

[Interim Report Series: Vertical Accountability in Asia]

Analyzing the Vertical Accountability in Indonesia Democracy

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1. Introduction

Conceptually, citizens in all regime types can exercise government accountability (Lindberg 2013). The possibility of acquiring government accountability is more likely to happen in democratic countries, especially vertical accountability. The reason is luminous since elections have been the core of democratic governments where the citizens transfer their power to the elected officials to govern. This act of delegating authority empowers the government to perform its authority legally. On the other hand, it generates the responsibility of the government to be responsible and accountable for its doings. Therefore, vertical accountability is reflected by the ability of the citizens to hold their government accountable through elections.

As with many democratic countries, Indonesia has conducted elections to elect executives and legislative members at the national level since 1995. However, only legislative elections had the direct election system, while the People's Consultative Assembly (MPR) appointees elected the president and vice president. The system was improved by the successful reformation conducted by activists, scholars, and students in 1998, followed by establishing the direct election system for executive and legislative members. In the post-reformation, the government has consistently held regular elections at both local and national levels once every five years. Indonesia has conducted approximately six national elections since 1998, in 1999, 2004, 2009, 2014, 2019, and 2024.

Ideally, the more experienced Indonesia is in holding regular elections, the more powerful its citizens are to acquire government accountability. However, after a significant lapse in the post-1999 era, the score of vertical accountability in Indonesia has failed to improve. Based on V-Dem data on the vertical accountability index in Indonesia, on a scale of 0-1, Indonesia achieves a score of 0.85, which means the citizens have the power to hold the government accountable through elections or other channels of political participation. However, it has slightly decreased since 2018, showing no improvement in pulsing vertical accountability to the maximum level, as depicted by the figure below.

Figure 1. Index of Vertical Accountability in Indonesia

This decreasing trend of vertical accountability is in line and parallel with the decline of democratic regimes happening worldwide, specifically in newly democratic countries. Therefore, to prevent democratic decline in Indonesia, vertical accountability must be improved. Theoretical overview refers to O'Donnel (1998), who suggests that a democratic country that lacks vertical accountability has regular elections, social mobilization, and media oversight; however, these are only periodic, irregular, and possibly unreliable. In this regard, scholars are often entitled to the situation by the authoritarian executives that exist when vertical accountability is manifested. Another scholar, Anderson (2008), used the case of Nicaragua and focused on illegal executive behavior by former president Alemán. In her findings, elections and popular mobilization have strengthened the legislature's independence. However, vertical accountability mechanisms have proven more effective than expected in restraining executive authoritarianism and fostering institutions of horizontal accountability. The case of Nicaragua shows that citizens can use the power balance and separate the institutional mandate of presidential democracy to limit authoritarianism.

Therefore, the cure for increasing vertical accountability rests in the effectiveness of elections as the channel for citizens to use to empower elected officials and, at the same time, to demand accountability and control the elected executives and legislatures from their abuse of power or any possibility of wrongdoings. In this regard, the effectiveness of an election relies on the quality of the election itself. When the election has good quality, it will yield accountable and responsible elected officials. However, in the case of a rigged election, the goal of creating a democratic government will fade away. To ensure the election has quality and integrity, especially the quality of political parties, the quality of media freedom, the quality of civil society organizations (CSOs), and the freedom of expression, as well as people participation, many aspects should be exercised. These factors make up the bulk of this paper, which aims to examine the practice of vertical accountability in Indonesia.

Vertical accountability is an essential component of democratic governance, playing a vital role in ensuring that elected representatives remain responsive to the wishes and needs of their constituents in Indonesia and other democratic nations. Based on this background, this study will cover the main analytic focal points, including the quality of elections and political parties for the

former and the quality of media freedom, CSOs, freedom of expression, and the engagement of citizens in the elections and politics. This study coverage aims to identify the gaps between the institutional mechanisms of vertical accountability and the actual performance over time in the case of Indonesian democracy, specifically to analyze the quality of elections, political parties, media freedom, CSOs, and the freedom of expression and citizen engagement in politics.

2. Legal Framework of Vertical Accountability Mechanism in Indonesia

Vertical accountability in the context of the Indonesian Parliament refers to the relationship between the legislative branch and the citizens or voters. It's a mechanism that allows the people to hold their elected representatives accountable, including the president, vice president, and executives at the local level (governor, regent, or mayor). To those elected, citizens, as the 'vertical' element, have the means to express their expectations, concerns, and evaluations. This process typically involves regular elections, public consultations, and engagement between parliamentarians and their constituents. All of these vertical accountability mechanisms were written legally in the Indonesian constitution (UD 1945) and also in the various laws, including the electoral laws (*Undang-Undang Pemilu 7/2017*), the policymaking laws (*Undang-Undang Pembuatan Undang-Undang*), and the laws on parliamentary members roles (*Undang-Undang Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, dan Dewan Perwakilan Rakyat Daerah/ UU MD3*).

Regarding the electoral laws (*Undang-Undang 7/2017*), national elections are conducted once every five years (periodic election) to choose the president and vice president. The people of Indonesia directly elect the president and vice president via these legislative elections. Every five years, Indonesians also vote for members of the People's Consultative Assembly (Majelis Permusyawaratan Rakyat: MPR), which consists of the Regional Representative Council (Dewan Perwakilan Daerah: DPD) and the People's Representative Council (Dewan Perwakilan Rakyat: DPR). The DPR is the lower house and is made up of elected members, while the DPD represents the regions of Indonesia.

- a. President and vice president elections: These national elections are held every five years. The people of Indonesia directly elect the president and vice president.
- b. Legislative Election: Every five years, Indonesians also vote for members of the People's Consultative Assembly (MPR), which consists of the Regional Representative Council (DPD) and the People's Representative Council (DPR). The DPR is the lower house and is made up of elected members, while the DPD represents the regions of Indonesia.
- c. Local elections: Indonesia conducts elections at the regional level, which includes the election of governors, mayors, and regents.
- d. Village-level elections: At the grassroots level, Indonesians participate in village and sub-district elections to select village chiefs and community leaders. These elections are held every six years.

Aside from electoral laws, the Press Law regulated media freedom. The 1999 Press Law ended the Suharto era censorship and control of information. It further led to the creation of the Dewan Pers, a press council that is independent of the government and which, over the years, has established itself

as an institution capable of settling most media-related disputes out of court. Journalists must nevertheless contend with a blasphemy law that makes it hard to criticize religions and with the Law on Information and Electronic Transaction (*Informasi dan Transaksi Elektronik*: the ITE law), under which journalists can be jailed for up to six years for online defamation (article 27) or online hate speech (article 28). These offences, however, are not clearly defined. The adoption of a new Penal Code in December 2022 poses new threats to the free exercise of journalism, with several provisions relating to blasphemy and articles meant to fight against fake news” that, as they stand, seriously jeopardize investigative journalism. Meanwhile, the law of policymaking, Law 13/2022, regulates public participation and civic engagement.

3. The Quality of Regular Elections in Indonesia

However, deep analyses must expose whether the quality of vertical accountability in Indonesian democracy is at stake because of a recent decision at the Constitutional Court that provided a pathway for the son of the current president to become the candidate for the vice president in the 2024 election.

The experience of holding elections regularly every five years in Indonesia has successfully built up a global perspective that Indonesia has become more and more democratic; however, the fact is that the election process is, to some extent, interfered with by the political elites and the president as the incumbent, so the election result often mobilizes the executives. Consequently, the results are far from the ideal of public interest. The government formed after the election thus serves the interest of the political party elites or the presidential coalitions. In this sense, it is hard to ensure that the electoral mechanism can hold the government accountable since the formation of the elected officials is more determined by the political party elites and the president as the incumbent. This condition nowadays can be seen in the political dynamics toward the recent election in 2024. Recently, the president, as an executive, used his power to politicize the constitutional court to change the age limit required for presidential and vice-presidential candidates. This intention arises from the coalition that supports the president in making the president’s son eligible to run as a candidate for vice president in the recent election. The integrity of the election would be questioned publicly when the president’s son follows the election race, thereby impacting the valuation of democratic procedures in Indonesia.

Even though the electoral result depends on the people, as Indonesia adopted the majority system in the electoral design, the citizens will not easily be free to express their participation both through voting in the election as participating in formal channels and expressing their opinion through the demonstration or creating petitions in the informal tools. The recent news said Constitutional Court Justice Saldi Isra was accused of ethical violation because he depicted his dissenting legal opinion when deciding the age limit for the president and vice-presidential candidates. This condition shows how the government no longer favors different expressions. Related to this condition, the vertical accountability performance in Indonesia is now at a critical point. Therefore, a deep analysis is needed to prevent authoritarian executives from emerging in Indonesia’s democracy.

Vertical accountability in Indonesia is realized through periodic elections and exercised via public hearings, town hall meetings, and direct communication channels between parliamentarians and their constituencies. Citizens possess the right to voice their concerns, demand transparency, and expect their representatives to act in their best interests. This accountability structure ensures that the Indonesian Parliament remains responsive to the needs and aspirations of the people, helping to

maintain the integrity of the democratic process. It also serves as a crucial mechanism for citizens to participate in shaping the nation's policies and legislation by holding their elected officials accountable for their actions, votes, and overall performance.

Indonesia can practice vertical accountability through the following channels:

1. Legislative sessions through which Parliament conducts open legislative sessions where members discuss proposed bills and policies. These sessions are accessible to the public and are often televised or live-streamed.
2. Public hearings serve as a platform for citizens and interest groups to express their views on specific legislative matters. These hearings allow direct interaction between members of Parliament and the public.
3. Each member of Parliament typically has an office that offers constituent services. Constituents can visit these offices to seek assistance, express concerns, or request support on various issues.
4. Members of Parliament may organize public consultations in their respective constituencies. These meetings allow constituents to discuss concerns and provide input on legislative matters.
5. Parliament maintains an official website that provides information on legislative activities, members of Parliament, proposed bills, and contact details. Constituents can access important information and resources through the website.
6. Many members of Parliament use social media platforms to engage with constituents. They share updates, host Q&A sessions, and interact with the public through platforms that include X (formerly Twitter), Facebook, and Instagram.
7. Town hall meetings are organized in various regions, allowing constituents to meet with members of Parliament face-to-face, ask questions, and share their opinions on legislative issues.
8. Constituents can send letters, emails, or other forms of correspondence to their representatives to express concerns, seek assistance, or provide feedback on legislative matters.
9. Parliamentarians engage in community outreach programs, attending local events and meetings to remain accessible and in touch with the concerns of their constituents. Members of Parliament may visit their constituencies to directly engage with constituents and learn about local issues and needs.
10. Members of Parliament often appear in the media, including television and radio programs, to discuss legislative matters and interact with the public.
11. Parliament provides regular reports and updates on its activities, such as passing bills, committee work, and budget discussions. These reports may be distributed to the public or made available online.

4. The Quality of Political Parties

Vertical accountability is essential for maintaining a healthy and vibrant democracy in Indonesia. It ensures that political parties remain connected to the electorate, responsive to their needs, and transparent in their operations. It also encourages parties to uphold their commitments, fostering trust and legitimacy among the citizenry. Vertical accountability serves as a cornerstone of democratic

governance, enabling citizens in Indonesia to influence the actions and policies of political parties and, ultimately, to shape the country's political landscape. Unfortunately, these attempts are hardly achieved since the political parties have several problems that undermine their ability to serve the people's aspirations in influencing public policies.

Institutional aspects, including personalization issues, oligarchy, transparency, and internal democracy, comprise the problems of political parties. Also, many studies reveal that political parties in the reform era have not been able to become public institutions that demonstrate their responsibility towards their voters. Compared to the regimes before reformation, in the New Order era, political parties became the ruling political machines more directed at the interests of perpetuating the status quo. Meanwhile, when entering reform, political parties faced huge demands from society, while political parties were not yet ready with good institutions. Several factors mean that the party's institutional level has not developed well. The existing parties are generally relatively new, so the party infrastructure has not been well developed. Apart from that, parties often experience conflicts that drain energy and time so that there is no time to build political party institutions. Political party elites have yet to make a political party article of association and by laws for managing political parties.

Considering these problems, political parties are unable to play their functions optimally. Political parties lack the ability to mobilize and represent citizens' interests or connect citizens with the government. Thus, the conditions of political parties reduce public trust in political parties, political party elites, and their representative members. The basic level of party identification (party ID) proves this condition. Based on the results of a national survey conducted by *Indikator Politik* in 2021, the political party ID is approximately 7 percent. The data reflected that only 6.8 percent of 1,200 respondents across all provinces in Indonesia stated that there was a political party that they, the respondents, felt close to. The data from the remaining 92.3 percent reflected that none were attached to any political party.

5. The Quality of Media Freedom

Media freedom is defined by the ability of journalists to report freely on matters of public interest and is a crucial indicator of democracy. In this regard, a free press is critical in establishing vertical accountability since it has the ability to inform citizens of their leaders' successes or failures, convey the people's needs and desires to government bodies, and provide a platform for the open exchange of information and ideas. When media freedom is restricted, these vital functions break down, leading to poor decision-making and harmful outcomes for leaders and citizens alike. As a result, the citizens will lack information to engage with the government agenda.

Unfortunately, the freedom of the media in Indonesia is not in good condition. Based on a survey result of Reporter without Borders (RSF), Indonesia has been ranked 108 out of 180 countries. This data seems in line with the data from the Indonesian Press Council's Press Freedom Index (*Indeks Kemerdekaan Pers: IKP*) released in 2022, which stated that Indonesia scored 77.88 on the index, 1.86 points higher than the previous year. According to the Press Council, in the last five years (2018-2022), the IKP has increased, indicating that the national press is in a state of sufficient freedom to broadcast information and news. Several provinces with the highest IKP include East Kalimantan (83.78), Jambi (83.68), and Central Kalimantan (83.23). The provinces with the lowest IKP were West Papua (69.23), North Maluku (69.84), and East Java (72.88), which suggests that journalists in

Indonesia have challenging situations where they were likely to have faced intimidation, arrest, and physical violence while investigating a corruption case or a case related to the political elites holding positions in the government.

The condition is made worse by the existence of the Indonesian Criminal Code (*Kitab Undang-Undang Hukum Pidana: KUHP*) and Law on Information and Electronic Transactions (*Informasi dan Transaksi Elektronik: ITE*), which contains several articles that threaten the freedom of the press and threaten journalists and press companies as perpetrators of criminal acts when carrying out journalistic duties. In addition, there was a blocking of eight platforms at the end of July 2022, which impacted the work of journalists. Meanwhile, attacks on journalists and the media continued to occur. AJI Indonesia recorded 61 cases in 2022, targeting 97 journalists and 14 media organizations. This figure has increased from the previous 43 cases in 2021. From January to April 2023, there were already 33 cases of attacks on journalists. This figure increased from the same period in 2022, which was 15 cases. Attacks against journalists include threats of being banned from reporting, harassment and prosecution, deletion of coverage, physical abuse, sexual/gender-based violence, digital attacks, and terror and intimidation.

6. The Quality of Civil Society Organizations (CSOs)

Mass organizations are close to the community due to their participation in providing basic services, especially to those untouched by the government. In addition, mass organizations are usually formed based on similar characteristics, such as religion or ethnicity, so that ties with their members become stronger. Public perception of mass organizations tends to be based on the activities, behaviour, or even the direction of the mass organization's political views. Mass organizations can also be people's choice to enter politics without involvement in practical politics. Interesting characteristics of mass organizations in Indonesia are political cadre formation and community empowerment. In many countries, cadre formation and community empowerment are the main things that differentiate between political parties and mass organizations or interest organizations in general. In Indonesia, large mass organizations have the capacity to carry out cadre formation, as seen from their representation in public positions. This capability is significant, especially in specific areas dominated by mass organizations.

Existing laws and regulations (Local Government Law, Mass Organizations Law, and Community Participation in Political Party) are sufficient to accommodate the continuity of mass organizations, including participation in the political process. However, what needs attention is its implementation. At the regional level, the strong will from regional governments to involve mass organizations in formulating regional policies, especially the strategic policies that give impact to society. Regional governments need to provide easy access to information so that mass organizations are willing and able to be involved in formulating these policies. In addition, members of mass organizations can be provided with political education to improve the quality of political participation of mass organizations and to promote synergy with political parties and political party wing organizations.

Unfortunately, the fact that the number of mass organizations is not positively proportional to the population of Indonesia accompanies the conditions for improving the quality of political participation of mass organizations. As of October 2023, data from the Ministry of Home Affairs

shows that the number of mass organizations that are legal entities has only reached 561,020, meaning that the number of mass organizations, which ideally play a very important role in political education, supervision, and implementation of the upcoming elections, is not enough to significantly guard the Indonesian people, which has a population of more than 200 million.

7. The Quality of Freedom of Expression

The quality of freedom of expression is experiencing significant challenges because data on the decline in democracy scores in Indonesia, captured by Freedom House in 2023, results from the decrease in scores for freedom of expression in Indonesia. There are at least three indications of narrowing space for civil liberties in Indonesia, including the weakening of the press through media conglomeration and repression of journalists, the taking away of digital freedom, which is part of human rights, and the erosion of academic freedom on campus.

The space for civil liberties is getting narrower, mainly because there are still many violations of freedom of opinion and assembly. For example, there are a series of prohibitions on gatherings or demonstrations, blocking information, forced disbandment, organizational restrictions, and acts of intimidation. Referring to data collected by YLBHI (*Yayasan Lembaga Bantuan Hukum Indonesia*: Indonesian Legal Aid Foundation) through CSOs spread across 16 provinces, the highest data on civil rights violations is the freedom to express opinions in public and gather with 6,128 victims throughout 2019. The details of the victims are 43 percent students, 9 percent activists, and 1 percent journalists. Meanwhile, the perpetrators of the most violations were the police, namely 69 percent.

At least more than 30 of them were children, and approximately 51 people were declared dead. Asfinawati said this data was higher than last year and emphasized that violations of civil liberties during the Jokowi administration were getting worse. Because YLBHI currently only collects case data from 16 provinces, the data could also be larger. The criminalization rate is also high, and this generally occurs when people express their voices to defend their rights. For example, when the state confiscates land in the name of development, this results in criminalization. Then, during the anti-mining movement in 2019, labor actions and reform actions were carried out.

There were 47 criminalization cases against civilians, with 1,019 victims throughout 2019. Among the criminalization that often occur are arbitrary arrests by law enforcement officers. The authorities also carried out a hunt against people who took part in the action and were about to go home. The hunt for someone accused to be criminal was searched everywhere to their home, their office, everywhere. Even if they are voluntarily reported they would be treated harshly. Those activists who were caught by police were usually arrested and beaten arbitrarily. In fact, according to YLBHI, almost all of the people arrested were also beaten, which is considered inhumane. YLBHI suggest that there is no need to use violence if the victim does not resist at all and surrenders.

8. The Quality of Citizen Engagement in Politics

Civic engagement is often referred to as civic participation, and it concerns all actions related to citizens, whether carried out individually or in groups, to support the policies made by the government and through various activities in the community. Civic engagement requires the government's willingness to open the space for public participation, especially in public policymaking. Indonesia

has several channels for civic engagement, such as public hearings when making policies at the national level.

Normatively, community participation in forming statutory regulations occurs through providing input as regulated by the P3 Law. Meanwhile, Law 13/2022 was expanded to include all the stages of forming statutory regulations, including planning, drafting, discussing, ratifying or enacting, and promulgating. The most critical stages for receiving community input are the planning, discussion, and preparation stages. Such rights are given to the community as regulated by Article 96 paragraph (1) of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Legislative Regulations (*Undang-Undang Pembentukan Peraturan Perundang-Undangan/UU P3*). The regulations on public participation in UU P3 are quite adequate because it is impossible for legislators to determine more technical matters in law. Therefore, Article 96 paragraph (9) of UU P3 mandates each institution to propose a draft law to regulate more technical matters regarding public participation in DPR regulations, DPD regulations, and presidential regulations.

Unfortunately, in its implementation, public participation in policymaking is often considered ineffective in influencing the government policymaking process. This happens because political lobbying in parliament usually occurs in closed rooms, not in open discussions in the parliament room. The creation of the Omnibus Law is one case that ultimately gave rise to a massive public reaction.

9. Conclusion

It is challenging to establish vertical accountability in the Indonesian government since all aspects previously listed have conditions hindering the ability of citizens to play their role in checking the government's accountability. Although the reform movement has been in place since 1999, the improvement in the democratic institution has failed to sustain vertical accountability. The dynamics of recent election also shows that the public demanding that the government, especially the incumbent president is not to interfere to the process of election especially in enforcing his underaged son to run for election. In the end, the government intervention in the 2024 election remains in place.

This condition violates the essence of the election itself, as the public has to share their voices through the voting mechanism, but because of this intervention, their voices become meaningless. On the other side, the political parties seem to have distanced themselves from the citizens and failed to perform their roles to bring the agenda of the public, therefore successfully cutting out the channel provided for the citizens to ensure the political party representatives execute their demands for accountability in parliament. The dysfunction of political parties is followed by the ineffectiveness of parliament's open forum to engage citizens in policymaking. This condition was worsened by the condition of media freedom, where the independence of journalists to inform and investigate decreased to a certain level.

Based on the quality of elections, political parties, public engagement, and media freedom, these four aspects are essential to achieve vertical accountability. The government must take serious steps to improve these four conditions. ■

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