

The Indonesian Update

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



Main Report:
Celebration of Pancasila Birth and
Threat of Intolerance in Indonesia

Legal

Reviewing the Inquiry Right against KPK ■

Social

Unfinished Food Policy ■

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FOREWORD

In the year 2017, for the first time, Pancasila birthday is commemorated differently from previous years. The birthday of Pancasila was designated as a national day according to Presidential Decree Number 24/2016 on Pancasila Birthday.

In a speech to celebrate the birthday of Pancasila on June 1, President Joko Widodo (Jokowi) highlighted the challenge faced by the nation and the state today. The challenge is the strengthening of intolerant attitude shown by a number of different community groups. This will certainly threaten the unity and unity of Indonesia.

The main report in the May-June 2017 edition of the Indonesian Update is “Celebration of Pancasila Birth and Threat of Intolerance in Indonesia”. On law issues, it discusses “Reviewing KPK’s Question Right “. On social affairs, it talks about “Unfinished Food Policy “.

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.

Celebration of Pancasila Birth and Threat of Intolerance in Indonesia

In the year 2017, for the first time, the birthday of Pancasila is commemorated different from previous years. The birthday of Pancasila was designated as a national day according to Presidential Decree Number 24/2016 on Birthday of Pancasila delivered by President Joko Widodo when delivering the speech on the Bung Karno June 1 1945 speech at Gedung Merdeka, Bandung, on June 1, 2016. The Decree came into effect on June 1, 2017.

Threat of Intolerance

In a speech to celebrate the birthday of Pancasila on June 1, President Joko Widodo (Jokowi) highlighted the challenge faced by the nation and the state today. According Jokowi, the challenge is the strengthening of intolerant attitude shown by a number of community groups that have different views. This will certainly threaten the unity in Indonesia. This has been exacerbated by the abuse of social media, through the spread of false news and hate speeches (kompas.com, 1/6/2017).

The strengthening of intolerant attitude and radical views has indeed been threatening this nation. Some examples of this threat are hate speeches on social media on religious and racial issues, which are increasingly prevalent these days.

The strengthening of the intolerance attitude was confirmed in a number of surveys, such as the Wahid Institute and the Indonesian Survey Institute (LSI) joint survey in 2016. The survey found

potential vulnerability of intolerance in Indonesia. The survey results found some data that were quite alarming. Of the total 1,520 respondents, 59.9 percent of them had people whom they hated. The hated groups include those with non-Muslim religious backgrounds, such as the Chinese, communist groups and others. Of the 59.9 percent, 92.2 percent disagreed if members of the groups that they hated became government officials in Indonesia. 82.4 percent of them were not even willing if members of the hated groups became their neighbors (kompas.com, 1/8/2016).

According to the survey, 72 percent of Indonesian Muslims refused to do conduct attacks against houses of worship of other religions or to raid places that are considered contrary to Islamic Shari'a. 7.7 percent were willing to take radical actions if there was an opportunity. 0.4 percent had actually done a radical act. The figure was quite worrying. This means that 7.7 percent of 150 million Muslims (which were around 11 million Muslims) were willing to act radically (kompas.com, 1/8/2016).

Furthermore, the Setara Institute survey found that the number of intolerant acts in Indonesia increased in 2016. There were 208 recorded incidents of violence against freedom of religion and belief, accompanied by 270 intolerant actions. The number increased if compared to that in 2015, where there were 197 recorded events and 236 actions (rappler.com, 30/1/2017).

Furthermore, according to a research conducted by the Ministry of Education and Culture (Kemendikbud), the strengthening of intolerant attitude has also penetrated young people. The study found that there was potential for intolerance to occur in schools because there were 8.2 percent of the students who rejected the Chairs of the Student Bodies (OSIS) with different religions. In addition, there were also 23 percent who felt comfortable if they were led by someone who had the same religion. Nevertheless, the majority still uphold the value of tolerance by respecting religious and ethnic differences in the school environment. This was shown in the answers to questions such as would they give religious celebration greetings to friends of different religious backgrounds. 57.5 percent strongly agreed; 30.6 percent agreed; 10 percent were hesitant; 1.3 percent disagreed; and 0.6 percent strongly disagreed. This study revealed that the seeds of intolerance arose due to various factors

such as the level of understanding of the narrow national values in schools, the inculcation of exclusive religious values, and the family factor of having strong primordial ties (kompas.com, 2/5/2017).

Recommendations

Looking at the above issues, it is clear that first, the anniversary of the birth of Pancasila is expected not only to be ceremonial in nature. The commemoration of the birthday of Pancasila must be followed by the strengthening the practices of Pancasila values itself. One of the efforts that have been done by the Government is by forming the Presidential Working Unit for Pancasila Ideology Development (UKP-PIP).

According to Presidential Regulation No. 54/2017 on the Presidential Working Unit of for Pancasila Ideology Development (Article 3) the UKP-PIP has the task of assisting the President in formulating the general policy directions for Pancasila ideology development and of coordinating, synchronizing and controlling the development of Pancasila ideology as a whole and sustainable. Therefore, UKP-PIP is a strategic institution that needs to be optimized in order to strengthen the practices of Pancasila.

Second, to strengthen the educational curriculum that teaches the values of respect for cultural diversity, ethnicity, ethnicity and religion. The attitude that respects differences is a very important attitude to be conveyed and internalized to our young generation today.

Third, there should be a strict supervision of the spread of hate speeches and radical views made through social media. The steps taken are to monitor accounts on social media that spread hate speeches and radical views. Then, the accounts need to be legally processed and closed. This oversight requires synergy amongst the relevant Ministries and Agencies, prior to the launching of the National Cyber Agency. These ministries and agencies are the Ministry of Communication and Information, the State Intelligence Agency (BIN), the National Police, the National Agency for Combating Terrorism (BNPT), and the State Signal Institution.

- Arfianto Purbolaksono -

The commemoration of the birthday of Pancasila is expected not only to be ceremonial in nature. The commemoration of the birthday of Pancasila must be followed by strengthening the practices of Pancasila values itself

Reviewing the Inquiry Right against KPK

The House of Representatives (DPR RI) is rumored to be returning to the hearing period on Thursday, May 18, 2017 after the recess period ends. The previous session generated the polemics over the inquiry right against the Corruption Eradication Commission (KPK), with all the pros and cons (detiknews, 17/05/17).

The Vice Chairman of DPR RI, Taufik Kurniawan, said that the House was still waiting for the decisions of the factions on the formation of the Special Committee (Pansus) on the Inquiry Right of KPK. According to Taufik, the decisions of the factions can be discussed through a substitute meeting of the Deliberation Council (Bamus). The replacement meeting of Bamus will show many factions that send their representatives to be part of the Pansus of Inquiry Right of KPK (Tempo.co, 18/05/17).

However, the question that remains is that if the number of factions sending representatives is small, or in other words the majority of factions do not send their representatives to the Pansus, does this mean that the inquiry right will be finally canceled? In this regard, Taufik Kurniawan, as reported in various media, had responded that if only few factions sent names, it could be agreed in a replacement meeting of Bamus to postpone the inquiry right process until the other factions propose the names of members of Pansus, or there might be other options.

If the Pansus still runs with the approval of the minority of factions, the legitimacy of the Pansus will be very weak. So, the factions in the House need to immediately think and decide the option, whether to continue, postpone or cancel the inquiry right of KPK, if the approval of the minority of factions against the Pansus materialises.

During the recess period, a number of factions consistently declined the inquiry right against KPK, including, the Factions of the Na-

tional Awakening Party (PKB), the Democratic Party (Demokrat), the United Development Party (PPP), the National Mandate Party (PAN), the Prosperous Justice Party (PKS), and Gerindra. PKB, Demokrat, PPP, PAN and PKS declared the rejection of the inquiry right by not sending representatives to the Pansus. Meanwhile, Gerindra has a different attitude. Gerindra denied the inquiry right but still sent representatives to the Pansus for ensuring the Pansus is still able to work although not complete (detiknews, 17/05/17).

The Background of the Inquiry Right against KPK

On Friday, April 28, 2017, the Plenary Session of the House of Representatives (DPR) approved the proposed inquiry right against KPK. Although a number of factions rejected the proposal, the plenary session still approved the proposal for a inquiry right that was signed by 25 members from eight factions in the DPR (Kompas.com, 29/4/17).

The proposed use of the inquiry right initially appeared in a hearing meeting of Commission III of the House of Representatives together with the KPK that took place from Tuesday (18/4/17) to Wednesday (19/4/17). At the hearing, the Commission III of the House of Representatives urged the KPK to open the records of the examination of Miryam S Haryani, a member of the House who is currently suspected of providing false information in the case of alleged corruption of Electronic Identity Cards (KTP Electronic) (Tempo.co, 3/5/17).

That is motivated by KPK Investigator Novel Baswedan's statement, Novel Baswedan, when presented in the trial of alleged corruption case of KTP Electronic project in Corruption Court Jakarta, Thursday, March 30, 2017. In the trial, Novel Baswedan said former member of Commission II of the House of Representatives, Miryam S Haryani Threatened by a number of members of the House of Representatives 2009-2014 period. Whereas in the previous trial, Miryam actually claimed to be threatened by Investigators to acknowledge the distribution of money from KTP Electronic project to members of the House of Representatives (Kompas.com, 30/3/17).

Initially, the inquiry right against KPK was signed by 26 members of the House of Representatives from eight factions; namely, the Golkar Party Faction, the Indonesian Democratic Party of Struggle Faction (PDIP), the PKS Faction (Fahri Hamzah), the Gerindra

Faction, the PPP Faction, the PAN Faction, the National Democratic Party Faction (NasDem), and the People's Conscience Party Faction (Hanura). The proposal was then submitted to the House Leadership. In the plenary session of the closing session on Friday (28/4/2017), the Vice Chairman of the House, Fahri Hamzah, approved the inquiry right against KPK proposal even though at that time there was a faction who voiced rejection, even walking out from the courtroom (Kompas.com, 29/4/17).

Up to now, the inquiry right against KPK still sparks the pros and cons in the body of the House itself. According to the Commission III of the House of Representatives, the initiative of the inquiry right is a form of monitoring on the "irregularities" of the KPK. However, a number of factions refused the inquiry right, as it has the potential to undermine the KPK in its law enforcement efforts to eradicate corruption in Indonesia (Kompas.com, 26/4/17).

Despite the pros and cons, this inquiry right was still officially established and will be followed up with the formation of the Pansus after the House's recess on May 17, 2017. Although many factions in the House are now refusing the inquiry right, if they do not submit a cancellation then the inquiry of the questionnaire can keep running.

Currently, there are 6 (six) factions that have declared to refuse the inquiry right proposal, including, Gerindra, PKB, Demokrat, PAN, PPP, and PKS. The General Chairperson of PPP, Romahurmuzi; for example, requested Arsul Sani, a Member of Commission III of the PPP Fraction, who is also the Secretary General of PPP, to revoke his support of the inquiry right against KPK (news.detik.com, 4/5/17).

Juridical Review of the Inquiry Right Against KPK

Judicially, the rules on the inquiry right are contained in Law Number 17 Year 2014 on MPR, DPR, DPRD, and DPD (MD3 Law). According to Article 79 Paragraph 3 of the MD3 Law, the inquiry right is the right of the Parliament (House of Representatives) to investigate the implementation of a law and/or government policy that has an important, strategic, and broad impact on the life of the society, nation and state that is allegedly in conflict with legislation. In addition to the inquiry right, the House has the right of interpellation and the right to express an opinion.

If observed, such a provision substantively implies that the inquiry

right is directed at the implementation of law and/or government policy. The implementation of law and/or government policy itself if further elaborated is part of the executive power exercise carried out by the President, Vice President, the Indonesian National Police, the National Armed Forces of the Republic of Indonesia, the Attorney General and / or non-ministerial government institutions. So, it is not appropriate if the right is addressed to the KPK as an independent institution.

In addition, referring to Article 79 Paragraph (3) of the MD3 Law, the requirements of the implementation of laws and government policies that are subjected to the inquiry rights are the laws or policies being important, strategic, broad-impact, and allegedly contrary to other laws and regulations. In the case of the inquiry right against KPK, KPK as a state institution and law enforcement does not violate any laws that are important, strategic, and having a wide impact on its duties and obligations according to legislation.

Supporting the Rejection to the Inquiry Right againsts KPK

The public's refusal to the inquiry right against KPK has been intensifying. As reported in various media outlets, various circles have been mobilizing support to abort the right of inquiry. Academics, such as Mahfud Md, Refly Harun, as well as anti-corruption agencies such as the Anti-Corruption Study Center at the Faculty of Law, Gadjah Mada University (Pukat UGM), and Indonesian Corruption Watch (ICW), both expressed their refusal to the inquiry right against KPK.

Former sixth President Susilo Bambang Yudhoyono (SBY), as the Chair of the Democratic Party, also asserted that his party rejected the inquiry right against KPK because it was dangerous and could disrupt the duties of KPK. The statement was delivered at the opening ceremony of a Democratic National Working Meeting in Mataram, NTB, Monday, May 8, 2017 (Republika.co.id, 08/05/17).

The inquiry right against KPK is considered by many as a controversial decision that was again issued by DPR RI. Is it controversial because the decision to issue this inquiry right actually shows that DPR RI still has an institutional ego. The decision to use the inquiry right is considered to be a form of real political intervention from the Parliament Members to the KPK as a law enforcement institution.

On this matter, the author agrees with the statement of Laode Muhammad Syarif, the Vice Chair of KPK, that the request of the members of the House through the inquiry right can hamper legal process. Therefore, records and auditing reports (BAP) can only be shown in the Court. If evidence, including investigative records, is opened, it risks impeding legal proceedings and may result in the poor handling of corruption cases of Electronic KTP.

On the other hand, the inquiry right submitted by DPR; that is, the KPK should open the BAP and open the records of investigation of Miryam Haryani, according to the author, can be understood from a positive perspective. Some members of the DPR feel the need to investigate the names of members of the DPR who were allegedly involved in the corruption cases of Electronic KTP. This, according to the author, can be viewed positively as the good faith of the DPR to maintain and uphold the honor of the council.

However, if faced with the provisions of legislation, the desire of the DPR to force the KPK to open the BAP and investigation records through the inquiry right is not appropriate. In addition to contradicting the MD3 Act, it is also contrary to the provisions of legislation regulating public information disclosure; that is, Law Number 14 Year 2008 (KIP Law), and also the code of ethics of KPK that regulates the principle of information confidentiality. In Article 17 of the KIP Law, the documents relating to the substance of the matter are not public documents but are exempt information as they may impede the law enforcement process.

Thus, the step of using the inquiry right will actually reduce the credibility of the DPR RI, as it will intervene in the corruption cases of Electronic KTP. Therefore, this inquiry right against KPK should be canceled. The inquiry right according to Refly Harun, a Constitutional Law Analysts, can be canceled through 2 (two) ways, which are a plenary session and a court. The author argues that it is better that the steps to cancel the inquiry right are taken through a plenary session in the DPR. Because if they are taken through the court, they will take a long time.

In addition, according to the author, the factions in the House that have now revoked their support and then refused the right of inquiry should be consistent and show it by filing a cancellation through the plenary session of the DPR RI. Another option that can be done

by the factions that refuse the inquiry right can also be done by not sending their representatives to the Pansus of Inquiry Right against KPK. If the Pansus is only approved by a minority then it can be an option in the meeting of Bamus to stop or cancel the inquiry right against KPK.

- Zihan Syahayani -

The policy of using the inquiry right against KPK will actually lower the credibility of DPR because it intervenes the legal process against corruption case of Electronic KTP. Therefore, the inquiry right should be canceled.

Unfinished Food Policy

The month of Ramadan, or often also called the month of fasting, is the month in which Muslims perform fasting for one whole month every year. The same phenomenon during the fasting month is the rise in prices of basic needs. There is a habit in our society to serve different foods and to tend to be excessive in our consumption during the fasting month. This is then believed to be one of the causes of the increase in various staples.

Problems and Food Policy Response in the Fasting Month

In addition to the increased demand, some parties who hoard basic needs also cause scarcity, which is one of also one of the causes of price increase. These parties can be from the sides of traders and also from the consumers who fear the prices will rise and the required materials are not available on the market.

In response to this, the Government, represented by the Minister of Agriculture, the Minister of Trade and the National Logistics Agency, (Bulog) stated that the availability of food in the market is safe.

Minister of Agriculture Andi Amran Sulaiman said that the success of Indonesia's agriculture in facing el Nino storms that hit some areas in the country has make the national food stock safe until 2019 (republika.co.id, 11/04).

Meanwhile, Trade Minister Enggartiasto Lukita said that the prices of food during Ramadhan to Eid will be safe. Especially with the intervention of the Ministry of Trade in setting the highest product prices (accurate. Co, 17/05). For example, the Ministry of Trade set the price of sugar at Rp. 12.500 per kg, the price of cooking oil at Rp. 11,000 and the price of meat at Rp 80.000. In reality, prices in the field are higher than the figures set by the government. For example, meat prices tend to be priced at Rp 120,000 per kilo gram (kompas.com, 20/05) and so do other food prices.

One of the things that the government does to intervene market prices is by conducting market operations. This means the government distributes staples stored in the government warehouses to the market.

This policy is a dilemma, because the price will relatively decrease, but other traders on the market that have already purchased high-priced materials, will suffer losses, because they will be forced to lower their selling prices following the cheaper government material prices.

According to the author, market operations are like sugar for the community. It will only dampen the disappointment of the public due to soar prices. In policy-making practices, this policy will only be of benefit for a moment, no having long-term, sustainable impact.

Policy Recommendations

The policy that governments needs to take in addressing or even before, anticipating the rise in the prices of basic needs before the fasting month is to ensure the availability of these basic necessities throughout the year. The trick is not only to boost production in the country but also to open the importation for the products concerned.

Unlocking importation does not mean to benefit importers of the staple goods, but when viewed more broadly, the import policy would make the staple goods available domestically, thereby lowering the prices domestically. Eventually, the purchasing power of the people increases. In other words, the principle of meeting the needs of the wider society must take precedence.

The important thing then is the supervision; that is, the actors of imports of the staple food should not monopolize and conduct import activities that have corrupt processes. This would be necessary, reasonable and not hurt the 'Indonesians', because the main purpose is to provide the food needs of the community.

- Lola Amelia -

Disaster management cycle needs to be done in full. If one does not understand this cycle, it could be done one by one.

**THE** **INDONESIAN INSTITUTE**
C E N T E R F O R P U B L I C P O L I C Y R E S E A R C H

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. **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 of disseminating 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, working group, weekly editorial articles ("Wacana TII"), monthly analysis ("Update Indonesia" and "The Indonesian Update"), annual analysis ("Indonesian Report"), and monthly discussion forum ("The Indonesian Forum").

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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.**

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 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.

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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