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Main Report : The Logic of Confederation and the Presidential Effectiveness

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- The Revaluation of Yuan ▪

Law & Politics

- Ministers' Performance Evaluation ▪
- The Andi Nurpati Case & Independency of KPU ▪

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FOREWORD

The discourse on the need to increase the level of parliamentary threshold (PT) - the minimum threshold that is required to gain seats in the parliament - from 2.5 percent in the 2009 legislative elections to 5 percent in the 2014 elections in the revised Elections Law has been increasingly discussed. The main argument to increase PT is to simplify the number of political parties, while at the same time improving the quality of democracy and the effectiveness of the government.

The plan to increase the level of PT has even received various responses from the political parties such as the idea of merging parties. The reason is almost uniform: to simplify the party system in Indonesia. The National Mandate Party (PAN), for example, has introduced a term of party confederation. The Democratic Party is also supporting a similar idea, a merger of political parties, but by using a different term: the assimilation of political parties. Meanwhile, the Golkar Party has offered a discourse on the fusion of political parties, like the one that was done in 1973,

The next question is how far the idea of merging the parties through a confederation or other terms can solve the problems of the multiparty presidential system? Does the idea of confederation or the assimilation of the parties actually has positive contribution to cementing the presidential system, or it just a trick to build power in the 2014 elections? This edition of the Indonesian Update will raise a main theme on the logic of confederation and the effectiveness of the presidential system.

This edition of the Indonesian Update also raises some important topic in several fields. On the economy, it talks about the electricity tariffs and the revaluation of the Chinese Yuan and its impact on Indonesia Rupiah. On politics, it discusses the minister performance evaluation and the Andi Nurpati case and the independency of the General Election Commission. On social affairs, it talks about women's participation in public policy making and the struggle to realise the freedom of the press.

The regular publication of the Indonesian Update with its actual themes is expected to help policy makers in the government and the business sector, academicians, and international think tanks get actual information and contextual analyses on economic, political, social, and cultural developments in Indonesia.

Happy reading!



The Logic of Confederation and the Presidential Effectiveness

The discourse on the need to increase the level of minimum threshold that is required to gain seats in the parliament (Parliamentary Threshold or PT), from 2.5 percent in the 2009 legislative elections to 5 percent in the 2014 elections in the revised Elections Law has been increasingly discussed. The main argument to increase PT is to simplify the number of political parties, while at the same time improving the quality of democracy and the effectiveness of the government.

The plan to increase the level of PT has even received various responses from the political parties such as the idea of merging parties. The reason is almost uniform: to simplify the party system in Indonesia.

The National Mandate Party (PAN), for example, has introduced a term of party confederation. The aim, in addition to simplifying the number of political parties, of party confederation is gather the votes garnered by small parties that do not make it to the the House of Representatives (DPR) because their failure to meet the threshold of parliament. PAN has also been discussing the idea with a number of small parties that do not have seats in DPR, such as the National Sun Party and the Indonesian People Fortress National Party.

Besides PAN, the Democratic Party is also supporting a similar idea, a merger of political parties, but by using a different term: the assimilation of political parties. The Democratic Party has already begun exploring with the National Front Party and the Archiplego Republican Party.

Meanwhile, the Golkar Party has offered a discourse on the fusion of political parties, like the one that was done in 1973, which had resulted in three political parties: the United Development Party

(PPP) for the fusion of Islamic parties; the Indonesian Democratic Party (PDI), which comprised nationalist and Christian/Catholic parties; and the Functional Group (Golkar).

The responses by the political parties to the discourse of the need to increase the level of parliamentary threshold actually have the same goal; namely, to simplify the number of political parties. The problem is that the extreme multiparty system is considered as one culprit that inhibits the workings of the presidential government and disrupts the quality of democracy. Therefore, there is a lot of people who want to see the party system in Indonesia simplified.

The Problem of the Presidential- Multiparty System

The implementation of a presidential system in a multiparty system had been proven to tend to create political instability and the weak position of the President. Because in a fragmented multiparty system, it would be difficult to have one party that is strong enough to form a government alone. This party would be forced to form a coalition with other parties. The instability of the government will be undermined. Moreover, the coalition of political parties would be very fragile and pragmatic.

In 1998, the reform has led to democracy and the purification of the presidential system in Indonesia. This had been accompanied by the institutionalization (through amendments to the 1945 Constitution) of the presidential and vice presidential direct election system (with one package nomination), the limit of the term in office, the strengthening of checks and balances mechanism between the executive and legislative branches, as well as the impeachment through the law. However, the formulation of the purer presidentialism mandated is also difficult to implement when it is combined with the multiparty political structure.

A coalition is unusual in the tradition of presidentialism, but it has become a fundamental requirement and is difficult to avoid in a presidentialism that is combined with a multiparty system. Moreover, the coalition is very fragile and liquid because the characters of the parties in the coalition are not disciplined, very opportunistic, and pragmatic. This situation has caused the President to face a dilemma: compromising with the parliament or holding fast to the principles of presidentialism that is not fully supported by political institutions.

Moreover, the personality and leadership style of President SBY are the ones that of compromising and accommodating, tending to embrace and accommodate all political forces, thereby making him indecisive in making decisions. This is what has caused the presidentialism in the era of the SBY-JK and SBY-Boediono administrations to be run half-heartedly (the half-hearted presidentialism).

Therefore, the multiparty extreme (the high number of political parties), as it is now, needs to be pushed into a simple multi-party system, especially in regards to the number of parties in the parliament, on a daily basis, President deals with the parties in the parliament, not the parties participating in the elections. Therefore, what needs to be simplified is the number of parties in the parliament, not the number participating in the elections, to guarantee democracy and freedom.

The next question is how far the idea of merging the parties through a confederation or other terms can solve the problems of the multiparty presidential system? Does the idea of confederation or the assimilation of the parties actually has a positive contribution to cementing the presidential system of the government, or it just a trick to build power in the 2014 elections?

The Effectiveness of Confederation

The confederation of parties is actually not a new idea because in the 2004 elections it was already regulated in the law explicitly that the parties that did not fulfill the parliamentary threshold could be fused into a single political force to gain seats in the parliament. The simplification of parties through a confederation is political and logically wrong. At least, there are three mistakes in assuming that the confederation of parties is capable of simplifying the parliamentary and cementing the presidential system.

First, the confederation has no effect in reducing the political fragmentation in the parliament. This is because in daily politics the President confronts and “negotiates” with the parties in parliament, not with the parties participating in the elections. Too many parties in the parliament have become the main problem during the course of this presidential administration.

The logic of the simplification of parties through the merger of parties with different terms would be a mistake if the goal is to streamline the government and improve the quality of presidential democracy.

Second, the logic of merging parties that do not qualify for the parliament does not guarantee that it will reduce the number of parties in the next elections. Polarization of different views in addressing the merging will trigger the establishment of new parties. The chances of the political elite of the confederation parties to form new parties are very high.

The pure confederation model, in which the parties merge into one party long before the elections, would also potentially create dispute in the internal party. The party elite who disagrees would tend to establish a new party. This means that the confederation or assimilation of parties would have no contribution to the simplification of the number of political parties that contest the elections.

Third, the half confederation model, in which some of the parties that contest the elections and do not make it to the parliament join a coalition that is led by the winning parties, also has no direct effect on the simplification of the number of parties in the parliament. The merging party confederation model only meets the logic of improving the quality of political representation - so the people's votes in the elections will not be wasted - but it do not fulfill the logic of strengthening the presidential system and streamlining the parties in the parliament.

If this confederation model is simulated in the 2009 elections, there are still nine parties in the parliament. This is because the fusion involves parties that do not have significant votes. Based on the political logic of the above, then the idea of merging parties (confederation) that do not pass the parliamentary threshold is simply a strategy to strengthen one party. This idea has not a political logic that is intended to simplify the parliament and improve the quality of presidential democracy. Therefore, the model of party confederation would be ineffective to enhance the quality of democracy in the context of the presidential effectiveness. However, the confederation will improve the quality of democracy in the context of political representation.

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— Hanta Yuda AR —

The TDL Hike and Indonesian Economy

After a series of discussions, finally, on June 15 the state-owned Electricity Company (PLN) and the Commission VII of the House reached an agreement to raise the electricity basic tariffs (TDL) as much as 10 percent on average, except for the 450-900 Volt customer group. The new rate was effective from July 1, 2010.

The TDL increase was inevitable. If not raised, the electricity subsidy in the State Budget will swell up to Rp 5 trillion per month. In addition, if the government must choose between raising TDL and fuel (BBM), taking into account the impact on inflation, raising the TDL seems more rational.

However, determining the momentum for the increase should be considered carefully. The celebration of Idul Fitri is still a month away, but the prices of basic commodities have started to soar. Again, it was caused by crop failures. Additionally, the distribution systems of the principal commodities have not been improved significantly.

Meanwhile, the people's burden have also increased as July is a new academic year, which forces parents to provide more funds for their children's education. Thus, it is realistic if we predict that the rate of inflation during 2010 will reach a level of 6.5 to 7.5 percent.

The Impact

According to the calculation, households that use the 2200 VA and 1300 VA power will be burdened by an additional monthly cost at average levels of Rp 24,000 and Rp 34,000 respectively.

On the other hand, the increase in TDL will have impact on production costs to be borne by the business sector, varying from 10 to 30 percent. Now, we can see that the businesses in this country would suffer from perfectly complicated situation. Now they are facing the threat of imported foreign products due to implementation of free trade policies. At the same time, production costs continue to rise without much effort from the GOI to ease the high cost economy.

The suffering continues. They are now facing people who have weaker buying power day by day. The weak purchasing power of the communities will surely make them tend to choose products that are cheaper regardless their poor quality.

Relying on Exports

Opportunities actually still exist. Amid the sluggish domestic market, the Indonesian businesses must take the advantages from overseas markets, as China has just raised its exchange rate. Such policy will cause their product to be more expensive.

In the short term, exports are likely to be the only hope available. Private consumption will weaken, so will the government spending. On the other hand, investment still requires big budgets for promotion activities and incentives, which will in turn give more burden to the state finance.

To improve export performance, trade infrastructure improvements need to be addressed. Settling does not always mean more spending. Eradication of illegal levies will obviously reduce the high cost economy.

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— **Nawa Thalo** —

The Revaluation of Yuan

On June 19, China's central bank, PBC, decided to re-implement the managed floating exchange rate regime in managing the yuan's movement. Since the financial crisis in the US broke out, PBC pegged the value of yuan vis-a-vis the dollar at a level of 8.3 yuan per US dollar.

After the bank decided to revalue (to raise) yuan, the value now stands at a level of 8.11 per dollar. In addition to revaluing the yuan, PBC also decided to widen its currency's movement band by 0.3 percent against the dollar. Economists believe that the yuan will continue to strengthen, as they assume that all this time the value of yuan was actually 30 percent cheaper than its real value.

Two drivers

So far, the US Government and Congress have accused the currency peg implemented by China as an effort by the Government of China to "manipulate the currency". The yuan exchange rate against the dollar had been pegged in such a way that the commodities of China in the international market became very competitive. Consequently, China's exports are increasing significantly.

In addition, China can enjoy the fantastic growth of its foreign reserves. Until the end of 2009, China had the world's largest foreign exchange reserves, which was about US\$ 2.4 trillion! On the other hand, the products of the U.S. and Europe are facing the decreasing demand. The developed economies have been suffering from poor balance of trade.

The U.S. financial crisis, which was followed by the Greek-debt crisis, had given the timely momentum for advanced countries states to put some pressure on the Chinese Government to let the yuan float freely.

To avoid the increasingly strong political pressure, China finally decided to make the yuan more flexible to move. If we see it from this perspective, the policy may be referred to as a “half-hearted policy”, since the decision was taken only some days before the meeting of G-20 in Toronto, Canada during 26-27 June. This is the first driver that pushed China to revalue the yuan.

The second factor is China’s own macroeconomic conditions. The high foreign exchange reserves had created an impression that China was able to maintain stable macroeconomic conditions. This was certainly attractive in the eyes of foreign investors. Investment continues to flow in, coupled with the continued skyrocketing exports, making the economy grow by an astonishing but concerning figure!

Why? Because the high economic growth had made “the economic machines” overheated. This was certainly pushing the inflation rate. PBC had been trying to control the growth rate by using the interest rate instruments.

Unfortunately, the policy was ineffective, given that financial markets are still infant. Consequently, the yuan revaluation is likely to be the wisest choice at this time. China does not need to fear to lose some of its competitiveness in the international markets, as they have already had sound trade infrastructure.

The impact on the Indonesia

The yuan revaluation policy should have a positive impact on Indonesia. Theoretically, the competitiveness of Indonesian commodities will also rise. This will improve the export performance of Indonesia.

However, we should still pay attention to the increasingly competition in the global markets. Thailand, Malaysia, even Vietnam are competitors who have enjoy high economic efficiency.

If Indonesia continues to be burdened by the high cost economy, the yuan revaluation will not bring any benefit to us.

— **Nawa Thalo** —

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Ministers' Performance Evaluation

The government's decision to appoint the ministers who have political party background was intended to accommodate various political interests in the government. This decision has the objectives to create effective and efficiency conditions of the government and also to avoid some critiques from DPR (the House of Representatives) members. This decision has finally brought a good result.

Many factors have caused the criticism: *First*, there is a clash of interests between political parties as the public representation and the ministers as the government representation. The ministers who came from political parties that have many different interests should face this clash inevitably.

Second, the emergence of many new cases that have wastes of the government's resources and energy to solve them. For example, the Bibit-Chandra case that appeared as a dispute between the KPK and the Police. Another example is the Century Case. As a result, the government's focus and performance in running the government activities have been disturbed by the need to response to the public attention.

Third, the ministers' incapacibilities to understand fully their departments' authorities. Ministers who came from political parties are mostly not able to run their duties as ministers. The true government basic concepts are to provide services to the public and to improve its welfare. These concepts should be accompanied with the people's participation in the public policy-making process. Not all ministers have bad performance, as some of them pay attention to their performance and department's resources.

The last criticism lies on the minister's poor performance in making grand design and program. They also failed in understanding the field conditions. This factor depends on the ministers' consistency and experiences in implementing the grand design into development programs. In other words, ministers who have capability and understand the dynamics of the government working system will be more successful than those who are still in the learning process.

Thus, the field conditions have some influence on the creation of the government culture. These could be used as success indicators for all officials, from the low-ranking to the high-ranking. Past experiences show us that the ministers sometimes were confused by the working systems in their department because they misunderstood the fields and government's culture that developed as a result of the resources increasement in the future.

In order to maintain the government's consistency and capability, some steps to refresh the ministers' ability and to prepare the grand designs are a necessary. That should be done in order to keep the allocation of programs and financial budget from being wasted and developing into a crucial problem in the future.

The evaluation of ministers' performance is exactly a part of the political contract with the President. Thus, the President must make objective assessments of ministers who are not able to fulfill his expectation with or without other institutions' assistance. This has already become his prerogative right and cannot be influenced by any political pressure.

The Presidential Decree Number 1/2010 on the Acceleration of National Development Priority Programs set out 70 programs, 155 action plans, and 369 sub-action plans that should be performed by 45 ministries and departments. The expected outcome of the Presidential Decree is 199 policies, 77 physical projects, and 182 non-physical projects. This instruction requires ministers to accelerate economic growth process and to improve social welfare.

Based on this legality and the obligation to evaluate, the evaluation process in the first semester has been performed by the Presidential Working Unit for the Monitoring and Control of Development (UKP4). The results of the evaluation shows

that 49 sub-action plans have been disappointing, especially in The Coordinating Ministry of Political, Legal and Security Affairs, The Coordinating Ministry of the Economy, and The Coordinator Ministry of People's Welfare.

Other institutions that got un-satisfied results were the National Coordinating Board for Survey and Mapping (Bakorsutanal) and the National Board of Disaster Management (BNPB). The ministries that received negative result on the assessment were the Ministry of Communications and Information, the Ministry of Law and Human Rights, and the Ministry of Public Works. However, the evaluation results of Presidential Decree Number 1/2010 stated that 58 sub-action plans were highly satisfying, 235 were satisfying, 15 less satisfying and 49 were unsatisfying. 12 sub-action plans had been finished in the previous period.

Like any other performance evaluation in general, there should be reward and punishment mechanism to totally improve the workings of government systems and programs to support the success of the SBY-Boediono government.

Like any other performance evaluation, there should be reward and punishment mechanism to totally improve the workings of government systems and programs to support the success of the SBY-Boediono government. Nevertheless, in today's government, these patterns do not prevail anymore. The emergence of some opportunities to improve and repair them have been executed without reward and punishment mechanism. So, the expectation of the people to have a cabinet reshuffle is indirectly answered.

— Aly Yusuf —

The Andi Nurpati Case & Independency of KPU

Andi Nurpati was finally dismissed from the membership of the General Election Commission (KPU) after the Honorary Council (DK) meeting on June 29, 2010. Chair of the Commission Jimly Ashidique announced its decision at the General Election Commission Office on Jalan Imam Bonjol, Central Jakarta on Wednesday (30/6/2010). It stated that Andi Nurpati had violated KPU's code of conduct as regulated in Law Number 31 Year 2008 and Law Number 32 Year 2007.

Ethical Violations

The first violation happened in the implementation of the Regional Head Elections of Tolitoli district, Central Sulawesi. In the case of Tolitoli, KPU issued two contradicting letters re the Tolitoli elections. These letters were associated with the death of one of the candidates for vice-regent, Amiruddin Nua, who paired with Aziz Bestari.

The first letter, No 320/KPU/V/2010, stated permission from the KPU to for the participant to continue to contest the regional elections (Pemilukada), although his pair died. In fact, if referring to Regulation No 32 in 2004 on the Government of the District, Article 63 Point 2 of the regulation clearly stipulates that in the case that one candidate of a pair dies in the campaign period and that there are still two pair of candidates or more, the election for the regional heads will be continued, and the candidate who dies cannot be replaced.

The first letter, according to the observation of Bawaslu Chair Nur Hidayat Sardini, had resulted from Andi Nurpati's action that could be as a violation of the code of ethics. Concerning this violation, Bawaslu has recommended the formation of the Honour Council that through the letter of Bawaslu No. 429/Bawaslu/VI/2010 dated June 19 2010 addressed to KPU Chair Abdul Hafiz Anshary.

Andi Nurpati, according to KPU, was the person who made the draft of the first letter. Actually, the members of KPU were still having different opinions on the interpretation of Article 63 Point 2 UU 32/2004. However, Andi did not involve the Coordinator of Legal Division and the KPU Supervision that also the Coordinator of the Sulawesi region, I Gusti Putu Artha, the in discussions on the interpretation of Article 63 Point 2. The letter of No. 320/KPU/V/2010 was sent anyway. It was then revised by a second letter, No. 324/KPU/V/2010 (KOMPAS.com on June 21 2010).

Bawaslu considered that with the issuance of the KPU letter no 320/KPU/V/2010, Andi was suspected to have violated Section 2, Article 28 of Regulations No 22 2007 on the Organizer of the General Elections, as well as Article 2, Article 5, and Article 6 of Regulation KPU No 31 in 2008 on the Code of Ethics of the General Election Organizer.

KPU's Independency

The second violation that was considered to be the reason to dismiss Andi Nurpati was that she was proven to violate the principles of the general election and the provisions of the KPU member's oath. This was in relation to her decision to enter practical politics by joining the central leadership board of the Democratic Party DPP Demokrat.

A member of KPU, according to Regulation No 22 in 2007, has a length of service of five years. Each member of KPU is also forbidden to join any political party or to nominate him and her self as a district head. However, the sanctions in this law are very minimal. So as in the case of Andi Nurpati, this will continue to happen. This is the second case after Anas Urbaningrum's resignation from KPU, as he entered the Democratic Party.

When a case like this continues to happen, then it is likely that the same problem will happen in KPUDs. This will pose a threat to the independency of general elections administration in Indonesia. The independency is indeed the absolute factor for the organizers of the general elections. When one of the commission agents is a sympathizer or even worse a member of a certain party, then it is worried that the member of KPU could not perform fairly and could be perceived as benefitting some parties that contest.

If the problem persists, this will danger the nation, as it will have the potential to trigger disturbance in the general elections to elect DPR (the House of Representatives) members, the President, and the DPRD (the Regional House of Representatives).

Recommendations:

1. KPU should not be occupied with the cadres of political parties. A proposal from politicians to permit the positions of the members of KPU to be occupied by political party cadres should not be accepted, as this will really threaten independency of KPU. The members of KPU should be filled up by people who have not become political party members, or those who have left the parties for at least five years. Moreover, each member KPU should not become a member of a political party until five years after finishing as a member. This is to anticipate the infiltration of political party members to KPU. KPU membership should be restricted to those who really want to become the election organizers and to those who have the quality and the independency.
2. It will be much better if the selection of the prospective KPU members is carried out by a special independent team. It should be tasked with searching for candidates who meet the conditions to become good, independent commission agents. This team is also assigned to studying the track records of the candidates. The candidates will then be offered to the public. The available mechanism should be by opening the registration as widely as possible in order to find candidates with good moral integrity. The independent team is expected to be able to find officials of the general election commission who have good quality and are independent.

The violation of the code of ethics by Andi Nurpati in Pilkada Tolitoli and her resignation from KPU to join the Democratic Party shows clearly that KPU independency in implementing the general elections is still in question. Therefore, we must create a selection mechanism of prospective members of KPU who have better quality and are free from the influence of political parties.

— **Benni Inayatullah** —

Strengthening Women's Participation in Local Public Policy

Including in the exertion of advocacy to empower and strengthen women in development is the encouragement of the constitutional rights of women. One of them is the right to express an opinion as participation in the process of local development policy.

Since the era of decentralization, there were local euphoria in publishing many public policy products such as regional regulation (Perda). Flashback to the time that has passed, some products of regional regulation that were already implemented turned out to cause adverse side effects of the rights and interests of women's groups. As occurred in Tangerang City Local Regulation No. 8/2005, it's good that this regulation is aimed to prevent the practice of prostitution in the town, but adversely affects the rights and interests of women in very restricted activities in the night.

The unexpected impact like that should not happen again. The mechanism of preventive and evaluative on public policy products should be delivered. Preventive means avoiding any negative impact that might be resulted from public policy products. Evaluative means reviewing whether the policies that have been defined really bring benefits instead of adverse impact.

Women's participation in public policy

Women's participation in public policy is still widely understood in the narrow sense, namely the extent of participation of women in the structural position in the government or the legislature. At three times serial of interactive discussion on radio talk show held by The Indonesian Institute in June to July 2010, members of Tangerang City Local House of Representatives noted that women's participation has been good in the sense as indicated by a lot of women in Tangerang City has served many important positions in government structures, such as agency heads, and other echelon.

That opinion is not entirely wrong, but there are more important things that are still not covered by that paradigm. It's important to put the matter of women's participation in public policy in a wider perspective. It should be noted about how much women in community are actively involved in the process of formulating the public policy product. In this case, the practical indicator might be how much and how far any women ever communicate their aspirations in the preparation of public policies. For example, in the process of the Consultation on Local Development Planning (Musrenbang), the question is whether the public consultation involved women in a range of wide representation of whole society and not just selective in any particular women's groups.

Another important thing is whether there is a clear mechanism and guarantee for the women's community to convey their aspirations in the process of public policy making. It's still important to provide the affirmative action to support both of the elite officer level and grass-roots community level. They still needed any support to guarantee advanced participation of women in voicing their aspirations, because the paternalistic culture is still dominant. It makes any women especially in rural areas still afraid to speak up their opinions, especially if their aspirations are different from the majority male officers or even from the majority votes which are less sensitive to the interests of women.

Ranperda about women's participation in public policy

From May 2009 until July 2010, three institutions were in partnership to conduct the advocacy programs to support women's constitutional equality rights in the city of. These institutions are The Indonesian Institute (TII), SETARA Institute, and the Indonesian Legal Aid Association (PBHI) Jakarta. One of the final outcome of these programs are the academic paper and the local regulation draft (Ranperda) on women's participation in public policy. The academic paper and the regulation draft were prepared by the Drafting Team of SETARA Institute, meanwhile PBHI Jakarta contributed inputs from the findings on aspirations of women in the Tangerang community through the activities of Citizens Forum; and TII did the socialization through Public Campaign Program.

The institutes have submitted this initiative proposal of local regulation draft to DPRD Tangerang City. The institutes hope this proposal can be included in the discussion of local legislation program. The articles in this proposed local bill includes the contents of: definition

and limitations on the participation of women; the principles and objectives, scope, rights and obligations of the community and Local Government in relation to women's participation in public policy. It also proposed the establishment of Women's Participation Commission. Briefly speaking, the bill proposed the formalization of the mechanism of women's participation which involves not only public officials but guarantee the public consultation which ensures the broadest of female citizen's representation.

The bill proposed women citizens have the rights to obtain information related to public policy matter that being discussed by local government; rights to present any suggestions and objections, and so forth. On the other side, the bill proposed local government's obligations to announce the materials and agenda of public policy discourses; accommodate and response to the objection proposals and input from the community of women, and so forth. Commission on Women's Participation is also proposed in this Ranperda, but with the note that it still needs further study whether the commission meets the region needs and is it really appropriate because it will impact the local state official budget.

The proposed local regulation on Participation of Women in Public Policy Process is proposed to clearly and explicitly regulate the participation of women on the mechanism of broadest involvement of public consultation, aspirations and objections submission procedures related to the process of local public policy; in which women's participation not only defined the extent of representation of women in positions in government and institutions legislature.

Perda participation of women in other areas

Some local governments have already had any policy to support public participation in public policy process. For example, Local Regulation of Kebumen Regency No. 53/2004 on Public Participation in Public Policy Process. The Regency of Ogan Ilir has also adopted the Local Regulation No. 18/2008 on Public Participation in Public Policy Process. Yet, those local regulation are still quite common at the level of community and still has not provided further affirmative supports on women's participation. The other existing local regulation on Women's Participation is limited to women's participation in the nomination and election of regional heads, as for example Local Regulation of Donggala Regency No. 12/2006, although its title is Representation and Participation of Women in Village Government, Village Community Organization and Rural Development Process.

— **Antonius Wiwan Koban** —

The Struggle to Realize Freedom of the Press

Freedom of the press is again threatened. The molotov bomb attack on Tempo magazine office has proven that the threat on the press has not subsided. The attack happened on July 6, 2010 at dawn (2.40am). This event had taken place only a week before the Tempo published a report titled "The Fat Accounts of Police Officers." The report had made the copies of this edition of Tempo magazine was all bought by some people. Police said that they were not involved in the action of buying the copies of that Tempo magazine. They also said that they had nothing to do with the molotov attack.

After the news on the fat accounts of police officers had been published, the Indonesian National Police Headquarters filed a complaint to the Press Council. Through the Head of the Public Relations Division Irjen Pol. Edward Aritonang, the Police had submitted complaints to the Press Council about Tempo's title "Chief of Police in the Coal Mafia" on the cover of Tempo edition of 14 to 20 June 2010 and the cover of Tempo in the edition of June 28 to July 4 2010, which depicts a policeman holding three pig-shaped piggy bank. The Press Council finally managed to reconcile the Police and the Tempo magazine through a mediation meeting in the Press Council building in Jakarta on July 8, 2010.

The Challenge to Realize Freedom of the Press

A molotov bomb terror is a serious threat to the press and also proves that freedom of the press has not been realized ideally. The level of freedom of the press in Indonesia in the last 10 years is considered to have deteriorated. This is based on data from the Reporters Sans Frontiers (RSF) or Reporters without Borders, based in Paris. Since RSF first time conducted research around the world in 2002, the level of freedom of the press in Indonesia had fallen sharply: from rank 57 to rank 117th in the year 2004. Although the ranking went up again, until the year 2008, it had not been under 100. In the year 2009, Indonesia ranked 101st in the world. While for Southeast Asia, Indonesia was ranked third after the Papua New Guinea and Timor Leste.

The terror that threatens the freedom of the press is still haunting the work of journalists in this country. There are still many cases of violence, criminalization and terror against the press community. Even Narendra Prabangsa AA, Radar Bali journalist, had been murdered because of his reporting.

Tessa Paper, a British media consultant, has recorded the threatening conditions of freedom of the press. In a report titled "Don't Shoot the Bearer of News" (2009), he recorded several cases of violence against Indonesian journalists in the period of 1996-2009. Another interesting report of the Tessa Paper is that the level of violence against journalists in 2000 stood at a total of 122 cases. While in 1996 there were only 13 cases. The data have proven that in the post-reform era, there are more violent cases against journalists than before the reform era.

The data could also be read as an indication that the tone and nature of reform have paved the way for the freedom to be free to take any action against the mass media or the press. The press in question is deemed to have threatened the good name, the existence of office, business reputation, corruption, collusion, nepotism, co-optation, the coalition, conglomerate, and other forms of evil conspiracy, violations of laws and practices of the mafia with the pretext of national interests or the public.

Even defamation clauses have also been reinforced by the Constitutional Court (MK). In a decision dated August 15, 2008, the Court rejected a judicial review on the article on the imprisonment for insult and libel (Article 310 paragraph 1 and 2, Article 311 paragraph 1, Article 316 and Article 207 of the Penal Code). The Court considered that these articles do not conflict with the Constitution. Therefore, it is necessary to protect public officials who run the task. With this decision, the Court affirmed a political favor to the Dutch colonial law that criminalizes the press.

In addition to the defamation clauses, many new laws that curb the products of freedom of the press. Election Law No. 10/2008 on the Press Council regulates the revocation a publication license of the press if the news and interviews published are not fair and balanced. Law No.42/2008 on the Elections of the President contains provisions that permit the revocation if a press campaign is punished in the cooling down week. Both laws clearly have the potential to revive the effort to ban the press.

In addition, criminal threats contained in the Draft Law on State Secrets are being seen as also very dangerous to the profession of journalist. Based on Article 49 Paragraph (1), corporations (including news media companies) that violate state secrets shall be punished to paying a fine of IDR 50 billion to \$ 100 billion. Paragraph (2), a news media company that violate the provisions can be suspended or have its license revoked. Article 44 Paragraph (1) stipulates that violators of the provisions of state secrets—including the press—is sentenced to imprisonment of seven years–20 years. According to the concept of freedom of the press adopted by Law No. 40/1999 on the Press, the criminalization of the press and criminal penalties in large amount will paralyze the social control function of the press.

This bill is clearly contrary to the freedom of the press. First, in accordance with Law No. 40/1999 on the Press, a press company permit should not be revoked and be punished as a prohibited corporation. The company who's a permit is revoked and who is punished as an illegal corporation can be convicted by imprisonment of two years according to Article 18 Paragraph (1). Second, the errors of the press in performing journalistic duties in the public interest should not be criminalized. Errors in the publishing of press releases should be corrected with the right to reply. If the party that files a complaint is not satisfied with the decision of the Press Council, then it can take legal measures. The press reported to the Press Council can be punished to pay a maximum fine of IDR 500 million.

This expected role of the press is a complex matter. The journalists are still overshadowed by the threat of violence and legal traps. In fact, journalists should work for the common good (*res publica*). Since the time of independence until the digital era, the duties and role of the press have not changed. The press must empower those who are helpless, strengthen the weak, and voice the controlling authorities. The press should also serve as a tool of social control; that is, “the promoters and agents of development”. The press also serves as the fourth pillar of democracy in addition to its other roles and functions as a “midwife of history”, as well as the seekers and defenders of truth and justice (Majid Tehranian, 1994).

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— Endang Srihadi —

THE  NDONESIAN INSTITUTE
CENTER FOR PUBLIC POLICY RESEARCH

The Indonesian Institute (TII) is a Center for Public Policy Research that was established on 21 October 2004 by a group of young, dynamic activists and intellectuals through the initiative of Jeffrie Geovanie. Its current Executive and Research Director is Anies Baswedan, and the Program Director is Adinda Tenriangke Muchtar.

TII is an independent, non-partisan, non-profit institution, whose main funding stems from grants and contributions from foundations, companies, and individuals.

TII has the aim of becoming a main research centre in Indonesia for public policy matters and has committed to giving contribution to the debates over public policies and to improving the quality of the planning and results of public policy in the new era of democracy in Indonesia.

TII's missions are to conduct reliable research that is independent and non-partisan and to channel the research to the policy-makers, the private sector, and academia in order to improve the quality of Indonesian policy-makers.

TII also assumes the role to disseminate ideas to the society so that they are well informed about the policies that will have a good impact on the people's lives. In other words, TII has a position to support the democratization process and the public policy reform, as it will be involved in the process.

The scope of the research and review on public policies undertaken by TII includes economic, social, and political factors. The main activities have been conducted in order to achieve vision and mission based on research, surveys, training, public discussions, policy brief, and weekly analysis.

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Research on the Business and Economy

Business Analysis

The business sector needs a comprehensive analysis in order to minimize the potential risks, while at the same time increasing the value of its business. Business analysis is a solution in corporate strategic planning to make reliable decisions. The TII Business Policy Research Division is present to provide company leaders with practical recommendations on the decision-making process.

Research that TII offers are: **(1) Company Financial Analysis**, which encompasses financial analysis and financial risk analysis. **(2) Corporate Planning Consultancy**, which includes economic and industrial research, business valuation, and brand valuation. **(3) Strategic Marketing Analysis**, which encompasses strategic marketing and *Corporate Social Responsibility* (CSR) program design.

Research on the Economy

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.**

Research on the Social Affairs

Social Research

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.**

Political Survey and Training

Direct General Election Survey

One of the activities that TII offers is the pre-direct election surveys. There are sundry reasons why these surveys are important (1) Regional direct elections are democratic processes that can be measured, calculated, and predicted. (2) Surveys are used to measure, calculate, and predict the processes and results of elections and the chances of candidates. (3) It is time to win the elections using strategies based on empirical data.

As one of the important aspects in the strategies to win the elections, surveys can be used to prepare political mapping. Therefore, campaign teams need to conduct surveys: (1) to map the popularity of candidates in the society (2) to map the voters' demands (3) to determine the most effective political machinery that will act as a vote getter; and (4) to find out about the most effective media to do the campaign.

Local Council Training

The roles and functions of local councils in monitoring local governments are very important. They need to make sure 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.

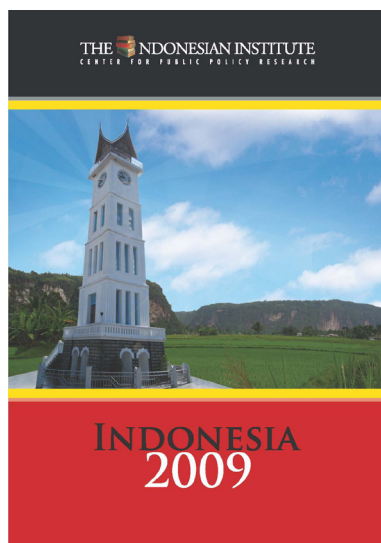
Available now!

The 2009 INDONESIA REPORT

The Indonesian Institute, Center for Public Policy Research (TII) has again published its annual publication, **Indonesia 2009**, after previously producing the report in the years 2005, 2006, 2007, and 2008.

The publication is aimed at presenting clear pictures of economic, legal, social, and political developments and of policies espoused by the Indonesian government. The 2009 Indonesia is published so as to give complete data on Indonesia in 2009. This annual publication is expected to become a basis for predicting Indonesia's short-term and long-term trends.

The publication of a report on Indonesia is also expected to assist policy-makers in the government, the private sector, academia, national and international think tanks in getting actual information and contextual analyses on economic, political, security, and social developments in Indonesia.



Topics that are raised in the 2009 Indonesia:

1. The Year of Economic Recovery
2. Progress of Infrastructure Development
3. Disputes of Three Law Enforcement Institutions
4. The Recycle of Regional Autonomy
5. Indonesian Politics 2009: Political Parties, Elections, Government Coalition and the Prospect of Democracy
6. Portrait and Representation Performance of the New Parliament (2009-2014)
7. Protection of Indonesian Migrant Workers Abroad
8. Gloomy Portrait of Child Protection

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