
Constitutional Repair through Opposition Reform: Designing the Right of the Opposition and Incentive Systems to Counter Democratic Deterioration in Indonesia

Mei Susanto¹✉
Susi Dwi Harijanti²
Indra Perwira³
Muhammad Yoppy Adhi Hernawan⁴

^{1,2,3}Universitas Padjadjaran, Indonesia

⁴University of Melbourne, Australia

✉ m.susanto@unpad.ac.id

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Abstract

This article explores the deterioration of democracy in Indonesia attributed to the lack of effective opposition within its presidential multiparty system. The dominance of fat coalitions in the legislature has undermined the checks and balances function of the House of Representatives (DPR), reducing it to a body that merely approves government proposals including problematic legislation and controversial public programs without meaningful scrutiny. The lack of institutional support and incentives for opposition parties has contributed to this dysfunction, as coalition participation offers access to public office, funding, and legal protection, while opposition yields none. In response, this article proposes the institutionalization of the Rights of the Opposition, which includes: the right to hold leadership positions in DPR organizational bodies; special rights in the legislative process such as the right to delay the deliberation of constitutionally significant or publicly controversial bills; the right to initiate and lead oversight mechanisms; influence budget deliberations; and participate in the appointment of public officials. It also outlines the need for specific incentives such as protocol privileges, financial resources for policy research, and eligibility for state honours. Framed within the concept of *constitutional repair*, the article identifies key pathways for reform based on four interrelated aspects: specificity, feasibility, temporality, and priority. These reforms

1. Introduction

The systematic deterioration of democracy has become an existential threat to Indonesia's constitutional system, reaching critical levels during President Joko Widodo's administration (2014-2024)¹ and demonstrating alarming continuity under President Prabowo Subianto (2024-2025).² This phenomenon represents not merely democratic dysfunction but a fundamental subversion of constitutionalism—the doctrine of power limitation and separation achieved through the strategic manipulation of legal instruments. The result is a constitutional framework that maintains its textual form while being emptied of its substantive checks and balances.

This article employs the term "deterioration of democracy" in line with related concepts such as democratic decay,³ democratic backsliding,⁴ democratic

¹ Thomas P. Power, "Jokowi's Authoritarian Turn and Indonesia's Democratic Decline," *Bulletin of Indonesian Economic Studies* 54, no. 3 (2018): 307–38, <https://doi.org/10.1080/00074918.2018.1549918>; Edward Aspinall and Eve Warburton, "Indonesia: The Dangers of Democratic Regression," paper presented at Third International Conference on Social and Political Sciences (ICSPS 2017), Ciputat, Indonesia, *Proceedings of the Third International Conference on Social and Political Sciences (ICSPS 2017)*, Atlantis Press, 2018, <https://doi.org/10.2991/icspss-17.2018.1>; Saiful Mujani and R. William Liddle, "Indonesia: Jokowi Sidelines Democracy," *Journal of Democracy* 31, no. 4 (2021): 72–86. Thomas Michael Power et al., eds., *Democracy in Indonesia: From Stagnation to Regression?*, Indonesia Update Series (ISEAS Yusof Ishak Institute, 2020). Firman Noor and Sri Nuryanti, eds., *Indonesian Perspectives on Democracy* (Springer Nature Singapore, 2025), <https://doi.org/10.1007/978-981-96-3137-7>.

² Michael Buehler, "Indonesia in 2024," *Asian Survey* 65, no. 2 (April 1, 2025): 263–74, <https://doi.org/10.1525/as.2025.65.2.263>; Burhanuddin Muhtadi, "Collective Memory, Democratic Ambivalence, and Authoritarian Notions of Democracy: Explaining the Rise of Prabowo Subianto," *Journal of Current Southeast Asian Affairs*, April 29, 2025, <https://doi.org/10.1177/18681034251337763>.

³ Tom Gerald Daly, "Democratic Decay: Conceptualizing an Emerging Research Field," *Hague Journal on the Rule of Law* 11, no. 1 (April 2019): 9–36, <https://doi.org/10.1007/s40803-019-00086-2>.

⁴ Natasha Wunsch and Philippe Blanchard, "Patterns of Democratic Backsliding in Third-Wave Democracies: A Sequence Analysis Perspective," *Democratization* 30, no. 2 (2023): 278–301, <https://doi.org/10.1080/13510347.2022.2130260>; Stephan Haggard and Robert Kaufman, "The Anatomy of Democratic Backsliding," *Journal of Democracy* 32, no. 4 (2021): 27–41, <https://doi.org/10.1353/jod.2021.0050>.

regression,⁵ constitutional retrogression,⁶ abusive constitutionalism⁷ and others. These terms refer to situations in which a democratic regime gradually transforms into a more authoritarian one not through military coups but via the manipulation of democratic institutions and legal mechanisms to consolidate power. In this context, Indonesia has become a “less democratic” country, a characterization that, according to Larry Diamond, also applies to other nations, such as Turkey, Colombia, and Mexico.⁸

Why has this deterioration occurred in Indonesia? This article argues that one of the primary causes is the absence of an effective counterbalancing force in the Indonesian House of Representatives (*Dewan Perwakilan Rakyat*-DPR) throughout President Joko Widodo’s two terms (2014–2024)⁹, a situation that has persisted into the early phase of President Prabowo Subianto’s administration (2024–2025).¹⁰ This absence stems from the ability of both presidents to form broad, dominant (oversized/fat) coalitions in DPR, even incorporating parties that did not originally support them during the general elections. Notably, Prabowo Subianto was Joko Widodo’s political rival in the 2014 and 2019 presidential elections. Following his defeat, however, Prabowo joined Joko Widodo’s ruling coalition in 2019. Later, as Joko Widodo approached the end of his constitutionally limited second term, he endorsed Prabowo in the 2024 presidential election, running alongside Joko Widodo’s son, Gibran Rakabuming Raka.

This article analyzes how fat coalitions emerged due to two structural deficiencies: (1) the lack of formal institutionalization of opposition roles in legal frameworks for DPR and (2) the absence of incentives for parties to remain outside government. We argue

⁵ Eve Warburton et al., “Explaining Indonesia’s Democratic Regression: Structure, Agency and Popular Opinion,” *Contemporary Southeast Asia* 41, no. 2 (2018): 255–85, <https://doi.org/10.1355/cs41-2k>.

⁶ Aziz Huq and Tom Ginsburg, “How to Lose a Constitutional Democracy,” *UCLA Law Review* 78 (2018): 80–169.

⁷ Jorge González-Jácome, “From Abusive Constitutionalism to a Multilayered Understanding of Constitutionalism: Lessons from Latin America,” *International Journal of Constitutional Law* 15, no. 2 (2017): 447–68, <https://doi.org/10.1093/icon/mox017>.

⁸ Larry Diamond, “Facing Up to the Democratic Recession,” *Journal of Democracy* 26, no. 1 (2015): 141–55, <https://doi.org/10.1353/jod.2015.0009>.

⁹ Read Frank Feulner, “The Indonesian House of Representatives and Its Role during Democratic Regression,” *The Theory and Practice of Legislation* 12, no. 2 (2024): 229–51, <https://doi.org/10.1080/20508840.2024.2351763>.

¹⁰ Muhtadi, “Collective Memory, Democratic Ambivalence, and Authoritarian Notions of Democracy.”

that "constitutional repair"-achieved through the institutionalization of opposition, coupled with carefully designed incentives can counteract democratic deterioration.

"Constitutional repair" refers to efforts to restore and enhance democracy when it faces systemic challenges and decline.¹¹ The concept, proposed by Tom Gerald Daly, is aligned with other theoretical frameworks such as *constitutional restoration* (András László Pap),¹² *restorative constitutionalism* (Rosalind Dixon and David Landau),¹³ and the model offered by Jack M. Balkin in his seminal work *"How to Do Constitutional Theory While Your House Burns Down"*.¹⁴ Balkin outlines four interlinked questions: (1) constitutional diagnosis ("what has gone wrong with our constitutional system?"); (2) repair ("what can we do in the short run to repair the damage that has already occurred to our democracy?"); (3) reform ("what reforms are necessary, either through constitutional amendment or sub-constitutional means, to strengthen our constitutional democracy for the long run?"); and (4) maintenance ("what institutions can we shore up or create to maintain our constitutional democracy as it meets the challenges ahead?").¹⁵ Daly further explains constitutional repair through four interconnected dimensions: specificity (pinpointing the precise damage requiring rectification), feasibility (assessing what is pragmatically achievable to amend), temporality (differentiating between short-term and long-term strategies), and priority (determining which issues necessitate immediate attention).¹⁶

This article examines Indonesia's democratic deterioration and constitutional repair theories, focusing on two main research questions: (i) how significantly has the lack of a well-institutionalized opposition contributed to the deterioration of democracy in Indonesia? (ii) How might the enhancement of opposition institutionalization, reinforced by the right of opposition and a system of incentives, facilitate constitutional

¹¹ Tom Gerald Daly, "Constitutional Repair: A Comparative Theory," *DEM-DEC Constitutional Repair Working Paper Series 2* (December 2023): 1–32.

¹² András László Pap, "Constitutional Restoration in Hybrid Regimes: The Case of Hungary and Beyond," *Intersections* 8, no. 1 (2022): 191–207, <https://doi.org/10.17356/ieejsp.v8i1.990>.

¹³ Rosalind Dixon and David Landau, "Healing Liberal Democracies: The Role of Restorative Constitutionalism," *Ethics & International Affairs* 36, no. 4 (2022): 427–35, <https://doi.org/10.1017/S089267942200048X>.

¹⁴ Jack M. Balkin, "How to Do Constitutional Theory While Your House Burns Down," *Boston University Law Review* 101, no. 5 (2021): 1723–70.

¹⁵ Balkin, "How to Do Constitutional Theory While Your House Burns Down."

¹⁶ Daly, "Constitutional Repair: A Comparative Theory."

repair in Indonesia? Building on these questions, the article seeks to identify the core problem behind Indonesia's democratic decline, namely the weakened checks and balances function of the DPR. In response, it proposes strengthening the institutional foundation of the opposition through a "right of the opposition" framework, accompanied by a structured incentive design as part of a broader constitutional repair strategy. The novelty of this article lies in its concrete proposal for a rights-based and incentive-based model of opposition, which has not been addressed in previous literature on Indonesian constitutional reform or democratic resilience.¹⁷

2. Problem Statement

The central issue addressed in this study is the gap between the constitutional design of Indonesia's House of Representatives (DPR), which is mandated to perform checks and balances through its core functions namely legislation, budgeting, and oversight—along with the institutional and individual rights attached to those functions, and the actual political practice. This constitutional mandate has been significantly diminished by the emergence of an overly broad and self-serving ruling coalition (fat-coalition), characterized by an uncritical, unanimous "yes" culture, which effectively erodes the space for a strong, institutionalized, and adequate opposition.

This article explores how the absence of a strong and institutionalized opposition has contributed to the deterioration of democracy in Indonesia, particularly during the Joko Widodo administration and the early period of the Prabowo Subianto presidency. By analyzing contributing factors including constitutional, statutes and DPR regulatory, as well as the legal and political culture surrounding coalitions and opposition in Indonesia's presidential system, coupled with a multiparty landscape—

¹⁷ Aditya Perdana et al., "The Coalitional Presidentialism and Presidential Toolbox in the Philippines and Indonesia," *JAS (Journal of ASEAN Studies)* 12, no. 2 (2024): 461–81, <https://doi.org/10.21512/jas.v12i2.11449>. Marcus Mietzner and Jun Honna, "Elite Opposition and Popular Rejection: The Failure of Presidential Term Limit Evasion in Widodo's Indonesia," *South East Asia Research* 31, no. 2 (2023): 115–31, <https://doi.org/10.1080/0967828X.2023.2236542>; Muhammad Ulum, "Indonesian Democracy and Political Parties After Twenty Years of Reformation: A Contextual Analysis," *Indonesia Law Review* 10, no. 1 (2020), <https://doi.org/10.15742/ilrev.v10n1.577>; Dan Slater, "Party Cartelization, Indonesian-Style: Presidential Power-Sharing and the Contingency of Democratic Opposition," *Journal of East Asian Studies* 18, no. 1 (2018): 23–46, <https://doi.org/10.1017/jea.2017.26>; Marcus Mietzner, "Coercing Loyalty: Coalitional Presidentialism and Party Politics in Jokowi's Indonesia," *Contemporary Southeast Asia* 38, no. 2 (2016): 209–32.

this article examines how the experience of other countries that institutionalize "the Right of the Opposition" informs its analysis.

As a constitutional repair initiative, this article proposes a model of the "Right of the Opposition" embedded within Indonesia's representative institutions, accompanied by incentive mechanisms for opposition actors. Through these proposals for legal and regulatory reform, the article makes a critical contribution for policymakers in both the DPR and the Executive to consider the institutional strengthening of a functional opposition. Furthermore, it responds to the growing concerns of political practitioners and scholars alike regarding the need to develop and institutionalize the discourse on opposition strengthening in Indonesia.

3. Methods

This article adopts a "socio-legal" method combined with a qualitative approach.¹⁸ On one side, it emphasizes normative analysis and doctrinal reasoning; on the other, it engages deeply with "law in context" by examining the deterioration of democracy in Indonesia, particularly manifested in the absence of an effective opposition within the empirical political landscape.

The study begins with a normative analysis of both the Indonesian Constitution and the relevant legislative and DPR regulations, which notably lack explicit provisions on either coalition or opposition arrangements. Normatively, the DPR is designed as a check-and-balance mechanism, yet in practice, it has been co-opted by the fat-coalition. This is followed by an empirical analysis focusing on the reality of DPR co-optation, the absence of institutional designs for opposition, and the lack of incentives for opposition roles. These empirical problems are assessed within the broader socio-political context marked by democratic backsliding (democratic deterioration). This contextual analysis forms the basis for a qualitative assessment aimed at proposing the

¹⁸ Reza Banakar, *Normativity in Legal Sociology: Methodological Reflections on Law and Regulation in Late Modernity*, 1st ed. 2015 (Springer International Publishing: Imprint: Springer, 2015); Reza Banakar and Max Travers, "Law, Sociology and Method," in *Theory and Method in Socio-Legal Research*, (Hart Publishing, 2005); Adriaan W. Bedner, "Pengantar Editor," in *Kajian Sosio-Legal* (Pustaka Larasan, 2012); Sulistyowati Irianto, "Memperkenalkan Kajian Sosio-Legal Dan Implikasi Metodologisnya," in *Kajian Sosio-Legal* (Pustaka Larasan, 2012).

institutionalizations of opposition rights informed by comparative experiences in other jurisdictions.

The research data consists primarily of legal documents such as constitutional texts, statutes, and DPR rules as secondary data, as well as academic literature including books, journal articles, and prior research, which form the foundation for the normative analysis. In addition, primary data were collected through interviews, focus group discussions, direct observation, and media content analysis, capturing how democratic deterioration and constitutional retrogression manifest in practice through oversized coalitions and weak opposition. These data were analyzed qualitatively, using descriptive analysis and prescriptive modelling to offer institutional reforms through the "Right of the Opposition" and opposition incentive schemes.

4. The Role of Opposition Absence in Democratic Deterioration in Indonesia

4.1. Constitutional Design Problems in Indonesia's Presidential System

Between 1999 and 2002, Indonesia purified its presidential system¹⁹ through the 1945 Constitutional Amendments by adopting a model similar to that of the United States.²⁰ The premise of this presidential system does not officially acknowledge the presence of an opposition in the constitution.²¹ In this regard, Indonesia's constitution does not recognize the notion of a government coalition.

However, there is a crucial provision in the 1945 Indonesian Constitution, particularly in Article 20A, which was amended in 2000. Paragraph (1) states that "The DPR has legislative, budget, and oversight functions." Upon closer examination, the inclusion of this article (particularly the phrase "DPR has an oversight function" serves to emphasize the checks and balances role that the DPR should possess and exercise. Furthermore, paragraph (2) affirms that the DPR has the right to interpellation, the

¹⁹ Saldi Isra, *Pergeseran Fungsi Legislasi: Menguatnya Model Legislasi Parlementer Dalam Sistem Presidensial Indonesia*, Cet. 1 (RajaGrafindo Persada, 2010).

²⁰ Nurlaily Nurlaily et al., "The Substantive Justice in Regional Elections: A Philosophical and Sociological Comparison of Asian, European, And African Countries," *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 1 (2025): 1, <https://doi.org/10.29303/ius.v13i1.1656>. and Achmad Zuhdi et al., "Presidential Partisanship in Indonesian Elections: A Legal and Ethical Analysis," *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 1 (2025): 1, <https://doi.org/10.29303/ius.v13i1.1635>.

²¹ Ahmad Yani Anshori and Landy Trisna Abdurrahman, "Constitutional Contestation of the Islamic State Concept in the Indonesian Parliament 1956-1959," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 2 (2024): 1956-59, 2, <https://doi.org/10.18860/j-fsh.v16i2.29572>.

right of 'enquete' (inquiry), and the right to expression. These three institutional rights reinforce the DPR's position and primary function as a counterbalance to the President. Paragraph (3) further stipulates that every DPR member has the right to submit queries, to convey proposals and opinions, as well as the right of immunity. With these three institutional rights, strengthened by individual member rights, the fundamental intent of the 1945 Constitutional Amendments was not merely to purify the presidential system but also to establish the DPR as a representative institution with a primary function of checks and balances, as it is granted institutional and even individual immunity rights.²²

The constitutional framework and original purpose of the amendments were subsequently enshrined in Law No. 17 of 2014 regarding the People's Consultative Assembly (*Majelis Permusyawaratan Rakyat-MPR*), the DPR, the Regional Representative Council (*Dewan Perwakilan Daerah-DPD*), and the Regional People's Representative Councils (*Dewan Perwakilan Rakyat Daerah-DPRD*) (MD3 Law) and DPR Regulation No. 1 of 2014 about Procedural Rules (Tata Tertib). Nonetheless, the MD3 Law and Procedural Rules of DPR articulates the supervisory function in a broad context.²³ Article 70(3) stipulates that the DPR's supervisory role is conducted over the execution of legislation and the state budget (*Anggaran Pendapatan dan Belanja Negara-APBN*). Article 72 (d) similarly asserts that the DPR supervises the implementation of legislation, the APBN, and governmental policies.

Furthermore, the oversight function is carried out by DPR commissions based on the proportionality of political party seats within DPR factions.²⁴ There is no explicit distinction between factions that are the pro-government coalition and those outside the government (the opposition). Likewise, the rights of interpellation, inquiry, and expressing opinions as the DPR's rights concerning important, strategic, and far-reaching government policies are crucial instruments for checks and balances.

²² In the "Guidebook on the Socialization of the 1945 Constitution, it is stated that, in addition to reinforcing the presidential system, the amendments to the 1945 Constitution were also intended to strengthen the role of the DPR) as a check and balance mechanism on presidential power. See Sekretariat Jenderal MPR RI, *Panduan Pemasyarakatan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Dan Ketetapan MPR RI, XIX* (Sekretariat Jenderal MPR RI, 2020).

²³ Undang-Undang No. 17 Tahun 2014 Tentang MPR, DPR, DPD, Dan DPRD (MD3 Law), Pub. L. 17 (2014).

²⁴ Undang-Undang No. 17 Tahun 2014 Tentang MPR, DPR, DPD, Dan DPRD (MD3 Law).

However, these rights are also regulated generally, based on considerations of members and factions rather than coalition or opposition positions. In practice, exercising these rights requires a minimum proposal from members and the involvement of more than one faction of a political party. Articles 194 and 199 of the MD3 Law stipulate that interpellation and inquiry rights must be proposed by at least 25 DPR members and more than one faction. A slightly different formulation applies to the right to express opinions under Article 210 of the MD3 Law, which only requires proposals from 25 DPR members without a faction requirement.

The regulatory framework reveals a common feature in the formulation of provisions governing both the DPR's oversight function and the exercise of its three special rights: the absence of any differentiation between coalition and opposition factions. The DPR's Procedural Rules, which operationalize these functions and rights, do not delineate distinct roles or entitlements for coalition and opposition groups.

A closer investigation reveals that the absence of coalition or opposition faction classifications pervades the DPR's internal structure, as well as the execution of its functions and authority. For example, the DPR's leadership and supporting bodies prioritise seat proportionality and mutually agreed-upon packages over considerations of coalition or opposition. Similarly, when carrying out its tasks and authorities, such as at DPR meetings, decisions are made based on the proportionality of factions or individual member participation.

From the discussion, both constitutional and implementing rules suggest the existence of a constitutional issue under the 1945 Constitution. On the one hand, it identifies the DPR's principal role as a counterweight to the President; yet, the regulation of this role does not consistently allow the DPR to function successfully as a check. What is the reason for this? The solution lies in the unregulated conduct of coalitions and oppositions, on the one hand, and the absence of equitable and adequate regulations that would enable the opposition to balance power, on the other, to achieve success. Further discussion will illustrate how large government coalitions can undermine the DPR's balancing function while a weak and ineffective opposition is reduced to a mere observer owing to the lack of unique privileges that would allow it to fulfil its duty.

4.2. The Problem of the Paradigm "Opposition is not an Indonesian Political Tradition" and the Patterns of the Presidential System with Multiparty Variants

Aside from the constitutional and regulatory considerations previously discussed, there are two additional issues. *First*, some politicians believe that opposition is not part of Indonesia's political tradition. In general, this paradigm originates from the "political trauma" of repeated cabinet rises and falls during Indonesia's early independence (1945-1959) under a liberal democracy with a parliamentary system.²⁵ For example, after being elected President, Prabowo Subianto declared that the opposition did not reflect Indonesian culture but rather a "Western" propensity for "infighting" and refusal to cooperate.²⁶ However, such assertions by Indonesian politicians frequently result in contradictions and inconsistencies, as they have previously admitted that democracy needed opposition to thrive.²⁷

Furthermore, in Indonesian constitutional and political traditions, cynicism toward opposition is glorified. Opposition is sometimes viewed as incompatible with Pancasila democracy, which is built on deliberation and cooperation.²⁸ It is also frequently viewed as mere hostility, hollow rhetoric, or even a disruptor of government programs. Due to these beliefs, opposition figures often receive little to no public support or compassion. As a result, political parties exercising opposition responsibilities are not always compensated positively for their stance.²⁹ This sharply contrasts with the formation of political parties into government coalitions. These parties not only obtain

²⁵ Nurcholish Madjid, *Membangun Oposisi Menjaga Momentum Demokratisasi* (Jakarta: Voice Center Indonesia, 2000), p. 5-6.

²⁶ Petir Garda Bhwana, "Prabowo Subianto Invites Parties to Collaborate; 'Opposition Is a Western Value,'" *Tempo*, August 28, 2024, <https://en.tempo.co/read/1909370/prabowo-subianto-invites-parties-to-collaborate-opposition-is-a-western-value>. Fadel Prayoga, "Bamsoet: Kita Enggak Butuh Oposisi, yang Diperlukan Gotong Royong," *Kompas.tv*, December 4, 2024, <https://www.kompas.tv/nasional/499808/bamsoet-kita-enggak-butuh-oposisi-yang-diperlukan-gotong-royong>.

²⁷ *The Jakarta Post*, "Prabowo Would 'Respect' PDI-P as Opposition," *The Jakarta Post*, December 13, 2024, <https://www.thejakartapost.com/indonesia/2024/12/13/prabowo-would-respect-pdi-p-as-opposition.html>.

²⁸ Muhammad Taufiq et al., "Tengka, Identity Politics, and the Fiqh of Civilization: The Authority of Madura's Kiai in the Post-Truth Era," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 1 (2024): 1, <https://doi.org/10.18326/ijtihad.v24i1.139-165>.

²⁹ See Agus Sjfari, "Paradoks Demokrasi Tanpa Oposisi," *Kompas.id*, May 6, 2024, <https://www.kompas.id/baca/opini/2024/05/05/paradoks-demokrasi-tanpa-oposisi>.

ministerial positions or strategic executive roles but also acquire access to diverse resources. In addition to their seats, coalition parties exert direct influence over development projects and expenditures. They also gain access to finance and procedural privileges. In certain instances, they are afforded legal protection, both personally and for wider commercial interests. Consequently, aligning with a coalition is perceived as providing significant compensation and incentives.³⁰

Meanwhile, opposition in Indonesia, on the other hand, is not only deemed unconventional and met with mistrust, but it also comes with disincentives, such as limited access to public official positions, programs, budgets, and protocol privileges, as well as the potential for legal inquiry targeting individual members or businesses.³¹ In this context, being in opposition is tantamount to enduring a prolonged "absence from public appointment" (*puasa jabatan*) or, even worse, facing the constant threat of politicized criminal prosecution. This reflects a broader institutional disincentive structure that punishes rather than respects the democratic function of opposition. In Indonesia, it is exceedingly rare for a political party to remain in opposition for more than a decade, illustrating the high political cost of staying outside the ruling coalition. For example, the Indonesian Democratic Party of Struggle (PDI-P) spent ten years in opposition during the Yudhoyono presidency (2004–2014), while Gerindra remained in opposition from 2009 to 2019. The Prosperous Justice Party (PKS) also served as a consistent opposition party during Jokowi's two terms from 2014 to 2024. Other parties, such as the Democratic Party, served in opposition for even shorter periods, highlighting a pattern in which opposition is neither institutionalised nor incentivised but rather avoided due to its perceived political marginalisation and vulnerability.

The second, in Indonesian political practice particularly post-constitutional reform, which affirmed the purification of the presidential system while accommodating a multiparty system forming a government-supporting coalition became a tactical means

³⁰ Yohan Wahyu, "Mana Tahan Partai Oposisi?," *kompas.id*, November 10, 2019, <https://www.kompas.id/baca/utama/2019/11/11/mana-tahan-partai-oposisi>.

³¹ Wahyu, "Mana Tahan Partai Oposisi?"; "Parpol Bertahan Jadi Oposisi? Burhanuddin: Rentan Dikriminalisasi," *Kabar Petang TvOne*, directed by TvOneNews, Jakarta, February 20, 2024, <https://www.youtube.com/watch?v=oFn1yrAF2c4>.

of strengthening the support base.³² This is primarily due to the prevalence of "minority governments," in which the elected President does not command a majority in the legislature. Given this reality, establishing large coalitions has become a regular pattern in presidential systems with multiparty versions, such as those found in many Latin American countries. In Indonesia, coalition behaviours are also unavoidable.³³

4.3. The Fat Coalition Phenomenon Under Presidents Susilo Bambang Yudhoyono, Joko Widodo, and Prabowo Subianto: What is Distinguishes?

The first direct presidential election in Indonesia was held in 2004 when Susilo Bambang Yudhoyono (SBY) was elected President with the support of the Democratic Party, which held only 55 seats (7.45% of the 550 seats in the DPR). Thus, SBY formed a government coalition to support the United Indonesia Cabinet, which included not only the parties that supported him in the election—the United Development Party (*Partai Persatuan Pembangunan-PPP*), National Mandate Party (*Partai Amanat Nasional-PAN*), National Awakening Party (*Partai Kebangkitan Bangsa-PKB*), Prosperous Justice Party (*Partai Keadilan Sejahtera-PKS*), and Reform Star Party (*Partai Bintang Reformasi-PBR*) but also the Golkar Party, Crescent Star Party (*Partai Bulan Bintang-PBB*), and Indonesian Justice and Unity Party (*Partai Keadilan dan Persatuan Indonesia-PKPI*). SBY's first-term alliance controlled 404 seats (73.45% of the DPR), leaving only 146 seats (26.55%) for opposition parties such as the Indonesian Democratic Party of Struggle (*Partai Demokrasi Indonesia Perjuangan-PDI-P*), Peace and Prosperity Party (*Partai Damai Sejahtera-PDS*), and several minor

³² Febriansyah Ramadhan et al., "Towards a Structural Constitution: Contribution of Presidential Succession Law to the Constitution of Indonesia," *Legality: Jurnal Ilmiah Hukum* 33, no. 2 (2025): 2, <https://doi.org/10.22219/ljih.v33i2.40203>.

³³ See José Antonio Cheibub et al., "Government Coalitions and Legislative Success Under Presidentialism and Parliamentarism," *British Journal of Political Science* 34, no. 4 (2004): 565–87, <https://doi.org/10.1017/S0007123404000195>; José Antonio Cheibub, *Presidentialism, Parliamentarism, and Democracy*, Cambridge Studies in Comparative Politics (Cambridge university press, 2007); Arend Lijphart, ed., *Parliamentary versus Presidential Government*, Oxford Readings in Politics and Government (Oxford University Press, 1992); Scott Mainwaring, "Presidentialism, Multipartism, and Democracy: The Difficult Combination," *Comparative Political Studies* 26, no. 2 (1993): 198–228, <https://doi.org/10.1177/0010414093026002003>; Juan J. (Juan José) Linz, "The Perils of Presidentialism," *Journal of Democracy* 1, no. 1 (1990): 51–69, <https://muse.jhu.edu/pub/1/article/225694>.

parties.³⁴

During his second term (2009), SBY reestablished a coalition that included not only his supporting parties the Democratic Party, PKS, PAN, PPP, and PKB—but also Golkar, which had previously endorsed a different presidential candidate. The second-term coalition expanded further, securing 423 seats (75.5%), but the opposition possessed merely 137 seats (24.5%), comprising the PDI-P, Gerindra Party (*Partai Gerakan Indonesia Raya*-Great Indonesia Movement Party), and People's Conscience Party (*Partai Hati Nurani Rakyat*-Hanura).³⁵

In 2014, Joko Widodo was elected President with the support of the Great Indonesia Coalition (Koalisi Indonesia Hebat-KIH) [PDI-P (109 seats), Nasdem Party (Nasional Demokrat-Nasdem) (35), PKB (47), and Hanura (16)] for a total of 207 seats (37%). Thus, Joko Widodo became a "minority president," confronting the Red-and-White Coalition (Koalisi Merah Putih-KMP), led by Prabowo Subianto, which controlled 63% of the DPR seats (Gerindra, Golkar, the Democratic Party, PAN, PKS, and PPP). Initially, the battle between KMP and KIH for DPR leadership seats resulted in a split legislature, posing a significant danger to Joko Widodo. However, he gradually brought KMP parties into his cabinet, beginning with PPP (October 2014), PAN (September 2015), and Golkar (May 2016). This constituted a watershed moment, as KIH increased its coalition to 386 seats (69%). Meanwhile, the Democratic Party (10.9% of seats) did not openly proclaim itself as the opposition, leaving Gerindra and the PKS (113 seats, 20.1%) as the de facto opposition.³⁶

In the 2019 election, incumbent Joko Widodo faced off against Prabowo Subianto, who was supported by Gerindra (78), PKS (53), PAN (44), and the Democratic Party (54).

³⁴ See Asran Jalal, "Sistem Presidensial Indonesia Masa Kepemimpinan Presiden Soesilo Bambang Yudhoyono (2004-2014)," *Populis: Jurnal Sosial Dan Humaniora* 6, no. 2 (2021): 166-84, <https://doi.org/10.47313/pjsh.v6i2.1256>. Mei Susanto, "Kewenangan Presiden Dalam Pembentukan, Pengubahan, Dan Pembubaran Kementerian Negara Menurut UUD 1945 Dihubungkan Dengan UU No. 39 Tahun 2008 Tentang Kementerian Negara" (Universitas Padjadjaran, 2010).

³⁵ Reza Pahlevi, "Koalisi Pemerintahan Jokowi Saat Ini Lebih Besar dari Era SBY," Databoks, Katadata, June 17, 2022, <https://databoks.katadata.co.id/ekonomi-makro/statistik/7222e1785fc8105/koalisi-pemerintahan-jokowi-saat-ini-lebih-besar-dari-era-sby>; Jalal, "Sistem Presidensial Indonesia Masa Kepemimpinan Presiden Soesilo Bambang Yudhoyono (2004-2014)."

³⁶ Aria W. Yudhistira Pahlevi Reza, "Koalisi Gemuk Pemerintahan Jokowi," June 16, 2022, <https://katadata.co.id/infografik/62ab148241673/koalisi-gemuk-pemerintahan-jokowi>; Pahlevi, "Koalisi Pemerintahan Jokowi Saat Ini Lebih Besar dari Era SBY."

Widodo received 60.7% of the vote from the PDI-P (128), Golkar (85), Nasdem (59), PKB (58), and PPP (19). After losing, Prabowo's coalition splintered, with Gerindra and PAN joining Joko Widodo's cabinet on a justification of post-election reconciliation. By 2019, Joko Widodo's "fat coalition" held 81.9% of DPR seats, with just the PKS and the Democratic Party claiming 18.1%. By 2023, the Democratic Party had joined, resulting in a "super fat coalition" of 90.8%.³⁷

In the 2024 election, despite the presence of three presidential candidates Anies Baswedan (supported by Nasdem, PKB, PKS), Prabowo Subianto (supported by Gerindra, Golkar, the Democratic Party, and PAN), and Ganjar Pranowo (supported by PDI-P and PPP) Prabowo, following his election, assimilated practically all DPR parties into his coalition. Nasdem, PKB, PKS, and PPP, which had previously withheld their endorsements, united to form a fat coalition (81.1%). PDI-P (18.9% of seats) was on the verge of joining, hindered only by opposition stemming from Joko Widodo's endorsement of Prabowo.³⁸

According to these data, each presidential election cycle in Indonesia frequently leads to the establishment of a "minority president". As a result, broad even 'fat coalitions' have become a strategic necessity. This tendency contrasts sharply with the situation of the opposition, which is not only small but also often regarded as ineffective. The dynamics of coalition and opposition under Indonesia's constitutional and political framework, covering from the beginning of the democratic era in 2004 until 2024, can be displayed in the following diagram:

³⁷ Vitorio Mantalean, "10 Tahun Jokowi dan Kepiawaiannya Merangkul Oposisi," KOMPAS.com, October 15, 2024, <https://nasional.kompas.com/read/2024/10/15/12424971/10-tahun-jokowi-dan-kepiawaiannya-merangkul-oposisi>.

³⁸ Lalu Ary Kurniawan Hardi, "Tipu Daya Populisme Prabowo: Memperkuat Polarisasi, Menghilangkan Oposisi," The Conversation, April 9, 2025, <http://theconversation.com/tipu-daya-populisme-prabowo-memperkuat-polarisasi-menghilangkan-oposisi-249746>; Oyuk Ivani, "PDIP Tegaskan Tak akan Jadi Oposisi Pemerintahan Prabowo Subianto," Tempo, January 11, 2025, <https://www.tempo.co/politik/pdip-tegaskan-tak-akan-jadi-oposisi-pemerintahan-prabowo-subianto-1192587>. Risa J. Toha et al., "The Normalization of Intolerance: The 2019 Presidential Election in Indonesia," *Electoral Studies* 74 (December 2021): 102391, <https://doi.org/10.1016/j.electstud.2021.102391>.



Based on the diagram, all Indonesian Presidents form fat coalitions. Nevertheless, if every President routinely uses fat coalitions, are there any distinctions? Presidents in multiparty presidential systems often face minority government situations, making coalition-building a common strategy for securing legislative support. However, as David Altman points out, coalitions under multiparty presidential systems frequently collapse due to a lack of institutionalization.³⁹ Scott Mainwaring adds that such coalitions lack loyalty, making them susceptible to disintegration.⁴⁰ These theses were evident during SBY's administration, when, despite forming a big coalition, he struggled to maintain allegiance, encountering opposition even from coalition members, as evidenced by the 2009-2010 Bank Century inquiry and subsidy reduction denials.⁴¹

However, this concept was not valid during Joko Widodo's presidency. After developing a fat coalition in 2016, he boldly pursued contentious measures, including the 2017 Government Regulation in Lieu of Law (*Peraturan Pemerintah Pengganti*

³⁹ David Altman, "The Politics of Coalition Formation and Survival in Multiparty Presidential Democracies: The Case of Uruguay, 1989-1999," *Party Politics* 6, no. 3 (2000): 259-83, <https://doi.org/10.1177/1354068800006003001>.

⁴⁰ Mainwaring, "Presidentialism, Multipartism, and Democracy."

⁴¹ Jalal, "Sistem Presidensial Indonesia Masa Kepemimpinan Presiden Soesilo Bambang Yudhoyono (2004-2014)."

Undang-Undang-Perppu) on Mass Organizations, which permitted the dissolution of anti-Pancasila groups without court process. Initially directed at Islamic groups such as Hizbut Tahrir Indonesia (HTI) and the Islamic Defenders Front (FPI), this strategy was later expanded to suppress government critics in the name of defending Pancasila. Aside from that, Joko Widodo's coalition enacted Law No. 7/2017 on General Elections in 2017, which established a 20% national vote or 25% DPR seat threshold for presidential contenders. This demonstrates strict requirements for presidential candidates, even though the 2019 election system changed to concurrent elections, rendering the presidential threshold obsolete.⁴²

After winning re-election in 2019 with a massive coalition, Joko Widodo is becoming increasingly unstoppable in managing state policy in the absence of effective DPR oversight.⁴³ The Lighthouse Program (*Program Mercusuar*), which included not just infrastructure development but also the relocation of the National Capital from Jakarta to East Kalimantan, was completed successfully without a meaningful balance from the House of Representatives.⁴⁴ This is seen in the rapidity with which the National Capital Law was created, which took only 43 days to complete.⁴⁵ The Job Creation Law was also developed in a relatively short period, despite modifying approximately 80 laws and containing 1,300 provisions. The Job Creation Law, in addition to its process, is deemed to lack meaningful participation;⁴⁶ its substance also has a significant impact on the threat of environmental degradation and the recentralization process of local government through the transfer of some regional authority to the authority of the

⁴² See Abdurrachman Satrio, "Constitutional Retrogression in Indonesia Under President Joko Widodo's Government: What Can the Constitutional Court Do?," *Constitutional Review* 4, no. 2 (2018): 271, <https://doi.org/10.31078/consrev425>.

⁴³ Suparman Marzuki et al., "Neglecting Laws and Rights of Local Communities: A Human Rights-Based Approach Analysis of the Development of Indonesia's New Capital City," *Brawijaya Law Journal* 11, no. 2 (2024): 215–41, <https://doi.org/10.21776/ub.blj.2024.011.02.03>.

⁴⁴ Anna Maria Tri Anggraini et al., "Ensuring Justice and Utility: Addressing Alleged Monopolistic Practices in Ibu Kota Nusantara," *Jurisdictie: Jurnal Hukum Dan Syariah* 15, no. 2 (2024): 2, <https://doi.org/10.18860/j.v15i2.28765>.

⁴⁵ Rendy Pahrun Wadipalapa et al., "Authority or Authoritarian? The Democratic Threats behind Indonesia's New Capital City," *Contemporary Southeast Asia* 45, no. 3 (2023): 520–43; Indra Perwira et al., "Capital City Relocation in Indonesia: Compromise Failure and Potential Dysfunction," *Cogent Social Sciences* 10, no. 1 (2024): 2345930, <https://doi.org/10.1080/23311886.2024.2345930>.

⁴⁶ Zainal Arifin Mochtar et al., "From Meaningful to Meaningless Participation: The Tragedy of Indonesia's Omnibus Law on Job Creation," *Jurnal Media Hukum* 31, no. 2 (2024): 351–70, <https://doi.org/10.18196/jmh.v31i2.23557>.

central government, all of which are carried out in the name of investment to create jobs.⁴⁷

In addition to the two laws proposed by the government and easily supported by the government coalition in the DPR, the government coalition also proposed amendments to the Corruption Eradication Commission Law (*Komisi Pemberantasan Korupsi-KPK Law*), the Constitutional Court Law (MK Law), and the Health Omnibuslaw Law, all of which were passed through a relatively quick process with minimal participation.⁴⁸ The amendment to the KPK Law to reduce the KPK's ability to eradicate corruption. Consequently, the KPK is no longer able to prevent and combat corruption as effectively as it formerly did. Meanwhile, the revision of the Constitutional Court Law, which alters the age requirements of Constitutional Court judges, the term of office of Constitutional Court judges, and the mechanism for recalling Constitutional Court judges, is a weapon used to undermine the Constitutional Court's independence.⁴⁹

From there, President Joko Widodo and his super-fat coalition co-opted balancing power, killing not only the House of Representatives' supervisory duty but also weakening the Constitutional Court's checks and balances. Yes, opposition parties like PKS exist, but with only 9.2% of DPR seats, PKS is unable to provide an effective balance. Meanwhile, the Constitutional Court's independence was eroding when Joko Widodo approved his younger brother's marriage to the current Chairman of the Constitutional Court, Anwar Usman.⁵⁰ The weakening of the Constitutional Court's independence may be Joko Widodo's escape option after failing to revise the 1945 Constitution, which allows him to prolong his tenure of office or change the clause

⁴⁷ Muhammad Juang Rambe et al., "Shift in Legal Paradigm from Decentralization to Centralization in the Management of Natural Resources Following the Omnibus Law on Job Creation," *International Journal of Synergy in Law, Criminal, and Justice* 1, no. 2 (2024): 2, <https://doi.org/10.70321/ijslcj.v1i2.60>.

⁴⁸ Yassar Aulia et al., "Fundamental Principles of the Legislation Process," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 6, no. 1 (2021): 40–60, <https://doi.org/10.22373/petita.v6i1.109>.

⁴⁹ Idul Rishan, "Constitutional Court Regression in Post- Democratic Transition: A Comparison of Court Packing in Hungary, Poland, and Indonesia," *Constitutional Review* 10, no. 2 (2024): 451–73, <https://doi.org/10.31078/consrev1026>.

⁵⁰ Yerica Lai, "Critics Call Chief Justice to Step down as He Is to Wed Jokowi's Sister," *The Jakarta Post*, accessed December 25, 2024, <https://www.thejakartapost.com/indonesia/2022/03/25/critics-call-chief-justice-to-step-down-as-he-is-to-wed-jokowis-sister.html>. Yerica Lai, "Jokowi Gives Nod to Controversial Removal of Constitutional Justice," *Asia News Network*, November 22, 2022, <https://asianews.network/jokowi-gives-nod-to-controversial-removal-of-constitutional-justice/>.

restricting him to two terms of office.⁵¹ Since 2021, some of the Joko Widodo alliance have shown an interest in changing the 1945 Constitution. However, it was not implemented due to a lack of public support.

The judicial dysfunction of the Constitutional Court serves not only to obstruct the Constitutional Court from daring to annul the problematic law but also to facilitate Gibran Rangkabumi Raka, son of Joko Widodo, in his candidacy for the 2024 presidential-vice presidential election.⁵² In Decision 90/PUU-XXI/2023,⁵³ five constitutional judges, under the leadership of Chief Justice Anwar Usman, who is related to Joko Widodo, provided a conditional constitutional interpretation.⁵⁴ This interpretation stipulates that the age requirement for presidential and vice-presidential candidates is not solely restricted to a minimum age of 40 years; rather, individuals under 40 may qualify if they have been or are currently elected officials through general elections, at least at the municipal or city local government level. Thus, Jokowi's son, Gibran, who is only 36 years old, is running as a vice-presidential candidate alongside Prabowo Subianto as the presidential candidate.

Additionally, during the general election campaign, President Joko Widodo introduced numerous social support initiatives for the community at the end of 2023 and the beginning of 2024.⁵⁵ The flood of social assistance immediately affects the popularity and acceptance of Prabowo-Gibran. The absence of robust opposition in the legislative body makes the distribution of social assistance funds arbitrary. While the DPR possesses the right to apportion its budget, it can indeed prohibit the use of funds

⁵¹ Stefanus Hendrianto, "Term Limits and the Unconstitutional Constitutional Amendment Doctrine in Indonesia," *I-CONnect*, April 13, 2021, <https://www.iconnectblog.com/term-limits-and-the-unconstitutional-constitutional-amendment-doctrine-in-indonesia/>; Ahmad Hatim et al., "The Idea of Presidential Term Limit as an Implicit Unamendable Provision," *Jurnal Konstitusi* 21, no. 4 (2024): 542–64, <https://doi.org/10.31078/jk2142>. Mietzner and Honna, "Elite Opposition and Popular Rejection."

⁵² Simon Butt, *Judicial Dysfunction in Indonesia*, 1st ed (Melbourne University Publishing, 2024).

⁵³ Constitutional Court of Republic Indonesia Decision No 90/PUU-XXI/2023 (Indonesian Constitutional Court October 16, 2023).

⁵⁴ Yance Arizona et al., "Skandal Mahkamah Keluarga: Eksaminasi Publik Putusan Mahkamah Konstitusi Nomor 90/PUU-XXI/2023 Mengenai Batas Calon Presiden Dan Wakil Presiden," Departemen Hukum Tata Negara, Fakultas Hukum UGM, n.d.

⁵⁵ Rofiq Rofiq and Agus Supratikno Agus, "The Failure of the 'Playing Victim' Strategy in Gaining Support: A Study of the 2024 Presidential Election in Indonesia," *JPW (Jurnal Politik Walisongo)* 7, no. 1 (2025): 1–23, <https://doi.org/10.21580/jpw.v7i1.25567>; Muhammad Ishak Syahadat et al., "Politik Pork Barrel: Bantuan Sosial (Bansos) Jokowi Menjelang Pemilihan Presiden 2024," *Journal Publicuho* 7, no. 4 (2024): 4, <https://doi.org/10.35817/publicuho.v7i4.621>.

during a campaign.

Moreover, Decision 90/PUU-XXI/2023⁵⁶ facilitated examination of the Constitutional Court due to the explicit concerns raised by two dissenting judges, Saldi Isra and Arief Hidayat, regarding anomalies in both the procedural and substantive aspects of the ruling, which subsequently led to Anwar Usman being adjudged to have committed a grave infraction by the Constitutional Court Honorary Council (*Mahkamah Kehormatan Mahkamah Konstitusi-MKMK*), the penalty imposed was merely his resignation from the position of Chairman of the Constitutional Court, allowing him to retain his status as a member judge.⁵⁷ Consequently, although Anwar Usman is not among the judges adjudicating the presidential election dispute, he may still sway several other judges aligned with him to reject the allegations of electoral fraud concerning the allocation of social assistance funds and the officials involved.

A series of general elections in 2024 also signal a violation of some major constitutional ethics and morality in Indonesia. Joko Widodo not only enabled his son to compete for vice president but also took several acts that directly and indirectly benefited his son, resulting in the emergence of "dynastic politics" at the highest levels of authority in Indonesia.⁵⁸ Dynastic politics had previously been heavily criticized because it was practised at the local government level. In addition, toward the end of his term, President Joko Widodo amended the Law on State Ministries, removing the maximum restriction of 34 ministries.⁵⁹ This is due to the interests of his successor, Prabowo, who organised a fat coalition to divide cabinet posts, which the State Ministry Law previously prohibited.

President Prabowo Subianto maintained the phenomena of Jokowi's fat coalition, implementing controversial policies at the start of his administration. Following the spoils way to appointing 108 people as ministers and deputy ministers in the Red and

⁵⁶ *Constitutional Court of Republic Indonesia Decision No 90/PUU-XXI/2023*.

⁵⁷ Idul Rishan, "Constitutional Court Regression in Post- Democratic Transition."

⁵⁸ Rendy Wadipalapa and Adam Tyson, "Cross-Party Presidential Dynasticism in Indonesia: Evidence from the 2024 Presidential Elections," *Pacific Affairs* 98, no. 1 (2025): 79–102, <https://doi.org/10.5509/2025981-art4>.

⁵⁹ Muhammad Jihadil Akbar et al., "Presidential Discretion and Ministerial Inflation: A Normative Critique of the Amendment to Indonesia's State Ministry Law," *Invest Journal of Sharia & Economic Law* 5, no. 1 (2025): 1, <https://doi.org/10.21154/invest.v5i1.10540>.

White Cabinets (*Kabinet Merah Putih*) in October 2024, President Prabowo made a breakthrough in early 2025 by issuing Presidential Instruction No. 1 of 2025 on the efficiency of the State Budget. Budget efficiency was previously supposed to be used to fund the Free Nutrition Meal (*Makan Bergizi Gratis*-MBG) program,⁶⁰ but this was changed when the BUMN (*Badan Usaha Milik Negara*-State Own Enterprise) Law was revised, resulting in severe modifications to the BUMN system, one of which was the foundation of the holding company DANANTARA.⁶¹ This is when budget efficiency is considered, as exemplified by the DANANTARA program. As a result, the BUMN Law change, which was completed quickly, is intended to achieve this goal. In addition to the BUMN Law, modifications to the TNI Law (*Tentara Nasional Indonesia*-Indonesian National Military) Law were implemented with fast-track legislation, resulting in civil community rejection.⁶² Nevertheless, President Prabowo faces no significant challenges in executing these objectives and priorities due to his substantial coalition.

The phenomenon of the so-called "fat coalition" between Joko Widodo and Prabowo Subianto significantly undermines the prevailing thesis that government coalitions in Indonesia are inherently unstable and prone to fragmentation. Contrary to this assumption, the Indonesian case illustrates how fat coalitions may function not only as instruments for consolidating executive authority and ensuring programmatic continuity but also as strategic mechanisms for embedding concealed political agendas within formal institutional frameworks.

In this context, the fat coalition serves a dual function. First, it stabilizes routine governance by neutralizing partisan opposition and securing legislative support. Second and perhaps more critically it facilitates a reconfiguration of democratic and constitutional norms. The coalition becomes a conduit for shifting the boundaries of constitutionalism, effectively transforming the separation of powers and democratic

⁶⁰ Center for Indonesia's Strategic Development Initiatives (CISDI), "Makan Bergizi Gratis: Menilik Tujuan, Anggaran Dan Tata Kelola Program" (CISDI, 2025).

⁶¹ Agnes Theodora, "Budget Efficiency Used for MBG and Danantara, What Impact Does it Have on the People?," Kompas.id, February 17, 2025, <https://www.kompas.id/artikel/en-efisiensi-anggaran-dipakai-untuk-mbg-dan-danantara-apa-dampaknya-ke-rakyat>; The Jakarta Post (Editorial), "Danantara and the Austerity Paradox," The Jakarta Post, February 24, 2025, <https://www.thejakartapost.com/opinion/2025/02/24/danantara-and-the-austerity-paradox.html>.

⁶² Yericai Lai, "Opposition to TNI Law Revision Grows," The Jakarta Post, March 20, 2025, <https://www.thejakartapost.com/indonesia/2025/03/20/opposition-to-tni-law-revision-grows.html>.

checks into a centralized, legally justified agenda. This reflects a broader tendency wherein the procedural language of legality is employed to legitimize a political project that may, in substance, weaken the very principles it claims to uphold.

4.4. The Deterioration of Democracy Under Fat Coalition Presidents Joko Widodo and Prabowo Subianto

Based on the preceding discussion, it can be argued that the deterioration of democracy in Indonesia began when President Joko Widodo successfully consolidated a "fat coalition" that effectively eliminated the opposition's capacity to function meaningfully within the political system. It is essential to acknowledge that this coalition was not only expected to be loyal in supporting governmental programs but also to be complicit in a broader agenda: the systematic deterioration of democratic practices and the constitutional order.

To ensure the coalition's loyalty, it was not sufficient to merely distribute ministerial posts. Rather, loyalty was maintained by providing broader access to state resources, including control over development programs, state budgets, and informal guarantees of legal protection from prosecution. In this sense, political loyalty was deeply embedded in the exchange of institutional privileges and impunity.

The role of this fat coalition in undermining democracy and constitutionalism as part of Indonesia's democratic deterioration can be observed through several key mechanisms:⁶³ (i) uncritical legislative support, the coalition consistently endorsed virtually all government-initiated programs, budgets, and legislation without meaningful scrutiny or public deliberation. In many cases, controversial laws were passed through fast-track procedures, bypassing broader consultation. This trend is evident in the passage of the Capital City Law, the Omnibus Law on Job Creation, and the annual budget laws (APBN), all of which were enacted without significant parliamentary dissent; (ii) legislative initiatives to shield the executive: in some instances, to shield the President from direct criticism, the coalition in the DPR initiated its legislative proposals that aligned with executive interests. Notable examples include

⁶³ Please compare with Huq and Ginsburg, "How to Lose a Constitutional Democracy."

the amendment to the KPK Law, which significantly weakened the institution, and the revision of the MK Law, which undermined judicial independence. These legislative initiatives functioned to erode the effectiveness of institutional checks and balances; (iii) support for constitutional manipulation: when necessary, the coalition has engaged in manoeuvres to amend the 1945 Constitution to entrench executive power further and extend the term of office. Even when formal amendments failed, the coalition continued to endorse judicial decisions that weakened constitutional safeguards, including the controversial rulings of the Constitutional Court, without significant oversight or criticism, thereby enabling a soft erosion of constitutionalism; (iv) suppression of civic space:⁶⁴ the coalition also contributed to shrinking public space for dissent. Rather than defending the rights of citizens to criticise government policies, coalition parties often legitimised or overlooked acts of repression. In some cases, criticism was delegitimised under the pretext of combating “radicalism” and “intolerance,” with critics even being reported to law enforcement authorities, effectively criminalizing dissent; (v) undermining political competition: the coalition has taken steps to eliminate political competition by preventing the nomination of potential rival candidates. For instance, the PKS, which initially intended to support Anies Baswedan in the 2024 Jakarta gubernatorial election, withdrew its support and nominated⁶⁵ an alternative candidate after joining Prabowo’s coalition—suggesting a strategic move to neutralize opposition through political co-optation.

5. Opposition Reform as Constitutional Repair

5.1. The Urgency of a Paradigm Shift on Opposition in Presidential Systems

Before examining institutional mechanisms and incentive design to increase opposition, it is crucial to review the current paradigm of opposition in presidential systems. First, the concept that opposition is restricted to parliamentary systems is

⁶⁴ Robertus Robet et al., “The State and Human Rights under Joko Widodo’s Indonesia,” *Cogent Social Sciences* 9, no. 2 (2023): 2286041, <https://doi.org/10.1080/23311886.2023.2286041>; Asrinaldi and Mohammad Agus Yusoff, “Power Consolidation and Its Impact on the Decline of Democracy in Indonesia under President Jokowi,” *Cogent Social Sciences* 9, no. 1 (2023): 2232579, <https://doi.org/10.1080/23311886.2023.2232579>.

⁶⁵ Agus Sutisna et al., “Dinamika Pencalonan Pilkada Jakarta 2024: analisis Kegagalan Anies Baswedan Maju Sebagai Calon Gubernur,” *Electoral Governance Jurnal Tata Kelola Pemilu Indonesia* 6, no. 2 (2025): 2, <https://doi.org/10.46874/x939ct09>.

fundamentally wrong. While it is true that opposition has been institutionalised in Westminster-style parliamentary democracies such as the United Kingdom, Australia, Canada, India, and Malaysia, Elliot Bulmer's comparative research indicates that opposition has also become institutionalised in presidential and semi-presidential systems, including Madagascar, Zambia, Seychelles, and Tunisia.⁶⁶ Furthermore, the habit of opposition is profoundly ingrained in America's two-party presidential system. When the President is a Republican, Democratic members of Congress typically take a critical position, and vice versa.⁶⁷ This dynamic serves as a de facto check-and-balance mechanism, especially in the absence of defined opposition rights or opposition-specific institutional structures. As a result, in a multiparty presidential system like Indonesia, where fat coalitions frequently sideline the opposition, there is a strong case for formalising the opposition's role and providing adequate institutional incentives.

Second, from the perspective of governmental systems, the opposition is often misunderstood as a mechanism for power seizure, as in parliamentary systems where the opposition is expected to be "a political party opposing and prepared to replace the party in power."⁶⁸ On this basis, opposition is often deemed incompatible with presidential systems, which operate under fixed terms of office.⁶⁹ However, it is precisely the fixed-term nature of presidential systems that makes institutionalized opposition necessary not to replace the executive directly but to serve as a vital instrument for democratic oversight and accountability.

Third, the argument that opposition lacks historical precedent in Indonesia is

⁶⁶ Elliot Bulmer, *Opposition and Legislative Minorities: Constitutional Roles, Rights and Recognition* (International Institute for Democracy and Electoral Assistance, 2021), <https://doi.org/10.31752/idea.2021.67>.

⁶⁷ Mei Susanto, "Pelembagaan Oposisi Dalam Badan Perwakilan Rakyat Indonesia," in *Interaksi Konstitusi Dan Politik: Kontekstualisasi Pemikiran Sri Soemantri* (Pusat Studi Kebijakan Negara FH Unpad, 2016); Zainal Arifin Mochtar, "Coalition-Opposition in the Presidential System," *kompas.id*, July 10, 2019, <https://www.kompas.id/baca/utama/2019/07/10/coalition-opposition-in-the-presidential-system>; Don S. Lee and Zsuzsanna B. Magyar, "Separation of Powers, Opposition Strength, and Chief Executives' Strategy," *Governance* 36, no. 2 (2023): 479–97, <https://doi.org/10.1111/gove.12676>; Nelson W. Polsby, "Political Opposition in the United States," *Government and Opposition* 32, no. 4 (1997): 511–21, <https://doi.org/10.1111/j.1477-7053.1997.tb00443.x>; Jeremy D. Bailey, "Opposition to the Theory of Presidential Representation: Federalists, Whigs, and Republicans," *Presidential Studies Quarterly* 44, no. 1 (2014): 50–71, <https://doi.org/10.1111/psq.12087>.

⁶⁸ Merriam-Webster Dictionary, "Definition of OPPOSITION," Merriam-Webster Dictionary, June 14, 2025, <https://www.merriam-webster.com/dictionary/opposition>.

⁶⁹ Linz, "The Perils of Presidentialism."

empirically unfounded. Post-reform political dynamics illustrate the functioning of opposition: the Indonesian Democratic Party of Struggle (PDI-P) effectively assumed the role of opposition during President Susilo Bambang Yudhoyono's tenure, while the Prosperous Justice Party (PKS) attempted a similar role albeit with less effectiveness under President Joko Widodo.⁷⁰ Furthermore, political figures like Prabowo Subianto have publicly stated that the absence of PDI-P in his incoming administration is necessary to preserve democratic balance.⁷¹ This refutes the assertion that opposition is absent from Indonesia's political tradition, thereby underscoring the need to institutionalise an effective opposition to serve as a democratic counterweight to the governing coalition.

Fourth, the claim that the 1945 Indonesian Constitution does not explicitly recognise a formalised opposition is somewhat weak, as it rests solely on the absence of textual provisions institutionalising the opposition. If this argument is accepted, then by the same logic, the practice of forming a "government-supporting coalition" should also be rejected since it is equally absent from the constitutional text. Thus, assessing the existence or legitimacy of the opposition based solely on textual presence is misguided just as flawed as using the same approach to justify the existence of a coalition.

Moreover, if one considers the implicit meaning⁷² of the Indonesian Constitution particularly the role of the DPR as an oversight body endowed with institutional powers such as the right of interpellation, the right of inquiry, and the right to express opinions, along with individual rights like the right to ask questions and immunity then the primary constitutional function of the DPR is clearly to act as a check and balance on presidential power. Within this implied constitutional framework, the practice of coalition-building that undermines the DPR's oversight function should, in principle, be rejected.

Nonetheless, it must be acknowledged that such coalition practices are part of political pragmatism and have been normalized in Indonesia's political system. Precisely

⁷⁰ Wahyu, "Mana Tahan Partai Oposisi?"

⁷¹ The Jakarta Post, "Prabowo Would 'Respect' PDI-P as Opposition."

⁷² Read Allan Potter, "Great Britain: Opposition with a Capital 'O,'" in *Political Opposition in Western Democracies*, ed. Robert A. Dahl (Yale University Press, 1968).

because of this normalization particularly in the case of broad coalitions that dilute the DPR's function as a check on executive power there arises an urgent need for an institutional remedy. This remedy lies in formalising the opposition and providing appropriate incentives to ensure its effectiveness in fulfilling its constitutional oversight role.

Fifth, it must be emphasized that the notion of opposition should not be reduced merely to disagreement, dissent, or blind resistance to the government. In this regard, Eep Saefulloh Fatah argues that opposition should be understood as any speech or action that corrects inaccuracies while also highlighting and supporting what is right.⁷³ From this perspective, opposition assumes a functional role as an instrument of oversight. This view aligns with Nurcholish Madjid's thought, which maintains that a healthy democracy requires a system of checks and balances as a monitoring and counterbalancing force grounded in the philosophical understanding that humans are inherently fallible.⁷⁴ Nurcholish Madjid further emphasizes that opposition should be rooted in a spirit of loyalty: loyalty to the state, to shared national ideals, and even to the government when it acts in the public interest. These conceptual contributions from Indonesian scholars resonate with Western theoretical frameworks, such as those proposed by Elliot Bulmer. Bulmer asserts that opposition is integral to democratic principles and the practice of political dialogue.⁷⁵ Democracy, he argues, is not only about procedural mechanisms such as elections but also presupposes a plurality of interests and viewpoints. As such, political recognition of diversity including the role of the opposition is essential. Furthermore, Elliot Bulmer goes on to describe the opposition as a vital element in any political system, one that plays a key role in bringing diverse issues into the policymaking agenda, shaping public debate, and restraining controversial government actions. In his view, opposition is not merely about power-sharing; it fundamentally serves to promote political dialogue, oversight, accountability, and compromise in the formulation of public policy.

⁷³ Eep Saifullah Fatah, *Membangun Oposisi* (Remaja Rosdakarya, 1999).

⁷⁴ Madjid, *Membangun Oposisi Menjaga Momentum Demokratisasi*; Nurcholish Madjid, *Dialog Keterbukaan, Artikulasi Nilai Islam Dalam Wacana Sosial Politik Kontemporer* (Paramadina, 1999).

⁷⁵ Bulmer, *Opposition and Legislative Minorities*.

Sixth, the notion of opposition, within the framework of Indonesia's political traditions, is, in fact, compatible with Pancasila democracy, which is grounded in the principle of deliberation (*musyawarah*). Hatta, the founder and framer of the 1945 Indonesian Constitution, emphasised that the nation's authentic form of democracy was derived from the traditional *desa* (village) model, characterised by three essential features.⁷⁶ The first is a *rapat* (deliberation), a forum where people gather to discuss matters of public concern. The second is *protest*, understood as the people's right to oppose policies deemed unjust openly. This element of protest is historically reflected in the traditional practice of *pepe* a collective act of sunbathing in the royal courtyard as a form of nonviolent demonstration addressed to the ruling authority. The third is *gotong royong* (mutual assistance or collectivism). Among these features, the element of protest signifies the functional role of opposition as a mechanism of political oversight and balance within the socio-political fabric of Indonesian democracy.

Seventh, the traditions of opposition must continue to reflect democracy's normative ideals, which need peaceful political processes. While party conflicts are unavoidable in democratic systems, they must be balanced by a foundation of mutual collaboration, respect, forbearance, and tolerance. Levitsky and Ziblatt underline the importance of these values in preventing what they call the "how democracy dies."⁷⁷ As a result, any institutional design that formalises the role of opposition actors or provides incentives to them must be grounded in these democratic values. Forbearance and toleration norms, in particular, must go beyond tolerance for opposing viewpoints or policy preferences to prohibit the use of state authority to intimidate or prosecute political opponents. This is especially pertinent in Indonesia, where involvement in the ruling coalition has occasionally been utilized to seek legal protection rather than to promote democratic ideals.

5.2. Mechanism of Institutionalization of the Right of the Opposition

So, how can opposition be institutionalised in Indonesia when opposition parties

⁷⁶ Mohammad Hatta, *Demokrasi Kita* (Pustaka Antara, 1966).

⁷⁷ Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (Crown, 2018); Steven Levitsky and Daniel Ziblatt, *Tyranny of the Minority: Why American Democracy Reached the Breaking Point*, First edition (Crown, 2023).

typically hold a limited number of DPR seats compared to the President's overwhelming "fat coalitions"? This article adapts Elliot Bulmer's concept of opposition and legislative minorities.⁷⁸

Table 1. *Constitutional Provisions for Opposition Rights Across Parliamentary, Presidential, and Hybrid Systems*

| | Widely constitutionalized | Rarely constitutionalized |
|---|---|---|
| | Appointment and removal of the leader of the opposition | Right of the opposition to choose the chair of the public accounts committee |
| Westminster-model (parliamentary systems) | Right of the leader of the opposition to participate in judicial appointments and appointments to regulatory and oversight (fourth-branch) institutions | Right of the opposition to be included on parliamentary committees Requirements for opposition seats on committees Opposition days in the parliamentary calendar |
| Consensual, proportional and multiparty parliamentary systems | Inclusive (supermajority or multiparty) appointments to fourth-branch institutions | Right of the opposition to choose the chair of the public accounts committee Proportional representation on committees Right of the minority to refer bills to the constitutional court Right of the minority to establish committees of inquiry Minority-veto referendums Minority delay procedures |
| Presidential and semi-presidential systems | | Appointment and removal (or recognition) of the legislative minority leader Recognition of the leader of the opposition Requirements for opposition seats on committees |

⁷⁸ Bulmer, *Opposition and Legislative Minorities*.

Opposition days in the parliamentary calendar

Right of the opposition or minority leader to choose the chair of the public accounts committee or equivalent (e.g. Tunisia)

From Elliot Bulmer’s table, several key lessons can be drawn. First, the concept of opposition is generally made explicit in the constitutions of countries that adopt a parliamentary system. This stands in contrast to presidential and semi-presidential systems, where such a concept is not explicitly articulated in the Constitution. This distinction is referred to as *widely constitutionalized opposition*.

Second, within the category of *rarely constitutionalized*, various efforts can still be observed to grant rights to the opposition across all systems of government. Interestingly, within this category, the distinction between parliamentary and presidential systems becomes less pronounced. From this, it can be inferred that the institutionalization of opposition does not necessarily require constitutional codification but may instead be implemented through regulatory frameworks or political practice.

Another important keyword in this context is the “right of the opposition.” How, then, can this concept be applied in Indonesia? We propose the implementation of the *right of the opposition* by interpreting the functions and authorities of the House of Representatives (DPR) as provided in the 1945 Indonesia Constitution as follows:

Table 2. *Comparative Framework of Opposition Rights: The 1945 Indonesian Constitution and Proposed Reform Model*

| The 1945 Indonesian Constitution | | Opposition Proposed Model |
|--|---|--|
| Indonesian-model (presidential multiparty systems) | The composition of the DPR is regulated by law (Article 19 paragraph (2)) | The right of opposition to DPR internal institutions, such as speakers and leaders of DPR, as well as leaders of commissions, bodies, special committees and others. |
| | The DPR has a legislative function (Article 20A) | The right of the opposition to be the first discussant and spend more time on a bill, |

| | |
|--|--|
| <p>paragraph (1)</p> <p>The DPR holds the power to make laws (Article 20 paragraph (1))</p> | <p>delaying bills with important constitutional content or that gain widespread public attention. Furthermore, it is feasible to propose a specific counter-bill.</p> |
| <p>DPR has a budget function (Article 20A paragraph (1))</p> <p>The President submits the proposed state revenue and spending budget bill for discussion with the DPR, considering the DPD's recommendations (Article 23 paragraph (2)).</p> <p>If the DPR rejects the President's proposed draft state revenue and expenditure budget, the Government will implement the previous year's State Budget (Article 23 paragraph (3)).</p> | <p>The right of the opposition to discuss the budget proposal submitted by the Government in more detail and for a longer period can also delay the discussion of the controversial budget, even though it is still limited in time after the budget discussion cycle.</p> |
| <p>The DPR has an oversight function (Article 20A, paragraph 1).</p> <p>The DPR owns the rights of interpellation, inquiry 'enquette', and opinion expression (Article 20A, paragraph (2)).</p> <p>Members of the DPR own the right to pose inquiries, provide proposals, and express opinions (Article 20A paragraph (3)).</p> | <p>The right of the opposition to ask questions first and longer in the supervisory meetings of the DPR, the right of the opposition as the initiator in the right of inquiry, the right of interpellation and the right to express opinions, the right of the opposition to lead the special committee in oversight</p> |
| <p>The DPR performs the function of approving the appointment of public officials:</p> <p>The DPR considers the</p> | <p>The right of the opposition to the opportunity to ask questions first and for a longer period during the fit and appropriate test process for public officials is also extended</p> |

| | |
|---|---|
| appointment of ambassadors (Article 13 paragraph (2)) | of in the appointment of additional officials who require DPR approval. |
| The DPR elects BPK members with the consideration of the DPD (Article 23F paragraph (1)) | |
| DPR approves the Supreme Court Justice Candidate proposed by the Judicial Commission (Article 24A paragraph (3)) | |
| The DPR approves the candidates for Members of the Judicial Commission submitted by the President (Article 24B paragraph (3)) | |
| The DPR proposed 3 Constitutional Judges (Article 24C paragraph (3)) | |
| Members of the DPR have the right to immunity (Article 20A paragraph (3)) | The right of the opposition not to be found guilty of any offence |
| The DPR considers granting clemency and amnesty (Article 14 paragraph (2)) | Right of the opposition to give first consideration |

5.2.1. The Right of the Opposition within the Leadership Structure of the DPR's Organizational Bodies

According to Article 83 of the MD3 Law (Law No. 2 of 2018 on the Second Amendment to Law No. 17 of 2014), the organizational bodies of the DPR (House of Representatives) include the leader (Speaker and Deputy Speakers), the Steering Bodies (*Badan Musyawarah*), Commissions, the Legislative Bodies (*Badan Legislasi*), the Budget Bodies (*Badan Anggaran*), the State Finance Accountability Bodies, the Inter-Parliamentary Cooperation Bodies, the Ethics Council (*Mahkamah Kehormatan Dewan-MKD*), the Household Affairs Bodies (*Badan Urusan Rumah Tangga*), Special Committees, and other necessary auxiliary bodies. Article 84 further stipulates that the

DPR leadership comprises one Speaker and five Deputy Speakers elected from and by the DPR members as a single package. This provision effectively locks the leadership model into a coalition-based package, as demonstrated in the 2014–2019 and 2019–2024 legislative periods.⁷⁹ Consequently, opposition parties are unable to hold leadership positions in the DPR.

Although in the 2024–2029 period, the DPR Speaker is from the PDI-P, which is not part of President Prabowo’s fat coalition, the party’s position is ambivalent. Although it is not formally part of the governing coalition, it has also refrained from explicitly declaring itself in opposition to Prabowo. Rather, PDI-P’s opposition appears to be directed more toward Vice President Gibran, who is perceived to have betrayed the party. This reflects the dynamic and fluid nature of Indonesian political alignments. Nevertheless, it is important to note that the inclusion of opposition members in DPR leadership positions remains structurally difficult.

The MD3 Law also governs the leadership of other organizational bodies, which are determined proportionally based on the number of members in each party faction through deliberative consensus (*musyawarah*). This proportional design results in significant difficulty for smaller opposition parties and their limited number of representatives in securing leadership roles within the DPR’s organisational bodies.

Why, then, is the right of the opposition within the leadership structure of the DPR so essential? It must be emphasized that in Indonesian political tradition, the leadership of the DPR’s organizational bodies does not merely serve as neutral facilitators or speakers. Rather, they possess substantial power over agenda-setting, scheduling, and even determining who is allowed to speak. Due to this power, opposition interventions and criticisms such as those frequently voiced by the PKS during the Joko Widodo administration (2019–2024) have at times been curtailed by the DPR leadership. Puan Maharani, the DPR Speaker from PDI-P and a key figure in the government’s coalition, was widely reported to have muted the microphone of PKS politicians during speeches

⁷⁹ Mei Susanto, “Mekanisme Pemilihan Pimpinan Dewan Perwakilan Rakyat,” *Jurnal Legislasi Indonesia* 16, no. 2 (2019): 2, <https://doi.org/10.54629/jli.v16i2.465>.

or interjections critical of the administration.⁸⁰

This illustrates the vital role that leadership plays not only during parliamentary sessions but also in setting the institutional agenda of the DPR. Including opposition members in leadership positions would allow them to participate in agenda-setting and would serve as a safeguard against partisan leaders arbitrarily silencing opposition voices during sessions.

Furthermore, leadership positions in the DPR are associated with various privileges and entitlements beyond those available to regular members, such as higher financial allowances, official vehicles, personal security details, and other protocol-based rights. Notably, the DPR leadership also receives the Bintang Mahaputra honour from the President. The exclusion of the opposition from these leadership roles, therefore, diminishes both their formal influence and symbolic recognition, undermining their incentive to engage constructively in the legislative process.

5.2.2. The Right of the Opposition in the Legislative Process (Law-Making)

In the legislative process, the design of the MD3 Law, which is based on proportional representation of party factions in the DPR, often sidelines opposition parties due to their relatively small number of seats. The implementation of a right of the opposition would ensure that the opposition holds leadership positions within Special Committees (*Panitia Khusus*) and Working Committees (*Panitia Kerja*) during the law-making process.

Moreover, the opposition should be granted the right to engage in earlier and extended deliberation over legislative drafts, particularly for bills of constitutional significance or those receiving heightened public attention. By being afforded more time in both the initial and final phases of discussion, the opposition would be positioned to play a meaningful role in the deepening and rationalization of legislative debates.

⁸⁰ Dedik Priyanto, "Jejak Puan 'Hattrick' Matikan Mikrofon saat Rapat, PKS dan Demokrat Kecele Gagal Interupsi," Kompas.tv, May 25, 2022, <https://www.kompas.tv/nasional/292327/jejak-puan-hattrick-matikan-mikrofon-saat-rapat-pks-dan-demokrat-kecele-gagal-interupsi>.

Furthermore, the opposition should be empowered with a formal right to delay legislative processes, especially in circumstances where broad public rejection or controversy arises. This delaying power would serve not as obstructionism but as a democratic instrument to deepen and sharpen public participation in the law-making process. This mechanism is particularly important given one of the key indicators of democratic deterioration in Indonesia: the increasing prevalence of *fast-track legislation* that bypasses meaningful and reasonable public engagement.

In addition, the practice of submitting a "*Minderheidsnota*" (note of dissent or objection) to record opposition disagreement with a draft law should also be institutionalized. This would formalize dissent and ensure transparency in legislative outcomes, even when opposition views do not prevail.

The strengthening of the opposition's role in law-making aligns closely with the core principles of *legisprudence*, which advocate for legislative processes that allow sufficient time and opportunity for informed and open policy deliberation, promote transparency, enable adequate scrutiny of bills, ensure the production of high-quality legislation, and uphold respect for disagreement principle and diversity of opinion.⁸¹

5.2.3. The Right of the Opposition in the Oversight Process

The opposition should be granted the right to speak first and for a longer duration during oversight meetings of the DPR, whether in Commission sessions, Special Committees (*Panitia Khusus*), or plenary sessions. This arrangement would enable the opposition to initiate and frame the oversight process over the executive branch in a more substantive and in-depth manner.

Furthermore, the opposition must be afforded the right to initiate the exercise of key DPR powers such as the right of interpellation, the right of inquiry (*enquete*), and the right to express an opinion under more accessible and simplified procedural

⁸¹ Luc J. Wintgens, "Legisprudence as a New Theory of Legislation," *Ratio Juris* 19, no. 1 (2006): 1-25, <https://doi.org/10.1111/j.1467-9337.2006.00315.x>; Jeremy Waldron, *Political Political Theory: Essays on Institutions* (Harvard university press, 2016); Aulia et al., "Fundamental Principles of the Legislation Process."

requirements.⁸² In addition, the leadership of the Special Committees formed to carry out these oversight functions should include representatives from the opposition.

By granting these rights, the DPR's oversight role can be strengthened and conducted more thoroughly, as the opposition would be institutionally empowered to scrutinize the executive with greater authority and autonomy. Importantly, the opposition's role in oversight should not be limited to executive policy but must also extend to areas where the DPR holds advisory authority, such as the review of presidential requests for amnesty and abolition, which form part of the President's pardoning power.

5.2.4. The Right of the Opposition in the Budgetary Process

The *Right of the Opposition* in the budgetary process closely parallels the rights outlined in the law-making and oversight functions. This includes the right to speak first, to be granted extended time, and to engage in a deeper and more substantive discussion of the budget proposal submitted by the executive. Furthermore, the opposition should be given the authority to delay the deliberation of controversial budget items within the constraints of the budget cycle timeline.

Through these rights, DPR's budget discussions and approvals can be made more substantive and deliberative. As a result, the budget function of the legislature extends beyond mere assent or approval (*influencing or approving*) and moves toward a more active and constructive role in *budget making*.⁸³ This institutional role reinforces democratic accountability, promotes fiscal transparency, and enables the opposition to scrutinize government spending priorities in a meaningful way.

5.2.5. The Right of the Opposition in the Appointment of Public Officials

The *Right of the Opposition* in the process of appointing public officials entails the entitlement to pose the first and most prominent questions to candidates for public office whose appointments require approval, consideration, or nomination by the DPR.

⁸² Mei Susanto, "Hak Angket Sebagai Fungsi Pengawasan Dewan Perwakilan Rakyat: Kajian Putusan Mahkamah Konstitusi Nomor 36/PUU-XV/2017," *Jurnal Yudisial* 11, no. 3 (2018): 385–406.

⁸³ Mei Susanto, "The Legislative Role in The Budgeting Process in Indonesia," *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan* 9, no. 2 (2019): 163–80, <https://doi.org/10.22212/jnh.v9i2.954>.

These include positions such as Justices of the Supreme Court, Constitutional Court Justices, members of the Audit Board (*Badan Pemeriksa Keuangan-BPK*), members of the Judicial Commission, and Ambassadors, as stipulated in the 1945 Constitution. The same right also applies to other public officials regulated by statutory law, such as the Commander of the Armed Forces (*Tentara Nasional Indonesia-TNI*), the Chief of Police (*Kapolri*), the leadership of the Corruption Eradication Commission (KPK), and other positions public officials.⁸⁴

Furthermore, the opposition should be granted the right to submit a formal note of objection (*minderheidsnota*) to any nominee proposed by the government. This design promotes not only greater transparency and depth in the selection process but also ensures that the interests of the coalition do not dominate appointments solely. Instead, it establishes a more accountable process in which public officials are expected to reflect not only the preferences of the President but also the broader public interest, as represented by the opposition.

5.2.6. The Right of the Opposition in the Context of Parliamentary Immunity

Parliamentary immunity, as regulated in the MD3 Law, is designed to provide legal protection for members of the DPR in the course of performing their official duties and functions. This immunity is generally applicable to all members of the DPR, regardless of party affiliation. However, in Indonesian political practice, there is a prevailing assumption that members of opposition parties are more vulnerable to legal prosecution for actions undertaken in their official capacity. There is even a perception that joining the governing coalition either by a political party or individual lawmakers is sometimes motivated by the desire to seek legal protection.

In this context, although the current framework of immunity is legally sufficient for all DPR members, it must be accompanied by a deeper political commitment to mutual respect, forbearance, and toleration, particularly towards opposition members. Opposition figures must not be selectively targeted or subjected to unjustified legal

⁸⁴ Mei Susanto et al., "Kekuasaan DPR dalam Pengisian Pejabat Negara dalam Sistem Ketatanegaraan Indonesia," *Jurnal Penelitian Hukum De Jure* 18, no. 1 (2018): 23-41, <https://doi.org/10.30641/dejure.2018.V18.23-41>.

actions, especially through politically motivated law enforcement. Thus, the right of the opposition in terms of immunity should be normatively understood as the guarantee of protection while performing legislative functions and substantively as a safeguard against arbitrary or fabricated criminal charges intended to suppress dissent.

In addition to institutionalizing the opposition through the right of the opposition, it is also necessary to design a minimum threshold for the opposition. This minimum size of the opposition is essential to ensure that the President does not co-opt all political parties into the governing coalition while simultaneously enabling a minimum number of political parties to constitute a formal opposition entitled to exercise the right of the opposition and receive the associated facilities.

In this regard, Indonesia may take inspiration from India, which sets a minimum threshold of 10% of seats in the representative body for a party to be formally recognized as the opposition.⁸⁵ A similar mechanism could be adapted for Indonesia, potentially using a lower threshold such as 5% given that political parties in Indonesia often face difficulties in reaching the 10% seat benchmark. This design would help ensure the presence of a viable and effective opposition in the political system.

5.3. Incentive Design for the Opposition

By granting the right of the opposition as outlined above, the opposition is expected to be more functional in carrying out its powers of oversight, law-making, budget deliberation, and public office appointments. Nevertheless, non-governing parties should also receive certain incentives that strengthen their position as the opposition.

First, as previously mentioned, opposition parties should be granted the right to hold leadership positions within the DPR organization or its complementary bodies. As part of the leadership, opposition figures would also receive appropriate financial and protocol-related privileges. In this context, opposition leaders who also serve as part of the DPR leadership should be granted access to certain classified information, such as matters of foreign policy and national defence, which are generally treated as state

⁸⁵ Bulmer, *Opposition and Legislative Minorities*.

secrets. This access ensures that DPR leaders, regardless of their political alignment, including opposition leaders, are not excluded from critical state information.

Second, to strengthen the substantive depth of the opposition, opposition parties should also be provided with dedicated budgetary incentives that can be used to conduct research or collaborate with experts, scholars, and academic institutions. This support would enable the opposition to deliver well-founded and analytically sound positions on key policy issues. With such a design, the voice of the opposition would not be perceived as disruptive noise or unsubstantiated dissent but rather as a meaningful articulation of public interests grounded in rigorous research and evidence-based analysis.

In addition, this budgetary incentive could also be allocated for media outreach, enabling the opposition to publicly disseminate its positions and critiques more effectively and on a larger scale. As a result, public awareness of the opposition's stance would increase, supported by institutional funding. The budget could also be utilized to finance support staff, infrastructure, and facilities, such as more adequate office spaces and meeting rooms, as well as other necessary resources.

In this regard, budgetary incentives for the opposition should be distinguished from state subsidies allocated to political parties based on their electoral support.⁸⁶ The opposition's budgetary incentive is a specific allocation designated solely for parties that are not part of the ruling government. This distinction is important, as government subsidies to political parties, as regulated under Government Regulation No. 1 of 2018, are intended to support political education for party cadres and the administrative functions of party secretariats. Therefore, the budgetary incentives for the opposition are to be directed toward strengthening the depth and effectiveness of the opposition's institutional role.

Third, it is essential to establish special recognition for opposition figures, both for their leadership and parliamentary roles. While the leader of the opposition under serving as part of the parliamentary leadership may be awarded the "*Bintang*

⁸⁶ See Mei Susanto, "Model Alternatif Pendanaan Partai Politik," *Kajian* 22, no. 3 (2019): 3, <https://doi.org/10.22212/kajian.v22i3.1514>.

Penghargaan Mahaputra” (Order of Merit / The Legion of Honour) by the President in their capacity as head of state, special recognitions should also be extended to opposition members beyond the leader. These awards could be designated under a distinct title explicitly acknowledging their role in upholding democratic checks and balances.

In this category, the United Kingdom provides a valuable example, where the monarch grants the title “Leader of His Majesty’s Most Loyal Opposition” to the head of the opposition as a mark of formal recognition.⁸⁷ In the Indonesian context, Law No. 20 of 2009 on Titles, Decorations, and Honors (*Gelar, Tanda Jasa dan Tanda Kehormatan*) provides a basis for such recognitions. Specifically, the opposition leader, who also serves in the DPR leadership, may be awarded the Bintang Mahaputera Adipradana, while individual opposition members in the DPR may be granted the Bintang Mahaputera Utama. Both distinctions could be formally attributed with an additional note recognizing their contribution to safeguarding democracy.

5.4. Implementation Pathways and Their Challenges

The preceding discussion has presented a constitutional diagnosis that highlights how the existence of a fat coalition and the marginalisation of an ineffective opposition has contributed to the deterioration of democracy in Indonesia. This raises a crucial question: how can the institutionalization of the opposition and the provision of appropriate incentives within the DPR be implemented through a *constitutional repair* approach?

According to Tom Daly, *constitutional repair* involves four interrelated factors: specificity (what is the precise damage we are trying to repair?), feasibility (what is within our power to repair?), temporality (what can we do in the short term as opposed to the long term?), and priority (what do we need to fix first?).⁸⁸

⁸⁷ Grégoire Webber, “Loyal Opposition and the Political Constitution,” *Oxford Journal of Legal Studies*, August 18, 2016, gqw023, <https://doi.org/10.1093/ojls/gqw023>; Dean E. McHenry, “Formal Recognition of the Leader of the Opposition in Parliaments of the British Commonwealth,” *Political Science Quarterly* 69, no. 3 (1954): 438–52, <https://doi.org/10.2307/2145279>.

⁸⁸ Daly, “Constitutional Repair: A Comparative Theory.”

First, the specificity aspect: what constitutional damage is to be addressed? The core dysfunction lies in the DPR's failure to perform its checks and balances function due to the dominance of a fat coalition that co-opts nearly all political parties with seats in the legislature. As a result, the DPR not only becomes dysfunctional but also actively contributes to the deterioration of democratic governance in Indonesia. Furthermore, being part of the coalition has been shown to offer disproportionate advantages—access to public office, funding, state programs, and even legal protection—whereas being in the opposition yields no comparable benefits.

Second, the feasibility aspect: what can realistically be reformed? A feasible solution is the introduction of the right of the opposition and related incentives for non-governing political parties, even those with only a small number of seats (e.g., a minimum threshold of 5%). By recognizing and supporting opposition parties in this manner, they can become more meaningfully involved in legislative processes, thus enhancing the functionality of the DPR in fulfilling its oversight and deliberative roles.

Third, the temporality aspect: what measures can be implemented in the short term? Currently, a real opportunity exists: the Indonesian Democratic Party of Struggle (PDI-P), with 18.9% of DPR seats, is not part of the Prabowo-Gibran administration (2024–2025). In the short term, the legal foundation for granting the *right of the opposition* and related incentives can be established through amendments to MD3 Laws, as well as the DPR's Standing Orders. These changes are feasible within a shorter timeframe, as they involve limited and focused material.

Fourth, the priority aspect: what should be addressed first? The right of the opposition and related incentives can be introduced gradually, beginning with opposition participation in the leadership of DPR's internal bodies, involvement in the law-making process, participation in routine oversight functions (excluding special oversight powers such as interpellation, inquiry rights, and statements of opinion), and in budgetary approval processes. This phased approach aligns with a broader agenda for strengthening democratic institutions, especially the DPR.

The proposed constitutional repair through opposition reform and the design of targeted incentives to address Indonesia's democratic deterioration requires

collaborative efforts across various branches of state power, particularly between the President and political parties in the DPR. President Prabowo needs to demonstrate a strong commitment to democratic and constitutional reform by allowing the PDI-P to function as an effective opposition with the necessary rights and incentives. Moreover, the political parties within the ruling coalition must share this vision and commitment. Only through such a shared commitment can amendments to the MD3 Law and the DPR's Standing Orders incorporating the *right of the opposition* and the corresponding incentives be enacted, implemented, and enforced in practice.

6. Conclusion

Based on the preceding discussion, it can be concluded first that the absence of an effective opposition has significantly contributed to the deterioration of democracy in Indonesia. This democratic deterioration manifests in several forms, including the weakening of the DPR's oversight function, particularly in reviewing the state budget proposals submitted by the President and in scrutinizing controversial government programs. The lack of opposition has also rendered the DPR a mere rubber-stamp institution that approves problematic legislation, even when it faces strong public criticism. Furthermore, without effective opposition, the DPR has, at times, served as a vehicle to undermine other checks-and-balance institutions, such as the Constitutional Court. The ineffectiveness of opposition parties stems from the absence of institutional safeguards and incentives, which places them at a significant disadvantage compared to government coalition parties that enjoy access to public office appointments, state programs, budgetary resources, and even legal protection.

Second, there is an urgent need to institutionalize and strengthen the role of the opposition through the formal recognition of a Right of the Opposition. This includes, among others, the right to hold leadership positions in DPR organizational bodies, special rights in the legislative process such as the right to delay the deliberation of constitutionally significant or publicly controversial bills the right to initiate and lead oversight mechanisms, influence budget deliberations, and participate in the appointment of public officials. Additionally, a comprehensive design for opposition incentives is necessary. These should include financial entitlements, protocol-based

rights, and eligibility for state honours (*penghargaan Bintang Mahaputra*). The establishment of the Right of the Opposition and associated incentives aligns with the framework of constitutional repair, which considers the four interrelated dimensions: specificity (identifying the exact constitutional breakdown), feasibility (what is realistically achievable), temporality (short- versus long-term actions), and priority (which reforms are most urgent).

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