



Graduate School of Development Studies

**To Reign for the People:
Exercising the 'Democratic Monarchy' in Yogyakarta**

A Research Paper presented by:

Dwi Harsono
(Indonesia)

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Members of the examining committee:

Dr Jeff Handmaker
Prof. Dr Wil Hout

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Abstract

This study addressed the inter-governmental conflict after the central government promoted decentralization policy to local government. The conflict escalated to the tension between monarchical and western-styled democratic systems. However, it could be argued that the policy has challenged the local politics in Yogyakarta.

This paper depicted ‘democratic monarchy’ as the concept which represents the hybrid institution in Yogyakarta. Using constitutionalism, legal pluralism and historical institutionalism, the paper found that the tension was triggered because it disrupted people consciousness of their local tradition.

Relevance to Development Studies

This paper contributed to enhance the understanding of ‘hybrid institution’ in Yogyakarta which is different with other governance system in the world. The framework focused on the discussion of the establishment of ‘hybrid institution’ in Yogyakarta and the explanation of the local wisdom in maintaining the situation.

Keywords

Monarchy, western-styled democracy, constitutionalism, legal pluralism, historical institutionalism

Chapter 1

Introduction

This chapter addresses the inter-governmental conflict between the central government of Indonesia and the local government of Yogyakarta special region. The conflict emerged because the imposition of decentralization policy by the central government opposed the local politics in Yogyakarta that has been lasting for more than 5 decades. In order to promote the democratic approach throughout its local governments, since 2004 the central government has enacted a new law about local government which implements direct election to choose its local leader. However, the implementation of local election contradicts the existing appointment mechanism to fill governor position in Yogyakarta province. The conflict created a tension between monarchical and western-styled democratic systems.

1.1 Research Problem

Yogyakarta Province is former two traditional kingdoms, which have pledged alliance to the Republic of Indonesia since 1945. Although it joined up with Indonesia, the monarchical system existed through the application of Law 3 of 1950 about special law of Yogyakarta that set the appointment of *Sultan*, its traditional ruler, as the governor of the province. Moreover, the implementation of Law 32 about local government that applied local election to local government in 2004 did not change the special law of Yogyakarta. However the law raised the contestation between appointment and election mechanism for governor of the province and the need to renew the special law which is very simple and out of date to administer the province.

In order to have a democratic provincial government and accommodate the group of people who accept the election mechanism, in 2010, the central government of Indonesia drafted the revision of special law which applies direct election in Yogyakarta to choose its governor. The central government argued that the monarchical system contradicted to democratic approach and it must be changed. As a result, the draft faced people's resistance, which rejected the draft, and they demanded to keep special law to be based on the appointment of their *Sultan* as the governor of the province. This situation created a tension between monarchical and western-styled democratic system.

1.2 Addressing the Research Problem

Exploring the way of life of people in Yogyakarta brought me to a conclusion that people were strongly influenced by their local culture. Its culture came from the former traditional monarchies, the *Kesultanan Ngayogyakarta Hadiningrat* and *Kadipaten Pakualaman*, which were led by the *Sultan* as the king and the symbol of this culture. People recognised the *Sultan* as their traditional ruler and they accepted him to be the governor of this province. The monarchical system can be preserved because the central government enacted special law in

1950 that set Yogyakarta as special region. This law set the appointment of *Sultan* as the governor of the province and it gave the privileges to Sultan to administer the public affairs in Yogyakarta.

Although *Sultan* was provided with the monarchical privileges by the law; he limited the application of monarchical approach to the appointment mechanism of *Sultan* as governor of the province and the implementation of land tenure policy in Yogyakarta. On the other hand, he employed democratic approach to implement his policy to the society (Atmakusumah 1982; Nusantara 1999). For example, he introduced the direct election to choose village official in the rural area of Yogyakarta (Atmakusumah citing Kahin 1982). Furthermore, *Sultan* dissolved the royal privileges to be the local ruler of a city and four regions within Yogyakarta and he opened the opportunity to ordinary people (Regional Council Representative 2010). Based on these policies, *Sultan* applied dual approaches by intertwining both monarchical and democratic policy at the same time to strengthen his administration in governing the province. This duality emerged a 'hybrid institution' that is underpinned by traditional and modern systems and, for decades, people in Yogyakarta have embraced this system as their local politics.

The 'hybrid institution' persisted in Yogyakarta although Indonesia entered democratic era in 1998. The new era created strong challenges to Yogyakarta by questioning its special status. The first challenge came from the bringing up of idea within people in Yogyakarta, as the result of political euphoria after entering the reform era, to dissolve the special status on this province. This situation triggered mass gathering by one million people in the main square of Yogyakarta to support the special status of Yogyakarta and appoint Sultan as their governor (Nusantara 1999). The second challenge came from the implementation of Law 32 of 2004 about local government that imposed direct election to choose local leader in Indonesian's local government. This law revitalised the idea on questioning the special status of Yogyakarta and the appointment mechanism which resulted to the statement of *Sultan's* unwillingness to be the governor on the next term. Similar to the same event before, in 2007, hundreds thousands of people gathered in the main square to ask *Sultan's* statement. *Sultan* answered people's question by explaining that he would not want to be the governor for the next term if the people of Yogyakarta do not support him in his second term in 2008. This statement raised a stronger demand from the people to central government to keep the special law of Yogyakarta to maintain the appointment of *Sultan* as their governor.

In relation to the need on renewing the special law, there were two monographs, academic papers, which were made by Governance and Political Department Gadjah Mada University, Yogyakarta, Indonesia in 2008 and The Regional Representative Council (DPD) of Indonesia in 2010 that worked on drafting the special law of Yogyakarta. Both of them used philosophical, socio-historical, juridical, and sociological arguments to analyse the unique system in Yogyakarta (Lay 2008; The Regional Representative Council 2010). Based on the arguments, they agreed that Yogyakarta had special arrangement within its local politics. It consisted of two different governance system, monarchy and western-styled democracy, which were interwoven together in underlain the hybrid institution of the province.

Even though both monographs emphasised on the same arguments; they proposed different recommendations for the special law of Yogyakarta. The Gadjah Mada University monograph proposed the application of constitutional monarchy system to the local level in Yogyakarta by separating monarchical and democratic institution in order to anticipate the challenge of democratization in Indonesia (Lay 2008: 57). By applying the system, it argued that the system kept the cultural tradition of the province but at the same time it prescribed democratic approach to adapt the future. In contrast, the DPD monographs suggested the renewal of special law to be based on *Lex Specialis* (law exceptions) which could be applied to accommodate the existing hybrid institution in Yogyakarta. This recommendation reinforced the special law and it kept the uniqueness of Yogyakarta as the synthesis of dualistic system (The Regional Representative Council 2010: 84-5).

Unfortunately, even though, both organisations explained the existences of different institutions (rule and regulation); they discussed less about the interaction between those different institutions which underpinned the province and its relation to people's behaviour. They focused more on explaining the arguments which created the hybrid system in Yogyakarta and they less explored the 'pluralistic legal system' which supported the society. However the DPD monograph recommended the enforcement of special law to maintain the local politics of Yogyakarta; it used the term of *Lex Specialis* to keep the hybrid institution and it did not emphasise more on the analysis of pluralistic legal system and people's behaviour. As a result, they were inadequate to explain the interaction between legal order in Yogyakarta and the people's political behaviour in supporting its local politics.

The lack of analysis about the relation between pluralistic legal system and people's political behaviour in Yogyakarta were not put as the consideration in the draft of special law which was proposed by central government in the end of 2010. The government draft was almost similar with the draft suggested by Gadjah Mada University monograph. Besides, there were some changes but they were only in the name of terms. The draft kept employing local direct election to select the local leader and initiated the constitutional monarchy to the province. The situation was heated by the statement from top governmental officers that said the monarchical system in Yogyakarta contradicted the democratic system. Consequently, the draft got a strong resistance from the people of Yogyakarta who demanded the renewal of special law to maintain the appointment of *Sultan* as the governor of the province. On the one hand the government proposed democratic system through the application of direct election; on the other hand, people insisted to keep the monarchical system through the appointment mechanism as a part of hybrid system in Yogyakarta. This conflict created a tension between monarchical and western-styled democratic system in inter-governmental relation between central government of Indonesia and Yogyakarta province as its special region.

This research paper analyses the tension between monarchical and western-styled democratic system by addressing the conflict that is happened in Yogyakarta. Furthermore, the paper takes into account of the monographs work on the arguments but it probes the data to deepen the relational analysis between legal order and people's behaviour in Yogyakarta. In order to examine

the relation, the paper integrates three concepts, which are constitutionalism, legal pluralism and historical institutionalism, to explain the legal order, the pluralistic legal system and people's political behaviour. This approach provides not only basic exploration to the inter-governmental conflict but it also explains a broader explanation about tension emerged in this province.

1.3 Relevance and Justification

Based on conventional understanding, the democratic system that is proposed by the central government of Indonesia can be defined as an arrangement for organizing relations between rulers and the ruled (Schmitter and Karl 1991:76). To develop democracy, this concept applies election procedure as institutional process to show the competing interest and value of people, group and even individual. However, election is still categorized as minimalist definition of democracy because it is only a starting point to have a democratic leader who will govern the society. Diamond (2002: 21-4) showed case studies on democratization process in the world in which conducting election to choose the political leader of the country and, then, it turned into less democratic regime. For example in Russia, election was used to justify the new regime and it became electoral authoritarian regime because it did not fairly conduct and honestly count due to the lack capacity of electoral institution. In Singapore's case, the procedure to democracy through election ended up in the creation of hybrid regime which is combining democratic and authoritarian method in the political processes.

To have a substantive democracy, election does not only need to be combined with the rules such as free, fair, and competitiveness but also requires the institutional arrangement such as consensus, participation, and accountability which keep the system to endure (Schmitter and Karl 1991). Rakner et al. (2007:6) argued that the application of substantive democracy needs to be emphasised on the role and importance of accountability. She also explored the democratisation process into three phases: liberation, transition and consolidation. Liberation phase is indicated by the fall of authoritarian regime in the country, transition can be seen through the performance of competitive election, and consolidation of democracy is achieved by the country when the practice is recognised and accepted by the people. Accordingly, the process is aimed to follow the path of developed countries, such as United States and Western Europe, in building their capacity to hold democracy. These countries conducted substantive democracy through the application of different type of government system, such as the presidential system and the constitutional monarchy as the government system. Although the processes ended up with different government systems, these countries managed to go through democratisation to establish the western-styled democracy as the model to develop governance system.

However, democratisation is a complicated process. Even when it gets through the transition, it does not always guarantee to the consolidation. Internal constraints within the countries may cause a stagnant transition to democratisation or prompt the process back to more or less authoritarian regime

which turns the consolidation phase into the emergence of hybrid regime (Rakner et al. 2007:8).

Considering to the conventional understanding of democracy proposed by the central government of Indonesia to change the local politics in Yogyakarta, this research paper comes to explore the system of which the people in the province attempt to preserve. People's resistance to democratic election is underlain by their understanding to local arrangement that intertwined the monarchical and western styled democratic systems as hybrid institution. Hybrid institution can be explained as the translation of democratic principles by traditional political institutions as an obvious approach in power-separation and co-responsibility among the stakeholders (AIPP 2007:2). Moreover, the paper contributes a different perspective on the debate about democracy versus indigenous value because western-styled democratic system seems not the people's best choice to develop their society. People prefer to have hybrid institution that is created by legal pluralism in the region as their cultural practice. Moreover, the practice has been proven able for decades in maintaining a better circumstance for Yogyakarta. In contrast to the mainstreaming agenda on development, the situation in Yogyakarta is less popular but it could give an alternative to application of different style on governance.

Besides that, the research also draws how the 'pluralistic legal system' in Yogyakarta influenced the people's behaviour. It happened because different laws that imposed at the same time strengthened each other in establishing the conducive situation to different behaviour of the people in the society. Now, the government of Indonesia proposes local election for this province and it exercised the local politics of Yogyakarta.

1.4 Research Objective

The objectives of this paper are (1) to establish by way of academic argument and empirical data that explain and justify the alternative development of governance in Yogyakarta; (2) to analyze the tension between the monarchical and western-styled democratic systems within the promotion of local election for governor in Yogyakarta Province; and (3) to examine the structure and agency relation in dealing with different institutions in this society.

1.5 Research Questions

The primary question in this paper is how does the contestation in filling the governor position of Yogyakarta explain the tension between monarchical and 'western-styled' democratic systems of governance?

Sub-questions:

1. Why have the people of Yogyakarta province posed different aspirations to the drafting efforts of special law about elections?
2. How to deal with the 'hybrid institution' in Yogyakarta?

1.6 Methodology

Taking into account that the tension between monarchical and ‘western-styled’ democratic systems cannot be separated to the existence of local politics of this province, this paper starts the analysis by exploring the hybrid institution in Yogyakarta. Then, the paper seeks to reconceptualise the policy which has been applied by *Sultan* to strengthen the monarchy using democratic approach as the ‘democratic monarchy’, term named by Gathorne-Hardy (1953:275) when he explained Queen Victoria’s policy in Britain in 1880.

However, to have holistic analysis in explaining the ‘hybrid institution’, this paper integrates constitutionalism, legal pluralism, and historical institutionalism concepts as the methodological approach. The application of these concepts attaches the context of Yogyakarta to the international tension on governance system. This paper employs ‘constitutionalism’ concept to analyse the power limitation faced by government in implementing the constitutional right to its region (Frishman and Muller 2010). This concept examines the legal contestation between national, which supported by international mainstream on governance, and local government in the implementation of national law to Yogyakarta. Surprisingly, even the central government law applied contradicting regulation with the local context in Yogyakarta; it did not change the local politics of the province. However, constitutionalism approach has a lack in explaining the legal order in Yogyakarta that created strong bargaining position against the central government. To examine the legal order in Yogyakarta, this paper employs legal pluralism concept as the approach in explaining its local law. This approach works on the interaction between different legal products and the interplay of them in influencing the society (Merry 1988:869). The application of this approach provides this paper with the analysis of hybrid institution which established the pluralistic legal system in Yogyakarta. Even this approach relates the hybrid system and the society, this approach less discusses the relation between the local system and people’s political behaviour that is strongly concerned in this paper. The need to explain how the hybrid institution influenced people’s political behaviour is tackled by employing historical institutionalism concept as the approach. This concept discusses the behavioural effect of different institutions as the product of different legal order to individual in its society (Hall and Taylor 1996:6). Moreover, the paper uses this approach to explain how the interplay between different institutions in Yogyakarta created a stable and durable hybrid system. In presenting the paper, this research relies on qualitative research to examine and link these concepts. Furthermore, this technique gives rich information on local politics in Yogyakarta.

1.7 Research Methods

This research draws on secondary data as the principal method to answer the research question. The data was collected from two academic monographs which are conducted by the political laboratory of Department of Governance and Politics, Gadjah Mada University, Yogyakarta in 2008 and working committee team of Regional Representative Council the republic of Indonesia in 2010. Although this research paper focuses on different analytical framework with the monographs; it still can use the data from the monographs that ap-

plied various methods such as media polls, focus group discussion (FGD) of NGOs, historical documents, government officers discussion and expert judgments. Various methods in the monographs give a comprehensive explanation to the condition of Yogyakarta which supported the monographs recommendation to the central government

The monographs gave the empirical data to describe the precise circumstances in the province because, at that time, there were emerging strong political tensions. In 2008, the term of *Sultan* as governor would be ended; on the other hand, there were no clarity about the mechanism to fill the governor position for the next term. Then in 2010, the heating tension occurred between people in Yogyakarta and the central government of Indonesia before the announcement of the special status draft was released by the government to legislation process in house of representative. By using the data in those monographs, this paper gets the right information to describe the tension based on the actual political context of Yogyakarta.

A literature review will be worked on the data by critically assessing the information to answer the research question. The monographs provided the paper with data; however, it lacks of data that explains the group who support the election mechanism in Yogyakarta. To get the aspiration of this group the monographs also relied on the polling that was conducted by several institutions. The aspiration of this group was also seen in the expert judgment forum and FGD. Some of them expressed their agreement to election but it was responding to the recommendation of Gadjah Mada University monograph. The paper managed to obtain the data and, then, they are compiled together with the updated information from the mass media, reports and web pages of governmental and other institutions

1.8 Scope and Limitations

The scope of this paper is analysing the contestation between monarchical and ‘western-styled’ democratic system in Yogyakarta. However, it is more focusing to discuss the existing condition which creates its hybrid institution within the province because the dynamic of the society that formed this local culture provides valuable information on the debate. On the other hand, this paper faces a limitation on lack of comparison with other systems because recent monarchical system seems to be constitutional and pure monarchy or it is under the democratic system. Nonetheless, those types do not fit to define the ‘hybrid institution’ as the local politics of Yogyakarta province.

1.9 Structure of the Paper

This research paper is organised in to five chapters. The paper starts with the introduction in chapter 1 which contains research problem, relevance and justification, research objective, research questions, methodology and methods.

Chapter 2, evaluating the ‘democratic monarchy’, figures out three conceptual approaches in analysing the hybrid institution in Yogyakarta. Those concepts are ‘constitutionalism’, ‘legal pluralism’, and ‘historical institutional-

ism'. At the end of this chapter, the paper explains the integration of these concepts to examine the “democratic monarchy” in Yogyakarta.

Chapter 3 is a history of the *Sultanate*. This chapter explores the contexts of Yogyakarta to give a complete description to the existing condition of the province. It described the demographic information about the province, the cultural tradition and the special feature of Yogyakarta. The context situates the characteristics of Yogyakarta to help the paper analyze its local politics.

Chapter 4, explaining the hybrid institution, analyses the local politics of Yogyakarta using the analytical approach. This chapter divides into for sub-chapters that explain the constitutional culture in Yogyakarta, the hybrid legal system in Yogyakarta and emergence of hybrid institution.

Chapter 5, conclusion and recommendation, shows the reflection on the finding and analysis to answer the research questions. Furthermore, it defines the term of ‘democratic monarchy’ and explains how the term is different with the ‘constitutional monarchy’ that is proposed by the central government of Indonesia.

Conclusion and Recommendation

This research was designed to describe the tension between monarchical and 'western-styled democratic system by exploring the contestation in filling the governor position of Yogyakarta. To obtain this objective, the paper applies three continuous approaches which provide multiple analyses to the research. As a result, the approaches found the relational argument to solve the contestation in filling the governor position in Yogyakarta. Based on the findings in chapter four, there was a changing policy related to the 'culture of constitutionalism' of central government to Yogyakarta which create a contestation in filling the governor position. The analysis showed the intergovernmental conflict between central government and Yogyakarta local government because they used different school of law. The government argument to apply monist school on constitutional democracy faced a strong challenge from the people of Yogyakarta which used dualist's argument on domestic. 'Constitutionalism' understanding in the paper argued the situation in Yogyakarta is hard to solve because both schools stayed in different fields. Based on this explanation, the central government cannot force the policy based on its position as central government because the sovereign aspiration of most people in the region can also be considered as the right of internal self-determination. To solve the conflict between these schools, Dugard (2005:47) argued the role of municipal judge to make the decision based on the local situation.

Legal pluralism analysis described the appearance of conflict between different aspirations in local situation related to the filling mechanism of governor position. Different aspiration divided the society into group who supported direct election and group who insisted the appointment mechanism. Both groups were existed in the society because they were familiar with the situation. The special status law of Yogyakarta allowed Sultan as the governor to apply monarchical and democratic approaches at the same time. His policy to reconcile western and eastern value has been proven capable to maintain stable and durable circumstances in Yogyakarta for decades. In relation to this situation, people in Yogyakarta were aware to the cultural practice between monarchical and democratic system in the society and admitted it as their 'living law'. The findings about 'living law' showed the role of cultural practice in controlling individual behaviour to interact with not only other individual but also the government. Accordingly, the aspiration of most people in Yogyakarta refused the application of democratic election because it deprived their 'living law'. On the other hand, the central government argued that the promotion of direct election is the application of law in action. Consequently, it needed individual perspective to solve this conflict. To deal with this situation, Hertoghs (2004:481) suggested the application of personalistic value orientation which emphasises on the role of individual to give the perception about the law.

The imposition of direct election in the special status draft was not only considering the aspiration of people in Yogyakarta but also implementing the central government policy to spread democratisation throughout Indonesia. The findings on polling indicated that people in Yogyakarta also agreed to apply direct election to select the governor. Although this group have heard less,

its contestation with the other group lifted up the hybrid institution in Yogyakarta. On the other hand, most people in Yogyakarta rejected the central government draft which proposed direct election for governor in Yogyakarta. Both aspirations appeared in Yogyakarta because *Sultan* applied the intertwined approaches of 'historical institutionalist' which maintained the divided aspiration of the people in Yogyakarta. Based on the 'calculus approach' analysis, *Sultan* applied democratic approach to strengthen the monarchical system. Despite giving the democratic approach as 'incentive' to the people, *Sultan* mainly focused on maintaining the social pattern in Yogyakarta to keep his legitimacy. Moreover, he could reinforce his patronage using the cultural approach such as land tenure policy which strongly influenced people behaviour. The application of institutionalist approaches explains the relation between *Sultan* and his people. *Sultan* seemed maintain the situation in Yogyakarta by allowing the contestation upon the people about his position as governor. I was not only to most people who rejected the draft of special status law but also small group of people who agreed with the direct election.

Most people in Yogyakarta rejected the special law draft because the central government of Indonesia did not accept their aspiration and it kept to impose local election to choose the governor in the central government draft of special status law. The central government draft disrupted the living law that persisted in the society. As a result, tension between monarchical and western-styled democracy emerged because people insisted their living law and the government kept imposing the draft.

1.10 Yogyakarta as a Democratic Monarchy

Based on the argument I raised in chapter four, the existence of hybrid institution came from the application of intertwined system between monarchy and democracy within the *Sultan* administration in Yogyakarta. *Sultan* attempted to 'harmonise western and eastern value without depriving the tradition' by strengthening the monarchy using democratic approach. This policy is similar to Gathorne-Hardy conception of democratic monarchy which explains Queen Victoria's policy in Britain. Moreover, the special status law allowed *Sultan* to implement the policy which has been proven capable to maintain a peaceful environment in the region for decades. This arrangement became the characteristic of Yogyakarta. Because people felt comfortable with the situation, they embraced it as their 'living law'.

However *Sultan* applied a limited monarchical system and emphasised more on democratic approach which introduced both monarchical and democratic system to people. Consequently, people in Yogyakarta experienced with democratic approach before the central government proposed the draft of special law which imposed the direct election. As a result, even though the society has been divided into two different groups; both aspirations described their freedom of right which is acknowledged by the hybrid legal system in Yogyakarta. People understanding on their freedom right originated from their interaction with the local system in Yogyakarta because Sultan's administration applied democratic approach policy.

However, based on Rakner (2007:7) division on substantive democracy, the governance system in Yogyakarta could not be categorised as democratic local government. The regime in Yogyakarta is never change and it keeps relying on monarchical system to fill the position province leader which implied in the special status law. Furthermore, even people accepted Sultan as their formal leader; it seemed hard to have accountability measurement because the relation between Sultan and the people have been mostly underlain by the power and resources patronage.

Using Diamond (2002) reflection on many applications of governance system, *Sultan* administration can be considered as hybrid regime in a broad sense. However, the application of monarchical system that underlay democratic approach in Yogyakarta can be distinguished with Diamond's examples of hybrid regime. Sultan has used less authoritarian approach within the limited monarchical system and most policies have applied democratic approach to govern the province. Accordingly, the regime can be best described by the term of 'hybrid institution' which showed the role of traditional system in translating democratic approach in its society similar to the Sultan's policy in Yogyakarta (AIPP 2007:2). This definition looks similar with the term of democratic monarchy as the concept of policy which strengthens the monarchical system using democratic approach.

Based on the local context, the hybrid institution in Yogyakarta differs compared to the other type of governance system that applied in Britain, the Netherlands, Thailand and Malaysia. Even though *Sultan* has implemented monarchical and democratic approaches in Yogyakarta; it also cannot be categorised as constitutional monarchy because Sultan as the governor have both formal and informal political power and this situation is legitimate to the people. Yogyakarta is not a country but a provincial government within the Republic of Indonesia that is led by a governor. The governor as the formal ruler is the *Sultan*, the King of former kingdom in Yogyakarta, who has informal power from the traditional culture.

1.11 Dealing with the 'Hybrid Institution': A Recommendation

Hybrid institution can be implemented in this province because people experienced with pluralistic legal system as their living law. However, they use different consideration to choose the way they deal with the local politics. Likely, Hertogh (2004:460) said that people legal consciousness can be created by the integration on law in action and the living law. People kept their tradition by having monarchical system in the appointment of governor; on the other hand, they involved with the local election to choose the city major or the head of regions.

The paper suggests the House of Representative as the legislation institution to consider the situation and applies harmonisation theory without neglecting the right of people in Yogyakarta. Understanding constitutionalism in legislating the law could offer a prominence justification to other internal self-determination case.

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