

Consensus and democracy in Indonesia : Musyawarah-Mufakat revisited

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Abstract

This paper analyzes customary practices of consensus decision making, called *musyawarah-mufakat*, as a basis of democratic stability in Indonesia. *Musyawarah* and *mufakat* (deliberation and consensus) are a traditional decision-making rule in Indonesia which has often been observed in village meetings. This paper argues that this traditional decision-making rule is still employed even in a modernized and democratized Indonesia, not only at rural assemblies but in the national parliament as well. Furthermore, this consensus way of decision making provides an institutional basis for democratic stability by giving every parliamentary player, whether big or small, an equal opportunity to express his/her interests. On the other hand, this system of *musyawarah-mufakat* decreases political efficiency in the sense that it takes a long time to deliberate drafted laws in the parliament.

Keywords: Indonesia, democracy, political culture, legislature

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Consensus and Democracy in Indonesia: *Musyawaharah-Mufakat Revisited*[†]

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Introduction

Why do some democracies succeed and others fail? This question has long been debated among scholars as well as government and societal practitioners. Among comparative political scientists studying democracy, there have emerged three distinctive approaches of explaining democratic performance (Putnam 1993, 9-12). The first approach emphasizes institutional design. This tradition has its roots in formal legal studies such as John Stuart Mill's "Considerations on Representative Government." This school of approach has continued to dominate the analysis of democratic performance right into the twenty-first century and has developed into the most recent version of the rational choice institutionalism. They argue that "institutions matter" in that institutions frame the incentives, strategies, and behaviors of actors in a political system. Appropriately established constitutions hinder all the actors from diverting from democratic decision making so that democratic stability is achieved.

The second approach emphasizes socioeconomic factors. Political

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sociologists such as Aristotle, Robert A. Dahl, Seymour Martin Lipset, and Barrington Moore have stressed various aspects of modernization (e.g., wealth, education, social class) in their discussions of the conditions underlying stable democracy. They argue that economic development changes social balances between classes or creates a new social class (the bourgeois or middle class). Those structural changes, in effect, lead to democratization, and without modernization a country cannot attain a stable and effective democracy.

The third approach emphasizes sociocultural factors in explaining the performance of democratic institutions. This tradition goes back to Plato, later Alexis de Tocqueville, and more recently, Gabriel Almond and Sidney Verba. For example, Almond and Verba argued that citizens in stable democracies are characterized by a particular set of widely shared attitudes and values which they called the "civic culture." Citizens in stable democracies possess a relatively common set of understandings about the appropriate boundaries of government, the sanctity of political rights, and the duties of citizens to preserve them: "If there is no consensus within society, there can be little potentiality for the peaceful resolution of political differences that is associated with the democratic process" (Almond and Verba 1963, 358). Robert A. Putnam (1993), in his *Making Democracy Work*, also argues that democratic stability depends on a specific form of social organization and citizen values which he calls "civic traditions." The literature on democratic consolidation also recognizes the importance of citizen values, norms, and traditions. For example, Juan J. Linz and Alfred Stepan argue that democracy, to be consolidated, has to be "routinized and deeply internalized in social, institutional, and even psychological life" (Linz and Stepan 1996, 5).

Indonesian scholars have become quite familiar with the cultural approaches in studying the politics and society of this country. The most obvious exemplar is the conceptualization of *aliran politics* by Clifford Geertz (1973) which is still influential in analyzing electoral and party politics in Indonesia. Besides, Indonesianists often discuss the political and societal effects of *gotong royong* (mutual help), *kekeluargaan* (familism), and *musyawarah-mufakat* (deliberation-and-consensus) to name a few. However, after Indonesia was democratized, the 1945 Constitution was totally amended to become a wholly new constitution; universal human rights were introduced, and free competition among political forces is guaranteed in electoral, legislative, and governmental arenas. Meanwhile studying the political culture of Indonesia is in decline. Probably since Western democratic systems and practices have been fully accepted in Indonesia of the 21st century, traditional cultures are no longer attracting the attention of Indonesian scholars.

In this paper I would like to bring political culture back into the political analysis of Indonesia's democracy. I focus particularly on the traditional decision-making rule of *musyawarah-mufakat*, and I will present a hypothesis that customary practices of *musyawarah-mufakat*, which can still be observed in various political and social settings from the village community to the national legislature, have contributed to the successful democratic consolidation of Indonesia.

I. *Musyawarah-Mufakat* in Indonesian Politics

For many of the peoples of Indonesia as well as Indonesian scholars,

unanimous consent is an indigenous decision-making rule (Logsdon 1978, 96). Soetardjo (1953, 102) argues, “according to original Indonesian law, every decision, whether accepted or rejected, has to be taken with unanimous consent.” On the other hand, he dismisses a majority vote system like that employed in Western democracies since it is not familiar to the Indonesian people (Soetardjo 1953, 102).

According to Koentjaraningrat, *musyawarah* and *mufakat* grew out of a cooperative spirit that underlies the village sense of community in most Indonesian cultures.

An important manifestation of the *gotong-royong* ethos in most Indonesian village communities is the institution of *musyawarah*. The concept involves the processes that develop general agreement and consensus in village assemblies, which emerge as the unanimous decision or *mufakat*. This unanimous decision can be reached by a process in which the majority and minorities approach each other by making the necessary readjustments in their respective viewpoints, or by an integration of the contrasting standpoints into a new conceptual synthesis. *Musyawarah* and *mufakat* thus exclude the possibility that the majority will impose its views on the minorities (Koentjaraningrat 1967, 397).

However, outsiders cannot necessarily observe a consensus-building process in a village meeting, therefore “it often appears as if it were the head of the village who determines everything in an authoritarian manner, while all other members of the village community act only to approve his decisions (as yes-men)” (Koentjaraningrat 2009, 44, fn. 2). In reality, intensive lobbying is conducted behind the scenes to find an agreeable point between those who proposed and

opposed. Therefore, the official meeting to vote for a final decision is only ceremonial after all the behind-the-scene maneuvers were completed. Koentjaraningrat considers the reason why such a system of conducting meetings is employed in rural communities lies in “a corresponding element in the attitudes of the Javanese, which is to avoid at all costs controversy in public” (Koentjaraningrat 2009, 44, fn. 2).

While *musyawarah-mufakat* is considered as growing out of rural tradition, it has also been incorporated into the national political system. *Musyawarah* is one of the five pillars of the Five State Principles, *Pancasila*, declaring that “democracy guided by the inner wisdom of deliberations (*Permusyawaratan*) amongst representatives.” Article 2 of the 1945 Constitution states that all decisions of the People’s Consultative Assembly (MPR) shall be taken by a majority vote, but when Soekarno established his Guided Democracy, the return to the 1945 Constitution included adoption of unanimous consent (*mufakat*) as the decision-making rule in the Parliament. Soeharto also recognized the importance of the *musyawarah-mufakat* rule to achieve political stability under his authoritarian regime. For example, the 1978 People’s Consultative Assembly Decision on *Pancasila* Ethics Education (*Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia Nomor II/MPR/1978 tentang Pedoman Penghayatan dan Pengamalan Pancasila [Ekaprasetia Pancakarsa]*) stipulates that decisions should be made only after deliberation (*musyawarah*) has reached unanimous consent (*mufakat*) and that the Indonesian nation have to respect decisions made through *musyawarah* and have the responsibility to accept or implement those decisions.

II. *Musyawarah-Mufakat* in Democratized Indonesia

Considering that the decision-making rule of *musyawarah-mufakat* was used for repressive purposes by both Soekarno's and Soeharto's authoritarian governments, there was no forceful adoption of the rule after democratization in 1998. For example, the 1999 Law on Local Government (*Undang-undang Nomor 22 Tahun 1999 tentang Pemerintahan Daerah*) did not stipulate usage of the *musyawarah-mufakat* rule, even allowing village assemblies to adopt majority decision making. In reality, however, village assemblies after democratization and decentralization have adopted both majority rule and *musyawarah-mufakat* rule in a flexible way. Kosuke Mizuno has found that there are still strong tendencies to emphasize the *musyawarah-mufakat* rule in the decision-making process of village assemblies while majority voting is also observed especially in the reactivated village development councils (Mizuno 2006).

The decision-making rule of unanimous consent through deliberation is still used, even after democratization, in the legislative process in the national parliament (*Dewan Perwakilan Rakyat: DPR*). The Rules of Procedure of the Parliament (*Peraturan Tata Tertib DPR RI*) call upon factions to endeavor to deliberate (*musyawarah*) as much as possible to achieve unanimous consent (*mufakat*). It is supposedly not until the failure to achieve unanimous consent that the rule of decision making by majority is allowed to be used. Many of the legislators hold to the norm that the parliament should avoid deciding by vote (Ziegenhain 2008, 161-163). In effect, there is only a small amount of legislation that is passed by majority vote. Even in cases where a specific bill in a

preliminary session is decided on by majority vote, such voting is hardly ever done at the committee stage. The amended 1945 Constitution also stipulates that each bill shall be discussed by the parliament and the president until reaching joint approval, thus requiring consensus between the legislators and the president.

III. *Musyawarah-Mufakat* and Democratic Stability

Is *musyawarah-mufakat* an outdated decision-making rule for democratized Indonesia? Is it inappropriate under democracy since it suppresses the raising of opposing opinions? Will it disappear as democracy is consolidated in Indonesia? I will argue here that *musyawarah-mufakat* can function to consolidate Indonesia's democracy in the way that it functions to integrate plural societies.

Under the Soeharto regime *musyawarah-mufakat* was used to prevent the expression of opposing opinions in the public sphere. *Musyawarah-mufakat* was achieved only among political or community elites, or it was achieved through the show of force whether implicit or explicit. This could happen since, as Koentjaraningrat accurately recognized, *musyawarah* and *mufakat* imply the existence of personalities who, by virtue of their leadership, are able to bring together the contrasting viewpoints or who have enough imagination to arrive at a synthesis integrating the contrasting viewpoints into a new conception (Koentjaraningrat 1967, 397). Under the vertical interactions of authoritarianism, it only functioned to force the people to obey government instructions.

However, with democratization and the guarantee of political rights, *musyawarah-mufakat* cannot be forced from above any more. I would rather argue

that it provides an institutional basis for democratic stability. In democratic settings, *musyawarah-mufakat* can be conceptualized as giving all the players concerned a veto power. In particular, it provides both majorities and minorities with an equal veto power so that minorities can prevent majorities from violating the former's rights and interests unilaterally. When minorities face a situation where their critical rights and interests are at risk, they will even resort to extra-constitutional or undemocratic actions such as a coup d'état in order to protect their rights and interests. Creating many veto points can secure credible commitment by all the players to democracy. Even if the one side transgresses the other's rights and interests unilaterally, the latter can veto such action, and the status quo is restored. As long as any single veto player does not agree to change, the status quo is always chosen. Thus, many veto players affect the stability of policies, the government, and the political regime.

While veto points create political stability, they also affect policy efficiency. The more veto players there are, the more difficult it is to attain agreement among the actors, and the less efficient the policy response to changing environment is. In fact, policy inefficiency can be observed in Indonesian legislation. The author has found that Indonesia's parliament has not been so productive in legislation since democratization despite of the great need to enact various laws in order to adjust the legal system to the new democratic environment (Kawamura forthcoming).

Table 1 shows the number of laws and other regulations enacted under post-democratization governments. We have to be careful when comparing the number of enacted laws and regulations since there were differences in terms of

governments and political institutions during the four-year period of constitutional amendments between 1999 and 2002, but the most productive government in enacting laws after democratization was that of President Habibie, which enacted 66 laws during his presidential term of one year and five months, or 45 laws per year. Most of the 66 laws were proposed by the government. By contrast, the government that was least productive in enacting laws was Wahid's. Only 51 laws were established during his term of one year and nine months, or 28 laws per year. Finally, the number of enacted laws under the Megawati government was 122, or 36 per year, while the number of enacted laws under the first Yudhoyono government (until the end of January 2009) was 153, or 34 per year. When we look at the number of laws proposed by these two governments, it further decreases to 29 laws per year for Megawati and 15 laws per year for Yudhoyono. These numbers show quantitatively that the government and the parliament have failed to pass necessary laws.

Table 1. Number of Established Laws

	Habibie	Wahid	Megawati	1st Yudhoyono
Law	66	51	122	153
Proposed by Government	61	48	94	67
Initiated by MPs	5	3	28	86
The Number of Established Laws per Year	45.4	28.3	36.7	34.8
Laws Proposed by Government per Year	43.1	27.3	29.0	15.6
Laws Proposed by Government per Year except for Laws on New Regional Government	28.9	14.2	17.9	15.6
Government Regulation in lieu of Law (Perpu)	3	3	4	12
Government Regulation (PP)	118	219	211	321
Presidential Regulation	---	---	---	384
Presidential Decision (Kepres)	255	318	350	100
Presidential Instruction (Inpres)	31	17	21	36

Source : Kawamura (Forthcoming).

Note : The data refer to the first Yudhoyono government as of the end of January 2009.

Legislative inefficiency can also be observed when we analyze deliberation periods, which refers not to the total number of days spent deliberating the bill, but to the period from the day that the bill was presented to parliament to the day of its ratification by the president, enabling the bill to be promulgated as a law. Table 2 shows the average periods of deliberation under the Megawati and Yudhoyono governments. Under the Yudhoyono government, it took over a year on average to enact a law. The deliberation periods for the laws proposed by the government were a little shorter than for those proposed by the legislature, but even so, it took almost a year to turn these government-proposed bills into legislation. It should be noted in particular that it took on average over 600 days to deliberate economic laws. This indicates that, although the most pressing issues before the Yudhoyono government were economic growth, the creation of employment opportunities, and the eradication of poverty, Yudhoyono could not effect a speedy passage of bills even on legislative procedures related to his own policy requirements.

While long periods of deliberation and a small number of approved bills were caused by the weak legislative power of the president, his weak partisan power, and the fragility of coalitions (Kawamura forthcoming), the *musyawarah-mufakat* principle embodied in the legislative decision-making process worsened delays in legislation. In other words, Indonesia has achieved democratic stability at the sacrifice of political efficiency.

Table 2. Periods of Deliberation

	Megawati			1st Yudhoyono		
	Number of Laws	(N)	Period (days)	Number of Laws	(N)	Period (days)
Average period of Deliberation	122	66	250.0	153	141	397.7
<i>Laws Proposed by Government</i>	94	49	166.6	67	56	355.3
Politics & Justice	17	8	392.5	7	7	435.0
Local Autonomy	1	0	n/a	3	3	74.5
Economy	23	4	557.5	21	18	606.5
Society & Religion	1	0	n/a	6	5	95.0
Budget	8	0	n/a	9	8	86.9
Settlement	4	0	n/a	4	4	473.0
New Regional Government	36	35	74.4	0	---	---
Ratification	4	2	95.5	17	11	137.5
Perpu	4	1	94.0	12	7	110.4
<i>Laws Initiated by MPs</i>	28	17	490.4	86	85	419.4
Politics & Justice	9	9	610.0	10	10	744.4
Local Autonomy	4	2	375.5	2	2	429.5
Economy	7	1	759.0	6	6	622.8
Society	3	1	737.0	5	5	453.8
Religion	0	---	---	3	2	1057.0
New Regional Government	5	4	149.8	60	60	321.0

Source : Kawamura (Forthcoming).

Note : The data refer to the first Yudhoyono government as of the end of January 2009.

Conclusion

The experience of Indonesia's successful democratization poses many interesting questions for scholars as well as government officials, and the causes for this success story have yet to be fully analyzed theoretically or comparatively. Indonesian scholars tend to speak and write in their own language which cannot be easily understood by scholars studying other countries. We have to change our academic culture to share Indonesia's experience with scholars from all over

the world, something that is particularly necessary in the studies of political culture.

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