

[Working Paper Series: Horizontal Accountability in Asia]

## **Advancing Democracy: A Demand for Institutionalized Horizontal Accountability in Indonesia**

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### **1. Introduction**

Since the early days of transitioning toward democratic regimes, shrewd scholars and pundits in democracy have been concerned about the subsequent quality of democratic governance in Indonesia. Despite being commendable for successfully holding regular elections at both the national and local levels, the progress of democratic transition in Indonesia appears less promising due to the lack of political accountability. Thus, Hamid (2012) valued Indonesia's democratic progress as a flawed democracy (Hamid 2012). Compared to other newly democratic countries, many democracies in Latin America have faced similar challenges, marked by the absence of accountability. This perception is especially the case horizontally, as the elections are considered a form of vertical accountability (O'Donnell 1998).

Meanwhile, failure to sustain horizontal accountability may lead to democratic setbacks where state institutions could become corrupt and violate democratic principles. Consequently, the absence of horizontal accountability would leave unmeaningful elections as the only remaining institution representing democratic countries. Considering Indonesia's democratic practices, the efforts to apply horizontal accountability and achieve the principle of checks and balances among state branches remain problematic due to the unequal power to hold the president accountable. This condition needs to be critically examined, specifically to assess the ability of the new democratic government to perform its checks and balances amongst state institutions. The research about the checks and balances to manifest horizontal accountability is particularly relevant nowadays, as Indonesia is experiencing democratic stagnation and the weak function of its checks and balances mechanism. Democratic scholars have argued that the state of democracy should institutionalize the checks and balances principles to push back against backsliding into authoritarian regimes in order to preserve democratic consolidation. Otherwise, democratization could remain stagnant, distinguished by the domination of the elite shadowing the democratic process within Indonesia's political stage. In this regard, this research is urgently needed to prevent a more destructive impact on Indonesia's democracy due to the absence of strong horizontal accountability.

Based on this condition, this research aims to examine the ability of the Indonesian state institutions at the national level, including the legislative and judicial branches, to hold the president accountable. The Research is divided into three sections, breaking down the topic of horizontal accountability in advancing democracy in Indonesia. The first section will explain the concept of horizontal accountability in democratic countries. The second section will elaborate on horizontal

accountability practices in Indonesia. The third and final section will conclude with finding a solution to establish horizontal accountability in Indonesia's national government.

## 2. Horizontal Accountability Revisited

In new democracies, horizontal accountability tends to be more fragile than its vertical counterpart since authoritarian institutional legacies are more challenging to transform than organizing free and fair elections (De Almeida Lopes Fernandes et al. 2020). In some states, the lack of horizontal accountability is still a problem to be solved. In this regard, O'Donnell (1998) accused many democratic countries of failing to achieve horizontal accountability (O'Donnell 1998). Other studies have also revealed that horizontal accountability mechanisms have affected the quality of democracy.

Ziegenhain (2014) explained that horizontal accountability refers to the operation of “checks and balances” between different state institutions (Ziegenhain 2015). This system particularly applies to the accountability of the elected government vis-à-vis the other branches of government. The dimension of horizontal accountability specifically rests under executive-legislative relations, followed by executive-judiciary relations and independent watchdog organizations such as counter-corruption commissions, audit agencies, and election commissions, which have the capacity to exert control over governmental actions (Rodan and Hughes 2014). In this regard, agencies responsible for horizontal accountability are ‘state actors and agencies willing and able to sanction other state actors and agencies for their acts and omissions, in accordance with the law and the constitution’ (Kenney 2003: 67; see also Goetz and Jenkins 2005: 11–12). If a democratic transition is understood to be the process of institutional redesign following the creation of a democratic elite pact, then horizontal accountability should play a significant role in promoting democracy. After all, horizontal accountability enshrines the system of checks and balances, ensuring institutions behave as intended. However, horizontal accountability is premised on a formal separation of powers within the state that, in post-authoritarian contexts, can be difficult to realize where power remains in the hands of a dominant elite.

Slater (2004) believed that O'Donnell draws on horizontal and vertical accountability, which fits in the context of Indonesia (Slater 2004). However, Slater further explained that the problem of horizontal accountability in the Indonesian political context faces challenges by the scourge of the “accountability trap.” Slater dubbed this condition by considering the clash between the formal and informal politics established in Indonesia by exerting cartels to stifle the competition of electoral contestation (Slater 2004). The formation of coalitional parties in Indonesia has generated drawbacks that are responsible for attenuating horizontal accountability due to their ability to be performed by the legislature to check the power of executives. However, there is room for hope to make horizontal accountability present in Indonesian politics. Nieves Zúñiga (2018) claimed that there is a pre-condition to achieving accountability: the provision of transparency (Zúñiga et al. 2018). In general, there is an assumption that the existence of transparency would result in better governance, additional accountability, and less corruption (Bovens 2006: Koppell 2005: Mulgan 2012). The response to the demand for accountability is often increasing transparency levels based on the assumption that better and more information would allow citizens, governments, or markets to hold institutions accountable for their policies and performance (Bellver and Kaufmann 2005). Although the link between transparency and accountability could seem obvious in theory, it is not always straightforward in practice.

### 3. The Practice of Checks and Balances as Horizontal Accountability in Indonesia

O'Donnel (1998) clearly mentioned that the primary responsibility of the legislature, the judiciary, and the public administration is to keep the executive in check in order to establish horizontal accountability. Therefore, this section will focus on the relationships between DPR and the president and between the Judiciary and the president at the national level to convey how horizontal accountability works in Indonesian governance.

#### 3.1. The Scarcity of Permanent Opposition in Indonesia Politics

During the reform era, democracy was re-established; however, despite its recognition as a democratic country, the life of the opposition has not been present at an encouraging level in Indonesia. The legacy of the past political system, characterized by weak opposition, has remained significant. During the Presidential Administrations of Abdurrahman Wahid (Gus Dur) (1999-2001) and Megawati Soekarnoputri (2001–2004), the opposition was less regarded, considering that the government fully absorbed the potential of national political power. During Gus Dur's reign, all large and medium-sized parties — PDIP (Partai Demokrasi Indonesia Perjuangan-Indonesian Democratic Prty of Struggle), Golkar Party (Party of Functional Groups), PAN (National Mandate Party), PKB (National Awakening Party), PPP (United Development Party), PBB (Crescent Star Party), PKS (Prosperous Justice Party), and PKP Justice Unity Party) — obtained appointments in the cabinet that were led together with PDIP General Chair Megawati Soekarnoputri, making PDIP the party with the majority of positions held in the government.

In the contemporary situation, the admission of several parties supporting the Red and White Coalition (KMP) into the ranks of the government proves that the opposition remains substantially weak. Parties that initially declared themselves in opposition to the government and even became competitors to the government coalition at the time of the presidential election, including PAN, PPP, and Golkar, easily changed direction by declaring themselves government loyalists. Uniquely, during the Susilo Bambang Yudhoyono (SBY) Administration (2004–2014), cartel politics emerged when the opposition had little meaning and when the government absorbed groups that had the potential to play an opposition role (Ambardi 2009). The reality revealed that the opposition was not working effectively. There has been a slight improvement in the quality of the opposition, especially at the beginning of Jokowi's administration, when parties such as Gerindra and PKS firmly declared themselves in opposition to the government. The current opposition phenomenon, in its development, tends to exhibit a continuation of the old pattern of relations between the government and the opposition. The function of the opposition, most fully performed by KMP, characterizes the phenomenon as limited and ineffective.

Until almost two decades into the reformation, non-party and extra-parliamentary circles performed the role of the opposition, which was sporadic and unusable as a barometer of control over an effective government. As a result, instead of becoming a sphere for a healthy democratic life, Indonesia is currently trapped in an oligarchic practice due to its positioning of the interests of a few above those of the masses. The interests of a group of people close to power often manipulate government policies meant for the people. The interests of a group of people close to power often manipulate government politics meant for the people. Democracy tends to be artificial, thus allowing

the government to reap the results without effective opposition. The failure of the institutionalization of the opposition indicates that the president is not being subject to checks and balances by the parliament. The opposition only exists before the election in the context of electoral contestation marked by the union of all ranks of the leaders of the opposition parties to the elected president. The existing opposition is not based on program conflicts, differences in political views, or ideologies, hence indicating no practice of checks and balances to balance the president's executive power.

### 3.2. The Trend of “*Gemuk*” Coalitions in Indonesia

The political phenomena that occurred in Indonesia, especially considering the implementation of the direct presidential election, sent a message that coalitions are always built by the incumbent President, both at the beginning of the election and during the administration of a government, to maintain power and political stability. However, the formation of a coalition including almost all political parties in the parliament became known as the fat (*gemuk*) coalition.

The trend of forming a *gemuk* coalition manifested after elections in the Reformation era. It was obviously seen after the 2004 elections, as at first, the Presidential Administration of SBY-JK, which was in office from 2004-2009, had a minority coalition in parliament where the vote obtained was only 7.45%, which meant that there were only 56 seats or 10.26% in the DPR (Fitra Arsil, 2017: 215). This minority condition in parliament certainly made the SBY-JK Administration feel insecure; therefore, a *gemuk* was formed in the DPR where almost all parties joined together to form a coalition, except the Indonesian Democratic Party of Struggle (PDI-Perjuangan), which played the role of opposition. The 2009 presidential election resulted in the SBY-Boediono Administration, which held office from 2009-2014 and again led to a fat coalition forming in the DPR. The coalition that succeeded in securing SBY's government for two terms resulted in the next presidential leadership preserving the culture of fat coalitions as a step towards the success of governance. Jokowi, in his first and second terms following the election of 2014 and 2019, also built a coalition following the fat frame in the government, namely during the Jokowi-JK Administration from 2014-2019. Even for the second 2019-2024 term, the Jokowi-Ma'ruf Advanced Indonesian Cabinet brought in figures who were leaders of the opposition party as ministers.

The explanation of how the President formed the above coalition indicates that there currently exists no opposition strong enough to hold the President responsible for horizontal accountability. The formation of these coalitions is based on cartel politics and has led to the accountability trap. This condition reflects what Slater has mentioned about the accountability trap that hinders democratization in governing the state at the national level.

## 4. Horizontal Accountability of the Judiciary to Examine the President

Indonesia's judicial institution, the Constitutional Court, has the authority to hold the president responsible for horizontal accountability and is specifically responsible for handling the impeachment process against the president and/or vice president. Regarding the impeachment process, there is a requirement that the Constitutional Court must render a decision based on the opinion of the DPR that the president and/or vice president is suspected of having violated the law in the form of treason against the state, corruption, bribery, crime, disgraceful behavior, and/or no longer fulfills the

requirements for president and/or vice president. The procedure for impeaching the president and/or vice president is essentially a series of long processes and requires the involvement of several high state institutions, including the People's Representative Council (DPR), the People's Consultative Assembly (MPR), and the Constitutional Court. Each high state institution has different duties and authorities in the impeachment process. The initiation of the impeachment process can be submitted only by the DPR, which must submit it to the People's Consultative Assembly. Accordingly, not all high state institutions can propose the impeachment of the president and/or vice president. The DPR represents the political power of political parties winning general elections in the country, which consists of factions and commissions.

The DPR's opinion that the president and/or vice president has violated the law or no longer fulfills the requirements as president and/or vice president is in the context of carrying out the DPR's oversight function. The hope of the oversight function is that the president and/or vice president will remain on the "straight path" corridor in carrying out their duties and obligations. The DPR can only submit a request to the Constitutional Court with the support of at least 2/3 of the total number of DPR members present at a plenary meeting attended by at least 2/3 of the total number of DPR members. This requirement is difficult to fulfill because the majority of DPR members come from the election-winning party and its coalition partners. Therefore, the DPR cannot arbitrarily submit a request for the impeachment of the president and/or vice president without the support of at least 2/3 of its members.

If the Constitutional Court decides that the president and/or vice president has violated the law, the People's Representative Council holds a plenary meeting to submit the proposal to dismiss the president and/or vice president to the People's Consultative Assembly. The MPR Plenary Session should be attended by at least 3/4 of the members and approved by at least 2/3 of the members present, after which the president and/or vice president has the opportunity to present their explanations at the MPR plenary session. Thus, the MPR's decision ultimately determines whether or not impeachment can proceed.

In this regard, the issue regarding the conducting of impeachment proceedings against President Susilo Bambang Yudhoyono (SBY) was once widely heard, especially concerning developments in the investigation into the Bank Century case. The results of the temporary conclusions of the DPR special committee regarding Bank Century show that the government received support from two factions, namely the Democratic Party and the National Awakening Party (PKB). Seven other political parties, PKS, Golkar Party, PDIP, Gerindra, Hanura, PPP and PAN, conversely stated that granting Bank Century bailout funds violated the law. In the beginning, false accusations were aimed only at monetary authorities and assistants to the President. But, as development progressed, political parties began to emerge, although not in a "vulgar" direction towards the President, because they too were considered partly responsible for how the government was running, especially regarding the bailout process for Bank Century.

Based on the explanation above, in Indonesia's current constellation, it seems that the conditions for impeaching the president are not easy to fulfil; based on the results of the presidential election, the Democratic Party, which supports SBY and Boediono, has received genuine support from more than 60% of its constituents. So the requirement of support by 2/3 of the number of DPR members is also not easy to achieve because the majority of DPR members come from the Democratic Party with the support of their coalition partner political parties. Of course, the Democratic Party and

its coalition will try their best to thwart the impeachment efforts of their political opponents. Measures taken towards impeachment are currently difficult to attain because DPR is mostly part of the fat coalition and is allied with the president.

The impeachment process is long, not easy, and involves several state institutions, including the DPR, the Constitutional Court, and the MPR. Moreover, quantitatively, members of the DPR are dominated by the election-winning political parties (Democratic Party) and their coalitions, so the requirements for the impeachment of the president and/or vice president must receive support from at least two third of the total number of members of the DPR present at a plenary session where at least two third of the total members of the DPR are present. This task seems challenging to fulfil because the Democratic Party and its coalition would likely make every effort to thwart the impeachment efforts of their political opponents. So, efforts leading to presidential impeachment are not easy to accomplish because the mechanism required to enact it is quite long, with conditions that are also not easy to satisfy. The challenge to examine presidential accountability leads to the paradox of horizontal accountability because accountability is almost non-existent since the Constitutional Court reviews the president based on a parliamentary decision.

## 5. Conclusion

The root of political science is power; however, this power is characterized by opacity. Considering the opaqueness of power, the concept of accountability arises to control and prevent the abuse of power. Existent is the paradox of horizontal accountability resulting from the unequal power and resources between actors. To resolve this paradox, ideally, both parties form relatively autonomous agencies that do not stand in a relation of formal subordination or superiority to one another. In other words, horizontal accountability presupposes a prior division of powers and a particular internal functional differentiation of the state. In the case of Indonesian politics, the unequal power between the executive, legislative, and judiciary branches is the result of formal and informal institutions. The legislative has unequal authority to check the president's accountability because it has been weakened by cartel politics seen as necessary to form a coalition with the government before and after the election. Meanwhile, the judiciary has a similar dilemma where presidential impeachment requires the provision and convention of parliamentarians co-opted by the government coalition. This condition even further leads to an accountability trap.

Moreover, the absence of opposition as the last resort to institutionalize horizontal accountability from the legislative branch toward the president has also contributed to the degradation of the quality of democratic governance in Indonesia. The design of a representative institution that places a second chamber with limited functions solely in terms of legislation has exacerbated this condition. As a result, under this condition, it is obvious that the implementation of horizontal accountability is almost non-existent. In addition, there is an imbalance of function and authority between the first and second chambers of the Parliament, leading to the absence of internal checks and balances within parliament. This condition evidences the paradox of horizontal accountability by resulting in unequal power between state actors. ■



## References

- Adserà, A, Boix, C. and Payne, M. 2003. "Are You Being Served? Political Accountability and Quality of Government." *Journal of Law, Economics, and Organization* 19, 2: 445-490.
- Ambardi, K. 2009. *Mengungkap Politik Kartel: Studi Tentang Sistem Kepartaian di Indonesia Era Reformasi*. (Uncover Political Cartel, a study of Political Party in Indonesia in the Reformasi era) Jakarta: Kepustakaan Populer Gramedia.
- Arndt, Christiane and Oman, Charles. 2006. *Uses and Abuses of Governance Indicators*, Development Center Studies. Paris: OECD Publishing.
- Buehler, M. 2010. "Decentralisation and Local Democracy in Indonesia: The Marginalisation of the Public Sphere in Aspinall." in E., & Mietzner, M.(Eds.) 2010. *Problems of Democratisation in Indonesia: Elections, Institutions and Society*. Institute of Southeast Asian Studies.
- Choi, E., & Woo, J. 2010. "Political Corruption, Economic Performance, and Electoral Outcomes: A Cross-National Analysis." *Contemporary Politics* 16, 3: 249-262.
- Coppedge M, Gerring J, Lindberg SI, Skaaning S, Teorell J, Altman D, Andersson F, Bernhard M, Fish SM, Glynn A, Hicken A, Knutsen CH, Marquardt KL, McMann K, Mechkova V, Miri F, Paxton P, Pernes J, Pemstein D, Staton J, Stepanova N, Tzelgov E, Wang Y, Zimmerman B. 2016. 2016 V-Dem Dataset Version 6.2. Varieties of Democracy V-Dem Project.
- De Almeida Lopes Fernandes, Gustavo Andrey, Marco Antonio Carvalho Teixeira, Ivan Filipe de Almeida Lopes Fernandes, and Fabiano Angélico. 2020. "The Failures of Horizontal Accountability at the Subnational Level: A Perspective from the Global South." *Development in Practice* 30, 5: 687-693.
- Hagopian, F. 2016. "Brazil's Accountability Paradox." *Journal of Democracy* 27, 3: 119–128.
- Hamid, Sandra. 2012. "Indonesian Politics in 2012: Coalitions, Accountability and the Future of Democracy." *Bulletin of Indonesian Economic Studies* 48, 3: 325-345.
- Hidalgo, D. F., J. Canello, and R. Lima de Oliveira. 2016. "Can Politicians Police Themselves? Natural Experimental Evidence from Brazil's Audit Courts." *Comparative Political Studies* 49, 13: 1739–1773.
- Jones, G. W. 1992. "The Search for Local Accountability." in S. Leach (editor). *Strengthening Local Government in the 1990s*. London: Longman, 49-78.
- Katz, Richard S., and Peter Mair. 1995. "Changing Models of Party Organization and Party Democracy: The Emergence of the Cartel Party." *Party Politics* 1, 1: 5-28.

- Kenney, Charles D. 2003. "Horizontal Accountability: Concepts and Conflicts." *Democratic Accountability in Latin America* 165: 55.
- Khotami, Mr. 2017. "The Concept of Accountability in Good Governance." In *International Conference on Democracy, Accountability and Governance* (ICODAG 2017), 30-33. Atlantis Press.
- Kristiansen, Stein, Agus Dwiyanto, Agus Pramusinto, and Erwan Agus Putranto. 2009. "Public Sector Reforms and Financial Transparency: Experiences from Indonesian Districts." *Contemporary Southeast Asia* 31, 1: 64-87.
- Lindberg, S. I. 2009. "Accountability: The Core Concept and Its Subtypes." Africa Power and Politics. Working Paper No.1.
- Lührmann, Anna, Kyle L. Marquardt, and Valeriya Mechkova. 2020. "Constraining Governments: New Indices of Vertical, Horizontal, and Diagonal Accountability." *American Political Science Review* 114, 3: 811-820.
- Mainwaring, S. and Welna C. 2003. *Democratic Accountability in Latin America*. Oxford: Oxford University Press.
- Melo, M. A., C. Pereira, and C. M. Figueiredo. 2009. "Political and Institutional Checks on Corruption: Explaining the Performance of Brazilian Audit Institutions." *Comparative Political Studies* 42, 9: 1217–1244.
- Mulgan, R. 2000. "Accountability: An Ever-Expanding Concept?" *Public Administration* 78, 3: 555-573.
- O'Donnell, G. 1998. "Horizontal Accountability in New Democracies." *Journal of Democracy* 9, 3: 112-126.
- Praca, S., and M. M. Taylor. 2014. "Inching Toward Accountability: The Evolution of Brazil's Anticorruption Institutions, 1985–2010." *Latin American Politics and Society* 56, 2: 27–48.
- Rodan, Garry, and Caroline Hughes. 2014. *The Politics of Accountability in Southeast Asia: The Dominance of Moral Ideologies*. Oxford: Oxford University Press.
- Said, Muhtar, Ahsanul Minan, and Muhammad Nurul Huda. 2021. "The Problems of Horizontal and Vertical Political Accountability of Elected Officials in Indonesia." *Journal of Indonesian Legal Studies* 6: 83.
- Sakib, N. H. 2020. "Horizontal Accountability to Prevent Corruption." *Global Encyclopedia of Public Administration, Public Policy, and Governance*, 1–6. doi:10.1007/978-3-319-31816-5\_3930-1



- Schedler, Andreas. 1999. "Conceptualizing Accountability." in Marc F. Plattner, Larry Diamond, and Andreas Schedler, *The Self- Restraining State: Power and Accountability in New Democracies*, Boulder: Rienner Publishers, 13-29.
- Schmitter, Philippe, and Terry Karl. 1991. "What Democracy Is and Is Not." *Journal of Democracy* Summer 1991: 103-109.
- Schmitter, Philippe C. 1999. "The Limits of Horizontal Accountability." in Marc F. Plattner, Larry Diamond, and Andreas Schedler, *The Self-Restraining State: Power and Accountability in New Democracies*. Boulder: Rienner Publishers, 59-62.
- Slater, Dan. 2004. "Indonesia's Accountability Trap: Party Cartels and Presidential Power after Democratic Transition." *Indonesia* 78: 61-92.
- Williams, A. 2015. "A Global Index of Information Transparency and Accountability." *Journal of Comparative Economics* 43: 804-824.
- Ziegenhain, Patrick. 2015. *Institutional Engineering and Political Accountability in Indonesia, Thailand and the Philippines*. Singapore: Institute of Southeast Asian Studies.
- Zúñiga, Nieves, Matthew Jenkins, and David Jackson. 2018. *Does More Transparency Improve Accountability?* Transparency International.

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