

Building Deliberative Democracy in Indonesia: Democracy Future and the Future of Democracy

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ABSTRACT: This research aims to analyse the development of democracy in Indonesia and explore the potential of applying the deliberative democracy model as an alternative to strengthening the quality of future democracy. Indonesian democracy has experienced fluctuations since independence, ranging from parliamentary democracy and guided democracy to Pancasila democracy and reform democracy. Although Indonesia is now recognised as the largest democratic country in Southeast Asia, the quality of substantive democracy still faces various challenges, such as political oligarchy, low meaningful citizen participation, and procedural democracy practices that lack public dialogue. This research employs normative legal research methods with a statutory, historical, and conceptual approach. It utilises secondary legal sources, comprising primary, secondary, and tertiary legal materials, which are analysed qualitatively and deductively. The results indicate that deliberative democracy, which emphasises rational discourse, inclusive participation, and argument-based collective decision-making, can serve as a middle ground between rigid procedural democracy and ideal substantive democracy. The implementation of deliberative democracy in Indonesia requires institutional reform, the strengthening of citizen capacity, and the opening of deliberative spaces in both digital and institutional realms. This research recommends a paradigm shift in democracy towards a more participatory, reflective, and equitable direction as the foundation of future democracy.

KEYWORDS: Democracy; Deliberative; Future of Democracy.



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HOW TO CITE:

Antony, et.al., "*Building Deliberative Democracy in Indonesia: Democracy Future and the Future of Democracy*" (2025) 5:1 Jurnal Kajian Pembaruan Hukum 1-26. DOI: <<https://doi.org/10.19184/jkph.v5i1.53691>>.

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I. INTRODUCTION

Indonesia is one of the countries with the largest democratic systems in the world, boasting a population of over 270 million people. The long journey Indonesia has undertaken as a democratic nation has traversed various complex and dynamic dynamics. Initially, the concept of democracy began to take root in Indonesia after colonisation by the Dutch and developed rapidly as the nation's youth received education in developed countries such as those in Europe. There have been at least four significant developments in democracy over time since Indonesia's independence. This process started with the implementation of a parliamentary democracy system from 1945 to 1959. Subsequently, it transitioned to a guided democracy system from 1959 to 1965. Following this, the Pancasila democracy system was established during the New Order era from 1965 to 1998. Finally, after the New Order regime endured for 32 years, a new democracy emerged known as reform democracy in 1998, which has progressed until now and remains intertwined with its own challenges (Democracy backsliding).

The meaning of democracy in that context of the democratic system that comes to mind at this time is primarily about placing the interests of the people, which is consequentialist.¹ The winners are typically the majority (incumbents), while the minorities are often, who strive for on the losing side (opposition). As a result, there is a distortion of the meaning of democracy itself, which actually focuses/discusses more deeply justice and equality in developing the country.² The weakening of the meaning of democracy from various parties is evidenced by focusing only on the final result, namely by utilising all means to win the contestation in order to get the interests of positions by forming coalitions with the method of power sharing/power distribution (profit sharing) so that democracy today reflects the principle of utilitarianism which gives birth to consequentialism.

The implementation of democracy with this model is very influential and has an impact on the failure of the realisation of ideal democracy in

¹ Ariel Fernandez, Gadis Anggraini Safitri & Siti Tiara Maulia, "Menuju Era Reformasi: Perkembangan Demokrasi Dan Pemerintah Indonesia" (2024) 3:6 *Causa Jurnal Hukum Dan Kewarganegaraan* 81–90.

² Elva Rohmah, "Perubahan Paradigma Politik di Indonesia Dari Demokrasi ke Oligarki" (2024) 16:1 *Politeia Jurnal Ilmu Politik* 01–12.

Indonesia, and this will weaken the foundation of democracy itself slowly in the long run. The application of democracy that only focuses on winning alone will give birth to very serious problems and even normalize various ways to achieve victory alone such as transactional political actions, the application of indebtedness politics to efforts to exclude the losing party as a minority, namely the opposition in the implementation of democracy in the country.³ According to Mahmud MD stated that the weakening of the foundations of democracy as evidenced by the lack of freedom of opinion/criticism, the rise of indebtedness politics and transactional politics is not only carried out for buying and selling votes between contestants and voters (the people) (narrowly) but also involves a wider range, namely involving contestants, voters (the people) and political parties (broadly).⁴

In addition, according to Delia Ferreira Rubio (2018), Chair of Transparency International (TI), looking at these problems has stated that “the abuse of power (KKN) is much more likely to flourish when the foundations of democracy are weak, and as has been studied and occurred in many countries, where undemocratic and populist politicians can use their power freely for personal gain”.⁵ Therefore, the distortion of democracy is not only limited/not only focused on how to gain power but even after gaining power, the power holders will do various things that harm democracy itself such as sacrificing meritocracy and public interests for personal and group political interests in the form of coalitions.⁶

Although the current democratic system in Indonesia is not perfect, it is still considered the best system of government because it involves the people in direct participation and places the people as the basic instrument

³ Parlaungan Gabriel Siahaan et al, “Pengaruh Tindakan Money Politic Terhadap Calon Legislatif Dalam Membangun Demokrasi Yang Sehat Pada Pemilu Tahun 2024 Di Kelurahan Binjai, Medan Denai” (2024) 9:1 Civics Jurnal Pendidik Pancasila Dan Kewarganegaraan 424–431.

⁴ Gusti Grehenson, “Mahfud MD: Dinamika Demokrasi dan Hukum akan Selalu Ada” (2024), online: *Universitas Gajah Mada* <<https://ugm.ac.id/id/berita/mahfud-md-dinamika-demokrasi-dan-hukum-akan-selalu-ada/>>.

⁵ Wawan Heru Suyatmiko, “Memaknai Turunnya Skor Indeks Persepsi Korupsi Indonesia Tahun 2020” (2021) 7:1 Integritas Jurnal Antikorupsi 161–178.

⁶ Agil Sabani et al, “Pentingnya Implementasi Sistem Meritokrasi Dalam Instansi Pemerintahan Indonesia” (2024) 1:3 Aktivisme Jurnal Ilmu Pendidikan Politik Dan Sosial Indonesia 144–152.

of all rulers' actions (supervision).⁷ In addition, the democratic system is filled by the sovereignty/role of the people (civil power) to fulfil their demands and needs. Therefore, it is necessary to improve the quality of democracy through understanding and awareness from various parties, especially the people as the highest power holder/the most important component in a democratic state. In this discussion, a new concept of a democracy model that is considered more qualified in the country is introduced, which does not only focus on the final format (losing and winning), but philosophically and conceptually can be the main foundation in discourse in society as a process in democracy, namely deliberative democracy.⁸

The concept of deliberative democracy was born from the thoughts of Jurgen Habermas who was motivated with His criticism of the simple principle in society, namely the implementation of democracy is only a place for the majority (winners), which actually implements democracy as if it does not really believe in the process that is proven only seen in the end result.⁹ The people have never been taught to accept defeat, hence only referring to victory. In the end, everyone will flock to be part of the majority at all costs, even though in the end they are doing things that are actually undemocratic. Losing and winning in democracy actually undermine the meaning of democracy itself, which is related to the placement of real justice.¹⁰

Deliberative democracy consists of the word “deliberation” which means “consultation”/“weighing”/“deliberation”. Therefore, the concept of deliberative democracy always prioritizes public consultation / giving reasons for a policy that will be taken first and tested through public

⁷ Rakhbir Singh & Taufiqurrohman Syahur, “Teori Kedaulatan Rakyat Berdasarkan Konstitusi” (2023) 2:8 *Triwikrama Jurnal Ilmu Sosial* 11–20.

⁸ Fadjar Sukma & Saparuli, “Menimbang Demokrasi Deliberatif Dalam Proses Pembentukan Hukum Yang Demokratis Di Indonesia” (2021) 1:3 *IBLAM LAW Review* 140–154.

⁹ Amilatu Sholihah, “Teori Kritis dalam Paradigma Komunikasi Jurgen Habermas” (2024) 8:1 *MANTHIQ Jurnal Filsafat Agama Dan Pemikiran Islam* 1–17.

¹⁰ Zakiyah Zakiyah et al, “Diskursus Publik dan Relevansi Dengan Legitimasi Kekuasaan Dari Teori Habermas” (2024) 3:2 *Public Sphere Jurnal Sosial Politik Pemerintah Dan Hukum* 10–16.

discourse.¹¹ In order to implement and build deliberative democracy in Indonesia today, it is an effort to form/change the paradigm of democracy to focus on processes, discussion mechanisms, realize the principle of openness and increase people's involvement without discrimination, improve democratic education, foster awareness and understanding of rights and obligations in a democratic system. Thus, building deliberative democracy in Indonesia is not only an option but a necessity to achieve the quality of a sustainable and equitable democratic system.¹²

Considering previous research that focuses on discussions related to the democratic system in Indonesia, notably Melki Nino's 2024 study on the relevance of Jürgen Habermas's deliberative democracy to Pancasila democracy.¹³ Research by Hairul Anwar in 2024 on the application of the concept of deliberative democracy in realising a deliberative campaign in the 2024 Pilkada.¹⁴ Research by Stefanus Sampe, and others in 2023 on the application of deliberative democracy in the process of drafting village regulations, namely in Pintareng village.¹⁵ And research by Ario Dharmapala, and others in 2022 on strengthening the Regional Representative Council related to the legislative function in the perspective of deliberative democracy.¹⁶

Based on previous research, although both have the theme of deliberative democracy in Indonesia, there are differences in the focus of the research conducted by the author with previous research, namely this research

¹¹ Moh Fathul Hasan, "Membaca Ruang Publik dan Jurnalisme dalam Perspektif Jürgen Habermas" (2019) 14:1 *Perspektif Jurnal Agama Dan Kebudayaan* 1–24.

¹² Dedi Hantono & Nike Ariantantrie, "Kajian Ruang Publik Dan Isu Yang Berkembang Di Dalamnya" (2018) 8:1 *Vitruvian Jurnal Arsitektur Bangunan Dan Lingkungan* 43-48.

¹³ Melki Nino, "Demokrasi Deliberatif Juergen Habermas dan Relevansinya Bagi Demokrasi Pancasila" (2024) 23:2 *Jurnal Akademika* 50–62.

¹⁴ Hairul Anwar, "Deliberative Democracy Sebagai Konsep dan Praktis: Mewujudkan Kampanye Deliberatif Dalam Pilkada 2024" (2024) 3:2 *Karaton Jurnal Pembangunan Sumenep* 257–270.

¹⁵ Stefanus Sampe, Caroline Betzy Horopue & Neni Kumayas, "Penerapan Demokrasi Deliberatif Dalam Proses Penyusunan Peraturan Desa Di Desa Pintareng Kecamatan Tabukan Selatan Tenggara" (2023) 13:1 *Dinamika Governance Jurnal Ilmu Administrasi Negara* 16–22.

¹⁶ Ario Dharmapala, Sri Anggraini Kusuma Dewi & Gesang Iswahyudi, "Penguatan Dewan Perwakilan Daerah Terkait Fungsi Legislasi dalam Perspektif Demokrasi Deliberatif" (2022) 4:2 *AL-MANHAJ Jurnal Hukum Dan Pranata Sosial Islam* 307–318.

focuses on efforts to implement/form deliberative democracy in Indonesia with a comprehensive approach through theoretical and practical aspects so that the deliberative democracy method can be introduced, practiced and maintained in order to realize a better Indonesian democratic system in the future to come.

The urgency of this research is due to the declining quality of democracy in the country caused by various serious problems such as the lack of freedom of speech/criticism, the rise of transactional politics to the normalization of reciprocal politics at the expense of meritocracy/public interest to decision making/public policy that only prioritizes the majority vote without considering the interests of the minority. Therefore, a mechanism from the concept of deliberative democracy is needed that is more responsive and prioritises justice and equality. This research is also relevant in answering the challenges of future democracy and the future of Indonesian democracy as one of the major democracies in the world and has the responsibility to improve the quality of democracy in order to achieve the ideals and goals of the Indonesian state as stated in the constitution. Based on the background described above, the author formulates several problem formulations that will be examined, namely: (1) How the reality of the development of democracy in Indonesia from time to time? (2) How are the obstacles in improving the quality of democracy in Indonesia today?; And (3) How the application of deliberative democracy contribute to the future of democracy and Indonesia's future democracy?

II. METHODS

This research uses the normative legal research method, which is an approach that places the law as a written norm (in norm) and a system of values that live in society.¹⁷ This method aims to analyze the concept of implementing deliberative democracy from the perspective of constitutional law and human rights, by examining applicable laws and regulations, constitutional principles, and relevant legal theories.¹⁸ The

¹⁷ David Tan, "Metode Penelitian Hukum: Mengupas dan Mengulasi Metodologi dalam Menyelenggarakan Penelitian Hukum" (2021) 8:8 Nusantara Jurnal Ilmu Pengetahuan Sosial 2463–2478.

¹⁸ Hari Sutra Disemadi, "Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies" (2022) 24:2 Jurnal Judicial Review 289-304.

approaches used include statute approach, conceptual approach, and historical approach to understand the development and application of deliberative democracy in the Indonesian legal system. The data sources used in this research are secondary data, consisting of primary legal materials such as the 1945 Constitution of the Republic of Indonesia, laws on elections and political parties; secondary legal materials in the form of literature, scientific journals, and experts' opinions; and tertiary legal materials such as legal dictionaries. Data collection techniques are carried out through literature studies, while data analysis is carried out descriptively-qualitatively using deductive logic to draw conclusions from general norms into the specific context of the implementation of democracy in Indonesia. With this approach, the research is expected to contribute to the development of responsive legal discourse on the principles of deliberative democracy.¹⁹

III. THE REALITY OF THE JOURNEY OF DEMOCRACY DEVELOPMENT IN INDONESIA FROM PERIOD TO PERIOD

The long journey taken by Indonesia as a democratic country has gone through various complex and dynamic historical dynamics that can be divided into two eras, namely the pre-independence stage and the post-independence stage. In the pre-independence stage, Indonesia was under Dutch colonization and there was no room for democratic practices.²⁰ The policies implemented by the Dutch as colonizers were repressive in limiting political freedom and forming an authoritarian power structure, which sparked the emergence of nationalist movements that wanted change / independence in various regions.²¹ After independence, Indonesia sought to build a system of government based on democratic principles with the establishment of the 1945 Constitution of the Republic of

¹⁹ Muhammad Zainuddin & Aisyah Dinda Kirana, "Penggunaan Metode Yuridis Normatif dalam membuktikan Kebenaran pada Penelitian Hukum" (2023) 2:2 Smart Law Journal 114–123.

²⁰ Eka Damayanti Hasibuan, Muhammad Basri & Diana Siregar, "Situasi Dan Kondisi Perlawanan Terhadap Penjajahan Belanda Di Indonesia" (2024) 1:3 Kampus Akademik Publisng Jurnal Ilmiah Research Student 325–329.

²¹ Zaura Izzati & Muhammad Kaulan Karima, "Perjalanan demokrasi Indonesia dan problematika" (2023) 2:1 Educandumedia Jurnal Ilmu Pendidikan Dan Kependidikan 103–110.

Indonesia (UUD NRI 1945) as a foundation that emphasized the sovereignty of the people. After independence, the development of democracy can be divided into four periods, namely:²²

1. Period of Parliamentary Democracy (1945-1959).²³ The parliamentary democratic system came into effect after Indonesia's independence, which was accompanied by the 1945 and 1950 Constitutions. The implementation of the parliamentary system contained an executive body consisting of the president and his ministers in carrying out their duties. However, major challenges arose in the form of political instability and internal conflicts (coalition tensions/fractures) so that this parliamentary democratic system was less suitable for Indonesia/less effective because there were frequent disagreements/the fall of the cabinet was very vulnerable due to the division of the coalition itself.
2. Guided Democracy Period (1959-1965).²⁴ The period of guided democracy, known as the Old Order, was dominated by the role of the president, Soekarno. The concept of guided democracy introduced the concept of democracy that must be directed towards achieving national goals. In this concept of guided democracy, Soekarno tried to unite various political forces from various political parties, to the influence of communists and the expanding role of ABRI in socio-political elements, which in turn created a deepening authoritarianism. During this period, there were many actions that created a distortion of democratic practices, especially the emergence of MPRS decree No. III/1963 which declared Soekarno as president for life which had canceled the limitation of the presidential term of office within

²² Khalisa Aisyah Signora et al, "Sistem Demokrasi Dalam Pemilihan Umum Di Indonesia" (2023) 2:1 Educandumedia Jurnal Ilmu Pendidikan Dan Kependidikan 1-22.

²³ Adelia Nafiatul Farida et al, "Perkembangan Demokrasi di Indonesia" (2024) 8:1 Jurnal Civic Education Media Kajian Pendidikan Pancasila Dan Kewarganegaraan 34-30.

²⁴ Lamia Rozianna Putri, "Sukarno: Respon Terhadap Ketidakstabilan Kondisi Politik Pada Masa Demokrasi Liberal 1956-1959" (2023) 1:4 Pubmedia Social Sciences and Humanities 1-8.

five years as stated in the 1945 Constitution.²⁵ In fact, there were many deviant actions as a result of the power that was only centered on one individual, namely the president. Therefore, Soekarno's guided democracy was not an ideal democracy but a form of authoritarianism. Until guided democracy finally ended with the emergence of the September 30 PKI Movement (G30SPKI).

3. Pancasila Democracy Period (1965-1998).²⁶ The arrival of the Pancasila democracy period or better known as the New Order led by Soeharto has brought drastic changes with a spirit based on the desire to restore / purify the implementation of government as stipulated in the 1945 Constitution and Pancasila. In this period, the practice of Indonesian democracy refers to the values of Pancasila and the 1945 Constitution which views that popular sovereignty is the core of democracy and prioritizes the protection of the people. However, Pancasila democracy in the New Order era was limited to rhetoric and ideas that were never actually realized. Soeharto implemented an authoritarian regime that severely restricted civil and political freedoms. Despite relative economic stability, democracy in Indonesia under Pancasila democracy regressed, with evidence of unfreedom of speech, restrictions on the press, rampant human rights violations and other practices that degraded the quality of democracy.
4. Reform-era Democracy Period (1998-current).²⁷ The democratic period of the reformasi era began with the monetary crisis and the stepping down of Soeharto who had served as president for 32 years. The fall of Soeharto in May 1998 marked

²⁵ Yayuk Hidayah, Risti Aulia Ulfah & Nufikha Ulfah, "Membangun Demokrasi Sehat dalam Kajian Pendidikan Kewarganegaraan" (2023) 4:2 ASANKA Jurnal Social Sciences And Education 137-146.

²⁶ Tri Wahyudiono & Faizah Rizky Muna, "Historis Negara Demokrasi Pancasila" (2023) 8:2 Islam Law Jurnal Siyasah 77-96.

²⁷ Nanda Herlinanur et al, "Peran Amendemen UUD 1945 Dalam Memperkuat Sistem Check And Balance" (2024) 3:1 Research Review: Jurnal Ilmiah Multidisiplin 110-117; Erla Sharfina Permata Noor, Ahmadi Hasan, & Masyithah Umar, "Demokrasi di Indonesia Mewujudkan Kedaulatan Rakyat" (2023) 1:4 Indonesian Journal of Islamic Jurisprudence, Economic, and Legal Theory 679-693.

the beginning of a new era for Indonesia as the majority of people began to push for a more inclusive democracy. Indonesian democracy in the reform era was based on upholding democracy as evidenced by the freedom of the press as a form of public participation, constitutional reform, more transparent elections and the opportunity for people to associate and assemble according to their respective aspirations.

After entering the reform era led by President B.J. Habibie has paved the way and is a momentum in changing the quality of Indonesian democracy and provides new hope for the people, especially to be involved in decision making as a form of realization of a democratic state.²⁸ One of the important results of the reform era is the implementation of decentralization and regional autonomy. This policy gives more power, especially to local governments in managing related areas and increasing community participation in the life of the nation and state. The improvement of the quality of democracy in the reform era is very satisfying when the implementation of decentralization is used as a tool to strengthen democracy by bringing government closer to the people and fulfilling space for pluralism at the local level.²⁹

On the electoral aspect as a form of democracy, since the reformation, there have been significant changes, such as stricter supervision with a more transparent mechanism. The people have an important role, especially in strengthening democracy by being actively involved in public policy advocacy and oversight of the government to prevent corruption, collusion and nepotism (KKN) as was rampant in the old order era. Despite the existence of anti-corruption institutions such as the Corruption Eradication Commission (KPK), the practice of corruption/abuse of power is still widespread, which not only undermines public trust but has also weakened democracy itself.³⁰

²⁸ Beno Bahari & Gusliana HB, "Era Reformasi: Implementasi Negara Hukum dan Demokrasi di Indonesia" (2023) 15:2 *Legalitas Jurnal Hukum* 232-235.

²⁹ Siti Zulaika & Askana Fikriana, "Peran Hukum Tata Negara; Studi Literature Pada Pemilu di Indonesia" (2023) 1:1 *Al-Zayn Jurnal Ilmu Sosial & Hukum* 1-8.

³⁰ Siti Nurhayati, "Dinamika Perkembangan Demokrasi serta Problematikanya Pasca Reformasi" (2023) 3:1 *as-Shahifah Jurnal of Constituional Law and Governance* 14-30.

A political culture influenced by corrupt practices and identity politics that focuses on winning alone is very damaging to democracy and hinders the process of rational dialogue and discredits minority voices. Based on data from Indonesia's IPAK (Anti-Corruption Behavior Index) in 2023, it states that Indonesia's index reached a value of 3.92 out of a maximum value of 5, which shows that Indonesian people are still behaving increasingly anti-corruption, but the rate of corruption in Indonesia is still high due to low participation/discussion from the community, especially in policy formation (apathy).³¹ Based on a study by the University of Indonesia in 2021, it has been found that many people are passive, not involved in the policy-making process and have a low understanding of the implementation of democracy.³²

Meanwhile, based on the report from the “Democracy Index 2023: Age of Conflict” published by the Economist Intelligence Unit (EIU), Indonesia is ranked 56th with a score of 6.53 which has decreased from the previous year with a score of 6.71.³³ Measurements made of Indonesia's current democratic development include five components, namely the electoral process, pluralism, government functioning, public participation and public freedom. With this score, democracy in Indonesia is currently still categorized as flawed democracy. The weakening of democracy in Indonesia is increasingly evident today, especially in the academic world where freedom of speech from academics is restricted by several parties, especially in discussing national issues that are of particular concern to the community.³⁴ In addition, the criminalization of activists and

³¹ Badan Pusat Statistik Indonesia, “Indeks Perilaku Anti Korupsi (IPAK) Indonesia 2023 sebesar 3,92, menurun dibandingkan IPAK 2022” (2023), online: *Badan Pusat Statistik Indonesia* <<https://www.bps.go.id/id/pressrelease/2023/11/06/2046/indeks-perilaku-anti-korupsi--ipak--indonesia-2023-sebesar-3-92--menurun-dibandingkan-ipak-2022.html>>.

³² M Fajar Shodiq Ramadhan, “Kemunduran Demokrasi Dan Kebebasan Pers Di Asia Tenggara: Refleksi Dari Enam Negara” (2021) 18:2 *Jurnal Penelitian Politik* 141–157.

³³ James E Njoroge, “Democracy and Autocracy” (2023), online: *Evansonslabs Consulting and Coaching Freiburg* <<https://evansonslabs.com/2023/05/30/democracy-and-autocracy/#gsc.tab=0>>.

³⁴ Salomon AM Babys, “Ancaman Perang Siber di Era Digital dan Solusi Keamanan Indonesia” (2021) 3:1 *Jurnal Oratio Directa* 425–442.

demonstrators who criticize and oppose government policies has also contributed to reducing the quality of democracy in Indonesia today.

IV. OBSTACLES TO IMPROVING THE QUALITY OF DEMOCRACY IN INDONESIA TODAY

Indonesia has undergone a long journey in building democracy since the era of independence, but in the process of running democracy until now it still faces various significant challenges and obstacles. The challenges and obstacles that occur in Indonesia's current democratic reality reflect the chaotic conditions/crisis conditions in democracy that are born from several serious root problems that continue to slowly erode democracy and democracy slowly dies without realising it.³⁵ This is in line with the work of Tom Ginsburg in his writing “democratic backsliding and the rule of law” that democracy will be slowly eroded by the people who destroy democracy without having to eliminate democracy directly as if swallowed by the earth.³⁶

Therefore, Socrates has long criticized democracy itself since thousands of years ago, which is likened to a ship that wants to go to a certain destination by applying the democratic model of electing a ship captain. In reality, it is not competent captains who will be elected but popular captains, promising good things to attract support (for cakes), persuasive to transactional politics.³⁷ This is done only for the sake of victory and personal/group benefits. Democracy with a low level of public awareness and a lack of understanding of science (apathy) will slowly destroy itself.³⁸

³⁵ Giovanni Cornelia et al, “Implementasi Prinsip Demokrasi dalam Hukum Tata Negara: Tinjauan Terhadap Sistem Pemilihan Umum di Indonesia” (2024) 8:1 Jurnal Kewarganegaraan 295–302.

³⁶ Tom Ginsburg, “Democratic Backsliding and the Rule of Law” (2018) 44:3 Ohio Northern University Law Review 351-369.

³⁷ Fathimathuz Zachra De Chaniago & Moody Rizqy Syailendra Putra, “Menggali Akar Masalah Korupsi di Indonesia: Analisis Terhadap Faktor-Faktor Pendorong dan Solusi Pemberantasannya” (2023) 1:2 Jurnal of Education Religion Humanit Multidiciplinary 548–552.

³⁸ Alvina Alya Rahma et al, “Pengaruh Dinasti Politik Terhadap Perkembangan Demokrasi Pancasila Di Indonesia” (2022) 6:1 Jurnal Kewarganegaraan 2260–2269.

Concrete examples of challenges and obstacles in improving the quality of democracy in Indonesia today are evidenced by the existence of institutional constraints, cultural and social factors and complicated democratic dynamics and practices, economic disparities, the low quality of democratic education, the dominance of political elites and oligarchs and the instability of the current democratic infrastructure.³⁹ Institutional constraints are directly related to the bureaucracy where the state has the responsibility and obligation for the needs and fulfillment of public services that can be accessed by all people easily and affordably. However, in reality, bureaucratic services are currently considered very slow and convoluted so that the needs and aspirations of the community cannot be addressed effectively and efficiently. This has also led to acts of corruption, collusion and nepotism which have led to the destruction of integrity and public trust. This is a form of abuse of power that even hinders the implementation of policies that should be able to play a role in realizing democratic principles.⁴⁰

In addition to institutional constraints, weak law enforcement is also one of the main challenges and obstacles in ensuring the proper functioning of democratic principles.⁴¹ Ineffective and inefficient law enforcement will harm the ideals of law, namely justice, certainty and benefit for the community. besides that it also hurts public trust and disrupts the political stability of the country. On the other hand, weak law enforcement also creates space for abuse of power by political elites who only focus on personal/group interests, resulting in law enforcement that is sharp downward and blunt upward.⁴²

³⁹ Abd Hannan, "Tingginya Angka Calon Tunggal Pemilihan Kepala Daerah dan Melemahnya Demokrasi di Indonesia Kontemporer" (2023) 5:1 JPW: Jurnal Politik Walisongo 39–57.

⁴⁰ Puji Rianto, "Sousveillance Dan Bentuk-Bentuk Baru Pengawasan Warga Negara Dalam Demokrasi Digital Di Indonesia" (2023) 12:2 Interaksi Jurnal Ilmu Komunikasi 230–249.

⁴¹ Rahmat Aiman, "Hukum dan Korupsi: Tantangan dan Solusi dalam Pemberantasan Korupsi di Indonesia" (2024) 3:1 Peradaban Journal of Law Society 16–30.

⁴² Herlambang Herlambang, Zico Junius Fernando & Helda Rahmasari, "Kejahatan Memperkaya Diri Sendiri Secara Melawan Hukum (Illicit Enrichment) Dan Aparatur Sipil Negara: Sebuah Kajian Kritis" (2022) 11:2 Jurnal Rechts Vinding 247–264.

The next challenge is that there are complex democratic dynamics and practices that tend to hinder the achievement of democracy that represents the interests and rights of the people.⁴³ It should be understood that democracy is not only about formal procedures in elections, but also about ensuring that power holders in carrying out their duties remain trustworthy, transparent, accountable, fair and inclusive. A healthy democracy requires an adequate legal system that applies the principle of equality before the law regardless of social status/interests.⁴⁴

Furthermore, there are challenges and obstacles that come from cultural and social factors related to the values, norms, habits of each community. This relates to the interaction of the community towards the implementation of democratic principles such as rejecting money politics, etc.⁴⁵ However, in reality, vote buying is still rampant, either in the narrow scope between voters and contestants or in a broader scope, namely voters, contestants and political parties. Culturally and socially, this can reduce and even create patterns of habit/dependence that undermine a healthy democratic culture related to economic disparities, wide inequalities between community groups can lead to inequality in providing participation in public policy making. People from lower economic backgrounds tend to be more vulnerable to manipulation of money politics/applying the politics of indebtedness, which results in the formation of public policies that often only benefit elite groups.

In addition, the low quality of democratic education also contributes as an obstacle in improving the quality of democracy. People who tend to be apathetic and do not even have a good understanding of the rights and obligations in implementing a democratic system will tend to be easily influenced by political elites who only focus on power.⁴⁶ Adequate

⁴³ Maysarah Harahap et al, "Elit Politik di Indonesia: Akar dan Dampak Penyalahgunaan Hak Berdemokrasi" (2023) 3:06 COMSERVA Jurnal Penelitian Dan Pengabdian Masyarakat 2149–2160.

⁴⁴ Ibnu Alwaton Surya Waliden, Selvia Fitri Maulida & Mochammad Agus Rachmatulloh, "Tinjauan Asas Equality Before the Law terhadap Penegakan Hukum di Indonesia" (2022) 1:2 Verfassung Jurnal Hukum Tata Negara 123–142.

⁴⁵ Delfina Gusman, "The Strong Influence of Nepotism on Corruption On The Buying of Positions In The Reason of Government" (2024) 4:3 Jurnal of Law Politic and Humanities 239–246.

⁴⁶ M Zulfa Aulia, "Friedrich Carl von Savigny tentang Hukum: Hukum sebagai Manifestasi Jiwa Bangsa" (2020) 3:1 Undang Jurnal Hukum 201–236.

democratic education is very important to increase public awareness of the importance of active participation, criticism and being a watchdog in every process of the life of the nation and state. Furthermore, the dominance of political elites and oligarchs in the arena of political contestation is also a significant challenge. The influence of political elites and oligarchs in the making and implementation of public policies will create injustice/form policies that only benefit individuals without regard to the needs of the people.⁴⁷

The last problem that poses a challenge to improving the quality of Indonesian democracy today is the instability of the democratic infrastructure. The instability of the democratic infrastructure in question refers to representative institutions and accountability mechanisms that are less effective and efficient.⁴⁸ Long structures and processes create low responsiveness in absorbing people's aspirations. Although Indonesia faces various obstacles in improving the quality of democracy today, the hope for improvement remains. The solution is not to move to another form of government, because even if it is the worst form of government, democracy is still a better system than other systems that have been implemented. Therefore, it is necessary to implement a democratic system that is more suitable for the conditions faced by the Indonesian people. A strategic study is needed to enhance the quality of democracy in response to the people's needs.

V. THE CONTRIBUTION OF THE IMPLEMENTATION OF DELIBERATIVE DEMOCRACY TO THE FUTURE OF DEMOCRACY AND THE FUTURE OF INDONESIAN DEMOCRACY

Jane Addams stated that “*The cure for the ills of democracy is more democracy*”. This statement is a simple recommendation/step to ward off the destroyers of democracy from taking action and shaping a more

⁴⁷ Moh Nizar & Wais Alqarni, “Dinasti politik dan demokrasi lokal”, cetakan pertama ed (Syiah Kuala, Banda Aceh, Aceh: Syiah Kuala University Press, 2021) Book series demokrasi dan otonomi daerah.

⁴⁸ Robinson Sembiring & Muba Simanihuruk, “Politik Dinasti dan Desentralisasi”: (2018) 1:1 Talenta Conference Series Local Wisdom Social and Arts LWSA 092–098.

democratic nation.⁴⁹ Meanwhile, according to Churchill, it states that “*Democracy is the worst form of government – except for all those other forms that have been tried*”.⁵⁰ Therefore, the solution to improving democracy is not to adopt another form, but to conduct and implement a strategic study of the quality and type of democracy that best suits the needs of the people. Because, even if it is the worst form of government, democracy is still better than other systems that have been or will be tried.

Therefore, the implementation of deliberative democracy in Indonesia is a crucial topic for enhancing the quality of democracy. The deliberative democracy model emphasises community participation in the decision-making process through rational and inclusive discussions, regardless of the group. Deliberative democracy is a theory that posits that the decision of the ruler should be the result of a fair and reasonable discussion or debate among the people. Deliberative democracy emphasises that the community should not only be passive voters but also be active in articulating their aspirations and engaging in dialogue oriented towards mutual agreement, without sacrificing the interests of minorities. The application of the deliberative democracy model seeks to involve all levels of society and appreciates the “process” of decision-making with a two-way perspective in depth, and realising the common interest.⁵¹

Deliberative democracy is a model of democracy that leads the way to the formation of a stronger and more sustainable future democracy in Indonesia. The application of the deliberative democracy model provides opportunities for all levels, encouraging consensus-based problem-solving and fostering a strong sense of public involvement to increase the legitimacy of decisions.⁵² The community is directed to play an active role in critical and constructive policy formation discussions until decision-

⁴⁹ Taupik Hidayat, “Situasi Demokrasi Nasional Menuju Pemilu 2024” (2023) 3:1 EDU Society Jurnal Pendidikan Ilmu Sosial dan Pengabdian Kepada Masyarakat 856–864.

⁵⁰ Nurdin Nurdin, “Kesejahteraan Sosial dalam Persepektif Demokrasi dan Otoritarian: Analisis Perbandingan Inggris dan Singapura” (2023) 4:2 PARAPOLITIKA Jurnal of Politics and Democracy Studies 140–167.

⁵¹ Mary F Scudder, “Deliberative Democracy, More than Deliberation” (2023) 71:1 Political Studies 238–255.

⁵² Novita Tresiana et al, “Deliberative Democracy Innovations at Citizen Level: Challenges of Local Government in Indonesia” (2023) 21:4 Lex Localis: Jurnal of Local Self-Government 807–832.

making on policies that are more representative and responsive to community needs. The deliberative democracy model not only makes the community an object of policy but also an equal participant in its governance.⁵³

This aligns with Satjipto Rahardjo's assertion that law, in the context of public policy, should serve as a facilitator in responding to the needs and aspirations of society. With his Progressive legal theory, he states that “law as a process, law in the making”. Law is not an absolute or final institution, but it is always in a state of formation. Satjipto Rahardjo has a fundamental assumption that the law is for humans, not the other way around.⁵⁴ Therefore, if there is a problem in society, it is the law that needs to be reviewed and repaired, not humans who are forced to be included in the rigid legal scheme. Based on this statement, it aligns with the application of deliberative democracy, which relies on public discussion and participation to reach a mutual agreement that meets the needs of society.⁵⁵

In addition, to improve democracy in Indonesia, it is necessary to reharmonise the relationship between the people and those in power, thereby rebuilding public trust. This is motivated by the decline in public trust in the government's performance and related parties. The application of deliberative democracy can help rebuild public trust in the government and other related parties.⁵⁶ This is realised when people feel that the aspirations they have expressed are finally heard, appreciated, and respected. The implementation of deliberative democracy reflects that the state is present to listen to and fulfil the needs of the community. This is particularly important in Indonesia because trust in the government's performance and other related parties often receives a negative assessment

⁵³ Jacob Ainscough et al, “Participant perceptions of different forms of deliberative monetary valuation: Comparing democratic monetary valuation and deliberative democratic monetary valuation in the context of regional marine planning” (2024) 33:2 *Environmental Values* 189–215.

⁵⁴ Dwidja Priyatno & M Rendi Aridhayandi, “Resensi Buku (Book Review) Satjipto Rahardjo, *Ilmu Hukum*, Bandung: PT. Citra Aditya, 2014” (2018) 2:2 *Jurnal Hukum Mimbar Justitia* 881-889.

⁵⁵ Anna Drake, “Deliberative Democracy and Systemic Racism” (2023) 56:1 *Canadian Journal of Political Science/Revue Canadienne de Science Politique* 92–112.

⁵⁶ Fayakun Fayakun & Siti Seituni, “Filosofi Nilai-Nilai Pancasila Dalam Peran Pemilu 2024” (2023) 2:3 *Cendekia Pendidikan* 11-19.

due to acts of corruption, injustice, and other practices that erode public trust.⁵⁷

In addition, the application of deliberative democracy can help reduce political polarisation in the context of Indonesia, a multicultural and plural country. Indonesia, which is comprised of diverse elements, is not only a form of national wealth but also a challenge and a source of tension due to disagreements and differing opinions. Therefore, the application of deliberative democracy encourages dialogue that respects every layer and difference in society, enabling the creation of dialogue that builds social cohesion.⁵⁸ The presentation of policies in the application of deliberative democracy is based on considerations from various perspectives, thereby helping to create more mature, inclusive, and sustainable policies.⁵⁹ By involving multiple groups of people in the deliberation process, the policies made are widely accepted across different circles and can be implemented effectively and efficiently, thereby realising common interests. In this case, the application of deliberative democracy can slowly improve the quality of democracy and realise rational and transparent decision-making.

Considering that Indonesia as a developing democracy in implementing a democratic system still has a significant challenge, namely maintaining integrity from the practice of money politics/corruption/politics of indebtedness/transactional which can damage the democratic process itself, so that the application of deliberative democracy is a component and necessity in suppressing practices that can erode democracy that occurs today with the principle of openness and structured deliberation.⁶⁰ By implementing deliberative democracy in the democratic system, it has also inadvertently improved democracy education, as people are allowed to actively engage in and participate in constructive and critical discussions in discussion forums. The application of deliberative-based democracy

⁵⁷ Muhammad Fakhur Rodzi, “Etika Kepemimpinan Kepala Daerah Di Indonesia Dalam Tata Kelola Pemerintahan Yang Baik” (2024) 6:1 *Publicio Jurnal Ilmiah Politik Kebijakan Dan Ilmu Sosial* 32–40.

⁵⁸ Tengiz Sultanishvili, “Shortfalls of deliberative democracy in Georgia: the analysis of the General Assembly of a Settlement” (2023) 25:2 *European Societies* 326–345.

⁵⁹ Iskandarsyah Siregar, “Democratic Liberal Theory Based on Literature Review” (2023) 10:1 *Konfrontasi: Jurnal Kultural Ekonomi Dan Perubahan Sosial* 34–45.

⁶⁰ Dwi Atmoko & Amalia Syauket, “Penegakan Hukum Terhadap Tindak Pidana Korupsi Ditinjau dari Perspektif Dampak Serta Upaya Pemberantasan” (2023) 11:2 *Binamulia Hukum* 177–191.

education aims to equip people with the knowledge and skills to express their aspirations argumentatively and respect different views, regardless of their background or group affiliation.⁶¹

The implementation of deliberative democracy establishes collective responsibility, engaging the entire community in a role from the outset through to the outcome, thereby fostering a sense of “ownership” of the policies produced together. This reflects the development of a healthier democratic infrastructure, free from intimidation and monopolisation by certain democratic destroyers. Deliberative democracy facilitates a more open, equal and critical exchange of ideas. The application of the deliberative democracy model is expected to make a significant contribution to the improvement of Indonesia's current democratic system, ultimately benefiting Indonesia's future democracy and democracy as a whole.

VI. CONCLUSION

Complex historical dynamics have shaped the long journey of Indonesian democracy. However, today the quality of democracy has declined, marked by the tendency for democratic practices to be reduced to mere win-lose procedures (consequentialism), without regard to the substance of justice and participation. The rise of corruption, collusion, nepotism, transactional politics, and the neglect of meritocratic principles in favour of personal or group interests exacerbates this phenomenon. In facing these challenges, democratic renewal is a necessity. Deliberative democracy comes as a promising alternative, as it emphasises the importance of meaningful public participation, rational dialogue, and inclusive and reflective decision-making. This model can encourage the creation of more representative policies, strengthen public trust in institutions, reduce political and social polarisation, and build a healthy democratic culture through increased citizen literacy and awareness. Thus, the implementation of deliberative democracy not only enhances the quality of substantive democracy in Indonesia but also lays an essential foundation

⁶¹ Mary F Scudder, Selen A Ercan & Kerry McCallum, “Institutional listening in deliberative democracy: Towards a deliberative logic of transmission” (2023) 43:1 *Politics* 38–53.

for democratic, adaptive, and resilient governance in the face of future challenges.

ACKNOWLEDGMENTS

None.

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