

# The Indonesian Update

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



**Main Report:**  
Golput (the Abstain Voters Group) in the 2019 Elections

## **Politics**

- Seeing the Voting Behavior of Young People before the 2019 Election ■
- Golput and Political Participation in the 2019 Election ■

## **Law**

- The Problematic Music Bill: When the State Regulates Creative Processes ■
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# FOREWORD

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The February 2019 edition of Indonesian Update raises a main topic on the group of people who will abstain from voting (golput) in the 2019 elections. Golput has become a hot issue lately. Some parties have declared to be Golput on 17 April 2019. Even though to abstain from voting is the right of a voter, the benefits of becoming a golput should be reconsidered, as the elections are the contests to find government leaders who will decide on the course and the policies of our country.

On politics, this month's edition of the Indonesian Update discusses two issues. The first one is looking at the behaviour of milenials in the lead-up to the 2019 elections. It also includes the political participation and criticism against the golput agenda in the 2019 elections. It is estimated that the number of milenials (17-35 years of age) will be at a level of between 40 and percent. This pool of potential voters will be the target of the competing candidates. The second one talks about three types of political participations and the golput agenda, which is deemed not strategic.

On legal affairs, the Indonesian Update first discusses the problems around Law on Music, which according to the author, will curb creativity and freedom of expression. The second article talks about Law on Information and Electronic Transactions. The author argues that we examine the constitutional basis of the law, as the law has curbed individual freedom of expression, taking many victims.

On social affairs, the Indonesia Update touches on three topics. The first one is the dengue fever handling by the Jakarta Provincial Government. The second one is Presidential Regulation Number 82/2018 on JKN, which does not provide coverage for the victims of violence. The third one is the bill on the eradication of sexual violence, which has been discussed in the perspective of morality, putting aside the victims' recovery and protection.

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.**

## **Golput (the Abstain Voters Group) in the 2019 Elections**

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Lately, many people have decided to abstain from voting (becoming the White Group, or Golput) on 17 April 2019. The desire for abstention during the elections has been voiced seriously and in a satirical manner to a broad audience. In a satirical manner, the desire to abstain from voting has been reflected in the emergence of a fictional presidential candidate called Nurhadi-Aldo, the presidential candidate number 10.

Many people have been utilizing this fictional presidential candidate to promote abstention more broadly. By distributing Nurhadi-Aldo posters, they have added a tagline, “Don’t abstain, just choose Nurhadi-Aldo”. This is a satire that sends a message that the two official presidential and vice-presidential candidates are not good enough to be elected by Golput. The desire to abstain has also been voiced in a serious way; for example, through the Millennial Golput, which has decided to become Golput in April 2019.

Of course, the desire of these groups of people to abstain from voting do cannot be underestimated. If their numbers grow large, the community political participation in the upcoming elections will decline. The implication is that the election results will lack legitimacy from the community. The next danger is that the distrust of the elected government has the potential to increase.

The term abstention (Golput) first appeared before the first elections in the New Order period; namely, the elections in 1971. One of the pioneers of the abstention movement at that time was Arief Budiman. The abstention movement at that time was carried out to protest the regime, which did not uphold the principles of democracy. Democracy was only used as a means of legitimizing power. Of course, abstention at that time was different from the current type of abstention. This paper shall identify the reasons why people will choose to abstain from voting in the upcoming elections.

### **The Reasons for Abstention**

There are several reasons behind why people want to abstain from voting. The first reason is that voters feel that the candidates' agenda items do not accommodate the people's wishes. Both candidates never mention what the people want in their work programs. This has made them apathetic, so they do not want to participate in the 2019 elections.

Second, the incumbent has failed to meet the people's expectations. As the incumbent is not ideal, some people have decided to abstain from voting. We should remember that those who are contesting in the 2019 elections also participated in the 2014 elections. Joko Widodo (Jokowi) as the incumbent has been deemed unsatisfactory by some of his 2014 voters. On the other hand, Prabowo Subianto (Prabowo) is not a good alternative. Thus, abstention is their best choice.

The third issue is the administrative issues related to the difficulties of arranging the paperwork for the changing the place to cast the vote. As stated by the Executive Director of Perludem, Titi Anggraini, the mechanism to secure the A5 form is very complicated. To get the A5 form, voters should arrange it no later than H-30. There are things that the voters cannot anticipate, so they will have no time to secure the A5 form. In addition, the presence of residents who do not have KTP-E will also be a contributing factor to the number of abstention (*idntimescom*, 29/01).

Fourth, the narrative of the Presidential, Pileg, DPD, Provincial DPRD, and Regency/City DPRD elections has been dominated by the presidential election issues. The issues of legislative elections have not risen to the surface, as they have been buried by the issues of the presidential elections. Not everyone knows that the upcoming April 17 2019 elections are not only to elect the president and vice president. The implication is that if they are embarrassed about the presidential election campaign model and choose to abstain, then they will automatically not use their voting right to elect legislative candidates.

Fifth, people are pessimistic about the results of the election. Titi Anggraini also said that there were prospective voters who considered the elections not important because they would not have a direct impact on them. They believe that presidential candidates and elected legislators will not bring significant difference to them.

According to the latest survey conducted by Charta Politika during December 22, 2018- January 2, 2019, the number of respondents who answered did not know or who had not decided on the

candidates in the upcoming presidential elections was at the level of 12.7 percent. On the other hand, the electability levels of the presidential-vice presidential candidates in the past three months have been stagnant. The number of respondents who chose pair number 01 was at a level of 53.2 percent. Meanwhile, the number of those who chose pair 02 was at a level of 34.1 percent. Of these people, only 80 percent of them are convinced with their choices. This means that the number of swing voters and undecided voters is still relatively large.

### **Recommendations**

Looking at the large number of voters who have not yet made a choice due to a variety of reasons mentioned above, there are several recommendations that need to be implemented so that the voters do not elect to abstain.

First, presidential and vice presidential candidates must present educating campaigns, not spreading hoaxes, slanders, and attacking each other's personal problems. The candidates must present political education to the public. The simplest thing that can be done is debating ideas on building Indonesia in the next 5 years.

Secondly, the KPU needs to carry out information dissemination more optimally. They need to disseminate information that the elections that will be held on 17 April will not only elect the president and vice president, but also DPD, DPR, Provincial DPRD, and Regency / City DPRD members.

Third, all parties need to raise public awareness that elections are an important agenda. Elections are a method for a legitimate change of leadership in a democratic country. Therefore, it is important for the public to participate in elections, even though, the public also has the right not to exercise their right to vote in elections.

*Abstention is the right of each voter. On the other hand, we need to reconsider the benefits of abstention today, especially in the 2019 elections.*

**- Fadel Basrianto -**

## Seeing the Voting Behavior of Young People before the 2019 Election

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On January 15, 2019, a group of young people, who are members of my Millennial Golput (SGM), expressed their disappointment with the political climate presented by two camps of presidential and vice-presidential pairs contesting the 2019 presidential elections. They are millennials who have decided to abstain from voting in this year's elections (*liputan6.com, 1/15*).

The number of youth voters in the 2019 elections is very significant. Referring to Law Number 40/2009 on Youth, youth is defined as an Indonesian citizen who enters an important period of growth and development age of between 16 and 30 years.

It is estimated that the number of those aged 17 to 35 years is between 40 and 50 percent of the total number of voters. According to the Executive Director of Perkumpulan for Elections and Democracy (Perludem), Titi Anggraeni, the number of young voters is more than 50%, which if they are categorized until the age of 35, the number will reach 79 million, but if it reaches 40 years, the number will reach 100 million (*kontan.id, 8/15/2018*).

### Current Young Voters' Behavior

Gabriel Almond and Sidney Verba (1990) states that the formation of voter orientation is categorized into three. The first one is cognitive orientation; namely, knowledge and trust in candidates. The second one is affective political orientation; that is, the feelings of elections and the influence of friends on the determination of choice. The third one is the political orientation of voters; that is, the decisions and the opinions of the political parties / candidates of his or her choice.

At present, the formation of the orientation of young voters is influenced by interactions in their daily social life. One of which is



through the use of social media. This is reflected in data from the Indonesian Internet Service Providers Association (APJII) about the Indonesian Internet User Penetration & Behavior Survey in 2017. In the survey, it was mentioned that almost half of the total internet users in Indonesia were people in the young age group, including beginner voters.

The age group of 13-18 years is at a level of 16.68%, and the age group of 19-34 years is 49.52%. Meanwhile, the age group of 35-54 years is 29.55%, and the age group of above 54 years is 4.24%. The internet is currently not only used for work and educational purposes but also for daily needs, including in terms of seeking access to information about politics.

In a survey of the Indonesian Institute of Sciences (LIPI) on the Role of Social Media for Beginner Voters, 60.6% of generation Z, or young people born in 1995-2005, access news related to politics through social media. 60.6% of beginner voters who access political news via the internet are in three intensity categories.

36% of them access political news through the internet, but rarely. As many as 22.3% of them often access political news through social media. The remaining 2.3% is very often. In fact, 7.6% of young voters often complain to the government through social media. This figure is also higher than the number of voters in the age of 24, which is at a level of 6.8%. Meanwhile, 53.8% of young voters feel the government needs to listen to their aspirations. This percentage is also higher than the number of voters above the age of 24, which amounts to a level of 41.9% (*katadata.co.id*, 07-18/2018).

According to Almond and Verba, with the influence of information through social media, the voting behavior of young people is currently included in the category of evaluative political orientation.

Young people tend to be critical of the conditions of the country today, including the behavior of political elites who are currently competing. Because they have evaluative tendencies, the orientation of young voters has no ties to political parties or candidates.

Not surprisingly, the behavior of young people is part of behaviour of swing voters in each election. Swing voters are the voters who change their choice of parties or candidates from one election to the next.

Swing voters exist because: first, the weak psychological ties to a political party; secondly, there is disappointment with political practices that have been exhibited by the participants of the 2019 elections. They have been disappointed by the two candidates who have shown 'politics minus politeness', by attacking each other and through the flood of hoax news on social media.

Political campaign should be an important activity for young voters to recognize the visions and missions, work programs, and track records of the candidates in this five-year political contest. Campaigns can also be good political learning for young people.

### **Recommendations**

Given the portrait of youth voter behavior above, the author considers that it is very important for the organizers and participants of the elections to be obliged to conduct good political education for youth ahead of the 2019 elections.

The steps needed are; first, political parties legislative candidates, presidential, and vice presidential candidates are encouraged to give good political education to give out the information about visions, missions, programs offered to young people through social media. This should also be followed by no longer attacking each other during the campaign period.

Secondly, KPU, Bawaslu, civil society organizations and educational institutions (schools and universities) should work together to improve political education activities for young people; for example, by holding information in the form of discussions.

**- Arfianto Purbolaksono -**

*Young people tend to be critical of the conditions of the country today, including the behavior of political elites who are currently competing. Because they have evaluative tendencies, the orientation of young voters has no ties to political parties or candidates.*

## Golput and Political Participation in the 2019 Election

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Lately, there has been a public discourse on the threat of not using the right to vote, or also called 'Golput', by several civil society groups, such as the 'My Millennial Golput' (SGM) Community and the 'Civil Society Coalition'

This Golput appeal is a sign of the threat of a decline in the level of voter participation in the 2019 elections. The General Elections Commission (KPU) through the KPU Chairperson, Arief Budiman, stated that the KPU targeted 77.5 percent of voters in these 2019 simultaneous elections (*kompas.com, 9/18/2018*).

### Political Participation

Participation in elections is one form of citizen political participation in a democratic system. This is in line with the opinion of McClosky (1972) who states that political participation is voluntary activities of citizens of the community through which they take part in the process of selecting the ruler directly or indirectly in the process of forming general policies.

However, different opinions emerged from Milbrath and Goel. Milbrath and Goel (*Rahman, 2007*) distinguishes political participation into several categories. The first one is apathy; that is, people who do not participate and withdraw from the political process. The second is spectator; that is, a person who at least has participated in the elections.

The third one is gladiators; that is, those who are actively involved in the political process, such as communicators, party activists and community activists. The fourth one is critics; that is, people who participate in unconventional forms.

According to Milbrath and Goel, this form of political participation is not only when citizens participate in elections, as a Golput is also a form of political participation.

Furthermore, Ramlan Surbakti (1992) states that there are two important variables that influence the high and low levels of political participation. The first one is the aspect of political awareness; that is, the awareness of the rights and obligations of citizens. The second one is the aspect of how to evaluate government policies and the implementation of the government.

Regarding the threat of abstention voiced by SGM and the Civil Society Coalition, the author believes that they have been disappointed by the two candidates who practice 'politics minus politeness'. This has made the community, especially the millennial generation, think that this is not a good political education.

Political practice minus the politeness can be seen through the massive spread of hoax news, attacking each other. Attacking each other in the media to spread hoaxes during this campaign period has been noted by the millennials, who are very active on social media. This will create damage in the eyes of millennials. In the end, they will be embarrassed by these conditions.

Political campaign should be an important activity for voters to recognize the visions and missions, work programs, and track records of the candidates in this five-year political contest.

Second, there is a disappointment with the design of elections, which only perpetuates political elite oligarchy. As we all know, the trust in the political elite oligarchy manifested in political parties has decreased.

According to Rod Hague and Martin Harrop (2004), looking at powers within political parties, political parties are controlled by oligarchs from the party elite. The consequence of the strong influence of oligarchs in the body of political parties has caused the functions of political parties not to work properly.

Political parties have not been able to play and carry out functions optimally. Political parties do not have the ability to mobilize and represent the interests of citizens and to connect citizens with the government.

### **Call for Abstention without a Strategic Agenda**

Seeing the call for abstention voiced by several community groups, the author thinks that the Golput appeal as a form of protest will not have a significant impact. Regardless of the number of abstentions, the elections will still produce members of the Parliament and the President.

According to the author, elections are an arena of democracy regulated in the constitution for planning this country's policy for the next five years. Referring to McClosky's opinion, the people's right to vote is a form of participation in determining the policy of the next five years. Using suffrage is a form of community political participation. Therefore, according to the author, if we want to improve the policy for the next five years, it starts from participating in the general elections.

Then, the author also argues, the disappointment with political parties without pushing for an improvement agenda will not solve the problem. In fact, in elections, political parties are still institutions that are constitutionally the main players.

Joseph Schumpeter (1942) describes elections as the ideal of competitive democracy, with an analogy to economic and political competition. He states that we see voters as analogues of consumers. Meanwhile, parties and politicians are equal to companies; the votes sought are benefits, and policies that will later be applied by the government are political goods and services.

Furthermore, Thomas Meyer (2002) at least mentions two reasons why political parties occupy a very important position compared to other organizations in democratic countries. First, political parties are the only ones that are able to carry out the task of creating programs through compromises that apply to the entire community. Second, political parties have the duty to bring together the interests of the community, using state policies through negotiations and compromises.

Considering the above opinions, according to the author, criticism by civil society groups on political parties should be followed by their role in embracing political parties for future improvement.

## Recommendations

According to the author, period leading up to the elections should be used by the people to assess which parties and candidates' promises are suitable for their needs over the next five years.

The current strategic steps are first encouraging political parties and presidential candidates to promote educational campaigns; ensuring that campaigns emphasize on the discussion of ideas in the public arena (the debate over ideas in the public sphere aims to generate public awareness in democracy); and forcing them to issue promises of their programs that are in harmony with the public interests at large so that the community can judge which parties and candidates have the programs that best suited to their needs in the next five years.

Second, it is important for the Ministry of Communication and Information together with mass media and civil society groups to continue to encourage the strengthening of media literacy for the community. The definition of media literacy itself is the ability to have access to the media, understanding the media, creating and expressing themselves to use the media (*Buckingham 2005, Livingstone 2005*).

The strengthening of media literacy will foster a critical understanding of the community regarding information distribution. The public will be able to sort out the information obtained, whether it is hoax or not.

Third, to support election organizers (both KPU and Bawaslu) to carry out their roles as good as possible so that the implementation of elections can run honestly and fairly. Fourth, encouraging civil society groups to campaign for rejecting money politics, rather than campaigning for abstention.

**- Arfianto Purbolaksono -**

*Seeing the call for abstention voiced by several community groups, the author thinks that the Golput appeal as a form of protest will not have a significant impact.*

## The Problematic Music Bill: When the State Regulates Creative Processes

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Today, some artists, especially musicians, are being bothered with the presence of the Music Bill, which has been included in the National Legislation Program (*Prolegnas*) Priority for 2019. This can be seen from the move of several musicians who have joined in the Coalition against the the Music Bill, or 'Koalisi Nasional Tola RUU Permusikan'. They have begun to gather support from various music activists in this country to form a petition to reject that Bill. From February 3, 2019 to February 6, 2019, the support had reached 210,447 votes (*change.org, 3/02/2019*).

In fact, as explained by Ledia Hanifa, a member of the Commission X of the House of Representatives of the Republic of Indonesia (DPR RI), in the *Tempo* report on February 5, 2019, even though the Bill has been included in the Priority Prolegnas agenda, there has not been a specific formal discussion carried out to discuss it specifically. All the existing discussions were merely discussions with the music community regarding the general expectations of musicians (*nasional.tempo.co, 5/02/2019*).

As people may have been aware, a number of problems arising from the Music Bill have something to do with a very biased interpretation of limiting the process of the creation of musicians. An example is that in creating a piece of music, a musician will be curbed with with rather rigid restrictions, which have sanctions if he or she dares to violate them.

In addition, the Bill also regulates the distribution of unbalanced music, as well as the competency testing and professional certification for musicians. The musicians who have joined *Koalisi Nasional Tolak RUU Permusikan* are considering this arrangement as an attempt

by the big music industry to marginalize and discriminate small and independent musicians (*change.org*, 3/02/2019).

Tirto.id reported that musicians who have joined the Kami Musik Indonesia (KMI) movement had visited DPR RI on June 7, 2017, to deliver the academic paper on the Music Bill. The current Music Bill looks different from the academic paper that had submitted, not meeting their expectations. KMI had conveyed in 2017 that there should be a law that could regulate the music industry and also could support the sovereignty of music and the welfare of the musicians (*tirto.id*, 7/6/2017). The law should not contain creativity-restriction materials.

As previously stated, in terms of substance and arrangement, the author also agrees that the Bill does contain serious problems that are quite serious enough to be studied further. Therefore, this paper is presented to elaborate the problems, especially the articles that restrict the creative processes. This problem is associated with freedom of expression right, which is guaranteed in the 1945 Constitution (*UUD 1945*)

### **Freedom of Expression in the 1945 Constitution**

Talking about music, of course will also talk about art. Talking about art, of course it will not be far from talking about freedom of expression. Art and freedom of expression are intertwining. According to the Grand Indonesian Language Dictionary (KBBI) on the website of the Ministry of Education and Culture of the Republic of Indonesia (Kemendikbud), expression is a noun word that refers to the showing or expressing of intent, ideas, feelings and so on) (*KBBI.Kemendikbud.go.id*, 6/02/2019).

Indonesia, as a democratic law state, should guarantee the freedom of expression for every citizen without exception. In the 1945 Constitution, the guarantee for this matter has been clearly stipulated in Article 28E Paragraph (2) and Paragraph (3), which basically states that everyone has the right to express their thoughts and attitudes, as well as expressing their opinions, according to their conscience. It is also mentioned in Article 28I Paragraph (1): the right to freedom of mind and conscience is one of human rights that cannot be reduced under any circumstances.



However, it is appropriate for the freedom of expression, which is guaranteed in the constitution, not to be freely translated. This is because the 1945 Constitution itself states in Article 28J paragraph (2) that in exercising its rights and freedoms, everyone is obliged to submit to the restrictions stipulated by law. This is intended to guarantee recognition and respect for the rights and freedoms of others and also to fulfill fairness, in accordance with moral considerations, religious values, security and public order in a democratic society.

Therefore, it is also desirable for laws to be issued to limit these freedoms. This does not have the tendency to reduce the essence of democracy and the freedom of expression, as guaranteed in the Constitution itself.

### **The content materials of the Music Bill that should be regulated**

The Music Bill, as previously explained, is actually intended to regulate the management of the music industry, which is expected to support the sovereignty of music and the welfare of musicians. Unfortunately, the intention and expectations tend to be obstructed by arrangements and restrictions to limit the process of creation.

As regulated in Article 5 the the Music Bill, in carrying out the creative processes, everyone is prohibited from encouraging the general public to committing violence and gambling; from abusing narcotics, psychotropic substances, and other additives; from containing pornographic content, sexual violence, and/or child exploitation; from provoking conflicts between groups, tribes, and classes; from defaming, harassing, and/or tarnishing religious values; from encouraging the general public to act against the law; from bringing negative influences of any foreign cultures; and/or from degrading human dignity. Penal provisions as sanctions for those who violate the provisions are formulated in Article 50.

Regarding music as an art, it certainly cannot simply be translated normatively as a social construction. Because art is a contextual expression and is always subjective, depending on the experience of emotions and cognition of someone who judges it (*Sumardjo, 2000*). Thus, it is a mistake if music as an art is prohibited and limited by overly normative arrangements.

In addition, from a technical standpoint of legislation, it is also a mistake to assume that the penal provisions, prohibitions, and the sanctions should exist and be mandatory in every law formation.

Apart from being listed as something that is not mandatory in appendix II of Law No. 12/2012 on the Establishment of Legislation, Maria Farida Indrati Soerapto in her book entitled “Ilmu Perundang-Undangan: Proses dan Teknik Pembentukannya”, also says that penal provisions are provisions that are not absolutely contained in the laws and regulations (Soerapto, 1998).

The author himself sees that the Music Bill should not regulate music content. The content should guarantee the equitable distribution of music for every actor of the music industry, as well as the protection of copyrighted work of music, whose violations certainly not only harm the musicians, but also to the pace of the economy and state revenues.

**- Muhammad Aulia Y. Guzasiah -**

*The content of the Music Bill should not regulate music content, which tends to hinder the freedom of expression and opinion and the creativity of musicians in the country.*

## **The Bill on Information and Electronic Transactions, and the Freedom of Speech in the Information Openness Era**

The age of information disclosure was marked by the issuance of Law No. 14/2008 on Public Information Openness. This era opened a new chapter of democracy, as well as information transparency for all plans, programs, and various processes of policy-making for state administrators.

The goal is none other that every citizen can participate and play an active role in every process of public policy-making, thereby moving the management of public bodies in a better direction. This will include active participation in submitting complaints, suggestions, or criticisms of the policy, as a form of social control that is necessary in every country that has adopted the concept of a democratic law state.

In relation to that, it is commonly known that social media, such as Facebook, Twitter, and so on, has become the most popular media used by the public to distribute opinions regarding various policies and practices of state administrators. Of course, with the presence of social media and internet access support that has been developing so rapidly nowadays, barriers that can limit information disclosure and community participation can be easily solved.

Interestingly, in the midst of such reality, there is an anomaly called Law No. 11/2008 re Information and Electronic Transactions (ITE Law), which has revised Law No. 19/2016 (which has indirectly been used as scourge for people who want to express their opinions). In it, there are several articles that are originally intended to protect the interests of the state and the public from cybercrime, but it has often been used to silence freedom of opinion and to criminalize a number of people who have submitted complaints, opinions and criticisms to the government, and/or other public agencies.

Since it was published, at least there have been several people who have been convicted of violating the provisions of the ITE Law, including Prita Mulyasari, Nazriel “Ariel” Irham, Muhammad Arsyad, Baiq Nuril, Buni Yani and Ahmad Dhani (*Nasional.kompas.com*, 30/01/2019). Thus, there is the need to discuss the polemics over the ITE Law and the fate of freedom of speech in the information openness era.

### **Considering the Constitutional Basis of Freedom of Speech**

Before speaking further about the provisions of the ITE Law, this paper will begin with a discussion regarding the constitutional basis of freedom of speech. Freedom of speech is one of the rights of citizens guaranteed by the Constitution of the Republic of Indonesia; namely, Article 28D Point (3) (*the 1945 Constitution*).

Not only that, the 1945 Constitution (*Article 28F*) also guarantees that everyone has the right to communicate and to obtain information to develop their personal and social environment. This also includes the right to obtain, own, store, process, and convey information, using all types of available channels.

However, the freedoms that are guaranteed by the Constitution cannot be interpreted arbitrarily. As on the other hand, in Article 28J paragraph (2), the 1945 Constitution itself states that in its rights and freedoms, everyone is obliged to support those determined by law. This of course intended to merely guarantee the recognition and respect for the rights and freedoms of others, and to fulfill the fairness in accordance with moral considerations, religious values, security and public order in a democratic society.

The problem is that if the laws issued to limit these freedoms tend to reduce the essence of democracy and “freedom of opinion”, which is guaranteed by the Constitution itself. One example is the ITE Law today, which often draws protests from the public, because it has often been used to suppress freedom of expression and to silence criticism, with the pattern of punishment in the forms of revenge, barter cases, shock therapies, and group persecutions from certain public officials (*Nasional.tempo.co*, 5/11/2018).

### **Fundamental Issues of the legal system of the ITE Law**

Lawrence M. Friedman, in his theory on the legal system, states that the effectiveness or success of a law and its enforcement is

inseparable from the rhythmic relations between legal substance, legal structure, and legal culture. The legal substance relates to legislation. Legal structures relates to law enforcement institutions or apparatus. Meanwhile, legal culture deals with attitudes and values related to shared behavior such as values, beliefs and thoughts that grow and live within the institutions of civil society (*Friedman, 1984*).

The enforcement of ITE Law is sometimes not on target, as there is no harmonious and deep-rooted relationship between the three elements of the legal system. Contextually, the legal substance of ITE Law; namely, the bill of ITE itself, has restrictions on the freedom of speech right. These restrictions are too broad and have multiple interpretations, so it is prone to be misused.

The ITE Law have several articles that are prone to abuse, such as defamation, hate speech, or blasphemy, as regulated in Article 27 and Article 28. These articles do not have definite interpretations of limitations. However, to find a definite meaning of a word or sentence that can ignite someone's anger or hatred, is indeed a difficult thing, considering the broad the meaning of a language, its construction, and one's subjectivity itself.

An anger or resentment can be ignited by a word or sentence that is inappropriate for someone based on his or her subjectivity. However, in a situation, condition, and subjectivity of a particular subject, the word or sentence can be meaningless. Thus, without being given explanations and interpretations that are comprehensive and straightforward, the restrictions have indeed been problematic.

There have been some victims of the ITE Law, such as Prita Mulyasari (2009), who was convicted of defamation, due to the circulation of electronic mail containing complaints about services of an institution. Baiq Nuril (2018) was convicted of similar charges, for recording and disseminating conversations from one of the public officials who verbally abused him (*Tirto.id, 30/01/2019*). It can be said that there have been quite serious problems in this aspect. This of course is inseparable from the interpretation and understanding by the enforcement apparatus of the legal substance, which has indeed been problematic since the beginning.

Lastly, related to the legal culture, it has become a reality now that the development of technology and access to information have caused the exchange of information and communication between

communities to be so fast and increasingly infinite. Meanwhile, cultural values such as ethics and manners in communicating and speaking are often neglected and not taken into consideration. In a book entitled “social change with respect to culture nature”, William F. Ogburn states that cultural growth is not always as fast as a whole, as there are parts that grow slowly, thus causing cultural lag (Ogburn, 1934).

Cultural lag, which can be indicated when considering technological developments and access to information that occurs today, is nothing but the stuttering of the community in addressing freedom of opinion in public space, such as social media. Under certain conditions, some people are so free in expressing opinions on social media, denying measures of appropriateness in speaking based on public order that has been valid in society. These conditions are certainly reflected in several cases of some other victims of the ITE Law.

Thus, as a recommendation that can be offered by the author, in terms of its legal substance, the ITE Law certainly needs to be revised. The legislation requires further delegation arrangements to form derivative regulations that provide a more straightforward and a comprehensive interpretation of restrictions on freedom of speech. This can at least dampen various forms of free interpretation of various opinion which are considered violating the norms of public order.

Whereas, in terms of its structure and legal culture, it is necessary to have sustainable education related to understanding freedom of speech, along with its ethics in the public space. This is of course needed not only by the wider community, but also by law enforcement officials in addressing freedom of speech in public space.

**- Muhammad Aulia Y. Guzasiah -**

*The ITE Law is an anomaly in the information openness era, which reduces the essence of democracy and freedom of speech. Therefore, a straightforward and comprehensive derivative regulation to clarify the interpretation of freedom of speech, along with continuing education related to the wider community and law enforcement officials, is a necessity.*

## Beware of dengue: Jakarta's handling strategies

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Dengue hemorrhagic fever (DHF) has emerged in all provinces in Indonesia. From January 1 to February 3, 2019, there were 16,692 cases in total (*Tribunnews*, 4/2). The Ministry of Health recorded 169 deaths in all districts/cities (*Liputan6*, 4/2). This number is likely to continue to increase, depending on the conditions in each region. Dengue has become a serious threat with death risks.

The number of dengue cases in the DKI Jakarta area has increased sharply, mostly in the last three years. In January 2017, there were only 665 cases. In January 2018, there were only 198 cases. In early 2019, up to the week of (4/2), there were 878 people who have become DHF patients. It has increased from 813 people since January 2019.

The distribution of the number of cases is quite diverse. South Jakarta is facing the highest number of cases with 297 people; followed by East Jakarta, with 248 cases; West Jakarta with 233 cases; North Jakarta with 57 cases; and Central Jakarta with 43 cases (*Kompas*, 4/2). For the regions above, the incidence rates are quite high, especially in South Jakarta, West Jakarta and East Jakarta regions (*Kompas*, 28/1), whereas in the Seribu Islands, no cases have been found.

The rainy season since the beginning of the year is still the main reason. DHF vectors, *Aedes aegypti* and *Aedes albopictus*, make puddles of water as nests. The outbreak of DHF has also been influenced by the immunity status of the community and the density of the vector mosquito population, which is very rapidly developing in the rainy season (*Depkes*, 6/1). In DKI Jakarta, one of the areas prone to dengue transmission is South Jakarta, which is suspected of having a lot of open land, both in fields, gardens and homes that have the potential to grow vector mosquito larvae (*Kompas*, 4/2). The situation above is also a serious concern for the Provincial Government.

## The Handling Strategies in Jakarta

All efforts are mobilized to respond to an increase in the prevalence of dengue. Jakarta Governor Anies Baswedan stated that the handling of dengue fever in the province would be encouraged by the Governor's Instruction (Ingub) being prepared (*CNN Indonesia*, 30/1). In the statement, Anies also strengthened the substance of Ingub, which is expected to be the basis for anticipating dengue cases. This includes prevention and the financing of infected patients. Along with the preparation of Ingub, several handling efforts have been mobilized through the related units.

Through the DKI Jakarta Health Office (DHO), the Provincial Government calls for the eradication of vector mosquito nests. In addition to eradicating through fogging in vulnerable areas that have been identified through mapping, the DHO also invites the community to assist the work of the Juru Pemantau Jentik (Jumantik) in carrying out their duties. People can become independent Jumantik by ensuring that there are no pools of nesting mosquito larvae. Various parties have been encouraged to be involved at the sub-district levels, including families, individuals, RT/RW, community leaders, and PKK cadres (*Tirto*, 1/2). The Jumantik instructions had been distributed to schools so that they will be more aware of dengue cases, considering that patients were in the age range of 13-15 years (*Tirto*, 24/1).

In addition, the DHO also continues to provide information related to the prevention of DHF through the Mosquito Eradication Program (*CNN Indonesia*, 1/2). The program information is disseminated in the form of 3M Plus method; namely 1) to drain; that is, to ensure the cleanliness of places that are often used as water reservoirs (bathtubs, water buckets, drinking water containers, refrigerator water reservoirs, etc.), 2) to close; that is to ensure the closed water reservoirs, 3) to reuse or recycle used goods that have the potential to become mosquito nests. What is meant by Plus above is prevention activities in various ways, such as the use of larvicidal powder in water reservoirs that are difficult to clean, the use of mosquito repellent or mosquito repellent, the use of mosquito nets during sleeps, the maintenance of mosquito larvae, planting mosquito repellent plants, lighting and ventilation in the house, as well as a reduction in the habit of hanging clothes in the house (*Ministry of Health*, 1/8/15).



Regarding medical response, the treatment has been provided, as expected. Instructions to the medical teams in various health facilities, both at health centers and at hospitals, must be prepared for patients with endemic DHF symptoms, such as fever, muscle aches, nausea, red spots, and others. The medical teams must find out whether the patients are infected with dengue or not. (*Berita Satu*, 2/2). In addition, health facilities also free up the costs of medical treatments and care for DHF sufferers as the responsibility of the provincial government (*Wartakota*, 6/2).

In addition, a new innovation has been developed to respond to the high prevalence of dengue in DKI Jakarta through an early warning application called DBDKlim. In collaboration with the Bureau of Meteorology, Climatology and Geophysics (BMKG), DKI Jakarta Health Office and Bandung Institute of Technology (ITB), the Provincial Government has developed an application for dengue early warning in DKI Jakarta. The application can be accessed through *the dbd.bmkg.go.id* page, which contains the predictions of the incidences of DHF (per 100,000 inhabitants) for the next three months and predictions of air humidity (relative humidity/RH) for the next five months. The air humidity prediction can show the probability of RH suitability for dengue vector mosquitoes. In that sense, the higher the RH probability, the higher the likelihood of RH supporting the growth of vector mosquitoes, increasing the number of people infected with DHF.

The following is the display of the early warning application developed by the DKI Jakarta Provincial Government:



Figure 1. Application Interface of DHF Early Warning in Jakarta

Source: *dbd.bmkg.go.id*

The DBDKlim application above also contains follow-up information, including the prediction of DHF distribution. There are conditions called safe, vigilant and beware based on the number of DHF incidents and intervention strategies as a basis for anticipating the spread and early prevention, both for the government at the level of regional apparatus work units (SKPD) and the regional work units (UKPD) and the community (*Berita Satu, 31/1*).

### **Maximizing the Handling of DHF**

The handling strategy above shows the Jakarta Provincial Government's serious commitment to the threat of DHF. Various efforts have been mobilized, starting from the grassroots level, using technology innovation to efforts at the policy-making level. To maximize this commitment, significant steps are needed to organize the handling of dengue in the future. The main step that needs to be done is to make sure that Ingub to be announced will contain various handling rules, ranging from prevention to rehabilitation of patients, including the structure of financing and the use of technological innovations, such as those that have been initiated through early warning applications. The regulation can be derived from technical guidelines that accommodate dengue management at the regional level.

In addition, the prevention strategies that have been carried out can be strengthened by a local socio-cultural approach. The strategy considers the relationship between information and communication in relation to the prevention of behavior change in the community. The communication method for behavior change or often called the Communication for Behavioral Impact (COMBI), has been implemented at least in South Jakarta. This can be replicated in various areas in DKI Jakarta. The application of this method in each prevention strategy is expected to increase DHF control.

The technological innovation development through DBDKlim should also include more complete information features. The expected feature is the DHF case reporting system, which can present valid data collected from health facilities at all levels and which can show whether the case has stopped (no cases) or the reporting system does not work as it should.

Regarding the medical response, a capacity building strategy can be carried out to improve health service management. Capacity building in question includes the ability of the medical team, both in early clinical case detection and in severe cases that require serious intervention. It also includes improving services and easy access for patients, the management of outbreak situations, and improving the service quality in the scope of management.

Maximizing overall handling above is expected to encourage sustainability aspects. In addition to having to monitor the strategy from prevention to rehabilitation, the intervention steps from planning to monitoring and evaluation must go hand in hand with coordination and cooperation, both within the government, private sector and the community. With these efforts, the intention is to encourage systematic handling; not only the government's attention but also overall public awareness.

- **Nopitri Wahyuni** -

*The handling of DHF must be sought not only as part of the government's serious commitment through anticipation and control strategies, but also part of public awareness of the threat of DHF through a comprehensive approach.*

## **Presidential Regulation Number 82/2018 on National Health Insurance: Challenges for Victims of Domestic Violence and the Effects of Criminal Acts of Torture, Sexual Violence, Terrorism, and Human Trafficking**

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Presidential Regulation No. 82/2018 on National Health Insurance has been issued. For some parties, this regulation is a breakthrough regulation because it brings together a number of regulations that were originally issued by different institutions. In addition, the content of regulation also reinforces the benefits of national health insurance, especially the kinds of health services that are covered. An example is the cost of treating a traffic accident, which should be the responsibility of Jasa Raharja. Another example is that the treatments of workplace accidents and work-related illnesses are the areas of insurance employment (*JPNN.Com, 21 / Dec / 2018*).

Another positive response to the establishment of Presidential Regulation 82/2018 is related to the regulation of arrears in contributions. Previously, the Health Insurance Agency (BPJS), as an operator of the National Health Insurance (JKN)-Healthy Indonesia Card (KIS), could collect arrears 12 months from the outstanding bills (*JPNN.Com, 21 / Dec / 2018*). In the new rule, the arrears can be billed up to a maximum of 24 months, and these provisions came into force on December 18, 2018 (*JPNN.Com, 21 / Dec / 2018*).

Presidential Regulation No. 82/2018 also encourages a number of ministries, institutions, and other stakeholders to make improvements in various aspects. These include health services, the management of the referral system, the supervision of health services, the coordination of benefits, the coordination of service guarantees, and the optimization of the efforts to achieve efficiency and effectiveness in the implementation of the National Health Insurance (JKN) - Healthy Indonesia Card (KIS) (*JPNN.Com, 21 / Dec / 2018*).

In general, the Presidential Regulation No. 82/2018 is a promising policy to improve the National Health Insurance system, which had a number of issues. Hopely, this regulation can provide the comfort-

ability and the convenience of health insurance members through the quality of service.

### **Challenges for victims of domestic violence and violence**

Based on positive responses above, the Presidential Regulation No. 82/2018 contains a crucial issue, especially for human rights activists who are accustomed to working in the victim assistance.

Article 52r of the Presidential Regulation 82/2018 states that the JKN program does not cover health services for victims due to criminal acts of abuse, sexual violence, terrorism, and human trafficking. It is because the “victims of criminal acts of abuse, sexual violence, terrorism and human trafficking “ are not patients with medical issues (*Jejemo.com, 3 / March / 2016*) and not affected by the disease as well (*republika.co.id, 09/24/2018*).

In addition, the JKN also does not cover the victims of domestic abuse and violence (*tribunpontianak.co.id, 4 / Dec / 2018*). In terms of data, prior to the enactment of the Presidential Regulation 82/2018, the victims’ counsellor would obtain the medical recovery costs for the victims. They would need to secure a health JKN / BPJS card and a also a police certificate that mentions the incident notification (*Jejemo.com, 3 / March / 2016*).

The regulations for medical assistance for the victims of domestic violence and the victims of criminal acts of abuse, sexual violence, terrorism, and human trafficking.

If the victims of domestic violence and the victims of criminal acts of abuse, sexual violence, terrorism and human trafficking are not covered by JKN, what mechanism should be taken by the victims in order to access medical recovery?

The health insurance for those victims is actually regulated in separate regulations. Specifically, there are two regulations that regulate the insurance coverage of the victims of domestic violence and the victims of criminal acts of abuse, sexual violence, terrorism, and human trafficking to gain access to health recovery.

Article 13 of the Chief of Police Regulation Number 5/2014 on the Implementation of Certain Health Services in the National Police of the Republic of Indonesia explains that health services for the victims of violence against women and children are not guaranteed by

the JKN, and health insurance for the victims is a part of the police medical health services. It is also stated that the victims of violence referred to include the victims of domestic and child domestic violence.

Meanwhile, the medical assistance for the victims of the criminal acts of abuse and sexual violence (non-domestic violence), terrorism, and human trafficking is regulated in Law No. 31/2014 on the Protection of Witnesses and Victims. It is mentioned that the provision of medical assistance is carried out by the state through the Witness and Victim Protection Agency (LPSK) (*tribunpontianak.co.id*.4 / 12/2018)

### **Recommendations**

Unregulating medical assistance for the victims of domestic violence and the victims of criminal acts of abuse, sexual violence, terrorism, and human trafficking in the JKN mechanism, as stipulated in the Police regulation No. 5/2014 and the Law No. 13/2014, requires a number of important recommendations.

The initial recommendation to face the challenge is to provide the right information to the community, especially to human rights activists and the victims, that JKN does not provide coverage to the victims anymore, as stipulated in Article 52 of Presidential Regulation No. 82/2018. Delivering the right information is needed to avoid misunderstandings in the field.

The right information must also be accompanied by the explanations about the existence of other regulations that cover the aspects of medical assistance for victims. The victims of domestic violence are regulated in Perkapolri 5/2014, while the victims of criminal acts of abuse, sexual violence, terrorism, and human trafficking are regulated in Law No. 31 of 2014.

Another recommendation is related to the resources or the availability of budget in the Witness and Victim Protection Agency (LPSK). This institution has a limited budget for financing the protection of victims and witnesses, including the treatment for the victims. In 2018, the LPSK had submitted a request for budget support to the President to maximize the functions of LPSK (*Detik.com*, 8/06/2018), and LPSK is still awaiting the realization.

The shift of medical assistance mechanism that is no longer covered by JKN is very influential for the LPSK, especially on the budget

side. When LPSK cooperated with JKN, LPSK was able to hand over the victims who had received assistance to the JKN for six months (*cnnindonesia.com*, 29/03/2017), and the JKN then continued to give medical assistance to the victims.

Finally, the recommendations should be addressed to the government, especially to the law enforcement, in relation to the increasing public awareness of the importance of complaints in domestic violence cases. The recovery assistance, including the medical assistance, will be handled in accordance with the Police regulation No 5/2014.

According to the National Commission on Violence Against Women's data in 2017, there were 300 thousand cases of domestic violence, and most of the victims were women, especially wives. They were generally reluctant to complain about their cases to the police, or they choose to remain silent due to the family disguise's issue (*Tempo.co*, 15/02/2018).

**- Yossa Nainggolan -**

*The medical assistance efforts for the victims of domestic violence and the effects of criminal acts of torture, sexual violence, terrorism, and human trafficking that are no longer covered by the JKN would be taken over by other mechanisms, as stipulated in the Police Regulation 5/2014 and Law 13/2014. The information dissemination of existing regulations, adequate funding in the LPSK, and adequate public understanding about the complaint mechanism of domestic violence cases are also very important issues for helping the victims of domestic violence and the effects of criminal acts of torture, sexual violence, terrorism, and human trafficking, which are not covered by the JKN*

## **P-KS Bill Polemics: Morality Discourse and Victimization**

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The Sexual Violence Bill (P-KS) has become a debate lately. There has been a petition containing the rejection towards legalizing the Bill. On (4/2), the petition titled “Tolak RUU Pro Zina” had been signed by nearly 148,000 people. The Bill is deemed legalizing non-marital consensual sexual activities. In addition, the use of terminology “sexual violence” is accused of having ambiguity. Therefore, it is more appropriate to use the term “sexual crime”, which accommodates moral and religious values. Those are some of the reasons why the petition has been launched.

Unfortunately, the debate does not mention much about sexual violence. There is not much attention to the numbers of sexual violence cases in the 2018 Annual Report (CATAHU) of the National Commission on Violence against Women (Komnas Perempuan), which reached 2,979 cases in private areas and 2,670 cases in public areas. The kinds of sexual violence are varied from in private areas, including incest, rape, sexual exploitation, and also molestation and harassment in public areas. Moreover, sexual violence cases have become more complex as the cyber crime increases.

The high rate of sexual violence has not been accompanied by proper handling. Victims of sexual violence are often caught up in the discourse of morality, which ultimately makes them silent about the situations they have experienced. The discourse also influences the implementation of an ecosystem of protection for the victims of sexual violence, which has not been fully created, starting from the prevention, handling (reporting, investigation, etc.) to recovery. As reported by the Sexual Violence Abolition Draft Academic Script (2017), there are three things that should be concerned; namely, the legal substance aspect and its relation to the type of violence handled; the structural aspect related to units and special procedures by law enforcement agencies; and the legal culture aspect that tends to collide cases of sexual violence with morality. The presence of the P-KS Bill as a legal reform has actually created chaos.



The misunderstanding of the P-KS Bill and the urgency of victim protection

The P-KS Bill is present to fulfill the legal ecosystem of sexual violence that had not been accommodated in previous regulations. The purpose of the Bill, as stated in Article 3 is to prevent all forms of sexual violence; to handle, to protect and to rehabilitate victims; to prosecute perpetrators; and to realise sexual violence-free environments. Crimes of sexual violence are then regulated in Article 11, which regulates nine types of sexual violence and various spheres of sexual violence.

However, the concerns of several community groups are not addressed in this draft regulation consisting of 16 chapters and 184 articles. Some misinformation has been circulating in the community, so the rejection was difficult to stop. As mentioned earlier, the contradictory arguments against the bill are generally based on the assumption that the regulation has the potential to legalize non-marital consensual sexual activities (free sex/adultery). Meanwhile, arrangements regarding adultery have been regulated in the Criminal Code (KUHP), especially in Chapter XIV, which contains crimes against decency. The difference in the regulation is also reinforced by emphasizing the definition of sexual violence, which includes the terms “violent”, “non agreement” and “undesirable”. Therefore, adultery is not the substance of the P-KS Bill. The statement also applies to assumptions about same-sex sexual activities, which is also one of the sensitive topics.

The debate also happens over forced abortion, forced sexual relations between husband and wife, and the legalization of prostitution. Regarding abortion, the argument that arises is that the draft regulation allows for the practice of voluntary abortion. In fact, articles regarding the prohibition of abortion have been regulated in the Health Act (*Law No. 36/2009*), especially Articles 75 to 77 and 194. In this regulation, the prohibition on abortion is excluded for pregnancy with indications of a medical emergency that threatens the life of the mother/fetus and due to rape leaving psychological trauma.

Furthermore, there are also assumptions that the P-KS Bill will be the gateway to legalizing prostitution. We should examine closely the rules regarding the Eradication of Crime of Trafficking in Persons (*Law No. 21 of 2007*). These rules clearly positions those who experience psychological, mental, physical, sexual and economic suffering, and/or social consequences of criminal acts of trafficking

in persons as victims (Article 1 Paragraph 3). This is certainly in line with the spirit of the P-KS Bill to act against prostitutes (pimps) and to provide restitution and rehabilitation to sex workers as victims. Meanwhile, related to the forced sexual relations of husband and wife who are “considered disturbing the natural family” have been regulated in the Law on the Elimination of Domestic Violence (*Law No.23/2004*), specifically Articles 8 and 46. In this case, the P-KS Bill is not present to revoke the existence of previous regulations but to complete them.

The above misunderstanding is increasingly complicated and ignores the points of the reality of sexual violence itself. Sexual violence seems to be marginalized and is considered more appropriate in terms of the term “sexual crime”, which places religious values and norms. The construction of thinking that juxtaposes the reality of sexual violence with crime against decency has led to silent cases. The discourse of morality presented in the case does not only places women in a position to blame. This is also one of the weaknesses of legal handling as many cases are resolved outside the court. A case of sexual violence experienced by a UGM student (with the initial A) in a non-litigation path can become a blurred reflection of the resolution of a similar case (*Tirto, 5/2*).

In fact, sexual violence does not only destroy the living conditions of victims. However, complicated situations make victims trapped in labeling and stigmatization for themselves and their immediate environment (family and community). Again, the victim is considered as the cause and the starting point of the occurrence of sexual violence.

The perpetuation of causality in cases of sexual violence is very inherent in Indonesia. Not only the loss and neglecting of the conditions of the victim, but also the jammed legal response to it. Such conditions certainly prevent the victims from fighting for their rights, especially the rights of truth, justice, recovery and guarantees of non-repetition in similar cases (*Komnas Perempuan, 2017*). The situation above further encourages the urgency to protect victims by taking into account various aspects of the victims’ loss, both physically and psychologically, as well as the overall efforts to recover victims.

*The issue of non-functioning tsunami early warning systems in the disaster areas is one indicator of the stakeholders’ failure to anticipate problems in the policy formulation stage*

## Recommendations

Cases of sexual violence are not casual problems. It is undeniable that the high number, coupled with the diversity of types of cases, cannot be covered with current legal regulations. Answering this situation, the P-KS Bill has been presented to restore the spirit of a comprehensive ecosystem development for handling cases of sexual violence. In this case, various actors must be alerted to take strategic steps in supporting the discussion and ratification of the P-KS Bill.

The manifestations of the steps can be done in various ways. First, the government and the House of Representatives (DPR), especially the Commission VIII of DPR, must take into account various inputs through the channels available as ammunition to formulate the bill more comprehensively in the Working Committee. As proposed in the P-KS Draft Academic Script, the inputs must also reflect obstacles in responding to cases of sexual violence. The obstacles are the aspects of the legal substance that are less complete, the aspects of legal structures that have not mainstreamed the gender approach in cases of sexual violence in every unit and legal procedure that applies, as well as the legal culture aspects that must promote the perspective of victim protection. This step needs to be accompanied by a positive response to the public in the form of affirming the importance of the bill in filling the regulatory vacuum regarding the handling of cases of sexual violence.

Second, giving an understanding of the draft regulation should be done. The provision of understanding is done to reduce misunderstandings that arise in the community and to reduce the flows of rejection that are not based on data or healthy arguments. To mainstream this understanding, a coalition of various institutions that have concerns about sexual violence issues and other related parties can produce knowledge that can be conveyed to the community through media, especially social media.

Lastly, the responsibility to resolve the misunderstanding of the P-KS Bill lies on the shoulders of the society in general. All parties must dare to choose and sort information with reference to the main source to explore the substance of the P-KS Bill. The similarity of understanding is important as a basis for advocating and overseeing discussions and ratifications that must be completed immediately.

**- Nopitri Wahyuni -**

*An important substance regarding the P-KS Bill is the struggle to protect victims of sexual violence cases by building a comprehensive ecosystem, starting from prevention to recovery.*

**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.

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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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