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Simultaneous Elections in 2019: Strong Parliament, Weak Presidency?

By Jonathan Chen and Adhi Priamarizki

Synopsis

The Indonesian Constitutional Court recently passed a ruling allowing for legislative and presidential elections to be held simultaneously within a single day, effective only in 2019. Separate elections remain constitutional and valid for the upcoming national elections this year. How will this new policy affect Indonesian politics post-2014? This commentary is part of a series on Indonesia's 2014 parliamentary and presidential elections.

Commentary

A PETITION submitted earlier in January 2013 challenging the constitutional status of separate elections finally came through when the Constitutional Court of Indonesia (*Mahkamah Konstitusi Republik Indonesia*) did a belated about-turn on Law No. 42/2008, scrapping the customary three-month interlude between legislative and presidential elections.

Legislative elections due this year are still scheduled to run in April, followed by presidential elections in July. The new ruling, allowing for simultaneous elections at the national level to take place in a single day, will however take effect only in 2019.

Long overdue?

The long overdue verdict was generally well-received but many were left puzzled as to why such a ruling was not being implemented this year. Preventing “political noise” was cited as one of the main reasons – an allusion to the waning public confidence in the constitutional court after the arrest of now-disgraced ex-justice Akil Mochtar.

The verdict was seen by many as a progressive step towards curtailing the predatory aspects of coalition politics in subsequent national-level elections. Although the new rule does not have a direct impact on this year's national elections for parliament and the presidency, it may reduce the probability of coalition politics in the run-up to the 2019 elections. Two of the most vociferous campaigners for this change are the head of the Coalition of Civil Society for Simultaneous Elections Effendi Ghazali and Yusril Ihza Mahendra, head of the Crescent Star Party (Partai Bulan Bintang or PBB). But while Yusril's more recent appeal received greater publicity, the idea of holding simultaneous elections at the regional, legislative and presidential levels in one go is actually not something new.

Phased elections have been a major feature of post-*Reformasi* Indonesian politics, following revisions of electoral laws since 1999. These revisions were, however, seem to favour the dominant parties and their respective party “bosses”. Subsequent elections thereafter were characterised by a vacillation of electoral laws that were somewhat sympathetic to the plight of smaller parties, on one hand, while allowing dominant parties to consolidate their hold (through ever-higher legitimacy thresholds in the DPR and presidential elections), on the other. The new rule compelling simultaneous elections will change that.

Current ruling stipulates that political parties will need at least 20 percent of parliamentary seats or 25 percent of the vote to nominate a president. This meant that majority parties or coalitions can only field a maximum of five presidential and vice-presidential candidates in total.

In effect, what the new policy amounts to is the elimination of the interval in-between elections and the threshold requirements for eligibility. This has created an opportunity for small parties to field their own candidates. Come 2019, all qualified political parties having passed through entry requirements set by the General Elections Commission (KPU), can now field their own independent presidential and vice-presidential candidates. Many are also optimistic that combined elections will reduce campaign costs.

Personality-centred presidentialist turn

Elections in Indonesia have taken on an increasingly personality-oriented character since reforms were undertaken post-1998. There have been intense debates on whether Indonesia is still dominated by traditional *aliran*-based parties which are rooted in ideological streams, or upended by presidentialist, personality-driven political organisations that lack strong roots in the socio-religious bases of Indonesian society.

Adoption of the open-list proportional representation (PR) system and direct presidential elections seemed to suggest a turn in Indonesian politics towards the individual. While contests for the popular vote have steadily pushed parties of various persuasions towards centrist tendencies, identification with the individual has become very much a part of this zeitgeist.

With individual personalities increasingly eclipsing even the popularity of respective parties, they have become very much political assets. Smaller parties felt that they too deserve a chance at fielding their own candidates despite their size. Although simultaneous elections in 2019 would have introduced newer constellations of individual centrism into the Indonesian elections, its emergence was considered a *fait accompli* following direct polls for presidency a decade ago.

Following the wane of party identification and conflation of party and personality, one can expect “catch-all” politics and populist appeals to feature more prominently in the elections.

Some implementation ambiguities

Despite cost-cutting incentives derived from bunching all elections together, there is a need for greater regulation by the elections commission to simplify the voting process. Accordingly, respective ballot boxes in 2019 will include the Regional Representative Council (DPRD), People’s Representative Council (DPR) and both presidential and vice-presidential candidatures. Some observers are also worried that the implementation of simultaneous elections will open up an influx of presidential candidates.

While such concerns may be valid, it should however also be noted that the number of presidential and vice-presidential candidates will be directly proportional to the total number of allowable, qualified political parties deemed eligible to campaign by the KPU. Unlike regional elections, national level elections prohibit independent candidates from contesting.

In addition, the parliamentary threshold of 3.5 per cent of national valid votes still applies for political parties to enter the national parliament. Tightening entry requirements thus becomes the foremost prerequisite in containing a foray by political parties into the race. Indications have been pointing to a downward trend in qualifying political outfits: 48 parties (1999), 24 parties (2004), 34 parties (2009) and 15 parties (2014).

A shaky and fractious ruling coalition has been cited as the main impediment to the proper functioning of parliamentary democracy in Indonesia. With simultaneous elections, opportunistic inter-party politicking and bargaining resulting in temporary alliances can hopefully be curtailed. On the other hand, simultaneous elections may create a new conundrum: weak presidency, strong parliament.

It is not too far off to say that the new verdict on simultaneous elections presents a significant development in the shifting political roadmap of post-*Reformasi* Indonesia. Its effects, by circumstance and design, will however be fully felt only in 2019. Political configurations of coalition politics in the 2014 elections may remain

unchanged.

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