

# Local government for inclusion: centering non-exclusionary policies in a decentralized setting

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Frontpage Photo: Image from associated video policy brief. See <https://youtu.be/oOkofRc2Suo?si=Tl8iK4X6xHV8H893>.

## Abstract

Our research in four municipalities (Kota) and districts (Kabupaten)<sup>4</sup> in West Java, Indonesia finds that marginalization, discrimination, and violence against religious and gender minorities is often justified by the presence of exclusionary morality-based policies. This brief explains under what conditions such policies are more likely to be adopted by the local government. This brief also recommends several key measures for the government and civil society organizations to center non-exclusionary policy-making to mainstream social inclusion in local governance.

## About ICLD

The Swedish International Centre for Local Democracy (ICLD) is part of the Swedish development cooperation. The mandate of the organization is to contribute to poverty alleviation by strengthening local governments.

## Executive summary

Democratic quality is also determined by its ability to guarantee equality for all citizens regardless of their socio-economic identity and status. However, exclusion, marginalization, and discrimination against minorities are often sustained by exclusionary policies at the local level. In many places, these policies were adopted by intolerant actors who had more opportunities to influence local policy-making after decentralization. Based on a research on “Morality Policies and the Prospect for Inclusive Citizenship in Decentralized Indonesia: A Study of West Java<sup>5</sup>,” this policy brief promotes the importance of mainstreaming social inclusion in local governance by (1) carrying out comprehensive reviews of existing exclusionary morality policies; (2) organizing social inclusion training for government officials and politicians; and (3) opening more spaces for pro-inclusion public dialogues and participation in policy-making processes at the local level.

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- 5 <https://icld.se/en/publications/morality-policies-and-the-prospect-for-inclusive-citizenship-in-decentralized-indonesia-a-study-of-west-java/>



Photo 1. Hundreds of people destroyed an Ahmadiyya mosque in the district of Tasikmalaya in 2013.

Source: ANTARA/Feri Purnama

## Introduction

The establishment and sustenance of democratic procedures and institutions are just one way to measure democratic quality. At the more substantive level, the presence of electoral democracy must be accompanied by an equal recognition, provision, and protection of civil, political, socio-cultural, and economic rights of all citizens regardless of their age, physical and mental ability, race, ethnicity, religion, gender and sexual identity, and socio-economic status. Yet equality across social groups is one of the hardest democratic qualities to achieve.

Indonesia, for example, has gained the reputation of being a relatively established democracy in Southeast Asia since transitioning to democracy in 1998. However, recent critics have stated that the country has been experiencing a democratic decline, especially due to its inability to ensure equal recognition, provision, and protection of civil, political, socio-cultural, and economic rights for all Indonesians (Power & Waburton, 2020). Since 2014, Indonesia has been labeled as “partially free” by the Freedom House and “flawed democracy” by the Economist Intelligence Unit’s (EIU) Democracy Index due to its failure in protecting civil liberties. Indonesia also scored 0.33 in the 2021 Varieties of Democracy (V-Dem) Egalitarian Democracy Index, which applied an interval from 0 (low) to 1 (high) to measure the protection of individual rights and freedoms; the equal distribution of resources; and the equal access of power across social groups and classes.

One of the challenges to equal recognition, provision, and protection of rights for all citizens is the existence of local policies that directly or indirectly marginalize, exclude, and discriminate against minority groups. Our research on “Morality Policies and the Prospect for Inclusive Citizenship in Decentralized Indonesia: A Study of West Java” finds that governments at the provincial, municipal, and regency levels in West Java, Indonesia have adopted at least 121 exclusionary policies, which include various forms of local policies, ranging from local bylaws, executive decrees and orders by the mayors or the regents, as well as regional development plans. These exclusionary policies were adopted in places where there has been an alignment of interest between (1) opportunistic local politicians competing for electoral support; (2) conservative religious groups trying to secure or maintain their access to policy-making processes; (3) relatively intolerant voters; and (4) civil society organizations incapable of mobilizing public support to complement their pro-inclusion advocacy efforts. As a countermeasure to the presence of such exclusionary alignment of

<sup>6</sup> In Indonesia, regencies and cities are administrative divisions under provinces. The executive leaders of regencies are legally called regents or *bupati* while those of the cities are referred as mayors or *walikota*.

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interest, this brief proposes measures to center non-discriminatory policies as a way to mainstream social inclusion in local governance, which can be done by: (1) carrying out comprehensive reviews of existing exclusionary policies; (2) organizing social inclusion training for government officials and politicians; and (3) opening more spaces for pro-inclusion public dialogues and participation in policy-making processes at the local level.

**Methodology**

Our research combines policy review, in-depth case studies, and a survey to collect the relevant data in three phases. West Java is selected as the main site of the research because of its status as the most populated province in Indonesia, which has experienced many acts of exclusion and discrimination against minorities in the past twelve years (Madrim, 2019). The first phase involves a close reading of as many as 121 exclusionary morality-based policies adopted between 2014 and 2021 by governments at the provincial, municipal, and regency levels in West Java to analyze each policy’s scope, subject, and framing. The second phase involves in-depth case studies to understand the making of exclusionary policies and their impacts on minority groups in four sites in West Java, i.e., the districts and municipalities of Bogor and Tasikmalaya. The third phase involves a survey of 400 respondents from the same four sites to capture people’s level of tolerance to the identified minority groups and whether the level of tolerance would influence their voting preference during local elections.

**Research findings**

First, our review of **121 exclusionary local policies** in West Java found that 118 of them were adopted at the municipal and regency levels, while 3 of them were adopted by the provincial government. All of them tend to marginalize **four minority groups** in West Java, which are the religious minorities including the Ahmadiyya communities, the traditional faith believers, and other religious minorities - especially against their right to establish houses of worship. The fourth group is sexual and gender minorities, such as women and the LGBTQI+ people. To some extent, these policies have also justified or even contributed to the existence of various forms of intolerant, exclusionary, and/or discriminatory incidents against the members of those minority groups, which may take place in one or more of the following **four domains**.

State policies classifying certain groups as “deviant” or “morally wrong” often become a basis for further socio-cultural, economic, and political exclusions and discrimination at the institutional,

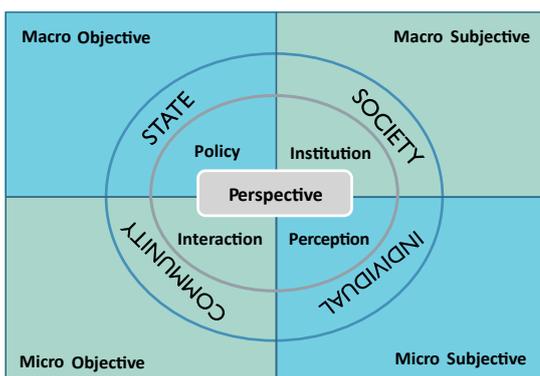


Figure 1. Dimensions of exclusion/inclusion



Photo 2. An indigenous faith believer shows his new ID Card, which is a requirement to access national health service.

Source: ANTARA/Andi Firdaus

communal, and individual levels. For example, the national Law No. 1/1965 on the Prevention of Religious Blasphemy is used as the legal basis for the regional Law No. 12/2009 on the Improvement of Societal Norms and Values in Tasikmalaya, which categorizes homosexuality and state-labeled “deviant” religious practices as examples of morally wrong behaviors according to Islamic values. The law thus provides legal justification for further socio-cultural, economic, and political exclusions and discrimination against the Ahmadiyya communities, who are legally and nationally considered a deviant sect within Islam, and the LGBTQI+ people in the city of Tasikmalaya, which at times may even involve attempts to criminalize their activities and violent raids or assaults.

Second, almost all of the above exclusionary local policies are using **morality frames** informed by religious values in combination with legal excuses to define what social groups are acceptable and therefore may enjoy equal access to rights, resources, and power. However, around half of those policies can be classified as **manifest morality policies** in which morality and value conflict are explicitly used as the main frame and argument for policy-making, while the rests are **latent morality policies** in which morality and value conflict tend to be of minor importance, yet the policies nevertheless contain “regulatory matter or elements that can easily be ‘morally’ exploited” under certain conditions (Knill, 2013, p. 313). Policies targeting the Ahmadiyya communities and the LGBTQI+ people, for example, tend to be more explicit in using morality terms as the reason these groups are legally prohibited. On the contrary, policies impeding the religious minorities’ right to establish houses of worship are much more implicit since the discriminatory parts of the regulations are often folded in the technical requirements that they must fulfill to secure building permits.

Third, in agreement with Buehler (2016), despite its role in helping Indonesian local democracy to thrive, decentralization has provided opportunities for **pro-exclusion policy actors** to influence local policy-making. Our research found that the adoption of exclusionary local policies in West Java often enjoyed the support from three key policy actors: (1) executive leaders—i.e., mayors or regents who claim to be representing the majority, who are backed by (2) a coalition of local political parties that deliberately adopted exclusionary platforms and/or strategies to secure more votes from the majority as well as (3) conservative religious organizations or interest groups whose leaders were trying to access or maintain their influence over policy-making processes. The initiatives to have an exclusionary policy against particular minority groups might come from each one of those three actors. However, it seemed to be more difficult to prevent the adoption of an exclusionary policy if the initiative came from



Photo 3. The Greater Bandung Alliance for Student and Youth organized an anti-LGBTQI+ rally in 2016 in Bandung, the capital city of West Java.

Source: ANTARA/Novrian Arbi

conservative religious organizations or groups that claimed to be representing “the voice” of the majority.

Fourth, **public involvement** in the making of exclusionary policies is either indirect or limited. Our survey found that the respondents in the cities and districts of Bogor and Tasikmalaya tend to have a low level of tolerance, and, during elections, they prefer to cast their vote for candidates who are of the same religion and ethnicity, male, and affiliated with religion-based political parties. It was these politicians who then did not shy away from using exclusionary platforms and/or strategies to secure their electoral base. Our case studies also found that there was a weak presence of public resistance against the making of exclusionary policies. Whereas conservative religious groups or organizations often went to the streets to show their support for exclusionary policies, counter-mobilization from those who stand for and with the minority groups was absent. Many pro-inclusion civil society organizations do not have enough mass support to organize a counter-movement since these organizations and their donors prefer to prioritize their time, energy, and resources to influence policy-making only through policy advocacy work.

## Policy recommendations

The presence of exclusionary policies impedes efforts to achieve better democratic quality, which is also determined by the ability of democratic procedures and mechanisms to guarantee equal rights, participation, and representation—or inclusive and full citizenship rights (Stokke, 2017) for all citizens regardless of their age, physical and mental ability, race and ethnicity, religion, gender and sexual identity, and socio-economic status. The following measures must be taken to eliminate the exclusionary impact of existing policies and to prevent other exclusionary policies from being adopted in the future.

1. First, the provincial government of West Java with assistance from the Ministry of Home Affairs must establish a special committee or task force to **review all exclusionary policies at the national and local levels**. This special committee or task force must involve members of the marginalized groups and/or representatives from pro-inclusion civil society organizations in its review processes. The results of the review must be made public. After the completion of the review, the special committee or task force must work with the relevant government agencies both at the national and local levels to eliminate the exclusionary impact of existing policies by (a) revoking all exclusionary executive orders and decrees, while authorizing new ones that are more inclusive to the marginalized groups, (b) collaborating with pro-inclusion civil society organizations to submit all exclusionary national and local laws for judicial review at the Constitutional Court, and (c) working with the

### Questions for discussions with local civil servants and politicians

1. In your municipality or district, is there any exclusionary policy against a particular minority group? What are the exclusionary impacts of the policy on the minority group? What are the roles of civil servants and politicians in sustaining that policy?
2. What reforms could address the existing exclusionary policies and/or to prevent the future adoption of exclusionary policies in your municipality or district?
3. How could you contribute to such reforms in your capacity?

House of Representatives at the national and local levels to replace the said exclusionary laws with new legal instruments that are more inclusive to the marginalized groups.

**2.** Second, pro-inclusion civil society organizations must collaborate with the government and political parties at the local level to **train government officials and politicians on inclusive citizenship and local governance**. Training government officials and politicians on how to center non-discriminatory policies and mainstream social inclusion in governmental programs and electoral platforms are very crucial because the extent to which democratic governance can guarantee equal recognition, rights, participation, and representation for all citizens eventually rely on everyday local bureaucracies and electoral politics.

**3.** Third, pro-inclusion civil society organizations also need to work with election offices at the local level to **create electoral regulations discouraging local politicians and political parties from using exclusionary platforms and messages** in their campaigns.

**4.** Fourth, pro-inclusion civil society organizations must collaborate with the other elements of civil society, such as schools and universities or mass media, to **cultivate public awareness and support** for any advocacy efforts to center non-discriminatory policies and mainstream social inclusion in local governance.

**5.** Fifth, international donors must **support efforts to strengthen local democracy** by supporting pro-inclusion civil society organizations not only in executing the above policy recommendations but also in improving their organizing capacity to allow for the creation of a critical mass for inclusive local democracy and governance.

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