

# Indonesian parliament puts a democratic gloss on an autocratic constitution

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Indonesia's People's Consultative Assembly (MPR), which met in Jakarta August 1-11, has approved a series of constitutional changes that are aimed at ending some of the more blatantly anti-democratic provisions of the country's political system. The changes, however, remain superficial and allow for the continuing dominance of the current ruling elites, including the military, which holds key positions in the administration of President Megawati Sukarnoputri.

Currently the MPR, a third of which is comprised of appointees including 38 military and police representatives, is the country's top law-making body with powers to alter the constitution and choose the president. Under the proposed changes, from 2004 the president will be chosen by direct election and parliament will have no appointees. The MPR will consist of 500 members of the lower house of parliament, the House of Representatives (DPR), and the 200 members of a Regional Representatives Council, all of whom will be elected.

Even these changes provoked opposition from the military, which initially insisted on retaining its appointees in parliament, and Megawati, who opposed direct presidential elections. Other political figures insisted that no changes be made to the autocratic 1945 constitution that gives the president wide powers. Right-wing Muslim parties were pushing for changes that would institutionalise reactionary Islamic law.

At the same time, however, the entire MPR was under pressure from two different sources. On the one hand, international financial institutions have been pushing for constitutional changes that would end the "crony capitalism" of the Suharto era and provide broader avenues for investment and profits. On the other, wide layers of Indonesians, who backed the movement that brought an end to Suharto's rule in May 1998, want genuine democratic reform and have grown disenchanted with an administration that is increasingly subservient to the military.

The character of the constitutional changes is indicated by the way in which they were decided. Determined to keep deliberations out of the public eye, the MPR took no votes in the full sessions. The issues were decided by "consensus", that is, through deals that were worked out behind the scenes.

As the *Jakarta Post* noted: "No doubt some horses were traded between the political factions, particularly the ones with

the most clout, on the way to reaching a compromise. We will probably be hearing about what exactly these factions compromised or gave up in the near future." While applauding the changes, the editorial remarked that the amendments "were enacted with little public participation, and therefore reflect more the interests of the major political factions in securing their places after 2004."

What went on behind closed doors in the MPR is unclear. But one of the influences that brought about a consensus appears to have been a student demonstration on August 6, in the middle of the session. About 7,000 students drawn from all the major universities around Jakarta stormed the parliamentary building before being finally forced back by police using water cannon. They were demanding direct presidential elections, an end to the military's role in the MPR and the rejection of calls to insert Islamic law in the constitution. Before the protest, the MPR was still in conflict. Shortly after, agreement was reached.

The demonstration was comparatively small by Jakarta standards. But the MPR delegates were aware that protests demanding democratic change during the MPR session in November 1998 rapidly mushroomed in the course of a week from hundreds to thousands and, by some estimates, hundreds of thousands. The movement was eventually broken up by a brutal police attack that resulted in a number of deaths. None of the factions in the latest MPR session wanted the repeat of a situation that threatened to spiral out of control.

There is also no doubt that considerable pressure was exerted behind the scenes on the MPR by international financial institutions and governments. The British-based *Economist* magazine made clear what was at stake for international finance capital in an article that cautiously welcomed what it termed "Indonesia's constitutional revolution." Pointing to the need for an end to economic cronyism and political volatility, the article stated: "Starting with the fall of Suharto, a long-serving strongman, in 1998, Indonesia has had four presidents in as many years. The chronic political instability has derailed many urgent economic and political reforms."

Honing in on the presidency, the *Economist* commented: "The biggest problem, until now, was that the MPR was empowered both to elect and unseat the president. In consequence, the country's highest office was decided not by

popular vote, but by horse-trading among Jakarta's notoriously corrupt and high-handed elite... Direct presidential elections, by contrast, should strengthen the president's mandate, and pave the way for bolder governments."

The so-called reform agenda of these "bolder governments" is that laid out by the IMF and other financial institutional—privatisations, budget cutbacks, a firesale of bad debt and a more open and transparent economy for international investors. The inability of previous administrations to push through these measures reflects not only divisions in ruling circles but their fear that growing social polarisation will provoke broader resistance from the working class and poor who will be most severely hit.

The constitutional amendments finally agreed on are limited and tentative. Laws still have to be established governing both general and presidential elections. The MPR rejected demands from reform groups to give a new constitutional commission a small degree of independence by formalising its role in the constitution. Instead the commission was established by decree, giving the MPR the right to overturn any of its decisions.

A law on political parties exists in draft form and is due to be adopted in November. It is designed to drastically reduce the number of registered parties, which currently number around 200, to no more than 10 at the next general election. For a party to be registered for the next election it will have to have a presence in two-thirds of the country's 30 provinces. In each province, it must have branches in two-thirds of the cities and regencies and each branch must have at least 1,000 members.

The new rules, which replace an already restrictive 1999 law, will effectively limit the elections to existing major parties—that is, those backed by big business, the military and state bureaucracy. There is every likelihood that the presidential election will be just as narrow.

Vague MPR proposals, to be pursued by the DPR and the constitutional commission, were made for the establishment of a constitutional court and new provisions for the impeachment of the president. In 1999, President Abdurrahman Wahid was forced out of office by Megawati with the backing of the military and the MPR in a long drawn out impeachment involving dubious allegations of corruption. The ruling elites are concerned to try to prevent a repetition of what was a profoundly destabilising process.

At the conclusion of the current MPR session, speaker Amien Rais presented the amendments as a great gain for democracy in Indonesia. He described the direct election of the presidency and the end to military appointees, as a "giant stride". "The TNI [Indonesian military] and Police," he declared, "will become professional state security and defence forces... no longer involved in day-to-day politics."

In reality, the decision by the TNI to give up its seats in parliament was a minor concession to appearances. Under Megawati, the military has strengthened its political position, further regaining the clout and confidence that was shaken in

the wake of the Suharto regime's collapse.

In Megawati's opening speech to the MPR, she emphasised her government had removed the threat of disintegration that had "shadowed" the country since 1998, identifying herself once more as a reliable ally of the army generals. She went on to promise a freer hand to the military to take tough action against separatist movements, particularly in Aceh, where the government is preparing to declare a state of emergency.

Megawati relied heavily on the military to oust Wahid, who had alienated the generals by attempting to reach a negotiated deal with separatist movements in Aceh and West Papua. In July 2001, Wahid attempted to avoid impeachment by declaring a state of emergency. It was only when the TNI leadership refused to obey Wahid's order that the way was cleared for the MPR to install Megawati. As a result, she is beholden to the military—five former generals serve in her administration, including in the top security post.

The TNI top brass has also gained more room to manoeuvre with the Bush administration's efforts over the last year to re-establish close ties between the Indonesian and US military. Under the guise of the war against terrorism, the US is looking towards the Indonesian generals as a means for shoring up capitalist rule in conditions of increasing political instability—just as it relied on the Suharto dictatorship for over three decades.

It may be some time before the details of the deals worked out in the backrooms of the MPR surface in public. But it is already clear that no fundamental democratic reforms have been made. The MPR contains many of the individuals who rubberstamped Suharto as president for five successive terms of office—fully aware of his brutal methods of rule. Incapable of meeting the needs of the working class and poor, these privileged ruling elites are organically incapable of granting any genuine democratic rights to the majority of the population.



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