

Democracy and Its Rollback: Addressing Some Challenges of the Flawed Democratic Countries

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Abstract

In 2015, the Economist Intelligent Unit based in UK had released the Democratic Index covering the report of 167 countries among others are Indonesia and Thailand. Indonesia has 7, 75 total score while Thailand has 5, 09 total score have categorized the two countries into flawed democratic countries. They measured democracy from the following categories namely electoral process and pluralism, functioning of government, political participation, political culture and civil liberties. This paper is aimed at discussing the above five challenges of the so called flawed democratic countries from qualitative perspective employing some literature reviews, analyzing some secondary data and some thoughts of prominent politicians and scholars. Without trying to review the real parameters that have been used by the economist Intelligent Unit during their research, this study will discuss more on the challenges faced by Indonesian and Thailand government in addressing the related issue above. This study will analyze the post 2014 election, by having a look at the dynamics and process of election and its aftermath, some related issues on voting behavior that affecting the political participation (In Indonesia 2014 elections resulted at 75,11% for its legislative election, 69,58% for its Presidential election and Thailand 2 February 2014 election resulted at 47,72% due to boycotting election in 69 constituencies), the development of political culture as well as the issue addressing the implementation of political rights. Some findings suggest furthering the discussion by taking into account the emergence money politics and internal political situation that affecting on people participations in politics. From the preliminary study it is found that both two countries have significant challenges in the future in developing their culture of democracy. The provision of political laws in those two countries will also be examined in order to see the possible improvement for their democratic life performances.¹

Keywords: Flawed Democracy, Its Rollback, Indonesia, Thailand

Introduction

Political Background of Thailand and Indonesia

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Analyzing the development of democracy in practice is very much interesting these days. In many part of the world, democracy has chosen as the country political orientation. Some countries in MENA region (Middle East and North Africa) as for example, these current years they have learnt how to implement democracy as the politics of the country. Some of them are quite successful but some of them experiencing the mass rally in the street and demanding their political rights.

On the other hand, in many part of the world also shows a trend of declining democracy. This trend could be caused by some reasons: Firstly, there is leveling off of in the extent of democracy. Secondly, there has been a rise in incidence of democratic breakdown in the world. Thirdly many of these democratic breakdowns have happened in places that can be considered big, strategically important states, powers in their regions.¹

By considering the above declining trend, we can have a look at the Freedom House category on Political Right and Civil Liberties. Indonesia from 2006 to 2013, Freedom House ranked Indonesia in the category of “Free” but move back to “Partly Free” in 2014-2017. Thailand is also experiencing a decline in term of Political Right and Civil Liberties. According to Freedom House, Thailand has been categorized as “partly free” up to 2014, but categorized as “Not Free” from 2015-2017.²

Herewith, the table below is another trend shown by Democracy Index 2014-2016 of Thailand and Indonesia. This is to draw attention on how both country need to response to the challenged existed in the flawed democracy.

Comparative Democracy Index 2014, 2015 and 2015³

	Thailand			Indonesia		
	2014	2015	2016	2014	2015	2016
Score	5,39	5,09	4,92	6,95	7,03	6,97
Electoral Process and Pluralism	5,33	4,50	4,50	7,33	7,75	7,75
Functioning of Government	4,29	3,93	3,93	7,14	7,14	7,14
Political Participation	5,56	5,56	5,00	6,67	6,67	6,67
Political Culture	5,00	5,00	5,00	6,25	6,25	6,25
Civil Liberties	6,76	6,47	6,18	7,35	7,35	7,06
Rank	93	98	100	49	49	48

Source: Compared from Democracy Index

From the above table, it shows that in both Thailand and Indonesia, we have some challenges in term of becoming a full democratic country.

¹ See Larry Diamond, How is Indonesia’s Democracy Doing?, East Asia Forum, 29 October 2009 at <http://www.eastasiaforum.org/2009/10/26/how-is-indonesias-democracy-doing/> accessed May 25th, 2017 at 14,45

² See Freedom in The world at <https://freedomhouse.org/report-types/freedom-world>, accessed May 26th,2017, at 16.44

³ Table is a comparative Democracy Index from 2014, 2015 and 2016 Democracy Index of Economist Intelligent Unit, UK.

Regarding with the development of democracy in Southeast Asia, Joshua Kurlantzick once argued that democracy in Southeast Asia was in retreat and indicated three factors that caused it: Most first-generation democracy leaders used their electoral victories to consolidate power against their rivals; the failure of governments to provide effective governance and communication technology has been used by some governments to conduct surveillance on citizens, instead of being used for enhancing democracy.¹

Democracy is not about how international institution gives rank, but it is purely on how we appreciate many aspect of democracy as stipulated above as guaranteeing Political Rights and Civil Liberties. Therefore, any response towards the dynamics development of democracy in two countries is appreciated. Indonesia as for example, has so much to offer to the region in terms of promoting democracy and human rights. However, it does not mean that the rest will follow what has been done in Indonesia and Indonesia leadership.

Indonesia since what the so called Reform Era, is actually has experience a continuous exercises towards the consolidation of democracy. However, challenges are always been there and Indonesia politically has been doing great in trying to response to the above challenges showed by the restlessness discussion and some legal changes in order to accommodate the call for better democracy. However, this institutional effort is not in line with the development of internal political dynamics. It is started during the 2014 Presidential election in which only contested by two pair or president and vice president candidates namely Joko Widodo-Jusuf Kalla and Prabowo Subianto-Hatta Rajasa. It was a head to head competition and resulted at two big coalition group namely KMP (Merah Putih Coalition which consist of Partai Gerindra, Golkar, PAN, PKS, PPP, PBB, Democrat with its 352 seats of 560 seat at parliament) and KIH (Indonesia Hebat Coalition which consist of PDIP, PKB, Nasdem, Hanura, PKPI with its 208 seats of 560 seats at parliament). However, after the casting a ballot take place on July 9th, 2014, the election result shows that Joko Widodo-Jusuf Kalla won the election. The 2014 Presidential election has assumed to left mark of the dynamics-latent- prolonged contestation up to nowadays. If this symptom is maintained up to nowadays, Indonesia is facing democracy rollback where democratic practice is no longer determined by reasonable democratic progressive reason, but based on sentiment towards ethnic, religious, race and inter-group differences.

Thailand after the election in 2014 has marked a declining democratic practice by the voter turnout of 47, 72% as boycotting was on during Election Day. The history of Thai democracy itself is actually started in 1932 when absolute monarchy is replaced by Constitutional Monarchy. So, the year 1932 witnessed the abolition of the absolute monarchy in Thailand. A group of military officers and civilians who called themselves the Khana Ratsadon, literally meaning the "People's Party," seized power from the king and put an end to centuries of royal absolutism. In the Constitutional Monarch, the King Bhumipol Adulyadec functioned as symbolic head of state while the head of Government is led by Prime Minister. The political development after 1932 uprising was quite dynamics by several coup. In 2006, after the ousting of Prime Minister Thaksin Shinawatra due to financial allegation case, there were two big opponent groups namely Red Shirt and Yellow Shirts. After Thailand experience political crises in 2008, Thailand is actually felt into a quite un stable condition by many protests. Again,

¹ See Joshua Kurlantzick, *Regression From Democracy and Its Implications*, at *Southeast Asia Report*, May 2014

Thailand was experiencing political crises in 2013, and it goes on and off up to 2014. With the 2014 election that resulted at half of eligible voters did not cast the ballot, therefore, there is NCPO (National Council for Peace and Order) taking over the situation. Then, Thai began its political history under junta. Thailand has introduced temporary charter as to replace the constitution 2007 that has been abolished by the junta.

Later on NCPO has mainly used article 44 to address the current condition of Thai politics until the formulation of new Constitution. Article 44 is widely known as the tool that the NCPO has invoked to swiftly enforce legislative, administrative, and jurisdictional powers led by Prime Minister General Prayut Chan-o-cha. If the situation is extended, democracy in Thailand will face its rollback by having difficulties in exercising political right and civil liberties due to some restrictions.

Thailand is going to finds itself in the strange political fever with it's up and down of the eagerness to implement democracy on one hand and to respect to the monarchy. With its current situation Thailand has 149 Article 44 orders that have been enacted to deal with a range of topics from reshuffling government officers, establishing special bodies, putting Dhammakaya Temple in a controlled area, granting policing power to military officers, and many other things. Article 44 is part of temporary charter and it will effective until the installation of new government.

Some may say that article 44 was actually used to be part of the charter in 1959 charter. There are some key issues under article 44 which are in education (15 orders), economy (21 orders), bureaucracy (69 orders), security (13 orders), social order (25 orders), Media (3 orders), transportation (2 orders), public healthcare (2 orders) and other issue especially in sport reform (1 order). On bureaucracy, this article mentions the establishment of super committee on administrative reform, reconciliation and national strategy, suspension, appointment and reshuffle of civil servants, including appointment Mayor of Pattaya and Bangkok governor who are usually elected, and selection of the constitutionally independent committee of the National Anti-Corruption Commission. From the stipulations of the article above, it can be seen that this article is very powerful in shaping the future of Thai politics. Since this charter is under the junta, therefore it needs to be seen the influence in making the new constitution. From positive thoughts, the formulation of the new Constitution supposedly consists of rehabilitation of democratic political life, so that the future of Thai democracy is part of the good hope to be resulted by Constitution 2017.

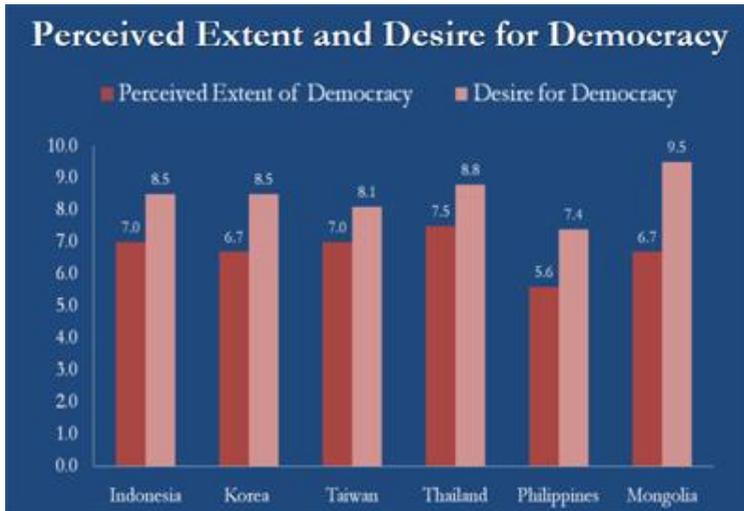
Desirability of democracy

Before going into further detail, actually the implementation of democracy in any country can be measured from the desirability of democracy. Theoretical overview will address that desirability of democracy can be based on the argument that every people has their own political right, and their civil liberties should be protected.

Schattschneider's argument to consider democracy is timeless because he describes a widespread belief in the power of democracy. However, he also realizes that in implementing democracy sometimes people have unrealistic expectations about the power of 'the people'. This is very likely with what Civil Republican thought that people, although they have to

exercise their political right, but they cannot do it by themselves.¹ In this account, Scattschneider believes that the more realistic vehicle for democracy should be led by government, although in the government it is contained undemocratic elements too. So, he provides a series of warnings against the assumption that there is a simple way to encourage popular democracy.²

In one study conducted on the desirability of Democracy it found the fact that in Thailand and Indonesia are both expecting to implement democracy as shown by figure below.³



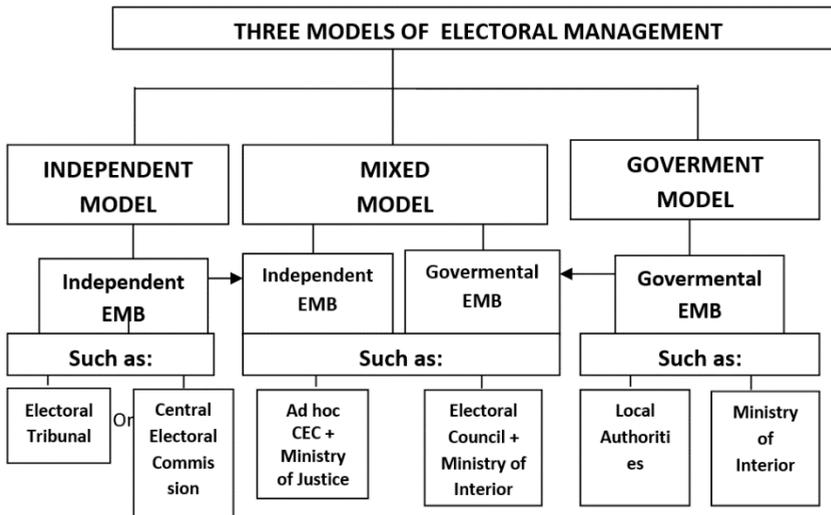
From the study above it shows that in each country they have high expectation to the implementation of democracy in their country. However, in reality, some expectations were not manifested. According to the study, it is caused by internal dynamics of the country. In order to secure the desire towards the implementation of democracy in the country, in the country needs to have a political reform that can be started by having a legal norm as a baseline for bringing up electoral governance. As in the case of Thailand nowadays, after the enactment of new Constitution, it is better to be followed by formulating the political laws that usually includes the law on the electoral commission, the law on the political party, and the law on the electoral management. The law on electoral commission will give legal foundation on the institutionalization of electoral process. It is usually contains of the model of the electoral commission whether the electoral commission is having one of three models of electoral management body (EMB) as can be seen below:⁴

¹ See Vontz, Thomas. 2000. *We Project Citizens*. Washington: USAID, p. 38

² See Schattschneider's *The Semi-Sovereign People: A Realist's View of Democracy* (in America – first published 1960)

³ See Larry Diamond, *ibid*

⁴ See International IDEA, *Handbook of Electoral Management Design*, 2014,p.6



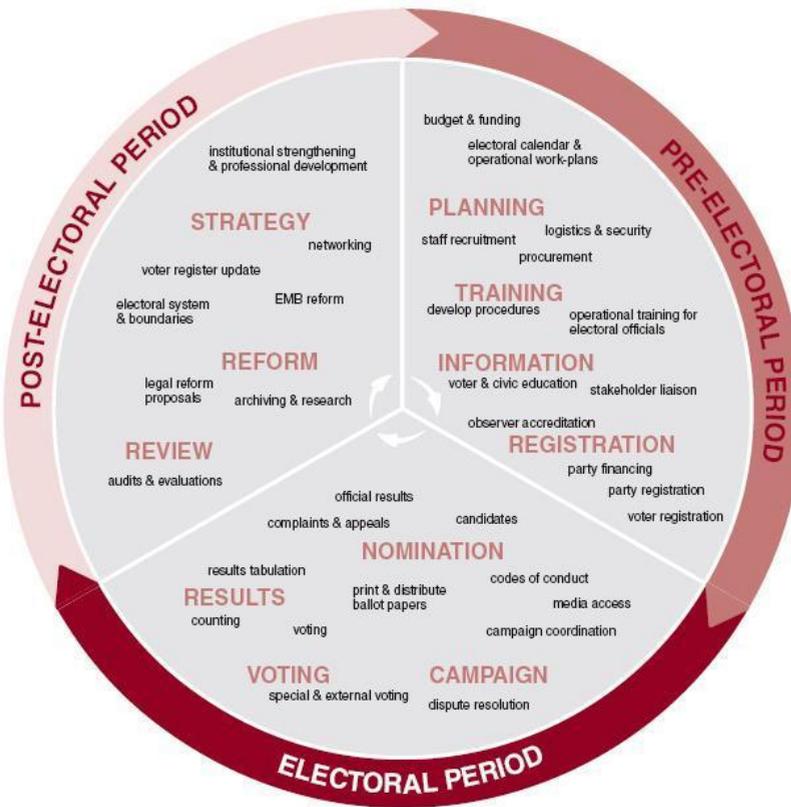
From the law of electoral commission as above mention, it is not only concern on the model of Electoral Management Body taken in the country with each consequence in term of its relationship to other stakeholder of election, but also it will explained the principle of the EMB, the power function of the EMB, composition, role, financial resources of the EMB and last but not least, the nature of the organization. The second law that is considerably important is the law on political party. The law on political party will regulate the installment of political party, the registration and the administration of political party to become electoral contestant. The third law needed to conduct election is the law on electoral management of election itself. It can be in detailed version like what has been implemented in Indonesian election 2014, or just on principal matters of managing electoral cycle. The above three electoral related laws are very important to ensure the running of electoral cycle in the country.

Electoral Process and Pluralism

Following is the discussion of five categories of the democracy index. The first category is on electoral process and Pluralism. To understand the complexity of electoral process, in the following feature, it shows the electoral cycle as formulated by Ace Electoral Knowledge Networks. Basically, the electoral cycle is divided into three stages namely: pre electoral period, electoral period and post electoral period. This cycle ideally is implemented fully in running one election. The Electoral Management Body in turn has its role to formulate the detail of each step within each electoral period.

Electoral Cycle¹

¹ See Electoral Cycle formulated by Ace Electoral Knowledge Networks at aceproject.org

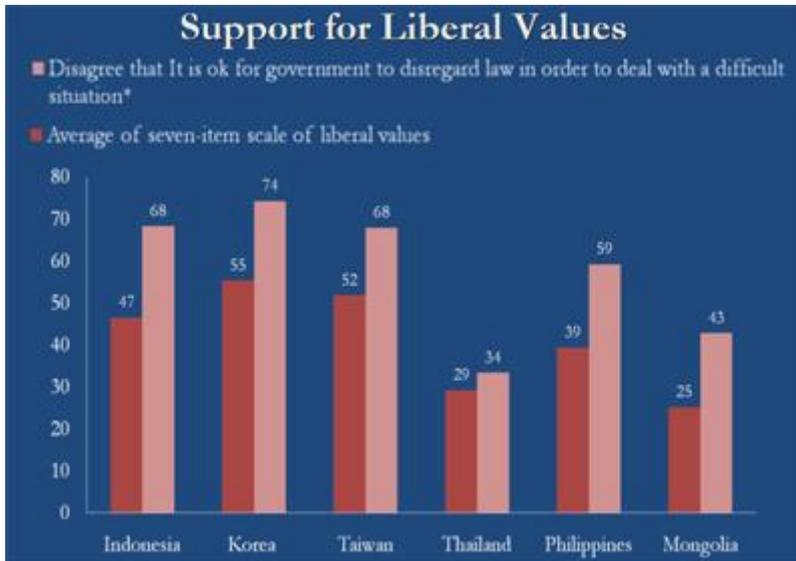


The above cycle is easy to follow especially by newly democratic country. It also gives a hint on what the sequential activities that may be taken following the implementation of particular steps. It gives guidance for any model of electoral management body to implement election in the country. By having this knowledge, an electoral institution can execute single complete election with clear parameter. Therefore, it is hoped that the election run in any country can fulfill all of step and resulted at smooth process and successful result.

Other categories embedded in the electoral process, according to the parameter given by Democracy Index, it will touch upon the implementation of pluralism principle. Pluralism is the recognition and affirmation of diversity within a political body, which permits the peaceful coexistence of different interests, convictions and lifestyles. Therefore, it can be said that election should uplifting the idea of respecting the pluralism principle in the country. It is believe that every country has its own diversity. Therefore, the rank of democracy index is touch upon this value in everyday political life.

The existence of plurality in any country and the successful rate of democracy index are somehow related to the implementation of liberal value in the country. In the category of free country, it is seen that the support of liberal value is higher. Indonesia as for example, from the index it shows that support for liberal values is surprisingly high in Indonesia. It is at 47 per cent. This vastly outstrips Thailand and the Philippines. Since this is usually highly

correlated with education and economic development, and given limited years of experience with democracy, Indonesia is way ahead of other country studied. They are much closer to Korea and Taiwan as in the following table.¹



Functioning of Government

The second parameter that has been analyzed by the democracy index is on functioning of Government. Although in earlier mention, Indonesia is facing a harsh competition during 2014 Presidential election and the sentiment is somehow extended up to nowadays, the government under president elect is function properly. It grows respect to the new government resulted from 2014 election. It is quite different with what has been experienced by Thailand, where nowadays is still under Junta.

The function of government is needed. This is according to Schattsneider that the people are 'semi-sovereign' – only able to exercise their power in a few areas. Therefore, Schattsneider (1975: 12; 119) highlights the need for *government* to intervene:

*Democratic government is the greatest single instrument for the socialization of conflict ... big business has to be matched by ... big democracy. Jones and Baumgartner were actually optimistic about the links between public opinion and government action.*²

The above mechanism is important because there are systematic imbalances in social systems that may require systematic attention. For example, the pressure group system is not pluralistic due to they are representing a small proportion of the population or group of people. The pressure system is largely the preserve of the business class seeking to minimize attention to their activities or from the owner of capital. Within the general knowledge that elected officials within the government can only pay attention to a small number of issues, they cannot bring up all issue. Usually they have to promote a few to the top of their agenda

¹ See Larry Diamond, *ibid*

² Schattsneider, 1975, *ibid*, p.119

and ignore the rest. This is where one kind of power becomes important. They are functioned to leveling up the issue and to attract government attention. The structures of government, such as legislative procedures controlling debate, reinforce this process by determining which conflicts receive attention and which are left un-discussed.

To attract government intention is another problem. Some issues may get more attention such as education, economic issues, poverty alleviation, increasing productivity of farming, etc. rather than sensitive issues such as politics and security. Therefore it can be said that policymaker will pay more attention on the relatively 'safe' issues. But if the existing political life, there are some restriction, interest group and pressure group will likely force on the issue that draw public attention first rather than the sensitive issues that was not gain popular support. In this framework, although the government is functioning, they are functioning in limited area.

Looking in historical terms, and in comparative terms, what Indonesia has achieved after the reformation era is intake (in terms of the development and improvement of democratic institutions, a critical and substantial base of public support for democracy, of trust in public institutions, and, surprisingly perhaps, robust support for liberal values relative to elsewhere in the region) is quite remarkable and is deserving of admiration. This is due to the ability to maintain peace throughout the country and keep trying to increase welfare of the nation. Although, there are always pro and contra in implementation such policy, but frankly it can be said that the government function well, and checks and balances among executive, legislative and judicative powers are also achieved. In this situation, the elite will try to remain at their most power balance in order to retain democracy rollback to happen.

In the current issues in Thailand, the article 44 is an important power according to the temporary constitution of 2014. It gives the power to the head of the NCPO to order, restrain, and suppress or do anything even if these become effective on the legislation, the administration, or the judiciary. In this kind of power, there will be two possible trends which are either NCPO is helping in the succession of elite therefore there will be elite circulation where later on civilian is in power or they will remain in power for some time and only handed to civilian when they think the civilian is ready to hold power. This power is not new because during the whole period of the revolution, there will be always this special kind of power; even if there is election. Therefore, it is necessary need that there will be succession and ensuring circulation of elite within the prepared timeframe. If this can be done, Thailand can refrain from democracy rollback.

Political participation

Political participation in each election is very important in determining the degree of democracy and the result of election. Voting behavior of the people in the country, will significant in reshaping political life, because they will determine who win the seat. In country where they are already mature in democracy, the voting behavior will be significantly influence by the degree of political knowledge of the society towards politics. In contrast, the country where they are still under parochial political culture, the voting behavior will be influenced by parochial aspect such as ethnicity, religion and other socio-cultural attachments. Therefore voting behavior will affect political participation.

In the beginning, it is already quoted that in Indonesia 2014 elections resulted at 75, 11% for its legislative election, 69, 58% for its Presidential election. From the percentage of election result, it is still in modest to high result. During New Order, Indonesia's political participation during election were very high, due to mobilized participation. After the step down of President Soeharto who was in power for 32 years, Indonesia was facing a total reform started in 1998 and in 1999 election was conducted in order to select parliament members and to installing new set of government. The process is achieved with some notes for example: the final result of election cannot be announced by election commission due to internal conflict within election commissioners who consist of 48 persons of political party representatives and 5 (five) persons representing Government. Theoretically this is a mixed model of electoral management body where the members consist of two different sections combining section of government and non-government.¹ After the announcement of parliament member which was then be done by President Habibie, the parliament is starting functioning. Later on, the election in 2004 was done by different model of electoral management body where the members of electoral commission are coming from independent. Therefore, Indonesia is experiencing the use of having government model of EMB during New Order political regime; having a mixed model EMB during transitional period (1999) and after that, having the independent model of EMB started in 2004 election.

Aside from Indonesia, Thailand on 2 February 2014 election resulted at 47, 72% due to boycotting election in 69 constituencies. This was an alarm of having urgent evaluation towards electoral politics of the country. Yet, the development is hoped to get better and transitional period from this situation to better democratic political life is achieved soon by conducting election and respecting the result.

Political Culture

As has been a little bit explained in earlier mentioned, there is political culture embedded in political life of the nation. Gabriel Almond and Sydney Verba have formulated a theory that political culture or civic culture can be divided into three categories namely parochial, subjective and participant. Those divisions refer to the attitude towards political dynamics in the country. At the very least contribution to the development of politics, civic culture is defined as parochial where their attitude towards political life is driven mainly by traditional values in a conservative way. It breeds an attitude in very least participative towards politics. The second category is the subjective culture where people is less likely participate in political life and usually their participation is driven by certain subjective value and or ordered as top-down relations. The third dimension of political culture is participant culture where people actively involved in politics.² Hence, from the above overview, it can be seen that in every country, political culture is truly determinant in expecting the development of democracy.

Political culture in the country is not a sole aspect in determining the democracy. The history of the nation is also giving a great impact in the direction of democracy implementation in the country. Country like Indonesia which used to have experienced under authoritative rule during New Order Political format, and later on has been followed by reformation in all

¹ See International IDEA, *ibid*, p.8

² See Gabriel Almond and Sydney Verba, *The Civic Culture, Political Attitude and Democracy in Five Nations*, Sage Publication, Inc, 1963

sectors, enjoying significant development now and it is hoped to harvest a more consolidated democracy. However, challenges are there. With the evidence of the last local election in Jakarta Governor, is shows tremendous challenges towards retracting democracy from its rollback. The last local election in Jakarta shows that there were mushrooming reasons use religious sentiment and pejoratives-assumption towards Chinese ethnicity on one hand and growing unimaginable political solidarity on the other hand. It is clear evidence of the retracting from mature participation in politics.

Civil Liberties

Civil liberties are always underpinning democracy in practice. There are some issues addressing the implementation of political rights. Challenges those are exist in different country maybe different substantially. In Indonesia, although according to Democracy Index, Indonesia is having higher degree of Civil Liberty compare to Thailand as in the example, it does not mean that there is no such challenge in term of securing Civil Liberties. The very current issue fades is on the provision of electronic id during election. The case of fraud in providing electronic id is brought up to the surface and now is still ongoing process in the courtroom. Other fact says that there was such bureaucratic process in obtaining the electronic id. Therefore, to facilitate the implementation of Civil Liberties is an example of challenge exists in Indonesia nowadays.

Current Challenges: Indonesia Perspective

Currently, the challenges for retaining democracy and its rollback to happen in Indonesia are at least closely related to the use of money politics in election and political situation especially triggered by post Jakarta Gubernatorial Election. The emergence of money politics is actually has its long history. We are not sure when it was started, but it said that since there is competition for power, there will be the use of other power to influence the result. This is including the use of money.

In many elections, there were cases involving money politics that were sanctioned if evidence found. From the terminological approach, it is well-known lately the use of money to buy votes and or to smoothening the process of obtaining power. This practice is actually against the idea of appreciating political right of the people. Therefore, this practice should be prohibited by considerable sanctions towards the doers.

Other thing that challenges the political dynamics of implementing democracy is the internal political situation itself. In the country like Indonesia, where we have direct election for executive body as well includes local elections to be conducted in due time in each level of local government, therefore challenges are mainly related to the dynamics of the regions that differ from region to region and how to maintain the process of election remain democratic, with upholding a principle of LUBER JURDIL (Direct, public, free, maintaining secrecy, honest and justice).

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