



INNOVATIONS FOR SUCCESSFUL SOCIETIES

COOPERATION AND CONFLICT IN INDONESIA: CIVILIANS MARCH INTO MILITARY REFORM, 1999–2004

SYNOPSIS

In 1998, Indonesian activists spearheaded a civilian effort to loosen the ties that had bound Indonesian politics and life to the country's armed forces during the three-decade dictatorship of President Suharto. After Suharto resigned that year, Indonesia's military began internal reforms for removing itself from politics, but a small group of civilians with knowledge of defense policy believed more had to be done. They called for legislation that would redefine the function of the military in Indonesian society and sever it from its business and political interests. Indonesia's legislative process was opaque, however, and military officers were not accustomed to communicating with civilians about defense policy. ProPatria, a local nongovernmental organization, organized a network of civil society organizations and academics that drafted its own reform agenda and gathered support from military officers, government officials, political parties, and members of parliament. ProPatria members found ways to participate in a legislative process traditionally resistant to civilian influence, and its members won inclusion of some of their proposals into two military reform laws enacted in 2002 and 2004.

Tristan Dreisbach drafted this case based on interviews conducted in Jakarta during March and April 2015. Case published August 2015. A companion case study, [Back to the Barracks](#), examines military reforms in Indonesia led by military officers from 1998 to 2000.

INTRODUCTION

"When we began the reform, few citizens wanted to talk about the military," recalled Hari Prihatono. "They did not understand it," he said, and they worried about the political risks of speaking out against the institution that had dominated Indonesian society since the 1960s.

In 1999, Hari was the leader of ProPatria, a civil society organization he had founded seven months after the resignation of Suharto, the military-backed authoritarian leader who had controlled Indonesia for more than three decades. Hari, who was 34 years old, had studied political

economy and been involved in human rights and community development organizations throughout the 1980s and '90s. With Suharto gone, Hari saw that Indonesian society was changing radically and that the military's role would have to change with it.

Under Suharto, the military had burrowed deeply into Indonesian society. Active-duty officers were influential in the ruling Golkar Party and served as members of parliament, ministers, provincial governors, local officials, and ambassadors. The military's intelligence bodies and secret police suppressed political dissent, and

the armed forces fought bloody wars against provincial separatists. Through its ownership of businesses, the military had a degree of financial autonomy from the civilian government.

Forward-thinking military officers took steps to reduce the military's role in Indonesian society and Indonesian politics beginning in 1998. By 2000, military leaders had removed their officers from Golkar and most of the government posts they had held. They separated the police from the armed forces and disbanded the secret police. But the reform effort required the force of law in order to endure.

When Abdurrahman Wahid, leader of an Islamic civil society group, won the presidency after the first post-Suharto election and took office in October 1999, he encouraged civil society to help develop new laws that would define the military's role in politics and Indonesian life.¹

That year, at the urging of the United States Agency for International Development (USAID), ProPatria began working on ways to bring together the diverse resources of civil society to meet Wahid's challenge. Although Hari did not have a background in military and defense issues, USAID, which pledged funding for the effort, respected his organizational skills and believed Hari could bring together academics and members of civil society who wanted a voice in the military reform process. Under a strong umbrella organization, they would be a powerful force.² "ProPatria was not really like other NGOs [nongovernmental organizations]," Hari said. "It was a collaboration among strategic people."

THE CHALLENGE

Civil society observers said the country needed laws to define a new security role for the Indonesian military, change the way officers deployed their forces, sever the military from its business interests, and determine the military's relationship with civilian government in a postauthoritarian political system.

The old system had created an accountability problem in that the military was not answerable to the civilian leadership because it was deeply integrated into government institutions. Under Suharto, neither the parliament nor the Ministry of Defense and Security exercised meaningful oversight of defense and security policies. At the time of Suharto's resignation, General Wiranto served as both commander of the armed forces and minister of defense and security. Hari and his colleagues wanted the law to hold the military accountable to the civilian-led ministry.

From 1998 to 2000, the military adopted some reforms internally. Motivated by senior officers who (1) saw that the past role was incompatible with the needs of a new democracy and (2) wanted to professionalize their institution, the commander of the military removed personnel from appointed positions in the legislature and government and forced most of the active-duty officers to retire if they wished to maintain the civil service jobs they held. The military also accepted a reduction in its parliamentary representation: from 70 of 700 seats in the People's Representative Council to 38. Most of those officers represented the army, but the faction also included officers from the air force and navy. Although the commander of the armed forces had begun separating the police from the military in 1999, there were still police officers in the parliamentary group.

The military's internal reforms had removed active-duty officers from both politics and most civil service positions, but there was no law to formally end the armed forces' political role. Hari and other civilian reformers wanted to see enshrined in law certain reforms to civilian–military relations and the structure of the military, so that the two would be less easily reversible. To do so, the ProPatria group had to overcome resistance within the military and find a way to enter the Indonesian legislative process at a point where it could exert a strong influence on the content of new bills. Achieving such an impact

would require deft navigation of a complicated legislative system that was difficult for outsiders to access. Civil society members also knew they would have limited ability to shape legislation after it was introduced.

“Voting rarely took place in the legislative decision-making process,” said Aditya Batara, who served as an expert staffer for the parliamentary defense committee from 2009 to 2013. “It’s all based on consensus. If parliamentarians have some problems, they go into backroom lobbying; and then a few hours later, they come back and say, ‘OK, we have some conclusions.’”

“The consensus principle is really bad for reformers who want to change substantive things in parliament,” said Philip Lorenz, a lecturer at Heidelberg University, who wrote his dissertation on ProPatria. Instead of open public debate, parties compiled lists of objections when bills were introduced into parliament. After that, the language went to committees for discussion, and it was nearly impossible to bring up other issues. By the time bills went to the plenary session for approval, it was too late for civil society organizations or anyone else to make changes. In addition, the government had the power to derail any bill if it disapproved of a bill’s content. If one of the ministries affected by a proposal objected, the ministry could halt the bill’s progress at any one of several stages.

For those reasons, it was important to work out differences of opinion before a bill was introduced in parliament. If the government and the political parties approved the language beforehand, then a draft bill would almost always pass. If any participant objected, then winning passage was unlikely.³

Citizens were usually kept in the dark about what was happening in parliament. “With the consensus model, it’s highly secretive,” Batara said. “The legislative process is extremely complicated, and people are not really aware of the process.” If civil society groups did not have connections to members of the relevant

committee, they might not even know whether a bill had been introduced or how far it had progressed toward passage.

“In our system, most of the laws, the drafts, come from government; I would say maybe 85 to 90%,” said Djoko Susilo, who served in parliament from 1999 to 2009 on the defense policy committee. Bills on military reform came from the Ministry of Defense and Security. Since 1999, a civilian minister was heading that ministry, but the majority of its personnel remained active-duty military officers seconded to their positions in civilian bureaucracy by military headquarters. Officers wrote the ministry’s draft legislation, which was submitted to parliament and referred to committee. Committee members discussed any disagreements among parties over the legislation.

“Everyone talks until nobody objects,” Lorenz said. “That means that de facto, even one parliamentary group has a veto.” He added that members of the military faction in parliament supported the goals of their headquarters but did not actively obstruct legislation. “Usually, they take a military-friendly approach during parliamentary negotiations, but as soon as they realize they are massively outnumbered by other groups, they side with the majority,” he said.

Navigating the legislative process was only one of several challenges. Although some military officers advocated transition toward greater civilian control over the armed forces, others resisted change.

Many benefited from the military’s territorial structure, which gave them access to money and power throughout the 17,000 islands of the Indonesian archipelago. Under Suharto, soldiers and military resources were distributed throughout the country in a manner that roughly paralleled civilian government. Territorial commands at the village level had no defense function. Their main roles were to gather intelligence and mobilize support for the Golkar party.⁴ That force structure contrasted with the structures of many other countries, where military

resources were concentrated in a few bases and deployed to other areas only when needed.

Territorial commands often ran their own business activities. They drew income from military-owned enterprises, informal businesses, and criminal activity, according to international rights organization Human Rights Watch. A stated purpose of the formal businesses was to benefit needy soldiers or pay day-to-day operating costs, although the revenue often went to the personal financial enrichment of officers. For example, units sometimes provided security services, for a fee, for private companies. Further, the armed forces had a central role in the forestry industry and profited from both legal and illegal uses of forest concessions.

The scale of such activities remained a mystery. The large number of formal and informal operations, many of them conducted far from Jakarta, made it difficult for observers to estimate the scope of the military's control over business.⁵ "This structure provided [the military] a lot of access to economic resources and the ability to control the political situation in the regions or in remote areas," said Edy Prasetyono, an international relations professor at the University of Indonesia and member of the ProPatria group. But those practices also had major costs attached to them. There was little evidence that the units actually used their earnings to procure equipment, and the competition for benefiting from profits shattered cohesion. "Military involvement in business fragmented the military and created inequality among officers," said Kusananto Anggoro, a lecturer at the University of Indonesia and the military's service academies who was also a member of ProPatria. "It was only a few officers who actually benefited from businesses."

Following Suharto's resignation, civilians questioned whether the territorial commands were appropriate for Indonesia. ProPatria's members wanted to eliminate territorial commands but knew military leaders would not let them go easily. Many officers reaped financial

rewards and political power from the local commands. "The military might easily give up all of its formal positions within the parliament and the official positions in the executive branch of the government, but not the territorial structure," Prasetyono said.

Even if ProPatria could penetrate the opaque legislative process and find ways to ease the transition for those who had benefited from past arrangements, the organization would also have to engage in deft coalition building within the civilian policy community.

Civilians, too, had differing opinions on what to do and how to do it. Moderate reformers, student activists, and religious organizations had united against Suharto, but cooperation became more difficult as they competed for influence in the new political environment.⁶ Some academics worked closely with military officers and had proposed more gradual approaches to military reform. Others, such as human rights advocates, wanted both a quick break with the past and the total removal of the military from political power.

Finally, there were differences in organizational capacity and culture. Civilians lacked knowledge of military functions, standards, and doctrines. Defense affairs had long been the province of the military, and there was little tradition of civil society groups' providing policy advice on military issues or participating in the drafting of defense legislation. "In the beginning, not many people wanted to take on issues of security and the military," Hari said.

Civilian knowledge of defense issues was concentrated in a small group of academics who had taught officers at the military's service academies, and those scholars would come to form the core of Hari's efforts to influence the legislative process.

FRAMING A RESPONSE

In 1999, Hari, with USAID assistance, began identifying a small network of civilians who were interested in military reform and might be able to influence the legislative process. "We focused on

military reform, but we brought in people with backgrounds in economics, law, international cooperation, and so on," Hari said.

If members of that network could gain access to the most-important players in the legislative process, they could overcome some of the challenges that were making it difficult for civilians to influence defense policy. By meeting with the military officers who were drafting defense legislation and thereby gaining their trust, ProPatria members could reduce the military's resistance to cooperation with civilians.

Furthermore, working with the officers before legislation went to the parliament would provide ProPatria the best chance to influence the content of defense reform laws. The people who participated in the network could develop one agenda and work together to promote it, replacing—with a unified voice—the otherwise fragmented requests from many civilian reformers.

Developments in 2000 spurred ProPatria to engage the legislative process quickly. In June 2000, officers at armed forces headquarters completed the first draft of a new defense bill called the State Defense Law. In August, parliament passed two military reform statutes with little public testimony or discussion.⁷ One of the laws mandated the separation of the police from the military, thereby continuing a process that General Wiranto had started in 1998. The second law held the police responsible for internal security, whereas the military was responsible only for defense.

The initial reform legislation was short on details: it was still unclear which force would be permitted to conduct various types of security operations. The decrees also contained nothing about establishing civilian control over the military.⁸ Hari wanted his ProPatria group to enable civil society to influence the drafting of new legislation in order to fill such gaps.

Hari invited about 20 people to the first ProPatria working-group meeting on military reform in September 2000. "In the beginning,

they planned it as a very open process in which to just get ideas together," said Lorenz, who studied the transcripts of hundreds of ProPatria meetings. "Then very quickly they found out who would actually be willing to commit time and effort." Those who showed dedication and interest became the core members of the group during the coming years. Hari, who had no formal background in military affairs, handled administration and logistics, the rest of the group concentrated on developing the substance of a reform agenda.

"At the very first meeting, they identified the things they all agreed on that needed to be changed," Lorenz said. "They talked about abolishing—or at least massively modifying—the territorial structure. They talked at length about getting the military out of business. They talked at length about formalizing the principle that the military shouldn't be active in politics." The participants also discussed changing the balance of power in the military, which had historically been weighted heavily in favor of the army over the other branches. They said they believed the draft defense legislation written at military headquarters fell short on those points.

"The original idea was to turn the military into a professional, Western-style military with a minimal role in internal security," Lorenz said. "They all realized that the military would have to stay in internal security for a while," but they wanted regulations that clearly defined the space in which the armed forces could operate.

The group drafted a position paper envisioning a 25-year military reform process. "In 2000, we had a road map for security reform in Indonesia for 25 years, until 2025," Hari said.

The ProPatria team included Anggoro and Prasetyono, both of them lecturers at the University of Indonesia and the military's service academies. Another was Rizal Sukma, who was with the Center for Strategic and International Studies, an Indonesian research institute not affiliated with the US organization of the same name. Among the civil society representatives was

Munir Said Thalib, who founded the Commission for Missing Persons and Victims of Violence, a human rights organization.

Munir, a well-known activist in Indonesia until his unexplained death by poisoning in 2004, had been a good strategic choice, Lorenz said.

Box 1

ProPatria's Goals and the February 2001 Draft State Defense Law

ProPatria members worked with military officers at the Ministry of Defense in February 2001 to draft a new version of the State Defense Law. Fully achieved *ProPatria goals in the February 2001 draft*:

- Removed a phrase stating that the military's "loyalty and devotion are to the state and nation."
- Removed a provision guaranteeing that the armed forces could use military installations and natural resources for defense purposes.
- Ended the obligation of civilians to attend defense awareness classes.
- Removed a provision stating that the commander of the armed forces would have authority over detecting and deterring "hostile actions." ProPatria said it believed such authority should be held by civilian authorities.
- Enumerated a list of tasks the military would be allowed to undertake.
- Included a provision that state defense costs had to be paid through the state budget.

Partially achieved *ProPatria goals in the February 2001 draft*:

- Gave the president authority to designate military installations. ProPatria preferred that the *parliament* have such authority, not the *president*.
- Declared that the military's focus was on armed or unarmed threats "to territorial integrity or national sovereignty." ProPatria wanted that focus restricted to armed threats, but the group supported limitations placed on the military's responsibilities.
- ProPatria wanted explicit oversight

authority for the parliament, but the February 2001 draft included an exception for issues considered secret, which would allow the military to turn down parliamentary requests for information.

- Increased the authority of the Ministry of Defense, giving the minister the responsibility to advise the president on such matters as defense policy, setting the budget, and developing defense industry. It was an improvement over the October 2000 draft, which gave the ministry only administrative responsibilities. The February 2001 draft, however, did not subordinate the military commander to the minister in operational matters, as ProPatria had wished.

ProPatria goals not achieved in the February 2001 draft:

- The final draft included a larger list of permissible military operations other than war than ProPatria had wished. ProPatria had wanted to remove references to nonmilitary operations, including confronting rebels, combating terrorism, dealing with illegal immigration, and handling illegal fishing.
- Did not weaken the role of the army in the territorial command structure.
- Failed to change a provision that limited the president's choice for the position of military commander to candidates who had served as chief of one of the three service branches.
- Failed to mandate an end to the military's business activity.

Source: Philip Lorenz, *Principals, Partners and Pawns*, Heidelberg University doctoral thesis, 2015; <http://www.ub.uni-heidelberg.de/archiv/18730>.

“Munir is the only one in the core group from the human rights side. Most of the other people were more policy experts or classical NGO types.” Munir cared deeply about addressing the wrongs of the past, but he was practical and saw the need to cooperate to improve the military’s conduct toward citizens. “He realized that you have to approach the military; you have to talk to the military and get them to listen to you,” Lorenz said. Munir served as a bridge between the ProPatria military experts and human rights advocates, many of whom considered the military an opponent rather than a collaborator in a common effort.

Hari agreed that ProPatria should focus on the military’s future rather than its history. “We understood that the state needed the military, and maybe the military had made mistakes in the past,” he said. “But our mission was to create a new Indonesian military.”

Funding from USAID enabled ProPatria to pay network members for their time. It also enabled the organization to pay for permanent staff, for rental of meeting venues, and other costs. The organization had annual operating costs around \$750,000 in 2000 and 2001.⁹ Some ProPatria group members also belonged to organizations that received outside funding. “What’s expensive is not their actual working time,” Lorenz said. “What’s expensive is having these meetings, because you have to hold these meetings at fancy hotels or nobody will come.”

Despite USAID’s involvement on the financial side, Lorenz said, the ProPatria agenda developed internally. “[ProPatria] wasn’t dominated by an international agenda, and [ProPatria members] only learned about how things were done in other countries during the process,” Lorenz said. Riefqi Muna, an academic in the group, produced case studies on civilian–military relations in South Africa, the United States, and European countries, including the United Kingdom and Germany.

ProPatria members developed an initial reform agenda that stressed the need for civilian

control over the armed forces. The agenda’s goals included (1) to focus the military on armed military threats, (2) to list—and limit—the military’s responsibilities, (3) to grant the parliament clear oversight of the military, (4) to expand the authority of the Ministry of Defense, (5) to end military business activity, (6) to explicitly ban the military from politics, (7) to subordinate military headquarters to the Ministry of Defense, and (8) to require clear mandates from civilian government for the use of force.¹⁰

Participants in the meetings in September and October 2000 decided to produce a general critique of the military’s June 2000 draft State Defense Law, and Hari assembled a working group of 14 academics and civil society representatives¹¹ to begin discussions with military officers. The group represented the most-interested and most-engaged experts from the initial meetings, but others joined as new needs emerged. “They always invited people if they needed someone,” Lorenz said. “For example, they realized very early on during the defense law negotiations that they were unable to produce language that sounded like it was a law. They realized during the first meeting that to be useful, we’d have to do something that looks like a law. And then they said we need a lawyer to do that.” So they approached a legal expert who helped them understand how legislation was structured.

GETTING DOWN TO WORK

To change the content of military reform legislation, ProPatria members had to find a way to communicate with military officers drafting the law and incorporate ProPatria’s ideas into any drafts before drafts were introduced to parliament. Once in parliament, they would have to promote their final version of the legislation to wary political parties so as to ensure its passage.

Seeking military support

In November 2000, the group initiated a series of meetings with officers at military headquarters and the Ministry of Defense and

Security. Hari said ProPatria aimed to confer with middle-level officials who did most of the legislative drafting. In the military, that strategy meant that many of the conversations were with colonels or lieutenant colonels rather than with generals. The meetings were private and were conducted according to the Chatham House Rule, meaning that participants could not attribute details of the discussions to specific individuals. For the project to succeed, Hari and his colleagues first had to make sure they had access to military officers and a solid relationship with the armed forces. “The first contacts were mostly with the military officers seconded to the ministry,” Lorenz said. “The original draft was from the armed forces, and most of the officers present were seconded to working at the ministry.

“During the first few meetings, very high-ranking officers weren’t present,” Lorenz said. “The high-ranking officers joined only much later, and most of the officers present—at least for the State Defense Law—were people working at the ministry. The military leadership, in the beginning, kind of ignored the group.” Lorenz said he believed it was because the military thought it could use its control over the ministry to stop any legislation it did not approve of.

“I had the task of formulating the State Defense Law with a team,” said Sudrajat, a major general who served as director general of defense strategy at the Ministry of Defense and Security from 2001 to 2004. Sudrajat stressed that the military recognized the need for legislation to define its new role in society. “Our reform had to be legalized by the parliament,” he said. “The military had to be bound by law.”

The working group met with military officers in three November 2000 meetings. “During the very first meetings with the military there were very hostile atmospheres,” Lorenz said, because of distrust between the military and civilians. “In our history, the military always felt itself to be superior to citizens,” Sudrajat said. “So the military didn’t appreciate civilians. It took time.”

The ProPatria members tried to accommodate military sensitivities and emphasize shared concerns. “They had to talk to the military so the military would not perceive them as the enemy,” Lorenz said. “They changed the way they framed certain things.” For instance, ProPatria quit using the terms *civilian control* and *civilian supremacy*, both of which officers at the Ministry of Defense and Security found objectionable. “They stressed that the reforms they pursued were actually in the military’s interest,” Lorenz said. “They were in the interest of securing Indonesia and in the interest of making the armed forces stronger and more respected by the people.”

During the November meetings, officers from military headquarters and the Ministry of Defense and Security agreed with the working group that the separate responsibilities of the military and the police should be clarified in legislation. Military officers also expressed willingness to gradually end the business activities of the armed forces.¹²

Officers initially were suspicious of ProPatria because the organization received funding from the United States.¹³ “If you did not trust ProPatria, you could ask us questions about why we took money from the US government, and we would make it clear,” Hari said. ProPatria members asserted that the aid money was essential to fund their operations but that it did not influence their agenda. At the same time, members of the working group stressed their independent academic credentials and developed personal relationships with military personnel.

As the 2000 and 2001 meetings went on, ProPatria found that both officers and civilians became less suspicious of each other and more willing to cooperate. “In the very beginning, we criticized each other, and sometimes they were suspicious of us,” Prasetyono said. “‘Who are you?’ ‘Who ordered you?’ they would ask. But over time, we found that there were some common understandings. They understood our

purpose was not to destroy the Indonesian military but to make it better.”

Anggoro said that from 2000 until 2002, the lawmaking process benefited from participation by mostly-liberal-minded officers who tended to be open to reform. “There was a fragmentation in the armed forces,” he said. “Conservatives were not actively involved in the process, and that made for a more-accommodative approach. More compromise was possible between civilians and the military.”

Drafting the State Defense Law

Because of lack of transparency in the parliamentary system, ProPatria members were not sure how far the military’s draft State Defense Law, introduced earlier and crafted separately, had progressed through the legislative process. “This was something ProPatria struggled with in the beginning,” Lorenz said. “If you don’t have connections to a committee, or to the committee secretariat, you don’t know anything.”

Struggling for access, the group approached Mohammad Mahfud, minister of defense and security. President Wahid had appointed Mahfud, a civilian lawyer, to the position in August 2000. ProPatria members gave Mahfud a critique of the military’s version of the State Defense Law along with the organization’s own “academic draft” of an alternative. “They learned that Mahfud actually read the existing [military] draft, so he was involved and seemed to be knowledgeable about the content of the bills,” Lorenz said. To earn Mahfud’s support, they stressed to him that their ideas for defense legislation would give his ministry—and him as its civilian leader—more authority. “He liked that,” Lorenz said. “That’s when he said, ‘OK, I’m going to stop this law.’”

Even though the draft legislation was already in parliament, the Indonesian system allowed the government to halt consideration at any time. Mahfud went to President Wahid, who stopped the draft from progressing further. After a meeting with ProPatria members in January 2001,

Mahfud decided ProPatria should join the military officers at the ministry in drafting a new bill.

“Mahfud says we’ll set up a meeting, I’ll make a new working group in the ministry, and you’ll figure out a new draft,” Lorenz said. “Mahfud was really the reason the Ministry of Defense was willing to listen to ProPatria in the first place.”

Some ProPatria members worried that military officials would use their presence to claim that civil society had endorsed a bill drafted primarily by the armed forces. Other group members said the potential benefits were worth the risk and that their ideal draft could gain the minister’s approval.

Mahfud wanted the drafting to move quickly. For about a week in February, ProPatria members worked with military officers at the ministry to produce a new bill. With Mahfud’s support for their ideas, ProPatria succeeded in incorporating many of its members’ goals into the legislation.

The draft gave civilians more control over whether to involve the military in internal security operations, strengthened the authority of parliament and the president over the use of military force, and limited the authority of the military commander in favor of the minister of defense and security.¹⁴ (See text box 1 for changes made to the legislation in the February 2001 draft.)

“Most of what was in the ministry draft seemed to have come from the ProPatria draft,” Lorenz said. “The ProPatria draft was very close to what the minister had said he wanted, and everyone respected the position of the minister enough that they wouldn’t openly defy him.”

The negotiated bill had limited scope, however, and left many questions unresolved. For instance, there was no mention of the territorial command; the definition of military threats to which the armed forces could respond was very broad; and there was no clear subordination of the military commander to the Ministry of Defense.¹⁵

Lobbying for the State Defense Law

Although the draft State Defense Law fell short of some of ProPatria's goals, the legislation was strong enough for the organization to take an active role in lobbying for it. ProPatria allied with the ministry to defend the bill from potential critics. After the government introduced the bill in parliament in February 2001, ProPatria held a public discussion to raise awareness of the bill's importance. Working-group members formed small teams to target (1) members of parliament from different parties and (2) the parliamentary committee tasked with defense oversight. ProPatria members met with members of parliament throughout 2001 to discuss various aspects of the bill.¹⁶

ProPatria's staff expanded to meet the demands of regular meetings. By 2001, ProPatria consisted of 12 permanent staff members, 24 associated researchers, and 8 temporary administrative staff.¹⁷

"Very quickly they realized they needed to contact the parliamentary commissions rather than the party leaderships," Lorenz said. "The committees are really the places where decisions are made."

ProPatria members found it difficult to persuade certain members of parliament who were skeptical of the draft and some of its provisions. "Reformers in parliament at this time seemed very distrustful of ProPatria," Lorenz said. "They seemed really worried about the fact that ProPatria wanted them to implement certain things that sound as if they would strengthen the military or expand the military's role." One worrisome topic involved a provision for "military operations other than war," which would allow the military to take on nondefense tasks if requested by the president.

Some in parliament were concerned about giving the president more authority over deployment of the armed forces, especially in light of Indonesia's history of authoritarian rule and because at the time, Wahid's opponents were accusing the president of displaying erratic

behavior and authoritarian tendencies. ProPatria members said the real danger was to leave too much power in the hands of the military.

Two parliamentary groups—Reformasi and the Indonesian Democratic Party of Struggle—criticized the bill publicly. Their concerns centered on an explanation of the parliament's authority over defense policy. They did not want the law to set forth a list that would confine parliament to monitoring only things they explicitly are authorized to monitor, Lorenz said. ProPatria members met with members of those parties to counter that concern and explain the need to explicitly list the parliament's authorities whereby it would exercise its oversight role.

Although ProPatria members were already content with the draft submitted to parliament, they did try to make some minor additional changes after the ministry introduced the legislation. ProPatria members achieved several of their goals but were unable to influence other provisions. They tried to give the president more choice about whom he could appoint to be commander of the armed forces, but parliament resisted.

"Most of the parties weren't really happy that they wanted to give the president real choice and more influence on what happens, because they were really concerned about someone's politicizing the military," Lorenz said.

In the end, too many factions resisted, and ProPatria dropped the idea. (See text box 2 for changes made to the law after February 2001.)

ProPatria sent small groups for meetings with parties and committees. During those conversations, the groups strove to present the image of a diverse coalition. The groups paired academicians with activists, and "they tried to send a man and a woman, because they wanted to seem diverse," Lorenz said. "They didn't want ProPatria to be perceived as one organization." When introducing themselves to members of parliament, ProPatria members would mention their individual affiliations, not their ProPatria membership.

The legislative process came to a standstill for several months in mid-2001 because of a conflict between parliament and the president. A coalition had formed in parliament that wished to remove Wahid from office. Wahid's government was suffering from allegations of corruption and from expressed concerns over what critics said was his erratic leadership style. Continued disorder and poor economic performance contributed to Wahid's loss of support.¹⁸ At the time, Wahid was also in poor health and nearly blind. The parliament initiated impeachment proceedings against Wahid and succeeded in removing him from office.

Still, negotiations over the State Defense Law moved fairly quickly, and in December, parliament passed the bill. Wahid's successor, President Megawati Sukarnoputri, signed it into law in January 2002.

The law instituted important changes in the relationship between the military and the civilian government: It stated that force deployment and the appointment and dismissal of the military commander by the president required parliamentary approval. It codified the responsibilities of the minister of defense to include formulation of defense policy, use of military force, budgeting, procurements, recruitment, management of national resources for defense purposes, development of the defense industry and technology, the issuance of defense strategy papers, and the conduct of international defense cooperation. It also provided for parliamentary oversight over defense policy, including over the budget.¹⁹

The law also specified qualifications for the commander of the armed forces, which was a change meant to depoliticize the position.²⁰ The most noticeable difference for Indonesian citizens was a name change: the Ministry of Defense and Security became simply the Ministry of Defense.

The law did not fulfill all of ProPatria's goals, however. The group wanted (1) more freedom for the president to choose the commander of the armed forces, (2) more budgetary control for the

Ministry of Defense, and (3) subordination of the military to the ministry in the chain of command.

OVERCOMING OBSTACLES

ProPatria found that the access it achieved in the deliberations for the 2002 State Defense Law did not carry over to subsequent legislation. As a result, the group had to seek other ways to influence the legislative process. ProPatria lobbied members of parliament and used the media to build public support for changing a 2004 law meant to further clarify the relationship between the military and the civilian government.

The Police Law

ProPatria tried but failed to influence the Police Law, which the parliament passed in 2002. The law completely removed the police from control by the military, but ProPatria objected to many aspects of the legislation. For instance, instead of placing the police under a ministry, the law created a weak police commission and continued to have the head of the police serve as a member of the cabinet. "The law was basically drafted by the national police itself," Anggoro said.

Members of parliament "gave too much power to the police without proper oversight, without proper control," Susilo said. "We even gave special privileges. The chief of police was a member of the cabinet under the president." Susilo said parliament was trying to make up for the weak position the police had had in the past—as a unit of the military. "At the time, the situation was, 'We don't like the military, and we will give something to the police,'" Susilo added. "Giving the police special privileges was an attempt to compensate after so many years under the military. The feeling at that time was, now the police deserved better treatment."

Drafting the Military Law

By the time parliament passed the State Defense Law in December 2001, ProPatria's attention had turned to a second piece of military

reform legislation. That second statute, called the Military Law, was meant to clarify the relationship between the military and the civilian government regarding policy making and the use of force. It would also address organizational matters within the military, including the relationship between the service branches and military headquarters.²¹

Military leaders at armed forces headquarters initially signaled that they wanted to involve ProPatria more directly in discussions about that law instead of relying on the Ministry of Defense. In late 2001, they presented ProPatria with a draft law that gave the ministry a largely administrative role in supporting the armed forces. The working-group members wanted the legislation to clearly state that (1) only civilian officials could involve the military in internal security operations and (2) those internal security operations must be subject to parliamentary approval. They also wanted a list of civilian bureaucracy jobs in which military officers could serve. Most important, they wanted the ministry to be an active counterweight to the authority of the armed forces commander.²²

Dealing directly with military headquarters, ProPatria did not have the same access and support it had enjoyed during the drafting of the State Defense Law. ProPatria members found themselves meeting with a different group of officers, who had less interest in substantive reform. “The situation changed,” Anggoro said, as conservative officers from outside the capital were transferred to positions in military headquarters in Jakarta.

One reason for ProPatria’s troubles was the loss of support from the ministry. Wahid had removed Mahfud from the ministry shortly before the president’s impeachment. His successor, Megawati, appointed Matori Abdul Djalil as minister. Matori, a civilian who had served in parliament both before and after Suharto’s resignation, was not closely involved in the legislative process, and he ceded to military headquarters the responsibility for drafting the law. “Matori was not as strong a reformer as

Mahfud was,” Lorenz said. “He didn’t take as active a role in negotiations as Mahfud had.”

Military officers met with the ProPatria working group in April 2002 to discuss the legislation. In May, they informed ProPatria they would incorporate some of its suggestions into the military’s draft. ProPatria members again met with officers in November and December, but many of the group’s goals were not included in the newest draft.²³

Interdepartmental discussions about the law began in mid-December. They included many more people than ProPatria had worked with in shaping the State Defense Law. Matori invited 45 participants to the discussions—including representatives of other ministries—and “ProPatria’s influence was washed out to a much bigger degree,” Lorenz said. “They couldn’t really talk as much as they could before.”

The draft law discussed at those meetings included a provision that concerned ProPatria members. Military officers had included in the draft an article that would give the commander of the armed forces the authority to conduct emergency military operations for up to 24 hours without presidential approval. ProPatria resisted that provision as a violation of civilian control over the military.²⁴

Sudrajat, the officer involved in the drafting team, also opposed the provision and said there was conflict within the military. “General [Endriartono] Sutarto, my commander, said that in the case of chaotic conditions or in a state of emergency, the military could take over and control the situation—either over a limited area or nationwide—for 48 hours before reporting to the president,” he said. “My argument was that we cannot. The military cannot control any position of authority for any length of time. The military has to report every second to the president.”

ProPatria’s access to negotiations regarding the military diminished further after Matori suffered a stroke in August 2003 and Megawati failed to replace him for the remainder of her

term, which ended in 2004. With the minister absent, “the military pretty much ran the Ministry of Defense,” Lorenz said. “ProPatria was not informed about what happened, except in rare instances when someone from the military actually gave them information.”

Lobbying against the Military Law

By early 2003, it was clear that key military leaders resisted many of ProPatria’s desired reforms and that the organization needed a new strategy. The working group decided to expand its discussions beyond meetings with the military to try to build public and parliamentary opposition to the draft Military Law.

“In 2003, [ProPatria members] started with a first round of focus group discussions,” Lorenz said. “They invited a lot of people to these—even some people from the media—to give everyone a better understanding of what was happening” with the legislation.

Public discussions generated attention. “In our experience, when you held public discussions, no less than 300 people would come,” Hari said. “And not less than 50 media members would come, from TV, radio, newspapers, and magazines.”

A member of the group leaked the military’s draft law to the media, which focused attention on the stipulation that would provide the military a 24-hour window to act without presidential approval. The provision became known as the *coup article*.

“All of a sudden, military reform, something that had sounded so dry before, sounded like the military’s coming back and there’s going to be a coup,” Lorenz said. ProPatria also held press conferences to discuss the law and criticize the military’s draft.

“There was a war of words between some academics and military officials,” Anggoro said. “The military, of course, tried to convince them that there was no intention to be involved in any coup.”

Susilo, who served on the parliamentary commission that oversaw the military, said he did not believe the provision was dangerous but that ProPatria’s efforts influenced the discussion. “It was becoming an issue at that time—the coup article,” he said. “The issue was raised by scholars outside our circle, meaning those who were not following the discussion in detail. This issue was rich because there was the worry that the article was the justification for the military to take over.”

Some legislators, including the chairman of the Golkar Party and the chairman of the parliament, supported the provision.²⁵ But by May 2003, public opposition to the military’s draft law had grown, and military headquarters decided to revise the draft.²⁶ Although ProPatria met with members of parliament through 2003 to discuss its priorities for the bill, the organization did not have access to most deliberations.²⁷

Megawati introduced the bill in parliament in June 2004, less than a week before the presidential election. The military had rewritten the legislation with no input from ProPatria.²⁸ The group was “blindsided,” Lorenz said. ProPatria did not want the new draft to be rushed through parliament during a lame-duck session before new legislators took their seats.

The new bill did not include the controversial provision about the military’s acting in emergencies without presidential approval, even though Sudrajat said Endriartono Sutarto, commander of the armed forces, had still supported the original wording. Sudrajat said he bypassed Sutarto and appealed to Megawati, who approved eliminating the controversial provision.

Other aspects of the revised draft still concerned the working group, however. The bill referenced a “territorial development” function for the military—language that appeared to reinforce the military’s territorial command structure. The draft also failed to mention the military’s business holdings.

ProPatria began a new campaign to oppose passage. The group took part in public meetings

throughout the country and met with members of parliament.²⁹ Its members worked with the National Awakening and Reformasi parliamentary groups, both of which were sympathetic to ProPatria's goals for military reform. "They focused on keeping out certain problematic formulations from the law concerning the territorial structure," Lorenz said, as well as on adding language that would eliminate the military's business interests.

ProPatria returned to the media. Members held a press conference and spoke with newspaper and television reporters about the law, campaigning against its passage. "This media assault was on the whole Military Law," Lorenz said. ProPatria members wanted to stop the law and wait until the next parliamentary term for a more detailed discussion of the legislation.

ProPatria members were able to change some aspects of the law in parliament. Susilo said public pressure had an important impact on members of parliament, who typically were reluctant to take a strong stance against the military. "Why should I fight the military? There are no added voters. And I will take personal risk," Susilo said in describing the stance of some parliamentarians. "So, for obvious reasons, they are reluctant to criticize—except if the issue is already becoming public."

Lorenz said the changes in the law had resulted from public pressure and alternative proposals from parliamentary factions, especially the National Awakening Party, with which ProPatria had good relations. "The ProPatria draft and the National Awakening draft were extremely similar, so it is highly likely that changes happened to the law because National Awakening wanted a certain thing or a certain formulation, and ProPatria had given them the language to introduce them."

Susilo said that relationship with the National Awakening Party angered military leaders. "I remember the commander in chief at the time, Sutarto, was quite upset," he said, "because they knew that the National Awakening

Party list of problematic issues was prepared not by the party but by NGOs."

That pressure prolonged negotiations and produced some changes in the legislation. Parliament removed the "territorial-development" language and included a provision requiring the military to transfer or sell off its business interests by 2009. ProPatria was not able to block the law's passage, however, and Megawati signed it into law in October 2004.

The law explicitly prohibited the military from taking part in politics. It stated that the military was "beneath the president" and "accountable to the president," and "beneath the coordination of the Ministry of Defense." Such language fell short of clearly subordinating the military to the ministry in the chain of command. It stated that troop deployments by the president had to be approved by the parliament within 48 hours. The law did not abolish the territorial command but included a vague statement that the structure of the military should not parallel local government. It also set a five-year deadline for the government to take over all business activities owned and operated by the military. The statute provided a list of military operations other than war that could be conducted by the military under the orders of the president.³⁰

The law also stipulated that active-duty soldiers could hold offices related to national security, intelligence, and search and rescue, as well as seats on the Supreme Court, representing military courts. "No active member of the military can serve in any function of the state outside the chain of command—except on military-related issues," Susilo said. "For example, if you are a colonel, you can serve as defense attaché. That is a diplomatic post, but this is still related to military issues. You can still wear your uniform as defense attaché."

ASSESSING RESULTS

ProPatria held more than 200 working-group meetings from 1999 through 2004 in addition to many smaller meetings involving the group

members. The ProPatria network grew to include at least 48 people, Hari said. In 2000 and 2001, ProPatria's working group achieved an extensive degree of access to the legislative process that produced the Law on State Defense. The organization engaged in productive discussions with the military and developed a close relationship with the leadership of the Ministry of Defense and Security. That collaboration resulted in a bill that achieved many of the modernizing principles ProPatria sought.

"Until 2004 there was a huge contribution from civil society," said Batara, the former staffer for the parliamentary defense committee, and the ProPatria working group on security sector reform was a key reason for that impact. "The ProPatria working group provided drafts for the parliament, did some lobbying, and helped the Ministry of Defense in drafting legislation. The group really contributed. They organized discussions and workshops on security sector reform, and they lobbied Ministry of Defense and military officials and also members of parliament by using their personal networks."

From the military's point of view, Sudrajat pointed to ProPatria's working relationship with the officers who drafted the defense reform legislation. "ProPatria organized civilians and other nonmilitary elements to come talk with me," he said. "I needed them to review my draft and to go to the public to see how the public responded to our draft. It was useful."

Anggoro said ProPatria created important connections between the government, the military, and civil society. "It became the bridge builder between the government, or state, officials—especially from the military and the Ministry of Defense—and civil society," he said.

Sudrajat cited internal resistance from the Ministry of Defense and the armed forces for the failure of the 2004 Military Law to place the military clearly under the authority of the Ministry of Defense. "I was writing notes on the military law of 2004, saying that in the future the military should be within the Ministry of Defense," he

said in 2015. "But when I talked to [Minister of Defense] Juwono, he said to do it in the future, not now. . . . The military should be within the Ministry of Defense, but up to now, they're still outside."

Following passage of the 2004 Military Law, ProPatria lost most of its donor funding. "They just said sorry, they cannot continue to support us," Hari said. This crippled the organization's plans for the future.

With diminished financial resources, the organization lost the capacity to organize and administer the working group. "They don't have an office anymore, they don't have any assistants who can transcribe things, and they don't have people who can make photocopies," Lorenz, the lecturer at Heidelberg University, said in 2015.

"In our inventory, for all security issues and issues related to security, we needed at least 60 bills covering intelligence, the role of the local government in security, and so forth," Hari said. The loss of funding meant ProPatria could not afford to run the meetings and provide compensation for the working-group members. The lack of financial support made it difficult to bring together individuals and groups to focus on a single agenda, Hari said. ProPatria's long-term reform agenda essentially had to be scrapped.

"After 2004, there has not been one new [military reform] law," Hari said in 2015. "The legislative process is deadlocked. There is no agreement in parliamentary debate or public discourse" on military issues. Susilo Bambang Yudhoyono, a former general who became president in 2004 and served until 2014, did not press for new military reform legislation. "After Yudhoyono became president, the security reform program in Indonesia wound down and international support was limited," Hari said.

After 2004, ProPatria members participated in working groups organized by the Ministry of Defense and military leadership, but the organization was unable to resume its role in facilitating discussions between civilians and the military after it lost funding. The group joined

Box 2

ProPatria's Goals and the Final Draft of the State Defense Law

After the Ministry of Defense submitted the draft State Defense Law to parliament, lawmakers made several changes to the legislation before its passage in December 2001.

Additional ProPatria goals achieved in the final draft:

- Limited the military's support tasks to armed threats. ProPatria had criticized the initial inclusion of unarmed threats to territorial integrity.
- Limited the list of military operations other than war that the president could assign to the armed forces.
- Required that the government decree which specific military installations and natural resources the military could use for defense purposes.
- Removed the provision that the military could reject parliamentary oversight on issues the armed forces considered secret.

Provisions ProPatria failed to change before the law's passage:

- The president's choice for nominees to be commander of the armed forces remained limited to those who had served as service chiefs.
- The law maintained a provision that the commander of the armed forces would propose candidates as heads of the service branches to the president. The Ministry of Defense and Security had changed the language to make it more acceptable to ProPatria, but parliament reverted to the original language, which stated that the president must "follow the proposal" of the armed forces commander in appointing these positions.
- Did not subordinate the commander of the armed forces to the Ministry of Defense.
- Did not mandate that the military turn over its business interests to civilians.

Source: Philip Lorenz, *Principals, Partners, and Pawns*, Heidelberg University doctoral thesis, 2015; <http://www.ub.uni-heidelberg.de/archiv/18730>.

discussions on developing new military doctrine and strategy. Hari described those talks as an "academic exercise" far removed from the bargaining and negotiation ProPatria engaged in from 1999 to 2004.

REFLECTIONS

Civil society organization ProPatria benefited from an environment of strong popular support for reforming the military-led political system that had defined the Suharto era. The organization's efforts also benefited from international donor support and personal relationships between group members and military officers. However, the group had limited opportunities to influence the legislative process, and it was relatively easy for

the military to shut the group out of discussions after 2002.

Philip Lorenz, a lecturer at Heidelberg University who studied ProPatria meeting transcripts, wrote that the group was able to influence the 2002 State Defense Law because it gained access to the legislative process at a very early stage and had the backing of the ministry. Lorenz contrasted that with the Police Law, which had already entered parliament by the time ProPatria attempted to change its content. In the Indonesian political system, such influence must be exerted early, before a draft is presented to parliament.³¹

Donor funding was essential for the success of ProPatria. "When the American and European

economies went down, they stopped their support,” said organization founder Hari Prihatono in 2015. “So, we could not continue the program, and so the government and the military did it themselves after 2004, and that continues today.” With no Indonesian donors willing to fill the financial gap, the organization ceased to function as it had from 1999 to 2004 and adopted a greatly reduced role in defense policy.

The post-Suharto political environment and the presence of reformist officers within the armed forces facilitated the process and may have made the military more open to cooperation with civil society. “At that time, the situation was very conducive,” said Edy Prasetyono, an academic member of ProPatria. “It was the early years of the reform . . . The military was put in the corner, in a defensive position, because everyone was talking about reform and military involvement in politics . . . We even got support from some officials within the military itself.”

Kusnanto Anggoro, a ProPatria member who also was a lecturer at the University of Indonesia and the military’s service academies,

said the presence of reformist officers in positions that involved them in the legislative process might have been simply luck. The more-conservative officers happened to be posted elsewhere in the country and could not interfere in the discussions around the 2002 State Defense Law.

After 2002, ProPatria had to fight for influence with a larger number of institutions, and the group’s influence in the legislative process diminished. “As soon as other actors come into play—other ministries or the police—they are affected by the shift in authority that new legislation entails,” Lorenz said in 2015. “If you want to give one person more authority, you have to take it away from someone else. And almost all the security actors seem pretty happy with the way it is right now, which is that if the police want help, they can ask the military and whether the military feels as if it can participate. But if you actually put down a fixed process for all this, it would mean someone gets more power and someone gets less power. And everyone gets less flexibility. And that’s something I believe the government doesn’t want.”

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