

The Indonesian Update

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



Main Report:

Looking at Prabowo Subianto's Land Ownership and the Arrangements
of Land Ownerships in Indonesia

Politics

- The Future of Indonesia's Renewable Energy ▪
- Polemics over the Permanent Voters List (DPT) ahead of the 2019 Election Voting Day ▪
- Polemics over the Revision of the TNI Law ▪
- The Urgency of the Personal Data Protection Law ▪

The Economy

- The Constraints to Meet the Target of the 2019 SPT Report ▪
- TKA and a Reflection on the Quality of Indonesian Workers ▪

Social

- Old Buildings in Jakarta and the Problem of Revitalization ▪
- Questioning the Bill on Indigenous Peoples in the 2019 National Legislation Program ▪
- Women towards Future Work: A Reflection ▪

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FOREWORD

The March 2019 edition of the Indonesian Update raises a main theme on “Looking at Prabowo’s Land Ownership and the Regulations on Land Ownerships in Indonesia.” This piece is a response to the second presidential debate on 17 February 2019, which has sparked heated discussions on land ownership regulation and on the problems around the implementations of permits.

On politics, the Indonesian Update touches on four topics: the future of renewable energy in Indonesia; the polemics over the permanent voters list (DPT) in the lead-up to the elections; the polemics over the revision of Law on TNI; and the urgency of having Law on the Private Data Protection.

On the economy, the Indonesian Update discusses two topics: the constraints to reach the target of the tax report submission and the foreign workers and the quality of Indonesian workers. Both topics are hot issues. The second economic topic has been discussed widely, as there has been a rumour that certain foreign ethnicity has dominated the labor market in Indonesia.

On social affairs, the Indonesian Update talks about three topics. The first is the revitalization of old buildings in the Jakarta Old Town. The second is the Bill on Indigenous Peoples. The third one is women and future work, as a reflection on the International Women’s Day.

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.

Looking at Prabowo Subianto's Land Ownership and the Arrangements of Land Ownerships in Indonesia

The presidential debates (pilpres) have become the forums to examine the information that has been disclosed to the public. In the previous debate (17/02), there was information that one of the candidates owns hundreds of thousands of hectares of land.

Presidential candidate Joko Widodo revealed that Prabowo Subianto owns 220 thousand hectares of land in East Kalimantan and 120 thousand hectares of land in Central Aceh under the Business Purposes Right. This was a reaction after Prabowo Subianto criticized the Agrarian Reform program being carried out by the Government in the form of distributing and granting land concessions to indigenous peoples, farmers, and fishermen through Perhutani Sosial (*Kumparan.com* 17/02).

Furthermore, as reported in *ekonom.kompas.com* (18/02), Prabowo Subianto has 27 domestic and foreign companies under an umbrella company called Nusantara Energy. Six of them are in Central and East Kalimantan, with concessions that are valid until between 2035 and 2043. Some of the companies are PT. Tusam Hutani Lestari, with an area of 97,300 hectares (Central Aceh, Nanggroe Aceh Darussalam); PT. Tanjung Redeb Hutani, with a land area of 180,330 hectares (BerauRegency, East Kalimantan); PT. Kiani Lestari (PT. Kertas Nusantara), with a land area of 223,500 hectares (East Kalimantan); PT Belantara Pustaka, with a land area of 15,610 hectares (East Kalimantan); PT Kiani Hutani Lestari, with a land area of 53,083 hectares (East Kalimantan); and PT Nusantara Kaltim Coal, with an area of 60,000 hectares (East Kalimantan).

There are questions arising from this land ownerships. How do Indonesian laws regulate land ownerships. What land classifications that can be controlled privately? Can a handful of people control massive land areas? What exactly are meant by land concessions and the business purposes right (HGU)? thus this paper will try to further elaborate on these questions.

An Overview of the Arrangements of Ownerships in Indonesia

Broadly speaking, Indonesian laws recognize the classifications of regions into two classifications; namely, the Forest Zone, which is certain areas designated and/or determined by the government to be maintained as permanent forests, and the Other Purposes Area (APL), which is non-forest areas. This classification is confirmed in Forestry Minister Regulation No. P.50/Menhut-II/2009 on the Affirmation of the Status and Functions of Forest Areas.

In the Indonesian legislations, there are no specific regulations that distinguish specifically the differences between land, soil and earth. The three terms are used alternately in various laws and regulations.

As stipulated in Law No. 5/1960 on the Basic Agrarian Principles, HGU is the right to cultivate land owned by the State by agricultural, fishery and livestock companies. This right can be transferred to other parties and can be granted for a maximum period of 25 years. Then, it can be extended for a maximum of 35 years, and it can be extended after a maximum of 25 years at the request of the right holder, considering the conditions of the company concerned.

Meanwhile, land concessions are the permissions given to certain business entities or people. This terminology is actually not a standard term whose definition can be found both in the relevant regulations and in certain literature works. This terminology was born during the Dutch East Indies period, where the Government at that time gave permissions for land management to certain companies to open tobacco plantations, rubber plantations, etc, according to Iwan Nurdin's statement, the Head of the Agrarian Consortium Board (*finance.detik.com 27/2*).

At present, there are various types of licensing terms under the relevant ministries. The HGU as described above are under the Ministry of Agrarian and Spatial Planning/National Land Agency (Ministry of ATR/BPN). Meanwhile, the Mining Business Permits (IUP) are under the Ministry of Energy and Mineral Resources (Ministry of Energy and Mineral Resources).

The Implementations of Licensing and Utilization are Chaotic

Regarding land and its utilization, land ownership, along with management and utilization permits, often invite ambiguity and social conflicts, both vertical and horizontal.

Land ownership and management by a handful of people are not a problem if the acquisition is in accordance with applicable laws. There are no rules prohibiting them, as long as their utilization is still in the corridors of Article 33 Paragraph (3) of the UUD 1945, “[...] shall be used for public welfare. But, the land ownerships by Prabowo deserves to be explored further.

The reason is that the land management permits are actually not HGU but rather Business Permits for the Utilization of Timber Forest Products in Natural Forests or Forest Concession Rights (IUPHHK-HA / HPH). These are permits to use forest products from timber productions, and the Utilization Business Permits Timber Forest Products in Industrial Plantation Forests (IUPHHK-HTI). These are business licenses for building plantations in production forests in order to meet the needs of industrial raw materials, in accordance with Regulation of the Minister of Environment and Forestry No. P.9/Menlhk -II/2015 on the Procedures for Granting the Expansion of Work Areas the Extension of Business Permits for Utilization of Timber Forest Products in Natural Forests, the Business Permit for Utilization of Timber Forest Products Ecosystem Restoration, and the Business Permit for Utilization of Industrial Plantation Forest Products in Production Forests. The Production forests, according to Law No. 41 of 1999 on Forestry, is one of the forest areas whose main functions are to produce forest products.

HGU, as described above, are management permits to cultivate land for agricultural, fishery and livestock companies. The status is not forest areas (APL areas), as regulated in ATR Ministerial Regulation/BPN No. 7/ 2017 on Regulations and Procedures for Determining Business Purposes Rights. Some of the companies that belong to Prabowo Subianto in Central and East Kalimantan, such as PT. Tusam Hutani Lestari and PT. Kiani Kertas/Kertas Nusantara , are companies that produce processed forest products in the forms of raw materials for paper logs and pulp (*ekonom. kompas.com 18/02*).

Interestingly, according to Teuku Taufiqulhadi , a spokesperson for the Joko Widodo- Ma’aruf Amin National Campaign Team, even though PT. Kiani Nusantara has now gone bankrupt, but Prabowo Subianto and Hasjim Djojohadikusumo , who are shareholders of the company, still retain control of the IUPHHK-HTI, as the area is rich of coals (*news.detik.com 19/02*). Online media *Tempo.co* (26/02) also reported that the company had long ceased its operations since 2009, due to its debts. The company even failed to pay the salaries of its employees, which reached 1,400 people.

In addition, PT. Tusam Hutani Lestari, according to the Head of the Aceh Province's Environment and Forestry Service, has the status of IUPHHK-HA / HPH (*Kumparan.com 20/02*). Teuku Taufiqulhadi said that the company is now also in bankruptcy. The Head of the Central Aceh District Transmigration and Manpower Office said that the company had not been operating normally for a long time after PT. Kraft Kraft Aceh, which was the recipient company of the paper raw materials it produced, was closed in 2007 (*news.okezone.com 02-21*). Even the Governor of Aceh, Irwandi Yusuf (*cnnindonesia.com 18/02*), stated that the company had long been in trouble because it left abandoned pine trees and did not replant. In fact, as mandated by Article 32 of the Forestry Law, it is an obligation for license holders to keep, maintain and preserve the forests in which they operate.

According to Government Regulation No. 6/2007 on Forest Arrangements and Preparations of Forest Management Plans, and Forest Utilization and according to Government Regulation No. 3/2008, land that has been granted utilization permits should be returned to the state, given the fact that the land had been neglected.

The problems show the lack of supervision and evaluation by the government after the granting of permits and land management. In addition, in several other respects, the dualism of land policy administration practices, between the Ministry of Forestry and the ATR/BPN Ministry, has also been a problem.

The registration of ownership and the use of land outside the forest areas, or APL, is the responsibility of BPN. If land is inside forest areas, it will be the responsibility of the Ministry of Forestry through the issuance of licenses for utilization and use of forest products. This will lead to the emergence of various regulations that will have implications for the uncertainty and complexity in the administration of land in Indonesia.

The transparency of information on HGU in the APL areas deserves further attention. The reason is that HGU, which involve regional head officials, are very vulnerable transactional licensing, bribery and corruption. Therefore, it is important to be monitored by the public. Unfortunately, even though the information has been classified by the Central Information Commission as public information in the mechanism for resolving public information disputes on July 22, 2016 (it was confirmed in the decisions of the State Administrative Court and Supreme Court with the registration number 121K/TUN/2017), the ATR/BPN Ministry has

declared that the information is private information (tirto.id 20/02). If it is not immediately acted upon, this will have implications for the dignity of the judiciary and for public trust in the government and other state institutions.

In the future, without intending to say that the current agrarian reform policy carried out by the Government is not important, it is necessary to immediately optimize the supervision and evaluation of concessions given to certain people or companies.

- Muhammad Aulia Y Guzasiah -

The implementations of government supervision and evaluation of licensing and land management in Indonesia are currently still minimal. In addition, the dualism of land policy administration, as well as the limited HGU and concession information, have created potential transactional licensing practices, bribery, and corruption.

The Future of Indonesia's Renewable Energy

In Government Regulation Number 79/2014 on the National Energy Policy (KEN), the government sets a target that by 2025, the share of New Renewable Energy (EBT) in the national energy mix in Indonesia will reach a level of 23 percent. This target is in accordance with the government's commitment to the Paris Agreement in 2015 (*iesr.or.id, 11/16/18*).

However, until now, the EBT portion has only reached a level of 13 percent. This achievement is still considered too low to reach the target of 23 percent in 2025. Up to know, many parties have stated that the target will be difficult to realize, as there are many problems that still hinder the realization of the target.

The portion of EBT at Indonesian power plants is also still low. The total installed capacity in Indonesia is around a level of 62,000 Mega Watts (MW). Of the total capacity, the EBT plant is only at a level of 8,500 MW, or around 13.71 percent of the total electricity generation capacity in Indonesia. This achievement is very ironic if compared to the potential EBT that we have at a level of 788 GW (*meti.or.id, 08/02/18*).

The issue of Renewable Energy Development in Indonesia

The inhibition of EBT optimization in Indonesia has been caused by several factors. *First*, there is still a low level of public awareness of the importance of starting maximizing EBT to replace fossil energy in meeting daily energy needs. Not many people seriously want to use EBT. The low awareness about the importance of switching to clean energy is probably due to the low level of political commitment at the elite level to implement EBT in Indonesia. A joint research report between Greenpeace, Jatam, ICW, and Auriga states that many influential political elite actually do business in the coal sector (*see Coalruption, 2019*). Of course the attachment between this political and fossil energy configuration will make it difficult for Indonesia to develop EBT further.

Second, Indonesia is still not a country that is EBT-friendly. According to the report of the Indonesian Renewable Energy Society (METI), energy investment is a long-term project (around 20 years) and requires a long term. The purchase price of electricity is also too low for EBT developers to cover operational costs.

Moreover, the Indonesian Government has enacted a Regulation of the Minister of Energy and Mineral Resources (ESDM) No. 50/2017, which limits the purchase price of electricity to a maximum of 85 percent of the basic costs of providing power plants in the local electricity system. In addition, legal uncertainty, policies that often change, delays in regulations have also become obstacles for investors to develop EBT in Indonesia (*meti.or.id, 08/02/2018*). Third, Indonesia does not have its own body that handles EBT management in Indonesia. The absence of this special body makes managing EBT not optimal. Therefore, a new body is needed that is truly focused on developing EBT in Indonesia. This body should be under the auspices of the Ministry of Energy and Mineral Resources.

But apart from that, there are common obstacles that occur in this sector, namely, until now Indonesia has not yet had specific regulations that regulate and support the development and regulation of EBT in Indonesia. Malaysia, Germany, the United States, and several other countries already have laws related to the management of EBT in their respective countries. The vacuum in regulation is what makes regulatory uncertainty often occurs.

Recommendations

The Government and the House of Representatives (DPR) should immediately make laws on the management of EBT in Indonesia. At least, the law contains several things. *First*, the certainty of EBT prices is the basis of the attractiveness of investors to develop EBT in Indonesia. So far, the purchase price has been left to the consumer and EBT developers with negotiation schemes. The consumer in this case is the State Electricity Company (PLN). This scheme does not benefit the developers because if the price does not match what is expected by the developers, the developers cannot sell the electricity to another party given the role of electricity distribution is solely held by PLN. Therefore, clear rules are needed regarding EBT prices that do not harm both parties.

Second, there is a need for business ease incentives to attract EBT developing investors to Indonesia. These incentives can be in the

forms of land provision, tax reliefs, and other incentives.

Third, the law needs to cover aspects of community participation in the development of EBT. Do not let the community around EBT not receive the benefits of EBT. The community must be involved in the process of developing EBT in the area. Do not let the community only become spectators.

Fourth, there needs to be a special body established to regulate EBT development in Indonesia. This body will later become the body that carries out the mandate of the EBT law.

The author strongly encourages the government and DPR to immediately make the law. EBT will become a new norm in international relations. If we does not immediately develop EBT, then of course in addition to exclusion in international relations, Indonesia has also wasted the potential of energy source that we already have. In addition, by developing EBT, we also participate in preserving the environment.

- Fadel Basrianto -

The development of renewable energy is a necessity to replace the limited fossil energy.

Polemics over the Permanent Voters List (DPT) ahead of the 2019 Election Voting Day

36 days ahead of the voting day, the issue of voter lists for the 2019 elections is still attracting polemics. There are allegations of unreasonable data and double data that have been stated by Prabowo Subianto-Sandiaga Uno.

On Monday, March 11, 2019, a number of officials from the National Campaign Body (BPN) of Prabowo Subianto-Sandiaga Uno visited the General Elections Commission (KPU) office. Their presence was to question the alleged improper data in the 2019 Election Final Voters List (DPT). According to the results of the BPN IT team's observation, there were around 17.5 million voters that are allegedly unnatural. The scrutiny was carried out by the BPN team based on the improved DPT II (DPT_{hp}) released by the KPU on 15 December 2018 (*kompas.com*, 11/3).

The BPN campaigner, Ahmad Riza Patria, said that there were unnatural data, including from the data dated July 1 (9.8 million voters). Some of these people were born on December 31 (3 million). Those who were born on the 1st of January were 2.3 million. According to KPU's explanations, Riza stated that the voter numbers that were based on the date of birth were obtained from the Directorate General of Population and Civil Registration (Dukcapil) of the Ministry of Home Affairs (*kompas.com*, 11/3).

Responding to the findings of the BPN about 17.5 million unnatural voters and 775 thousand of double data in the 2019 Permanent Voters List (DPT), KPU Commissioner Viryan Azis admitted, that there were around 17.5 million voters whose data concentrated on the certain dates of birth (*kompas.com*, 11/3).

Most voters were born in January, July and December. The data refer to data from the Directorate General of Population and Civil

Registration (Dukcapil) of the Ministry of Home Affairs (MOHA). This is because the residents forgot their birth dates when recording their data in the Dukcapil administration process (*kompas.com*, 11/3).

According to Viryan, the data have been around since the 2014 elections. He denied that the data were referred to as unnatural data. Viryan advised the BPN to confirm the data to the Directorate General of Civil Registration, because the population data were issued by the agency. Meanwhile, regarding the alleged 775 thousand double data, Viryan said that the potential of the double data had been submitted by the KPU to BPN in February (*kompas.com*, 11/3).

Viryan, said, since September 2018, it has continued to coordinate with the Gerindra Party to submit a renewal of the potential number of double data. The double data potential is currently being clarified by the regional KPUs (*kompas.com*, 11/3).

Polemics are not over

Previously, in September 2018, BPN Prabowo Subianto-Sandiaga Uno also questioned the DPT of the 2019 Elections. At that time, Prabowo-Sandi's BPN claimed that there were 25 million multiple voters that included 137 million more voters in the Temporary Voters List (DPS) (*detik.com*, 4/9/2018)

Responding to this, KPU Commissioner Viryan Azis admitted that there was a possibility of multiple voters in the Temporary Voters List (DPS). But according to him, the number is not up to 25 million double voters. Viryan said that the number obtained by the Prabowo-Sandi camp was based on the DPS given by the KPU to political parties in the form of soft copies in mid-July 2018 (*cnnindonesia*, 5/9/2018).

In the document, there are data on each citizen, including the Population Registration Number (NIK). However, from the 16 digits of the NIK, the last four digits are not mentioned or replaced by an asterisk. The elimination of the last four digits in the NIK was requested by the Directorate of Population and Civil Registry (Director General of Civil Registration) because it was related to the privacy of citizens. Viryan said that every number of NIK is very important because it is a specific identity of a citizen, and the number should not be the same. It is different from the first numbers in NIK, where some people can have the same numbers (*cnnindonesia*, 5/9/2018).

Furthermore, Viryan argues that the possibility of multiple data can occur due to three factors. First, there are administrative problems in recording voter data that are still not finished. For example, there are voters who have already had an electronic KTP somewhere, but then he moved. Second, double data recording occurs because the process of entering data is less complete. Third, there is the possibility of multiple voters data, which should be crossed out by KPU (*kompas.com*, 6/9/2018).

The Base of the Problem is the Compilation of the Voters

Looking at the polemics above, the author considers that the voters list problems stem from the preparations of the voter list. This refers to the experience of the 2009 and 2014 elections, where voter list problems occurred during the preparations of the voter list. For the 2019 Elections, the issue of the DP4 and DPS data differences also occurred again.

This happened when in December 2017, the Ministry of Home Affairs handed over DP4 totaling 196,545,636 people. But when in June 2018, the KPU announced that there were 186,379,888 DPS, minus four regions in Papua; namely, Mimika, Intan Jaya, Lanny Jaya, and Mamberamo Tengah that had not completed the DPS recapitulation.

According to these two data, there are differences of 10 million people. Seeing this differences, the Director General of Dukcapil Zudan Arif said that the DPS issued by the KPU had not accommodated beginner voters who would be 17 years old in April 2019 (*detik.com*, 06/23/2018). The author looks at the base of the problem in the preparations of the voter list, which are due to the inequality of views between the Ministry of Home Affairs and the KPU regarding the material for preparing the voters list.

Article 201 Paragraph 5 of Law No. 7/2017 on General Elections regulates that population data that have been synchronized by the Government and the KPU is the data of potential Election voters (DP4). Furthermore, this rule is included in the General Elections Commission Regulation (PKPU) No. 11/2018.

Article 1 Paragraph 32 PKPU No. 11/2018 on the Compilation of Voters List regulates that the Voters List is the Voters' data compiled by the Regency / City KPU / KIP based on the results of the comparison of the Election Final Voters Data and those of last election, which is updated continuously with DP4.

DP4 itself is population data in regencies / cities that have been consolidated, verified, and validated by the Ministry of Home Affairs using the population administration information system, and is integrated with the results of fingerprints and iris recording.

But for the KPU, as stated in Article 7 Paragraph 2 PKPU No. 11/2018, DP4 is only used as a consideration, not the main material for preparing the voters list. The KPU believes that the main material is the results of updating the data, which had been done by Matching and Research (Coklit), which was carried out by the Voter Registration Committee (Pantarlih) by visiting the voters directly.

Meanwhile the Ministry of Home Affairs considers that DP4 should be the main ingredient in the preparations of the voters list, because it has been verified, validated and consolidated in the population administration information system.

Recommendations

Responding to the issue of the voters list ahead of the voting day (which is less than one more month), the author argues that steps taken by the election organizers are needed.

First, the KPU should find the clarity on the number of permanent voters and their additions. As stipulated in Article 210 paragraph 1, Law No. 7/2017 on the Elections, the final voters list can be supplemented by an additional voters list no later than 30 (thirty) days before the voting day.

Secondly, the KPU increases the information dissemination regarding the rules for voters transferring to polling stations, as they cannot vote at their original polling stations. This is to guarantee the people's suffrage. Third, the Election Supervisory Body (Bawaslu) conducts supervision regarding the announcement of the final voters list and additional voters lists.

Fourth, in order that the issue of the voters list does not reoccur as in the previous elections, KPU, together with the Ministry of Home Affairs, must establish a joint agreement on the main material for voters data. This is to revise the existing rules, so that in the future the voters data are more accurate than those in the previous elections.

- Arfianto Purbolaksono -

The base of the problem is the preparations of the voters list due to the inequality of views between the Ministry of Home Affairs and the KPU on the materials for preparing the voters list.

Polemics over the Revision of the TNI Law

In the past month, the plan for revising Law No. 34/2004 on the Indonesian National Army has been discussed widely. The plan for revising the law has sparked polemics in the community.

This polemics began when TNI Commander Marshal Hadi Tjahjanto stated that he would revise Law No. 34 /2004 on the TNI so that middle-ranking officers (pamen) and high-ranking officers (pati) TNI could serve in state ministries / agencies. This is to respond to the organization's restructuring efforts in the TNI so that the issue of around 500 pati and pamen who have not received positions can be solved (*cnnindonesia.com, 31/1*).

Head of the TNI Information Center Major General Sisriadi said there were at least hundreds of middle-ranking officers and high-ranking officers who did not have structural positions. The number consists of 150 high-ranking general officers and 500 middle-ranking officers in the rank of colonel (*tempo.co, 6/2*).

Pros and Cons

Responding to the planned revision of the TNI Law, military expert Salim Said argued that the number of officers did not match with the number of positions due to the chaos in the TNI organization management. He said that this issue had never been resolved since the New Order era. According to Salim, the dual function will be very obvious if the problem of excess TNI personnel is resolved by deploying officers to civilian institutions. Salim is worried that many civil officials will lose their future positions because certain positions are reserved for military personnel (*bbc.com, 7/2*).

In addition, Deputy Research Director of the Institute for Research and Community Advocacy (Elsam) Wahyudi Djafar expressed his concerns regarding the process of revising the TNI Law in the House

of Representatives (DPR). Wahyudi assessed that the contents of the law governing the placement of active officers in institutions and ministries could become illegal if they were discussed in the DPR. According to him, the political situation ahead of the Presidential Elections and Pileg makes a number of topics mandated in Law No. 34 of 2004 actually move away from the TNI reforms and the reform agenda (*tribunnews.com, 8/3*).

Responding to the polemics in the community about the revision of the TNI Law, Deputy V of the Presidential Staff Office (KSP) Jaleswari Pramodawardhani argued that there was an understanding that must be straightened out regarding the revision of the TNI Law. Jaleswari Pramodawardhani refused the notion that if the Law No. 34/2004 was revised, then TNI would return to the ABRI dual function as in the New Order era (*kompas.com, 8/3*).

Jaleswari argued that Article 47 of the revised law would regulate that active soldiers could occupy positions in a number of agencies, including in the office of the Coordinating Minister of Politics and State Security, National Defense Ministry, the Military Secretary of the President, the State Intelligence Agency, the Country Signals Body, the Search and Rescue (SAR) Council, the National Narcotics Agency, and the Supreme Court (*kompas.com, 8/3*).

The revision is based on Article 7 of the TNI Law; namely, the article governing the main tasks of the TNI, including military operations for war (OMP), military operations other than war (OMPS), overcoming separatist movements, overcoming acts of terrorism, empowering the defense area, supporting the universal defense system, securing border areas, helping overcome the consequences of natural disasters, and evacuating and providing humanitarian assistance and others (*kompas.com, 8/3*).

The placements of TNI active personnel in the institutions mentioned in the revision of Article 47 are very relevant to be implemented. In addition, Jaleswari also warned that the planned revision of the TNI Law was not unilateral in the government alone. Later, the revision will also involve the Indonesian Parliament. Therefore, the processes cannot escape public scrutiny (*kompas.com, 8/3*).

Maintaining Civil Supremacy

Considering the growing polemics in the community over the revision of the TNI Law, the author considers that it is very reasonable that there are concerns from civil society groups on the re-emergence of ABRI Dwifungsi policy, as it was done during the New Order era. One of the 1998 reform demands is the TNI reform. According to the author, there are two substances related to reform in the TNI; namely, the changing the paradigm of TNI and the position of TNI.

The concerns of civil society groups on the re-emergence of ABRI's Dwifungsi policy are natural, especially considering the history of what happened in the New Order.

The paradigm change is to encourage changes in the identity of TNI into a professional TNI. TNI professionalism as stated in Article 2 letter d of Law 34/ 2004, is that soldiers who are well trained, well educated, well equipped, not practicing politics, not doing business, and following the country's political policies that adhere to the principle of democracy, civil supremacy, human rights, provisions of national law, and ratified international laws.

Regarding its position, which is regulated in Article 3 Paragraph 1, TNI lies under the President. Meanwhile, Paragraph 2 states that on defense policies and strategies and administrative support, TNI is under the coordination of the Ministry of Defense.

These two articles constitute a clear line of reform within TNI; namely, not practicing politics and becoming a professional military under civilian control. This is what distinguishes the position of the TNI during the New Order era with that in the Reform era.

Recommendations

Regarding the polemics over the revision of the TNI Law, the author argues first that the revision of the TNI Law is permissible with conditions that it does not conflict with the articles above. This is because the articles above are the basis for upholding civilian supremacy over the military, as mandated by the 1998 reform.

Second, the author considers that the plan to place TNI personnel in state ministries / institutions must be in line with the assignment of Military Operations Other than War (OMSP) in accordance with article 7. Third, these placements must be followed by strong oversight of the parliament, because this is part of implementations of democratic principles.

- Arfianto Purbolaksono -

The Urgency of the Personal Data Protection Law

Now, we have launched the 4.0 Industrial era. This is an industrial phase that emphasizes the role of the internet in accelerating the people's lives. In this industry, the internet and the existing platforms have become the main actors in the communities' lives. The internet has become part of the basic needs of the society. Starting from waking up to going to sleep, most of us need the internet to get information or just to access the social media.

In the Indonesian context, the growth of the internet industry is getting faster. The Ministry of Research and Technology and the Ministry of Higher Education approved revealed that in 2014 Indonesia only had 15 new companies. In 2015, the number of start-ups rose to 52. In 2016 it rose to 302, in 2017 661, and in 2018 956 (*bisnis.com*, 25/10/18). Some of the start-ups engaged in the financial technology sector, the transportation sector, and other sectors. The value of each of the four big start-ups has been categorized as a unicorn (the value of the capitalization is \$ 1 billion). The four companies are Gojek, Traveloka, Bukalapak, and Tokopedia.

However, the growth of the internet-based industry is not in line with the development of the awareness of the importance of protecting personal data (privacy) of the community. The privacy of the data that are collected through the analysis of big data is very vulnerable to be used by certain parties for political and business purposes, which have not yet received approval from the public.

One of the cases of purchasing public privacy data involved Cambridge Analytix, which used the Facebook user data to help Trump win the 2016 US Presidential Elections. Therefore, it is important to discuss more the development of privacy data protection in Indonesia.

Privacy is a Right

With the increasing activities of the people in cyberspace and with the danger of the misuse of privacy data, the United Nations in 2013 stated that privacy was a right. The owner of personal data has the right to the confidentiality of his or her data, has the right to file a complaint in order to resolve personal data disputes, has the right to gain access to historical personal data, and has the right to request the destruction of certain personal data in an electronic system. Member countries are asked to be transparent and accountable when collecting personal data (*Suwana, 2018*).

In order to respond to the need for personal data protection, some of our neighboring countries have already had their own laws relating to the protection of personal data. Countries that have already had laws on privacy include Singapore, Australia and the Philippines.

Normatively, Indonesia actually has rules governing the protection of personal data. However, the regulations are spread over 10 regulations and nine government regulations and ministry regulations. However, according to a study conducted by ELSAM, the regulations do not have a comprehensive arrangement regarding the protection of personal data, especially the management of private data for consumers (*elsam.or.id, 2019*).

In addition, a number of these rules also do not mention the issue of personal data and corporate accountability in managing consumer data (*elsam.or.id, 2019*). Therefore, it is important that Indonesia have its own laws governing privacy policies.

At present, the Personal Data Protection Bill has been included in the 2019 National Legislation Program. The author recommends that the DPR and the Government immediately discuss and resolve it. In the process of this discussion, the author recommends that the DPR involve civil society organizations concerned so that the regulations produced are in accordance with the aspirations of the people. Some recommendations are: the revision of the rubber articles on the Electronic Information and Transaction Law; the inclusion of the material for the protection of personal data in relevant laws and regulations; and encouraging the simplification of laws and regulations.

- Fadel Basrianto -

The protection of personal data is an urgent need amid the 4.0 industrial progress.

The Constraints to Meet the Target of the 2019 SPT Report

The annual tax report (SUrat Pembertahuan/SPT) is a mandatory report that has to be prepared by an individual taxpayer (Wajib Pajak/WP) or a corporate taxpayer. The deadline is usually no longer than four months after the end of the tax year.

In 2019, the submission of the annual SPT for income tax (PPH) of individuals is due on March 31, 2019. Meanwhile, the deadline of the SPT submission of corporate taxpayers is April 30, 2019. The Directorate General (Ditjen) of Taxes has warned of sanctions and consequences for those who are late in submitting the SPT or those who do not submit SPT in accordance with Law No.28 / 2007 on the Amendments to Law No.6 / 1983 on the General Provisions and Procedures for Taxation. The sanctions are Rp. 100,000 for individuals and Rp 1,000,000 for corporate taxpayers.

Per definition, SPT is a letter that a taxpayer uses to report and to pay taxes owed according to the tax laws and regulations. There are a number of tax obligations that we should pay and report to the state.

According to Article 3 Point 1 of the Law on the General Provisions and Procedures for Taxation (UU KUP), the function of the SPT for a WP is a means to report and to calculate the payable taxes. Therefore, even though as an employee our salary has been deducted with tax, and the tax has been paid by the employer, the SPT must still be submitted because we may get other incomes from other sources that may have not been recorded or not reported to the state.

The 85% target

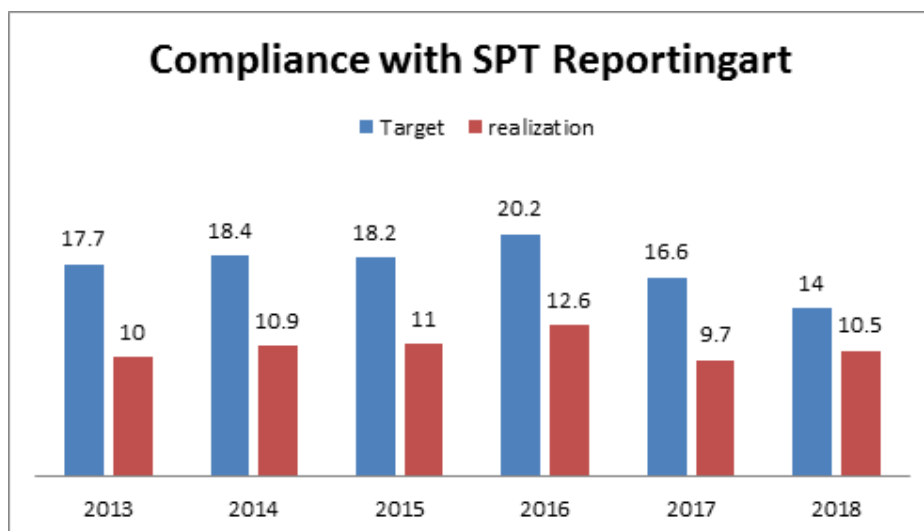
Every year, the government sets a target for the SPT reporting compliance. This year, the government has set a target level of

85%, or 15.5 million taxpayers. There are 18.3 million registered taxpayers who are required to report SPT. However, it seems that the target figure is still too ambitious and unrealistic if we compare the realization of SPT reporting in the previous years.

The 2018 data showed that the realization of the SPT reporting in 2018 was disappointing. From the target of 14 million taxpayers, only 10.5 millions, or 71.7%, who reported SPT (both personal and corporate taxpayers). As the number of the total taxpayers reached 18 million people, there were only 55.8% of tax payers who reported their SPT in 2018 (Indef, 2018).

Looking back at the previous years, the taxpayers' annual SPT reporting compliance ratio in 2017 was only 58.47%. The number of registered taxpayers reached 16.6 millions in 2017. However, the realization of reporting only reached 9.7 millions. There was an increase in the growth of submitting annual SPT electronically (about 14%), compared to that in the previous year due to the ease in submitting annual tax reports through e-filing.

Throughout 2016, according to the data from the Ministry of Finance (Kemenkeu), the WP SPT reporting compliance reached 62.3 percent. Of the 20.17 million registered taxpayers, only 12.56 millions WP who reported their SPT. This was higher than that in the previous year, which only reached 60 percent (Ministry of Finance, 2016).



*in million.

Sources Kemenkeu and Katadata.com, 2018

The number of tax reports after tax amnesty had also dropped dramatically. In 2017, there were 12 millions WP who reported their SPT. In 2016, there were 12.73 millions WP. The decrease was said to be caused by an increase in the PTKP limit (Non-taxable income). In general, the number of taxpayers should continue to rise, especially as there were additional 2.62 millions of new workforce per August 2017. Indeed, the fact is that not all taxpayers intend to report their taxes. This has made Indonesia's tax ratio only reach a level of 11%, less than those in our neighboring countries in the ASEAN region.

Problems encountered

Technically, the simplest problem in achieving the SPT reporting target is the low level of information dissemination of SPT reporting in the regions. The Directorate General of Taxes only focuses on information dissemination in urban areas, while most of the Indonesian people (26.7%) work in the agricultural sector located in villages.

Furthermore, 57% of the workforce is in the informal sector. Finally, tax reporting compliance has been dominated by office employees. Thus, the SPT reporting of those who live in rural areas has not been optimal.

Another problem is the e-filing reporting model. Although it is designed to facilitate the public in reporting their annual SPT, this model is still hampered by poor internet access. The problem is that the internet penetration outside Pulau Jawa is still below 20%. In addition, the workforce in Indonesia is dominated by junior high school graduates (70 percent). As a result, the level of internet literacy is somewhat lagging behind our neighboring countries. Eventually, the WP must go to the tax office to report SPT manually. Because of that, many people are reluctant to sacrifice their work time only to report their SPT.

The next factor that is more fundamental is the existence of inequality in tax treatment between the upper-class and lower-class taxpayers. In 2016; for example, the Ministry of Finance announced that there were 2,000 foreign companies avoiding tax payments over the past 10 years. The total loss due to tax evasion according to the Ministry of Finance reached Rp500 trillion. The Panama Papers are in our memories. The papers revealed 11.5 million secret documents regarding political figures, businessmen and artists who hid their money in tax heaven. In addition, the public continues to

be threatened by tax violation cases which make the WP do not respect the applicable tax rules.

Not long after those incidents, in November 2017 Paradise Paper reappeared. This document is similar to that similar of the Panama Papers. The number reached 13.4 million documents. With the existence of unpaid documents that can be accessed by the public, tax officers should be able to track the names of the taxpayers who are suspected of committing tax evasion. But once again, the case was overlooked.

A Hard Homework

Nevertheless, the author appreciates the government's hard work to boost the level of SPT reporting. In 2018, the government had issued a Presidential Regulation (Perpres) Number 40/2018 on the Renewal of the Administrative System. Through this regulation, the Directorate General of Taxation has been given legitimacy to renew the tax administration system. Thus, all taxpayer data will be integrated accurately.

The revamping of the system had also been carried out in order to implement the automatic inter-country financial data exchange for tax purposes, known as the Automatic Exchange of Information (AEOI) agreed in 2018. This AEOI is a commitment from countries that are members of the Organization for Economic Co-operation and Development (OECD), including Indonesia.

The renewal of the core tax administration system that allows the integration of the taxation database will not only provide taxpayers with ease in fulfilling their obligations, but also provide convenience for the Directorate General of Taxes to examine the main business processes carried out by taxpayers. In fact, the NPWP renewal using an e-tax account will enable taxpayers who have an NPWP to get a bank account conveniently.

However, the renewal of the information system at the Directorate General of Taxes must also be supported by other domestic agencies so that it will not merely a plan. If the exchanges of financial information allows the Directorate General of Taxes to know taxpayer data in other countries, then the Directorate General of Taxes should also be able to access domestic data. The support from other agencies is absolutely necessary. This is a hard homework. Without the support of data from other agencies, updating the information system and using e-taxpayer accounts will become

less effective.. For this reason, the banks and other financial institutions, the Directorate General of Population and Civil Registration, the Directorate General of Trade, the Directorate General of Immigration, the National Defense Agency (BPN), and other relevant institutions must be committed of working together.

In terms of technicians in the e-filing model and e-taxpayer account system, the Directorate General of Taxes should also have begun to include technicians in the IT sector to build better and more efficient e-filing and e-taxpayer account systems. These systems include the internet networks and the e-filing systems that can be easily accessed by the people of Indonesia, especially those who are still rarely touched by technology. Also massive information dissemination to the community, especially to those who live in rural areas, is very important to encourage WP's to report their SPT.

Furthermore, tax officers must also provide risk information to taxpayers if they do not submit tax reports. The people should be informed about the importance of submitting tax reports to tax officials, so there is a sense of concern from taxpayers. In addition, role models that can be used are also needed to attract and grow people's interests.

The most important thing is that the bureaucratic reforms will make tax officers objective in taking actions and in enforcing the mandatory tax system upon all taxpayers in Indonesia. As a result, the society will not feel agitated by the many acrobatic tax cases. There is a long way to meet the target of 85% in this year's SPT reporting, which is also still a hard job in the coming years.

Therefore, the author wants to provide recommendations to the Directorate General of Taxation and the government to continue to reform the bureaucracy among tax officials and to take comprehensive actions and strict law enforcement to meet the compliance target for SPT reporting. This will eventually increase the tax compliance ratio.

Lastly, the author is still optimistic and believes that Indonesia can be far better in managing taxes for Indonesia's development and in fulfilling the target for annual SPT reporting.

- Muhamad Rifki Fadilah -

The target of the tax report compliance (a level of about 85% of the number of taxpayers in 2019) is still too ambitious and unrealistic if we compared it to the realization of SPT reporting in the previous years. This target still needs a long road. This is the government's hard homework for the government this year.

TKA and a Reflection on the Quality of Indonesian Worker

The third presidential debate of the elections will be held on March 17, 2019. This debate will only be participated by vice presidential candidates. The themes of the debates are education, health, employment, social and culture.

Through this writing, the author would like to look at our records and to reflect on the issue and polemics over foreign workers (TKA), which have recently been discussed by the public.

Certainly, we still remember the momentum when President Joko Widodo (Jokowi) officially signed the Presidential Regulation (Perpres) No.20 / 2018 on the Use of Foreign Workers (TKA). This Presidential Regulation regulates that every employer is required to use Indonesian labor for all types of available job positions. However, if the positions are not able to be occupied by Indonesian workers, then the positions may be occupied by TKA. Pros and cons have also arisen. There are parties who agree and those who criticize this policy.

Looking at TKA data

Apart from the debate, let us look at the records of the Ministry of Employment (Kemenaker) on foreign workers in Indonesia. According to the Ministry of Employment, the number of TKA as of March 2018 reached a level of 89,784 workers. This figure increased if it was compared to the 2017 data, which amounted to a level of 85,974 thousand workers. It was a total increase of 69.85%, compared to that in 2016, which was at a level of 74.31 thousand workers.

Proportionally, the number of foreign workers in Indonesia compared to the population reached a level of 0.03%. This figure was indeed lower than Malaysia, which reached a level of 5.47%, Sin-

gapore at a level of 24.38%, and Saudi Arabia at a level of 33.78% (Kemenaker, 2018). However, what is interesting is that foreign workers in Indonesia are not only occupying the low-management level and the lower-class workers. They have been occupying the middle-management level, which means that foreign workers have begun to occupy strategic positions in local and foreign companies in Indonesia.



Source. Processed from Ministry of Manpower data, 2017.

According to the data published by the Ministry of Employment, in 2016, the number of foreign workers in Indonesia occupying professional positions amounted to a level of 23,100 workers. In the same year, the number of TKA in Indonesia at the managerial level reached a level of 12.9 thousand workers. The number of foreign workers who became directors reached a level of 11,500 people. It was an increase of around 2,500 from that at the end of 2015, which was at a level of 8,900 workers.

Meanwhile, foreign workers who occupied commissioner positions in November 2016 increased by 408 workers (33.9 percent) to 1,612 workers from the end of 2015 (1,204 workers). Then, the number of foreign workers who occupied manager positions was at a level of 12.9 thousand foreign workers. From the data above, we can conclude that professionals dominate foreign workers in Indonesia, reaching a level of 28%.

On the other hand, even though this dominance is now at the level of middle-management, this does not mean that foreign workers dominate the control of our entire labor market. Moreover, if we look back at the prevailing merit system, companies are private entities in which the government cannot simply interfere with policies

of the companies. In addition, Indonesia has also entered the era of the ASEAN Economic Community (MEA) four years ago, which also opened up broad economic opportunities, including labor mobility. Thus, the arrival of TKA is no longer a frightening specter because Indonesia itself has stated that it is ready to compete and open itself to the international community.

Now the serious challenge is how Indonesia will be able to prepare local human resources who have adequate and better qualifications and competencies so that they are able to compete with TKA.

A Reflection on the Quality of Our Workers

In my point of view, one of the causes why the middle-management level is filled by TKA is that the low quality Indonesian local workers do not yet have competencies to fill the middle-management positions.

According to data released by the Central Bureau of Statistics (BPS) in August 2018, Indonesia was still dominated by the workforce who graduated from elementary school (SD) at a level of 32,158,979 people, or 24.54%. The workforce who graduated from high school was at a level of 24,266,886 people, or only 18%. Meanwhile, the workforce who graduated from college was at a level of 12,382,703 people.

From the data above, it can be concluded that the level of education of our society is still dominated by the elementary school level with an average length of study of only about 8.5 years, or equivalent to grade 2 of junior high school/ equivalent.

Thus, it is not surprising that many companies have finally hired foreign workers to occupy the middle-management positions, as local labors still do not meet the competencies needed by these companies.

Serious Handling and the Need for Synergy

The issue of local labors and their qualifications require serious handling and the need for synergy between the government and related stakeholders to improve the quality of Indonesian labors in the future, especially through improving the quality and level of education.

One of the ways is to encourage an increase in the level of education of local workers. The government must immediately encourage workers with the level of elementary school education to improve

their education to the high school and university levels. This can be done with the seriousness in applying the 12-year compulsory education and in facilitating access to higher education.

In addition, it is also necessary to improve a more dynamic curriculum that is tailored to the needs of the workforce. Thus, the workforce is able to prepare themselves when entering the real employment world. We should not forget that the improvement of educational facilities and infrastructure has become homework and the key to improve the quality of our workforce.

The author believes that if the quality and level of education of our workforce improve, this will have an impact on the absorption of local labors. This is important to face the competition with the foreign workers, including at the management level.

- Muhamad Rifki Fadilah -

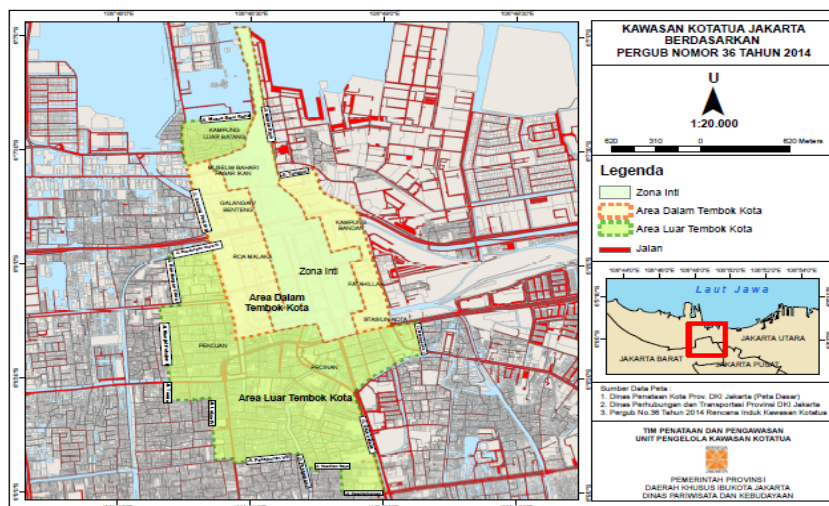
The level of education of the Indonesian people, which is mostly at the elementary school level, and the ability to work that is still low are some of the serious challenges in facing competition from foreign workers.

Old Buildings in Jakarta and the Problem of Revitalization

The city of Jakarta is 492 years old. The city was formerly known as Batavia. In its era, it was an important stopover city. European traders entered the Port of Batavia to trade spices.

Dutch colonialism that came in the 16th century and ruled for quite a long time left approximately 134 historic old buildings. The old European architectural style buildings are scattered in the Old City area of Jakarta. They are now classified as the 'cultural heritage buildings' that deserve to be preserved as regulated in Article 4 of the Law Number 11/2010 on Cultural Heritage.

According to Governor Regulation No. 36/2014 on the Old City Master Plan, the locations of old buildings in the Old City of Jakarta are spread over three zones: core zones, inner city walls and areas outside the city walls (see the map of the Old City area below).



Resource: Pemprov DKI Jakarta, 2018.

*in million rupiah

Some of the old buildings that exist today are still functioning properly and are used as office buildings, restaurants /cafes, and muse-

ums. The Five museums are the Jakarta History Museum, the Maritime Museum, the Conservation Hall, the Puppet Museum, and the Museum of Fine Arts and Ceramics (*beritajakarta*, 8/10/2014).

It is undeniable that most of the old buildings that exist today have been abandoned and damaged due to time. According to data and information, most of the old building owners were reluctant to repair the damaged buildings. For information, regarding the 134 old buildings, only five buildings belong to the government of DKI Jakarta Province, and all of them have functioned as museums. The rest belong to individuals and State-Owned Enterprises (BUMN).

The Revitalization of Old Buildings

The Master Plan for Revitalizing the Old City Area (RIRKT) has been compiled and regulated in the Governor Regulation Number 36/2014 on the Master Plan for the Old City Area (*Tirto id*, 04/13/2018). In the RIRKT document, there are a number of agencies that have to work together; namely, the DKI Jakarta Cooperatives, micro-, small-, and medium-sized enterprises (Usaha Mikro kecil Menengah (UMKM)), and the Trade Services (*Tirto id*, 04/13/2018). One of the three partnerships is related to the arrangements and development of street sellers (PKL) around the Old City area, which are very widespread.

The Master Plan for Revitalizing the Old City Area (RIRKT) is a guideline in the preparing of the revitalization road map with the target for 20 years (2024). The process has almost been more eight years. There are some notes that should be followed up. One of them is related to the reluctance of the owners of cultural heritage buildings to repair the old buildings (*BBC*, 05/02/2016). The main obstacle to improve is the lack of funds. It's no secret that the costs of maintaining old buildings are not cheap.

The stagnation of revitalization has been a concern of a number of parties. One of them is the Jakarta Old Town Revitalization Corporation (JOTRC) (*BBC*, 05/02/2016). The JOTRC is a private consortium founded around 2013 by several people who are concerned about the efforts to develop the Kota Tua area.

The consortium itself has experienced a number of obstacles, especially regarding the limited authority to provide land for street sellers. In 2016, the Governor of DKI Jakarta, Ahok, stated that the JOTRC had not shown significant work to revitalize old buildings because they were only revitalized two buildings (*Kompas.com*, 01/21/2016).

Disorganized street sellers and illegal-parking

The regulation of street sellers in the Old City area is a challenge in term of the revitalization of old buildings in Jakarta. Most of them occupy old buildings that are now un-functioning. For tourists, their existence clearly disrupts the aesthetics (beauty) of enjoying historic old buildings.

The disorganized street sellers plus illegal parking are problems in revitalizing old buildings. A lot of motorized vehicles and private cars are parked in front of old buildings. This situation clearly adds to the inconvenience of enjoying the beauty of the old buildings.

The issues of street sellers and parking in the Old City area have actually become concerns for the DKI Jakarta Provincial Government for a long time. The construction of a 'lokasi binaan' (lokbin) (or a place for the organized street sellers that can accommodate 456 street sellers) is specifically intended for the relocation of street sellers in the Old City area. Lokbin is one of the efforts to regulate street sellers so that they do not trade in the location of historic old buildings (*beritasatu.com, 12/09/2017*).

In addition, land is also provided to accommodate motorized vehicles around the Old City area. This parking area is located on Cengkeh street. It can accommodate 150 four-wheeled vehicles, 450 two-wheeled vehicles, and 12 buses (*beritasatu.com, 12/09/2017*).

Efforts to regulate street sellers and illegal parking are still ongoing. However, the obstacle that has arisen later is that the street sellers occupying the lokbin have claimed to be disappointed after being placed in the lokbin, as the buyers are reluctant to stop by due to the fact that the location of lokbin is less strategic.

In addition, until now there are still rows of illegal-parking vehicles in front of old buildings (*Kompas.com, 24/10/2017*). As long as illegal-parking is not stopped, the parking space that has been provided will continue to be un-useful (*Kompas.com, 24/10/2017*).

Recommendations

An innovative way of involving a number of parties to care about the preservation of old buildings is very important. From a business perspective, a model of cooperation with a (private) company needs to be applied to restore the old buildings. One simple way is to rent out these old buildings to business people under the requirements of revitalizing the old buildings.

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

Regarding street sellers, the UMKM Service should be able to accurately re-record the number of street sellers, the location of distribution points, and the types of merchandise. The data obtained can be used as a reference for requesting an agreement with the street sellers to be organized. Meanwhile, the UMKM Office should also arrange the lokbin re-spatial planning to be more strategic, where the visitors to the Old City would come to lokbin and buy the merchandise.

In addition, street sellers can also be channeled to the nearest public markets and shopping centers and included in various festivals in the Old City. In essence, their existence should be under government regulation so that the comfortable Old City with beautiful historical buildings can be enjoyed by tourists.

To overcome the growth of street sellers and illegal-parking around old buildings, the existing of Satuan Polisi Pamong Praja (Satpol PP), if possible, can be increased during the working hours. If previously it was limited to 10 PM (*Kompas.com*, 10/24/2017), it could be extended to 24 hours. This effort needs to be done because the Kota Tua area has almost never been deserted by visitors. So, the salary and incentive of Satpol PP should be adjusted.

Finally, what is really important regarding the revitalization of the old building is to involve the community around the old building in reviving the Old City as a tourist area. The community engagement can be in various forms, such as recruiting residents as tour guides or making their houses as accommodation for tourists.

To encourage the involvement of local residents in the preservation of old buildings, it is necessary to make a socio-cultural study related to the perceptions of the community about old buildings. Then, it is necessary to carry out interventions program related to providing the understanding of the importance of maintaining and preserving cultural heritage buildings.

- Yossa Nainggolan -

The revitalization of historic old buildings in Jakarta has a number of problems. The collaboration of all parties (owners, DKI Jakarta Provincial Government, the private sector, and surrounding communities) through common vision and missions needs to be done so that the cultural heritage buildings can be maintained and preserved together and be beneficial for all.

Questioning the Bill on Indigenous Peoples in the 2019 National Legislation Program

The regulatory vacuum of the existence of indigenous peoples has been a concern. In an oration on International Women's Day 2019, Perempuan AMAN (the Women Alliance of Indigenous Peoples) urged the ratification of the Bill on Indigenous Peoples. The things that were emphasized were cases of land disputes and living space for farmers and indigenous women (*Aman*, 9/3). Land disputes, especially disputes over customary land, have serious impacts on indigenous peoples' cultural and livelihood activities, both in the agriculture, plantation and forestry sectors.

Furthermore, the discussions of the rights of indigenous peoples have not yet been a substance in the two 2019 presidential election debates. Both in terms of human rights and the environment and natural resource management, the existence of indigenous communities is still being ruled out. In a study conducted by the Yayasan Madani Berkelanjutan (2018) on the vision and mission of the President-Vice President candidates, both of them have not shown a strong commitment to legal guarantees for indigenous peoples. Prabowo-Sandi's vision and mission do not address the issue of indigenous peoples. Meanwhile, the vision and mission of Jokowi-Maruf allude to the fulfillment of the rights of indigenous peoples without giving comprehensive explanations of the regulations.

Meanwhile, indigenous peoples continue to face problems, ranging from land disputes to belief discrimination (*Aman*, 1/20). Data collected by Perkumpulan Huma in 2018, there were at least 326 natural and agrarian resource conflicts in Indonesia. Of the total 2.1 million hectares and 186,631 people involved in the conflicts, there were 176,637 indigenous peoples. Also, according to Kiara (the People's Coalition for Fisheries Justice), there were five cases of criminalization of indigenous peoples on the smallest islands throughout 2018, with one fatality (*Mongabay*, 5/3). Cases of discrimination and violence against indigenous women often occur, so the pressure to ratify the Bill on the Indigenous Peoples is getting stronger.

The Bill on the Indigenous Peoples in the 2019 National Legislation Program

At present, the Bill on the Indigenous Peoples is one of the 55 priority bills in the 2019 National Legislation Program. The bill is one of the bills on social issues in addition to the Bill on the Elimination of Sexual Violence, the Bill on Social Workers and the Draft Law on Amendments to Laws No. 24/2014 on Disaster Management. In fact, the bill has become part of the 27 priority bills that had been included in the first phase of discussions through the Presidential Letter (Surat Presiden) Number R-19 / Pres / 04/2018 dated April 18, 2018 (*Hukum Online*, 29/10/18).

However, the situation is not clear. The waiting has started in 2012 when the bill was first proposed. Then, there was the absence of the bill in the 2015 and 2016 National Legislation Programs. Concerns from various parties, especially the civil society coalition, have been reasonable considering the discussions of the bill have not been progressing. Last (5/3), the government had not fulfilled the problem inventory list (DIM) to the DPR as a basis for the legislature and executive in continuing the deliberations. The process has been delayed for a long time, starting from 60 days from the DPR (legislative body) letter was received by the President on February 12, 2018.

Various efforts for the acceleration of the legislation have been carried out many times. On November 8, 2018 and January 22, 2019, letters from the AMAN coalition to request an audience regarding the deliberations of the Indigenous Peoples Bill were sent. A reply letter to the first letter dated November 19, 2018 stated that the request could not be fulfilled because the bill was still under discussion. Meanwhile, the second letter was responded by the State Secretariat with an audience meeting on February 22, 2019. The hearing touched on the problem of various ministries (except for the ATR/BPN Ministry) not yet fulfilling DIM from various ministries. To acknowledge what the government has done, it seems that the government is also discussing the bill in depth to minimize overlapping regulations and urging relevant ministries to fulfill DIM.

The Regulations for the Indigenous Peoples

Various criticisms have been raised against the legislative processes concerning indigenous peoples. In addition to the slow discussion processes, transparency to the public regarding DIM and cross-ministerial coordination regarding the discussion had been considered to be lacking. Also, there were not many indigenous peoples com-

munities involved during the discussion processes (*Tirto*, 25/1). In fact, the coalition and indigenous people communities are the holders of relevant information, both in terms of problems and needs that should be used as inputs in these in-depth discussions.

The urgency of a legal umbrella for the existence of indigenous peoples is crucial. With 14 chapters and 50 articles, the Bill on Indigenous Peoples comes with basic considerations to see the phenomenon of the marginalization of the indigenous peoples. The exclusion that has been occurring has led to social conflicts and agrarian conflicts in indigenous territories. The conflicts that have occurred are also threats of discrimination and violence against indigenous peoples. Women and children in indigenous territories have become the victims of injustice from the situation. Violence against indigenous women is also related to cultural practices that embody violence and discrimination, such as the tradition of finger cutting in Papua and forced marriage rapes.

The empty provisions of the basic laws have made the protection and recognition of the existence of indigenous peoples not well implemented. The recognition of land will be the most affected if the regulation is ratified. The recognition of citizenship through administration will be a gateway to political participation (suffrage) and participation in social protection programs.

The recognition of land rights, on the other hand, will end various agrarian conflicts that have injured the rights of indigenous peoples. In this aspect, the things that will be emphasized are the protection of the rights of indigenous peoples, the protection of indigenous territories, and improvement of the living standards of the people. As described in the introduction, the high number of conflicts over natural and agrarian resources has also led to the high number of casualties, most of which are indigenous peoples themselves.

In addition to containing three aspects of recognition and protection, there are discussions about the rights and obligations of indigenous peoples and empowerment. The bill also provides a mandate for the central and local governments, along with the active role of the community and customary institutions, to realize the three main efforts towards the fulfillment of the rights of indigenous peoples. The thing to remember is the various legal regulations regarding indigenous peoples. The presence of the Indigenous Peoples Bill is expected to be able to integrate various regulations for the recogni-

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

tion of indigenous peoples. With the unity of these regulations, the fulfillment of basic rights in the context of improving the welfare of indigenous peoples can be pursued thoroughly so that there is no more exclusion or conflicts that undermine the productive potential or even the existence of indigenous peoples.

To Encourage the Ratification of the Indigenous Peoples Bill

In early March 2019, there were cases of violence and destruction of the homes of members of the Kajang Customary Community in Bulukumba. The disputes between the Kajang Indigenous Community and PT London Sumatera (Lonsum) Bulukumba are heating up again after there the mobilization of PT Lonsum employees to replant in the disputed area (*Tribunnews*, 6/3). The case is one of the most recent cases involving indigenous peoples in various regions of Indonesia.

Indigenous people certainly await the presence of regulations that can provide protection for their existence. The government should not delay the ratification of the Indigenous Peoples Bill as a holistic legal umbrella, as the chaos of regulations has made the situation faced by indigenous peoples increasingly complex. In addition, indigenous people communities are awaiting certainty, both from the aspect of status as the subject of law and from the rights aspect, through integrated recognition, protection and empowerment.

Legal certainty will encourage the recognition of the existence of indigenous peoples and their lands through the existence of supporting regional regulations, population administration and certificates, and the assurance of the participation of indigenous peoples in social programs. This is in accordance with the mandate of the United Nations Declaration on the Rights of Indigenous Peoples, which emphasizes the fulfillment of the rights of indigenous peoples without discrimination, including the improvement of socio-economic conditions.

The ratification of the bill certainly requires cooperation across actors. In the consultation process until the discussion, there are efforts to include various parties, especially from the indigenous community, as well as relevant information through situation analysis and multidisciplinary impact studies (human rights, culture, social and environment).

Not only that, collaboration can also be carried out in the forms of capacity building on developing awareness and of advocacy to oversee the ratification of the indigenous peoples bill to be implemented

immediately. Towards that direction, a joint commitment must be made so that alarms can continue to be heard by the government.

- **Nopitri Wahyuni** -

The fate of the Indigenous Peoples Bill depends on a joint commitment between decision makers and cross-sectors to resolve the issue of the rights of indigenous peoples that are still largely ignored.

Women towards Future Work: A Reflection

Whether Indonesia participates in the celebration of the International Women's Day or not becomes a reflective question. Whether we realize it or not, many gender discourses are marginalized from the mainstream discussions. Various parties are being excited with the welcoming of electoral politics or even with the popularizing of the Industry 4.0 framework. Meanwhile, March 8 will be on the agenda of some people and will then soon be forgotten. In order to make gender issues important, we need many promoting activities.

However, it should not be like that. The celebration of International Women's Day is a shared momentum to remind that gender equality and empowerment of women should get a serious portion of attention. In 2019, the International Women's Day brought the theme "balance for better" to ensure equal opportunities for women and men in various fields.

The UN Women also strengthens the message with the headline "think equal, build smart, innovate for change" in order to welcome the moment. Gender issues are invited to the development of gender responsive social systems by taking into account the role of technology and innovation. In addition, various parties have been involved to present a new strategy to break the chain of gender inequality through better access to public services and the existence of infrastructure for women.

In the midst of these futuristic projections, how can gender issues be carried out, especially, in Indonesia? In many ways, it seems that we will be teetering to bring optimism to enliven the momentum. Reflecting on the reality of the issues in the community, gender inequality is still rooted in various fields. The conditions of women in today's economic climate can be one of the common alarms.

(Still) in the Grip of Gender Inequality

In the 2018 Global Gender Gap Report, Indonesia ranked 85th out of 149 countries. From the overall indicators, the index score 0.691 described gender inequality in Indonesia. There were four main sub-indicators that could be seen; namely, economic participation and opportunity, education, health and political empowerment. The main indicators were gross domestic income (GDP), per capita income, total population, population growth ratio, sex ratio, and human development index score (HDI).

Indonesia's score on the economic sub-indicator was 0.629 and was in the 96th position of 149 countries. In the sub-indicator of economic participation and opportunity, the variables included were women's participation in the labor force, equal pay for work, comparison of estimates of per capita income of women and men, representation of women in the economic and political hierarchy (legislators, senior staff and manager), as well as the number of professional workers and female technicians.

From these variables, inequality was seen in various themes. Some themes that needed to be considered can be seen in the following table:

Table 1. Sub-Indicator Economic Participation and Opportunities of Women

No.	Themes	Female	Male
1.	Participation on workforce.	52.9 %	83.7 %
2.	Average income (estimation, per capita, year).	US\$ 8.012	US\$ 16.495
3.	Participation in economic and political hierarchy.	27.5 %	72.5 %

Source: Global Gender Gap Index 2018

In more specific data, there was a record of women's participation in the workforce. This can be seen from the following table:

Table 2. Sub-Theme Women Participation on Workforce

No.	Focus	Female	Male
1.	Youth category who are unemployed or not taking education.	31.4 %	18.5 %
2.	Informal employment.	80.2 %	77.3 %
3.	Contributing family workers	26.2 %	6 %

Source: Global Gender Gap Index 2018

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

Women and the Industry 4.0

The figures above are the basis for looking further into gender inequality and women's economic participation. In aggregate, these data can be indications of serious challenges and opportunities if they are linked to the optimization of technology-based economies in the Industry 4.0 era. Viewed from the road map that Indonesia has, many things can be predicted related to the influence of technological innovations on gender and employment.

Optimizing technology innovation in the industry can be a general picture. Cliff (2018), at World Economic Forum page, added that the presence of new technologies, such as robots and artificial intelligence, clearly transformed the production chain. In line with the Making Indonesia 4.0 road map launched by the Ministry of Industry, the government focused on optimizing technology in five manufacturing sectors, such as textile, automotive, electronics, chemical industry, and food and beverage industries. With a focus on these five sectors, various priority initiatives are being carried out, starting from improving the economic chain, improving the investment climate, to improving the quality of human resources.

With the above conditions, the labor market will certainly absorb skilled laborers. With a more established industry, the workforce of college graduates is then more considered. Labor comes from science and technology as the main choices for following the cycle of technological development and industrial innovation. In line with that, education and empowerment promote improvements in the quality of human resources in the fields of science and technology. In the long-term projections, the Industry 4.0 certainly promises a positive expansion of employment and work climate.

However, it is still a challenge when questioning the distribution of benefits for women. In terms of education, women who are graduates of engineering and information technology in Indonesia are twice lower than men. The following is an example of women's involvement in science and technology:

Table 3. Women in STEM

No.	Focus	Female	Male
1.	Information technology and communication	6.7 %	13.1 %
2.	Engineering, manufacture and construction	6.4 %	12.5 %

Source: Global Gender Gap Index 2018

The 2018 Global Gender Data Gap Report showed that the number of women who got a degree in STEM (Science, Technology, Engineering and Math) was lower than that of men, especially for the two fields above. UNESCO and the Korean Women's Development Institute (2015) also illustrated that the number of Indonesian female researchers in the fields of science, technology and innovation was only 31 percent compared to men at a level of 69 percent.

If traced back closer, women's issues have become more complex. The benefits of these technological trends are not sufficient to cover the many women who drop out or college graduates without skills. In fact, in reality, we need to remember that there is still little transition of women from education to the labor market, being trapped in informal jobs, low wages and others (*Weforum, 6/3/18*).

Women also face challenges at a more basic level, especially gender stereotypes that develop from social culture. A journal article on *Gender Bias in the Workplace: Should Women be Marginalized in Engineering Jobs?* shows the roots of gender stereotypes in the workplace, especially in the fields of science and technology, which are often considered to be closely related to masculine culture. Then, women are not considered much or even forced to adjust to that culture (Kurniawan et al., 2017). These conditions also prevent women from maximizing their potential through participation in the labor market and broader decision-making processes.

Women's Future: Closing

The 2019 International Women's Day should not end merely as a momentum. Along with economic trends through the optimization of fast-moving technology, anyone cannot avoid it. Women, among them, are an inseparable part. The government and other stakeholders can encourage the importance of the gender dimension in every policy-making with the aim of looking at the socio-economic reality of the experience of inequality faced by women.

The challenge of the work of women in the future is to deal with technological development.

Some countries in the Nordic region, such as Iceland, Norway, Sweden and Finland, appear with the highest index of gender equality through policies that release the boundaries of women in the economic, social and political realms. These countries accommodate women's rights as subjects of development. The gender quota policy of 40 percent in Norway for parliament and business leaders and the existence of the Feminist Parliament in Sweden are some of the examples that need to be considered in the future to open the doors for policies that accommodate gender equality.

Learning from the experiences of these countries, Indonesia can begin by completing and improving the basic instruments of existing policies. Primarily, we need policies that encourage better environment for women, such as a series of labor policy tools that promote the basic rights of female workers and also policies that touch on women's education and empowerment.

This can be done with multi-sector cooperation that focuses on expanding the opportunities for women to obtain vocational education and higher education in related fields, ensuring their strategic potential is absorbed by the labor market, increasing women's involvement in the climate of research and innovation, and encouraging entrepreneurship for women on a technological basis.

As a final reflection, gender inequality is a rooted issue. Starting from individuals, the educational environment to the workplace, we must be brave to straighten out the gender constructs that are biased towards women in order to develop women's work in various domains. Thus, women can get more broad opportunities to participate in the economy and encourage prosperity in line with existing progress trends.

- Nopitri Wahyuni -

**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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