

The Indonesian Update

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



Main Report: Assessing Corporate Actions of PT. Pertamina

Politics

- The 2018 Asian Games: Indonesia's Strategic Momentum ■
- Looking at the Dynamics ahead of the Registration of the Presidential and Vice Presidential Candidates for the 2019 Elections ■
- Criticizing the Commitment of Political Parties in Combating Corruption ■
- The Reform of Prison Governance in Indonesia ■

Social

- The 25th Anniversary of Komnas HAM: Waiting for more Professional Programs on the Enforcement and Promotion of Human Rights ■
- The World's Breastfeeding Week and Exclusive Breastfeeding ■
- The Priority for the Handling of Kali Item ■

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FOREWORD

The August 2018 edition of the Indonesian Update raises the main report on the corporate actions by PT. Pertamina. The government's decision to approve the sale of PT. Pertamina's assets to the private sector have been a hot topic in recent weeks. The question then is whether the corporate actions that were the results of asset sales could become an alternative to maintain the sustainability of PT Pertamina's performance?

On politics, the Indonesian Update reviews the organizing of the 2018 Asian Games as a strategic moment to show Indonesia's development progress. Another political topic is the dynamics ahead of the registration of 2019 presidential and vice presidential candidates.

The Indonesian Update also touches on a topic on criticizing a political party commitments in combating corruption and on the prison governance reform in Indonesia. The prison issue has been sparked by the arrest of the head of the Sukamiskin Prison, who had given special facilities and permits to a number of prisoners.

On social affairs, the Indonesian Update discusses the topic on the 25th anniversary of the National Commission on Human Rights, which encourages the institution to become better in upholding and promoting human rights in Indonesia. Two other social topics are the International ASI week in the first week of August and the program of the DKI Jakarta Provincial Government in overcoming the Black River problem. Experts have argued that using a net to cover the river is ineffective if the aim is to reduce the stinging smell from the river.

The monthly publications of the Indonesian Update with its actual themes are expected to help policymakers in the government and business institutions - as well as academics, think tanks, and elements of civil society, both at home and abroad, to get actual information and contextual analysis of economic, political, social and legal conditions in Indonesia, as well as an understanding of public policy in Indonesia.

Happy Reading.

Assessing Corporate Actions of PT. Pertamina

Some time ago the public was shocked by the decision of the Minister of State-Owned Enterprises (BUMN), Rini Soemarno, which approved the selling of assets of PT. Pertamina. Previously, the Pertamina executive board issued Pertamina Director's letter Number 253/C00000/2018-S4 regarding a Principle Permit for Corporate Actions to maintain Pertamina's financial health conditions. Then, on 29 June 2018 through Letter No. S-427/MBU/06/2018, BUMN Minister Rini Soemarno allowed a decrease in asset ownership (share-down) as an effort to maintain the financial health of Pertamina (*www.liputan6.com, 18/7*).

There are at least four points proposed by PT. Pertamina, which have been approved by Rini Soemarno as the Minister of BUMN. First, the selling of selective upstream assets. Second, the spin-off of the IV Cilacap business unit IV and the Balikpapan business unit V. Third, the additional investments in expanding the sales networks of Fuel (BBM). Fourth, the reviewing of company policies that are perceived as having negative impacts (*tirto.id, 19/7*).

The government's policies to restore the financial performance of PT. Pertamina through a decrease in ownership are not without conflict. The Speaker of the Indonesian House of Representatives, Bambang Soesatyo, argued that selling of several assets of PT. Pertamina to subsidiaries was considered violating Law Number 1 of 2004 on State Treasury. He said that the government needed to find other solutions for financial conditions without selling assets (*www.cnnindonesia.com, 19/7*).

On the other hand, Sri Mulyani as the Minister of Finance, revealed that Pertamina's corporate actions had been carefully discussed with the relevant Ministries such as the Ministry of State-Owned Enterprises (BUMN) and the Ministry of Energy and Mineral

Resources (ESDM). The government will always monitor the business profile of PT. Pertamina from the upstream to downstream sectors to study the most profitable and feasible business lines carried out by the corporation (www.cnnindonesia.com19/7,).

The author considers that the government's policy to transform a red plate company into a go-public company actually has been regulated in the legislation. As stipulated in Article 102 of Law No. 40/2007 on the Limited Liability Companies, if the transfer of the assets of the company is less than 50 percent, then the Board of Directors can directly sell the assets, and the legal actions remain binding. Meanwhile, if the transfer of assets is more than 50 percent, then the transfer must obtain approval from the General Meeting of Shareholders (GMS).

Regarding the regulation, it is very possible for a government-owned company to release several assets to a public company to maintain financial health and to increase company profits. There are several examples of state-owned companies that have now become public companies, including: PT. Telkom, PT. Semen Indonesia, PT. Jasa Marga, PT Bank Rakyat Indonesia, PT. Garuda Indonesia (www.sahamok.com).

Financial Performance of PT. Pertamina

Financial reports are some of the important instruments that can be used to measure the performance of a company. Referring to the Indonesian Accountants Association (2002) the purpose of financial statements is to provide information regarding the financial position, performance, and changes in the financial position of a company that will be beneficial to a large number of users in economic decision-making.

In the past few years, PT. Pertamina had showed an unsatisfactory performance. The following table shows the efficiency of the company PT. Pertamina:

Financial Statistics of PT. Pertamina 2013-2017 (In Trillion Rupiah)

Account	2013	2014	2015	2016	2017
Total Assets	490	503	455	472	512
Earnings Before Tax	50	38	30	49	35
Net Profit	31	15	14	32	26
Total Liabilities	321	323	260	251	273
Total Equity	172	180	195	220	238
Return on Assets (ROA) (%)	0.06	0.03	0.03	0.07	0.05
Return on Equity (ROE) (%)	0.29	0.21	0.15	0.22	0.15
Debt Ratio (%)	0.66	0.64	0.57	0.53	0.53

Source: www.pertamina.com, processed.

The total assets of PT. Pertamina during 2013-2017 tended to fluctuate. In 2017, the assets owned reached a level of Rp 512 trillion, or increased compared to the previous year, which was only at a level of Rp 472 trillion. However, when the assets were viewed from the value of Return on Assets (ROA) in 2017, it had actually decreased by 0.05 percent. This indicated that the ratio of the ability of the company to obtain profit from the value of assets owned had decreased.

Then from the gross profits, Pertamina had also showed an unsatisfactory performance. This happened because the profits received also did not show an increase in consistency. In 2014, the profits experienced a significant decline, touching a level of Rp. 38 trillion, or a 24 percent decrease compared to that of 2013. The same conditions also occurred in 2017, experiencing a 24 percent compared to the previous year.

The inconsistent earnings were also exacerbated by a Return on Equity (ROE) ratio that tended to be low. In 2017 the percentage of ROE was 0.15 percent, or a decrease of 33 percent compared to the ROE value in 2017. The conditions explained why PT. Pertamina

had not showed a good performance to the government as the sole shareholder.

Meanwhile, in terms of financial capability, PT. Pertamina's debt ratio was quite good. This could be seen from the value of debt ratio from 2013-2015 that tended to decrease. The conditions showed that the failure ratio of PT. Pertamina in returning debt from year to year was getting smaller.

As representatives of the government, BUMNs will be more competitive and transparent if they become public companies that are supervised by the public.

Encouraging Participatory Development

The author argues that if corporate actions are carried out according to the applicable law, they can be alternatives to maintain the sustainability of a company's performance. Being a public company also means that people can participate in supervising the performance of the company. In addition, funding sources can also be obtained through public or investor capital sources, so the funding burden is not based on the state budget.

If PT. Pertamina becomes an open company, this will provide opportunities and challenges for the government. Referring to the financial statistics of PT. Pertamina, PT. Pertamina still shows a less than optimal performance. Although the debt repayment ratio is quite good, in terms of profitability the ratios tend to decline. Thus, the conditions show that the profits obtained by PT. Pertamina are not comparable to the expenditures made by the government through subsidies.

By becoming a public company, it is expected that PT. Pertamina will become a more competitive company. This is very possible because if the company goes public, then the company will commit the best performance to the market.

Furthermore, PT. Pertamina must remain under government supervision as the majority shareholder. This is because PT. Pertamina produces products that control the lives of many people. The government should still have the authority to formulate strategic policies for the welfare of the community.

- Riski Wicaksono -

The 2018 Asian Games: Indonesia's Strategic Momentum

This year is the second time Indonesia has the opportunity to host the Asian Games. The first time Indonesia hosted the Asian Games was in 1962. It was exactly 17 years after Indonesia's independence. The implementation of the 1962 Asian Games was one of the important events for the Indonesian Nation as a country that was still relatively young.

The Asian Games required the host country to provide a multi-sports complex. Therefore, President Soekarno immediately formed the Indonesian Asian Games Council (DAGI) on May 11, 1959, which was led by the Minister of Sports, Maladi (republika.co.id, 07/03). As a civil engineering expert, and also because of his high ambitions for high-level development projects, Sukarno went straight from the selection of the site to the planning process. The design of the Bung Karno Main Stadium (GBK) also followed his directions. Sukarno wanted the stadium to be built with a circular roof to show grandeur at that time, considering that at that time there were not countries in Southeast Asian countries that had a stadium with a circular roof concept.

To build the GBK Senayan sports complex, Sukarno received loan assistance from the Soviet Union with a long loan period. When Soviet Union Prime Minister Nikita Khrushchev visited Indonesia in February 1960, GBK was still a mock-up. "Sukarno requested that we build a stadium in the capital city of his country, Jakarta, which would accommodate tens of thousands of spectators," Khrushchev recalled. The construction of the GBK stadium was quite expensive, amounting to 12.5 million dollars (Sitompul, 2018).

This huge fund attracted criticisms from within the country in the midst of a situation of unstable public welfare. However, Sukarno in Bung Karno's autobiography, the Indonesian People's Tongue, said that, "This is not for my fortune, as all of this is built for the glory of the nation so that my people will be respected by the whole

world. “Not only that, he also said,” Eradicating hunger is important, but feeding the soul that has been trampled with something that can arouse their pride is also important. “

In short, the momentum of the 1962 Asian Games was used by Sukarno for two things. First, the Asian Games were used as a momentum to consolidate the people that is, encouraging the people to no longer have an inlander mentality, because Indonesia has managed to have magnificent international class buildings.

Secondly, through the 1962 Asian Games, Sukarno showed the international community that a young country was able to show its glory. This made Indonesia difficult to be underestimated by the international community. However, the political acrobat that was carried out by Sukarno in utilizing the Asian Games for the nation’s political interests must be understood as actions that are in a very specific context. The Cold War between the Western Bloc and the Eastern Bloc was used by Sukarno to show Indonesia as a new emerging power coming from the Third World. The, what can the Indonesian Government show in organizing the 2018 Asian Games?

Of course, Sukarno’s manoeuvre at the 1962 Asian Games could not be repeated by the current government. This is because the context of the world has changed. At present, the main crisis in the world is a long and diverse conflict of phobia against certain groups, ethnicities and religions.

The spirit of Indonesia as the host of the 2018 Asian Games is also inseparable from Nawacita, the spirit of the Jokowi-JK administration. Via Nawacita, the government is trying to increase the people’s productivity and competitiveness in international markets so that Indonesia can advance and rise with other Asian nations.

The 2018 Asian Games, besides celebrating sports, can also be used as a venue to introduce tolerance and friendliness of the Indonesian people to the world. Not only that, the 2018 Asian Games can also be used by Indonesia to show the progress of development in Indonesia, starting from cleanliness, prioritizing public transportation, and ensuring security in Indonesia. Of course, this effort cannot be done by the government only, as it will also need the support from the wider community.

- Fadel Basrianto -

The 2018 Asian Games must be strategically utilized by Indonesia to show the progress of development in this country.

Looking at the Dynamics ahead of the Registration of the Presidential and Vice Presidential Candidates for the 2019 Elections

The General Elections Commission of the Republic of Indonesia (KPU RI) has officially opened the registration of the presidential and vice presidential candidate pairs who will compete in the 2019 presidential elections.

The Schedule for Registration of Presidential and Vice Presidential Candidates

According to KPU Regulation (PKPU) Number 5/2018 on the Stages, Programs, and Schedule for Organizing the 2019 Elections, the registration period will last for seven days, i.e. 4-10 August 2018.

In addition, the KPU has also scheduled the health check schedule for presidential and vice presidential candidate pairs. The health checks will be performed on 5-13 August, running parallel with the registration period.

Furthermore, the KPU will verify the completeness and correctness of the administrative requirement documents on 11-14 August. The results of document verification will be notified by KPU on 15-17 August. On 18-20 August, the KPU will provide the opportunity to improve administrative requirement documents for prospective candidates. The candidate pairs will submit the improvement of administrative requirement documents on August 20-22, and these documents will be directly verified by the KPU in the same period. Then, the KPU will give a written notification of the results of verification of the documents on 25-27 August.

After the registration phase and the verification period are complete, the KPU will determine and announce the candidate pairs for the 2019 Presidential Elections on 20 September. After it is announced, the next day the KPU will determine the candidate pairs' election numbers on 21 September.

However, entering the sixth day of registration, there are no candidate pairs who have registered as presidential and vice presidential candidates. If within seven days of registration there are no candidate pairs who have registered, or if there is only one candidate pair who has registered, then according to Article 16 Paragraph (3) PKPU Number 22 of 2018, the KPU will extend registration for next first seven days.

If there are no changes, or no other candidate pairs that register, the KPU will again extend the registration period for another 7 days. This is stated in Article 16 Paragraph (4).

The registration of the two camps of presidential and vice presidential candidates

The incumbent presidential candidate, Joko Widodo (Jokowi), registered on the last day, namely Friday, August 10, 2018. Jokowi paired up with K.H. Ma'ruf Amin. While Prabowo Subianto registered with Sandiaga Uno on the same day.

The registration process for candidates and vice presidential candidates are slow. According to the author, this is inseparable from the delay in the formation of coalitions of political parties.

Political parties were still trapped in the competition to name the vice presidential candidates, rather than setting coalitions, long before the registration period. Before determining the names of the running mates, the most important thing was to formally determine the party coalitions.

This coalition provision is regulated in Article 222 of Law No. 7/2017 on the General Elections, which states that the candidate pairs in the 2019 Elections are proposed by a political party or a coalition of political parties that met the requirement of obtaining seats at least 20 percent of the total number of DPR seats or obtaining 25 percent of the total national vote in the previous parliamentary elections.

Referring to the opinion of Arend Lijphart (1994), to create an effective and stable government in a multiparty presidential system is to develop a consensus democracy. The form of consensus democracy is to form coalitions of political parties.

Still, according to Lijphart, there are eight distinctive elements in the consensus democracy model, one of which is the existence of executive power sharing that is built on a large coalition. In this case, the principle of consensus is to invite all the main parties to share executive powers in a broad coalition.

Determining the name of the vice presidential candidate is one of the important steps to divide these powers so that later an effective and stable government will be formed.

According to the author, there will be competition for the coattail effect. As we know, in 2019 there will be simultaneous legislative and presidential elections. One of the consequences of these simultaneous elections is the relationship between the influence of the presidential elections and the performances of the political parties during the parliamentary elections.

Political parties will compete to have presidential and vice presidential candidates whom will be associated closely with the parties. Thus, the names of the candidates are expected to encourage the voters to cast their votes to the political parties in the legislative elections. This is very important considering the existence of a parliamentary threshold of 4 percent.

The slow process of registering presidential and vice presidential candidates is due to the complexity of coalition formation and the nomination of names of candidates in the coalitions.

- Arfianto Purbolaksono -

Criticizing the Commitment of Political Parties in Combating Corruption

The General Elections Supervisory Body (Bawaslu) has released the results of the identification of legislative (Provincial DPR, Regency DPRD, and City DPRD) candidates who are ex-corruption convicts. Bawaslu found 199 candidates who have been convicted of corruption, spread in 11 provinces, 93 regencies, and 12 cities. 30 ex-convicts propose to run at the provincial level, 148 at the district level, and 21 at the district level.

Furthermore, former corruption prisoners are nominated by almost all political parties, except the Indonesian Solidarity Party (PSI), which does not nominate ex-corruptors as their prospective candidates.

The political parties that have the highest numbers of ex-corruptors as legislative candidates are the Gerindra Party, with 27 people; the Golkar Party, with 25 people; and Nasdem Party, with 17 names.

The other political parties are the Work Party with, 16 ex-corruption convicts; Hanura, with 15 people; PDIP, with 13 people, the Democratic Party, with 12 people; Perinda, with 12 people; PAN, with 12 people; United Nation, with 11 people; PKB, with eight people; PPP, with seven people; PKPI, with seven people; Garuda, with six people; PKS, with five people; and Sira Party from Aceh, with one person). Then, there were 5 ex-corrupt convicts who did not give information on their political parties.

Bawaslu's findings indicate that the commitment of political parties to corruption eradication is still low. The General Elections Commission (KPU) has issued a regulation on the prohibition of former prisoners of corruption cases to participate in the legislative elections of the DPR, the provincial DPRD, and the Regency/city DPRD. This matter has been regulated in Article 7 Paragraph 1 letter h of KPU Regulation (PKPU) Number 20/2018 on the Nomination for Members of DPR, Provincial DPRD, and Regency / City DPRD.

The author argues that the consequence of the low commitment of political parties to the eradication of corruption will have implications. First, to make the level of public trust in political parties and the legislative bodies even lower. If we look back, before the registration of these candidates, the level of public trust in political parties and the legislative institution is at a low point.

This was reflected in the results of a Polling Center survey of Indonesia Corruption Watch (ICW) in 2017, which stated that political parties only got 35 percent of the level of public trust, occupying the last position of 14 institutions related to the corruption eradication agenda. Meanwhile, the House of Representatives (DPR) ranked 12th out of 14 institutions, with 51 percent of respondents who believed in the DPR's commitment to eradicating corruption.

Furthermore, the second impact will damage democracy in Indonesia because currently the practice of corruption is done by utilizing powers in a democratic system. There are three patterns of power relations and corrupt practices in the era of democracy according to Arvind K. Jain (2001). First, there is a meeting between political leaders and the community, in which a prospective public leader, if he wants to win the election, must buy a vote or give a promise to his constituents - as a reward policy. This has the potential to become a "space of corruption".

Secondly, a meeting between a community and legislative candidates, in which there are often "vote purchases" from the community during elections by politicians who want to get "seats" in the legislature. Third, a meeting between political leaders, bureaucrats, and the community, where a public leader through his prerogative appoints a person to hold a public office and ultimately functions as an "arm" to gain benefits.

Therefore, the author argues that it is appropriate to make improvements in political parties. Improvements needed by political parties should be initiated by carrying out planned and systematic recruitment and regeneration processes.

Each member is required to join a regeneration course, where anti-corruption values are embedded. Anti-corruption commitments can be internalized in each member.

Second, every member who has become a cadre has the same rights to be nominated at both the legislative and the executive levels. This is to eliminate the oligarchy in the political party structure and to prevent the practice of political dowry.

Third, the transparency in the financial management of political parties. This is very important as the increase in political party funding assistance in the State Budget (APBN 2018). According to the Letter of the Minister of Finance to the Minister of Home Affairs Number 277 / MK02 / 2017 the financial assistance that will be given to political parties is Rp 1,000 per vote.

Fourth, political parties must consistently obey PKPU No. 20/2018 that prohibits former corruption prisoners from becoming legislative candidates. Political parties must immediately change the names of the candidates who are ex-corruption convicts before the determination of the permanent candidate list.

The steps above are important to do as a form of the commitment of political parties to eradicate corruption. Moreover, the practice of corruption has become an extraordinary crime, which not only harms state finances but also destroys the democratic system that has been developed in this country.

Bawaslu found 199 candidates who have been convicted of corruption. This shows the low commitment of political parties to eradicating corruption.

- Arfianto Purbolaksono -

The Reform of Prison Governance in Indonesia

The Sukamiskin prison in Bandung has caught the public's attention again. On July 20, 2018, the Corruption Eradication Commission (KPK) arrested the head of the Sukamiskin Prison, Wahid Hussein, for alleged corruption in granting special facilities and special permits to a number of prisoners (*kompas.com*, 22/07).

After an OTT was conducted by the KPK against Wahid Hussein, the Director General of Corrections of the Ministry of Law and Human Rights, Sri Puguh Budi Utami, led an unannounced inspection to the Sukamiskin Prison. During the inspection, the team found some prohibited items in the Sukamiskin Prison.

The Directorate General of Correctional Services at the Ministry of Human Rights found items, such as air conditioners, dispensers, cellphones, televisions, refrigerators, up to 102 million rupiahs during the inspection. Of course, not all cells had such items. These items were only found in cells of corruption prisoners who were classified as rich.

In order to have a room with a variety of luxury facilities, an inmate must pay certain tariffs to the prison head (Kalapas), starting from IDR 200 million to IDR 500 million. The OTT against the Kalapas for accepting bribes from Fahmi Darmansyah confirmed that prisons have been used to gain profits by unscrupulous prison guards.

The practice of bribing at the Sukamiskin prison was not something new in the prison system. Some prisons had caught the public's attention as some of their inmates managed to illegally get out and get in the prisons easily. One example was Gayus Tambunan who managed to leave a prison to watch a tennis match in Bali. Lutfi Hasan Ishaaq (former PKS President), Romi Hertton (former Mayor of Palembang) and his wife Masyito, and former Bogor Regent Rachmat Yasin, and former DPR member Nazaruddin have been report-

ed by the media to leave the prison and return to their respective homes illegally. Tempo magazine in its February 6, 2017 edition had exposed the practices of bribery that were allegedly carried out by some corrupt inmates in the Sukamiskin Prison for illegally leaving their prisons (*tempo.co.id*, July 23, 2018).

Prison Problems

From the embarrassing events that have hastarnished the name of the Sukamiskin Prison, we can analyze several layers of problems. First, from the technical side, the smuggling of prohibited goods into prisons, such as televisions, cellphones and other items, does not only occur in the Sukamiskin prison. Prisons in other places have also been reported to have experienced a similar thing, such as in the Banda Aceh prison, the Cipinang prison, and other prisons that have been disrupted by BNN and Kemenkumham officials (*detik.com*, 05/01).

This is because the facilities provided by the state are inadequate. As a result, many inmates have bribed prison officers to smuggle certain goods or facilities into the prisons. Not only in terms of availability of facilities, prisons in Indonesia also face the problems of excess capacity because the number of prisons is limited. The data as of June 2017 showed that the number of prisoners in Indonesia was 153,312 people. The capacity that could be accommodated was only 122,114 inmates (*kompas.com*, 07/07/17).

Second, the psychological problems of prisoners are not taken seriously by the state. The existence of love chambers at the Sukamiskin Prison, which are dubbed “the warehouses” needs to get a serious attention. The existence of a conjugal visit room has not been regulated in the legislation, even though a conjugal visit is part of basic human needs. The existence of secret chambers that are surreptitious does not only occur in the Sukamiskin prison. Their presence can often found in other prisons. The rooms are illegally provided by prison guards at varied price rates.

Sexologist Zoya Amirin said that the fulfillment of sex needs could have an impact on both physical and psychological health. Psychologically, someone whose sexual needs are not expressed, will easily get angry, be unhappy, cynical, and behave negatively like gossiping. Physically, people who have not met their sexual needs, will experience problems, such as psychosomatic issues, , hair loss, and

symptoms of stress (*kompas.com*, 08/30/2012). This is certainly not good for maintaining the security of prisons itself.

Bribes Due to the Demand and Supply Factors

The prison inmates's needs and the limitations of what the state can provide are the factors that make bribery prevalent in prisons in Indonesia. Prisoners bribe prison officers to be able to access the conjugal visit rooms or additional facilities, such as dispensers used by residents to make hot drinks for example. This is what nourishes the practices of bribery in prisons.

Therefore, the author recommend that the government immediately prepare rules as a legal umbrella in providing the prisoners' basic needs such, as sex and other basic needs. In addition, the government, especially the Ministry of Law and Human Rights should seriously discipline its ranks at all levels, considering the cases of bribery and problems in the prisons that keep repeating. Serious penalties also need to be applied to the head of the prison and its apparatus, who have breached the existing rules and regulations. In addition, an audit needs to be conducted by parties outside the Ministry of Law and Human Rights to make the management of the prison more transparent and accountable.

Furthermore, the prison reform agenda must also be followed by a review of the Criminal Code. The definitions of actions that violate criminal law need to be reviewed. One of them is that people who are involved in abusing drugs should not be put in prison, as it will be more suitable to place them in rehabilitation centers. In addition, in line with the proposal of the Institute for Criminal Justice Reform (ICJR), detention before trial needs to be avoided so that the excess capacity of prisons in Indonesia is not getting worse.

- Fadel Basrianto -

The prison management system in Indonesia must be totally reformed so that no illegal practices will occur between prison officials and prison residents.

The 25th Anniversary of Komnas HAM: Waiting for more Professional Programs on the Enforcement and Promotion of Human Rights

Komnas HAM has existed for 25 years to carry out the mandate to uphold and promote human rights in our country. Historically, the important role of this institution should be appreciated. Since its establishment, the National Commission on Human Rights has always been at the forefront of voicing the interests of the oppressed people, since the East Timor case to the most recent cases.

A modest event of the Komnas HAM anniversary was held on July 9, 2018. The previous commissioners were present at the event, which was packaged in a talk show format. They had the opportunities to convey their experiences, impressions, and inputs for a better future of Komnas HAM.

Institutional structuring is still a homework that must be prioritized, as conveyed by Miriam Nainggolan, the Executive Director of Komnas HAM in 2000. In the past, within its limited resources, Komnas HAM was respected institutionally, and its performance and the role was very contributive to the society.

Now, an Independent Team under the coordination of a former KPK Deputy Chairperson 2003-2007, Erry Riyana Hardjapamekas, is expected to be able to organize this institution to be more professional so that in the future the performance of the institution will increase. A disclaimer status of financial and management that was issued by BPK in 2016 and 2017 was an indication that Komnas HAM needs an 'urgent' improvement. (*hukumonline.com*, 10/13/2018)

In addition to institutional arrangements, the completion of cases of harsh human rights violations that have not yet been resolved remains a priority. Since its establishment, a thousand cases have been handled in various methods and approaches. Some of these human rights violations were the 1982-1985 Mysterious Murder

(Petrus); the Talangsari case, Lampung, 1989; the May 1998 Riots; the Trisakti Event, the Semanggi I and Semanggi II 1998, the Events of 1965/1966, the Incidents of Forced Disappearances in 1998, the Wasior 2002 and Wamena 2003 cases, the Incidents of Jambu Kepok in Aceh 2003, and the event of Simpang KKA in Aceh 1999 (*kiblat.net*, 07/07/2018) .

A formal meeting between Komnas HAM and President Jokowi on June 8, 2018, became a new hope for steps to reveal the neglected cases. In that meeting, the National Commission on Human Rights asked the President to order the Attorney General to follow up on the cases of harsh human rights violations that have not been resolved.

In addition to the institutional arrangements and the resolution of severe human rights violations, two other priority issues that must be carried out by Komnas HAM during the period 2017-2022 are the issues of agrarian conflict and of intolerance, discrimination, and violent extremism.

Regarding the agrarian conflicts, this issue covers the forestry, plantation and mining sectors. Land acquisition by corporations is one of the causes of the agrarian conflicts.

According to 2017 of Komnas HAM complaint data, plantation issues had the highest number of complaints, with 41 cases. Mining issues had as many as 30 cases, agrarian issues 16 cases, and forestry issues 13 cases (dpr.go.id). According to the data, agrarian conflicts should be a priority program for Komnas HAM. It is very significant considering the large impact, especially for the fulfillment of land rights of indigenous groups who live in the forests.

The issue of intolerance and extremism is also one of the priority issues of Komnas HAM due to the high number of human rights violations. This issue involves conflicts between different religious adherents. Moreover, this issue has been exacerbated by a lot of hoaxes and hate speeches in cyberspace.

Komnas HAM also focuses on a discrimination against vulnerable groups, such as indigenous peoples, persons with disabilities, minority faiths, and minority religions. Discrimination that occurs in almost all sectors has been generated from policies and their implementations in the field that is not in favor of the marginalized and vulnerable groups.

A deputy chairperson of Komnas Perempuan, Yuniati Chuzaifah, who was present at the 25th anniversary of Komnas HAM, stated that Komnas HAM should follow up on a number of important issues that have been left behind. According to her, the role of Komnas HAM in the mainstreaming of human rights issues at the regional level of Southeast Asian countries is still very low. So, regarding the universal principles of human rights, it is time for Indonesia through the leadership of President Jokowi (who collaborates with Komnas HAM) to voice more actively issues on human rights to handle and resolve human rights violations at the regional level along together with other countries.

The 25th anniversary of Komnas HAM is a moment to restore the institutional structure and to gain public trust by increasing the capacity and professionalism in order to enforce and promote human rights in Indonesia.

There has been an alarming development in human rights issue due to government leadership in several Southeast Asia countries. Philippine President Rodrigo Duterte, within the policy on the eradication of narcotics, is very far from respecting the principles of human rights. Similarly, human rights violations have also happened in Myanmar against Rohingya people

Furthermore, Yuniati also reminded that human rights violations are often transnational in nature. Thus, the handling of human rights cases cannot only use the law on one country. The case of Mary Jane Veloso, who was given the death penalty even though she was a trapped victim in a drug case, is an example in which coordination among member ASEAN countries is needed.

The Komnas HAM priority programs for 2017-2022 as stated above and the inputs from the 25th anniversary of Komnas HAM should be followed up on in order to enforce and promote human rights in Indonesia. Hopefully, Komnas HAM will get more trust from the public.

Through the institutional arrangements, the issues of harsh human rights violations, agrarian conflicts, the handling of intolerance, discrimination and extremism and cross-border coordination can be handled and resolved in a professionalism way by still referring to human rights principles.

- Yossa Nainggolan -

The World's Breastfeeding Week and Exclusive Breastfeeding

The first week of August is always commemorated as the World's of Breastfeeding Week. The international community through the United Nations Children Fund (UNICEF) and the World Health Organization (WHO) have recommended that infants be breastfed for at least six months.

The Regulation on Exclusive Breastfeeding is clearly stipulated in Article 6 of Government Regulation No. 33, 2012, which reads "Every mother giving birth should give exclusive breastfeeding to the baby that she has given birth to".

The Ministry of Health through the Ministry of Health Decree No. 450/MENKES/SK/VI/2004 on Exclusive Breastfeeding in Indonesia stipulates that exclusive breastfeeding should be given for six months, and it is encouraged to be continued until children reach the age two years or older, supplemented with appropriate supplementary feeding. In addition, health workers can inform all new mothers about exclusive breastfeeding.

The Importance of Exclusive Breastfeeding

Exclusive Breastfeeding has many benefits both in terms of health and non-health. In terms of health, providing exclusive breastfeeding can protect infants and children from infectious diseases, such as diarrhea and lower respiratory tract infections. Colostrums as the first breast milk that comes during breastfeeding contain immune substance that is 10-17 times more than those of cooked milk. This immune substance is believed to decrease the chances of an infant affected by ear infections, coughs, colds, and allergic diseases (*Ministry of Health, 2017*).

From the non-health aspect, the benefits of exclusive breastfeeding are extensive. Breast milk provides convenience to the mother to provide food intake as it is taken wherever the mother is on the

move. In addition, breastfeeding to infants does not require expensive incentives. Simply by considering the mother's food and drink intake, the availability of breast milk is abundant. A report conducted by Lancet states that breastfeeding is not closely related to the loss of economic value of \$ 302 billion annually, or by 0-49 percent of Gross National Income (*Lancet*, 2016).

The 2016 Basic Health Research Report (Rikesdas) revealed that Exclusive Breastfeeding achievement in Indonesia was at a level of 54 percent (Rikesdas, 2016). In fact, this achievement was a stagnation of the exclusive breastfeeding achievement in 2013. The 2013 Basic Health Research Report showed that exclusive breastfeeding achievement in Indonesia was only at a level of about 54.3 percent.

The stagnant conditions of the attainment of exclusive breastfeeding are a serious matter that must be addressed immediately. Here are several things that should become priorities in order to increase the achievement of exclusive breastfeeding:

Several Things that Must be Given Great Attention

■ *Support from Health Personnel*

The low achievement of exclusive breastfeeding in Indonesia has always been associated with the achievement of labor assisted by health personnel. The Rikesdas report showed that the number of deliveries by health workers increased from 82.3 percent in 2010 to 87.1 percent in 2013. The high rate of deliveries assisted by health personnel is in fact are not proportional to the coverage of exclusive breastfeeding.

It cannot be denied that the quality of health workers is instrumental in increasing the coverage of exclusive Breastfeeding. Health workers' good knowledge about the importance of exclusive breastfeeding is urgently needed. Furthermore, the ability of health personnel in providing information communication education and advocacy to patients, families, and communities is the spearhead of exclusive breastfeeding success.

Increasing the competency of health personnel through regular training is one of the steps that can be implemented. In addition, increasing the number of health workers, especially at the level of Puskesmas (Primary Health Care/PHC), is also very important. PHC as the spearhead of public health service is expected to optimize advocacy and preventive health efforts.

This will be very difficult to implement if the health worker is less in terms of quantity. Therefore, the quantity aspect of health personnel must also be the government's attention.

■ *Government and Private Commitments*

According to the BPS survey in 2013, the number of the female workforce continued to increase each year. Of 114 million people (94 percent), 38 percent of them were female workers. Of these, as many as 50 percents more were in productive age (BPS, 2013). The consequence of working-age women working is the declining opportunity for them to be able to provide exclusive breastfeeding. This can happen because of several aspects.

First, the policy of maternity leave for women is very short. Head of BKN Regulation no. 24/2017 on the Procedures of Giving Leave mentions that the leave for women who give birth to the first child until the third only three months. The 3-month leave period is also divided into 2 periods, i.e., 1.5 months before delivery and 1.5 months after giving birth. In fact, to meet exclusive breastfeeding a woman needs to take a 6-month leave.

In order to support the exclusive breastfeeding program, the government needs to review the regulation of maternity leave. The Recommendation from the International Labor Organization (ILO) No.191 Paragraph 1 is to provide maternity leave of 126 days, or 18 weeks.

Secondly, facilities do not support mothers to exclusively breast-feed in some places. Not all workplaces provide special rooms for breastfeeding or to simply pump their breast milk. The data from the Directorate General of Public Health Ministry of Health in 2017 showed that of 338 companies in 19 provinces and 78 districts/cities, only 64.8 percent who had provided lactation rooms.

In fact, Article 30 Paragraph 3 of the Government Regulation (PP) No.32/2012 on Exclusive Breastfeeding clearly has required the workplace boards to prepare special facilities for breastfeeding and/or milking. Article 34 also stipulates that the workplace boards shall provide an opportunity for employees to breastfeeding at the workplace during working hours.

Seeing these conditions, then Regulation PP No.32 of 2012 on Exclusive Breastfeeding needs to be disseminated and enforced more massively. Firm sanctions from the government need to be inserted

in this regulation, either in the form of administrative sanctions or fines. The provision of the lactation rooms should be included as one of the requirements in business licensing.

Firm steps from the government and the commitment of various parties are important as one of the ways to realize the rights of women and children's right to get the optimum nutrients during the crucial period of growth and development.

- Umi Lutfiah -

Exclusive breastfeeding is a right for every baby. In order to achieve exclusive breastfeeding, there should be supports from various parties, especially the government, health workers, and private parties.

The Priority for the Handling of Kali Item

The Provincial Government of DKI Jakarta has been getting a negative spotlight from various national and international parties. The spotlight is a result of the DKI Jakarta Government's handling of the Kali Item conditions. Kali Item is situated near the athlete housing of the Asian Games 2018. The conditions of Kali Item are very turbid. The river has black-coloured water and foul-smelling.

In order to reduce the odour of the river, various steps have been taken. The steps were as follows:

The Handling of Kali Item

The handling of Kali Item has not only been done by the Government of DKI Jakarta but also done by the central government and civil society groups. The conditions have both positive and negative sides. The positive things are the togetherness in overcoming the problems and the awareness of various parties about the cleanliness of the environment. The negative thing is the various actions taken without coordination amongst the parties. The steps had been taken individually, although they have the same purpose.

The first step was the installation of 'waring' (23x689 meter) aimed at reducing odour. The Provincial Government of DKI Jakarta stated that the installation of this cloth or net was expected to reduce sunlight on the water surface so that it would reduce evaporation. Evaporation is believed to increase the acceleration of the pungent odor circulation.

In reality, the installation of 'waring' does not have a positive impact on the reduction of foul smell from Kali Item. A limnology researcher at the Indonesian Institute of Sciences (LIPI) stated that the installation of 'waring' was not very effective to reduce the foul smell of Kali Item due to the very high water pollution intensity (*tirto.id*, 30/7).

The second step was the use of aerators, Nano bubbles, blowers, and surface aerators. These four advanced technologies have been installed by the Jakarta Provincial Government in the hope of improving water quality in Kali Item. These advanced tools are expected to remove air bubbles.

The existence of these four powerful tools is believed to be able to overcome the existing problems. However, according to LIPI, the successful use of these four advanced tools will greatly depend on the duration of usage and the level of pollution. These four advanced technologies are also costly and will only solve the problems in the upstream only.

The third step was the water flow engineering. This effort has been done by the Ministry of Public Works and Public Housing (PUPR). By utilizing 27 pumps, water is used to improve the slow water flows so that the smelly water will be replaced with clean water. The fourth step was spraying odorous fluid, which was performed by an expert team. Spraying is done so that the river that has an unpleasant odor. Until now, we do not know what kind of odour remover that has used by the expert team.

The fifth step was the spraying of microbial fluid conducted by the Alumni Family of Universitas Gadjah Mada (Kagama). Spraying was done at five points. Spraying was conducted on the basis of laboratory studies to determine the content that causes odors.

The sixth step was pouring the odor-removing powder conducted by the Association of Indonesian Peasant Harmony (HKTI). A total of 500 kg of Powder DeoGone sown at times. This effort was made on the basis of the success of the use of Powder DeoGone in reducing the pollution level of Grogol River.

Looking for a Long-Term Handling

Despite the successful claims of the six handling models, one thing that needs to be a concern for all parties is how to look for a long-term handling. Looking at the six methods of handling, the aspect touched is the upstream aspect. In fact, the handling of the downstream sector needs to get a large portion to prevent the problem from occurring.

The problem of water quality in several rivers in DKI Jakarta is mostly caused by domestic wastewater. As much as 75 percent of

domestic wastewater plays a role in the destruction of water quality in DKI Jakarta, especially in Kali Item. Every day, everyone is predicted to produce 200-300 liters of water per person per day (<http://www.kelair.bppt.go.id>, 30/7).

Article 1 Chapter I Regulation of the Governor of DKI Jakarta Province. 122/2005 on the Management of Domestic Wastewater states that domestic wastewater is wastewater from household activities, housing, flats, apartments, offices, shops, hospitals, malls, supermarkets, meeting halls, hotels, industry, and schools either in the form of gray water (water used) or black water (dirty water/feces).

Article 17 Chapter IX in the same regulation sets out sanctions on all parties violating waste treatment regulations. Each party is obliged to have a waste treatment site before the waste is released into the rivers. If this requirement is not met, then the sanctions of the revocation of permits will be applied to business activists and of sealing the building will be applied to households.

Although there are already clear rules, but the implementation is still far from expectations. This is evident from the levels of river pollution in DKI Jakarta, which is getting more and more severe. All rivers in DKI Jakarta were polluted heavily according to Environmental Statistics 2017.

The enforcement of existing regulations should be a priority for domestic wastewater treatment. The government as a law enforcement apparatus must always adhere to the existing legal aspects. In addition, community empowerment should also be done so that communities will be more concerned about the surrounding environment.

Another thing that can be tested to do is the construction of the Wastewater Treatment Plant (WWTP). Generally, one WWTP can accommodate the waste of 150 households. The construction of a conventional WWTP to turn wastewater into clean water with a capacity of 1 liter per second will cost IDR 100 million. In addition to the expensive cost, WWTP also requires a large area of land. One WWTP requires 500 square meters of land (*megapolitan.kompas.com*, 30/7).

This cost can be overcome by the city government by utilizing the private sector, especially through the fund scheme of Corporate So-

cial Responsibility (CSR). The private sector whose CSR program focuses on sanitation issues needs to be involved. With the handling that focuses on the downstream/preventive aspects, Jakarta does not have to wait to make improvements. Do not let the improvements stop in the upstream stage. Do not stop the improvements after the 2018 Asian Games event has ended.

- Umi Lutfiah -

Overcoming the Kali Item problem will not be completed if we only rely on efforts to revamping the upstream sector. More attention needs to be given to the downstream/prevention sector for the handling of long-term sanitation issues



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 center 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 by promoting good governance principles and public participation in the policy processes in Indonesia.

TII's visions are public policies in Indonesia which highly uphold human rights and rule of law, as well as involve participation of various stakeholders and practice democratic good governance principles.

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. The economy plays an important role as one of the fundamentals of national development. 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 implementation of regional autonomy that is based on Law No. 32 Year 2004 has demanded bottom-up planning processes, which are participatory in development process. However, fiscal decentralization is still seen crucial particularly for people living in the regions. This can be seen from the high number of gap, poverty, and unemployment. Therefore, there is a need for effective policy formula, which has the right targets.

TII has research focus on fiscal decentralization and sustainable development issues. Fiscal decentralization issues will focus on the discussion on financial matters, corruption, and development of local infrastructure development. With regard to sustainable development, TII focuses on productivity, competitiveness, infrastructure development and development gap. On poverty issues, TII focuses its research on social protection, human resources and employment, and government subsidy policies.

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 an 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 foundations.

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 using sociological, anthropological, and political approaches in order to produce more comprehensive academic papers and bills. It is expected that the laws and regulations will be produced through such participatory processes, which involve the writing of academic papers and also focus group discussions (FGD), which will involve the stakeholders related to the laws and regulations that will be discussed.

RESEARCH ON THE POLITICAL AFFAIRS

Since the enactment of Law No. 22 Year 1999, which was then revised through Law No. 32 Year 2004 on the Local Government, powers are no longer centralized in the central government. Based on the Law, the local governments have wider autonomy to manage their own internal affairs. With the wider regional autonomy and obligation to create good governance, the local governments are demanded to be more responsive towards public aspirations. Therefore, public policy research has become more important for local governments to analyze contexts and issues in the regions, as well as the public's aspirations to formulate public policies.

In order to respond those needs, TII research in political affairs offers policy assessments on various policies that have already been applied or will be implemented. TII will look at socio-cultural, economic, legal, and political aspects in assessing public policies. Our research will be useful to assist governments in formulating policies that are in line with contexts, priorities, and people's aspirations. TII also offers various breakthroughs of transformative policies that are in line with the Open Government principles' implementation in order to increase public participation in policy processes.

Political Research Division of TII provides analysis and policy recommendations in order to generate strategic policies in the strengthening of democracy and the establishment of good governance

both at the national and at the local levels. Political research forms that are offered by TII are **(1) Public Policy Analysis, (2) Media Monitoring, (3) Mapping & Positioning Research, (4) Need Assessment Research, (5) Survey Indicator.**

RESEARCH ON THE SOCIAL AFFAIRS

Social development needs policy foundations that come from independent and accurate research. Social analysis is needed by 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, children, and elderly.

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.**

EVALUATION OF A PROJECT OR A PROGRAM

One of the activities that have been performed by TII is the qualitative evaluations of projects or programs of non-governmental organizations or governments. The evaluation activities are offered by TII in stages; that is, mid-term evaluations of the projects/programs and also the final evaluations at the end of the projects/programs.

As we know, the evaluation is an important step in the implementation of a project or program. Mid-Term Evaluations of the projects or programs are intended to look at and analyze the challenges, the overall learning takes place during the projects or programs, and to make recommendations for the continuity of the projects or programs. Meanwhile, the final evaluations allow us to view and analyze the outcomes and the lessons learned to ensure the achievements of all the objectives of the projects or programs at the end of the projects or programs.

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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