, and G.O.3) provided enough information about how the parties penetrated and controlled the policymaking at the state level. The party elites directed the GOs and MPs to decide in alignment with the party interests as acknowledged by the parliamentarian participants in this study. G.O.1 and G.O.3 were convinced that the cabinet members were involved in lobbying eto maintain the state’s purposes—though they deliverd no evidence to alienate the presence of party interest in any detail of GOs’ political maneuvers under the phenomenon inquired.



Since 2005, through the Executive Order 20 of 2005 under President Yudhoyono's Administration, the regulation of state subventions has been set for parties based on seat allocation in the DPR. This new rule has been the reason for dominant parties to foster their rent-seeking characteristics (Ahmad & Herdiansah, 2013). The ruling parties exploited the state resources and attempted to defend the status quo by engineering the electoral regulations and the elections in the sense of cartelization (Ambardi, 2009). The conclusion in this part is that the electoral thresholds, both the parliamentary and presidential thresholds, were a legal means to maintain the interests of the dominant parties concerning the occupation of state privileges. This conclusive interpretation was derived from interviews with MJs and observer participants during the data collection process in this study. The party members in the executive office and parliament were playing a clientelist role concerning the party patronage (van Biezen & Kopecky, 2014).

### **Politics as Profession: The Fourth Interpretation**

To make sense of the fourth interpretation, this author refers to Katz and Mair's (1995) cartel party thesis restated in their 2009 work. Katz and Mair (1995) notably concluded:

Finally, with the emergence of the cartel party, comes a period in which the goals of politics, at least for now, become more self-referential, with politics becoming a profession in itself—a skilled profession, to be sure, and one in which the limited inter-party competition that does ensue takes place on the basis of competing claims to efficient and effective management. (p.19)

The interpretation developed in this section is the reinforcement of cartel characteristics of the political mastery in contemporary Indonesia, at least based on

the information gathered during this study. It is also noteworthy that the professionalization of politics did not explicitly exhibit the realization of an ideal democracy because, following Michels (2001), the presence of oligarchy within democracy occasions the complexity in realizing the ideal postulates of democracy. Thus, Michels (2001) argued, “consequently the question we have to discuss is not whether ideal democracy is realizable, but rather to what point and in what degree democracy is desirable, possible, and realizable at a given moment” (p. 241).

The party oligarchs, the MPs, and the GOs involved in the case study were arguably considered cartelized agents who typically treated politics as a skilled profession (Katz & Mair, 1995, 2009). In accordance with the data collected, such cartelized agents promoted democratic politics resting on specific skills, professionalism, knowledge, and other technical, required capabilities. They purposely utilized democratic procedures and “public interest” rhetoric to proceed mastering the electoral regulations and procedures—in which the ostensibly ultimate purpose was to optimize the contingency of winning the elections.

The Indonesian situation today colored by the commercialization of democratic politics (Aspinall & Berenschot, 2019; Hakim & Jurdi, 2017; Ufen, 2010) is arguably not much different from the Indian case in Manoj, Sridharan, and Kulanidai's (2016) study, which indicated that the public sees political practices as dirty, corrupt, and elitist interest-oriented since the politics become no more than just a particular career for party personnel to seek for material advantages. Parents in today's India, following Manoj et al., intensely encourage their children to enter politics to improve such a poor situation. Cartelization (and/or oligarchization?) apparently revokes the ethical content of power politics and strengthens its pragmatist orientations influenced by the logic of the capitalist market (Ufen, 2010; Winters,

2013). In a cartel tradition, politics truly becomes depoliticized, in which the politics pose a skilled profession, self-referential, and capital-intensive (Hutcheson, 2012; Katz & Mair, 2009). This conclusion applies to the Indonesian case based on the interviews and literature sources collected in this research study. Party elites are the rational-choice adherents devoted to serving their particular interest as an oligarchy, organizational purposes as party institutions, and the state as the resource from which they can take advantage (Hutcheson, 2012; Katz & Mair, 2009; Slater, 2018). As an inevitable consequence, this cartelization tendency arguably fertilized the commercialized, oligarchic culture of contemporary politics. Some literature indicated that the commercialization of politics in Indonesia's current democracy has taken its obvious case in the presence of "money politics" at various levels of political activities (Hakim & Jurdi, 2017; Ufen, 2010).

Arguments delivered by the participants of this study provide some empirical foundation to forge the conclusive remarks in this section. M.P.3 argued that the party organization has strict regulations binding members to be subject to party direction, as well as when it might consequently mean that each member in public office ought to sacrifice her or his different alignments with constituencies. M.J.1 unambiguously argued that it would be natural for each parliamentarian to serve the party and the individual career. However, the concern in this study was how political meaning is vulnerably shifting. Political parties have, of course, significantly contributed to building a cartel tradition distancing a party from society for the sake of party-state interpenetration concerning the acquisition of the state strategic resources. S.P.2 emphasized the concurrent effort to seek for both party and state interests has been the typical *modus vivendi* of party organizations to survive.

Contrarily, O.N.A.1 signified that the parties have lost their ethical orientation since they were more inclined to serve the state and their organizational advantages rather than the society. O.N.A.2 likely supported O.N.A.1 whose argument underlined that the political parties in daily performance keep standing away from civil society, as they decide to be the state agents to gain privileges in occupying the state-owned resources. Both M.J.1 and M.J.2 appreciated the progress of the parliamentarians' performance currently, particularly since the presence of specific regulation in 2004 stipulating that each MP, in order to increase her/his professional performance, would have professional aides funded by the state. Since then, as M.J.1 and M.J.2 witnessed, the MPs' performance has been more professional than ever in terms of conducting their parliamentary duties. The involvement of skilled aides has been contributing to improving the MPs' capabilities in carrying out their representative assignments. When politics becomes a profession, following a cartel concept (Katz & Mair, 2009), party members in public offices require more expertise in making laws, dealing with issues of budgeting, and executing the checks and balances mechanism.

Politics as a profession is the conceptual implication of the adoption of the liberal tradition in contemporary democracies having its prevalent nature under the catch-all political tradition (Poguntke, 2014; Williams, 2009). Michelle Williams (2009) in recalling Kirchheimer's catch-all party concept firmly influenced by the German sociological culture and explicitly indicated that "the concept contends mass integration parties formerly held together by economic class or religious denomination transformed themselves into a new party type, the catch-all party" (p. 539). The political parties in catch-all traditions are inclined to be competing brokers (Katz & Mair, 1995) since the party elites are characteristically entrepreneurs. The cartel concept is, arguably, the continuation of a catch-all tradition developing as a

new party model when the symbiotic relationship between party and state and the interparty collusion become the primary conditions for the party to survive (Katz & Mair, 1995, 2009).

Indonesia is not resistant to political entrepreneurship inherited from the catch-all culture (Aspinall & Berenschot, 2019; Ufen, 2010), and it has been with the global phenomenon that the capitalist-economic perspective has forged the current nature of party organization in which financial power poses the most influential resources in elections and other democratic ceremonies. Aspinall and Berenschot (2019) even assertively indicate that Indonesia's current democracy is for sale. This conclusively denotes that the trend of political commercialization is evident (see also Mujani & Liddle, 2010; Ufen, 2010). Ufen (2010) exclusively revealed several forms of a political commercialization contributing to party-voter assignments which include:

(a) the mobilization of voters , (b) the commercialization of internal party organization as the candidates pay political parties for their candidacies, (c) the mobilization of delegates as voters at party congresses through campaigning and different forms of vote-buying, and policymaking by MPs and by directly elected mayors, district heads, governors, and presidents is, arguably, influenced by their own business interests or those of their financiers. (p. 28)

### **Beyond Political Stability: The Fifth Interpretation**

In this section, the core interpretation is that the party oligarchs and their pawns in public offices involved in the phenomenon under study purposely established high threshold standards under the 2017 EA in order to create political stability vis-à-vis the presidential system. The logic used implies that the high

presidential threshold standard is the way to foster the presidential system regarding the restriction of conflicts among parliament and president, as happened in the first few months of President Jokowi Administration in 2014. Eve Warburton (2016) exclusively recorded:

During his first year in office, from October 2014, he faced multiple crises: A series of political missteps, conflict within his cabinet, a disruptive opposition coalition in parliament, and troubled relations with his own party. These misfortunes left the president looking weak and out of his depth. (p. 297)

This evidence supports the logic of political stability the oligarchic elites argued during the case study examined. As known, the parties under a cartel tradition utilize elections as a procedural means to maintain social and political stabilities instead of creating social and political changes (Detterbeck, 2005; Hutcheson, 2012; Katz & Mair, 1995; van Biezen & Kopecky, 2014).

Political stability is a fundamental, post-electoral issue in contemporary Indonesia due to the fragile multiparty system (Diamond, 2009; McRae, 2013; Tomsa, 2010). Dave McRae (2013) explicitly concluded that all of Indonesia's democratically elected presidents are conditionally prone to develop a "rainbow coalition" (p. 301) as the consequence of having a lack of parliamentary backing. A rainbow coalition truly reflected the constellation of post-Suharto multiparty coalition in DPR, which apparently failed to display understandable ideological and political platforms due to the extent in which the dominant parties, viewed in cartel and oligarchic perspectives, were vulnerable to pragmatic compromises in terms of economic and political spoils (Diamond 2009; Sherlock, 2009; Slater, 2018; Tomsa, 2010). This situation occasioned the presidents to maintain the rainbow coalition as the primary condition to stay unharmed.

Consistently thinking in this line, this author thus consequently supports Ufen's (2006) conclusion that "the introduction of direct presidential elections and the strengthening of the presidency by raising levels for impeachment, the executive has grown stronger in relation to the parliament" (p. 17). However, in a further explanation, Ufen's (2006) review was apparently, arguably, premature when stating "the direct election of the president has facilitated the emergence of formerly insignificant parties as vehicles for presidential candidates" (p. 17). In fact, the presidential election system, directly or indirectly, has insignificant influence on party dominion in elections. The presidential system in the multiparty order, particularly in the Indonesian context, indeed strengthened the party hegemony towards the state, at least based on the findings concluded in this author's investigation.

The participants interviewed in this study delivered sufficient information that shaped the aforementioned conclusion that the underlying logic behind the political engineering in the case study was to develop the political effectiveness vis-à-vis the political efficacy (Boulianne, 2019; Craig & Maggiotto, 1982; Reichert, 2018). Parliamentarian participants (M.P.1, M.P.2, and M.P.3) unambiguously indicated that the political efficacy was a common goal considered by fractions when accelerating the ratification of 2017 EA. Controversy and lengthy debate about strategic articles were no longer an obstacle to building deliberations, though, in the end, the MPs employed a voting mechanism to design a final decision.

The interview with O.N.A.1 revealed a notable argument that the extreme party-interest in engineering the electoral regulations was to control the electoral competition, that the candidates running should represent the interests of the party oligarchy. Political effectiveness has become the reasoning of DPR and government in accelerating the ratification of the 2017 EA—though the controversy remained

somewhat complicated and cumbersome at the time. One thing that could have been to some degree overlooked in this context was that the parliamentarians had no recognition that the political effectiveness is never an independent postulate or separate from the background of participation contention (Blais, 2010; Boulianne, 2019; Reichert, 2018). The efficiency of a policy process is truly directly related to the degree of public deliberation, which in turn forges the level of efficacy in the eyes of citizens. Shelley Boulianne (2019) explicitly states that public participation and consideration are expected “to increase public trust in political institutions and leaders” (p. 6).

Questioning the principle of effectiveness was based on the information delivered by the participants involved in this study, referring to the subjective views of political elites, which contradicted the efficacy concept from the perspective of the public. MJs, observers, and civil-society activists interviewed in this inquiry expressed some opinions that were contrary to the elitist arguments. O.N.A.1, for instance, assured that the oligarchy had been the invisible force engineering the phenomenon under study. O.N.A.3 thoughtfully revealed similar views that the politicians might attempt to secure the democratic system, but what they were doing was indeed to destroy the prevailing democratic orders. This non-parliamentary party stakeholder explicitly concluded that the real motives lying behind the phenomenon under study must be related to the vested interests beyond the logic of political stability.

Political efficacy as the degree of public trust in how effective political performance takes place within a political system was absent from this discussion. Legislators and party elites claimed that the idea of political effectiveness is mainly oriented towards the status quo defense rather than serving the public expectations.



M.J.2 decidedly confirmed that the MPs were rhetorically using common jargon, but what they did was indeed to serve their particular interests and collective gains as political flocks. As known, political efficacy is the epistemological antecedent of the participation concept, as the efficacy degree juxtaposes with the notion of effectiveness regarding the performance of public officials (Boulianne, 2019; De Zúñiga, Diehl, & Ardévol-Abreu, 2017; Reichert, 2018). Citizen participation is fundamental as the primary condition to legitimize the policymaking in representative democracy model (Reichert, 2018). De Zúñiga et al. (2017) wrote:

Political efficacy has long been regarded as one of several antecedents to participation in institutional politics [...]. The more one feels able to understand politics and have their voice heard, the more likely they are to pursue democratic endeavors. Political efficacy has also been considered an important outcome in theories of deliberative democracy. (p. 574)

In a cartel tradition, as Katz and Mair (2009) stated, elections are a mechanism to promote social stability, instead of social change (Hutcheson, 2012). Per data collected in this study, this researcher concluded that lobbying applied among the GOs and MPs during the bill discussion had been evidence of a cartelized strategy. The ruling individuals governing the legal process had purposefully designed a risk management to anticipate any potential dissatisfaction in elections. As known, restricting candidate numbers is likely a cartelized attempt to secure the contingencies of dominant parties to win both in the presidential and legislative elections. The strategic information delivered by the participants of this study provided an insightful basis for defending such a conclusion. M.P.1 and M.P.2 expressly claimed, as predicted, that any sort of maneuvers they employed during the legislative process of the case study was to establish a more stable, presidential system—a very subjective

defining concept of stability, at least according to the non-political participants interviewed during the data-collecting process.

O.N.A.1 and O.N.A.2 were particularly convinced that the government and the ruling parties in DPR conspired to protect their particular purposes and optimize the contingency to win in elections. These non-political participants argued the politicians must attempt to defend the status quo and gain the most considerable portion of electoral benefits—like what the regular parties should do in any model of power politics in the extent to which the party and the state merge in such a way as to the most extreme point there would be no more obvious boundary between party and state, raising what Bolleyer and Bytzek (2014) called a “party state” (p. 509). It is exactly in this way that G.O.2 argued that the collusion among MPs and GOs in the case study was part of efforts to strengthen democracy, in the midst of a conflict-prone multiparty system, and could provide a nuanced interpretation of the term “party state”—or be a question to Ufen’s conclusion (2018) of a “party presidentialization,” considered a prominent symptom of Indonesia’s multiparty democracy after 1998. Is it truly a linear one-way movement that makes sense of Ufen’s “party presidentialization,” or could it be “a president partilization” in the extent to which the presidency is under the confining control of parties? The logic of cartelization would be open to the emergence of that reciprocal flow in which the president could be the captive of parties and vice versa, the party goes under the president’s influence.

The concluding point here is that the idea of political stability argued by the participants interviewed in this study was just the rationale lying behind the oligarchic, cartelized maneuvers of the party elites—as the unexpected things emerged from within or from outside the system that could cause the democracy to

collapse (Slater, 2013). Based on the data gathered in this inquiry, party oligarchs, through their pawns in parliament and executive office, maintained this strategy as a shield to protect themselves from public's accusations against the parliamentary parties for playing the role of oligarchic accomplices to destroy public deliberations in policymaking. Slater (2013) expressly used the heuristic term "careening" to refer to unexpected and alarming sudden movements, such as inconsistent coalition maneuvers in parliament or other maneuvers that potentially threaten the power stability. Slater (2013) particularly highlighted:

I define *democratic careening* as political instability sparked by intense conflict between partisan actors deploying competing visions of democratic accountability. It occurs when actors who argue that democracy requires substantial inclusivity of the entire populace (vertical accountability) clash with rivals who defend democracy for its constraints against excessive concentrations of unaccountable power, particularly in the political executive (horizontal accountability). (p. 731)

### **Evasion of Public Participation: The Sixth Interpretation**

In this section, the interpretation of the findings of this proposed study is a unique combination of the oligarchic tendency and the cartelization. One of the characteristics of the oligarchy lies in its resistant tendency to the public participation regarding the mastery by the few. In a similar way, the character of cartels is to prevent newcomers in parliament and government institutions. Particularly concerning the legislative process of the 2017 EA investigated in this case-study inquiry, the agents of that policymaking represented both the oligarchs and the cartels simultaneously. They "pretended" to accommodate the deliberation of civil-society

groups, but as a matter of fact, in the most strategic article, namely the presidential threshold clause, the public involvement represented by the civil society groups was totally ineffectual. The oligarchic approach and cartel style have been an integrated strategy employed by the policy agents in the case study.

The contention of public participation formally encounters accommodation in the policy process investigated. However, such involvement of civil-society groups invited to discuss the presidential threshold clause, as the central element of the case study, delivered no significant points that could forge the essence of the legal process. The ultimate end as a fundamental piece of democracy puzzle is, as highlighted by Freedman and Tiburzi (2012), “how well people’s rights are protected” (p. 135). In some cases, when discussing other strategic issues stipulated under the government-proposed bill, the civil-society groups’ involvement was effective. This information revealed a conceptual discourse of the participation power in policymaking. At least, in this way, Aspinall (2013) might be understood to have argued:

Indonesian politics is not a marketplace of equally empowered buyers and sellers [...], there is indeed a deep architecture of political authority in Indonesia that is anchored in profound material inequality and built on a framework of patronage and clientelism. (p. 50).

Such “patronage democracy” might arguably narrow the contingency for civil-society groups, or the critical citizens, in buttressing the democraticization in post-authoritarian Indonesia (Aspinall, 2014; Rahim & Pietsch, 2015).

As for the primary assumption of this study, the power of party oligarchy was proven stronger than the power of civil-society groups because, as confirmed by the relevant interviewees of this study, none of the written proposals conveyed by the NGOs constituted any strategic articles under the 2017 EA inquired. As noted by the

SC Chairman, Lukman Edy, in his book entitled *Konsolidasi Demokrasi Indonesia* (2017), the SC invited several NGOs representing the civil-society groups to accommodate and include the public's alternative views in ratifying the bill. Such NGOs involved consist of the Joint Secretariat of the Election Law Codification, International Institute for Democracy and Electoral Assistance (IDEA), Elections and Democracy Syndication (SPD), Center for Strategic and International Studies (CSIS), Civil Perimeter (LIMA), People's Voter Education Network (JPPR), Association for Elections and Democracy (PERLUDEM), and Indonesian Partnership (Edy, 2017).

As per the previous illustrations, the presence of public participation in this study's context intently implied a procedural ritual to complement the technical requirements of public involvement in the parliamentary policymaking. The policymaking should serve the interests of particular oligarchs occupying the political parties and the government offices. This confirmed what Mundayat, Narendra, and Irawanto (2017) concluded about the state and civil society relationship in Indonesia: "Several cases of power relations between state and society point however to collusion rather than engagement. This is counterproductive in terms of developing a democratic governmentality" (p. 90). Mundayat et al.'s (2017) conclusion is related to the emergence of particular NGOs, which have been the extension of the government and political parties to control the societal movements, including the ethnic-based organizations that emerged after 1998, which replaced the New Order's military role in reproducing violence like the Betawi Brotherhood Forum (*Forum Betawi Rempug/FBR*), as shown in the study of Brown and Wilson (2007) about the ethnicized violence in Indonesia. Aspinall (2014), as well as Fukuoda (2013b), would state that the patronage and clientelism remain the underlying nature of Indonesian democracy, making up the reason the civil-society groups continue to be vulnerable to

elitist intervention. Even though this is debatable, Fukuoda's (2013b) conclusion might be acceptable that "though elections have become increasingly free and fair after 1998, the expansion of electoral politics has not transformed the clientelist nature of Indonesian politics" (p. 1006).

The involvement of civil society organizations in the legal process at the parliament is part of the principle of democratic policymaking—such as what has been successfully implemented in promoting the anti-corruption movement after the fall of General Suharto in 1998, as McLeod (2010) investigated. In ideal democracies, where the state and civil society are in balance and have equally strong relations, democratization is a mutual project involving both the state and civil society (Hedman, 2001). Moreover, public participation would be the first criterion of the policymaking process. Blais (2010) comprehended the notion of public participation, be it some forms of civic activities including referendum and voting in elections, as a conditional requirement for the survival of representative democracy, and in turn determining the quality of representative democracy *an sich*. The participation concept is thus indeed in line with the political effectiveness of the policymaking process, and even, following De Zúñiga et al. (2017), establishes the degree of deliberative democracy. Enriching the conceptual understanding of the term "participation," Boulianne (2019) notably argues: "Through deliberation, citizens experience firsthand the need for compromises and trade-offs in order to reach a democratic consensus. Simply learning about policymaking processes as part of a deliberative exercise might increase overall trust in institutions" (p. 6). The similar insight comes from Reichert (2018), who concluded that political participation or political action consists of "every voluntary activity a citizen does to influence decisions that [deal] with government, politics or the state in a broad sense" (p. 6).

Interestingly, from the variety of data sources gathered, it particularly turns out that the SC members truly accommodated some critical views and proposals delivered by the NGOs, but there was an unwritten consensus among the parties to exclude deliberately any dissenting voices against the matter of presidential threshold. As O.N.A.1 highlighted, the procedural democracy truly works during the legislative process, but the MPs and GOs perform undemocratic proceedings when dealing with the indisputable presidential threshold clause. A cabinet member representing the state (or incumbent government) openly declared that any articles under the bill might change, but the presidential threshold required no more debates. Interpreting this situation using Ufen's (2018) conclusion, the data gathered in this study explicitly illustrated both the presence of oligarchic practices in the phenomenon under study and the "coalitional presidentialism or a building of a party cartel" (p. 319). Such oligarchic and cartelized tendency implies that there was a consensus among lawmakers and government officials before the submission of NGOs' inputs or feedback in the discussion of the bill under study. A practice of consensus is somewhat familiar in electoral politics, but, in accordance with the conclusion of Khairul Fahmi's study (2016) about the 2015 local elections in Indonesia, a policy-based consensus could be a trap for the representative democracy *per se*. Prior to the 2015 local elections, there occurred intraparty conflicts within GOLKAR and PPP in which factionalism delegitimized the constitutionality of the party's internal management. The consequence of this conflictual circumstance is that both parties are not allowed to carry out candidates in elections. However, as part of the party elites' maneuvers, following Fahmi (2016), DPR, KPU, BAWASLU, and the ministry of home affairs (KEMENDAGRI) ultimately developed a consensual decision to allow these parties nominating candidates. Such party elite-driven consensus would be "a

legal trap that could harm the implementation of local elections in the future” (Fahmi, 2016, p. 91).

Discussing an oligarchy is eminently the activity of discussing the influence of a handful of people (Richardson, Mullon, Marshall, Franks, & Schlegel, 2018). Certain forms of control by some people have been illustrated metaphorically in the research of Richardson et al. (2018) about the stable forces governing the flow of information in ants hunting houses. The information gathered in this case study truly reinforces the applicability of Richardson et al.’s study in human organizations that the oligarchy is about the human’s natural desire to control other people for any voracious interest. The dominion of a few, ruling individuals in the oligarchic system requires a balance that sustains a stable resource-control (Winters, 2011a). This reasoning explains why the oligarchs tend to be uncomfortable to involve publicly deliberative considerations in decision-making processes. The inclusion of various, strategic groups representing the critical citizens must threaten the survival and sustainability of the oligarchy (Rahim & Pietsch, 2015; Tomsa, 2018). The purpose is to defend the status quo of oligarchs as the most prominent strategic group in contemporary Indonesia, which, following Tomsa (2018), encompasses, “the old regime elites and new upstarts including business tycoons, bureaucrats and politicians who quickly captured the new democratic institutions and continued the New Order practice of fusing the bases of economic and political power” (p. 274).

The legislative drafting process of 2017 EA as the case study in this qualitative investigation is the reinforcement of the oligarchic nature, following Herrera and Martinelli (2011), that in an unavoidable situation in the extent to which the oligarchs fail to avoid a threatening insurgency against their status quo, they have to control over the decision-making process. In the most extreme circumstance, when



the oligarchs successfully occupy the state, there emerges a predatory state as performed in most of the oligarchic events under the Suharto regime as Robison and Hadiz (2004) studied. As discussed in Chapter 2 of this study, the oligarchy in contemporary democracies cannot eliminate citizens' participation but can make it ineffectual or useless. This author uses "ineffectual" and "useless" adjectives to describe the insignificant effects and use of citizens' activities in influencing the policymaking process at the institutional levels (Fukuoda, 2013b; Rahim & Pietsch, 2015). That typically happens when the oligarchy fully masters the political system, as in Putin's Russia investigated by Markus (2017).

In a cartel tradition, the representative democracy fails to represent the interests of citizens because the political parties maintain functional relationships with professionals and are "not associations of, and for, the citizens" (Katz & Mair, 1995, p. 22). Party relations with civil society are not in the sense of interrelating relations regarding mutual supports, but a top-down relationship that constitutes a political engineering in which civil society activities are a service to the state rather than control of the state (Boyeller, 2009; Enroth, 2017). Regarding the political representation in a cartel culture, Henrik Enroth (2017) skeptically asserted:

[...] the cartel party fails to represent insofar as its representatives are acting out of professional self-interest, a diagnosis that conjures earlier critique of political representation for turning nominal representatives into a self-sufficient, increasingly isolated professional class or elite [...]. More recently, the representative failings of the cartel party have been ascribed instead to external factors such as fragmenting collective identities and increasing voter volatility. (p. 126)

Skepticism on the quality and existence of the non-representation in cartel-influenced representative democracy refers to the tendency that the cartel parties predominantly governing the state have the potential to be the state itself or what Bolleyer and Bytzek (2014) called the “party state” (p. 509). In the initial statement of their cartel theory, Katz and Mair (1995) exclusively stated: “In the end, of course, it is the parties in power that are the state [...] and it is thus their own existence that they are guaranteeing” (p. 22).

The contention of public participation in this part relates to the idea of political efficacy (Blais, 2010; Boulliane, 2019), which refers to the personal feelings against the effectiveness of the public’s involvement in influencing power executions (Boulliane, 2019; De Zúñiga et al., 2017; Reichert, 2019). People with high political efficacy believe that their voices will significantly influence political activity in the system. People with low political efficacy believe otherwise, that their participation has no power to drive the policy changes. Based on the interviews with O.N.A.1, O.N.A.2, and O.N.A.3, the active involvement of civil society groups truly worked, but when facing the oligarchic interest, the power of public participation ended up less effective.

### **Restriction of Electoral Competition: The Seventh Interpretation**

In this section, this researcher wishes to emphasize that the typical purpose of cartelized parties involved in the case study is to restrict the electoral competition, obstruct the emergence of newcomers, and increase the contingency of taking advantages in elections. The electoral competition poses the fundamental characteristic of cartel parties (Hutcheson, 2012; Katz & Mair, 1995, 2009; Slater, 2018). In this study, in accordance with the data collected, the party oligarchs seemed

to defend the perpetuity of the status quo and strived to maintain the survival of the oligarchic system. In achieving these goals, the oligarchs technically used the cartelized strategies—which in turn has the potential to drag the parties into the tendency of cartelization, which in the future might change the nature of existing oligarchic parties to purely cartel parties.

In a representative sense of democratic politics, cartelization poses a threat to democracy. Through the containment of competition in elections through electoral regulations gravely reflecting the collusive relations between parties and state, the cartels intend to prevent the emergence of newcomers and increase opportunities for post-electoral satisfactions (Enroth, 2017). Representation and cartelization are inherent with political party institutions and representative democracy; hence, following Enroth (2017) and Katz and Mair (1995, 2009), the solution to saving political representation is to shift the arena from the formal representation of political institutions to civil society in a broadest sense. Enroth (2017) emphasized: “Relocating the problem of cartelization and representation from the institutions of party politics and representative democracy in fact further exacerbates the problem” (p. 132).

In the literature sources and the official documents encompassing the standing positions of parliamentary fractions in DPR regarding the bill legislation under study—as argued by PDIP, NASDEM, GOLKAR, PKB, and PPP—there emerged a considerable explanation delivered by the ruling coalition discussing the presidential threshold clause, which was the central element of the case study. As in the nuance of “coalitional presidentialism” argued by Ufen (2018), the ruling parties in DPR arguably defended the high standard for presidential candidacy as a democratic means to strengthen the presidential system. Another rationale, following Edy (2017) and

Baidowi (2018), is related to the idea of simplifying the constellation of the post-election coalition, which in turn could encourage the realization of effective, political opposition in DPR.

Among the ruling parties, PDIP, GOLKAR, and NASDEM delivered the most explicit rationales bolstering Article 222 under the 2017 EA during the bill discussion at the parliamentary SC level. These parties expressed that the high limit would contribute to the development of political stability vis-à-vis the strengthening of a presidential system. This circumstance would arguably be a symptom of cartelization (Slater, 2018; Ufen, 2018) or even evidence of oligarchization (Tomsa, 2018). One could easily understand this concluding remark when considering what Tomsa (2018) stated about the post-Suharto democracy:

In Indonesia, the most influential strategic groups apart from radical and conservative Islamic groups are wealthy oligarchs and the military, while pro-democracy civil society organizations represent the only strategic group that actively supports the reform narrative. For presidents in order to win elections and maintain stability in office good relations with strategic groups are as crucial as aligning their campaign rhetoric and, to a lesser extent, their policies with the dominant meta-narratives. (p. 274)

However, interviews of O.N.A.1, O.N.A.2, and O.N.A.3 genuinely influenced the analysis. They were convinced that the high presidential threshold was the product of major parties' oligarchs. The purposes of such an oligarchic scenario, following these participants' opinions in this study, was to limit the electoral competition, maintain the electoral dissatisfactions, and optimize the contingency of electoral, profitable opportunities. Restricting competition must be related to the symbiotic party-state collusion regarding the mastery of state resources (Detterbeck, 2005; Enroth, 2017;

Mietzner, 2015). Coupled with the arguments of O.N.A.1, the dominant parties in DPR orchestrated the legislation to perpetuate the status quo and determine the electoral win, even though they were hiding behind the logic of strengthening the presidential system to cover their collusive, vested interests (Ufen, 2006, 2008, 2010, 2018; Winters, 2011a, 2013).

The cartelization is the way the institutions of party politics survive the challenging context of the current representative democracies on the one hand, and the rise of market-economy perspective on the other hand. Montero and Gunther (2002) emphasized the typical development of party institutions after Huntington's third wave of democratization in the 1970s, which seems to be "re-established in dozens of political systems that had either lacked a tradition of democratic stability or never experienced truly democratic governance" (p. 5). In lengthy illustrations, Montero and Gunther asserted that the construction of new democracies explicitly affects the party development. Furthermore, Montero and Gunther exclusively emphasized:

Not only do they have to perform the standard functions of political parties in established democracies [...], but have also been key actors in the establishment and consolidation of new democratic regimes, at the same time that they must institutionalize themselves as viable partisan organizations. These challenges have often been quite severe, and have forced parties to undertake considerable efforts to adapt to the changing conditions of political competition. (p. 5-6)

Democracy as a political system entails the idea of alteration in office through regular elections involving the large suffrage as typically applied in mass party model (Dahl, 1956; Duverger, 1972). In a cartelized democracy, the function of votes is

shifting (Ahmad & Herdiansah, 2013; Bolleyer, 2009). Elections, which was earlier defined as the highest form of citizens' participation in voting on those who will represent them in public offices, have been placed under the neo-corporatist scheme engineered by the dominant institutions of party politics (Hutcheson, 2012; Katz & Mair, 1995, 2009). Insights from O.N.A.2 and O.N.A.3 provided evidence confirming this interpretive conclusion.

As a representation of non-parliamentary parties, O.N.A.3 cynically evaluated the view of parliamentary parties particularly concerning the strengthening of a presidential system as the camouflage to hide their hegemony in regulating the electoral, legal procedures. O.N.A.3 had no confidence in such an argument. This participant indicated there was no purposeful intention for parliamentary parties to truly administer how to stabilize the presidential system unless they intentionally maintained the electoral benefits and constrained the contingencies for new parties to enter parliament or carry the presidential candidates in elections. O.N.A.2 highlighted the scenario of ruling parties in DPR to pursue control over the legislative process as they are potentially eager to determine the process and results of the 2019 elections. The results of the Indonesian 2019 election shown in Table 9 indicate the applicability of the conclusive remark in this section that the cartelized strategy is obvious, as there are no newcomers sitting in DPR in the upcoming period (2019-2024). This evidence supported the idea that the orientation of political parties had firmly shifted from the idealism of social-change promotion, as argued by Duverger (1972), to the cartelized purposes in terms of the privileges to control the state resources (Katz & Mair, 2009), which in the most extreme circumstances, the parties would prospectively become the state (Katz & Mair, 1995); or there ought to emerge a "party state" (Bolleyer & Bytzek, 2014, p. 509).

Table 9

*The Result of Indonesian 2019 Legislative Election*

No	Party	Votes	%	Seats
1	PDI-P	27.053.961	19.33	128
2	GERINDRA	17.594.839	12.57	78
3	GOLKAR	17.229.789	12.31	85
4	PKB	13.570.097	9.69	58
5	NASDEM	12.661.792	9.05	59
6	PKS	11.493.663	8.21	50
7	PD	10.876.507	7.77	54
8	PAN	9.572.623	6.84	44
9	PPP	6.323.147	4.52	19
10	PERINDO	3.738.320	2.67	0
11	BERKARYA	2.929.495	2.09	0
12	PSI	2.650.361	1.89	0
13	HANURA	2.161.507	1.54	0
14	PBB	1.099.848	0.79	0
15	GARUDA	702.536	0.50	0
16	PKPI	312.765	0.22	0

*Note.* The recapitulation of the 2019 legislative election based on the KPU's official release on May 21, 2019. Source: KPU (2019). *Pileg 2019*. Retrieved from <https://infopemilu.kpu.go.id/pileg2019>

The information collected in this case study confirms the nature of contemporary parties, which are tendentiously inclined to change and be shaped by the invasion of economic perspective in their routine, political executions (Hakim & Jurdi, 2017; Ufen, 2010). Montero and Gunther (2002) revealed the challenging facts of party decline in contemporaneous democracy typically influenced by economic

markets. The fact has distinctively shaped the characteristics of the contemporary party politics, as appeared in the emergence of political marketizing or political commercialization in Indonesia's current democracy (Hakim & Jurdi, 2017; Ufen, 2010). Accordingly, Montero and Gunther (2002) argued: "Parties formulate policies in order to win elections, rather than win elections in order to formulate policies" (p. 11). Schlesinger, Montero, and Gunther (2002) furthermore explained that "this extremely reductionist characterization ignores the organizational complexity of parties [...], interactions among party members, the obvious existence of party preferences over policies, and their sometimes conflicted stands regarding objectives and preferences" (p. 11).

Dimensions of the party-state linkage implicitly explained the nature and the functions of elections in the cartel political tradition. Election were no more than just a procedural mechanism to officially legitimize the power of the cartel elites because, following Krouwel (2003), "democratic political regimes no longer sought to integrate citizens into the body politic, but only to appease them in their role as uncritical consumers of political products" (p. 31). The cartel elites controlled the electoral regulations and reduced the degree of dissatisfaction, which was detrimental to their status quo, through devising a power-sharing mechanism among them. Such cartelization tendency, according to Slater (2004, 2018), has been coloring the contemporary democracy in post-Suharto Indonesia—though Winters (2011a, 2013) convincingly interpreted such a dynamic as part of the development of post-Suharto "untamed oligarchy." Using a pluralist perspective, Mietzner (2015) seemed to reconcile Slater and Winters by revealing a pluralist school "that has viewed post-Suharto Indonesia as an arena of ongoing contestation between oligarchic, cartelistic,



and similarly predatory forces on the one hand and pro-reform groups and conventional politicians on the other” (p. 5).

Elections in the classical sense bring the consequence of losers and winners (Dahl, 2000). In the cartel tradition, the boundary between winning and losing is rather blurred because the parties develop a power-sharing strategy on behalf of social stability (see Katz & Mair, 2009; van Biezen & Kopecky, 2014). The practical consequence is inevitable that the electoral democracy poses a procedural mechanism for pie-sharing among cartel elites. Katz and Mair (1995) considered that electoral democracy is a means to maintain social stability, instead of social change. In a more penetrating sense, the electoral democracy has become a neo-corporatist means “by which the rulers control the ruled” (Katz & Mair, 1995, p. 22). Electoral celebrations in the cartel tradition indeed pose the procedural mechanisms to maintain social and political stability.

Katz and Mair (2009) typically emphasized that in the cartel tradition, elections as the channels for political participation are made less legitimate to reduce dissatisfaction potentially caused by the competitive elections. The cartel parties, in an obviously vulgar sense, engineer no electoral procedures explicitly. Conversely, the cartel parties work within the framework of legal, elective procedures, but adhere to the principle of proportionally pie-sharing amongst the parties (Blyth & Katz, 2005; van Biezen & Kopecky, 2014). One of the possibly significant, implications is that whoever wins the elections, the winner must automatically have the sentiment and commitment to share allotments with the competing parties. This came true recently when GERINDRA was approaching PDIP to join the ruling coalition in the second period of Jokowi Administration (2019-2024). Before the GERINDRA-PDIP meeting at the residence of PDIP Chairwoman Megawati Sukarnoputri on July 24,

2019, PAN and PD first approached Jokowi to work together for the ruling coalition (DetikNews, 2019). The principle that politics is a profession has been automatically turned aside from the classic moral discourse of electoral teleology—that the elections are an opportunity for the citizens to encourage social changes (Duverger, 1972). Elections in the hands of cartel parties are just the state's instruments to occupy the polity systematically (Katz & Mair, 1995, 2009).

### **The Neo-Corporatist Linkage between Civil Society, Party, and State: The Eight Interpretation**

This researcher, in this section, develops an interpretation that collusive relations between party and state have changed the nature of the party-civil society linkage. As discussed earlier, party in a cartel tradition penetrates the state to obtain subventions or privileges to occupy the state's strategic resources. As a result, the party ostensibly becomes part of the state and, consequentially, abandons civil society. It poses a challenging issue since the civil society groups are genealogically the origin of political parties. The symbiotic interpenetration between party and state reveals a debate on the existential position of civil society vis-à-vis the party and state within the general scheme of a democracy system.

As discussed earlier, neo-corporatism is a concept developed in the study of interest groups that refers to the cooperative relations between interest groups and the government for the goals set jointly by both (Scholten, 1987; Streeck & Kenworthy, 2005). In this study, following Katz and Mair (1995, 2009), a neo-corporatist mechanism refers to the interpenetrative linkages between state and party that influences the shifting role of civil society from the agent of control over state to the agent of state service. In its essence, according to Sunyoto Usman (2002), clientelism

and patrimonialism have been the most challenging issues in developing Indonesia's civil society (see pp. 389-391). Usman (2002) reviewed the clientelist and patrimonial culture as the sociological background that makes civil society vulnerable to any politicization agenda. This is in line with Enroth's (2017) conclusion that the problematic concurrence of representation and cartelization in the contemporary representative democracy is because "the cartel party governs but does not represent" (p. 124). Enroth thus likely suggested the representation contention in democracy must be relocated from the formal institutions to another types of representative institutions—which unfortunately are not clearly, further elaborated by Enroth (2017)—because the representation in the cartel party tradition has been state-driven, wiping out the citizens' real deliberation (see also Herrera & Martinelli, 2011).

Reflecting on the contemporary situation of political parties in Portugal, some researchers like Jalali et al. (2012) revealed that the worst-case scenario emerges in the cartel tradition regarding the party-state interpenetrative linkage. Party patronage, following Jalali et al. (2012), places cadres within the state offices to guarantee the mastery of strategic resources and other facilities that could, in turn, strengthen the party dominion upon state institutions. Consequently, as Enroth (2017) also indicated, the cartelization is a threat to democracy because the cartel co-opts the state and shifts the role of civil society from the controlling force supervising the execution of power by the state to simply a means of state service. Neocorporatism takes the worst form not only when relations between civil society, parties, and the state become more symbiotic and organic, but when the civil-society dominant groups become part of the state's expansion to serve the state interests purposely. In such circumstances, the representative democracy truly loses its teleological substance as a system that should

guarantee the involvement of all citizens in social and political activities and development projects (Diamond, 2008).

Based on the data collected in this research study, the Ministry of Home Affairs hired particular civil-society groups to develop the initial draft of the election bill prior to submission to DPR. This seemingly replicated the civil society-state cooperation in the regional planning issue in the study of Antlov, Brinkerhoff, and Rapp (2010) involving 40 civil-society groups under the *Forum Pengembangan Partisipasi Masyarakat (FPPM)* or the community participation development forum. Thinking in the neo-corporatist frame, the government's step to hire NGOs is more than just the issue of community involvement in policymaking practices. Such an approach is precisely a form of state's power expansion in co-opting civil society. Making civil-society groups the power expansion in society facilitates social and political controls by the state and political parties—which was certainly less resistant to proceed amid the Indonesian patrimonialism (Usman, 2002) or the patronage culture forging the state-society relationship in contemporary Indonesia (Aspinall, 2014). From a moderate perspective, Ito (2011) portrayed the implementation of decentralized politics after 1998 as a contingency to promote the effective role of civil society in the policymaking process at the local government level.

Ito's (2011) conclusion, however, is debatable considering the facts in contemporary Indonesia revealed by many scholars that the party oligarchs, the patrons, or the patrimonial elites remained the determining factors in shaping the policies and decisions both at the local and national levels (Aspinall, 2014; Aspinall & Berenschot, 2019; Mietzner, 2012; Uhlin, 1999; Webber, 2006). In some cases, Ito (2011) is correct that the decentralization truly promotes the effective role of civil society in affecting the local policies as in the case of local development program in

the study of Sindre (2012) about the civil engagement in post-Suharto Indonesia or in any cases advocated by the environmental organizations such as the Indonesian Forum for the Environment (*Wahana Lingkungan Hidup/WALHI*) and Mining Advocacy Network (*Jaringan Advokasi Tambang/JATAM*) regarding the anti-mining movements in Borneo, Sulawesi, Sumatera, Flores, and other islands in Indonesia. However, it is also obvious that the “local bosses” (Sidel, 1999) are the determinant, key actors of the local politics, as this researcher observed in several regencies in Flores during 2005-2009 regarding the pro-mining policies (Hargens, 2009). In a cartel tradition, the state’s strategic decisions must be reflecting the interests of the parties and influential individuals from strategic positions in governmental institutions. In the neo-corporatist framework, the state attracts civil society into the vortex of power to be the extension of the state’s hand in governing social control in society. The underlying messages implied are that in a cartelized democracy, the state, political parties, and civil-society groups are a single corporate entity.

Van Biezen (2008) argued from the perspective of the normative-democracy theory that the regulation of political parties could be a severe discussion, as it would be related to the basic contention of the freedom notion as a fundamental principle of democracy *per se*. Of that potentially negative effect of party regulation by the state, van Biezen (2008) expressly noted: “The presence of laws specifically targeted at political parties often implies that, in comparison to other organizations, the law either imposes greater restrictions on political parties or, conversely, confers special privileges upon them” (p. 343). Furthermore, related to the principle of basic freedom postulate, which is substantial to the democracy concept, van Biezen (2008) additionally indicated:

This raises the fundamental question of whether parties ought, in fact, to be regulated differently from other types of organizations, and whether the special regulation of parties can be reconciled with basic freedoms, such as the freedom of speech and association, which are thought to be essential to democracy. (p. 343)

In an oligarchic culture, public participation is not familiar in the policymaking process because the policymaking course is the privilege of a few influential elites (Tolbert, 2010; Winters, 2011a). In the cartel tradition, participation is allowable, but the decision-making should be in harmony with the state interests (Bolleyer, 2009; Enroth, 2017). Political parties are the state's instrumental machines to occupy civil society (Streeck & Kenworthy, 2005). Thus, it made sense when the participant O.N.A.2 argued in this study that inviting NGOs in the legislative process of the case study investigated is just a technical procedure to guarantee the "democraticity" of the policy process. The fact is that the dominant parties, arguably, serve their hidden agenda to maintain the electoral regulations and competitions. Party members in DPR are playing as the pawns on the party oligarchs' chessboard because, according to the participant O.N.A.1, talking about political parties is discussing a handful of influential individuals who treat institutions of party politics as their "private companies."

In previous sections in Chapter 4 of this study, interviews with GOs (GO1, GO2, and GO3) uncovered the facts that the cabinet members represented both the state and the party. In a cartel tradition, this evidence would never be an oddity because, as Katz and Mair (1995) explained, at the most extreme point of party penetration towards the state, "parties become the state itself" (p. 22). When party members are in the public office, all their political activities are in the shadow of both

party interests and state interests—in order to defend their political career (Clark, 2017)—though individual freedom is yet able to work in particular cases because each party member in public office must also think of their career defense (Blyth & Katz, 2005; Mixon & Ressler, 2001).

Civil society poses a democratic agency representing the groups of people in society to establish a fair equilibrium between representation and participation in a representative democracy (Boulliane, 2019; Enroth, 2017). Thus, in the traditional perspective, political parties are the formal agencies that actively connect civil society with the state (Duverger, 1972). In representative democracies, parties, in the end, are considered legitimized institutions to participate in elections in order to execute political representation on behalf of the people. Choosing candidates to fill the power space is the party's duty. In a democratic culture, political parties take steps on behalf of citizens through their members in public offices. In this study, in accordance with the interview transcriptions and literature sources gathered related to the phenomenon under review, the participants assessed that political parties seem to be cartelized and separate from civil society, as they are prone to be the state representatives in a cartel perspective (Katz & Mair, 2012; Slater, 2018; Tomsa, 2018; Ufen, 2018). G.O.1 shared his experience of being involved in the case study and then revealed a conclusive statement that the cabinet members involved in orchestrating the legal process of the 2017 EA were considered to represent both the state and the party organizations, simultaneously.

Maintaining privileges to occupy state resources has been the intention of the ruling parties in the phenomenon under study based on the interview transcriptions and in line with the core concept of a cartel party argued by Katz and Mair (1995, 2009). O.N.A.3 confirmed that the dominant parties, so far, have, at least in the

phenomenon under study, undermined democracy in the way they manipulated the democratic procedures to maximize political and economic spoils (Ambardi, 2009, 2011; Slater, 2018), which in the broadest sense would foster the party dominance over the presidential system (Ufen, 2018). The large suffrage in elections is the party approach to occupy the citizens, not in order to serve the people's interests, but to maintain their status quo. Blyth and Katz (2005) critically stated:

After the election, voters have no effective power over the politicians since their sources of funding, and thus re-election, lie away from traditional mass organizations, while their traditional institutions of "voice," party membership organizations, have been "reformed" to the point of redundancy. (p. 45)

Another controversial issue that emerged during the discussion of the case study was the provision under the government proposal stipulating that the state would provide funds to train the party's witnesses in elections. O.N.A.1 considered such proposal as a severe issue, because, in addition to imposing state finances, it would disrupt the relationship between civil society, political parties, and the state in terms of representative democracy. This activist participant argued that it would be necessary for the state to fund the non-governmental organizations instead of the parties in order to maintain the success of the election implementation. Though this theme is not primarily related to the central issue of the legal process studied, the government proposal of state-funded training for party personnel provided evidence of collusive interpenetration between state and party. The state (and/or the dominant parties in government institutions), on the one hand, plans to establish a high degree of party dependence on the state and, on the other hand, seems to manage the status quo vis-à-vis the occupation of state resources by the ruling parties. It occurs because the cartel parties, as Katz and Mair (2012) argued, "on the one hand, have to compete



with one another in order to win elections to exercise decision-making power that electoral success brings [...]. On the other hand, however, the parties also have to govern [...]" (p. 108).

### **Limitations of the Study**

In Chapter 1 of this study, this author discussed several limitations of this study. The first is related to the conclusions shaped by the particular views of 15 participants involved in this research study. This limitation brings a practical implication to attempting to transfer and broaden the findings of this study to another context. To address such a situation, this researcher triangulated to ensure the trustworthiness of the participants' opinions by collecting documents, literature sources, and interviewing additional participants who were willing to reveal their identities. Interviewing additional participants aimed to reduce the degree of limitation of this study.

The second issue is about the timing of the case, which occurred two years (2017) prior to conducting this research study (2019). The participants selected needed to recall the details of the phenomenon, which prolonged the study, as most of the participants needed to be approached several times to get the lights of the details. This researcher is fortunate because the participants were cooperative in following the interview schedules, which took place more than once for most participants.

Another limitation relates to the political position of the participants involved in this study, especially those who were the members of political parties. The views of these participants were inherently attached to the organizations they belonged to and the organizational opinions of political parties. Such circumstance has the potential to reduce the level of objectivity of the participants' views when discussing the

phenomenon under investigation. This limitation was a challenging issue when talking with MPs and party stakeholders during the data collection process. Their views were difficult to consider as individual views, because their strong attachment to the parties had somehow forged a particular perception, giving rise to bias in delivering their opinions during the interviewing process.

As mentioned earlier, this researcher is also vulnerable to be biased in dealing with his political position. As one of the inner-circle people of the Jokowi Administration, the author felt self-conscious about speaking with the participants from the opposition. As a solution, this researcher (a) selected the opposition participants those who had been known to this researcher and (b) asked volunteers to take a look at the interview transcriptions to evaluate the objectivity and the professionalism of the data collecting process. Fortunately, the interviewed participants ended up being receptive to the interviews, though there was no sensitive information revealed in interview transcriptions. This author's political position could be compromised if the powerful individuals interviewed in this investigation became uncomfortable with the findings of this investigation. However, this researcher has found that the politician participants were professional and open-minded in considering the scholarly nature of this study.

The interpretation of bias, according to Pannucci and Wilkins (2010), cannot be limited to a simple inquisition, whether a bias is present or not. Instead, reviewers of the literature must consider the degree to which bias becomes prevented by proper study design and implementation. As realized, following Pannucci and Wilkins, some degree of biases can be present in a published study. A proper strategy was needed to anticipate this potential of bias. This author, as mentioned in Chapter 1 of this study, hired volunteers to help in reading the manuscript before being officially submitted.

Colleagues from Walden University, like Michael Hall, and other good people, who preferred not to be mentioned, also helped this author maintain a scholarly and professional demeanor and mindset in the process of completing this research project.

Another limitation relates to the interview data. The participants interviewed speak in the Indonesian language, and this author, of course, translated the interview transcripts into English before using the NVIVO qualitative data analysis program. The process revealed the bias issue because some statements were only understandable if the translation followed the English grammatical logic, which could distort the original narratives delivered by the participants. An applied audit trail supported the trustworthiness of the transcription process. This author also sent excerpts of interviews to the participants to recheck alignment with the original narratives.

The scope of this case study inquiry could also be a limitation. As this study is just focused on the legislative process at the parliamentary level, the scope of this study is arguably narrow, and consequently, this study could be deficient in providing an explanation of the nature of political parties outside of the phenomenon of interest. In another sense, this study did not focus on the decision-making process within party organizations, which could have comprehensively indicated the dominion of oligarchic elites regarding the intra-organizational management. In addition, as case-study research, this investigation has no detailed explanation discussing the opportunities of cartelization in other cases that could foster the conclusion that the current parties, regardless the phenomenon under study, measurably demonstrated cartelization tendencies. Besides literature sources used, the conclusion of cartelization tendencies in this study derived from the interview transcriptions, which

ultimately implied that the conclusive interpretation may not apply in a broader context, exclusively concerning the symbiotic relations between party and state.

As this study is an attempt to combine the separate bodies of literature on oligarchy and cartel theories, this inquiry is conceptually vulnerable to error. The comprehensive explorations of each theory applied were prone to disappear in this study because this author intensely focuses on providing analytical arguments on the combining effort to forge a new conceptual lens through which this author could comprehend the phenomenon of political mastery in post-Suharto Indonesia. There was no exclusive explanation, for instance, about the emergence and the development of oligarchy within party institutions in contemporary Indonesia, unless this author seemingly accepted the existing literature without challenge. This could imply that this author jumped to conclusions based on the current literature on political parties and under the inevitable influence of Michels' iron law of oligarchy, that the oligarchy truly characterizes the parties in post-Suharto Indonesia. This study also failed to provide a comprehensive elaboration on the structural and foundational criteria of the cartel party concept like the presence of mass parties and catch-all parties as, following Katz and Mair (1995, 2009), the precondition of the emergence of cartel party concept. However, this theoretical limitation would provoke future research concerning the oligarchic-cartelization phenomena.

### **Recommendations for Further Research**

Each emerging theme that comprised the findings of this study could be the topic for further research. Party oligarchy, interparty collusion, the rhetoric of political stability, party-state interpenetration, neo-corporatism, public participation, and the containment of electoral competition were the major themes that emerged in this

study that potentially could be the topics explored more by other researchers. This study, however, provided an explanation of the linkage between civil society, parties, parliament, and government/state. The oligarchic and cartelization theories were two helpful theoretical means applied in the case study to obtain, arguably, a generalizable explanation of the political-mastery phenomenon in post-1998 Indonesia. As a combined effort, oligarchic cartelization is a theoretical proposition that can stimulate further research on the combined tendency of oligarchy and cartelization in occupying the contemporary democracy, not just in Indonesian case, but perhaps in all post-authoritarian countries as well. Thus, the implication for further research was that this study could be an opportunity for other researchers to research the same topic in different contexts to (a) reduce the Western-minded effects of the existing literature, which is often argued by the critics in developing countries against the theories derived from the Western culture, and (b) focus on the local dimension of each scholarly analysis, while using the existing generalized literature.

As explained in the section on the limitations of the study, this investigation did not, therefore, involve exploring the internal decision-making process within institutions of party politics regarding the dominant influence of oligarchic elites. This study also provided no comprehension about the cartelization within post-Suharto party institutions, and how cartelization works in a broader context of symbiotic linkage between state and party. Therefore, and for that reason, the possible further research may examine the contingency for party oligarchs to implement cartelized strategies in the executive and judiciary domains of the post-Suharto representative democracy. Further research could also be conducted in bureaucratic realms regarding the policymaking process among public administrators and policymakers.

Another fundamental issue to explore in the future is the situational reason to defend a higher presidential threshold, which is the ethical commitment of the nationalist parties to fight against the rise of the Islamic caliphate in contemporary Indonesia. As known, the Islamic radicalist movement recently had been coloring the democratization in post-Suharto Indonesia. If only this study looked at the legislative process of the 2017 Act from the perspective of party ideology, there ought to be an interesting fact that PKS as an Islamic party fighting for the Muslim Brotherhood's political thought—which is somehow in line with the HTI's political ethics—defended the 0%-presidential threshold to enable the emergence of plural candidates representing the Islamic political schools. The statement of the Special Committee member of the Election Bill from the PKS Faction, Sutriyono, confirmed such synthesis that PKS firmly defended the 0%-presidential threshold option, even though, he argued, it could be changing in the final, plenary meeting on July 20, 2019 if there would be any impromptu direction from party leaders in central office (Okezone, 2017). Another Islamic party, PPP, at the beginning of the legislation on the Election Bill, also did not explicitly support Article 222 about the presidential threshold (Detik, 2017). Its political position as part of the ruling parties, as well as PKB, ultimately forged this party's support for the 20-25% presidential threshold article under the government's proposal.

After 1998, the Islamic movement has been part of the mainstream democratic movements in contemporary Indonesia. The enactment of sharia law in Aceh after the 2005 Helsinki Agreement paved the way for the birth of more than 400 sharia regional regulations in 174 districts and municipalities and 29 provinces nationwide in line with the enactment of the Regional Autonomy System since 2001 (Suara Islam, 2018). Prior to the 2019 national elections, the PSI Chairwoman, Grace Natalie,

attempted to criticize the proliferation of sharia regulations nationwide, and what she did had revealed a controversial public dispute, not because of the point she delivered, instead of her identity as a Chinese, Christian woman (Tirto, 2018). It seemed that the battle between nationalists and religious groups that occurred in the 1950s under the Sukarno Administration returned to be a challenging democratic development in the 21<sup>st</sup>-century Indonesia.

The emergence of Basuki Purnama (Ahok) as the first Christian governor of Jakarta in 2014, continuing the post left by Jokowi who was elected as the President of Indonesia, had provoked the revival of a new, more radical model of Islamic movements. Called a “new” model because this researcher sees a unique metamorphosis of the Islamic movement colored by the fusion of (a) HTI that rejects the democracy and the party system, (b) PKS that holds the Muslim Brotherhood school, and FPI which is a paramilitary organization—a group of civilian thugs born from the womb of New Order militarism and orthodox Islamic militancy. These groups merged into a newly emerging power that revived the sentiments of "Islam v. Democracy" with more radical political strategies—in the knowledge that they mobilize millions of people to the streets, capitalize Islamic symbols, and use inciting narratives in their propaganda or campaign against their opponents— and continued to be a radical political force that shaped the electoral process in various local elections including the current 2019 national elections. Historically speaking, an international relations observer Asrudin Azwar argued the development of radical thoughts among the Islamic community in Indonesia, such as the Islamic State of Iraq and Syria (ISIS), has been growing rapidly since the President Yudhoyono Administration (2004-2014) (Kompas, 2015).

Understanding the aforementioned context would be a way to see the candlelight at the end of the tunnel concerning the cumbersome legislation of the 2017 Election Act. The major parties in the DPR that are mostly nationalist are struggling to defend “Pancasila Democracy,” and castrating the rise of Caliphate politics promoted by Indonesia’s Hizbut Tahir (*Hizbut Tahir Indonesia*/HTI) and many politicians from small and middle parties inside and outside parliament. During his official visit to our office in Jakarta, the current House Speaker, GOLKAR’s Bambang Soesatyo talked to this researcher:

The nationalists in the DPR promoted a high presidential threshold, which differed from the view of civil society groups that required a 0% threshold for the presidential candidacy, because there had a concern to anticipate the contingency for any radicalist figure to be a presidential candidate in elections. The most severe potential threat today and in the future is how dealing with the radicalist forces that plan to establish a religious state and destroy a democracy. (August 29, 2019)

This study did not help explore such above argument—even though it has been the rationale for the government supporters to justify the formation of the President Jokowi’s new cabinet (2019-2024) concerning the inclusion of military generals such as Fachrul Razi as the Minister of Religious Affairs and Prabowo Subianto as the Defense Minister, including the former police chief, Police General Tito Karnavian, as the Minister of Home Affairs. It is for this reason, this researcher considered the arguable correlation between the rise of Islamist radicalism and the increasing power of cartel-party style at the institutional levels to be another relevant phenomenon to investigate for further research. Digging up the anti-radicalist perspective among the MPs will probably reveal an alternate comprehension of the possible, positive impact



of oligarchy in contemporary Indonesia. It could be phenomenal and challenging, but presenting the real nature of oligarchy *per se*.



*Figure 26.* The House Speaker, Bambang Susatyo (*right*), and this author. Source: Courtesy of this author. Bambang Susatyo is currently the MPR speaker (2019-2024).

### **Implications for Social Change**

In this section, there are three inherent points about social change: (a) the implications to promoting positive social change at the appropriate level, (b) the methodological, theoretical, and empirical implications, and (c) the proposed recommendations for practical use. The deductive qualitative analysis in this inquiry was subject to the limitations discussed earlier. However, this author was convinced that the findings of this investigation could convey some essential implications for social change at appropriate levels.

### **Positive Social Change**

The first implication is that the results of this study can be used as reference for parliamentarians, public administrators, and policymakers to make the law and public policies at the appropriate levels. However, scholarly research study should

always be ethically oriented to creating positive changes in the community at all levels. Since its founding in 1970, Walden University (n.d.) has proven its ethical engagement to promoting social change. Thus, investigating the political structure mastering the power contest in post-Suharto democracy was a sort of scholarly contribution to forging the future of civil democracy in post-authoritarian Indonesia. Understanding the *modus operandi* of the oligarchic cartels will help the professional, public administrators and policymakers reform the policymaking process.

There are many factors that shape positive social and political changes in society. In the political perspective, the power contestation must directly influence and construct the social reality. Poor democratic culture should consequentially give birth to the deficits of public interest and the quality of democracy itself. This study aimed at exploring the power of money to shift the role of public participation in a democratic society (Aspinall & Mietzner, 2009; Diamond, 2008; Mietzner, 2013; Ufen, 2010; Winters, 2011a). This study started with an assumption that the oligarchic and cartel power were the real forces mastering the legislative process in DPR when drafting the 2017 EA. The study showed that the power of oligarchy and political cartels governed the democratic politics in post-Suharto Indonesia.

A second implication is this study could help the pro-democracy activists understand the root of evils hampering the involvement of civil society groups in influencing and shaping the policymaking or the lawmaking at the institutional levels. However, oligarchic and cartel power in the current development of Indonesian democracy has been the real constraint interfering in the legislative process in DPR, manipulating the electoral competition, and designing the political engineering in a broader sense in the contemporaneous situation of Indonesia's representative democracy. The fall of Suharto in 1998 was the critical turning point through which

the people expected much improvement on the social and political fabric. They were firmly euphoric with the ideals of political reform (Soenarto, 2003), but after 20 years (1998-2018), the process of democratization remained debatable. It is likely successful at the procedural level, but fails to realize the political rights and the civil liberties as the substance of democracy *an sich*. Political control has shifted from General Suharto's authoritarian regime to the greedy, untamed oligarchic (Winters, 2011a) and cartelized elites (Slater, 2018; Ufen, 2018). It is in this realm this study could be a potential contribution to providing insights and offering alternatives to improve the future of Indonesia's civilian supremacy-based democracy.

### **Methodological, Theoretical, and Empirical Implications**

**Methodological Implications.** As a qualitative case-study inquiry, this study could provide comparative literature for other students or researchers who are eager to employ a qualitative case-study method in their research projects. This study focused on one single element as the central part of the issue studied. Highlighting the legislative drafting process of the presidential threshold clause under the 2017 EA provided focus for this case study. This methodological choice could be an example for other scholars or researchers to apply a case-study research approach in exploring the significant element of a particular phenomenon to be studied.

**Theoretical Implications.** This study was a scholarly attempt to not only ambitiously combine the two prominent bodies of literature (oligarchy and cartel concept) into a single lens through which one could understand the post-Suharto representative democracy more accurately, but also to stimulate the contingency of revealing a new proportional perspective on the contemporary political-economic theory. Oligarchic cartelization was a theoretical proposition that emerged in this

study to enrich the literature on Indonesia's contemporary democracy. If Mietzner (2015) included all perspectives to understand Indonesia's contemporary democracy using a pluralist school, this author in this study purposely combined the existing literature to reveal an arguably, new paradigmatic approach.

**Practical Implications.** The practical implications of this study encompass three points. The first implication is that the study findings can be reference for the parliamentarians in DPR to improve their performance regarding the authority to make the law in order to serve the principle of representation and avoid the pitfalls of cartelization. The next implication is that this study can be a reflective reading for the party stakeholders to rethink of party's core functions vis-à-vis the state and civil society relationship concerning the management of a representative democracy. To some extent, as the third practical implication, the findings of this study can be a considerable literature for the NGO activists and prodemocracy activists to deliver criticisms against or supports towards the performance of party members in public offices.

**Theoretical Reflections.** This section elaborates some critical debates on the theories applied in this case-study research—which, according to this author, arguably affect the applicability of the arguments in future research. There are three issues discussed in this part, which encompass the material foundation of the oligarchy concept, the debate on Winters' *bagi-bagi* system, and the structural foundation of a cartel concept. There may, of course, be other crucial theoretical issues to criticize, but this researcher just highlights three issues, as they are related to how the readers might understand the interpretations of the findings of this study.

As to the first concern, this author addressed Winters' (2011a) material foundation of the oligarchy concept. This is a promising contribution to the development of oligarchy theory. Winters primarily argued that wealth denotes the primary foundation of oligarchy. It implies that to defend the stability of wealth, including spreading the influence of wealth, the oligarchs exclusively require political resources. As no oligarchs could survive without a means of power, the oligarchs need sufficient power resources to maintain economic resources. Among the scholars of oligarchy, Winters stands out with his analysis of the oligarchy's material foundation, especially about how the oligarchs gain power, build power basis, and control their cohesive power making them unique and reliable compared to other minorities who are inclined to be dispersive, like in a plutocracy, for instance. Winters' postulation was an essential contribution to the oligarchic concept in general and in the particular context of this research study.

However, the debate is not over. As a proponent of the materialist perspective, Winters (2011a) was apparently fixated on wealth as the basis of oligarchic power without explaining in more details the opportunities for the dynamics within the oligarchic system, especially the dynamics of the sources of wealth, in line with the changes in democracy as a political system in and through which the oligarchy survives. Winters' focus lied in the wealth defense strategy, which certainly applies to the oligarchs from strong economic backgrounds, as entrepreneurs or party elites who have intense influence under the Suharto administration, whether as military generals, bureaucrats, or GOLKAR's stakeholders. In this study, this researcher acknowledged the applicability of Winters' thesis of the wealth defense-strategy, and concluded as well that the nature of oligarchic ambition and orientation shifted. The oligarchs not only defend and increase economic and political advantages but also strengthen their

status quo in governing the state. This happens because the wealth in the sense of “oligarchic cartelization” is no longer the individual property of the oligarchs, but the state resources. The oligarchs change the modus operandi by implementing cartelized strategies to optimize opportunities to obtain the state’s wealth—to enrich themselves and party organizations. Winters (2019) argues that “the main reason these actors want control over state resources is so that they and their networks can ‘privatize’ state resources into their own bank accounts,” (para. 3) and the oligarchs in contemporary Indonesia have not been interested in controlling state resources so that they can be effectively and productively invested for the country’s future or to raise the prosperity on the Indonesian people rapidly. This might also be part of the consequences of political commercialization, as in Ufen’s (2018) conclusion, the extent to which the party oligarchs are no longer able to support the parties with their particular monetary capabilities. However, Slater’s collusive democracy (2004, 2018) is a term that might help cover the phenomenon of mastering state resources by party oligarchs those who, particularly in this inquiry, allegedly employed the cartelized work-patterns.

The second theoretical issue, however, focused on Winters’ *bagi-bagi* system. This sharing mechanism, following Winters (2011a, 2011b), protects the oligarchs to survive, prevents internal destructions, and defends themselves from external attacks. The *bagi-bagi* system is indeed the characteristic of political patronage. Mafia groups, as well as Sidel’s (1999) bossism, are as well familiar with this modus vivendi. According to Winters, *bagi-bagi* has been the legacy of the Suharto regime’s *gotong-royong* (mutual help) system. A *bagi-bagi* system is a universal principle among particular communities. The early church, mafia groups, and political patronages have

applied such a system as a means to measure the degree of loyalty and solidarity among members.

In his 2011 book, Winters seemed to provide no evidence that emphasized the *bagi-bagi* system as the typical modus operandi of an oligarchy that makes it distinct among other minorities. However, when this author tried to confirm this through electronic communication with Winters, he replied:

[...] The only difference is that the *bagi-bagi* system (which is a kind of distortion of the more attractive concept of *gotong royong*) is focused purely on enrichment, *duit* [money], and less on building patrimonial power based on positioning. The heart of the power structure is wealth accumulation, which in Indonesia is overwhelmingly a game of resource extraction. It is plunder, not production. It is similar to mafia organizations, except that violence (coercive power) is a very important component in mafia regimes and operations, and is less important in a ruling oligarchy such as in Indonesia (though it was obviously more salient under Suharto's regime). (Winters, 2012)

About what needs to be divided, both the proponents of oligarchy theory, such as Winters, and the adherents of the cartel approach referred to the common contention of the economic and political spoils. There is awareness among oligarchs or cartels to share. However, in the Winters' concept, sharing is only related to maintaining survival from the oligarchic system, which includes the party oligarchs. It is understandable because, at the beginning of the 2011 book, Winters mentioned that the approach deliberately adopted is one of starting from the micro-foundations of individual oligarchs. Oligarchs are actors empowered by wealth who might (or might not) group together in government or parties. In addition, they might (or might not) use institutional vehicles like corporations. It depends at what time period in history

one is looking. Winters truly designed a theory that applies whether corporations or parties already exist or not. In addition, in the theoretical set-up of the book, Winters clearly stated that the theory is not focused on how concentrated wealth is achieved, how fortunes are made, or how profits are extracted. It is focused on how wealth already achieved is *defended*. That is why the central concept of the theory is wealth defense and the various forms that the politics of wealth defense assumes. In this study, taking into account the researcher's ambition in linking the oligarchy with the cartel concept, the sharing system was not only related to what is shared but also how to pursue what to be shared. The dominant political parties are prone to conspire in order to maintain the status quo in gaining economic and political spoils as the privileges born of collusive relations with the state. The oligarchs no longer just think of themselves or the oligarchic system, but also the overall control of the state as a cartelized organization.

If the oligarchy is essentially non-democratic and does not show an attempt to make peace with the principles of substantive democracy, even though they adopt democratic procedures, the cartel is different. Cartels are more susceptible to accept the principles of democracy and encourage the successful modernization of democracy that through professionalizing democracy, they could use democratic principles and procedures as a Trojan horse or the instruments for the success of a cartelization agenda. In other words, even though oligarchs and cartels may both pretend to be democratic in their modus operandi, cartels are easier to be unsuspected by democratic citizens in representative democracy than the oligarchs. The cartel promotes skills and knowledge as a condition of making politics a profession, while the oligarchs focus too much on the intention to collect and maintain wealth.



Although the goal is in common, the cartels are more flexible and smarter in covering up their hypocrisy rather than the oligarchs.

The third theoretical reflection was about the structural foundation of the cartel concept. Katz and Mair (1995) argued, when looking at the organizational dimension of a cartel party, the ascendancy of the party in public office and the stratararchy model would determine the organizational relationship within party organization (see also Detterbeck, 2005). The emergence of the cartel party precludes existence of these two conditions: (a) the ascendancy of the party members in the public offices and (b) the stratararchy model shaping the intra-organizational relationship of party institutions. The findings of this study confirmed that such a thesis ought to be contrary to the nature of party institutions in contemporary Indonesia, which remained under the dominance of a few influential individuals. The organizational management of Indonesia's party organizations primarily depended on the oligarchic power of the party elites in the central offices. Party members in public offices are just the pawns, and the stratararchy model is absent from the organizational relationship of the current institutions of party politics in Indonesia. It is in this niche that this author concluded that the oligarchic perspective remained essential to understand the dynamics and the nature of party organizations. However, the readers of the current literature need to realize that—based on the findings of this study—the current institutions of party politics have been truly cartelized in terms of their organizational survival strategies. The dependence of parties on the state subventions and the collusive linkage with the representative democracy was highly central concerning the gaining of vital resources for parties to sustain.

Again, in exploring the intra-organizational control of party organizations, Indonesia remained quite far away from the cartel tradition because the presence of

party oligarchs and patronage culture remained to undermine the circulation of power at the intra-organizational level, and shape the relational positions among party members/supporters and the elites. If one would accept that the cartel concept organizationally applied to the Indonesian context as claimed by Slater (2004, 2018) and to some extent by Ufen (2018), one might be confused to explain the cartel concept from the intra-organizational perspective of party organization—at least in the knowledge that the organizational loyalty under a cartel party tradition is slightly undermined (Bolleyer, 2009; Katz, 2001; Katz & Mair, 1995).

The cartel parties in Western democracies deployed low internal cohesion due to open boundaries of party membership, but, Bolleyer (2009) argued, it would necessarily “affect nothing to the unity of the party in public office” (p. 563) because the cartels maintain the power balance and the effectiveness principle of organizing parties. Based on the German cartel party tradition, Detterbeck (2009) wrote: “The organizational dimension of the cartel theory is concerned with the balance of power inside the parties. The ‘mechanics’ of internal politics are determined by the structural and material resources of the various ‘faces’ within the party organization” (p. 31). The organizational features of cartel parties meant by Detterback refer to the “the ascendancy of the ‘party in public office, the marginalization of party activists, and the vertical strataarchy of different party levels” (2005, p. 31).

Parties in Indonesia, at least based on their maneuvers in the phenomenon under study, are able to manage high internal cohesion even though the cartelization convincingly occurs in the relational linkage between party and state. This happens since the cartelization has not become part of the party's internal tendency yet, but just a survival strategy in maintaining a symbiotic relationship with the state. This conclusion is certainly a challenging issue for the scholars of the cartel concept in

understanding the phenomenon of cartelization on contemporary Indonesia, as well as an opportunity for this study to get acceptance in the middle of contemporary literature on cartels.

### **Recommendations for Practices**

The findings of this qualitative inquiry could be transferable to apply in a general context of policy process at all levels under the system of a representative democracy. The study results could also be references to the appropriately practical purposes in the hands of the parliamentarians, party stakeholders, policymakers, public administrators, and prodemocracy activists concerning the revisions of the 2017 EA in the future. Both the government and the DPR need to start designing the revisions of the Act, especially the Article 222 regarding the presidential threshold, to anticipate any more radical, public resistance engineered by the civil society groups in the next few months or years. Also, this study could as well be a comparative reference for scholars of political science and scholar-practitioners of public policy and administration when examining the oligarchic issues or the cartelization in terms of representative democracy.

### **Concluding Remarks: Oligarchic Cartelization**

In this concluding section, this researcher aims to convey the “take home” message of this qualitative case-study investigation summarized in the phrase “oligarchic cartelization,” which is also the title of this dissertation project. In Chapter 1 of this study, this author provided the assumption that the real power governing the post-Suharto democracy was assumedly no longer the ruling oligarchy or the cartel elites, but a natural cross-breeding between the party oligarchy and the cartels that emerged after 1998. They were oligarchs in essence, but cartels in operation (both in

modus operandi and modus vivendi). The data collected and key findings of the research questions of this study, in alignment with the theoretical frameworks applied, led this researcher to a conclusive interpretation that the ruling elites mastering the power politics in contemporary Indonesia were arguably “the oligarchic cartels.” This new postulate, according to this researcher, refers to a few ruling elites who control the economic resources in terms of their oligarchic nature and co-opt the state to maintain the privileges they gain from the collusive interpenetration with the state regarding their cartelized nature. These oligarchic cartels overpowered the implementation of representative democracy by governing the policymaking at all levels and restricted the party competition in elections to maintain the status quo.

The post-electoral facts firmly support the aforementioned conclusion in this proposed study which typically include the following phenomena: (a) there have no new comers in the DPR since the parliamentary seats are monopolized by the major parties, and (b) the formation of a grand coalition supporting Jokowi Administration after the mainstream opposition party, GERINDRA, eventually jumped into the ruling coalition under Jokowi’s second-period administration (2019-2024) with the former presidential candidate General Prabowo Subianto as a new defense minister and his right hand person in GERINDRA, Edhy Prabowo, appointed as Minister of Maritime and Fishery Affairs. Such politically challenging dynamic has arguably approved the primary, epistemological assumption of this dissertation project that the oligarchic cartelization has been a new model of mastering representative democracy in post-authoritarian Indonesia. Regarding such oligarchic cartelization, the conclusion in this section encompasses three central discussions. The first discussion underlines the oligarchy as the central power, which has a twofold face in the knowledge that they are working as oligarchs within party institutions, but in relations with the state, they

are acting as cartels. The second point is that the oligarchy pursues multilayered interests which include the individual interests of an oligarchy as a group of individuals, the collective interests of an oligarchy as an oligarchic system, and the institutional interests of the party oligarchs as cartel parties. The oligarchy's double face implicates these multilayered interests they pursue either solely or collectively. The third point refers to the primary consequence of the oligarchic cartelization, which changes the nature of a representative democracy to be what Slater (2004, 2018) argued as "collusive democracy." This author's understanding of a collusive democracy would likely differ from Slater's thesis, though this author owes thanks to Slater for this concept.

From all the data collected in this study, and based on NVIVO qualitative data analysis, this researcher determinatively had a fundamental concluding remark, namely cartelization—a new tendency which becomes the modus operandi of the party oligarchy in mastering the legal process at the parliamentary level. The entire key findings and interpretations described in Chapter 4 and Chapter 5 illustrated the realization of oligarchic involvement and cartelized strategies in the phenomenon investigated. The character of cartel was very prominent in this study, as illustrated in the themes of interparty collusion, interpenetration between party and state, politics and professional skills, the restriction of electoral competition, and the neo-corporatist mechanism. In addition to the oligarchic power, as the main actors who control the overall phenomenon under study, the oligarchic nature also appeared in this study's findings regarding the argument of political stability and the evasion of public participation. Managing political stability is a flexible logic that can be used by cartels and oligarchs simultaneously as a rationale to justify their dominant and determining involvement in the policy process.

On the basis of data-driven considerations mentioned above, particularly in this concluding section, this researcher attempted to develop a comprehensive interpretive illustration of what and how oligarchic cartelization, as an epistemological proposition, can be scientifically justified. This author would start from the remark of Winters (2011a), arguing that after the fall of General Suharto in 1998, the sultanistic oligarchs were seemingly no longer able to survive under the new structures, but were prone to be untamed. Robison and Hadiz (2004) added that the oligarchs can change their operations (the *modus operandi* and the *modus vivendi*) to keep being a predatory power in post-authoritarian period. These oligarchs, following Robison and Hadiz, enter the local realms and establish a plutocratic government ruled by a handful of these wealthy people—which has a debilitating effect on the democracy system. The question is how exactly these oligarchs structurally work in post-Suharto democracy. The findings of this research study were an attempt to answer such a question, that the oligarchs, however, employed the cartelized work patterns or strategies to maintain their survival and status quo. As the consequence of applying the cartelized strategies in maintaining the symbiotic relations with the state, the oligarchs unconsciously changed into a new organism called in this study as the “oligarchic cartels.”

Without any subjective pretensions to bring this conclusion to a broader context, the findings of this study at least illustrated how party oligarchy works in the realm of legislative process at the parliamentary level concerning the procedural management and regulation of elections. The conclusion of this study is, of course, limited to the cartelized oligarchs who overpowered the legislative process of the phenomenon under study, but this researcher wisely expected the readers of this study to see the concluding remark as an effort to comprehend the phenomenon of

oligarchic cartelization as a new emerging force mastering the representative democracy in post-Suharto Indonesia. The shifting of modus operandi from the sultanistic oligarchy to the cartelized oligarchy is a sort of internal dynamics within the oligarchic system in order to maintain the status quo from election to election in the midst of the challenging emergence of the newcomers in post-1998 democratic elections.

Why is it oligarchic cartelization and not cartelized oligarchization? This author must respond to this fundamental debate by arguing that the scope of this study is the policymaking at the parliamentary level that involves both political parties and state envoys. Based on data gathered in this study, the cartelization was the salient tendency reflecting the shifting nature of party-state relationship regarding the mastery of state resources. Cartelized oligarchization can be a potential conclusion if this study highlighted the intra-organizational management of party institutions. However, this researcher started this research study with an assumption that the oligarchy is a prevailing force that lives within party organizations, but when it comes to approaching the state, the party oligarchs turned into cartels as the inevitable consequence of dominantly employing the cartelized ways in the across-party management vis-à-vis the defense of presidential system.

Winters' (2011a) oligarchy theory emphasized the wealth defense strategy as the ultimate purpose of the oligarchs. This study confirmed such a thesis, but the "wealth" these party oligarchs attempted to defend refers not only to the party oligarchs' property, but, exclusively to the state resources they have enjoyed privileges for years to occupy them. It is in this niche these oligarchs were explicitly becoming cartels regarding the party-state interpenetrative linkage. However, and of course, they remained pure oligarchs when looking at the way they organized the

institutions of party politics and managed the intra-organizational relationship among party members and between party members and party elites. In other words, arguably, the point is that the party oligarchs were pretending to be cartels in order to maintain the privileges they had as the profitable gains from the collusive interpenetration with the state, but they kept surviving as oligarchs within the party organizations to maintain the basis of their political mastery. The personalization of parties in the hands of a few oligarchs, according to Ufen (2018), contributes to the party presidentialization as the evidence of Slater's (2004, 2018) collusive democracy. This author would likely challenge Ufen's conclusion, at least based on the information emerged in this study, for the reason that the personalization of parties contributes to the "president partilization" rather than the "party presidentialization" in the extent to which the presidents are vulnerable to be subject to party oligarchs' dominion rather than otherwise. The appointment of Attorney General Muhammad Prasetyo in 2014, for instance, was evidence of NASDEM's dominant influence in forging the nature of Jokowi presidency as argued by law expert of Trisakti University, Abdul Fickar Hadjar (Kompas, 2019b). In addition, Jokowi's idea of forming an independent and professional cabinet involving more non-party figures was in fact annulled by party pressure that the cabinet formed eventually reflecting more cross-party compromises than the prerogative rights of the president himself—even some of the independent personalities were indeed affiliated with party organizations as performed in Table 10. Based in these few examples, the presidency was thus likely the reflection of parties in terms of what Bolleyer and Bytzeck (2014) called the "party state."



Table 10 *Jokowi's Working Cabinet (Per July 2019)*

<b>Ministries</b>	<b>Personalities</b>	<b>Party Affiliations</b>
Ministry of State Secretariat	Pratikno (October 27, 2014-2019)	Independent
Secretariat of the Cabinet	Andi Widjajanto (November 3, 2014-August 12, 2015)	Independent, but personally close to PDIP as his father, General Theo Syafei, was one of PDIP stakeholders after his retirement from the military institution.
	Pramono Anung (August 12, 2015-2019)	PDIP
Coordinating Ministry for Political, Legal, and Security Affairs	Tedjo Edhy Purdijatno (October 27, 2014-August 12, 2015)	NASDEM
	Luhut Binsar Panjaitan (August 12, 2015-July 27, 2016)	GOLKAR
	Wiranto (July 27, 2016-2019)	HANURA
Ministry of Home Affairs	Tjahjo Kumolo (October 27, 2014-2019)	PDIP
Ministry of Defense	Ryamizard Ryacudu (October 27, 2014-2019)	Independent (retired military general); personally close to PDIP Chairwoman Megawati Sukarnoputri.
Ministry of Law and Human Rights	Yasonna Laoly (October 27, 2014-2019)	PDIP
Ministry of Communication and Informatics	Rudiantara (October 27, 2014-2019)	Independent
Ministry of Administrative and Bureaucratic	Yuddy Chrisnandi (October 27, 2014-July 27, 2016)	HANURA

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Reform	Asman Abnur (July 27, 2016-August 15, 2018)	PAN
	Syafruddin (August 15, 2018-2019)	Independent (retired police general), individually close to GOLKAR's Jusuf Kalla (vice president)
Attorney General	Muhammad Prasetyo (November 20, 2014-2019)	NASDEM
Indonesian National Armed Forces	Moeldoko (August 30, 2013-July 8, 2015)	-
	Gatot Nurmantyo (July 8, 2015-December 8, 2017)	-
	Hadi Tjahjanto (December 8, 2017-2019)	-
Indonesian National Police	Sutarman (October 25, 2013-January 16, 2015)	-
	Badrodin Haiti (January 17, 2015 (Acting until April 17, 2015) - July 13, 2016)	-
	Tito Karnavian (July 13, 2016-2019)	-
Indonesian State Intelligence Agency	Marciano Norman (October 19, 2011-July 8, 2015)	Retired Military General
	Sutiyoso (July 8, 2015-September 9, 2016)	PKPI; Retired Military General
	Budi Gunawan (September 9, 2016-2019)	Retired Police General
Coordinating Ministry for Economic Affairs	Sofyan Djalil (October 27, 2014-August 12, 2015)	Independent

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	Darmin Nasution (August 12, 2015-2019)	Independent
Ministry of Finance	Bambang Brodjonegoro (October 27, 2014-July 27, 2016)	Independent
	Sri Mulyani Indrawati (July 27, 2016-2019)	Independent (minister of finance under President Yudhoyono Administration; allegedly involved in Century Bank Scandal)
Ministry of Industry	Saleh Husin (October 27, 2014-July 27, 2016)	HANURA
	Airlangga Hartarto (July 27, 2016-2019)	Chairman of GOLKAR
Ministry of Trade	Rachmat Gobel (October 27, 2014-August 12, 2015)	NASDEM
	Thomas Trikasih Lembong (August 12, 2015-July 27, 2016)	Independent
	Enggartiaso Lukita (July 27, 2016-2019)	NASDEM
Ministry of Agriculture	Amran Sulaiman (October 27, 2014-2019)	Independent (Businessman)
Ministry of Manpower	Muhammad Hanif Dhakiri (October 27, 2014-2019)	PKB
Ministry of Cooperatives and Small & Medium Enterprises	Anak Agung Gede Ngurah Puspayoga (October 27, 2014-2019)	PDIP
Ministry of State Owned Enterprises	Rini Soemarno (October 27, 2014-2019)	Independent (younger sister of Ari Soemarno--one of Indonesia's influential, oil and gas businessmen)

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Ministry of Public Works and Public Housing	Andrinof Chaniago (October 27, 2014-August 12, 2015)	Independent
	Sofyan Djalil (August 12, 2015-July 27, 2016)	Independent
	Bambang Brodjonegoro (July 27, 2016-2019)	Independent
Ministry of Land and Spatial Planning	Ferry Mursyidan Baldan (October 27, 2014-July 27, 2016)	NASDEM
	Sofyan Djalil (July 27, 2016-2019)	Independent, individually close to Vice President Jusuf Kalla
Ministry of Environment and Forestry	Siti Nurbaya Bakar (October 27, 2014-2019)	NASDEM
Coordinating Ministry for Maritime Affairs	Indroyono Soesilo (October 27, 2014-August 12, 2015)	Independent
	Rizal Ramli (August 12, 2015-July 27, 2016)	Independent
	Luhut Binsar Panjaitan (July 27, 2016-2019)	GOLKAR
Ministry of Transportation	Ignasius Jonan (October 27, 2014-July 27, 2016)	Independent
	Budi Karya Sumadi (July 27, 2016-2019)	Independent
Ministry of Maritime Affairs and Fisheries	Susi Pudjiastuti (2014-2019)	Independent
Ministry of Tourism	Arief Yahya (2014-2019)	Independent
Ministry of Energy and Mineral Resources	Sudirman Said (October 27, 2014-July 27, 2016)	Independent (currently a member of GERINDRA)

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	Arcandra Tahar (July 27, 2016-August 15, 2016)	Independent
	Luhut Binsar Panjaitan (Tasks executor) (August 15, 2016-October 14, 2016)	GOLKAR
	Ignasius Jonan (October 14, 2016-2019)	Independent
Coordinating Ministry for Human Development and Cultural Affairs	Puan Maharani (October 27, 2014-2019)	PDIP
Ministry of Health	Nila Djuwita Anfasa Moeloek (October 27, 2014-2019)	Independent
Ministry of Social Affairs	Khofifah Indar Parawansa (October 27, 2014-January 17, 2018)	PKB
	Idrus Marham (January 17, 2018-August 24, 2018)	GOLKAR
	Agus Gumiwang Kartasmita (August 24, 2018-2019)	GOLKAR
Ministry of Education and Culture	Anies Rasyid Baswedan (October 27, 2014-July 27, 2016)	Independent
	Muhadjir Effendy (July 27, 2016-2019)	Independent (Muhammadiyah Islamic Organization)
Ministry of Research, Technology and Higher Education	Muhammad Nasir (October 27, 2014-2019)	Independent (Nahdatul Ulama/NU Islamic Organization)

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Ministry of Religious Affairs	Lukman Hakim Saifuddin (October 27, 2014-2019)	PPP
Ministry of Female Empowerment and Child Protection	Yohana Yembise (October 27, 2014-2019)	Independent (university academic)
Ministry of Villages, Disadvantaged Regions and Transmigration	Marwan Ja'far (October 27, 2014-July 27, 2016)	PKB
	Eko Putro Sandjojo (July 27, 2016-2019)	PKB
Ministry of Youth and Sports Affairs	Imam Nahrawi (October 27, 2014-2019)	PKB
Ministry of Foreign Affairs	Retno Lestari Priansari Marsudi (October 27, 2014-2019)	Independent
Ministry of Public Works and Public Housing	Basuki Hadimuljono (October 27, 2014-2019)	Independent
Head of the Creative Economy Agency	Triawan Munaf (January 26, 2015-2019)	The rights granted are at the highest ministerial level
Presidential Chief of Staff	Luhut Binsar Panjaitan (December 31, 2014-September 2, 2015)	GOLKAR
	Teten Masduki (September 2, 2015-January 17, 2018)	Independent, but personally close to PDIP
	Moeldoko (January 17, 2018-2019)	Independent, but close to PD during President Yudhoyono's Administration (2004-2014)

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From an oligarchic perspective, this study somewhat justified both Michels' (2001) iron law of oligarchy and Winters' (2011a) oligarchic concept of wealth defense strategy. The scene of oligarchic parties, in accordance with Michels'

arguments, is an ontological reality that gravely forges the characteristics of representative democracy in any cases. Oligarchy, per Winters' argument, is the strategy deployed by the powerful individuals to maintain the status quo in order to perpetuate the political and economic mastery—and the oligarchs are the actors who, at least based on the findings of this qualitative case-study inquiry, dominantly control the institutions of party politics.

In terms of a cartel concept, as discussed earlier, the findings of this study singly confirmed the fundamental characteristics and the exclusive strategies of the cartel model. The legislative process of the 2017 EA, as argued by the participants involved in this study, confirmed the cartel-party theory argued by Katz and Mair (1995, 2009) in the knowledge that that legal process was a strategy to restrict the competition in elections and wipe out the newcomers. The results of the 2019 elections confirmed this thesis because the popular new parties like Indonesia's Solidarity Party (PSI) and Harry Tanoe's PERINDO, currently one of the wealthiest individuals in the country as shown in Table 5 of Chapter 4, could not reach the 4%-parliamentary threshold under the 2017 EA, along with other small parties. Of this phenomenon, it could be enticing to recall what Slater (2004) wrote that "in politics, cartels differ from coalition in that they co-opt *all* major political parties into a vast national alliance, marginalizing small outsider parties in the process" (p. 64-65).

Political parties are the fundamentally strategic institutions required in cartelization, but Winters (2011a) placed no exclusive concern with the party because he saw political parties as no more than just the organizational or structural organs for the oligarchy to operate. Simply put, the party institution, following Winters, is no more than a puppet in the hands of oligarchs in order to be able to retain political mastery vis-à-vis wealth defense strategy as their ultimate purpose. It implies that the

oligarchs could live within and without party organizations. It is for this argument, coupled with the nature of hidden conspiracy among cartel parties, that Winters was apparently unwilling to accept the cartel concept as a single theoretical means to understand the political parties in contemporary Indonesia. Through an electronic communication with this author, Winters (2011b) delivered three key points as his responses to the applicability of a cartel party concept:

First, a cartel is a somewhat more organized set of relationships than I think exist in Indonesian politics [...]. A second key component in the argument is the importance of parties. But 99% of the function of these parties is to rule the traffic of the *bagi-bagi* system among members, and only 1% to play a cartel game among dominant parties. The first mediator between parties is the *bagi-bagi* system. Third, a key part of the cartel concept is hidden-conspiracy. I don't think this fits the Indonesian case. (para. 2)

Winters' (2011b) *bagi-bagi* system is real as confirmed under the phenomenon investigated in this research study. Such a sharing mechanism works both at the intra-organizational level of party institutions and at the interparty-management level. If Winters purposefully emphasized the individual and collective roles of oligarchs through the *bagi-bagi* system as the fundamental mediator among the oligarchic parties in contemporary Indonesia, the proponents of the cartel approach look at the party institutions as the primary actors of political mastery course concerning the maintenance of economic and political spoils (Ambardi, 2009, 2011; Slater, 2004, 2018; Ufen, 2006, 2018). Oligarchic cartelization, as the concise conclusion of the findings of this study could provide an alternative perspective which in turn, not only could it reconcile differing views among the proponents of oligarchic theory and



cartel approach, but also reveal a new combined perspective through which one could better understand the phenomenon of political mastery in post-Suharto Indonesia.

The underlying foundation of this “oligarchic cartelization” proposition rests on the argument that the institutions of party politics are the inevitably oligarchic organizations with a dual basic instinct: (a) intra-organizationally, the party elites remain pure oligarchs—those who are defending their organizational status quo, but (b) in relations with the state and other oligarchic parties, these party oligarchs intentionally become cartels in order to defend the privileges obtained from the collusive interpenetration with the state. Like a vicious circle, the implementation of that cartelized modus operandi would eventually be a strategy to maintain both the intraparty and the interparty oligarchic-system regarding the wealth defense strategy and the *bagi-bagi* system. It is for the uniqueness of this argument, this author singly developed a definition of “oligarchic cartelization” as a strategic tendency among party oligarchs to be cartelized in order to defend their organizational status quo within party organizations, maintain the privileges they gained from the collusive interpenetration with the state, master the democratic practices, and contain the electoral competitions regarding the blockage of newcomers in elections.

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## Appendix A: List of Acronyms

BAWASLU	: <i>Badan Pengawas Pemilu</i> (Election Supervisory Body)
BUMN	: <i>Badan Usaha Milik Negara</i> (State-owned enterprises)
CPI	: Corruption Perception Index
CSIS	: Center for Strategic and International Studies
DPD	: <i>Dewan Perwakilan Daerah</i> (Regional Representative Council)
DPR	: <i>Dewan Perwakilan Rakyat</i> (People's Representative Council)
EA	: Election Act
E-KTP Cards)	: <i>Electronic-Kartu Tanda Penduduk</i> (Electronic Identity Cards)
EU	: European Union
GABRI	: <i>Gerakan Arah Baru Indonesia</i> (Indonesia's New Direction Movement)
GERINDRA	: <i>Gerakan Indonesia Raya</i> (Indonesian Great Movement Party)
GOLKAR	: <i>Golongan Karya</i> (Party of the Functional Groups)
HANURA	: <i>Hati Nurani Rakyat</i> (People's Conscience Party)
JATAM	: <i>Jaringan Advokasi Tambang</i> [Mining Advocacy Network]
KEMENDAGRI	: <i>Kementerian Dalam Negeri</i> (Home Affairs Ministry)
KPU	: Komisi Pemilihan Umum (The National Election Commission)
LIMA	: <i>Lingkar Madani</i> (Civil Perimeter)
LPI	: <i>Lembaga Pemilih Indonesia</i> (Indonesian Electorate Institute)
LIPI	: <i>Lembaga Ilmu Pengetahuan Indonesia</i> (Indonesian Institute of Sciences)
MP	: Member of Parliament
MPR	: <i>Majelis Permusyawaratan Rakyat</i> (People's Consultative Assembly)
NASDEM	: <i>Nasional Demokrat</i> (National Democrats Party)
NVIVO	: N*dist Vivo
PAN	: <i>Partai Amanat Nasional</i> (The National Mandate Party)
PBB	: <i>Partai Bulan Bintang</i> (Crescent Star Party)

PD	: <i>Partai Demokrat</i> (Democrat Party)
PDIP	: <i>Partai Demokrasi Indonesia-Perjuangan</i> (Indonesian Democratic Party of Struggle)
PERINDO	: <i>Persatuan Indonesia</i> (Indonesia's Unity Party)
PERLUDEM	: <i>Perhimpunan Pemilu dan Demokrasi</i> (Association for Election and Democracy)
PKB	: <i>Partai Kebangkitan Bangsa</i> (The Nation's Awakening Party)
PKS	: <i>Partai Keadilan Sejahtera</i> (Prosperous Justice Party)
POLRI	: <i>Kepolisian Republik Indonesia</i> (Indonesian National Police)
PPP	: <i>Partai Persatuan Pembangunan</i> (United Development Party)
PS	: Party Stakeholder
PSI	: <i>Partai Solidaritas Indonesia</i> (Indonesian Solidarity Party)
QDA	: Qualitative Data Analysis
RUU Pemilu	: Rancangan Undang-Undang Pemilihan Umum (the election bill)
SC	: Special Committee
TII	: Transparency International Indonesia
SPD	: <i>Serikat Pemilu dan Demokrasi</i> (Democracy and Election Union)
TATIB	: <i>Tata Tertib</i> (Standing Order)
TNI	: <i>Tentara Nasional Indonesia</i> (Indonesian National Military)
WALHI	: <i>Wahana Lingkungan Hidup</i> [The Indonesian Forum for the Environment]

## Appendix B: Letter of Participant Invitation

Hello,

I hope this note finds you well. As you know, I am completing my Ph.D. dissertation project at Walden University. This letter comes to you as I need your favor regarding my research study on the legislative process of the 2017 Election Act. I need participants to be interviewed in this study. Would you like to assist?

If yes, this invitation will include completing an Informed Consent statement (I'll e-mail this to you); and allowing me to interview you in person. The whole process should take no more than 90 minutes of your time. Please let me know if you would like to participate. You can contact me by phone +6281314##### or e-mail [bonifasius\\*\\*\\*\\*@waldenu.edu](mailto:bonifasius****@waldenu.edu) if you have any questions. Thank you.

## Appendix C: Protocol 1

## Oligarchic Cartelization in Post-Suharto Indonesia: A Qualitative Case-Study Inquiry of the Legislative Drafting Process of the 2017 EA

Purpose : This first interview protocol guides the researcher's interview with the Members of Parliament (DPR)

Date :

Time :

Name, Title and Agency of the Interviewee :

Interviewer :

Overview of the Study :

Questions :

1. As a starter, would you please tell me a bit about yourself (your background, family, or how you decided to get into the political life)?
2. What memories do you have in mind when talking about the making process of the 2017 EA?
3. As you have well explained, the policy process was somewhat complicated and involved lengthy lobbies. There was strong resistance from many fractions in Parliament. What fundamental aspects of the process do you consider crucial to be shared with the people?
4. It would be helpful to hear more about the role of party elites behind the lobbying process among MPs. Would you please give some comments on how the party elites direct their members in the parliament during that legislating process?
5. There was a rumor among journalists and researchers around the process that there occurred monetary exchange as the instruments of lobbies among MPs. Could you share your opinion about this?
6. I see that the question evoked strong emotions. Please take your time and we can change the topics for a moment if you feel uncomfortable.
7. There were only four out of 10 party fractions that maintained the Article 222 under the Election Bill. Based on the distribution of seats in DPR, it means that there were about 49% of MPs supporting. However, when the voting took place on July 20, 2017, it turned out that 59.7% of MPs voted on that controversial Article. Based on your experience, what factors have shaped such voting process?
8. I appreciate your willingness to share your story. Every story is unique and we've heard all kinds of things. There is no right and wrong answer to any of these questions. The matter is that it's your story. If anything else is needed later about this topic, I will be very grateful if you allow me to ask for your time again for another interview.

## Appendix D: Protocol 2

Oligarchic Cartelization in Post-Suharto Indonesia: A Qualitative Case-Study Inquiry  
of the Legislative Drafting Process of the 2017 EA

Purpose : This first interview protocol guides the researcher's interview with the party stakeholders

Date :

Time :

Name, Title and Agency of the Interviewee :

Interviewer :

Overview of the Study :

Questions :

1. As a starter, would you please tell me a bit about yourself (your background, family, or how you decided to get into the political life)?
2. As a party leader, what memories do you have in mind when talking about the making of the 2017 EA?
3. The policy process was somewhat complicated and involved lengthy lobbies. There was strong resistance from many party fractions in DPR. As party leader, what might you have done with your party fraction in DPR to respond such political process?
4. It would be helpful to hear more about your role behind the lobbying process among MPs in DPR. Would you please give some comments on how you and other stakeholders in your party directed party members in DPR during that legislative drafting process?
5. I know this question would be very sensitive. It is your right to not answer if you mind. Well, there was a rumor around that administrative process that there occurred monetary exchange as the instrument of lobbies among MPs. As a party stakeholder you might have something to say concerning that rumor?
6. I see that the question evoked strong emotions. Please take your time and we can change the topics for a moment if you feel uncomfortable.
7. Orders from party in central office to party members in parliament are common because that's the rationale why party factions are formed in DPR. Regarding this legislative process, what orders did you (or your party) give to the party members in DPR?

## Appendix E: Protocol 3

Oligarchic Cartelization in Post-Suharto Indonesia: A Qualitative Case-Study Inquiry  
of the Legislative Drafting Process of the 2017 EA

Purpose : This first interview protocol guides the researcher's interview with the Journalists

Date :

Time :

Name, Title and Agency of the Interviewee :

Interviewer :

Overview of the Study :

Questions :

1. As a starter, would you please tell me a bit about yourself (your background, family, or how you decided to get into the political life)?
2. You reported the making process of the 2017 EA. What memories do you have about such legislative process?
3. As you have well explained, the policy process was somewhat complicated and involved lengthy lobbies. There was strong resistance from many fractions in DPR. What fundamental aspects of the process do you see crucial, based on your individual observation, to be shared with the people?
4. When talking with MPs, during the legislative process, you might get more information about the role of party elites behind the lobbying process among MPs. Would you please give some comments that issue?
5. There was a rumor that there occurred monetary exchange as the instruments of lobbies among MPs. Could you share your memories about that rumor?
6. There were only four out of 10 party fractions that maintained the Article 222 under the Election Bill. Based on the distribution of seats in DPR, it means that there were about 49% of MPs supporting. However, when the voting took place on July 20, 2017, it turned out that 59.7% of MPs voted on that controversial Article. Based on your individual records, what factors have shaped such voting process?



## Appendix F: Protocol 4

Oligarchic Cartelization in Post-Suharto Indonesia: A Qualitative Case-Study Inquiry  
of the Legislative Drafting Process of the 2017 EA

Purpose : This first interview protocol guides the researcher's interview with government officials

Date :

Time :

Name, Title and Agency of the Interviewee :

Interviewer :

Overview of the Study :

Questions :

1. As a starter, would you please tell me a bit about yourself (your background, family, or how you decided to get into the political life)?
2. As a government-proposed bill, you might remember the details how the government started drafting the bill which then passed into the 2017 EA. Would you please share with me about some crucial issues debated in that policy process?
3. As known, when the bill was discussed among MPs, the process was somewhat complicated and involved lengthy lobbies. As a government's representative involved in that legislative process, you saw and experienced how MPs and government officials developed communication and lobbies. Would you please tell me the details of those experiences?
4. The initial draft of the bill came from the Ministry of Home Affairs you represented in the parliamentary legislative process. Your Minister could be representing both the government and his political party. Do you mind sharing with the people any information that shows that the government officials lobbied with the MPs from ruling parties during this legislative process?
5. Can you also explain the forms of lobbying applied among the government officials and MPs during that legislation?
6. I appreciate your willingness to share your story. Every story is unique and we've heard all kinds of things. There is no right and wrong answer to any of these questions. The matter is that it's your story. If anything else is needed later about this topic, I will be very grateful if you allow me to ask for your time again for another interview.

## Appendix G: Protocol 5

## Oligarchic Cartelization in Post-Suharto Indonesia: A Qualitative Case-Study Inquiry of the Legislative Drafting Process of the 2017 EA

Purpose : This first interview protocol guides the researcher's interview with independent observer, NGO activist, and non-parliamentary party stakeholder

Date :

Time :

Name, Title and Agency of the Interviewee :

Interviewer :

Overview of the Study :

Questions :

1. As a starter, would you please tell me a bit about yourself (your background, family, or how you decided to get into the political life)?
2. As an independent observer/NGO activist/non-parliamentary party stakeholder, you have openly protested against the formulation of Article 222 and any other strategic articles under the 2017 EA. Would you please share with the people why you oppose that legislative process?
3. In some media reports we have gathered, you argued that the 2017 EA has been *undemocratic* and against the *people will*. Can you explain what is meant by "undemocratic" and "people will"?
4. Some MPs said, as reported in the mass media, the legislative process has involved public views represented by NGOs appointed by the DPR to attend the initial discussion of the Bill, for example the inclusion of the Democratic and Election Union (SDP). Why do you still consider the discussion of that Bill did not accommodate the principle of public deliberation?
5. Based on what you observed during the legislative process of this election act, why should the government officials intensively involve in the lobbying to defend the presidential threshold article?
6. I appreciate your willingness to share your story. Every story is unique and we've heard all kinds of things. There is no right and wrong answer to any of these questions. The matter is that it's your story. If anything else is needed later about this topic, I will be very grateful if you allow me to ask for your time again for another interview.



Appendix I: Excerpts from Interview Transcripts and Responses

M.P.1:

In every decision in the DPR, each member must coordinate with their respective factions. Our presence in the DPR is not to carry out personal will but to carry out the peoples' mandate and order of party leaders.

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 A fraction is an extension of the party's hand. What comes from the faction generally comes from the party. Each member must run because there are inter-time change sanctions (PAW) for members who are not disciplined or do not follow party orders.

-----  
 The bill discussion was initially very dynamic. Many ideas emerged and the MPs debated day and night. We invited university experts and NGO delegates to provide alternative views. However, in the end, the whole process returned to the interparty agreements. The culmination of the agreement was when party chairmen gathered at Zulkifli Hasan's house. The party bosses were gathering to discuss some strategic issues under the bill. It was, of course, not a formal meeting, but, I think, politics is about compromise, so wherever and whenever the politicians can make a deal.

-----  
 The Minister of Home Affairs, Tjahjo Kumolo, and the Coordinating Minister for Politics and Security Affairs, General Wiranto, mobilize supports from party stakeholders to establish consensus regarding the Article 222 under the bill which exclusively stipulates the presidential threshold provision. This article, of course, is very important for the government because they need to secure the second period of Jokowi Administration. Is it wrong? No. They do what they have to do as politicians. I must do the same if I were in their position. Everyone must do that way.

-----  
 It is real that the fractions are different in the views toward the bill, but the majority of parties realize that the national interests are more important than the party interests. That is why some fractions that are divided in the beginning then support the bill eventually. The political lobbying and other maneuvers applied during the decision-making in DPR are only the technical issues. Most of the fractions principally realize that the law should be ratified immediately to secure the preparation of the 2019 elections. DPR, especially the Special Committee, does not want to hamper the election preparation, which is the most important way for citizens to participate in democracy.

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 This Election Bill is a government initiative, so it makes sense if the government becomes proactive in establishing political lobbying. The purpose is to secure the government's interest. As party stakeholder and former member of DPR, the minister involved in the lobbying surely knows how the tradition of lobbying works in DPR. He is just representing the government to succeed the bill. I think it is normal in politics. If you want to criticize, perhaps you need to ask the minister in what points he works for the government and for the party. But, is it possible? Yes, you might be able to do that, but I am pretty sure it would be impossible for him to tell anyone the truth because it is very sensitive. However, as you read the newspapers or watch the TVs, this minister has openly declared his position during the bill discussion that his interest is to secure the presidential threshold. As I mentioned before, he does not care

about other disputable articles in the bill, except that article, because the government, to be honest, is just concerned with the presidential candidacy.

-----  
 Coordination between DPR and government is investable. As told before, the initial draft comes from the government. But they must coordinate with us in DPR, as the power branch that has the right to make the law. So it is just a normative process. The government is the key to succeed this legislation as the initiator. We just help accomplish it in a proper way [...]. The problem was the timeline. The government has a target to achieve that the election bill ought to be completed before the end of 2017 concerning the preparation of the 2019 elections. The KPU cannot work if this Election Act is not ready before the end of 2017. One could say that this law is a rushed product. That's the truth. Both DPR and the government prioritize the success of the 2019 elections because it is a new history for us to arrange simultaneously the legislative and presidential elections at the local and national levels. And...the other truth is, this is very important for you to note, that the bill is designed to benefit the government.

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M.P.2:

You know...We are also human beings. Sometimes there are party decisions that confuse us because what our constituents on the ground want differs from what we have to take following the party's order. I don't think this is just a problem for us, in many countries they face the same issue. I did visit several countries since becoming a member of the House of Representatives in 2009. I met with fellow members of the parliament in neighboring countries; I heard the same story as what happened to us here.

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Party elites, in this case, are the Chair including the General-Secretary, those who provide initial guidance on what we have or not have to do. We return to the DPR following the discussion of the bill based on what our bosses ordered. We regularly report the progress in the field to the party leaders in the central office. Those who make decisions regarding five crucial issues in the Election Law are party leaders because these issues are the spirit of the Election Law which is certainly related to the fate of the party in each election. In each final decision making, officials from all usually meet, so you have to understand why there were several meetings during the discussion of this bill involving party leaders. The meeting certainly takes place outside parliament. It shows that the technical affairs of discussing the Election Bill are indeed the responsibility of the faction, but the main policies or decisions are in the hands of party leaders. That decision became our benchmark for negotiating in this legislative process. When all party leaders have agreed, the drafting process at the Pansus level certainly becomes easier in making consensus. That is, first there must be an agreement at the level of the "gods" (read: party elites), then we can operate in the field.

-----

As you know, consensus is our culture. It makes our democracy distinctive from other democracies in the world. That is what we have tried to develop during the bill discussion. Our fraction believes that the interparty consensus is inevitable, even a must, but it is very hard to build. In particular issues, parties may agree to be in

common, but in other issues, they must get divided. On the presidential threshold, for instance, most of the ruling fractions ultimately have a common decision, but on other articles like the provision of a 4% parliamentary threshold and the article of a vote conversion method, the ruling parties no longer stand the same foundation. There is no more ruling versus opposition group, except for the major parties and the middle-low group. The middle and small parties are afraid of their destiny in elections. This situation makes the consensus hard to establish among the members of SC. In a deadlock, there is no other way, unless applying the voting mechanism.

Threshold provisions, both the parliamentary and presidential thresholds, are a democratic mechanism to create political stability that would help the president elect run his administration effectively. The simplification of the multiparty system is an idea to guarantee stability in DPR. We feel it in DPR how difficult it is to negotiate in carrying out typical duties, as long as there are too many parties in parliament. But, it is unallowable to reduce the number of parties unconstitutionally, as in the communist system or any other undemocratic systems. The threshold rule is the most constitutional means possibly applied to maintain stability in a complex multiparty system like in our country. So, we consider the government's proposal as the state interest, which must be supported. The intention is firmly positive for the future of our democracy.

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M.P.3:

To be honest, if we want to talk about political parties, I am convinced to say that party leaders are the party itself. Those bosses are the ones who determine every single decision the party should make. In many cases, the bosses make decisions in coordination with the managing boards. In practice the discussions among the managing boards must be in line with the will of the top leader.

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Almost all fractions in DPR agree to set up threshold for parties to enter parliament, but they are in difference of options about the magnitude of the limit. Our fraction, for instance, considers the threshold provision as a democratic means to simplify our multiparty system. The parliamentary threshold is principally to promote political stability after elections. No party wants that the president elect would be challenged just because there have too many parties in parliament. We as MPs would also be hard to execute our duties to serve our constituents if we face conflicts inside. But, when particularly talking about the presidential threshold, our fraction is in common with most of the DPR fractions those which reject the provision because we regard it would potentially eliminate our rights to carry out candidates in elections. I am pretty sure that most of the government fractions in DPR share as well the same views, but they are forced to support the bill as the consequence of their political standing.

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All MPs expect to ratify the bill immediately as what the government does as well. But, we cannot proceed to speed up the process as long as the party leaders have no mutual agreement among them. However, the bill is highly political in the way that it is related to the interest of all parties, either the ruling or the opposition. Some of us conclude that the active involvement of the GOs in lobbying the party leaders is a kind of help. It is no longer about the ruling group or the opposition, but the mutual understanding among parties to make a more deliberative decision. Each MP realizes that the bill must get passed into law as soon as possible, but the parties are divided. I

think it is deniable that the government has done their job very well in helping the DPR complete the legislative drafting process.

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 By theory, we are the elected by and working for the people, for those who delegate their trust to us as their representatives in DPR. But, it is the political fact that we are representing both our voters and parties simultaneously. Our colleagues who are occupying the executive offices are the same. As party members, all decisions we make must be based on two orders: the party orders and the government's orders. We are the ruling party. If our chair in central office has us do A, we have to do A. There is no way to carry out B [...]. Becoming MP from the ruling party is slightly challenging. We have to satisfy our voters, and at the same time, we are subject to the government's program and policies.

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 I ask you, how could you measure it? There is no appropriate measurement to separate both and no necessity to do that. I think the point is not in your question, but in the way whether he serves the state or not. It is obvious that the government, when presenting their positioning paper in front of the SC, is concerned with the security of our democracy, especially the presidential system. From this statement you can make a conclusion that there is nothing wrong with what the government has done in this legislation. As party member, I do understand his position, and even if he explicitly serves his party, there is nothing wrong with that. Every politician does it, right?

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 P.S.1:

Orders from party elites are absolute. I hate to cover it because the public already knows that every party organization must work according to the particular rules and traditions applied. Each party member has the freedom and the right to argue, but the decision is ultimately depending on the highest leadership. Whatever ordered from above must flow downward at all costs. That is the way how a party organization possibly survives.

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 Stability is the primary requirement for the government to work. It means that the government must get support from the majority in parliament. As the ruling party, it is our responsibility to ensure that the stability is well maintained. The Election Act we are discussing is a crucial regulation that could uphold our democratic system and guarantee that the government could work effectively. It has been our party's standing position in DPR during the drafting process of this act. We need opposition, of course, but a soft opposition that focuses on the implementation of the checks and balances mechanism, not on how to impeach the democratically-elected government. That is, there would be no more disruptions like in 2014 when President Jokowi began to rule. The parties at that time hampered the executive because we had no adequate power in parliament. Our coalition was smaller than the opposition. After GOLKAR and PPP joined the coalition in 2015, the situation gets stabilized. My point for our discussion is that stability is fundamental. That is what we need to develop through the existence of this Election Act. The presidential threshold must be high so that the president elect will get enough support from DPR and able to govern effectively.

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 P.S.2:

Party decisions must be a fraction's decision because that is the how the political mechanism works. It is impossible for the party to let its members in parliament act differently from the party's political standing. What is the point of establishing a party organization if the party members in public offices act independently?

Party members are clearly subject to the party decisions, either they are in the parliament or in the executive. All parties apply this principle. You can ask those in other parties. I am sure they will give you the similar view. The party's rule is palpable that all members must serve both party and state. It's already a natural law in democracy, isn't it? The party establishment is to promote democracy in the point that the party is seeking for the people's benefits. The party is working for the good of people. If you ask me about our cadres in the cabinet, the principle is the same. As cabinet members, they follow the president's orders as their boss in the executive. Whatever and however the situations faced, they have to obey their boss. But, don't forget that they are party cadres as well. So, in terms of any political decisions related to party interests, they should, of course, coordinate with the party. No member can take his/her own decision without a consultation with the party.

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P.S.3:

You see in history, there have been many parties broken down and factionalized. Factionalism threatens every party organization if the party elites do not take control. Sometimes we must ignore the principle of democracy in managing political parties for the greater good parties wanted to achieve. Each party organization needs strong leadership. I am proud of my party chairman who has been able to get through the storm to this day and ensure our party remains as strong as today. Internal conflicts happened to many parties because their stakeholders felt in uncontrolled situations. Our party remains intact and solid because the decision-making hangs on the top leadership.

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The party leadership does have to determine everything so that there is a clear line of command. How can parties respond to political problems that are so complex and many if they do not have a single command? I see the existence of a general chairman as the final determinant in making party decisions is for a good purpose, namely maintaining the integrity of the party and facilitating the decision-making process in urgent situations. Many observers misjudge that the dominant role of the chairperson, according to them, shows that our party is not ready to democratize. Since the fall of Suharto until now, you could see how devastating democracy is in this country. It could never be possible if our party has not been at the forefront of defending the Constitution and *Pancasila* from the anti-democratic forces that wanted to undermine the state's ideology and the Constitution.

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Well...I think we need to agree first that the party at the very principle of its foundation is an instrument of democracy. In implementing its daily activities, each party needs one another. In the case you asked, I think, there has no other possibility for parties rather than having to work together to ensure the stability of the government in all respects. Interparty collaboration determines the effectiveness of the political process and the government needs stability to work effectively. The fractions in DPR indeed require an inter-fractional cooperation to make the decision-



making able to be maintained smoothly. The situation our members in DPR faced during the legislation was understandably complicated. I think you need to know that the time was very limited and at the same time parties are divided. Without compromise or any other consensus, the bill discussion would have never ended and it ought to fail the preparation of the 2019 elections in turn.

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G.O.1:

I singly have no objections at all to what the government has done in this lawmaking. Our minister has done his best for the sake of this country—even if you say that the minister serves his party organization when maneuvering during the legislation [of the election act]. I have no idea if it is important to make a distinction between party member and cabinet member. What I see that the minister is successful in accomplishing his job because he has intensive communication with the parties, not just with his original party. All he does is in knowledge of the president as his boss in the cabinet.

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At the beginning, four fractions started to convey their fractions' views, especially highlighting the issue of the presidential threshold. GERINDRA fraction was the first to convey represented by Mr. Muzani, followed by PD fraction represented by Beny Harman, PAN represented by Mr. Yandri Susanto, and PKS represented by Muzammil Yusuf. This opposition group rejected the percentage stipulated under the Article 222 and decided to walk out of the plenary session [...]. In my opinion, considering the real situation in the plenary session that night, the walk-out they made was just a political drama to level up their parties' image in public, not truly opposing the material of the bill eminently. I say this because, during the bill discussion in the SC, those fractions that walked out never opposed as hard as what they did before the voting at the plenary session that night. It just seems to be strange in my eyes.

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The government does what they must do. It is our initial proposal in which we are fully responsible for the success of its legislation. Our minister expects to do his best for the good of this country's democracy. I think there is no need in this issue to speculate about his relationship with his party. Whatever the motives lying behind the minister's decision, I guarantee the ultimate purpose was to succeed in administering the 2019 elections. It was a hard work. I personally do appreciate the government and DPR for their effective cooperation in the completion of this legislation.

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The lobby day and night is endless. The Home Affair Minister approaches leaders of fractions and parties to secure the presidential threshold stipulation under the bill. It was, indeed, cumbersome to persuasively approach both the ruling parties and the opposition. Ahead of the voting day on July 20, 2019, the majority of the ruling coalition ultimately decides to support the government's draft. The government attempts to promote a deliberative model of decision-making, but it is not easy to apply in this issue because this election bill directly affects the survival of political parties. Most of parliamentary parties disagree with the Article 222 because they think that this article benefits the major parties behind the president. The middle-low parties mind to support before the minister lands his hand on that policy process. I do not know exactly the points of the lobbying our minister successfully does, but as you can see the bill finally gets approved and passed into law.

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To be honest, as a team member that develops the academic draft from this bill, I need to convey that there are two versions prepared. In the first draft, there is no presidential threshold because we consider irrelevant to the current electoral system applied. Moreover, the provision presupposes that the results of the 2014 elections would be the reference in determining the 2019 presidential candidates. It, of course, kills the rights of the new parties and non-parliamentary parties to include in promoting the candidates. In the second version, we follow the official orders from our bosses in office that is to defend the Article 222 concerning the presidential threshold of 20% of DPR seats or 25% of the national vote. We conceal the first draft, of course, to secure our career. What I am going to say is that we are facing a moral dilemma during the development of the initial draft of this bill.

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G.O.2:

I think, to be honest, the government and the ruling parties are inevitably one. You know better than me that the politics is not always about what appears, but what lies behind. Frankly speaking, this brings us a dilemma when working within bureaucracy. By law, we are supposed to serve the state, but our bosses are coming from party. As the consequence of working under the organizational leadership, we follow our bosses if wanting to maintain our career as bureaucrats. If people say that there is no place for idealists to be in bureaucracy, I do understand what it means.

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We already discussed that the situation was unique because both the government and DPR were in a rush. They had to meet the target to pass the law before the end of 2017. Whatever they did in order to complete this legislation, I think, it was reasonable. What we thought and pursued was to do our best regarding the preparation of the 2019 elections. KPU was waiting to start working, and they could not work if the law remained unfinished. We applied many approaches to gather support from the major parties. Whatever the criticisms could arise against our performance, I am pretty sure that we did our best for the sake of this country.

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I won't question whether our leaders work based on the particular orders from their home parties or their own initiatives. Because the most important thing is that the ministry I am working for seeks for the benefits of this country to a wider sense. The presidential threshold stipulated under the 2017 EA has been a democratic means to simplify the multiparty system and strengthen our presidential system.

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As far as I know, the parties establish an agreement after their bosses met. The government's envoys involved during the bill discussion attempt to succeed the lobbying and maintain the interparty consensus. The major point is how to make this legislative process smooth and more unchallenging.

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G.O.3:

The government is not haphazardly subject to the party although the president is a party member. The government has its own agenda, programs, and targets. We follow the president as the highest leader. In some cases, the president and the ruling parties are of course in line, but not in all respects. My experiences make me understand

more about this. Under President Yudhoyono Administration, there was an issue in which the parties enforced us in government bureaucracy to do as they wanted, but the minister told us to do otherwise. In that case the government was not subject to the parties [...]. The scandal of e-KTP is another issue. Politicians across parties were involved as they collaborated in planning that mega-corruption scandal.

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 I am the witness to see how the minister was hard working to approach all chairmen of party fractions in DPR. He also arranges informal meetings with all leaders of dominant parties. I was accompanying the minister when we approached them, including the SC members and the fraction leaders in DPR.

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 We are working for the government, not for our own sake. Looking at the individual standing, of course I would not approve the provision of the presidential threshold because the 2019 election model is a simultaneous system, which means that the legislative and presidential elections take place simultaneously. Party's votes have no relevance in determining the presidential candidates. It absolutely means that the presidential threshold loses its relevance. But again, the government serves a particular purpose, which is how to strengthen the presidential system in order to guarantee the political stability. We see how inter-party conflicts often occur in parliament that consequently the government becomes unstable. The government seems to prevent this situation by drafting that threshold provision under this election bill. The point is how to make our democracy better.

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M.J.1:

It is very obvious that the MPs' maneuvers reflect the dominance of party elites in the policy process of the election bill. MPs are just pawns of their bosses. Most of them are not happy with this situation. They realize, at least in accordance with the personal discussions we made, that they must serve their constituents, but they have no power to bargain facing the dominance of party bosses. It is the fact why, notwithstanding the voters' benefits, MPs persistently decide to serve their parties. As politicians they have to maintain their political careers. In some cases, of course, they seem to serve their constituents, but it is part of the pragmatic thinking related to the maintenance of their career.

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 Cooperation must have been obvious. As you know, in the beginning of the bill discussion, most of the party fractions are not in common against the parliamentary threshold provision they considered too high. They understand that the government might carry out their own interest, but it is also about the party's survival. Some parties are afraid they would have no power to determine the presidential candidates. The lobbying, in which party elites and cabinet members are involved, has been a mostly strategic move that enforces the parliamentary fractions to come up to a common decision.

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 Lobbying in the legislative process involves actors from various levels of power, such as the presidential palace, parliamentarian elites, and party bosses. I have seen one of a party boss from the dominant parties several times come in and out of the presidential palace to lobby several strategic articles. It was the sensitive information widely spreading among journalists at that time. In the discussion of this bill, the

segmentation was clear between the major parties, middle parties, and small parties. Therefore, I think, the lobbying has not only been about the presidential election provision as you examine, but also the party interests in elections.

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The fraction has been an extension of a party institution. It is not my personal opinion, but the official provision stated under DPR's TATIB. In certain situations, as long as I observe the performance of MPs for years of my career, members can influence the views of fractions as long as they are in line with the party's elitist views.

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As far as I know, there was one party delegate representing the ruling coalition whose duties under the legislative process were to mobilize support from parliamentary fractions. In that process, this guy distributed what they call "political contribution." I have no idea whether Setya Novanto as the Speaker of the House at that time involved in the lobbying process, but what was clear was that the journalists get informed about the issue but, of course, there has no legal evidence. As you know, as part of the political strategies, it is complicated to find evidence.

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M.J.2:

Just logically thinking, it is impossible for the KPK to do surveillance over MPs if the monetary transaction is not unusual herein. During the discussion of the election bill, we heard the same issue, but unfortunately, as you already know, it is impossible for us to get the details. What is clear is that it has been part of the lobbying to launch a consensus among the party fractions. The government itself as the initiator of the bill, at that time, wanted the legislative process to be quickly completed due to the limited time regarding the preparation of the 2019 elections.

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The issue of monetary exchange has emerged since the beginning of this bill discussion, long before the plenary meeting was held for the MPs to vote on the bill. In the first discussion of the SC, we were informed that there were several fractions "masuk angin" (catch a cold) because they had received funding from political traders. I heard that even members of the ruling parties enjoyed that trade-off as there was no compromise among parliamentary parties about some strategic issues under that government-proposed bill. I think that's normal in politics. They conducted lobbying not in DPR, but in hotels outside the parliament. They used to gather at Mulia Hotel, including the Fairmont Hotel. I have no exact clue when and where the transaction took place; it is clear that the issue has been a rumor among the parliamentary journalists.

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During my 7 years working as a journalist in DPR, I have been explicitly observing the performance of our lawmakers from time to time. There is nothing strange because what they did or are doing typically reflects the nature of the politicians in general. They are rhetoric by using democratic jargons. When interviewing them or they speak in the public channels, they normatively behave. But, if you look through the facades, you see the real them, you might be surprised that what they do is just to serve their individual interests and to maintain their collective gains as political flocks

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M.J.3:

The increasing facilities or salaries would never improve the quality of the MPs' performance. It is not about the official incentives the state should provide, but the culture they hold. As everyone can see, MPs are prone to be party representatives instead of the people's representatives. Personally, they could also complain that the party absolutism undermines their idealism to serve their constituents. But, politics as a collective action is truly about the culture. The culture of our political parties is still shaped by the market logics. The politicians are like the businessmen who are seeking for profits. It is for this reason I am not believing that the increasing facilities and salaries would improve DPR's performance.

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I see the oligarchs wanting this to happen that our democracy gets filled with those who ambitiously maintain the status quo. This Election Act, in my opinion, seems to be the product of invisible hands that we cannot clearly see but we *do* feel it. I say this since I saw an intention of MPs to minimize the emergence of various presidential candidates in elections. Indeed, before this law was proposed, I have predicted that the presidential candidates would only have a maximum of three candidates, but now it's worse. There are only two candidates. The public cannot do anything against this legal instrument because the judicial review at the Constitutional Court has come to the final decision. The Court rejects any lawsuits against this Act. I can only say, the oligarchic forces have contained our democracy that it is no longer an ideal democracy. We as journalists and media institutions can certainly try to continue guarding this democratic process.

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O.N.A.1:

There is only one central force that determines in all DPR activities, namely political parties. The MPs carry out what the party orders. In discussing this election law, the presence of party elites are very striking. Ministers from political parties are actively involved in garnering support from parliamentary parties. The ministers even openly state that the draft concerning the presidential threshold is final. There is no possibility to change what written in the government's initial draft. The views of the experts and election activists who attended the discussion in the SC were only a drama, when viewed from this angle of issue. It is undeniable that the MPs truly included the insightful feedback from civil society groups involved, but behind this entire legislative process, the power that determines everything is the party elites.

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I don't see anything strange because politics is truly a matter of compromise. The collusion between GOs and MPs, regardless of their purpose, is part of the reasonably political works. The government, as well as the dominant parties, must hold an agenda to ensure their opportunity to triumph the elections. There is only one group that might deserve to be disappointed with this legislative process, which is the small parties, because they lose their right to carry out candidates in a presidential election.

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When we talk about political parties, we don't talk about complex organizations with the particular system of role differentiation. One could not understand party organizations today using the classical perspectives. Talking about political parties today is talking about a handful of people who treat parties like their private companies. In this sense, you could talk about oligarchy or whatever you might call.

What is obvious is that the consequences of such party culture are very complicated. MPs in parliament are party members who work under the shadow of party oligarchy. Simply put, there remains a narrow space for civil society to partake in influencing the practice of current party-dominated representative-democracy.

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The major parties certainly reveal reasonable explanations when discussing the bill, but indeed hide their evil intentions behind the rhetoric seemingly right. But we know, and I believe the public also knows, that they just need to perpetuate the status quo and determine the contingency to win the elections. I hope it would not be too excessive when saying that the major parties DPR utilize the logic of a presidential system to cover their oligarchic agenda. If looking back to the 2014 presidential elections, somehow they could be right. In the first few months of Jokowi Administration, the DPR held the president hostage because the government's parliamentary support was not powerful enough. The inclusion of GOLKAR and PPP in early 2015 suddenly reduced the tension between DPR and the president. However, I am still skeptic to believe that the major parties in DPR now are working for the establishment of democracy. They could reconstruct the parliamentary constellation whenever they see it necessary to carry out.

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When the legislative process occurred, I was still working for the electoral commission [KPU], so I got no more details about how the implementation of the lobbying was. But looking at the substance of this Election Act, one could acknowledge that the party interests firmly worked in shaping the legislation of this law. I guess, the point is to manage the elections in the way that the candidates must represent the party interests, which means the interest of the oligarchy. In the case of the parliamentary threshold, the oligarchs from the dominant parties aim to constrain the new parties to enter the parliament. They use the logic of party simplification as the primary condition to secure the stability of a presidential system. I studied electoral politics and I have observed for years the performance of party politics in electoral seasons since Suharto's era. One thing I understand is that these parties have no willingness to serve the people or the democratic system, though they talk a lot about democratic principles. Believe me, they are bluffing and people already know that.

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It is just about the party interests. Oligarchy is real. They control everything in the political sphere. The controversial articles under the EA, especially those related to the parliamentary and presidential thresholds and vote conversion truly reflect the power of the dominant parties. In such cases, frankly speaking, the oligarchy has, indeed, been the invisible hands taking control over what the MPs should or should not do.

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The DPR parties compromise in many forms. Generally, they establish a symbiotic compromise regarding the political gains they could share with after elections. They typically make agreement on, for instance, who controls how many seats in the upcoming cabinet or who control which part of the state-owned enterprises [read: BUMN]. We cannot deny that BUMN is still considered a "spring" for parties to gather economic resources.

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Lobbying is common in politics, as you also know, but what happens in the discussion

of this RUU, the government seems so aggressive. The government's approach to the DPR's fractions, including the party chairmen, truly demonstrates the vested interest they hide behind this RUU. The government seems to enforce the MPs that the RUU ought to be in line with their interests. As already known, the end is to maintain the election regulations that the 2019 presidential election presents no more potential candidates.

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 Party leadership takes a big role in the process of this legislation. From the various information that I have found, centralism in decision making in the party body forms the work patterns of party members in the parliament or the government. In such case, I agree that the oligarchy has been a decisive force in the political implementation either at the parliamentary level or at the government level.

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 It is uneasy to measure the DPR's performance. Not only in the issue we are discussing, but in the entire issues the MPs handle. I am not surprised when knowing that the party interests truly work in the legislative process of the election act. As I already mentioned before, party members both in government institutions and DPR are working for particular benefits that their parties have surely designed. It could be a jumping conclusion, but it is what happened when involved in the initial discussion of the election bill. To some extent, they recognized the insights we delivered. At least, the MPs today have been better than the previous ones when our democracy was severely undermined. However, in the case you are asking, I mean the presidential threshold provision, honestly speaking, our presence was seemingly camouflaging. It could say that the parliamentarians just wanted to meet the technical requirement of a public hearing as part of the policy process at the congressional level. The article of a presidential threshold you are asking was truly a trade-off. The dominant parties and the government have made a deal, which no one knows, unless they alone.

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 In the implementation of a representative democracy, where the party plays central roles, it is uneasy to separate the interests of the party from the government's activities. Even in the most complicated situations, we find it difficult to separate the government from the state. In practice, the government assumes itself as a state. More terribly, when the party-based presidents come into power, the parties claim the power. The government formed is indeed the party government. As a consequence, most of government activities are under the parties' control, and they use "state interest" argument to legitimize what they do. I am an activist, but also an academic. I am concerned with the future of our democracy which so far has been a "party regime." People like us who are standing outside the party cannot firmly influence the execution of democracy if we do not strengthen civil society.

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 It is the MPs' right to decide whether the external insights would be relevant and significant to include. As far as I remember, they did respect the civil society groups involved and incorporated some central evaluations delivered to improve the bill draft. However, we also need to understand that the legislation is not entirely dependent on the MPs' individual decisions, but rather more dominantly hangs on the direction of their bosses in the institutions of party politics. It is in this point that it might make sense when the resistance of civil society against the presidential threshold brought no changes to the article discussed.

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When involved in the bill discussion, I think democracy was truly procedurally working. The DPR's SC was respectful and included the evaluations delivered. They firmly required enriching their understanding in making the law, and that was the reason they invited us to come along. As discussed in the previous interview, the parliamentary politics was not in the hands of the MPs alone, but more inclined to what the party said. Their bosses in party organizations hold the most powerful authority to decide anything, including in the legislative process of this election law. If you find someone to be blamed, you should blame the party elites who control everything from behind the scenes. Some MPs I am close with are politicians with critical thinking and ethical liability, but they have no power to confront their bosses in party.

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O.N.A.2:

According to the surveys in the past 3 years, I noticed that there had only been about 12% of the people still close to political parties. That is, most people have no feeling anymore toward the presence of party politics. The 1999 election, so to speak, could be the last election that reflected the firmly emotional relationship between party and voters. After 1999, the politics has been increasingly much more elitist.

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The involvement of financial resources in the lobbying is an old song. As long as I have observed the political dynamics in DPR since 1999, I am full with such stories. There is nothing surprising. None could discuss the nature of party politics without understanding their attempt to obtain the political and economic spoils as much as they could find out.

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The cartel indication in the legislative process at the parliamentary level is obvious when there are no distinct boundaries between the opposition and the ruling coalition. Even if there is seemingly an opposition on the table, which probably means that the cartel appears to be dividable, the parties would return to forge a novel coalition model after elections. The point is not about the exhibition of normative roles, but how to proportionally claim the political resources they obtain from such inter-party collusion.

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From the very beginning, I already guessed that it would be hard for the parliamentary parties to refine the inputs and feedback delivered by the civil society groups. However, at the first point, I must appreciate that it has been the current tradition in DPR to involve the more extensive inclusion of civil society groups in the legislating process. At least they carry out the technical procedures to guarantee that the legislative process must be democratic [...]. About the legal process of the election bill we are discussing, everyone close to the DPR would well notice that the dominant parties must hold their solely agenda separate from the best idea of a substantive democracy you could imagine. The consequence is that the inclusion of civil society in the bill discussion has nothing to do with the execution of substantive democracy. Representation is no longer about the interest and consent of the people represented, yet honestly about the incorporation of party interests.

The majority of DPR fractions have from the very beginning rejected the high parliamentary and presidential thresholds stipulated under the bill proposed by the



government. They were afraid that those articles would harm themselves. But, party elites have other considerations for the party members in DPR to be undertaken. What I am going to say is that the consensus among party-elites has firmly ended the internal division among MPs during the legislative drafting process of the bill.

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For years, I observed the political process in parliament. The question of monetary transactions has become an old song. We can't pretend to close our eyes. Since 2008, I have finished writing a dissertation on the cartel, I continued to observe how later the parties lobbied for political spoils or economic spoils. That still happens today. But what I saw from 2005 to 2008 was always simple, namely between power incentives or monetary incentives. That is all. But lately, it turned out that the variations of the excuses were more than I expected.

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The election act is a highly political legal-instrument. It must be attracting the concerns of all parliamentary parties. My point is that the major parties, of course, could become aggressive to take control over the legislation facing the 2019 elections. The high threshold provision indeed narrows the opportunity of small parties to have seats in DPR in the next elections. Honestly speaking, none would believe that the threshold mechanism has something to do with strengthening the presidentialism. People would be easy to conclude that the major parties have so far truly failed to think of the institutional design of the presidential system they were talking about since they are intensively focused on short-term interests.

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O.N.A.3:

It is hard for the civil society to influence the political process at the system level when our democracy remains under the control of the dominant parties. That is the fact we are facing currently. The major parties maintain hegemony and singe out the opportunity for small parties to obtain seats in DPR through maintaining the electoral regulations. This Election Act is just one example of the legal instruments they design to pursue their vested interests and defend the status quo. They have no willingness to give the small or new parties a chance to enter the parliament. It is terribly crazy, that we are inevitably losing our opportunity to determine the future leadership of the country because of this law.

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In every discussion of the bill, the DPR does have to hold a public hearing. It is part of the legal provisions in making laws. But the question is whether the involvement of civil society would be a significant factor. Exactly there lies the problem. The MPs are, of course, open to the public participation as far as what they convey is in line with the dominant parties' interests. It is unbelievable for me that the presence of NGOs invited in the discussion of the election bill truly affects the substance of the law. In fact, as you see, this law has been prominently an expression of party hegemony. The dominant parties in the DPR just plan to destroy democracy, not to build it.

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I think many people already know that the ministers are engaged in lobbying the MPs and the parties for the success of the bill discussion. Mr. Kumolo and Mr. Wiranto handle some meeting with fraction leaders and approach the parties to support the government's RUU draft. Of course, they just follow the orders directed to them, but

many questions could be raised in this case. Why should the ministers so actively arrange the lobbying? If it is about democracy, why don't they just trust their colleagues in DPR to make the law? Is it true that the president has them involve in this policy process? How can we guarantee that the ministers are not working for their party interests? It could be a lengthy debate if we reveal a discussion about the interest-based policy process. The involvement of these ministers, I believe, is not just to secure the regulation as they argue, but also to seek for their particular interest as party-originated executive officials. I am also a party man, so I know what the politicians pursue.

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It is obvious that the government aims to regulate the elections in order to optimize the contingency of defeating other candidates that possibly emerge. As said earlier, the government and the ruling parties in DPR obviously plan to limit the number of candidates in next elections. They could argue on behalf of a "political stability" rhetoric, but the stability they meant is not compatible with the principle of a democratic stability in the true meaning.

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The major parties just think of how to continue controlling state resources. It is not surprising, at least for me, that many of their cadres go to jail for corruption allegations. The major parties have undermined our democracy. That's what we aim to change. As a new party, we assertively want to fight to change the party tradition, which has been connoted as a corrupt and elitist organization. We want to make people proud of the party because the party could be clean and truly fighting for the good of people. It is our dream. But, unfortunately, it seems that the new election act with its parliamentary threshold would hinder us to make our dream come true.

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Everybody knows, as part of the non-parliamentary parties, we could not hold that argument. It is impossible for the parliamentary parties to think of how stabilizing the presidential system or the future of our democracy. What they are arguing is all just disgusting lies. What they truly pursue is to maintain the opportunity to win the elections and constrain the contingencies for new parties to enter DPR or carry out presidential candidates.

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Politicians get themselves trapped in the logic of power politics. They might try to do something with our democratic system, but what they are doing is, as the matter of fact, to destroy the existing democratic order. Sometimes I think the transformative ideas we propose to DPR in several legislative processes, not only during the discussion of this election bill, just overload the documentary databases in DPR Library. The inputs, we deliver, have no significant effects on improving the quality of the legislative issues. Indeed, in some cases, the MPs require and incorporate some insightful inputs delivered by the NGOs or other external parties. But, mostly at the very fundamental issues they debate on in DPR, our presence tends to be worthless. The presidential threshold, we are discussing, is an example in which our responses truly affect nothing to the MPs' decisions.

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I am not surprised because there is nothing surprising if this legislation demonstrates the dominance of a handful of party elites in power. They must indeed maintain their

status quo. By all means, including through legal instruments, they will try to minimize losses in elections.

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## Curriculum Vitae

**Bonifasius Hargens****EDUCATION/ACADEMIC JOURNEY**

- PhD, Public Policy and Administration, Walden University, Minneapolis, MN, United States of America
- MPP, Public Policy and Administration (Specialization: Criminal Justice System), Walden University, Minneapolis, MN, United States of America
- Southeast Asian Studies (*Südostasien-Studien*), Humboldt University, Berlin, Germany
- German language course at Hartnackschule Berlin and *Humboldt Sprachzentrum* (Language Center of the Humboldt University of Berlin)
- BS, Political Science, University of Indonesia, Jakarta, Indonesia
- Studying the Catholic Theology and Philosophy at Driyarkara School of Philosophy in Jakarta, Indonesia (non-degree)

**WORK EXPERIENCE****Back-office Analyst for Indonesia's Executive Office of the President (2016-2019)**

## Duties:

- Responsible directly to the president's special staff, General Gories Mere, who heads the bureau where this author works.
- Developing comprehensive analyses, whether requested or on personal initiatives, regarding the development of the relevant political and security situations to be internal considerations for the presidential's special staff office.

**A Member of Board of Commissioners for the State News Agency (ANTARA) (January 2016-August 2017)**

## Duties:

- Being an official delegate that represents the state within the agency

- Supervising and monitoring the implementation of the agency's managerial duties in order to guarantee the public and the state's interests concerning the productions of the public news.
- Conducting regular evaluations of the agency's operations in order to guarantee the professionalism and integrity of the agency in its standing position as the state's official news-agency.

**Excutive Director of Indonesian Electorate Institute (2008-present)**

Duties:

- Responsible for the overall managerial issues of the organization
- Organizing regular public discussions concerning the electoral issues
- Developing strategic analysis regarding the political and security issues e.g. counter-radicalism agenda.

**Assistant lecturer at the Political Science Department, University of Indonesia, Jakarta, Indonesia (2005-2010)**

Duties:

- Assisting the professors in conducting several lectures such as electoral studies, Indonesian political systems, including the political forces in modern Indonesia.
- Being a member of researchers at the Political Science Laboratory, University of Indonesia

*Disclaimer*

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*This dissertation project is a solely academic work of this researcher to fulfil the requirement of a Ph.D. degree at Walden University, Minneapolis, MN, United States of America. It is not a product of the sponsorship of any other party, be it the current or previous employer of this researcher, or any national or local government agency in Indonesia or another country.*