

# Challenges on Deliberation: The Indonesian Experience in Dealing with Women Empowerment in Law-Making

Maryuni Sudarwanto 

Jakarta, Indonesia

Email: yunisudiro@yahoo.com

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## Abstract

Democracy is a continuing process that evolves around institutions and practices in protecting the source of authority in law-making from below (people/liberal democracy), not from above (state force or religion/authoritarian democracy). While election institutes procedure in selecting representatives, the quality of democracy would depend on deliberation (deliberative democracy). Challenges will come from approaches to dissolving individual interests into collective interests to create a collective life so that all people living in the related state can reach their potential under the rule of law. Oppressive approaches using state force or religion could turn liberty into tyranny. Enclosing discussions around scientific knowledge and communication with citizens would be the ideal approach to deliberation. In Indonesia, upholding the ideal approach was still challenging. MP's over-attachment to religion hindered discussions of the bill around women's factual problems.

## Keywords

Democracy, Indonesia, Parliament, Standing Committee, Women Empowerment

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## 1. Introduction

Oftentimes, democracy is associated with free speech, a multi-party system, competitive elections, rule of law, judiciary, or independent media. Based on Dahl (2020), Mackenzie (2009), and Brown (2009), this article sees democracy as a continuing process of resolving individual interests into collective interests for achieving state welfare so that all people living in the state can reach their potential and act together within it. The process would revolve around institutions and practices

in law-making as the law will be the source of establishing social and political order for people to reach their potential. Election institutes procedure in selecting representatives, and the hardest part is resolving disagreement in law-making. Democracy values individual liberty to participate in governing, but the life experience of individuals would attach to diverse entities in their livelihood, such as culture, economic status, gender, religion, race, or ethnicity, that would produce diverse individual interests. The ways in which individual interests are dissolved into collective interests will determine the quality of democracy. Oppressive approaches using state force or religion could result in an authoritarian democracy. Bringing discussions into science through systemic data collection to capture general truths on societal problems and communicate with citizens or deliberation (deliberative democracy) would be ideal for the sustainability of liberal democracy.

Since Indonesia's independence in 1945, democracy in the country has been in a repetitive sequence from liberal democracy into authoritarian democracy in 1955-1966, 1968-1998, 1999-onward. Civic movement marked each transition. The 1966 civic movement pleaded for improvement in economics. The 1998 civic movement demanded the new government to reform politics (Reformasi) to resolve harmful Soeharto's practices in suppressing civic political participation and pervasive corruption and nepotism in government. For women, the reform would also mean improvement in their participation in democracy. For Mackenzie (2009) and Brown (2009), to end the repetitive cycle of Indonesian democracy, the new government and citizenry under Reformasi should exhibit a capacity for deliberation. Tebaldi and Calaresu (2016) suggested that such knowledge could be obtained through analyzing practices of law/policy-making or the implementation of law, policy, and program. The new government under Reformasi has prioritized reforming institutions. Such as the creation of the National Anti-Corruption Commission in 2003 to resolve corruption and nepotism and strengthen the institutions of election and standing committees in law-making. But whether such reforms have been followed with ideal practices on deliberation remains unclear. This study aims to produce knowledge on deliberation by focusing on the analysis of law-making in dealing with women's empowerment issues.

The concern was the effectiveness of institutional reform in parliament in 2004 in grouping women empowerment and religion in a standing committee. Such a reform would not be ideal as Indonesian feminists (Mulia, 2007) noted that religion and women empowerment were conflicting in Indonesian society. Thus, the committee's capacity for deliberation in freeing political discussions from individualism based on religion would be critical. Analysis of parliamentary terms 2009-2014, 2014-2019, and 2019-2024 was to capture the continual processes of deliberation, which found a discouraging prospect. The standing committee on women empowerment and religion was not able to adopt ideal practices on deliberation. MP's over-attachment to religion prevented political discussions around women's factual problems in law-making. It led to harmful effects on civic education to ensure the

promotion of only truthful information in public. However, the findings could be isolated to the women empowerment issue, which further emphasizes the importance of the capability of all parliamentary committees to uphold ideal practices on deliberation.

## 2. Democracy

### 2.1. What Is Democracy?

Starting with Athenian democracy, [Dahl \(2020\)](#) defined democracy as a governing system that continuously evolves around institutions and practices on law/policy-making to ensure the authority to govern comes from the people. For [Mackenzie \(2009\)](#), to govern means to control or influence people within a territory to establish social and political order. In the modern state, the law will be the basis for keeping an orderly society. Thus, democracy is about protecting civic participation in governing so that authority in law-making comes from below (people), not above (state force, morality, or religion). The constitution could be in a presidential system, such as in the United States, or a parliamentary system, such as in Great Britain ([Dahl, 2020: pp. 151-160](#)). Democracy could also embrace different state values, such as Asian values in Chinese democracy, which differ from Western democracies with individualist ideologies of rights and freedom ([Mackenzie, 2009: p. 105](#)). Despite the variation, the essential element in democracy is civic participation, which [Poochigian \(2014\)](#) and [Muñoz Cardona \(2014\)](#) argued requires commonality in the unity of citizens to work only for state welfare. Challenges would come from heterogeneity in citizenry and interests. The biggest challenge in democracy will be in dissolving individuality to build communality with minimal political conflict. [Mackenzie \(2009\)](#) and [Brown \(2009\)](#) analyzed the ways to dissolve individualism.

[Mackenzie \(2009\)](#) focuses the analysis on liberty, equality, and authority. Challenges would come from complexity in citizenry due to diversity in living conditions that could be influenced by cultures, religions, ethnicities, races, or clans and economic engagement in market capitalism. Market capitalism, which exists in democratic and undemocratic countries, values individual freedom in seeking information as the basis for individual engagement in competitive economic activities for making profits. [Dahl \(2020: pp. 196-203\)](#) stated that economic activities contribute to economic growth and the education of citizens, but unequal distribution of resources, such as income, information, education, or wealth, becomes inevitable. The economic inequality and different life experiences of individuals would shape individual values and interests in politics that would be heterogenic. If individuals are overly attached to their own values and interests, such as money, religion, culture, race, or clan, and such individual attachment becomes the driving force for their engagement in politics, conflict would be certain, and liberty could turn into tyranny. For [Mackenzie \(2009: p. 40\)](#), liberty and equality in democracy do not mean in such ways. Liberty means individual freedom to have a say in governing, and equality means that all people are equal before the law. In

democracy, the government should have the authority to resolve disagreements and make common decisions on law, policy, and program.

Then, government methods of dissolving individual interests into collective interests become critical. If the approach is through state force, morality, or religion, liberal democracy will turn into authoritarian democracy. Mackenzie (2009: pp. 54-59, 105) asserted the creation of the free state in freeing political life from individualism through deliberation (deliberative democracy). Deliberation is a process of harmonizing individual freedom into collective freedom through rational justification. Such a process aims to form a mutual understanding of the importance of collective life, in which all people can fulfil their potential and act together within it. In controlling individualism over culture or religion, citizens should practice their culture and religion in the private realm, by which the heterogeneity in society can flourish.

However, many individuals would be capable of building arguments based on rational justification. Mackenzie (2009: pp. 114-116) highlighted that if the better argument is the basis for seeking agreement, the concern becomes in using language and communicative actions to win discussions. Individuals with more resources, such as wealth, information, and education, would be more capable of building better arguments and be more assertive in directing the outcome of discussions. In such a situation, deliberation could be used strategically by those in power forged by money to produce better arguments oriented to strategic ends to secure their own interest in politics.

Brown (2009) suggested the combination of science and communication with citizens as the ideal deliberation. Science produces knowledge, technology, and medicine. In democracy, the knowledge that is produced through systematic data collection to capture societal problems could unite citizens and facilitate collective problem-solving. However, politics provides money, and Brown (2009: p. 90) highlighted that science could also be political. The high spending of the U.S. government on medical research was due to lobbying efforts from scientific associations, private corporations, and universities that make, among others, high-technology medical mostly concerned by the wealthy. Advise on childbirth was also frequently based on medical conditions, ignoring many women's concerns and experiences. Thus, science alone will not be sufficient; it should be combined with communication with citizens so that law, policy, and program can precisely address problems in society.

Capacity for deliberation should be professed not only by representatives but also by citizens who will be voters and be elected. Civic education becomes an essential element in democracy. Mackenzie (2009: p. 118) further asserted the importance of the reconstruction of parliament in shifting the focus of political parties from only success in voting into a site for genuine discussions of law, policy, and program. Those in government should also support the creation of a lively citizenry so that citizens can actively engage in political discussions and debates. Lane (2020) argued that information is the glue in society, and if information is

systematically false or suppressed to serve those in power, the entire society will be degraded. Therefore, the creation of a lively citizenry in discussions and debates should also be directed to promote only truthful information.

Tebaldi and Calaresu (2016) suggested that knowledge of the process of deliberation and the implementation of laws, policies, and programs is vital to improving the quality of democracy. But, the improvement could occur only if such knowledge becomes public knowledge and if those in governing are not resistant to critics, or keeping critics from the public to sustain their power, or if critics are used by those to challenge the power. Improvement could occur only if those in governing adopted the knowledge as the basis for strengthening the quality of democracy. Thus, democracy is a continuing process to improve deliberation; the deliberation that respects science and communication with citizens as a way to build a society that values collective life so that all people can work together to ensure all people living in the state can reach their potential. Continuing leaning on state capacity on deliberation and persistent application of the learning to improve law, policy, and program are important aspects for the sustainability of liberal democracy.

## 2.2. Women in Democracy

Furthermore, Brown (2009) argued that the combination of science and communication in deliberation will open the possibility for continuous re-interpretation of collective interests and continuous transformation of people's lives. As Dahl (2020: p. 118) and Mackenzie (2009: pp. 131-139) pointed out, such a combination has opened opportunities for women to re-interpret the meaning of politics as a way to gain access to democracy so that their lives can be treated equally in society. The Athenian democracy and early implementation of representative democracy allowed only men in politics. Following the success of the first women's movement in getting the right to vote, in the second movement, women started to analyze various sources of oppression, such as at the workplace, the culture, or the mind that held back women from reaching their potential. The analysis also includes the institutions and practices of law-making in parliament and parliamentary committees.

Parliamentary committees are the institutions of law-making to deal with complex issues affecting people's lives in marriage, divorce, defense, trade, education, health, taxes, election, state budget, international affairs, and many others, by grouping MPs based on expertise and policy interests relevant to committee's portfolio. Such an institution ensures the careful deliberation of all issues in people's lives. However, the long absence of women in politics has been reported to pose a significant challenge to the deliberation of issues generally under women's predominant interests. Masculine culture, such as long working hours and assertiveness in debates, would be among the effects of long women's absence in parliament. Meanwhile, long working hours are generally not suitable for women, who are still responsible for domestic duties, which made women MPs unable to spend equal hours as men in networking and undertaking independent research to assertively back up their arguments in debates (Crawford & Pini, 2011: p. 93; Crewe, 2014;

Refki et al., 2017: pp. 69-70). Following Mackenzie's argument (Mackenzie 2009: pp. 114-116), if communicative actions in building a better argument are the basis for seeking agreement to win political debates, under the predominant masculine culture, men would be more resourceful in politics in directing the budget to support their predominant interests.

The operation of masculine culture in politics could also build a negative impression on less committed and competent women politicians, which could be harmful to discussions on committees with portfolios related to women's interests. Clayton, Josefsson, & Wang (2017), Swers (1998), Thomas (1991), and Vidal-Correa (2020) suggested that women's predominant interests are generally related to the well-being of family, women, and children. Committee hierarchy that perceived parliamentary committees with such portfolios as less important committees was reported by Bolzendahl (2014), Connolly (2013), and Frisch & Kelly (2003). Such harmful effects could be detrimental to the sustainability of state welfare because all issues are interconnected and equally important. For instance, issues related to women's well-being and women's access to income, education, or health services would contribute to healthy newborns as future generations take care of issues perceived to be more important under men's predominant interests such as defense, trade, or industry.

Another challenge could come from over-attachment to religion. Regt (2013) suggested that in a society with a majority population overly attached to their religion, such as Arabs, the subordination of women would be the underlying factor for their democratic deficits. In those countries, although women would be more likely than men to support gender equality, the officeholders of men would give little support to consider gender equality as an important component of democracy. Brown (2009: p. 1) also suggested that over-attachment to religion in political discussions could pose a significant challenge to addressing women's concerns in society. An aggressive lobby of religious conservatives had forced the U.S. Food and Drugs Administration (FDA) to postpone the approval of the non-prescription sale of emergency contraceptive Plan B for nearly three years. Based on research, Plan B can effectively prevent unwanted pregnancy if taken immediately after unprotected sex. However, religious conservatives strongly opposed it and argued it would encourage promiscuity and unsafe sex, although studies disapproved of such claims. As argued by Brown (2009: p. 159), the state is the product of human action in resolving political differences and dealing with unforeseen events in people's lives. Thus, resolving women's societal problems would also rely on human actions, not the forces of religion. Challenges would persist for women to access democracy, but persistence in resolving political differences and in dealing with contingency to ensure resolving women's societal problems is an important aspect in realizing state welfare would matter for the sustainability of liberal democracy.

### 3. Indonesian Democracy

Indonesia's population is heterogeneous, consisting of hundreds of ethnicities

with diverse cultures, religions, and languages. Foreseeing challenges in uniting such a diverse citizenry, the founders of Indonesia established Pancasila in the Constitution of UUD 1945 as the state value. Pancasila consists of five principles for constructing 1) religious, 2) civilized, 3) united, 4) democratic, and 5) just society. Bahasa Indonesia was adopted as the national language, and Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism were acknowledged as the official religions. Each citizen must adhere to one of them, which will then be specified on the citizen's identity card. The state's value of unity, democracy, and social justice shows Indonesian embracement of liberal democracy, by which heterogeneity in religion should be preserved by ensuring the practices of religions are not in politics but in the private sphere.

However, realizing Pancasila has been challenging. Democracy in Indonesia has been in a repetitive cycle from liberal to authoritarian democracy (Boboy, 1994). The first president, Soekarno, laid the foundation for liberal democracy by establishing the People's Representatives Assembly (Dewan Perwakilan Rakyat/DPR). The first election of its members was in 1955. In uniting citizens, Soekarno promoted the slogan of *Bhineka Tunggal Ika*, which means, despite the differences, we are one through presidential decree 66 of 1951. But Soekarno's government faced many challenges, including the rebellion of DI TII (Darul Islam/ Tentara Islam Indonesia) to replace Pancasila with an authoritarian democracy based on Islam. The 1955 elected MPs were highly fragmented, which made it difficult to build a common understanding to agree on laws, including the state budget. In coping with such a situation, Soekarno became authoritarian by suspending DPR and abolishing the election to appoint his own government in 1959. He became an unimpeachable president.

Soeharto's government underwent a similar experience of changes from liberal to authoritarian democracy. The civic movement in 1966 marked the transition from Soekarno into Soeharto. The movement demanded the new government stabilize food prices and improve economics (*Tiga Tuntutan Rakyat/Tritura*). Soeharto resumed election in 1971 and vigorously promoted the slogan *Bhineka Tunggal Ika* to raise citizenry awareness of diverse cultural practices across ethnicities in Indonesia. Cultural diversity was celebrated through parades of cultural attires, dances, and songs during the commemoration of Independence Day on 17 August. Such diversities were also being promoted through teaching materials at schools. Societal conflict due to over-attachment to culture was minimal. However, the promotion of religious diversity was difficult. Religion was a teaching subject at schools, but the teaching was done by grouping students based on the same religion, with dedicated classrooms and teachers for each religion. The difficulties in promoting unity in religions could be due to diverse religious convictions, in which the follower of each religion would firmly hold their beliefs and opinions that would not easily be swayed or questioned. Familiarizing with each other's religion could potentially lead to conflict. In curbing the harmful effect of religion in politics, Soeharto exercised military power along with his purpose to deal with a highly fragmented parliament

and to prohibit critics. Soeharto succeeded to improve economics but his tyranny had caused harmful practices of corruption, collusion, and nepotism (Korupsi, Kolusi, Nepotisme/KKN) in governing.

The 1998 civic movement marked the third cycle of Indonesian democracy. While the 1966 civic movement pleaded for improvement in economics, the 1998 civic movement appealed to reform politics (Reformasi) by returning to liberal democracy to resolve Soeharto's harmful practices of KKN and suppressive military power. For women, the reform was also aimed at providing them with better access to democracy. Reforms have been focusing on institutions through the creation of new institutions, such as the National Anti-Corruption Commission (KPK) in 2003 to resolve KKN and the Regional Representatives Assembly (Dewan Perwakilan Daerah/DPD) in 2004 to resolve regional disparity in economics. Reforms at DPR were to strengthen the returning legislative power from the president into parliament through the creation of new institutions of the General Election Committee (KPU) in 1999 and Election Supervisory Body (Bawaslu) in 2007 and reorganization of standing committee portfolios to strengthen the making of law, policy, and program.

However, studies suggested that the institutions to strengthen elections have not been followed with ideal practices. Harmful practices on money politics and political dynasties in elections were reported. After living under the suppressive Soeharto regime and suffering from the economic crisis in the late 1990s, most Indonesians had limited experience in ideal practices of democracy and were vulnerable in economics. Such conditions were being used by individual political elites who were ambitious for money and power. Wealthy candidates frequently offered cash to the poor in return for votes to secure the elite winning in the election (Sobari, 2017; Solihah & Triono, 2022). Understanding that most Muslims in Indonesia could be easily provoked by their religious identity led to a black campaign to undermine women and non-Muslims, such as using Islamic decree (Fatwa) in calling Muslims not to vote for women as leaders during the presidential election in 2004 to defeat Megawati and calling Muslim to vote only Muslim to overcome the popularity of Basuki Tjahaya Purnama in the 2017 governor election in Jakarta. Permana (2023), Susanti (2017), and Wardani & Subakti (2021) also suggested practices of wealthy candidates in using power to pave the way for their own families and groups into politics.

Those harmful practices suggested the weak capacity of KPU and Bawaslu in deliberation to continuously learn the implementation of the Election Act and exercise the learning as the basis for persistent improvement in the quality of elections. It also reflected the weak capacity of electorates to select genuine representatives who would work only for state welfare, not individual interests over money or power. The election is the starting point in selecting people representatives to discuss law, policy, and programs in parliament, and the elected representatives will have enormous power to control the budget. As suggested by Brown (2009), politics provides money. Thus, the question becomes, will those representatives who were elected through harmful practices be able to shift their focus from only

securing their position at the next election into deliberation to work only for state welfare? The harmful practices of the election would more likely cause detriment in law-making, but such knowledge has received little attention, and this study aims to contribute to the knowledge.

### 3.1. Data and Method

The deliberation of law at DPR is done by standing committees and auxiliary committees. Standing committees (Komisi) are multi-portfolio committees, and auxiliary committees (such as the legislation committee/Badan Legislasi/Baleg) support the operation of standing committees, including in discussing a bill that requires the cooperation of two or more standing committees. Under the Rules of Procedure, submission of the bill that could come from the legislative and executive branches of government should attach a justification paper (Naskah Akademik/Academic Paper) detailing scientific evidence on the significance of the bill in resolving societal problems. The justification paper would be the basis of political discussion. In 2008, the DPR adopted Transparency on Public Information Act 14, which institutes the obligation of government, including the DPR, to ensure public access to the process of governing.

To get insights whether such institutions have been followed with ideal practices in law-making, the analysis was particularly on the capacity of the standing committee in dealing with women empowerment issues. Reforms in standing committees in realizing the 1998 women's agenda were through renaming the committee portfolio from women's role into women empowerment in 1999 and re-grouping women's empowerment with religion in a standing committee in 2004. Under Soeharto, women's empowerment was under a standing committee dealing with health, employment, and population issues. The new grouping under Komisi VIII raised concerns as religion was hostile to the idea of gender equality in Indonesia (Mulia, 2007). Thus, the capacity of deliberation to focus political discussions around science and communication with citizens became vital to the success of Komisi VIII in resolving women's societal problems, yet such knowledge was limited.

Analysis was on the deliberation of the bill on gender equality and equity (RUU Kesenjangan dan Keadilan Gender/KKG) during the parliamentary term 2009-2014 and the bill on sexual violence (RUU Penghapusan Kekerasan Seksual/PKS) at 2014-2019. From 2019 to 2024, the deliberation of RUU PKS was shifted from Komisi VIII to Baleg. While Komisi VIII failed to produce a recommendation to enact the bills into law, Baleg endorsed RUU PKS into Sexual Violence Crime Act 12 of 2022 (UU no 12/2022 Tindak Pidana Kekerasan Seksual/TPKS). In understanding processes of deliberation, data was collected through interviews in 2012 and analysis of justification papers, transcripts of meetings, and mass-media articles. Mass media was the main source of information for most Indonesians about politics during Reformasi. Thus, the analysis was to capture public opinions, which could be affected by the communication of committee members to the public about the bills.

### 3.2. Deliberation on Women's Empowerment Issue

Discussions of RUU KKG at Komisi VIII, as interviewees suggested, were mostly challenged by MPs' over-attachment to religion. Interviewees<sup>1</sup> suggested that the 2009 election brought MPs with religious leadership backgrounds who then joined Komisi VIII to handle religious issues. Those MPs were overly attached to their religious beliefs and strongly opposed to the idea of gender equality. Bringing discussions around factual women's problems, as specified in the justification paper, was tough as the interviewee stated, "The challenges came from religious leaders. Many argued that the bill does not suit Indonesian culture. Women should stay at home and not enter the workforce. The man is the one who should be the breadwinner. There were many such messages opposing RUU KKG." The other interviewee also stated, "I was frustrated when members spoke about irrelevant issues while I was at Komisi VIII. It might be because many members had backgrounds as clerics who frequently conducted Islamic teaching."

As specified in the justification paper, the idea of gender equality was not new to the Indonesian government as RUU KKG was to strengthen the commitment of President Abdurrahman Wahid in 2000, as stated at the 9/2000 Presidential Decree on gender mainstreaming. As suggested by the interviewees, the new MPs with religious leadership backgrounds were ignorant of such facts, which led to biased information in public to discriminate against women. Analysis of mass-media articles supported such a suggestion. Many articles<sup>2</sup> perceived RUU KKG as a threat to male leadership in households and communities, while the justification paper specified that the bill was to reinforce the government's commitment to resolve challenges for women to have equal access to public activities. Insights on Komisi VIII's main concerns that led to its decision to reject the endorsement of the bill were difficult to check as the transcripts of the committee meeting were unavailable for public access.

In 2014-2019, Komisi VIII held the discussion of RUU PKS. The bill was to resolve high cases of sexual violence that oppressed girls and women to access public activities including to access education that is essential for their equal opportunity to reach their potential. The concern was the alarming numbers of sexual violence including at universities and schools. However, similar problems persist on the difficult access to transcripts of committee meeting and false information at mass-media articles. Many articles<sup>3</sup> accused RUU PKS of promoting promiscuity, abortion, and prostitution, while chapter V of the 2017 draft stated that forcing someone through physical or non-physical violence to abort a pregnancy, to engage in prostitution, to use contraception, or to have forced sexual relations is a

<sup>1</sup>As suggested by interviewees from political parties of Golkar, Hanura, Demokrat, and Gerindra.

<sup>2</sup>Such as:

[https://www.academia.edu/8456439/Pro\\_dan\\_Kontra\\_RUU\\_Kesetaraan\\_dan\\_Keadilan\\_Gender\\_KKG](https://www.academia.edu/8456439/Pro_dan_Kontra_RUU_Kesetaraan_dan_Keadilan_Gender_KKG);  
<https://hidayatullah.com/kolom/catatan-akhir-pekan/2012/03/24/3756/mengapa-kita-menolak-ruu-kesetaraan-gender-1.html>;  
<https://www.republika.co.id/berita/m2x2zk/ruu-kkg-apakah-adil-harus-setara>.

<sup>3</sup>See:

<https://www.beritasatu.com/nasional/879101/tuai-pro-dan-kontra>; <https://www.arahjuang.com/>.

crime. The justification paper also detailed the limitations of the existing laws. Such as Penal Codes considered rape as a violation of the moral code, and the Elimination of Domestic Violence Act 23 of 2004, Child Protection Act 35 of 2014, and Elimination of Human Trafficking Act 21 of 2007 could not be used to prosecute sexual offenders in the educational sector.

In 2019-2024, RUU PKS was resubmitted to DPR, but women activists lobbied DPR to assign other than Komisi VIII to discuss the bill. The discussion was then handled by the legislation committee (Badan Legislasi/Baleg). Differing from Komisi VIII, transcripts of the Baleg meeting were available to the public. The transcripts revealed that discussions were around political parties' list of concerns (Daftar Isian Masalah/DIM), which was drafted by political parties based on a justification paper. Discussions were on substances of the bill, including detailing passages, revising overlapping passages, synchronizing the bill with Penal Codes and other relevant laws, and rewording passages. Baleg also invited representation from civil society organizations and relevant ministries to the discussions, and none was concerned about religious teaching. Baleg also held several open meetings to allow civic observation from 25 March to 6 April 2022. Baleg succeeded in endorsing the enactment of RUU PKS into the Sexual Violence Crime Act 12 of 2022. Mass-media articles<sup>4</sup> also reported more precise information in highlighting evidence on sexual violence, such as at universities and schools.

### 3.3. Discussion

Few insights on challenges in deliberation in the Indonesian parliament have come to light. Firstly, MPs' over-attachment to religion prevented focusing discussions on factual women's societal problems. Deliberation based on science becomes utopian in Komisi VIII. The findings further suggested that the priority of political parties was to win the election, which led to the recruitment of candidates with mass religious followers. Those MPs became overly attached to their religion and put priority on pleasing their follower. Based on the enacted laws, Komisi VIII endorsed several laws on religion from 2004 to 2019 but only related to Islam, such as on Haj and Umrah administration, halal products, Islamic boarding schools, and Islamic relief management. In democracy, all people are equal before laws, but such laws would apply only to the Muslim community. It indicated the returning influence of Islam in politics, which challenged Soekarno's government and was curbed by Soeharto using military power. It also raised concerns about the genuine intention of political elites to work only for state welfare. Enactment of such laws could suggest an elite intention to secure a budget only for their own follower. Such practices are harmful to Pancasila to preserve the plurality of religions and liberal democracy.

The second insight is on the harmful effects of MPs' over-attachment to religion to civic education to promote only truthful information. False information about

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<sup>4</sup>See:

<https://www.cnnindonesia.com/nasional/20211209082552-12-731811/daftar-kasus-kekerasan-seksual-di-pesantren-indonesia/amp>.

RUU KKG and RUU PKS in mass media portrays Komisi VIII's inability to deliver accurate information to the public. Difficult access to transcripts of Komisi VIII's meeting further suggested the committee's inability to comply with Transparency in Public Information Act 14 of 2008. Such practices could threaten democracy and degrade the entire society. According to Lane (2020), information is the glue in society, and based on Lane, practices in Komisi VIII are among the characteristics of an authoritarian regime. The authoritarian regime would systematically fabricate information or block public access to true information to achieve strategic ends and preserve their own interests to sustain power. The practices of political elites in Komisi VIII show that liberty in democracy has turned into tyranny to preserve only the interests of elite followers. Such practices could degrade civic capacity to promote only truth, not rumors, speculations, or beliefs in politics.

Another insight is on the different quality of deliberation across committees. Deliberation on RUU PKS in Komisi VIII and Baleg undertook different practices and brought different outcomes. Baleg was better in transparency and was able to promote accurate information in public. Thus, low quality in deliberation might be isolated only at Komisi VIII in dealing with women empowerment issues. Such findings lead to concerns about the capacity of the Indonesian parliament to ensure committees' conformity to deliberation, such as compliance with the Rules of Procedure and Transparency in Public Information Act. This study reflects only deliberation on women empowerment issues, yet parliament handles many other issues that are equally important to be learned. Studies on how all committees handle deliberation would provide more comprehensive knowledge of the quality of Indonesian democracy. Such as many studies (Permana, 2023; Sobari, 2017; Susanti, 2017; Wardani & Subekti, 2021) have pointed out persistent harmful practices in elections on money politics and political dynasties. Such persistent problems could raise concerns about the commitment of political elites or the capacity of a standing committee with a portfolio on the election in using the learning to continue improving practices in elections.

#### 4. Conclusion

The study sheds light on the quality of Indonesian democracy, which shows discouraging prospects. The new government under Reformasi had not been able to exhibit the capacity of deliberation in dealing with women empowerment issues. Concentration on the popular election had overshadowed their critical role in navigating politics only to realize state welfare based on Pancasila. Individual interests in winning elections had facilitated the returning influence of religion in politics, which made religion the basis for law-making in the standing committee on women's empowerment and religion. Few downfalls of Indonesian democracy during the Soekarno and Soeharto regimes, and findings in this study show translating democratic institutions into practices is the biggest challenge in Indonesian democracy.

Will the new government under Reformasi be able to stop the repetitive democratic event from a liberal democracy into an authoritarian democracy as a way of

realizing the 1998 civic agenda? It seems pessimistic, but Dahl (2020) stated that democracy will not always be on an ascending path. The commitment of the new government to build the capacity of the citizenry to adopt ideal practices for deliberation will be the critical step. Thus, the future actions of those governing and being governed to continuously improve their capacity for deliberation and use the knowledge on the capacity of deliberation not to challenge power but only to improve the quality of democracy would be the answer to such a question. Democratization is not the end, but the beginning of building a society that values collective actions to build collective life so that individual freedom can be translated into collective freedom for all individuals to reach their potential. Frequent elections are not the end goal of democracy, but the beginning in building such a society.

The study in Indonesia leaves few knowledge gaps that merit further exploration. It shows that focusing on democratization by only replacing political elites would not always produce a democratic society. Building citizenry on deliberation should be a priority, and further research on the capacity of Indonesian citizenry on deliberative democracy would be essential in designing programs to strengthen democracy in the country. This study only reflected the capacity of the standing committee to deal with women's empowerment issues. Analysis of the capacity of other institutions, which were reformed and created by the new government under Reformasi, would produce more comprehensive knowledge. Indonesian democratization in 1998 was also partly triggered by the economic crisis, which hit not only Indonesia but also other countries in the Southeast Asian region. While other countries in the region, such as Malaysia, Thailand, and Singapore, had been able to maintain political stability during the economic crisis, Indonesia had undergone considerable changes in politics. Exploration of democracy in other countries in the region would further enrich knowledge.

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The author declares no conflicts of interest regarding the publication of this paper.

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