

The Indonesian Update

Monthly Review on Economic, Legal, Security, Political, and Social Affairs



Main Report: Legislative Productivity: Realization of 2013 Prolegnas

ECONOMY

The Inconsistency of Government's Policies on Public Transport in Indonesia ■

Politics

Political Advertisements on Television to Boost Electability ■

Measuring Jokowi's Electability ■

Jokowi and Leader's Criteria Expected by the Society ■

Social

Gender and Climate Change in ■

Conference of the Parties (COP) of the UNFCCC

Jamkesmas and Its Problems ■

Phenomenon of Beggars in Indonesia ■

The Implementation of Forest Moratorium ■

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FOREWORD

The year 2013 will soon be over, and the stages of the legislative election campaigns will begin. Almost certainly, the legislators who will again run in the 2014 Elections will divide his time between serving in the Parliament in Senayan area and campaigning for the election.

The inability of legislators to reach the target of legislation over the years continues to occur. As a result, the list contained in the Prolegnas will lose its meaning, as there is no increase in the capacity and facilities in the formation of law.

The December's edition of the Indonesian Update raises a main theme on "Legislation Procutivity: the Realization of the 2013 Prolegnas". On the economy, it discusses "The Inconsistency of Transport Policy in Indonesia". On politics it talks about "Utilizing Television for Boosting Electability". On social affairs, it reviewa "Gender and Climate Change Conference of the Parties (COP) of the UNFCCC".

In addition, this edition of the Indonesian Update, on political affairs, also discusses "Measuring Jokowi's electability" and "Jokowi and the Leader Criteria Expected by the Society". On social affairs, it touches on "the Jamkesmas Program and its Issues" and "the Rich Beggars Phenomenon in Indonesia", and "Forest Moratorium Implementation".

The regular publication of the Indonesian Update with its actual themes is expected to help policy makers in government and business environment -- as well as academics, think tanks, and other elements of civil society, both within and outside the country, to get the actual information and contextual analysis of economic, legal, political, cultural and social developments in Indonesia, as well as to understand the public policy in Indonesia.

Happy Reading!

Legislative Productivity: Realization of 2013 Prolegnas

Periodically, the Indonesian House of Representatives (DPR), together with the Government, formulates bills (RUUs) that will be discussed within a specified period. The period can be divided into a medium-term (five-year) and a short term (annual).

The list of bills is known as the National Legislation Program (Prolegnas). According to Article 16 of Law Number 12 Year 2011 on the Establishment of Legislation, Prolegnas is a planning stage in the formation of a law.

In beginning, it was agreed that there were 70 bills to be deliberated in the House during 2013. But in August, there were five bills added and proposed by the Legislative Body (Baleg) of the DPR RI. Thus, the total number of bills in 2013 is 75 bills.

The year 2013 will be over, and the stage of the parliamentary election campaign will begin. Almost certainly, the legislators who run for re-election in 2014 will divide his time between working in Senayan or around their electoral districts for campaigning.

The Realization of 2013 Prolegnas

The 2013 Prolegnas includes 70 bills. In general, the bills are divided into a 30% (21 bill) of economic bills, a 37% (26 bill) of bills on public welfare, and a 33% (23 bill) bills on politics, law, and security.

The five bills that had been added to the list in August were Radio Television of the Republic of Indonesia (RTRI) Bill; Military Discipline Bill; Bill on Amendment of Law Number 15 Year 2006

on BPK; Amendment Bill of Law Number 5 Year 1999 on the Prohibition of Monopolistic Practices and Unfair Competitions, and the Copyright Bill.

Loading 75 bills to the DPR and the Government is fairly heavy. This means that on average each month at least six bills must be discussed and completed. However, the completion is highly unlikely given the tasks of the Parliament are not only in terms of legislation, but also oversight, budget, and the selection of state officials.

Until the second half of 2013, there had been 21 recorded bills passed into laws. However, many of the bills that had been passed were not the 2013 Proleignas. Here is a list of the bills passed in 2013.

Table: Approved Laws throughout 2013

No	Name	Approved	Information
1	Law Number 1 Year 2013 on Micro Finance Institution	08 January 2013	Not 2013 Proleignas
2	Law Number 2 Year 2013 on the Establishment of Mahakam Ulu Regency in East Kalimantan Province	11 January 2013	Not 2013 Proleignas
3	Law Number 3 Year 2013 on Establishment of Malaka Regency in East Nusa Tenggara Province	11 January 2013	Not 2013 Proleignas
4	Law Number 4 Year 2013 on the Establishment of Central Mamuju Regency in West Sulawesi Province	11 January 2013	Not 2013 Proleignas
5	Law Number 5 Year 2013 on the Establishment of Banggai Laut Regency in Central Sulawesi Province	11 January 2013	Not 2013 Proleignas
6	Law Number 6 Year 2013 on Establishment of Taliabu Island Regency in North Maluku Province	11 January 2013	Not 2013 Proleignas
7	Law Number 7 Year 2013 on Establishment of Penukal Abab Lematang Ilir Regency in South Sumatera Province	11 January 2013	Not 2013 Proleignas
8	Law Number 8 Year 2013 on Establishment of East Kolaka Regency in South East Sulawesi Province	11 January 2013	Not 2013 Proleignas

9	Law Number 9 Year 2013 on Prevention and Eradication of Terrorism Funding	13 March 2013	2013 Prolegnas
10	Law Number 10 Year 2013 on Ratification of Rotterdam Convention On The Prior Informed Consent Procedure For Certain Hazardous Chemicals And Pesticides In International Trade	08 May 2013	2013 Prolegnas
11	Law Number 11 Year 2013 on Ratification of Nagoya Protocol On Access To Genetic Resources And The Fair And Equitable Sharing Of Benefits Arising From Their Utilization To The Convention On Biological Diversity	08 May 2013	2013 Prolegnas
12	Law Number 12 Year 2013 on Establishment of North Morowali in Central Sulawesi Province	11 May 2013	Not 2013 Prolegnas
13	Law Number 13 Year 2013 on Establishment of Konawe Islands in South East Sulawesi Province	11 May 2013	Not 2013 Prolegnas
14	Law Number 14 Year 2013 on Revised of Law Number 56 Year 2008 on Establishment of Tambraw Regency in West Papua Province	11 May 2013	Not 2013 Prolegnas
15	Law Number 15 Year 2013 on Revised of Law Number 19 Year 2012 on State Budget Law Year 2013	18 June 2013	2013 Prolegnas
16	Law Number 16 Year 2013 on Establishment North Musi Rawas Regency in South Sumatera	10 July 2013	Not 2013 Prolegnas
17	Law Number 17 Year 2013 on Community Organization	22 July 2013	2013 Prolegnas
18	Law Number 18 Year 2013 on Prevention and Eradication of Forest Destruction	6 August 2013	2013 Prolegnas
19	Law Number 19 Year 2013 on Protection and Empowerment of Farmer	6 August 2013	2013 Prolegnas

20	Law Number 20 Year 2013 on Medical Education	6 August 2013	2013 Prolegnas
21	Law Number 21 Year 2013 on Aero Space	6 August 2013	Not 2013 Prolegnas

Sumber: www.sipuu.setkab.go.id (2013)

According to the table above, there are some quite interesting facts. *First*, from 21 bills that has been passed into law only eight bills that are included in the 2013 Prolegnas. *Second*, there are 11 bills passed into law that are the legal bases for the establishment of new autonomous regions (DOB). *Third*, four bills that have been passed into law were from the 2012 Prolegnas.

Quantitatively, the achievement of realizing the 2013 Prolegnas is only about 10.6 %. Only eight bills listed in Prolegnas could be completed later in 2013 and be passed into law. If we pay more attention, there were many laws that were actually included initially in the 2012 Prolegnas . This means that in the year 2013 from the legislative aspect, the DPR and the Government do not make new laws.

In addition, 11 DOB Bills that were passed into law are not priorities in Prolegnas Year 2013. Substantially, the deliberations of the 11 bills did not take long. The substantial deliberations of the bills should set certain important things pertaining to the lives of many people .

Seeing the performance of the legislation process above, it can be said that the DPR and the Government have failed to achieve the quantitative targets set by themselves. The achievement of 10.6% is not an achievement to be proud of.

The inability of legislators to reach the target of legislation over the years continues to occur. The bills listed in Prolegnas lose their meaning, because they have become only annual targets, without the efforts to increase the capacity and facilities in the establishment of laws.

Between Quantity and Quality

Throughout 2013, the laws on establishment of DOB have dominated the legislative processes. Previously, the Home Affairs Ministry initiated a moratorium on the establishment of a new province or a district/city before the comprehensive evaluation of the results of the establishment held a few years earlier.

In reality, the proposals to establish new autonomous areas were

flowing in from the public. The aspirations in turn urged their representatives in DPR RI to take a stand. Finally, in 2013, 11 new regencies were created.

In addition to the formation of new regions, there are also some laws that form the basis of international treaty ratifications. Two laws were established to ratify the Rotterdam Convention on International Trade and the Nagoya Protocol relating to the utilization of genetic resources.

Both international treaties ratified by the laws are considered as open cumulative laws, which are laws formed as a consequence of legal actions undertaken by the government. The consequence of the Government of Indonesia that has entered into a treaty is in the form of a formal legislation.

In addition to legislations on DOB formations and ratifications of international agreements, there are also substantial laws on state budget. The substantial laws are Microfinance Institutions Law, Law on the Prevention and Eradication of Terrorism Financing, Community Organizations Law, Law on the Prevention and Eradication of Forest Destruction, Law on the Protection and Empowerment of Farmers, Law on Medical Education, and Aviation Law.

The seven laws mentioned can be categorized as substantial laws (material). Everything is set up as a vital substance referred to in Article 10 letter a, b, and e of Law Number 12 Year 2011. The consequence is that DPR with its partners should discuss more substantial laws. The discussions should include definitions, rights and obligations of the parties involved, and criminal provisions.

The laws establishing DOB, the state budget, and the ratifications of international treaties can be categorized as formal legislations, because the three types of substances of such laws make laws legal for the inauguration and enforcement of substances in them.

The establishment of laws on DOB without prior planning in the annual or five yearly Prolegnas would raise questions. Moreover, the legislations have been passed prior to the legislative and presidential elections. Political interests to get voters in DOB certainly could not be avoided.

In addition, it is unfortunate that if throughout 2013, 11 of the DOB laws could be adopted, then why in the same time only seven

substantial legislations that could be formed? This indicates the capacity and dedication of legislators in shaping legislations that are substantially different from the formation of DOB legislations.

Another problem is the formation of the state budget law. The budget rights owned by the DPR must still be established through law. Protracted discussions of the state budget bill frequently ignore those of others. A small example is the current discussions on the Revised Budget Bill, which contains a clause about the rise in fuel prices .

Not including the formal laws produced in 2013, the DPR and the government have only produced seven laws substantially in one year. Are the legal needs of the community only included seven laws in one year?

In addition to quantitative terms, the legislation also should pay attention to its quality. The legislations established by the DPR and its partners should consider the legal needs and aspirations of the community. Furthermore, it is necessary to conduct studies and in-depth research related to the constitutionality of a law that will be formed.

The quality of legislations in general can be seen from how many laws that have been canceled by the Constitutional Court. There are more and more laws being canceled. It is generally understood that legislations prepared by legislators are less qualified .

According to the data released by the Constitutional Court General Secretariat, in 2013 there were 77 petitions to review the constitutionality of legislations. A total of 16 (20.07 %) petitions have been granted, a total of 36 (46.7 %) of the petitions have been denied, a total of 14 (18 %) have been accepted, and a total of 11 cases (14.3%) have been withdrawn. Legislators must consider the number of applications for judicial review, because the upstream problems in the legislation processes.

The involvement of the House of Representatives (DPD) RI in the legislative processes is in accordance with the Decision of the Constitutional Court No. 92/PUU-X/2012 on Reviewing Law Number 27 Year 2009 on MPR, DPR, DPD, and DPRD and Law Number 12 Year 2011 on Establishment of Legislation to UUD 1945 legislation.

The involvement should ideally be able to ease the burden of

the Parliament and government. Three institutions should work together to improve the quantity and quality of the support systems in the legislative processes. Otherwise, from year to year, the quantity and quality of the legislations will not achieve significant progress .

The reform in the support systems in must be realized . The addition of the budget to the DPR would not contribute much to the quantity and quality of legislations, without the support systems and adequate human resources.

Less than one year, the DPR for the period of 2009-2014 will end its term. The reminder of this term should be filled by legislations that are vital, prioritized, and meeting the legal needs of the community.

We should not let the legislators just leave a pile of discourses and homework that will be passed to legislators from the 2014 Election.

The inability of legislators to reach the target of legislation over the years continues to occur. The bills listed in Prolegnas lose their meaning, because they have become only annual targets, without the efforts to increase the capacity and facilities in the establishment of laws.

-Asrul Ibrahim Nur-

The Inconsistency of Government's Policies on Public Transport in Indonesia

The policies on public transport in Indonesia, in particular those to deal with traffic congestion, are counterproductive. This has been proven by the fact that there is no mutual work between local governments and central government to find the best solutions.

On one hand, local governments promote Bus Rapid Transport (BRT) and minivans to be used as public transport for cities and villages/ *Angkutan Pedesaan* (Angkudes), respectively. On the other hand, the central government allows Low Cost Green Car (LCGC), also known as cheap cars, to be produced and sold, which will definitely increase the number of private vehicle ownerships.

The number of private vehicles increases dramatically every year. Unfortunately, it is not in line with the increase in the length of the streets. This can be found easily in major cities on Java island where traffic congestions are getting worse.

Table: Number of vehicles in Indonesia 2006- 2012

Years	Cars	Busses	Trucks	Motor Cycles	Total
2006	6.035.291	1.350.047	3.398.956	32.528.758	43.313.052
2007	6.877.229	1.736.087	4.234.236	41.955.128	54.802.680
2008	7.489.852	2.059.187	4.452.343	47.683.681	61.685.063
2009	7.910.407	2.160.973	4.452.343	52.767.093	67.336.644
2010	8.891.041	2.250.109	4.687.789	61.078.188	76.907.127
2011	9.548.866	2.254.406	4.958.738	68.839.341	85.601.351
2012*	10.400.000	2.300.000	5.300.000	76.400.000	94.400.000

Sources: BPS, 2011 and *Litbang Kompas, 2013.

The central government has acknowledged that among 508 cities in Indonesia, there are about 50 cities that are experiencing traffic congestions on certain days and at certain time. It means that 10% of the cities in Indonesia at certain time are having traffic jam problems (*Republika*, 19/11). If there are no significant actions to reduce the traffic congestions, there is no doubt that the other big cities will also face the same problem.

The chronic traffic congestions in Jakarta, for instance, have achieved the worst level. According to the Research of Indonesia entitled “efforts for environment”, the number of vehicles in Jakarta and its satellite cities has reached a level of 38,7 millions in 2013. It consists of 26,1 million motorbikes, 5,3 million cars, 1,3 million buses, and 6,1 million trucks (*Tempo*, 30/7).

The conditions of public transportation

Public transport is, indeed, a solution to tackle traffic congestions. The main reason is that the capacity of public transport that can load more passengers compared to private cars. In Europe, public transport is subsidized by the state in order to attract more people to use it.

Referring to Button (in Cees van Goeverden, 2006: 5), one of the reasons why public transport needs to be subsidized is to reduce the use of private cars in big cities. The use of public transport is a solution to other bad effects stemming from the use of private cars, such as air pollution, lack of parking lots, and traffic congestions.

Therefore, public transport has to be well managed and well organized by the government. To facilitate public transport is a kind of service on public goods provided by the state for the people. Ironically, public transport is massively managed by the private sector and mostly without subsidy.

Moreover, the quality of public transport in Indonesia is still poor. Most of busses and minivans are uncomfortable and unsafe. Many of them have even stopped to operate. As a result, people prefer to use their private cars.

This argument is supported by a survey of (*Masyarakat Transportasi Indonesia/Indonesian Society for Transportation*) that shows a significant worsening of the bad quality of public transport since five years ago. Around 20% - 50% of busses and minivans in several regions are in bad conditions (VoA, 28/11).

Busses and minivans in Bali and Yogyakarta are the real examples how transport is badly managed. In both cities, busses and minivans are owned by the private sector. Besides, as they do not receive subsidy from the local governments, the safety of the busses are in doubt.

This makes the number of public transports in both cities drop drastically. The central and local governments are not aware on this situation. Ironically, Bali and Yogyakarta are main tourist destinations

In Bali, there are only 40% out of 50.000 busses and minivans that are still operational today. Only 10% of those vehicles are in good conditions. Actually, the owners of those buses and minivans have a strong will to revitalize their vehicles, but they face difficulties to gain loans from banks.

Programs that can reduce congestions

In the meantime, there are various transportation development programs that have been initiated by the government. Besides developing BRT, the government plans to develop Angkudes as well. The central government has taken measurements in order to help local governments to develop public transport. The central government prioritizes to develop public transport in six major cities.

One of the central government programs is a grant that is given to the Jakarta Administration to develop Mass Rapid Transit (MRT). This grant is to finance 49% of the total debts. The central government also supports local governments in other cities such as in Bandung-West Java by developing six lines of BRT, 11 lines of BRT in Makassar-South Sulawesi, two lines of BRT in Bali, Medan-north Sumatra, and Surabaya – East Java (*Republika*, 19/11).

However, the BRT programs that have been implemented in several cities do not work well. Problems can be found in Yogyakarta, Semarang, and Bali where Trans Jogja, Trans Semarang, and Trans Sarbagita serve the public with a very limited number of busses and routes. These problems have made the BRT unable to facilitate the needs of public transport. As a consequence, the people prefer to use their cars, which then lead to the chronic traffic congestions.

Actually, the central government has promoted Angkudes since 2010. These Angkudes are affordable because the central government

provides incentives in the procurement processes. These subsidies have been taken from the state budget. Nonetheless, the Angkudes have not yet been implemented because there are no automobile manufacturers that have an interest to produce the minivans.

It is important to note that a strong political will from the government to provide good public transport is a must. Without it, the development of public transport will be very difficult to implement. This project needs massive amount of financial support and serious attention. If the government is able to provide a good public transport, people will automatically use it.

The contradictive programs

The BRT and Angkudes projects are indeed a feasible solution to reduce the chronic traffic congestions in cities in Indonesia. Ironically, the central government has produced a counterproductive policy, which is, issuing LCGC, or the cheap car program. This policy has been protested by local government leaders and members of the House of Regional Representative.

LCGC is indented to accommodate car production that comprises high local components, environmental friendly, and has affordable prices. The central government, through the Ministry of Industry, provides incentives to automakers to produce cheap cars as long as they fulfill the requirement of LCGC.

The incentives that have been given by the government are the luxury sales tax rates of 25%, 50% and 100%. These different levels of “discounts” are categorized based on the machine capacity, fuel consumption, and degree of the local components (*Antara News*, 19/9).

This policy has attracted more people to by the cheap cars. As a result, the number of ownerships of private cars has increased dramatically, which will surely contribute to the traffic congestions.

Conclusions

The public transport programs from the central government cannot be regarded as serious programs to build adequate public transportation to reduce congestions. Moreover, the government has been running a cheap car program that will create traffic congestions, as there will be more private vehicles.

If we deeply analyze the policies and concept of public transport development above, it seems that the government does not have a vision and a mission to tackle the traffic congestion problems. Both central government and local governments have lack of political will to manage and organize public transport. As a result, people are pushed to use their private cars.

Some recommendations can be given to respond to this problem. *First*, the central and local governments should cooperate to give incentives to the private sector to revitalize public transport. *Second*, the central government has to increase the number of grant of busses to the local governments. *Third*, the government has to implement progressive tax on car ownership.

Both the central and local governments have a lack of awareness and political will to develop public transport as a solution to tackle traffic congestion in major cities in Indonesia.

- Annas Syaroni-

Political Advertisements on Television to Boost Electability

The media plays a very important role to disseminate information to the people today. As it is known, television has become the most accessible media tool. According to the AC Nielsen's survey, 94% of the Indonesian people access media through the television (Tempo, 3/6). It is because a television set can be bought by people at an affordable price and television provides entertainment and news that people need.

The large number of television viewers gives an opportunity to the private sector to advertise their products through the television. In terms of politics, television is an effective tool for any political campaigns. There are not only commercial advertisements but also political advertisements that we have seen on the television. This is surely increasing in the lead up to the upcoming election in 2014.

Campaign through the television

The cost of making a television ad is not cheap. The average cost for one advertisement ranges from 600 - 700 million rupiah (Detik.com, 16/8). Furthermore, the cost to run an advertisement on a national private television station is really expensive. To get the desired effect, the ad cannot only appear just once a day.

Wiranto, as the presidential candidate from Hanura Party, has been advertising on television. He admitted that it took a huge cost to advertise on a private television station. He revealed that the cost for a broadcast with 30 seconds of duration cost him 60 million rupiah. As a result, to broadcast ten times a day would require 600 million rupiah (Detik.com, 16/8).

Nevertheless, political ads on television have been an extremely effectiveness way to increase popularity of candidates and political parties. For instance, we can look at the case of NasDem Party and

Aburizal Bakrie. They are enjoying the increase of their popularity due to ads on television.

In 2012, Hary Tanoë, the owner of MNC Group that has several private national televisions, joined the NasDem Party. He used his television stations to advertise NasDem Party.

National Survey Institution/Lembaga Survei Nasional (LSN) noted that NasDem Party had enjoyed increased electability in the survey where conducted from 2010 to 2012. In 2010, NasDem Party just had 0.3 % level of electability (Viva News, 3/11/2012).

In 2011, the electability level rose to 1.3 %. And at the beginning of February 2012, its electability climbed to 1.6 %. In early March 2012, the NasDem party's electability incredibly jumped to 5.9 %. This has happened to some extent because of political advertisements of NasDem Party had been very intense on television (Viva News, 3/11/2012).

Aburizal Bakrie, a figure who has become a candidate from the Golkar Party, has been very aggressive in advertising on television during 2013. We can see the increase in his electability from 2012 to 2013 from the results of public opinion surveys held by Kompas Research and Development / Litbang Kompas released in August 2013 (26/8). The survey said that Bakrie in 2013 received 8.8 percent of the vote. His electability was rising compared to that in December 2012 where he just had 5.9 percent the vote.

Jokowi has popularity and good electability without advertisement

Governor of Jakarta Joko Widodo has been referred to as a media darling because of his popularity in various media. A national survey conducted by the Indonesian Institute and Indicators on 10-20 October 2013 found that Jokowi was a figure that was often seen by the respondents on television, with 71.8 percent. Meanwhile, Bakrie, Wiranto, and Prabowo stood at the next positions below Jokowi, with 58 percent, 47.7 percent, and 47.3 percent, respectively.

Indeed, the three figures under Jokowi's position have often been advertising on television, but they have not become a news subject. On the contrary, even Jokowi has not been advertising himself, but he has been the subject of news. Jokowi has been successful to become a media darling because he can manage his performance and opinions through the mass media as the Governor of Jakarta.

The increase in Jokowi's popularity has something to do with the fact that he has become the object of media coverage reporting him as a presidential candidate in various surveys, eventhough the PDIP

has not yet declared who will be its presidential candidate to run in the Presidential Election in 2014.

In the same survey held by The Indonesian Institute (TII) and Indonesian Political Indicator (Indikator) on 10-20 October 2013, some political figures' electability was also measured. In the semi-open questions (with a list of figures name), the results found that Jokowi's electability was still the highest among other figures.

Table Candidates Electability Survey Held by TII dan Indikator

No.	Figures that choosen by voters	Percentage
1	Jokowi	35,9
2	Aburizal Bakrie	11,4
3	Prabowo Subianto	11,4
4	Wiranto	7,8
5	Megawati Soekarnoputri	5,9
6	Jusuf Kalla	3,9
7	Mahfud MD	1,6
8	Rhoma Irama	1,2
9	Dahlan Iskan	1
10	Nama-nama lain	3,2

Souces: Survey held by TII & Indikator, 10-20 October 2013.

It is interesting to observe the phenomenon of other figures such as Bakrie, Wiranto and Prabowo and their parties. They have been advertising themselves on television because they believe that ads can increase their electability. Otherwise, they will not have better electability than Jokowi.

TII and Indikator's survey showed results that Jokowi's high popularity is in line with his electability. As we know, Jokowi has not been advertising himself on television but his popularity and electability have passed the three figures mentioned above.

It is because Jokowi has performed well, and he can manage the publication of himself in the media during his term as the Governor of Jakarta. Thus, the voters like him and his profile is considered appropriate to be the next president of Indonesia.

In addition, the news coverage about Jokowi has made the voters perceive that Jokowi is an honest and trustworthy character. Honest and trustworthy are the most important criteria to be the next president.

According to the result of a survey conducted by TII and Indikator

on the main criteria for those who want to be the president, he or she should be an honest and trustworthy person.

While other figures have been advertising themselves intensively, but they are not considered sufficient enough as they are not as honest and trustworthy as Jokowi. Voters are aware that those figures advertising are just giving promises, rhetoric and are wanting to build good image for themselves rather than Jokowi that is already perceived as demonstrating its performance.

Conclusion

The candidates in the election campaigns do not need to perform too excessively in the media, especially on television which needs a huge cost. However, the candidates need to work optimally before he or she is nominated, and when he publishes advertising to the media.

Thus, he or she will gain the sympathy of the media and the public. After that, his or her electability will be growing up without too much campaigning in the media, because the media will be campaigning for him or herself with positive news. Then the voters will perceive that the candidate meets the criteria and deserves to be elected as the President of Indonesia.

Some politicians who want to be a president thought that political advertising on television could increase their popularity and electability. On the other hand, a figure who has become an object of positive news on television will gain popularity and higher electability without spending any money for advertising.

- Annas Syaroni-

Measuring Jokowi's Electability

Joko Widodo (Jokowi) is a name that has always topped all of the 2014 presidential election candidates surveys. The popularity and electability of Jokowi has been unstoppable. It is no wonder if many people believe that Jokowi has the opportunity to win the presidential election in 2014.

Considering the direct presidential election, then the high level of his popularity in the community will make Jokowi have a significant political capital.

Popularity is a key factor that cannot be compromised for a person to be elected. Candidates who will be chosen are highly dependent on the popularity, the level of public preference and the level of electability in the community.

Observing the results of a survey carried out by The Indonesian Institute (TII) together with The Indonesian Political Indicators (Indikator)

TII and Indicators, with the support of Sinar Harapan Daily, conducted an Experimental Public Opinion Survey: the Effects of Joko Widodo's candidacy on the electability of Political Parties (10-20 October 2013). This survey attempted to examine whether Jokowi topping the results of the surveys had an influence on the political parties' electability.

The survey results indicated that if it was done by providing an open question (top of mind) -- asking the respondents about who would be elected as the president if the election is held when the survey is conducted -- then Jokowi was the name of a candidate that was most widely chosen by the respondents (18%), followed by Prabowo (6.9%); Bakrie (5.7%); Wiranto (4.2%); SBY (2.7%); Megawati Sukarnoputri (2.3%); Jusuf Kalla (1.4%), and other names (5.6%). Meanwhile, the undecided voters were at a level of 53.2%.

Meanwhile, when the survey used a simulated semi-open question with 27 names, Jokowi was at the top with (35.9%). Jokowi's position was followed by Bakrie and Prabowo who both got 11.4 percent, then Wiranto at a level of 7.8%; Megawati Sukarnoputri (5.9%); Jusuf Kalla

(3.9%); Mahfud MD (1.6%); Rhoma Irama (1.2%); Dahlan Iskan (1%), other names (3.2%).

From the two types of questions, it can be seen that Jokowi is still a figure amongst national figures that is most widely chosen as a candidate by the respondents if the election is done when the survey was conducted.

In fact, the results of a survey by TII and indikator are clear so that if Jokowi would be used as a candidate in the upcoming election. Jokowi's electability would race away to leave the other national leaders contesting the 2014 presidential election. And certainly, if the election is done when the survey is conducted, Jokowi will be able to easily win the election.

Jokowi's candidacy and the challenges

The high popularity of Jokowi has drawn some responses from his political opponents. Jokowi's political opponents have been trying to "attack" by throwing sharp criticisms in the media. The most frequent political opponent throwing its criticisms is the Democratic Party.

Democrats have sharply criticized Jokowi. It is believed to be part of a strategy to reduce the popularity of Jokowi in the race with the 2014 candidates.

Some of the criticisms thrown by the Democratic Party elite to Jokowi: *first*, the problem of traffic congestion in Jakarta. This was conveyed by President Susilo Bambang Yudhoyono (SBY), who is also the Chair of the Democratic Party leadership after receiving heads of government from Southeast Asian countries in the East Asian Summit meeting in 2013. SBY said that congestion responsibility should be on the shoulder of the Jakarta Governor as the head of the region.

Second, the case of wiretapping conducted by the U.S. Embassy. Members of Parliament from the Democratic Party such as Ramadan Pohan have accused Jokowi's licensing the construction and renovation of the buildings at the United States Embassy in Jakarta of giving a "green light" to conduct the wiretaps. According to him, the licensing authority lies in the city government. The place could have been used to conduct spying activities, because no one knows the purpose of the development.

Third, the 1000 house fires. Deputy Chair of the Democrats, Nurhayati Ali Assegaf criticised Jokowi's performance. She also said that about 1,000 home fires in Kelapa Gading some time ago never occurred under the leadership of Fauzi Bowo.

The UI political observer from UI, Arbi Sanit said that the Democrats had been attacking Jokowi because of his high electability, but on the

other hand the Democrats did not have a powerful weapon to boost its positive political image.

A same opinion was expressed by UGM Political observer Ari Dwipayana. Ari assessed that the “attacks” were aimed at lowering Jokowi’s electability, as it was related to politics in 2014 (tempo.co., 7/11).

In addition to the Democratic Party, some of the other parties have also been attacking Jokowi. Chair of the Advisory Council of the National Mandate Party (PAN), Amien Rais, has doubted the leadership of Jakarta Governor Jokowi. Amin assessed that the success of the leadership of Jokowi was a mere image-building activist (tempo.co, 12/9). Gerindra Secretary General Ahmad Gerindra Muzani said that Jokowi still had a debt to Gerindra and the Jakarta society (kompas.com, 3/9).

Seeing the popularity and electability of Jokowi, it very reasonable if his political opponents have been “attacking” Jokowi by throwing sharp criticism. This is because the time is fast approaching the 2014 Election, as each party tries to raise its electability and on the other hand it has to scuttle his political opponents. Any political tension heats up.

Another challenge to Jokowi’s candidacy has come from the internal of PDIP. PDIP’s internal opinion was divided. A number of officials in the region have supported the candidacy of PDIP Chairperson Megawati Sukarnoputri. However, not few who want Jokowi to be a presidential candidate. In response, the Secretary General of the PDIP Tjahjo Kumolo stated that the PDIP has a number of reasons why it does not want to rush in publishing a pair of candidates. According to him, the candidacy is a strategic decision that will need to consider various aspects (Republika.co.id., 3/9). Yet he has decided that the presidential candidacy of PDIP has made Jokowi’s discourse become floating.

A Note

According to a survey by TII and Indicators, *first*, Jokowi is the most popular figure and has the highest electability. PDI-P as a party that houses Jokowi should and need to consider this. The great opportunity should be utilized by PDIP to win the 2014 presidential election.

Second, the survey results could also be an important warning to the other political elites in order to deal with the legislative and presidential elections in 2014. Other political parties could measure the position of political parties so as to define a strategy in order to boost the popularity and electability of political parties or candidates.

- Arfianto Purbolaksono-

TII and Indicator’s public opinion survey shows that Jokowi is still the most powerful figure to be a candidate and help his party win the election.

Jokowi and Leader's Criteria Expected by the Society

Ahead of the 2014 Elections, Joko Widodo, also known as Jokowi, is predicted to be the strongest candidate to win the 2014 presidential election. This is not surprising because Jokowi has always been at the forefront of surveys conducted by several pollsters during the 2013 period. Jokowi has been considered by many to be the right person to lead Indonesia in the future.

With his “blusukan” (going out of his office to meet and hear the views of his people) style, Jokowi has brought a new color to the strongly bureaucratic Indonesian leadership. The “blusukan” performed by Jokowi is not just a mere surprise visit.

“Blusukan” by Jokowi is also a way to absorb the aspirations of the people directly in order to get the best solutions to resolve the existing problems in the community.

Noting the results of the survey of The Indonesian Institute (TII) and The Indonesian Political Indicators (Indikator)

TII and Indikator, with the support of Sinar Harapan Daily, have done an Experimental Public Opinion Survey: the Impact of Joko Widodo's nomination on the Electability of Political Party (10-20 October 2013). The national survey conducted in October 10 to 20, 2013, and included 1,200 respondents, with a margin of error of $\pm 2.9\%$ at a 95% confidence level.

In the survey's criteria for society's expectations of a leader, TII and Indikator applied current experimental methods to determine the impact of an experimental survey on the party's electability.

In the survey conducted by TII and Indikator, it was found that 93% percent of respondents who know Jokowi also like Jokowi. Jokowi was ranked highest in this category followed, by a wide margin, by Prabowo (77%); Jusuf Kalla (73%); Dahlan Iskan (72%); Wiranto (71%); Megawati (70%), and Bakrie (64%).

From the results of the survey, it can be seen that almost all the voters

who know Jokowi, also fall in “love” with Jokowi. After Jokowi, Prabowo is the most preferred figure by voters who know of him.

Meanwhile, some figures who have fairly high electability rates according to some results of public opinion surveys over the past few years, such as Bakrie, according to the survey results of TII and Indikator, have the least. Whose electability rate is also high.

The Criteria for a Leader that are Expected by the Society

There are several factors which will determine the electability of the candidate’s political party. Liddle and Mujani (2007) states that the Indonesian voting behavior is strongly influenced, where a presidential candidate’s electability will affect the party’s electability.

Voters will vote for a party not because of the attractiveness of the party and its program, but rather because of their attraction to the candidate promoted by the party, particularly related to the personal qualities of the candidate.

Personal qualities of candidate are something that are very important in choosing a leader in Indonesia, especially when it is a matter of a national leadership, as in the case of the position of President.

President is a position that has strong and great powers, according to the Indonesian constitution; namely, the 1945 Constitution. Therefore, it is very obvious if the leadership criteria should be in line with the criteria in the community.

The TII’s and Indikator’ survey found three related personal qualities desired by the voters of the survey. The first criterion that must be owned by a candidate is trustworthy or honest (51%).

The second criterion is care for the people (24%). The third one is competent (12%). Other personal qualities of the candidate, such as assertive, authoritative, intelligent, are considered less important by the voters.

Paying attention to the results of the survey of TII and Indikator, it is quite possible that Jokowi’s performance has made it a figure that has personalities that are close to the criteria of a leader desired by the voters at the time of the survey.

Therefore, it is not surprising that Jokowi has always got high popularity and electability levels in various surveys as a candidate desired by the people, especially the voters.

Therefore, it is not surprising that Jokowi has always got high popularity and electability levels in various surveys as a candidate desired by the people, especially the voters.

- Arfianto Purbolaksono-

Gender and Climate Change in Conference of the Parties (COP) of the UNFCCC

The 19th Conference of the Parties (COP), as the main forum of the states for the issue of global climate change, has just finished. The 19th COP was held on 11 to 20 November 2013 in Warsaw, Poland.

Some of the important things discussed at COP were gender and climate change. The focus of the discussion was quite, as it was related to a specific decision at the 18th COP in Doha last year.

Overview of the history of discussion of gender in the COP UNFCCC

One important result at the 18th COP UNFCCC, Doha 2012, was that there was recognition of the gender aspect in one of the COP decision points. Actually, it is stated in Decision No. 23 (Decision 23/CP.18), which reads:

“Promoting gender balance and improving the participation of women in UNFCCC negotiations and in the representation of Parties in bodies established pursuant to the Convention or the Kyoto Protocol”.

This decision marks an important step forward advancing gender-sensitive climate policy by ensuring that women’s voices are represented in global discussions on climate change.

This decision was followed up at the 19th COP in Warsaw, Poland, on 11 to 20 November 2013. At the 19th COP, there was a special session to discuss further about Decision No. 23/CP 18 above, precisely in the 39th session; namely, the Gender and Climate Change session.

Women Representation in the COP UNFCCC

In this session, officially, the secretariat of the UNFCCC as the organizer of COP 19, in particular, also announces the report on the representation of women in COP 19. It can be seen in the following table.

Table: Representation of Women in the Implementation of COP 19

The Implementation of COP units under the Convention and the Kyoto Protocol	Women	Men	Total
Members composition in bodies established under the Convention and the Kyoto Protocol	39(24 %)	12	162
Members of composition bureaus established under the Convention and the Kyoto Protocol	7 (35 %)	13	20
Composition of the Session Delegation Members made under the Convention and the Kyoto Protocol	2.287 (32 %)	4.956 (68 %)	7.243

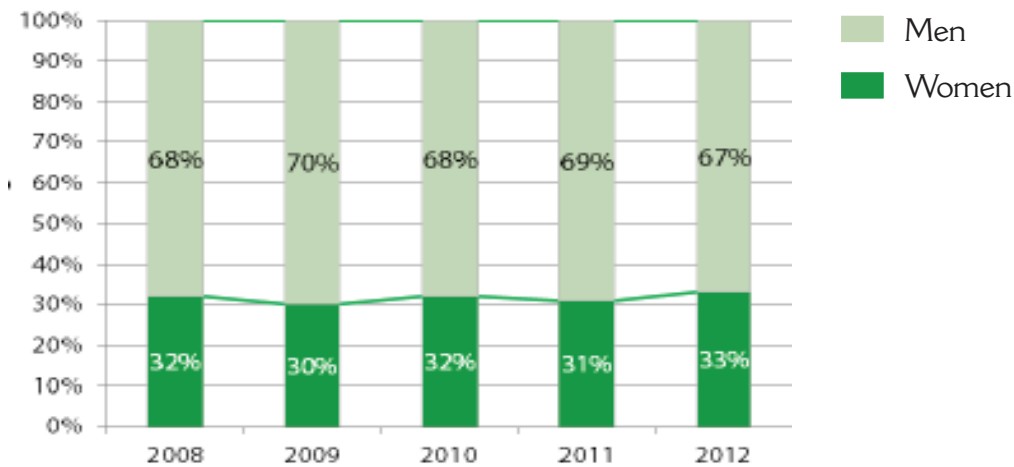
Source: Secretariat of the UNFCCC COP 19, 2013.

It can be seen that the representation of women in bodies, bureaus and state delegations is already high enough. If it is connected with the provision of 30 percent as the critical mass too be able to influence the decisions taken, in quantity, the representation of women at the COP 19, especially in the bodies, approaching critical mass, (24 percent); bureaus (35 percent), and delegation (32 percent).

For women representation in delegation, the last five years it has shown relatively equal numbers. As shown in the diagram below. The main impact of this is evident from the increase in the issuance of Decision No. 23 COP 18 Doha that explicitly asks all bodies, bureaus and conference sessions to also discuss gender and climate change issues. However, this discussion topic has not been seen, in substance.

In the 19th COP in Warsaw, although there were a variety of sharpening action plans towards an agreement in 2015, with the successful completion of the Warsaw Framework for REDD +, the Warsaw International Mechanism for Loss and Damage (related to the payment of compensation for land that is directly affected by extreme climate change as reported by the Philippines), there have not been specific discussions about gender and climate change issues.

Diagram: The Representation of Women in the delegation of each country in the UNFCCC (2008-2012)



Source: WEDO, 2013.

The data from the Women's Environment & Development Organization (WEDO) above show that the representation of women in each country delegation at COP 14 to 18, was relatively high (at an average level of 30%) and stable each year.

But, of course, to encourage the issuance of gender-sensitive climate policies, it should go beyond the number of women in each country's delegation attending conventions.

The Significance of Indonesian Women Involved in the COP UNFCCC

For Indonesia, the author did not find the data publicized by the Indonesian Government, on the comparison of women and men in the Indonesian delegation at COP 19 and previous COPs. WEDO also does not have any specific data on this, but WEDO survey shows that the level of representation of women in the Indonesian delegation from COP 14 to COP 18 was in the range of 20.1% - 35%.

With this representation, Indonesia was not included in the 15 countries with the highest levels of representation, or the 15 countries with the lowest levels of representation (WEDO, 2013). In other words, the level of representation of women in the Indonesian delegation was classified as moderate.

It is important for Indonesian women to engage more actively, not only in terms of representation but also participation; that is, not just being a participant but also occupying positions of authority. The existence of Indonesian women delegates in bureaus, bodies and sessions at the Conference of the Parties in accordance with the Convention

UNFCCC and the Kyoto Protocol is actually very important.

However, they should also be placed as decision-makers; that is, the elements of the leadership of the bodies, the bureaus and the sessions so that they will have a greater chance to negotiate a variety of climate-related issues in Indonesia and more specifically issues related to the specific problems of women dealing with climate change.

It is not an exaggeration to have an important position in the global policy and climate change issues. There are several important positions that Indonesia needs to have in related to climate change in the international community (Saloh, 2012).

First, Indonesia is an archipelago that is geographically vulnerable to the impacts of climate change. This will have an impact on the economy, as most Indonesian people's livelihoods still depend on natural resources available in Indonesia.

Second, Indonesia is one of the biggest emitters in the world, from the forestry sector. PEACE report, the World Bank and DFID in 2007 stated that Indonesia was the 3rd largest GHG emitters in the world, after the USA and China.

Third, Indonesia is the 3rd largest tropical rainforest in the world after Brazil and Congo, thus simultaneously Indonesian forests have the great potential of becoming a global solution to climate change. Fourth, Indonesia is a developing country that is included in the G-20 and the only one at the level of ASEAN.

Recommendations

Responding to the facts above, Indonesia and Indonesian women in particular, should play an active role in the negotiation processes to reduce the impact of global climate change through mitigation and adaptation to climate change, both at multilateral and bilateral levels.

The question then is about the readiness of the Indonesian women themselves to not only represent Indonesia at the COP, but also to actively be involved in negotiations over the issues of global climate change.

Responding to this, the National Council on Climate Change (DNPI) as the state agency that is responsible for climate change policies in Indonesia and also the coordinator of the Indonesian delegation to the COP UNFCCC, should conduct a series of capacity building programs for Indonesian women, especially those who focus on this subject and indeed participate in the Indonesian delegation for negotiations on climate change at the regional and global levels.

Increased capacity should be given, *first*, by strengthening the substance of the very close relationship between gender and climate change, as well as the importance of making gender-sensitive climate policies.

Second, by negotiating the importance of gender and climate change issues at the global level. In other words, knowing the strategies of good and proper diplomacy in negotiating is important.

In addition, it is also important to improve and ensure a reasonably good capability in some technical terms in communications at global conferences; for example, in relation to English language proficiency, as the main language of instruction at the global conferences.

Although there will be interpreters, sufficient English language skills will be very helpful when negotiating or communicating on formal occasions and in the margins of the conference.

Other technical issues that need to be considered are the sufficient capability to use various computer applications, which will facilitate the work in the conference.

Finally, the capability to understand the substance and technical skills will be very useful when the delegation of Indonesian women negotiates the interests of women in Indonesia in particular and the world in general, at global conferences related to climate issues, especially at the COP UNFCCC.

In other words, adequate representation and active participation in the decision-making processes are important conditions for gender-sensitive support and policies to be realized.

Adequate representation and active participation in the decision-making processes are important conditions for gender-sensitive support and policies to be realized.

-Lola Amelia-

Jamkesmas and Its Problems

Jamkesmas (Public Health Insurance Program) is a social health care assistance program for the poor. Jamkesmas program is regulated by the Minister of Health Regulation No. 40/Menkes/Per/V/2012 on the Guidelines for Jamkesmas.

The Ministry of Health since 2005, has been carrying out a social health insurance program, which has undergone changes over time. Initially, it was known as the Health Insurance program for the Poor/JPKMM, or more popularly known as Askeskin program (Health Insurance for the Poor).

From 2008 to the present, the name used has been Public Health Insurance Program (Jamkesmas). JPKMM, Askeskin and Jamkesmas, all of which have the same goal; namely, to guarantee the delivery of health services to the poor, using the principles of social health insurance.

In general, Jamkesmas program aims to improve access and quality of health in order to reach optimal health status effectively and efficiently for all Jamkesmas' participants.

Along the way, there have been various problems encountered in relation to the implementation of Jamkesmas. In the following sections, the author elaborates further on the recommendations to overcome these problems.

Problems regarding Implementation of Jamkesmas

There are at least two problems associated to Jamkesmas implementation, which we often hear from the mass media.

The first problem is related to the data collection suitable for Jamkesmas. The problem has developed into objections or complaints

from the public, as there are many people who are actually not entitled to be covered (the rich) but still can access Jamkesmas, which should be for those who are poor.

This is confirmed by the Social Barometer survey conducted by the Institute for Psychological Research UI, INFID, Society for Democratic Initiatives and Education Association (P2D) some time ago. From the Social Barometer survey, which involved 2,442 respondents across cities and villages in Indonesia, it is seen that 41% of respondents claimed to have difficulty accessing medical treatment.

Difficulties in accessing the Jamkesmas then lead to the question about the data collection of the Jamkesmas participants. As known, the membership data used until 2012 refer to the membership data in 2008 (National Team for Accelerating Poverty Alleviation / TNP2K, 2013).

In that period, the determination of memberships is done through a bottom-up approach. Local government officials and staff, along with the community, are collecting a list of names and addresses of poor families that participate.

List of beneficiaries collected will be compiled in a Decree of the Regent / Mayor. Decree of Regent/Mayor will then be submitted to PT. Askes. PT Askes deliver services in terms of issuing cards and delivering Jamkesmas.

The weakness of this system is that there are different standards in each county / city; for example, Jakarta requires a certifying letter re a poor person (SKTM) to determine a poor status, while in other areas, such as Kebumen, it only needs the data received via Rice Poor (Raskin).

As the public has reported, the two systems above also do not guarantee that the poor are classified according to the criteria of the poor from the Central Bureau of Statistics (BPS), as the SKTM is prone to collusion and corruption. As a result, Jamkesmas is often misplaced. Therefore the data collection method of Jamkesmas should be changed.

For Jamkesmas memberships in 2013, the data base used is using BDT (Integrated Data Base). The BDT is compiled from data collection, Beneficiaries of Social Protection, by BPS in 2011 (known as the PPLS II). The results of PPLS II are then sorted into ranks according to the level of welfare by TNP2K into the BDT.

The lowest well-being ratings are received by various poverty alleviation programs, including Jamkesmas. The Ministry of Health has decided to use the BDT to determine Jamkesmas participants in 2013.

The use of BDT as the basis for determining the participants of Jamkesmas has contributed to data accuracy. This is because the PPLS II, which lists the use BDT as a basis for determining the Jamkesmas participants, has been implementing better methods.

PPLS 2011 records approximately 40% of households in Indonesia's with most low socioeconomic status, which were originally identified through the mapping of poverty (poverty map) by utilizing the results of the Population Census of 2010, Socio-Economic Survey (Susenas) in 2010 and the Village Potential (PODES) (TNP2K,2013).

Recognizing the weaknesses of BPS data from the previous mechanisms, the PPLS 2011 also recorded other households who were allegedly poor according to information from other poor households (in consultation with the poor during the data collection process), as well as direct observation in the field.

Due to the use of this new system in 2013, the evaluation of its use cannot be given thoroughly. However, the potential problem of data accuracy will depend on the PPLS team itself. *First*, how do they dig accurate information from residents about the poor that are not covered in BPS, *secondly*, the adequacy of personnel and observation skills in the field to monitor poor families in their work area.

The second problem is related to hospitals/health centers where the Jamkesmas program is implemented. As of 2013, the Head of Finance and the Health Insurance of Ministry of Health, Usman Sumantri said that the government fund allocated for National Health Insurance in 2013 amounted to Rp 1.8 trillion (Kompas, 30/11) .

Furthermore he said that there were a number of causes of delinquent funds. This year the number of Jamkesmas participants has increased, from previously at a level of 76.4 million people to 86.4 million people. In addition, the 2013 budget also includes the level payment of November and December 2012 of Rp 545 billion. In two months, the new funds had been claimed by the hospital in 2012.

There have been a number of issues facing hospitals, such as the addition of drug supply and the financing of medical personnel; for example, as experienced by Ulin Hospital, Banjarmasin (Kompas, 30/11). At the time, Rp 20 billion of Jamkesmas had not been unpaid by the government. They used their own hospital cash, which could disrupt cash flow of Ulin Hospital finance directly and indirectly, thereby interfering with service to patients.

Recommendations

Seeing the two important issues related to Jamkesmas program implementation above, it appears that the problem is closely related

to the next. According to the government, the issue of Jamkesmas participant data has caused some delays in the government's reimbursement to various health facilities implementing the program.

It seems that there is no synergy between policies in relation to Jamkesmas recipient data. Accordingly, there have been some delays to payment. Therefore, it is important to have intensive coordination and communication between the various parties involved prior to the determination of the number of Jamkesmas participants budget.

The relevant parties of Jamkesmas program are: PT Askes as the designated agency to print and to issue Jamkesmas cards; the Ministry of Health as the Ministry in charge of this program; TNP2K as the coordinator of the implementation of the program because Jamkesmas is also a part of the poverty alleviation program of the government, and the Ministry of Finance as the coordinator of the preparations of the State Budget (APBN).

It is intended that a successful JAMKESMAS will help improve the health of the poor and also alleviate poverty. And more broadly, it is also intended to create social justice for all Indonesian people as ideal goals of our nation as enshrined in the Preamble of the 1945 Constitution.

The success of the program is not only to improve the health of the poor in Indonesia, but also to alleviate poverty itself.

-Lola Amelia-

Phenomenon of Beggars in Indonesia

On November 26 2013 – due to public demand, the Jakarta’s Social Affairs Service conducted raids against beggars. As a result, they found beggars in several places. Amongst the beggars exposed to the raids, there were two beggars who came from Subang, West Java. They were found under the Pancoran flyover. They were caught carrying a cash of Rp. 25 million, which was wrapped in several plastic bags. After being investigated, they said that the money would be used to pay for the hajj to Mekkah (Media Indonesia, 28/11).

The case above reflects the fact that begging is a promising profession. This is because many people still live under poverty, as many of them are unemployed, especially in Jakarta. Referring to the Indonesian law, begging, and the matter of giving money to beggars, have been regulated in several laws, named Criminal Code (KUHP) and Jakarta’s Regional Regulation (*Perda* Jakarta).

Article 504 of KUHP sets out imprisonment for beggars. Jail sentence that is given is six weeks if conducting begging in the public and three months if begging is done by three people or more – over the age of sixteen years.

Whereas, Article 505 of KUHP mentions that the punishment for bums are a jail sentence of a maximum of three months. And vagrancy if committed by three or more persons, over the age of 16 years, shall be punished by a maximum confinement of six months.

Jakarta that is known as the “spot” or “target of beggars”, also has its own rules. The rules are contained in *Perda* No.8 Year 2007 on Public Order. Article 40 sets out prohibition to tell others for begging (Article 40a), to become beggars (Article 40b), as well as giving money to beggars (Article 40c).

As for the violation of Articles 40b and 40c, sanctions are: maximum jail sentences of 10 days and 60 days or a minimum fine of Rp 100 thousand, and a maximum fine of Rp 30 million (Article 61 Paragraph 1 of *Perda* No. 8 Year 2007).

In addition to the rules above, there are other rules, such as Government Regulation (PP) No. 31 Year 1980 about Prevention from Bums and Beggars, and Indonesian Police Chief Regulatory (Perkapolri) No. 14 Year 2007 about the Handling of Bums and Beggars.

Regarding to the rules and their sanctions, begging and probation of giving money, etc., should be able to deter the offenders. However, the fact proves that the number of beggars in Indonesia have not been reduced. Even, every year, their numbers have grown, especially in Jakarta.

According to the Social Affairs Ministry's Center for Industrial Data (Pusdatin), the number of beggars had reached a level of 194,908 people in 2011. This number had increased by 17 % from the previous year. The number of beggars will increase more around Ramadhan. Their number will increase by 15-20 % compared to the previous month.

According to the author, the government will find it difficult to reduce the number of beggars, especially in Jakarta, due to several reasons. *First*, issues about poverty and unemployment.

Indonesia hasn't escaped from poverty yet (Republika Online, 2013). According to the Central Statistic Agency (BPS) data in March 2013, the poor in Indonesia reached a level of 28.07 million people, or approximately 11.37 of the total population of Indonesia. This number exceeds the target set out by the Government and the House of Representatives (DPR) in the 2013 revised state budget (APBN P) that set out the poverty rate of 10,5 %.

Moreover, the BPS data in February 2013 show that unemployment in Indonesia reached a level of 7.17 million people, or approximately 5,92 %. This number also exceeds the target set out by the Government and DPR, which predicted an unemployment rate of only 5,5 to 5,8 % at the end of 2013.

In other words, the data show that 1 out of 9 Indonesian people are poor. And, 1 out of 17 Indonesian people are unemployed. To overcome this, the government needs to expand employment opportunities in Indonesia.

When poverty and unemployment matters are solved, this will have an impact for sure. The number of beggars who have economic reasons (poverty and employment) will be decreased.

Second, the effectiveness of sanctions. In the explanations that have already mentioned above, Indonesia has so many regulations to decrease the number of beggars. However, in reality, the number of beggars is increasing. This is because the sanctions of the rules have not been implemented effectively and consistently.

The information dissemination of the rules should be intensified. The sanctions are not well disseminated, and not firmly and clearly implemented.

As the implications, the beggars are not deterrent yet. Even in the case of the rich beggars above, their money was returned to them. The officers who raided them said that the money they obtained was from selling their cows, not from begging. Accordingly, the money was considered their rights.

Finally, self-improvement mentality. Beggars, who have made begging their profession, argue that they have no other choices (poor and unemployed). But, according to many cases, those who have made beggars their profession are not all poor and unemployed. So, the most effective solution for this matter is to change the paradigm of their thinking.

This can be done by the Indonesian Government through a process of education and skill training for beggars to change the beggars' way of thinking.

The phenomenon of rich beggars in Indonesia is not new. Therefore, in order to reduce the number of beggars, especially in Jakarta, the sanctions of the policies or the rule that have already existed should be applied consistently. And also, it has to be firmly and clearly implemented.

-Santi Rosita Devi-

The Implementation of Forest Moratorium

In order to reduce the impact of global warming, Indonesia is committed to reduce greenhouse gas emission. Indonesia has pledged to cut 26% of its greenhouse gas emission from the 'business as usual' level by 2020, or 41%, if there is assistance from developed countries. On the other hand, the Norwegian government has pledged up to 1 billion USD to support this plan.

Then, this commitment had been implemented in the form of legislation that had become the basis for greenhouse gas emission reduction; that is, the Presidential Instruction (Inpres) No. 10 Year 2010 which is valid until May 2013. This Inpres has then been followed by the new one named Inpres No. 6 Year 2013 that will be expired in 2015.

Both Inpres are commonly referred as "forest moratorium". On the issue of forests and peat lands, moratorium is a termination of logging and forest conversion for a specified period of time to take distance from its problem to obtain a solution, which is long-term and permanent.

Through Inpres No.10 Year 2011, President instructed the Forestry Minister; Home Affairs Minister; Environment Minister; Head of UKP4 (the Development Monitoring and Control Unit); the head of BPN (National Land Agency); the head of the National Spatial Planning Coordinating Board; the head of National Coordinating Agency for Land Surveys and Mapping (Bakosurtanal); the head of the Preparatory Task Force (Satgas) of the Institutional Establishment of REDD (Reducing Emission from Deforestation and Forest Degradation), as well as governors and regents/ mayors.

Through the Inpres, the President instructed the relevant parties to conduct forest moratorium in order to improve the management of forests and peat lands. However, in the implementation, the target of the Inpres in terms of improving forest management to reduce carbon emission has not been achieved. It can be seen from the number of violations that have occurred in the field, and there is still some overlap of authorities between the Forestry Minister and REDD Satgas.

First, on the issue of the violation of the Inpres. This refers to the persistence of the “practice of forest crimes”. For example, this type of practice has occurred in the area of REDD, in Central Kalimantan. Just as the President instructed that peat lands in Central Kalimantan be included in the forest classification, this should not be done by dismantling the forests. There was a case of demolition of illegal forests to accommodate business interests.

In its research, EIA (Environmental Investigation Agency) and Telapak, found pieces of evidence for cases of illegal deforestation by the palm oil companies. For example, like what is done by PT. Menteng.

Menteng Jaya Sawit Perdana (PT. Menteng) is a palm oil company, which is a subsidiary of Kuala Lumpur Kepong Berhad (KLK). This company was caught destroying peat lands, for concession areas of palm oil plantation, without getting Application of Clean and Clear status for plantation (*Izin Usaha Perkebunan/ IUP*).

This company has been operating since 2005. After a further investigation, it turns out that the company is being involved in a concession, without the permission as required by Law No. 18 Year 2004 on Plantation. Even in 2011, the company had made concessions covering 7,400 hectares of palm oil on peat lands (EIA, 2013).

Second, there is overlapping authorities. For example in the case of the determination of the area included in the forest-clearing moratorium map (PIPIB). There are two parties that are considered authorized to prepare PIPIB, Forestry Ministry and REDD Satgas.

Through the enactment of Inpres No. 10 Year 2010, PIPIB has been revised three times, on November 22 2013, May 16 2012, and November 9, 2013. PIPIB is considered multiple interpreted, because of differences in the data between Forestry Ministry and REDD Satgas.

In Revision II, for example, REDD Satgas showed that there is an additional total area to 65.28 million hectares. On the other hand, the Forestry Ministry showed some reduction at a level of 65.75 hectares. It is because the data and references used to establish PIPIB are different – between central and deformation region that often happen, when it is outlined in the map (Environment Ministry, 2013).

That case certainly will have an impact on the management of forest utilization licenses, as well as making the stakeholders confuse to which data they should refer. Then, in May 2013, the President extended the moratorium through Inpres No.6 Year 2013.

The extension of forest moratorium is considered necessary, because the target of the previous Inpres has not been achieved. In the implementation of this Inpres, which has been running for 6 months,

there have been some improvements to the weaknesses of the previous Inpres.

First, there is an improvement solution for “practices of forest crime”, called the multi-door approach. This approach has become a framework for applying a legal/rule of law by forest criminals. It departs from the need for an integrated legal systems, because in recent years, there have been a lot of land clearing activities for plantations and mining in forests.

This approach tends to accommodate the presence of forest areas mapping according to the Functionality of the Forest (*Tata Guna Hutan Kesepakatan/TGHK*) and Provincial Spatial Planning (*Rencana Tata Ruang Wilayah/RTRW*). Therefore, the problem of territorial claims between the forestry ministry and the Local Government, can be minimized. This approach is expected to formulate a clear legal rule to crack down “forest criminals” (REDD+ Satgas, 2013).

Second, there is a new system of making the integrated map for PIPIB, called the PIPIB one-map. PIPIB is a reference to map where the location of forests and peat lands’ utilizations license could be suspended. PIPIB one-map is designed to homogenize the data of forests and peat lands in Indonesia. Then, the maps that developed by Forestry Ministry and also REDD Satgas, will be revised every six months, whose consolidation process will be guided by UKP4 (REDD+ Satgas, 2013).

However, Inpres No.6 Year 2013 itself has a few shortcomings. For example, in terms of defining “primary forests”, the contents, as well as the consideration of social impacts caused by forest moratorium.

In the forest moratorium, the term “primary forests” that is used is confusing. It is because, in terms of forestry in Indonesia, the term “primary forests” has never been used before. The terms that are commonly used are “natural forests” and “primary forests”.

This definition will lead to different interpretations among forest stakeholders. This Inpres reinforces the interpretation that the target of forest moratorium is only the un-touched forests, and unmanaged forests. On the other hand, Indonesia is also familiar with term “secondary forests”, which is precisely because of these forests are known for biodiversity. But, this term is not included in the moratorium.

The present stakeholders, who were not directly involved in that Inpres, are the Agricultural Ministry (*Kementerian Pertanian/ Kementan*) and also the Energy and Mineral Resources Ministry (*Kementerian Energi dan Sumber Daya Alam/ Kemen ESDM*).

As described previously, there are a lot of land clearing activities for plantations and mining in forests. Both of the ministries should be directly involved. It is because there is a correlation between land clearing and the release of IUP (both plantation and mining). At the provincial level, the license of IUP's requires consideration of the Kementan dan Kemen ESDM.

As for the issues of social impact, the forest moratorium does not include the indigenous people's interests. On the other hand, forests are an important natural source for indigenous people. It refers to the notion of the Forestry Ministry about Indonesia's forest area.

In the view of Forestry Ministry, the whole forest areas in Indonesia are state-owned. So, the indigenous people and local communities who live in and utilize this area have committed illegal acts (Forest Peoples Programme, 2011). In fact, before the moratorium was introduced, the indigenous people had been stopped from using the forests as a source of livelihood.

Therefore, in order to realize the effective implementation of forest moratorium, the content of this Inpres should be enhanced. Then, in addition to fulfill Indonesia's commitment to reducing greenhouse gas emission, the policy also should not forget to accommodate the interests of local communities, such as indigenous people. So, the Inpres should not ignore the actual fact that has already happened.

The implementation of the second period of forest moratorium, which has been going on for 6 months, has already been improved. Even so, there are a few matters that should be considered, such as the involvement of the Forestry Ministry, and also Energy and Mineral Resources Ministry, as well as the interests of local communities (indigenous people).

-Santi Rosita Devi-

 THE INDONESIAN INSTITUTE
CENTER FOR PUBLIC POLICY RESEARCH

The Indonesian Institute (TII) is a Center for Public Policy Research which was officially established since 21 October, 2004 by a group of young and dynamic activists and intellectuals. **TII** is an independent, nonpartisan, and non-profit institution having its main funding source from grants and donations from foundations, corporations, and individuals.

TII aims to become the center for major researches in Indonesia for issues regarding public policy and committed to contribute to debates on public policy and to improve the quality of the creation and results of public policy in the new democratic situation in Indonesia.

TII's mission is to conduct researches that are reliable, independent, and nonpartisan, and to channel the researches results to policy makers, the business world, and civilians in order to improve the quality of public policy in Indonesia. **TII** also has the mission to educate the community in policy issues that affect their livelihoods. In other words, **TII** is in a position to support the process of democratization and public policy reform, as well as taking an important and active role in that process.

The scope of the researches and public policy studies conducted by **TII** covers the fields of economics, social, and politics. The main activity conducted in order to reach the vision and mission of **TII** among others are researches, surveys, trainings, working group facilitation, public discussions, public educations, editorial writings (**TII** expression), publications of weekly analysis (*Wacana*), monthly studies (*Update Indonesia*, in Bahasa Indonesia and English) and annual studies (*Indonesia Report*), and public discussion forum (*The Indonesian Forum*).

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POLITICAL RESEARCH

The consolidating democracy needs direction and guidance in order to realise a strong national political system. In addition, decentralization as part of democratization has created room for more issues in the development of political system in Indonesia. Therefore, political analysis are present for the government, political parties, the business sector and professionals, academics, non-governmental organizations, donors, and civil society to answer recent political issues.

TII's Political Research Division provides policy analyses and recommendations in order to produce strategic policies to consolidate democracy and to achieve good governance at the central and local levels. Types of political research offered by TII are: **(1) Public Policy Analyses, (2) Media Monitoring, (3) Mapping & Positioning Research, (4) Needs Assessment Research, (5) Survey Indicators.**

RESEARCH ON THE SOCIAL AFFAIRS

Social development needs policy foundations that come from independent and accurate research. Social analysis is a need for the government, the businesspeople, academia, professionals, NGOs, and civil society to improve social development. The Social Research Division is present to offer recommendations to produce efficient and effective policies, steps, and programs on education, health, population, environment, women and children.

Social research that **TII** offers: **(1) Social Policy Analysis; (2) Explorative Research; (3) Mapping & Positioning Research; (4) Need Assessment Research; (5) Program Evaluation Research; and (5) Indicator Survey.**

RESEARCH ON LEGAL AFFAIRS

According to stipulations in Law No. 12 Year 2011 on the Formulation of Laws and Regulations, every bill which will be discussed by the legislative and the executive must be complemented with academic paper. Therefore, comprehensive research is very important and needed in making a qualified academic paper. With qualified academic papers, the bills will have strong academic foundation.

TII can offer and undertake normative and legal research related to harmonization and synchronization of laws and regulations, especially in making academic papers and bills. In addition, the research will be conducted with sociological, anthropological, and political approaches in order to produce a more comprehensive academic papers and bills. It is expected that with such a process, the laws and regulations will be produced through such a participatory process, which involves the making of academic papers and bills to also go through process, such as focus group discussion (FGD) which will involve stakeholders related to the laws and regulations that will be discussed.

RESEARCH ON ECONOMIC AFFAIRS

The economy tends to be used as an indicator of the success of the government as a policy-maker. Limited resources have often caused the government to face obstacles in implementing economic policies that will optimally benefit the people. The increase in the quality of the people's critical thinking has forced the government to conduct comprehensive studies in every decision-making process. In fact, the studies will not be stopped when the policy is already in place. Studies will be continued until the policy evaluation process.

The TII Economic Research Division is present for those who are interested in the conditions of the economy. The results of the research are intended to assist policy-makers, regulators, and donor agencies in making decisions. The research that TII offers: **(1) Economic Policy Analysis; (2) Regional and Sectoral Prospects; and (3) Program Evaluation.**

Project or Program Evaluation

One of the activities that have been conducted and offered by TII is a qualitative evaluation on a project or a program of a non-governmental organization or a government agency. Evaluation activities that are offered by TII are a mid-term evaluation and a final evaluation.

As we may already know, evaluation is one of the important stages in the implementation of a project or a program. A mid-term evaluation is intended to see and analyze challenges, lessons learned during the project or the program, and to give recommendations on the implementation of the project or the program. Meanwhile, a final evaluation will be useful to see and analyze the achievements and lessons learned to ensure that all the projects or the program's goals are achieved at the end of the project or program.

THE INDONESIAN FORUM

The Indonesian Forum is a monthly discussion activity on actual issues in the political, economic, social, legal, cultural, defense, and environmental fields. TII organizes these forums as media for competent resource persons, stakeholders, policymakers, civil society activists, academicians, and the media to meet and have discussion.

Themes that have been raised were the ones that have caught public attention, such as migrant workers, social conflicts, domestic politics, and local direct elections. The main consideration in picking a theme is sociological and political reality and the context of the relevant public policy at the time that the Indonesian Forum is delivered.

It is expected that the public can get the big picture of a particular event as the Indonesian Forum also presents relevant resource persons.

Since its inception, the Indonesian Institute is very aware of the passion of the public to get discussions that are not only rich in substance but also well formatted, which support balanced ideas exchanges ideas and the equal involvement of the different elements of the society.

The discussions, which are designed to only invite a limited number of participants, do not only feature idea exchanges but also regularly offer policy briefs (policy recommendations) to relevant policymakers and also summaries to the participants, especially the media people and the resource persons at the end of each discussion. Therefore, the discussions will not end without solutions.

LOCAL COUNCIL TRAINING

The roles and functions of local councils in monitoring local governments are very important. They need to ensure that participative and democratic policies will be espoused. Members of provincial and regent local councils are required to have strong capacity to understand democratization matters, regional autonomy, legislative techniques, budgeting, local Politics, and political marketing. Thus, it is important to empower members of local councils.

In order for local councils to be able to response every problem that will come out as a result of any policy implemented by the central government or local governments, the Indonesian Institute invites the leaderships and members of local councils to undergo training to improve their capacity.

WORKING GROUP

The Indonesian Institute believes that a good public policy process can be held with some engagement and empowerment of the stakeholders. The Indonesian Institute takes a role as one of mediator agencies to facilitate some forums in which the Government, Council Members, Private Sectors, NGOs and Academicians can meet in interactive forums. The Indonesian Institute provides facilitation on working groups and public advocacy.

The Indonesian Institute takes the role of mediator and facilitator in order to encourage the synergy of public policy work between the stakeholders and policy makers and also to have a synergy with funding agencies (donors).

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