

The Ratification of Omnibus Law: A Sign of Democratic Deconsolidation in Indonesia

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Abstract

Indonesia as a post-authoritarian democratic country has made impressive progress in its democratic transition. However, there is a significant contradiction in the democratic process, particularly in policy and law-making. This study aims to discuss democratic deconsolidation contributing to the ratification of the Omnibus Law on Job Creation in Indonesia. Applying the qualitative method by using academic literature, news analysis, and official government documents, the first research finding shows that the accumulation of Joko Widodo's political power has affected the quality of debate and the agreement during the deliberation of the Omnibus Law in the parliament. Secondly, the opaque process limiting public participation has narrowed the space for the democratic mobilization of the citizens. Thirdly, the increasing number of retired armed forces in domestic affairs has resulted in the dual function of military power in securing the country and the economic development agenda. The study shows that the deconsolidation of democracy has contributed to the ratification of the Omnibus Law on Job Creation which was deliberated through a non-transparent mechanism.

Sebagai negara demokrasi pasca-autoriter, Indonesia telah menunjukkan kemajuan yang signifikan dalam transisi demokrasi. Namun demikian, masih ditemukan kontradiksi kondisi dalam proses demokrasi, khususnya dalam pembuatan kebijakan dan undang-undang. Penelitian ini bertujuan untuk membahas dekonsolidasi demokrasi yang berkontribusi pada pengesahan Omnibus Law Cipta Kerja di Indonesia. Dengan menggunakan metode kualitatif dengan penguatan analisis berbasis literatur akademik, narasi berita, dan dokumen resmi pemerintah, temuan pertama menunjukkan akumulasi kekuatan politik Joko Widodo yang berpengaruh dalam proses diskusi dan menentukan kesepakatan selama pembahasan Omnibus Law di parlemen. Kedua, proses buram yang membatasi partisipasi publik dan mempersempit ruang gerak demokrasi warga negara. Ketiga, meningkatnya jumlah purnawirawan angkatan bersenjata dalam urusan dalam negeri telah memberikan kontribusi dalam dwifungsi kekuatan militer dalam mengamankan negara dan agenda pembangunan ekonomi. Penelitian ini menunjukkan bahwa dekonsolidasi demokrasi berkontribusi pada pengesahan Omnibus Law Cipta Kerja yang dibahas melalui mekanisme yang tidak transparan.

Keywords: democratic deconsolidation; Omnibus Law; horizontal accountability; discursive participation; democratic civil-military relations

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Introduction

Democracy has become widely accepted as a set of specific government institutions in many countries. It consists of a well-understood group of values, attitudes, and practices in functioning its system. According to Diamond (2014), democracy promotes elements such as; a fair electoral system, government accountability, an effective system of democratic control, and increasing citizens' participation in political decisions. The aspects for functioning democracy become crucial in establishing, sustaining, and defending democracy, particularly in younger post-authoritarian democracies (Mietzner 2021).

As a young post-authoritarian democratic country, Indonesia has made impressive progress on its democratic transition since the resignation of the long-time dictatorship of the Soeharto regime in 1998. Many analysts and comparativists have praised Indonesian democracy's stability in the two decades since the fall of the New Order (Eve and Aspinall 2019). Indonesia's democracy has experienced rapid and transformative development: fair and competitive elections have returned; the multi-party system has been promoted; restrictions on the media and civil society have been lifted; the military's dual functions have been abolished; and independent judicial institutions and the rule of law have been established (Power 2018). The progress can be seen from the record of democracy observers, the Economist Intelligence Unit, and Freedom House, which indicate an increase in Indonesia's democracy index.

Successive government has built one of the essential foundations of a thriving democracy: free, fair, and peaceful elections. In procedural democracy, the quality of the electoral process inclined from 6.92 to 7.92 points (EIU 2018,

2019). Furthermore, the head of government and legislative representatives elected through free and fair elections. However, there were issues, including political violence during the pre-election, invalid voter-list, ballot stuffing, and communal block voting (Freedom House 2019).

Although Indonesia is a well-functioning electoral democracy, the considerable contradiction has hampered the democratic process, particularly in non-electoral area (Anugrah 2020). There is no significant progress, and the stagnation has become the central debate in Indonesia's democracy during the Joko Widodo presidential era. Freedom House (2018, 2019) reported the judiciary independence 2 out of 4 points, and the overall process in civil and criminal matters was 1 out of 4. Civil liberties regarding freedom of expression, associational and organizational rights have also experienced stagnation in 5.59 points (EIU 2018, 2019). Although the reformation era has lifted the restrictions on free media and civil movements, Indonesia's Alliance of Independent Journalists documented dozens of assaults and threats against journalists (US Department of State 2019).

Furthermore, people's opportunities to participate in policy and law making, assist minority groups, and discuss sensitive political issues are regularly curtailed. Thus, Indonesia has been categorized as a flawed democratic country, although the democracy index increased from 6.39 to 6.48 (EIU 2018, 2019). Democratic deconsolidation has emerged as a sign of a flawed democracy in Indonesia. The condition shows the rise of authoritarian tendency by opposing freedom of speech and violence to achieve the regime's agenda (Facchini and Melki 2021; Foa and Yascha 2017).

In the first term of the Joko Widodo presidency and the House of Representatives passed several controversial laws that generated

public criticisms: the criminal code, which can infringe on civil and political rights to maintain public order (Winata et al. 2020); the new Corruption Eradication Law that weakened the authority of the Corruption Eradication Commission (Irawati 2020); and the new mining regulations, which can increase the viability of business activity in Indonesia's natural resources sector without considering the socio-ecological consequences (Amatullah, Setyadani, and Ramadhany 2020). In the second term, Joko Widodo passed the Omnibus bill on Job Creation to the House of Representatives in October 2020.

Omnibus legislation has become a key development in the legislative process, a powerful policy tool, and a governance mechanism with significant consequences for democratic government worldwide (Bar-Siman-Tov 2021). Omnibus is counted as a strategy carried out by several countries, such as Spain, Canada, and Turkey. Some regard this legislative practice as Omnibus Law violates the basic law-making principles and threatens democratic values, legislative quality, or even the epitome of a failed legislative process (Bar-Siman-Tov 2021).

Several studies have sought to understand the deliberation process and the implications of Omnibus Law. In Spain, Oliver-Lalana (2021) found that Omnibus Law has become an object of criticism, particularly in its legislation process, and courts are reluctant to limit it. In Canada, Massicotte (2021) explained that opposition parties and the media had expressed concern over omnibus legislation, which has created significant problems and contributed to the 2019 electoral setback. In Turkey, Hazama and Iba (2017) found that the legislative-efficiency objective behind the omnibus bill is undermined by legal errors and deficiencies that result from a lack of parliamentary debate.

In Indonesia, numerous studies have also discovered the implications of Omnibus Law on different sectors. Terjomurti and Sukarmi (2020) argued that the notion of the Omnibus Law on Job Creation has ramifications for the imbalance of power between employers and employees and the workers' legal protection. In the environmental issue, the Indonesian legal system has been significantly impacted by the Omnibus Law, particularly in the environment and natural resources (Sembiring, Fatimah, and Widyaningsih 2020). Furthermore, Anggraeni, Indra, and Rachman (2020) mentioned that the Omnibus Law has not become a strategy for answering regulatory issues in Indonesia. Nonetheless, there remains a research gap in the literature as none of those mentioned above studies explain the flawed process of Omnibus Law as an impact of democratic deconsolidation.

To fill the gap, this study examines democratic quality in Indonesia more comprehensively by assessing the interactions and interests among political actors and the expansion of citizens' rights, including freedom of expression and citizens' participation in policy-making. It leads to the question, "To what extent does democratic deconsolidation contribute to the ratification of the Omnibus Law on Job Creation in Indonesia?"

The research carried out is a qualitative method using a literature review, consisting of official government documents and news analysis. The study employs the three elements of a functioning democracy to scrutinize the democratic deconsolidation in Indonesia. First, horizontal accountability by Merkel (2004, 2014); second, discursive participation by Habermas (1996); and third, democratic civil-military relations by Huntington (1957). The findings and discussion section explains a case study on the deliberation process of Omnibus

Law and the analysis of the impacts of democratic deconsolidation on the deliberation of Omnibus Law on Job Creation. In addition to several studies, the research also demonstrates the data provided by the government of Indonesia to support the analysis chapter.

Democratic Deconsolidation

Although the concept of democracy is contested, the normative debate about the importance of democracy is always relevant (Merkel 2018). Democracy consolidates when specific requirements such as a check and balances mechanism, democratic legitimacy, and the formation of a robust civil society are assured. In contrast, the process of democratic deconsolidation has historically preceded a decline in the stability of democratic institutions. Democratic deconsolidation occurs as democratic institutions become more open to authoritarian alternatives and associate with subsequent declines in democratic governance (Foa and Yascha 2017).

To examine the practices of democratic deconsolidation in Indonesia, some elements in functioning democracy, particularly the aspects that reflect the flawed process of passing the Omnibus Law on Job Creation will be analyzed. First, in terms of horizontal accountability, the checks and balances mechanism of each branch of government will be examined. This chapter analyzes the coalition parties in executive and legislative power to reveal their influence in policy and law-making, in this context, Omnibus Law on Job Creation, and draw the impact of coalition power on the judicial branch. Second, to analyze the discursive participation of citizens in deliberations and decision-making processes, this chapter looks at the official data of the Omnibus Law task force and examines the representation of the main stakeholders affected

by the bill. Lastly, the democratic civil-military relations will be analyzed to explain the role of democratic control of defense forces and the links between civil society and people with arms or military. This chapter examines the military involvement in civilian affairs by developing data to look at their strategic positions and describe their role in safeguarding the deliberation of Omnibus Law from public disagreement.

The Horizontal Accountability

Checks and balances among government institutions are crucial for democracy to be effective. Horizontal accountability is a concept of separation of powers (Merkel 2004). Adequate separation of powers is one of the political conditions that shape the functioning of democracy. Merkel (2018) emphasized that horizontal accountability is concerned with the structure of government (legislature, executive, and judicial) and monitoring actions in terms of mutual interdependence, checks, and balances, and the independence of each branch of government.

Furthermore, the relationship between the legislative, executive, and judicial branches of government is critical to the successful operation of checks and balances in governance. The central function of mutual checks and balances is to maintain power under control and ensure its implementation following the constitution and the law (Merkel 2018). Horizontal autonomy ensures that the three bodies are mutually monitoring each other, with no single body dominating or interfering with the functions of the others (Merkel 2004). If three essential functions are separated with adequate checks of balances, it will reduce the abuse of power in the democratization process, particularly in rules and policy-making.

In horizontal accountability, the functioning of democratic processes requires open and responsive governance. Merkel (2018) argued that in times of crisis, a shift in power between the executive and the legislature is common; the executive tends to claim special decision-making powers, while parliaments lose legislative and control capability, generating an ambivalent effect on constitutional courts.

The Discursive Participation

The active participation of the citizens in politics is essential for the successful working of democracy. In a high-quality democracy, citizens must have equal access to participate in shaping the decisions. The essence of placing citizens' participation as a central condition of a thriving democracy is to give the people opportunities to influence public policy. The involvement of citizens, the institutionalization of communication in politics, the concept of human rights, and popular sovereignty constitute the foundation for an administration's legitimacy (Habermas 1996).

In Habermas' deliberative democracy, mutual understanding structures the participation of citizens configured in a public sphere. The idea of participation addresses the following questions: how does or could deliberation shape preferences, regulate self-interest, empower marginalized people, mediate difference, promote recognition, develop rational opinion and policy, and possibly lead to consensus (Chambers 2003). Habermas (1996) emphasized that the public sphere is more than a set of institutions and organizations. The public sphere is a communication framework through the civil society and political system's network (Habermas 1996). The public sphere is a framework that lies at the center of the lifeworld and functional design, connecting the

government and private sectors (Habermas 1996).

The central element of the democratic process of deliberative democracy considers the discursive participation of citizens in deliberations and decision-making. Habermas (1996) stated that public discourse reflects public opinion through public debate and opinion formation. Parties, parliaments, and executive bodies do not have sole authority over policy formulation. As a result, policy-making should be passed through public debate, in which citizens and the government analyze policies critically.

The Democratic Civil-Military Relations

Democracy is well-established when democratic civilian military control is deeply rooted (Cottey 2007). The notion of civil-military relations explains the importance of democratic oversight over defense forces and the connections between a civil society with those who control weapons or serve in the military. Under democratic regimes, the term civil refers to the role of civilian authorities in civil-military relations. Armed forces consist of the army, police, intelligence agencies, and non-statutory armed forces groups (Law 2008).

In the study of civil-military relations, Samuel Huntington tries to resolve the conflicts between social and functional imperatives in civil-military relations (Kümmel and Bredow 2000). In his idea, Huntington explains the significance of appropriate norms and standards in ensuring the democratic process and legality of defense force operations by separating the role of civilians in political agenda from the part of the military in military plan (Maigre 2010).

Civilian control is related to civilian and military organizations' relative strength, and it is

achieved when military power is minimized (Huntington 1957). There are two ways to minimize military power; subjective civilian control and objective civilian control. Huntington (1957) explained that subjective military control is achieved by maximizing the power of civilian groups concerning the military in terms of governmental institutions and constitutional forms. In contrast, objective civilian control is to make the military protect the state's security by professionalizing the military and making them politically neutral (Huntington 1957). Furthermore, minimizing military power is only achievable in the modern era, when the separation of power has been implemented to establish an authority to prevent and manage violence (Huntington 1957).

The Omnibus Law on Job Creation

President Joko Widodo passed several controversial laws during his presidency, including the criminal code, the new Anti-Corruption Law, the new Mining Law, and the latest Omnibus Law on Job Creation. Since Joko Widodo's first speech at the inauguration after being re-elected for a second term in 2019, the Omnibus bill on Job Creation has resounded in Indonesia.

The Omnibus Law draft on Job Creation became the priority bill to be legislated in the 2020-2024 National Legislation Program. The Omnibus Law enacts to de-regulate Indonesia's conflicting and contradictory business regulations (Sembiring et al. 2020). By revising 73 laws, including revisions to labor rights and environmental protection, the bill aims to improve the ease of doing business in Indonesia and attract investment, enhancing job opportunities, competitiveness, and economic growth (Schlueter 2020).

President Jokowi Widodo urged the Coordinating Ministry for Economic Affairs and the House of Representatives 100 days to complete the Omnibus bill. The Coordinating Ministry for Economic Affairs started the Omnibus Law's formulation and legislation by forming a task force for preparing the bill on December 17, 2019. The government and the Indonesian House of Representatives then discussed the Omnibus Law draft on Job Creation on April 14, 2020.

The task force's formation, on the other hand, generated criticism because it was dominated by business-related groups and the government, with no representation from labor groups. Furthermore, numerous groups have criticized and expressed concern about the draft of the Omnibus bill. According to labor groups, the bill might impact workers' rights, remuneration, and job security (Schlueter 2020). Environmentalists are also concerned that the legislation restricts public participation in environmental decision-making, notably the role of ecological experts in assessing environmental implications (Sembiring et al. 2020).

Even though the deliberation of Omnibus Law has been criticized, the government and the House of Representatives have been reluctant to consult and obtain public input properly. In August 2020, the National Human Rights Commission advised to postpone the further discussion of omnibus bill to respect, preserve, and uphold human rights for all Indonesians (Panimbang 2020). Mass protests erupted in Indonesia in response to the government's decision to quietly draft the bill until it was finalized on October 5, 2015. President Joko Widodo responded to the demonstration by mobilizing the military rather than engaging in discussion, which resulted in the detention and the injuries of the protestors (Wijaya 2020).

The Horizontal Accountability in Indonesia

After two decades of authoritarian rule in Indonesia, the separation of power has improved. The constitutional amendments between 1999 and 2002 have emphasized the implementation of horizontal accountability. The balance of power among the executive, legislative, and judicial branches was carefully established and enforced as part of institutional changes to prevent the re-establishment of an authoritarian system (Kawamura 2010).

As a background, the Indonesian president does not have direct veto authority over legislation under the country's presidential system. According to the constitution, every law must be examined collectively by the national parliament. The process can be seen when the government introduces a new state budget draft. The draft deliberates collaboratively with the House of Representatives to reach an agreement. Therefore, the president and ministers actively participate in the deliberation of the state budget and policy-making (Ziegenhain 2015).

The executive and legislative powers have performed well in determining the policy. However, the fusion of power between the executive and legislative branches can distinguish legitimate and illegitimate control of the legislature and executive branch (Hazama and Iba 2017). The deliberation process of Omnibus Law on Job Creation, from its introduction until parliament enacted the draft into law on October 5, 2020, has demonstrated the practice of illegitimate control. Shortcutting legislative processes undermines societal consensus on policy and tempts the government to pass unlawful legislation (Hazama and Iba 2017).

Several factors weaken checks and balances mechanisms in the deliberations process, including; the strengthening executive power and grand party coalition in parliaments. In the executive power, President Joko Widodo has effectively silenced the power of the opposition party. After being re-elected for the second term in 2019, Joko Widodo appointed the leader of the rival coalition that contested Widodo in the 2019 presidential election, Prabowo Subianto, as Minister of Defense, who is also in charge as the Gerindra Party's chairman. The Gerindra Party's Vice Chairman of Finance and National Development, Edhy Prabowo, was also recruited into the cabinet as Minister of Maritime Affairs and Fishery.

By allocating minister positions to opposing parties, President Joko Widodo wants to consolidate political power, secure the loyalty of their parties in the legislature, and avoid popular resistance from the Prabowo camp in the second government period (The Economist reporter 2019). Furthermore, establishing grand coalitions with a small opposition is already a tradition in Indonesia's democratic presidential system (Sefsani 2019). In Indonesia's modern democracies, the opposition has been rarely found, and the executive has variously conceptualized a cartel party coalition to reward the opposition with access to power and patronage (Case 2011).

Furthermore, the composition of the president's party in the House of Representatives has influenced the checks and balances mechanism in determining policies and laws. A president without a majority in parliaments is prone to experience a deadlock and political instability during the deliberations process. However, a deadlock during the deliberation process does not appear during the Joko Widodo

era. The joining of the opposition party in Joko Widodo's cabinet will likely shift the power balance in Indonesia's legislative body (Lontoh 2019).

The president's coalition dominates the composition of the House of Representatives with 427 total seats (74%), including the joining of the Gerindra Party with 78 seats as a part of the deal of two ministerial positions to the Gerindra Party. In contrast, the three opposition parties only have 148 (26%).

The imbalance proportion in the House of Representatives has impacted the loss of the checks and balances mechanism in parliament. The direction of the grand party coalition in the House of Representatives to support the Joko Widodo government can be observed during the deliberation of Omnibus Law. They can control and influence the legislative's performance in creating political compromise during the policy deliberation. The parliament passed Omnibus Bill into law without critical and thorough debate (Asrinaldi, Yusoff, and Karim 2021)

Furthermore, the illegitimate control between the executive and legislative during the deliberation of the Omnibus Law has also impacted the judiciary level. The House of Representatives passed Constitutional Court Law amendments. The revision to the Constitutional Court Law deliberated in a short period. The new law increases the maximum term for judges from five to fifteen years and allows them to serve until they are 70 years old, ten years longer than before (Butt 2020). Activists claim that the amendment is a reward to sitting judges, intended to persuade them to support the government and legislature during the judicial review of the controversial legislation (Ghaliya 2020). The approach is also likely to anticipate possible legal challenges to problematic

legislation, such as the Omnibus Law on Job Creation.

The crisis of democracy happens when the legislative, executive, and judicial failed to promote a checks and balances mechanism (Merkel 2014, 2018). The executive secures the cabinet and its decision-making power by controlling the opposition, which impacted the judicial branches by revising the Constitutional Court Law. In addition, the grand party coalition made Indonesia's House of Representative loses its legislative and control power, which contributed to the absence of comprehensive debate during the deliberation of the Omnibus Law.

When a single-party government controls the legislative agenda, the government may legally present bills that the legislative majority is most likely to approve (Hazama and Iba 2017). Of nine factions in the House of Representatives, six factions approved the Omnibus Law on the Job Creation: the PDI-P, Golkar, Gerindra, NasDem, F- PKB, and PPP; meanwhile, PAN, agreed with a note, while two other factions, Demokrat and PKS rejected the bill (Web Administrator DPR RI 2020).

Public Participation in the Deliberation of Omnibus Law

Democracy should be shared equally and not only relies on the feature of the political system, which makes the political process a matter left to parties, parliaments, and executive committees. The entire society and the groups that make up their actions should be involved in the political process, particularly in policy-making (Brunkhorst, Kreide, and Lafont 2018). Democratic decision-making is based on the mutually dependent interests of interconnected actors, and the law is established on discourse

achieved through agreement rather than a social contract (Susen 2018).

International law protects the rights to participate in public affairs, freedom of expression, and the right to information (Amnesty International 2020). Indonesia has ratified the International Covenant on Economic, Social, and Cultural Rights (ICESCR) through Law Number 11 of 2005 and the International Covenant on Civil and Political Rights (ICCPR) through Law Number 12 of 2005. In addition, the National Law Number 12 Article 96 of 2011 also manages the rights of every citizen to participate in the process of forming laws and regulations.

During the Omnibus Law's formulation and ratification, the processes took without proper public participation. It contradicts the characteristics of good policy-making, which include public engagement in bill formulation (Sembiring et al. 2020). The Omnibus Bill's deliberation does not promote the values of human rights and citizen engagement as the foundation for law-making legitimacy (Hamid and Hermawan 2020).

The government and the House of Representatives argued that the legislative process had met all formal standards, including transparency and public involvement principles. They claimed to have consulted with labor unions and academics during the bill's formulation and deliberation, albeit the mechanism and quality of this consultation are still contentious. The Minister of Manpower said that fourteen workers' unions were included in the public consultation and coordination team on the Omnibus Law bill, but the unions argued that they had not been involved from the beginning of the drafting process (Hamid and Hermawan 2020).

Furthermore, government, business, and other stakeholders dominate the Omnibus Law task force, formed by the Coordinating Ministry for Economic Affairs, without participation from labor unions. Engagement with labor groups should begin initially, as they are the most directly affected by the law (Amnesty International 2020). The public sphere discourse is essential for public ideas to be communicated to the administrative branch and then forwarded to the citizenry in public rights, responsibilities, and expectations (Habermas 1996). The limitation in the public sphere makes the Omnibus Bill has been discussed in the parliaments without a checks and balances mechanism and formal public consultation with the worker unions.

The Omnibus Law task force structure and public access to the Omnibus Bills is constrain citizens' participation. The bill was not made available to the public by the Omnibus Law task force. The bill was only made public the day after the government submitted it to the House of Representatives. This mechanism violates Article 28F Indonesian Constitution, which ensures every citizen has the right to communicate, obtain information, and has the right to seek, receive, possess, keep, process and convey information by using all channels available. Furthermore, the authorities created a counter-narrative to obscure public perception of the bill, with President Joko Widodo falsely alleging that criticism was based on disinformation and hoaxes propagated through social media (Arbi 2020). Meanwhile, the government claims that the law will expand job opportunities (Jennings 2020).

The deliberation of the Omnibus Bill restricts public engagement in public debate and opinion

formation in policy-making. The way the government and House of Representatives constructed their version of the bill's legitimacy, and their definition of representation in the legislation process indicates that significant public dissent has been ignored, and public discourse has been limited. The legal system has been manipulated to serve political-business interests.

The Regaining of Military Involvement

The development of democratic institutions in newly democratized countries relies on the military system, which has historically wielded enormous political power over a range of political, economic, and social issues (Kohn 1997). The enforcement of the rule of law, the protection of human rights, and the non-political involvement of the military are all preconditions for democratic control of armed forces law (Law 2008). Huntington (1957) mentioned two ways to minimize military power 1) subjective civilian control by maximizing the power of civilian groups related to the military and 2) objective civilian control by militarising and professionalizing the military.

The military reform agenda in Indonesia has been successfully achieved after the fall of the New Order regime. Subjective civilian control is achieved by maximizing the power of civilian groups to the military by maximizing governmental institutions. The fourth constitutional amendment abolished the military's reserved seat in parliaments and started Indonesia's military reform initiative in 2002 (Gunawan 2017). The constitutional amendment was also strengthened by Law No. 34/2004 on the Indonesian National Armed Forces. Military power returned to its rightful place as a professional organization, with its former socio-

political roles dissolved at all levels of government (Aminuddin 2017).

In addition, an objective civilian control can optimize the military's role in establishing state security by professionalizing the military in terms of its neutrality in political practice (Huntington 1957). In 2010, President Susilo Bambang Yudhoyono introduced the long-term military modernization program called the Minimum Essential Force (MEF) policy. The policy is planned to increase the army's capacity to deal with existing and future threats to Indonesia's territorial security (Gunawan 2017).

In the Joko Widodo era, subjective and objective strategies for minimizing military power have also been achieved. However, military figures have become more involved in the civil-military balance. Unlike the New Order era, military involvement in civilian affairs is not dominated by the active military. Jokowi has reverted to Indonesia's traditional power source by appointing retired generals to strategic ministries positions such as presidential chief of staff, defense minister, and head of the state intelligence agency (Sebastian, Syailendra, and Maryuki 2018).

The data shows the several ministers in Joko Widodo's cabinet who have a military background. Some factors build the relationship and appoint an influential retired army and police generals—first, Joko Widodo's lack of familiarity with security matters (Sambhi 2021). Second, Former military and police officers have been appointed to accommodate Joko Widodo's objective of strengthening infrastructure and social security (Honna 2019). Third, the president's reliance on military members is meant to serve as both a security and a political force, giving him access to a powerful group and popular organization (Sambhi 2021).

Joko Widodo's control of the security power can be seen when responding to the demonstrations against the Omnibus Law, which erupted in many cities in Indonesia. The president has also controlled Indonesia's Intelligence Agency. President Joko Widodo instructed law enforcement and intelligence agencies to approach those who disagreed with the deliberation Omnibus Bill (Gorbiano 2020). President had urged the police for early intelligence gathering to identify dissent among labor groups and the general public, stating that such events could lead to anarchy and social tensions across the country (Fachriansyah 2020). Hundreds of demonstrators were arrested when the government used violence, tear gas, and water cannons to disperse the crowds (Kurlantzick 2020).

President Joko Widodo has succeeded in minimizing the power of the military through Huntington's concept of subjective civilian control by appointing the retired generals as ministries and objective civilian control by improving the military forces for the security agenda. However, the regaining of military involvement has also increased the number of military and police officers who have been active in monitoring and initiating arbitrary arrests and detentions, especially of protesters and activists. Minimizing military force has become political capital to protect the developmental agenda and handle the protesters, particularly during the Omnibus Law deliberation.

Conclusion

The functioning of the elements of democracy remains the main challenge, particularly in a post-authoritarian democracy country. Indonesia has progressed from dictatorship to electoral

democracy in a remarkable way. However, the slight increase in Indonesian democracy captured by The Economist Intelligence Unit does not guarantee that Indonesia's democratic governance has been successfully achieved. After examining the quality of Indonesian democracy in non-electoral realms, this study finds the signs of fragility in Indonesia's democracy which contribute to the deliberation of the controversial and opaque Omnibus Law on Job Creation.

The accumulation of Joko Widodo's political power has threatened the consolidation of democracy by controlling all state institutions. The dominance of president's party and its coalition in the Indonesian House of Representatives has weakened the checks and balances mechanism between the executive and legislative branches. In addition, the government with the illiberal design justifies its power by controlling and reducing public participation. The denial of substantive political rights during the deliberation of the Omnibus Law has limited the scope for citizens to engage in democratic debate and political mobilization. Furthermore, the control over military power generates the dual functions of military force in securing the state and the economic agenda. Consequently, the Indonesian civil society's resistance to Omnibus Law has become weaker because many democracy activists are arrested, and the government is prone to maximize its military control to handle demonstrations repressively.

The finding that points out Omnibus Law as one of the results of democratic deconsolidation will enrich the discussion on democratic discourse in Indonesia. Hence, the social and political scientists will need to examine other impacts of democratic deconsolidation, which undermine the democratization processes in

Indonesia. In addition, the study of Omnibus Law needs more attention by further research, particularly its implications for the instruments affected by the Omnibus Law on job creation.[]

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