

# The Indonesian Update

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



**Main Report:**  
Revising the Presidential Threshold

## **The Economy**

- Labor Day Contemplation ■
- New Scenarios for BI Monetary Policies ■

## **Law**

- Criminalizing the Declarations of False Victory ■
- The Broad Autonomy Era: the Reflection on the 21 Years of Reform ■

## **Politics**

- 21 Years of Reform and the Resolving of Cases of Human Rights Violations in the Past ■
- The Evaluation of the Implementation of the 2019 Elections ■

## **Social**

- 21 Years of Reform: The Challenge of Women's Political Engagement and Policy-Making ■
- The Inclusiveness of Health Services in Indonesia: A Reflection ■

# CONTENTS

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FOREWORD .....	1
<b>MAIN REPORT</b>	
Revising the Presidential Threshold.....	3
<b>THE ECONOMY</b>	
Labor Day Contemplation .....	7
New Scenarios for BI Monetary Policies .....	11
<b>LAW</b>	
Criminalizing the Declarations of False Victory .....	15
The Broad Autonomy Era: the Reflection on the 21 Years of Reform.....	18
<b>POLITICS</b>	
21 Years of Reform and the Resolving of Cases of	
Human Rights Violations in the Past .....	21
The Evaluation of the Implementation of the 2019 Elections ...	25
<b>SOCIAL</b>	
21 Years of Reform: The Challenge of Women's Political	
Engagement and Policy-Making.....	29
The Inclusiveness of Health Services in Indonesia: A Reflection	34

INSTITUTIONAL PROFILE .....	39
RESEARCH PROGRAMS, SURVEY AND EVALUATION	41
PUBLIC DISCUSSION .....	44
TRAINING & WORKING GROUP FACILITATION ...	45

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# FOREWORD

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The May 2019 edition of the Indonesian Update raises a main report on the evaluation of the presidential and vice presidential threshold requirement in the 2019 presidential elections. This theme is very relevant because in the 2019 presidential elections, two candidates were the ones who also contested the 2014 presidential elections. This is partly due to the high threshold requirement to contest the presidential election.

In the economic field, the Indonesian Update discusses the commemoration of World Labor Day that falls on 1 May.. As in previous years, during the action of this year's Labor Day, workers in Indonesia again demanded a wage increase. In addition, in the economic field, it also discusses Bank Indonesia's monetary policy. This is quite relevant, because of the uncertainty and slowdown in the global economy that require appropriate policy responses.

In the legal sector, the Indonesian Update raises a theme on the consequences of the declarations of victory in the 2019 presidential elections by one of the candidate pairs. This is very important to discuss, because the declarations of victory have the potential to be criminalized, referring to Law No. 1/1946 on Criminal Law. In addition, the field of law also discusses the 21-year journey of reform, particularly regional autonomy in Indonesia.

In the political field, the Indonesian Update has a theme on resolving past gross human rights violations in the reform era. Furthermore, it also discusses the evaluation of the implementation of the 2019 simultaneous elections. This theme is relevant to be discussed because the consequences of the implementation of simultaneous election models take a long and tiring time. As a result, the big numbers of casualties and fatalities due to fatigue.

In the social sector, the Indonesian Update raises a theme on the challenges of women's political representation in the policy-making process during the reform era. In addition, we also discuss the reflection on the inclusiveness of health services in Indonesia.

The monthly publication of the Indonesian Update with actual themes is expected to help policy makers in government and business institutions - as well as academics, think tanks, and elements of civil society, both domestic

and foreign, to obtain actual information and contextual analysis of economic conditions, politics, social, and law in Indonesia, as well as an understanding of public policy in Indonesia.

**Happy Reading.**

## Revising the Presidential Threshold

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Many people have disagreed that the 2019 presidential elections are only contested by two presidential candidates. There are no new faces in this year's presidential elections. This has something to do with the high threshold requirement to be eligible to run in the presidential race. The threshold is called the presidential threshold.

The Presidential Threshold is regulated in Law No. 7/2017 on General Elections, particularly Article 222. The article regulates that in an effort to nominate presidential and vice-presidential candidates, a political party or a coalition of political parties must at least have 20 percent of the total seats in the DPR, or 25 percent of the total national votes in the 2015 elections. This figure is the same as the presidential threshold in Law Number 42/2008 on the Elections of the President and Vice President.

### **The Presidential Threshold Debate**

The presidential threshold has always been a subject of debate between politicians and civil society groups. In the deliberations of Law Number 7/2017, political parties in the DPR were divided into two camps in discussing the presidential threshold. The first group supported that the idea of changing the presidential threshold to zero percent. The factions that supported the abolition of the presidential threshold were the National Mandate Party Faction, the Democratic Party Faction, the Prosperous Justice Party Faction, and the Gerindra Party Faction.

The opposite group supported the idea of retaining the presidential threshold as regulated in Law Number 42 of 2008. The factions included the Indonesian Democratic Party of Struggle Faction, the Golkar Party Faction, Nasdem Party Faction, The Hanura Party Faction, the National Awakening Party Faction, and the United Development Party Faction. The discussions were so tough, causing the four factions that opposed the idea of having a presidential threshold to walk out from the meeting. The DPR then unanimously voted to retain a presidential threshold of 20 percent of the DPR seats, or 25 percent of the total national votes.

The result of the discussions at the DPR was in line with the views of the government. The Minister of Home Affairs, Tjahjo Kumolo, explained that the presidential threshold was aimed at ensuring that the elected presidential and vice-presidential partners had a sufficient minimum level of support from political parties in the Parliament. In addition, it was believed that the presidential threshold could encourage the improvement of the quality of presidential and vice-presidential candidates. Such a view was often used to legitimize the existence of a presidential threshold (*otakrakyat.com*, 08/06/2017).

The existence of the presidential threshold listed in Law Number 7/2017 on General Elections had been challenged by a group of practitioners and academics. 12 practitioners and academics -- including M. Busyro Muqoddas, M. Chatib Basri, Fasi Basri, Hadar N Gumay, Titi Anggraini, Rocky Gerung, etc. -- had submitted a judicial review over Article 222 of Law No. 7/2017.

According to them, Article 222 of Law No. 7/2017 is contradictory to Article 6A paragraph (5) of the 1945 Constitution, which only delegates the arrangements of “procedures” not “conditions”, as regulated in the Election Law. In addition, the regulation of the delegation of “terms” of candidates is in Article 6 Paragraph (2) of the 1945 Constitution, not related to proposals by political parties. In other words, Article 222 of Law No. 7/2017, which regulates the “conditions” of presidential candidates by political parties, is not in line with in Article 6 Paragraph (2) of the 1945 Constitution. Another thing that has been criticized is the use of the results of the previous elections for the presidential threshold. Thus, Article 222 of Law No. 7.2017 is contradictory to Article 6A Paragraph (2) of the 1945 Constitution (*merdeka.com*, 21 June 2018).

However, the judicial review submitted by these practitioners and academics has been rejected by the Constitutional Court because the presidential and vice presidential nomination threshold is deemed in accordance with the Constitution (*kumparan.com*, 25/10/2018).

The question is whether an ideal legal normative presidential threshold is in accordance with the dynamic conditions of politics in Indonesia. In practice, this is not the case. In the 2009 elections, where SBY-Budiono became the winners, even though the pair was supported by many, the government was also not stable. Sharp criticisms and even dissenting opinions often came from its own supporting party, PKS.

### **The rethinking of Presidential Threshold**

The existence of the presidential threshold to date has resulted in discriminatory democracy in Indonesia. *First*, the presidential threshold only benefits large parties and harms small parties. The presidential threshold makes small parties not have a good bargaining position in the presence of large parties in forming coalitions. The major parties get more opportunities in building coalitions. For example, the presidential candidates come from big parties, even though their qualities are not as good as those of the candidates owned by small or medium parties.

*Second*, the existence of the presidential threshold opens the gap for political dowries in the processes of candidacy for the presidential elections. To get a ticket for a presidential candidate or vice presidential candidate carried from political parties, it is not uncommon for the negotiation process to involve the practice of political dowries. The term “a cardboard general” that appeared during the candidacy process of the 2019 presidential elections showed the practices of political dowries that are inevitable because of the presidential threshold.

*Third*, the presidential threshold can be a “tool” used by certain candidates or parties to condition the situation, where the presidential elections will only contested by a single candidate. This can be done by a candidate through getting the support of big political parties, leaving only small parties that will not be able to meet the presidential threshold.

*Fourth*, the presidential threshold becomes a barrier for the emergence of new figures, such as leaders who are not from the big political parties. In building coalitions, if their legislative vote is low, their bargaining position will be weak. This happened when the Democratic Party failed to submit a presidential candidate from the convention because the Democratic Party’s vote was only 10.19 percent.

### **Policy Recommendations**

By looking at the implications of the presidential threshold, the assumption that the presidential threshold will strengthen our presidential system is not fully justified. In practice, the size of the support for the president in the Parliament is not based on the presidential threshold, but based on how skilled the president is in negotiating his interests with the other actors in the Parliament.

In this case, Harold Lasswell’s opinion about politics is who gets what, when, and how-it seems that political aspect is more



appropriate to be the instrument of the president in getting support in the Parliament. To that end, the author agrees if Law No. 7 /2017 on Elections is immediately revised, especially related to the existence of the presidential threshold.

*The first* option is to eliminate the presidential threshold to zero percent. In this scenario, the presidential candidate will be supported by political parties that have been registered as election participants. This is important as part of an effort to encourage an inclusive democracy, which allows small and medium-sized political parties to nominate their presidential and vice-presidential candidates. The results of the previous election should not be used as the presidential threshold.

*The second* option is to reduce the presidential threshold to the level that is equivalent to the parliamentary threshold. If the parliamentary threshold is set at 4 percent, the presidential threshold should also set at 4 percent. This proposal accommodates the parties who still consider the presidential threshold important. The decrease in the presidential threshold to be equivalent to the parliamentary threshold is also able to accommodate small, medium or large parties that still want to retain the presidential threshold.

Lastly, the author believes that the presidential threshold currently applied is no longer relevant. The presidential threshold that has been implemented so far has proven to be not fully able to ensure that the president has political support in the Parliament. Often this political support is obtained with a political mechanism. Therefore, the author argues that the presidential threshold should be reviewed immediately.

*The implementation of presidential threshold is not as expected and needs to be reviewed so that the face of our politics and democracy is more inclusive to small or medium-sized political parties. The abolition of presidential threshold will also produce new, high quality political actors.*

**- Fadel Basrianto -**

## Labor Day Contemplation

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Every 1 May, workers throughout the world commemorate the International Labor Solidarity Day, also known as the May Day commemoration. As in previous years, on this year's May Day, workers in Indonesia were again demanding an increase in wages. The workers considered the increase in the Provincial Minimum Wage (UMP) and the Regency / City Minimum Wage (UMK), which had been raised by the government in 2019 by 8.03%, not sufficient to improve their welfare.

Furthermore, the workers also demanded that the government reconcile the UMP and UMK calculation formula that had been implemented since four years ago through Government Regulation (PP) No. 78/2015 on Wages. In fact, the workers would ask the government to return the old wage formula.

### Looking at the Wage Formula

If we look at the old version of the wage formula, the calculation of minimum wages referred to the Decent Life Needs (KHL) determined by the Wage Board based on the price survey of basic needs. The Wage Board consists of the representatives of employers, laborers, the government, and academics.

Meanwhile, in the new version of the formula implemented since 2015, KHL is no longer valid. The increase in wages refers to the current year's minimum wage, the inflation levels between September of the previous year and September of the current year, as well as economic growth in the third quarter IV of the previous year and quarter I-II of the current year.

According to the calculation of the new formula, the government increased the UMP and UMK in 2019 by 8.03%. The increase in labor wages this year has referred to the inflation rate and national economic growth of 2.88% and 5.15%, respectively.

In comparison, the 2019 UMP / MSE increase was 8.03% lower than the UMP / MSE increases in the previous three years. The minimum wages in 2016, 2017 and 2018 rose by 11.5%, 8.25% and 8.71% respectively. This is the basis for the workers to protest against the calculation of the wage formula in 2019 (*Investor Daily*, 01/05/2019).

In addition, the assumptions used to determine the wage amount for this year are also considered inappropriate. According to the data from Bank Indonesia, the September 2018 inflation reached a level of 2.88 percent on an annual basis (year on year / yoy), much lower than the September 2017 inflation, which showed a level of above 3%. As a result, the increase in their wages did not really look significant compared to those in previous years.

### **Looking at Disability Participation**

In addition to the issue of wages, we also must not neglect the issue of inclusiveness and equal rights in the labor market for persons with disabilities. The right to obtain employment for persons with disabilities has been emphasized in Law No. 8/2016 on Persons with Disabilities. This Law is an operational foundation in realizing prosperity for persons with disabilities.

In Indonesia alone, citing the final report of the United Nations World Labor Agency (ILO) in 2017, the labor force participation rate for persons with mild disabilities was only at a level of 56.72 percent, and the rate for persons with disabilities was only at a level of 20.27 percent. This percentage is far lower than the participation rate of the non-disabled labor force, which was at level of 70.40 percent.

Then, as reported by the *Tempo.co* website (11/18), of 440 companies with a workforce of around 237 thousand people, there were only around 2,851 workers with disabilities (1.2 percent). The website also shows that according to the National Labor Force Survey (Sakernas) data in August 2017, the working age population of people with disabilities was 21.9 million people. Of these, only 10.8 million people had employment.

Therefore, it can be assumed that there are still many companies that have not facilitated and accepted workers with disabilities. There is still lack of guarantees for corporate protection to protect workers with disabilities.

However, if we look deeper, one of the causes of the low participation of persons with disabilities is because the levels of education are less than those of non-disabled people. If 87.31% of non-disabled people are educated at the elementary level and above, only 54.26% of people with disabilities have the same levels of education. The other 45.74% did not graduate and did not even get elementary education.

In addition, Indonesian mentality in general makes people with disabilities feel discriminated. Therefore, many of them eventually only work but do not have a career. This is a problem that should also be considered and voiced by the workers.

### **Recommendations**

Taking into consideration the two problems above, the author will provide policy recommendations on wages. The author recommends that the government use a progressive-productivity base that is also adjusted to the conditions of inflation and Indonesia's economic growth in the national wage system.

Progressive-productivity wage rates should be directly proportional to the level of productivity of workers; for example, productive workers will get higher rewards. Meanwhile, less productive workers will get lower rewards. The progressive productivity-based wage system will also make workers more comfortable and enthusiastic with their work. Furthermore, these conditions will foster a professional work culture in the company. Progressive-productivity-based wages can also make entrepreneurs focus more on developing their companies.

From the government side, this system will also be profitable because if the employment climate remains conducive, investment will increase. Thus, labor will be absorbed significantly, and the economy will grow more rapidly. The government's duty to reduce poverty and unemployment can also be helped by the sound employment climate.

Regarding the low participation of persons with disabilities in the labor market, the author underlines the importance of the role of education to build the confidence of persons with disabilities so that they can more actively participate in employment.

The government can work with the Ministry of Education to encourage and redesign Vocational Education Schools (SMK) to prepare persons with disabilities to be more skilled to compete in the job market.

In addition, the government can also work with the private sector to make training for persons with disabilities tailored to the needs and qualifications needed by the private sector. Thus, there will be a link and match between workers with disabilities and the needs of the private sector

With the involvement of the private sector in providing training, the government can also save its budget and divert it to other programs that still require large budgets, such as health. In addition, each party also needs to know and carry out its role properly in accordance with applicable regulations. All parties need to jointly maintain a sound labor climate to encourage better welfare and economic growth. Once again, Happy Labor Day!

**- M. Rifki Fadilah -**

*Every 1 May workers around the world commemorate International Labor Solidarity Day (May Day). This year the workers in Indonesia were again demanding an increase in wages. On the other hand, another agenda that is also important to fight for is the issue of inclusiveness and equal rights in the labor market for persons with disabilities.*

## New Scenarios for BI Monetary Policies

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Uncertainty and the slowdown of the global economy have inevitably prompted Indonesia to take the right policy responses. Referring to the Bank of Indonesia (BI) Board of Governors Meeting (RDG) on 24-25 April 2019, BI had decided to maintain the 7-day Reverse Repo Rate (BI7DRR) at a level of six percent. BI has maintained BI7DRR at that level six times. The reluctance of the Indonesian monetary authority (BI) to reduce its benchmark interest rate, according to the author, is counter-productive amid the current global and Indonesia's conditions.

Taking into consideration the internal conditions, the current Rupiah exchange rate indicator shows stable conditions, accompanied by low level of inflation. Indonesia's inflation has shown a decreasing trend. In the last four months, inflation in Indonesia managed to decrease by 0.75 percent, from 3.23 percent in November 2018 to 2.48 per March 2019 yesterday (*Bank Indonesia, 2019*).

Indonesia's foreign exchange reserves are also considered in good conditions, being at a level of US \$ 124 billion. Meanwhile, financial system stability has been maintained, along with stable intermediation functions and controlled credit risks. The banking capital adequacy ratio (CAR) in February 2019 has remained high, at a level of 23.4% (*Daily Investors, 26/09/2019*).

Looking at the external conditions, this year the Fed is expected to only raise the (Fed Fund Rate) FFR twice. In fact, recently a new analysis has emerged that the FFR in 2019 may not rise at all. The estimate has been based on US economic data that have not as expected, as US economic growth has also been slow due to limited fiscal stimulus, the structural problems of labor, and declining business confidence. These factors will hamper the appetite of the Fed to raise the interest rate (*Beritasatu.com 3/3*).

Afterwards, European economic growth has also slowed down. This has been influenced by continued economic and financial structural problems, the weakening of exports, and the impact of uncertainty over the settlements of the Brexit problem. In addition, the world's second largest economy, China, has continued to slow down due to weakening exports following trade tensions with the US and due to the slowing domestic demand as a result of the ongoing deleveraging process (the process of reducing the debt to equity ratio).

### **Measuring the Fed Fund Rate (FFR)**

As a result, the Fed is now trying to use other instruments to absorb liquidity from the market. An example is the streamlining of its balance sheet by releasing securities to the market. With the FFR position being "locked" at a level of 2.25-2.50%, financial markets will move more calmly and measurably. The stock and foreign exchange markets will not fluctuate like a few years ago. Global fund managers can be more comfortable in pumping their funds out of the US, so that the exchange rate of emerging market countries will strengthen and stabilize.

Furthermore, these conditions have made the attention of investors move towards developing countries. The inflows of foreign capital will intensively enter into developing countries, including Indonesia. This will help improve the current account deficit and strengthen the rupiah exchange rate.

### **New Scenarios**

With such a global atmosphere, especially the slowing global economy and the tendency of monetary easing, BI should change the brake pedal policy of maintaining a high benchmark interest policy. It is time for BI to consider a scenario of a reduction in the benchmark interest rates to accelerate economic growth, which has been stable for a long time at level of 5 percent.

Furthermore, in the midst of such conditions that have ultimately resulted in the weakening of local exports must be compensated by the strengthening of domestic consumption and investment. For this reason, the real sector needs to be supported by sufficient liquidity.

As a result, the scenario of a reduction in benchmark interest rates is quite reasonable. *First*, cheap interest rates will stimulate invest-



ment and the domestic business climate. *Next*, liquidity easing is expected to also be able to increase national household consumption, which has been a contributor to more than 55 percent of economic growth, or national GDP.

Easing interest rates will certainly drive the real sector. With the inflation rate being maintained at a low level, the purchasing power of the people will also increase, thus driving up demand for credit. If we see that in the last two months, the growth of bank credit has only been at a level of 12% (year on year), it is expected to increase in the future with cheap credit interest compensation as well.

Equivalent to the increasing confidence of business people after the election was peaceful, investment is believed to be increasing in the second half of this year. This is also supported by infrastructure projects that continue. This is evidenced by the fact that the undisbursed loan is still more than Rp 1,500 trillion.

The author believes that with a scenario of BI lowering interest rates in the second semester, it will still keep Indonesian financial instruments attractive. Capital inflows will continue to pour in, especially targeting state securities (SBN). The decline in benchmark interest rates can of course encourage economic activities. The transmission of a 75DRR BI rate cut will reduce lending rates so that demand for credit from companies and households will increase.

A reduction in loan interest rates will also reduce the company's capital costs to invest. This will all increase consumption and investment activities to encourage economic activities. Furthermore, capital inflows also occur due to liquidity easing, where falling interest rates will reduce the interest rates of the investment instruments in the banking sector. Thus, investment instruments in the capital market will be more attractive. In addition, investors who had previously held their money in the banks would release their money to invest.

Also with this scenario, we can improve the competitiveness of the national business community. As the entrepreneurs in neighboring countries competitors enjoy lower lending rates, the prices of their products are more competitive.

In connection with Indonesia's Current Account Deficit (CAD) problem, the bleeding could actually be blocked by foreign investment, especially by Foreign Direct Investment (FDI). In this case,



FDI must be directed to export oriented industries and to boost domestic productivity.

Lastly, the author suggests that in the future BI set benchmark interest rates that will be able to maintain rupiah stability and inflation, maintaining the attractiveness of financial assets in the eyes of foreign investors, and becoming an economic stimulus. Thus, it is hoped that the pro-stability and pro-growth BI mission can be achieved without causing noise. Of course, these steps also require readiness from the BI side.

**- M. Rifki Fadilah -**

*The BI Board of Governors' Meeting (RDG) on April 24-25 2019 had decided to maintain the 7-day Reverse Repo Rate (BI7DRR) at a level of 6 percent. BI has maintained BI7DRRR at that level six times. With the global atmosphere slowing, the tendency of easing world monetary policies, as well as improving the conditions of the domestic economy, BI needs to consider reducing the benchmark interest rates.*

## Criminalizing the Declarations of False Victory

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Three weeks after the voting day, the tensions between the two presidential camps are still high. The tensions started to heap up after several independent survey institutes publish their quick count results showing the victory of Joko Widodo - Ma'ruf Amin, with an average vote range of 54.45% -45.55%.

Interestingly, the supporters of Prabowo Subianto, had spontaneously claimed their own victory, and calling the results of the quick counts as lies. The current situation is still full of uncertainty. Referring to his camp's internal real count (which included CI results from 320,000 polling stations), Prabowo has so far declared victory four times. He claimed to have garner 62 percent of the vote. He has also been accusing that the election processes have been tainted by structured, systematic and massive frauds.

### **The Denial of Public Ethical Reasons**

Ethically, these actions are certainly something that cannot be justified. The General Elections Commission (KPU) is the only state institution that has the authority to organize and issue the results of the elections. It is still in the process of recapitulating the votes, and it has not issued any official results to the public. The existence of such declarations, in fact, certainly has undermined the authority of the KPU and the administering of healthy, honest and fair elections.

In addition, the declarations have also indirectly hurt the credibility of independent survey institutes, which have been conducting quick count processes in accordance with proven scientific expertise and methods. These actions are also dangerous, because they have clearly worsen the tensions in the society, which could lead to disturbances in the community.

### **The Potential for Crime**

Therefore, the various forms of victory declarations and the cheating allegations have the potential to be prosecuted under Law No. 1/1946 on Criminal Law.

This Law was a product of the Old Order era that is still valid today. No newer Law has been issued to replace the old Law. According to the Principle of *Presumptio Iustae Causa*, a Law must be considered valid until a similar newer regulation declares it invalid.

In this Law, there are at least three articles that can be used to ensnare these actions. *The first one* is Article 14 Paragraph (1), which states that “Whoever, by broadcasting news or false notices, intentionally issues confusion among the people, is punishable with a maximum prison sentence of ten years”.

*The second one* is Article 14 Paragraph (2), which states that “Whoever broadcasts news or issues a notification that can create confusion among the people (in which the news or notification is a lie), is punishable with a maximum of three years’ imprisonment”.

*The third one* is Article 15, which regulates that “Anyone who broadcasts uncertain news or news that is excessive or incomplete (while he understands that such news will or easily issue confusion among the people) is punishable by a maximum prison sentence two years”.

It can be examined closely that the three articles are interrelated and slightly different. The declarations of Prabowo’s can be prosecuted using the articles.

Perhaps at the first declaration, Prabowo was not sure about the results of his internal real count, which was certainly uncertain and incomplete. It certainly created confusion among the people as the tension at that time was very high. This fulfills the elements of Article 14 Paragraph (2) and Article 15 of the Criminal Law.

The second, third and fourth declarations referred to the results of Prabowo’s internal real count, which clearly contradicts various quick count results of independent survey institutions (which covered 75-85% of the data). The declarations can be categorized as lies (Nasional.tempo.co 04/20). This clearly fulfills the elements of Article 14 Paragraph (1) of the Criminal Law.

The author considers that these actions should be reported to the authorities. This is important so that in the future it will not be repeated by other politicians.

**- Muhammad Aulia Y Guzasiah -**

*The various forms of victory declarations and the cheating allegations have the potential to be prosecuted under Law No. 1/1946 on Criminal Law.*

## **The Broad Autonomy Era: the Reflection on the 21 Years of Reform**

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Soon, this nation will commemorate the 21 years of reform. The 1998 Reform in Indonesia was one of the important milestones that had become the start of the processes of restructuring state governance and towards a more democratic and strategic direction.

The Reform that started on 21 May 1998 has been trying to change the face of the New Order regim. One of the agenda is the broad granting of regional autonomy to cure the trauma from era of a centralized government.

The demand can then be seen in the blueprint of Law Number 22/1999 on Regional Government, which was passed on May 7, 1999, becoming the basis for the era of administering government affairs in the regions based on the principle of decentralization.

### **The Dynamics of Organizing of Broad Autonomy**

The developments have been so chaotic. According to the data from the Ministry of Home Affairs, Gofar (2003) noted that since the Law No. 22/1999 became effective on January 1, 2001 until the end of 2003, at least around 10,000 provincial and regency/municipal regulations had been issued. Most of the regulations have the tendency to increase the Regional Original Income (PAD). Many of these regulations overlap with each other. These regulations have brought big burdens to the lcommunity, making it difficult for the economy and the business sector. These regulations impose certain types of taxes and levies.

The chaotic situation was caused by the unclear regulations and the lack of preventive supervision in the drafting of local regulations. This happened after the broad autonomy was given through Law No. 22/1999.

The Law was eventually revoked on 15 October 2004 and replaced by Law No. 32/2004 on Regional Government. The new Law was supposed to provide preventive supervision over the formation of local regulations.

Law No. 32/2004 has instead created some new problems similar to those problems in the era of Law No. 22/1999; namely, the spread of corruption involving regional heads. During the Law No 22 era, the corruption involved individual DPRD members. There was limited anti-corruption agenda, so corruption spread.

### **The notes on the Organizational Settings of of Local Governments**

The problems above are just a few examples of the many problems that have emerged since the introduction of the broad autonomy policy.

Law No. 22/1999 and No. 32/2004 were inspired by the spirit of decentralization/federation. The ART system is used, adopting authority that relies more on the region without definite restrictions. In addition, the supervisory institution, which was also equipped by the two laws, could almost be said to be very weak because it did not have preventive supervision.

This pattern is actually understandable considering the management of the previous local governments, which were very centralized with the misuse of supervision institutions. However, this should not be used as a justification for giving the broadest possible autonomy that almost denies the essence of the unitary state itself.

Apart from the polemics, the author argues that the results of the evaluation of the current Regional Government Law, Law No. 23/2014 on Regional Government, are far better than the previous two regional governance arrangements. This Law characterizes the essence of the unitary state, without forgetting the principles of decentralization that animates regional autonomy.

The current Law regulates the basic affairs of the central government and also the affairs of the local governments, so the local governments can operate autonomously and independently.

In terms of supervision, this Law also regulates supervision institutions that are far more comprehensive and assertive in overseeing

the formation of regional regulations. This can be seen from preventive supervision that is not only for the drafting of regional regulations (including those through the mechanism of giving registration numbers) but also for preventing corruption in the drafting of the regional budget, regional taxes, regional retributions, etc.

In addition, this Law also accommodates repressive supervision in the form of the cancellation of regional regulations. This oversight is an important institution and a strategy to deal with all possible changes, including cancelling regional regulations that have the potential to conflict with higher laws, public interests and / or decency .

However, the article that underlies the oversight authority was then canceled by the Constitutional Court (MK) through its decisions Number 137/PUU-XIII/2015 and Number 56/PUU-XIV/2016 on April 5 and June 14, 2017, because it had deviated from the logic of the legal state of Indonesia and regional autonomy, negating the roles and functions of the Supreme Court as an institution authorized to review laws and regulations.

In administrative law, that supervision is commonly known as administrative supervision, where the President as the Central Government, according to Article 4 Paragraph (1) of the 1945 Constitution, has the authority to oversee autonomous regions as lower-level state organs through the Minister of Home Affairs and / or the governors as regulated in Law No. 23/2014.

Thus, the Constitutional Court's decision was a mistake, which has the potential to cut the adhesive between the autonomous local governments and the unitary state. As Manan (1994) stated, "the supervisory functions as an adhesive as well as a counterweight to the pendulum of the freedom of autonomy in order not to move so far that it reduces and even threatens unity".

The author considers that the supervision institution needs to be reorganized by revising Law on Regional Government or through lower-level legislations, such as Government Regulations or Presidential Regulations. This supervision institution is very important to control regional autonomy freedom, which must be accompanied by responsibility.

**- Muhammad Aulia Y. Guzasiah -**

*Indonesia commemorates the 1998 reform, which in 2019 has entered the age of 21 years. Along with that, this nation will also experience moments of 20 years of regional autonomy. The era of broad autonomy creates a number of problems, such as the proliferation of regional regulations that burden communities and the spread of corruption cases by regional political elites .*

## 21 Years of Reform and the Resolving of Cases of Human Rights Violations in the Past

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This month, exactly 21 years ago, there was a heartbreaking event on this nation's journey. Ethnic conflicts occurred on May 13-15, 1998 in Jakarta and a number of cities, triggered by the shooting of four Trisakti University students on May 12, 1998.).

According to the Joint Fact Finding Team (TGPF) for the May 1998 Riot, there were variations in the number of deaths and injuries. According to the Volunteer Team's data, 1190 people were burnt, 27 people were hit by weapons / and others, and 91 were injured. According to regional police's data, 451 people died. No injuries were not recorded. According to Kodam's data, 63 people died, including security forces, and 69 people were injured. According to DKI Regional Government's data, 288 died , and 101 were injured. In other cities outside Jakarta, the findings of casualty and fatality figures also vary. According to Polri's data, 30 people died, 131 people were injured, and 27 people were burnt. According to the Volunteer Team's data, 33 died, and 74 were injured (*TGPF findings, Publication of Komnas Perempuan, 1999*).

In addition, TGPF also found sexual violence during the May 1998 riots. Although the victims of sexual violence were not all Chinese Indonesians, the majority of cases of sexual violence in the May 1998 riots were suffered by Chinese Indonesian women. The victims of sexual violence also came from different social classes (*TGPF findings, Publication of Komnas Perempuan, 1999*).

### **The developments of the Resolving of Cases of Human Rights Violations,**

The settlement of the 1998 riots has yet to find meaningful developments. The other historical gross human rights violations have also not been solved. These include the 1965 tragedy, the mysterious shooting incidents in the 1980s, the Talangsari incident, forced



disappearances before the 1998 Reform era, the Trisakti, Semanggi I, and Semanggi II events.

In fact, as we all know, there has been a legal umbrella that states that the resolution of gross human rights cases can be carried out through the Ad Hoc Court, as mandated in Law No. 26/2000 on the Court of Human Rights. Unfortunately, different governments in the Reform era have failed to deliver. The investigation files prepared by the National Human Rights Commission had been returned by the Prosecutor's Office because they considered that the files did not meet the requirements of the investigations.

### **The Non-Judicial Settlement Offer**

The slow process of resolving human rights cases through the court has been responded by the Joko Widodo (Jokowi) Government. Jokowi has offered out-of-court settlements by promoting reconciliation to resolve cases of historical gross human rights violations.

Initially, in 2015, Jokowi had planned to form a Reconciliation Committee. This committee consisted of different institutions, such as the Attorney General's Office, the Indonesian National Police, TNI, the National Intelligence Agency, the Ministry of Law and Human Rights, and Komnas HAM. However, the Reconciliation Committee did not work. Furthermore, in 2016, the Jokowi Government tried to establish the National Harmony Council (DKN). One of DKN's assignments was to resolve the issues of past human rights violations (*Kompas.com*, 5/6/2018).

### **The Rejection to the Non-Judicial Settlement**

The offer of the Jokowi Government to resolve past gross human rights violations through the processes of reconciliation had been rejected by the families of the victims. The reason was because DKN was initiated by Coordinating Minister for Political, Legal and Security Affairs Wiranto, who was allegedly involved in a several cases of human rights violations during the Reform era. (*cnnindonesia.com*, 02/13/2017).

Apart from the families of the victims, the offer had also been rejected by human rights activists. The Executive Director of the Human Rights Working Group (HRWG), Muhammad Hafiz, stated that the decision was considered as a hurried shortcut, overlooking the aspects of justice that should have been accepted by the victims. Hafiz said that resolving the cases of past human rights violations must not immediately jump to non-judicial matters. The

truth must be revealed first. The government should find the masterminds behind the riots, the reasons behind the riots, and the whole picture of the events. All of these things must be revealed to the public (*Tempo.co*, 1/2/2017).

Furthermore, the Coordinator of the Commission for Missing Persons and Victims of Violence (KontraS), Yati Andriyani, stated that there were three legal issues that would arise if DKN was formed. *First*, the mechanism for resolving past gross human rights violations through DKN is only in the form of deliberation without legal proceedings. *Second*, the existence of the DKN will collide with Law Number 26/2000 on the Human Rights Court. The law regulates that the authority to settle cases of human rights violations lies with the National Human Rights Commission and the Attorney General's Office, and not with the Coordinating Ministry for Political, Legal and Security Affairs (*tirto.id*, 19/7/2018).

*Third*, there is the potential for authority maladministration carried out by Menkopolhukam if the formation of DKN is realized. According to Presidential Regulation 7/2015 on the Organization of State Ministries and Presidential Regulation 43/2015 on the Coordinating Ministry for Politics, Law and Security, the task of the Coordinating Minister for Politics and Law is coordination. Therefore, the initiative of the Coordinating Minister for Law and Human Rights to form the DKN clearly has exceeded his authority. This is an administrative defect. The maladministration refers to the provisions in Law Number 37/2008 on the Ombudsman (*Tirto.id*, 07-19/2018).

## Conclusion

Amid the obscurity of resolving cases of human rights violations through the Ad Hoc Human Rights Court in Indonesia, the author considers that the offer of reconciliation is a step forward to open a new page for resolving past human rights violations. Ideally, reconciliation can prevent past cases as new seeds of conflict, consolidating peace and breaking the cycle of violence. Reconciliation is expected to heal the wounds of the victims, improving past injustices and establishing non-violent relations between individuals and the state in the future (*Extracted from Reconciliation after Violent Conflict, IDEA, 2003, p. 19*).

However, several things should be noted. *First*, the process of reconciliation is not to forget past human rights violations. The reconciliation process must be preceded by the disclosure of the truth

to the public. The committee must find the perpetrators who are considered responsible for the human rights violations.

*Secondly*, the disclosure of cases of human rights violations must be recorded so that the cases of human rights violations are considered taboo. This will be a lesson for the government in the future, knowing that there has been mistakes in the past. Third, the reconciliation process must also facilitate victims to go through the phase of accepting the reality to forgive the perpetrators of human rights violations.

*The offer of reconciliation is a step forward to open a new page for resolving past human rights violations. But, the government's commitment must still form the Human Rights Ad Hoc Court.*

- **Arfianto Purbolaksono** -

## The Evaluation of the Implementation of the 2019 Elections

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On April 17, 2019, Indonesia for the first time held simultaneous general elections. The simultaneous elections combined legislative elections and also the elections of the President and Vice President. Simultaneous elections were carried in accordance with the results of a Constitutional Court (MK) decision, which granted the judicial review petition of Effendi Ghazali and the Community Coalition for Simultaneous Elections of Law No. 42/2008 on the Presidential Elections. The claim was registered with number 14 / PUU-XI / 2013 (*kumparan.com*, 11/18/2018).

Concurrent elections are considered more efficient both in terms of time and costs. According to the calculation of then KPU member Ferry Kurnia Rizkiyansyah, whom they quoted in the application, the holding of simultaneous elections could save a budget of Rp 5 to Rp 10 trillion. Meanwhile, according to the calculation by DPR Member F-PDIP Arif Wibowo, simultaneous elections could save funds of around Rp 150 trillion, or one tenth of the APBN and APBD. In the end, the Constitutional Court granted part of the lawsuit. The panel of judges of the Constitutional Court canceled Article 3 Paragraph (5), Article 12 Paragraphs (1) and (2), Article 14 Paragraph (2) and Article 112 of the Presidential Election Law, which regulated the implementation of the presidential elections three months after the Pileg (*kumparan.com*, 11/18/2018).

Even before, according to electoral activist Didik Supriyanto, the discourse of holding national elections simultaneously and regional elections simultaneously had been campaigned since 2006. At the time, he, as Chair of Perludem, along with Prof. Ramlan Surbakti (Airlangga University Social Sciences), Prof. Syamsudin Haris (LIPI), and Pipit Kartawijaya (KIPP Germany) campaigned for the model of electoral merger (*detik.com*, 29/4).

Regarding the simultaneous elections, the Constitutional Court argued that the implementations of the 2004 and 2009 presidential elections after the legislative elections had caused the presidential candidates to negotiate with political parties, which ultimately affected the running of the government. In addition, the Court was of the opinion that the simultaneous implementation of the presidential elections and legislative election will be more efficient, so the financing of the implementation can further save the country's money (*kumparan.com*, 11/18/2018).

### **Not Efficient and Causing Victims**

Instead of saving the budget, in fact the costs of simultaneous elections are far more expensive than the costs of the previous elections. This is evident from the allocation of a budget of Rp. 24.8 trillion for the holding the 2019 legislative and presidential elections. This budget allocation rose by 3 percent (Rp700 billion) compared to the costs of the 2014 legislative and presidential elections, which reached Rp. 24.1 trillion. Also, in 2018, the government had allocated an election budget of Rp. 16 trillion (*tirto.id*, 08-16/2018).

In addition to the increased costs of elections, the implementation of these simultaneous elections also takes a long and tiring time. Also, there was a great number of people who got sick due to fatigue in organising the elections (KPU). There were 4,228 polling station officers who had health issues. 440 of them died, while 3,788 people got sick (*detik.com*, 4/5).

The many problems in the simultaneous elections have caused many figures to demand the evaluation of the simultaneous elections. Former Chief Justice of the Constitutional Court Jimly Asshiddiqie has proposed that the elections be divided into several levels; that is, the presidential elections can be held in conjunction with legislative elections for the DPR members. The elections of the governors should be held with the elections of the provincial DPRD members. The elections of regents / mayors with the elections of district / city DPRD members. Similar proposals were conveyed by the Association for Elections and Democracy (Perludem). Perludem Executive Director Titi Anggraini argued that simultaneous election should be able to reduce the burden on election organizers. However, Perludem assessed that the current system was not simultaneous elections (*tempo.co*, 24/4).

Meanwhile, KPU Commissioner Hasyim Asy'ari said that there was a discourse to separate simultaneous elections at the regional level

from simultaneous elections at the national level. The discourse, said Hasyim, came from an evaluation research on the implementation of the 2019 and 2014 Elections (*cnnindonesia.com*, 23/4).

### Recommendations

Looking at the issues and several opinions above, the author agrees if an evaluation of the implementation of the simultaneous elections is needed. The author sees that there are weaknesses in the process of simultaneous election policy formulation. The author considers that policy makers failed to identify problems in the process of policy formulation.

William N. Dunn (2014) reminded that in the process of making public policy, the stages of policy formulation often face a third type of error; namely, policy formulation errors due to errors in identifying problems.

According to the author, in the simultaneous election policy-making, the third type of error occurred. The Constitutional Court's decision was not followed by a process of identifying problems based on strong data. Ideally, policy formulations should be based on identification, agenda setting, and alternative policies. This requires correct data based on in-depth studies and research.

In addition, it is necessary to simulate the implementation of elections to see the potential burden of implementation. Thus, mitigation can be done if undesirable things happen. The results of research that is based on strong evidence and analysis should be a basis for making future electoral policies.

Policy decisions must be made based on strong evidence. The decisions should be based on broad views of the issue. Most policies are interdisciplinary and require different sets of knowledge. Louise Shaxson (2016) classifies evidence into four types of evidence. Mapping these various types of evidence can be useful for achieving policy objectives.

*The first* type of evidence is statistical and administrative data, which help describe the current conditions of an issue and explain historical trends. *Second*, research-based evidence, which describes a causal relationship. This contributes to our understanding of “why things happen in their own way” and explains relationships between people (Louise Shaxson, 2016).

*Third*, evidence from the public and stakeholders (such as civil society organizations or business actors), which contributes to our understanding of who evaluates policies and how they might respond. Fourth, evidence from evaluations, which helps explain past successes. (*Louise Shaxson, 2016*).

Thus, a research-based evaluation of the implementation of simultaneous elections is mandatory. The results of the evaluation research should be a reference for the improvement of policies for the holding of elections in the future.

**- Arfianto Purbolaksono -**

*Simultaneous elections in 2019 must be evaluated immediately. Research-based evaluation of the implementation of simultaneous elections is urgent. The results of the evaluation research must be a reference for the improvement of future election management policies.*

## 21 Years of Reform: The Challenge of Women's Political Engagement and Policy-Making

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Less than two weeks ago, the 2019 Women's March Indonesia was held. Exactly a week after the elections, 10 women's demands were voiced. The encouragement for various pro-women's policies has been voiced so strongly. One of them is the support for ratification of the Draft Law on the Elimination of Sexual Violence.

There has been demand for women's related policies. Some of these proposed policies are the opportunities for women's participation in the economy, the implementation of the Migrant Workers Law, the accommodation of the Village Law, and the Fisheries Law that is inclusive of women. In the social and educational aspects, the development agenda, the implementation of social protection, and the education curriculum are expected to be able to include the principles of gender justice and inclusiveness.

On the legal side, the manifestation of gender fair law enforcement is in the spotlight. The pressure to resolve human rights violations and the criminalization of women and other minority groups has intensified. However, the existence of hundreds of discriminatory regulations and legislation has severely limited women's movement.

Reported by Komnas Perempuan (2018), there were 421 discriminatory policies in Indonesia. 56 percent of them were in the form of regional regulations, and 333 of them directed towards women. Some of these rules involved the application of curfews, arrangements for dresses, prostitution and restrictions on trans-women to work (*CNN Indonesia*, 11/20/18).

The description above does not negate that women's issues are closely related to policy aspects. Unfortunately, the strong marginalization of women as the subject of development has dampened their voices to the point that it has led to the neglect of efforts to accommodate the needs and rights of women through resolving the



root causes of women's welfare in Indonesia. Seeing this, women and policy aspects must be reflected more deeply.

### **Gender Mainstreaming and Pro Women's Policies**

The initiative of gender mainstreaming in policy-making is not new. In general, the introduction of a gender perspective is a process of exploring the implications for women and men in various planned actions, both in the form of legislation and in the form of policies and programs at various levels and in various stages from planning to evaluation (*United Nations, 2002*).

The strategy for promoting gender equality in policy and spectrum issues has been embedded in the Beijing Platform for Action from the UN 4th World Conference on Women in Beijing in 1995. On this platform, the strategy of gender mainstreaming in policy aspects includes two important dimensions:

1. The analysis of issues and formulation of various alternative policies by considering gender differences and inequalities,
2. Exploring opportunities to minimize gender inequality and support greater equality between women and men.

The mainstreaming strategy was then adopted into various policy practices in Indonesia. One of the things that need attention is regarding the policy of affirming gender quotas in the Parliament. However, the issue of gender mainstreaming is not without challenges.

According to a political-economic perspective, there are key elements to describe the problems in the effort to integrate a gender perspective into various policies, especially policies concerning women. This can be identified through an approach by Rosendorff (2005); namely:

1. Institutions are institutional arenas (such as elections and political parties, the Parliament, policy frameworks in decentralization and informal politics) and opportunities and obstacles faced in the process of negotiating policy-making,
2. Ideas held by political and public elite are the issues of poverty and its causes, social contracts between the state and citizens, and the good side of the presence of the state. In addition, ideas also include "the poor are caused by factors outside themselves", "concerns about dependence", and the attitudes towards inequality and social fragmentation

3. Interests are owned by key actors, both those who allow gain and those who allow loss from changes in policies (e.g. political elites, funding institutions, defenders for civil rights, etc.) and the relative balance of power between them.

### **Reform, Women and Policy**

Reform is a new long history and in many ways is a new challenge. Since the end of the New Order regime, various accounts of women's politics had been summarized in the article from Kapal Perempuan (2018) entitled "Women's Movement: 20 Years of Reform." The women's movement has had a role in organizing and answering women's problems from time to time. However, the important records of women's agenda in the Reform era are facing complexity when presented with various issues related to regional autonomy, identity politics and others.

To answer this challenge, women's political involvement becomes very important. Law No. 31/2002 on Political Parties introduces gender justice for the first time by requiring political parties to implement gender justice in the process of recruiting legislative candidates and political party structures from local to national level.

Then, in ten years of the Reform, Law Number 2 /2008 on Political Parties recommends the 30-percent quota for women administrators. Law Number 10 /2008 on General Elections for the Members of the DPR, DPD and DPRD also regulates that a political party must nominate 30 percent of women from the list of candidates of the members of the DPR, DPD and DPRD. These regulations have become a clear base for the start of the era of affirmation policies for women.

However, the literacy of the government towards gender mainstreaming still leaves serious challenges. Until 2017, the representation of Indonesian women in Parliament still reached a level of 19.8 percent. Meanwhile, according to Indonesian Statistics data, women's representation in the DPR in the 2014 Election was still at a level of 17.32 percent. This number had decreased from 2009, which reached a level of 17.86 percent (*Tirto*, 7/9/17).

When viewed from an institutional aspect, it is inevitable that a gender quota for women has become a distinct irony. Moreover, the policy is only limited to fulfilling administrative requirements. Institutional support related to pro-gender policies is still a not real if in reality the gender quota is only limited to gender equality require-

ment in the election file. In addition, institutional capacity, both at the political and legislative levels, should integrate gender equality in various programs and policies.

At the level of political parties; for example, the efforts for political education, especially women's political participation and gender mainstreaming in policy-making, have not proceeded properly. Regardless of this, another challenge is that gender mainstreaming is hampered by problems of control and supervision in political party institutions. Other problems are the transparency of standards and procedures, ranging from recruiting to nominating legislators.

Furthermore, challenges will become more complex if confronted with the aspects of interest in policy-making. In the end, these challenges largely nullified various basic problems of women in the political agenda, both at the level of political parties and at the level the legislature. This is the reality we need to face.

Many women are still trapped in discrimination, dual roles in the private and public sectors, and assumptions that weaken women. For example, in terms of education, women's political abilities are lower than men. These obstacles certainly make it difficult for women to optimize their potential, both in the electoral process and when they occupy their seats.

### **Conclusion**

Pro-women's policies are an important manifestation of partisanship in making decisions about women's real issues. This certainly requires the attention of many parties to ground the issue as well as to play a role in optimizing the pro-women's policy-making process.

Several things can be done. First, initiatives and programs to increase political capacity for women should be formulated. Increasing political capacity is not only about empowering women, but emphasizing the point of view and understanding of all forms of basic problems of women in various domains. This capacity can also include methods and tools that are embodied in gender mainstreaming strategies, ranging from gender analysis, studies on the impact of gender, consultation, to gender-based data use.

Furthermore, intensive cooperation between the network of political women in the Parliament and non-governmental organizations is also a necessity. Cooperation can begin with the network of civil

society that fights for a bill that discriminates against women. This can encourage further cooperation, such as providing technical assistance and evidence-based recommendations that can be utilized in policy making.

Finally, gender mainstreaming in policy-making is not only the duty of women but also the joint task of political representation in the Parliament. Policy-making should have to consider coverage aspects in a comprehensive, gender sensitive and inclusive manner. Some training related to sexual violence and discriminatory practices in politics also need to be given to male political representatives without exceptions. This understanding must be internalized by decision makers as a joint commitment to improve and encourage better pro-women's policies going forward.

*All parties need to consider gender mainstreaming as a basis for capturing women's basic problems more than limited to political involvement for women.*

**- Nopitri Wahyuni -**

## The Inclusiveness of Health Services in Indonesia: A Reflection

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Health issues in Indonesia are like endless chaos. Health policy reforms until the emergence of the National Health Insurance (JKN) are important to be recorded. JKN is not only present as an umbrella, but also a commitment from the government to provide social protection for the community, especially health, through a mechanism of social health insurance that is compulsory and comprehensive (*Ministry of Health, 10/2/14*).

Since it was implemented on January 1, 2014, more than 15 years after the Reform, JKN became the most basic element of health service policy. The service is expected to move from preventive-promotive, curative aspects to rehabilitative aspects for all residents, without excluding low income groups.

The presence of two important JKN benefit packages – namely, health services and non-medical benefits -- is managed by the existence of the Health Social Security Administering Agency (BPJS) as an organizing institution that has tried to reach the maximum participation of the community. This is reinforced by data from the BPJS Health page as of February 2019, which states that 82.64 percent of the total population of Indonesia has been registered as a participant in the JKN-KIS program (equivalent to 218.13 million). The above figures indicate that health policy in Indonesia has been transformed towards a positive direction.

Apart from budget polemics, the JKN-KIS program is considered to be one of the social programs with the most perceived level of benefits. Research from the Alvara Research Center (2019) shows that throughout 2018, there were 233.8 million accesses to health service benefits at all levels of health services with the program. The data was confirmed by a study from Infid (2018), which revealed that 96% of respondents felt that the JKN program had great benefits.

Moreover, the JKN program is also considered to have a significant impact on poverty reduction. A research from FEB UI in 2015-2016 showed that the program had saved 1.16 million people from poverty and protected 14.5 million poor people from more severe conditions of poverty (*BPJS Kesehatan, 2019*).

It can be interpreted that the JKN program is the basis for middle and lower income groups to gain access to health services more easily by cutting the average costs incurred for treatment. This news certainly cannot be just nullified and becomes the basis for exploring the extent to which these benefits have indeed been felt by the groups most in need.

### **The Inclusiveness of Health Services: An Approach**

Modernization and health service reform have a progressive impact on accessibility and quality of services. In the outcome aspect, the transformation does not merely increase life expectancy as the closest indicator. Such significant progress can be directed towards the needs of community groups with the complexity of certain health needs, such as socially excluded groups of people.

The principle of inclusiveness is an important value in administering health services. As mandated in Law Number 40/2004 on the National Social Security System, social security programs, including health, must pay attention to the principle of justice.

The terminology of inclusive health itself refers to the ethics of “health for all”. MacLachan et al (2012) defines inclusive health as an effort to provide health services with a human rights approach by encouraging inclusion and proactive approaches to addressing unique and different challenges in community groups, and seeing that innovation in the field of human resources affects provision of health services.

Furthermore, there are three principles of inclusive health. *First*, efficacious (health benefit) aspect; that is, health services actually work and encourage people’s physical well-being and prevent diseases and social conditions that reduce health. *Second*, equitable; namely, services provided based on needs, especially those who most need to be able to access services. *Third*, affordable (cost aspect); namely, the health services provided with the most effective costs.

From the above principles, inclusive health has basically been pursued well. Another note is that health policy must pay attention to justice by prioritizing vulnerable and socially marginalized groups (*Mannan et al, 2011*). The vulnerable groups here are social groups that face limited resources and have a high risk of disease and death. The group includes groups of persons with disabilities, ethnicity, gender, socio-economic status, belief groups, groups with certain sexual orientations, and others.

From this diversity, the important emphasis of health policies and practices must look at their situation. Many things need to be realized regarding the root causes of vulnerable groups. Not because of their intrinsic features, but rather how social hierarchies form biases and prejudices that perpetuate exclusion. Inclusion means cutting down barriers in relations among communities and encouraging various voices of vulnerable and marginalized groups into discourse and social policy. Thus, all forms of health services can have sensitivity to various social groups without exception.

### **How Inclusive is Our National Health Insurance?**

The opening section has clearly highlighted the exciting news from the JKN implementation in Indonesia. Getting an assessment with a high level of benefits and contributing to poverty alleviation are achievements that must be recognized and appreciated. This has at least fulfilled two basic principles in terms of service benefits and affordability, and this has touched on participation in the socio-economic spectrum.

In women's groups; for example, as reported by the Women's Health Foundation study (2018), the implementation of the JKN scheme still faces challenges in the segmentation of female beneficiaries, especially on reproductive health issues. Some interesting notes are related to health workers who do not understand the JKN program and the package of reproductive health services included in the JKN program.

In addition, women's knowledge about the benefits package borne by the BPJS has not been evenly distributed. From the research, it is known that women's understanding is still limited to the benefits of the services of prenatal and normal birth. Meanwhile, tumor and cancer treatment services or birth with complications services are unknown to many people. In addition, there are also problems of accessing services for girls who often face judgment and stigma



when accessing reproductive services. Consequently, the quality of service delivery to women has not been optimal.

The group of persons with disabilities is no less important. Health services for groups of physically disabled persons have indeed been intensified, but not many in the category of psychosocial disabilities. As reported by *Tirto* (8/9/16), the gap in treatment of mental disorders in Indonesia reached a level of more than 90 percent. In other words, less than 10 percent of people with mental disorders get health services from health workers. In the current context of socio-culture, psychiatric disorders are actually handled by many non-medical personnel, such as shamans or religious people.

BPJS's commitment to bear mental consultation services for persons with psychosocial disabilities already has a foundation. However, this commitment is still entangled in the reality that mental health services are still minimal. According to a reporting from *The Conversation* (2018), with a population of around 265 million, Indonesia only has about 451 clinical psychologists (0.15 per 100,000 inhabitants), 773 psychiatrists (0.32 per 100,000 population) and 6,500 nurses (2 per 100,000 people).

It is not impossible that in the future, other social groups, such as groups of faith, groups who are still struggling with the administrative rights, groups with certain sexual orientations and others, should be encouraged to join public discourse and health policy attention in the future.

## Conclusions

Health policy reform will always be a long debate. Of course, this is a brilliant idea to attract the health sector towards improvement. In addition to having to consider the institutional aspects with the form of resolving deficit problems and the transformation of more organized health services, the discussion must divert towards the participation and coverage of various groups of beneficiaries into the service.

There are things that can be done. However, two important aspects that should be underlined are the continuous information dissemination to the community and increasing health resource capacity. Continuous information dissemination is expected to continue to distribute basic knowledge about benefit package services, especially the spectrum of vulnerable groups. This information dissemination certainly needs to involve various sectors, mainly cer-



tain groups, such as community leaders, local health activists, and others.

Then, increasing the capacity of health resources, such as health workers, must consider three aspects; namely, value, knowledge and skills. In addition to complete the knowledge about health services and skills in providing services, the values that must be emphasized must be in accordance with the principle of inclusiveness above. With the above efforts, it is expected that health services can be in accordance with the belief that health for all is a manifestation of health policy reform in Indonesia.

*Health for all (inclusive) and health services must consider the various spectrum of social groups without exceptions.*

**- Nopitri Wahyuni -**



# THE INDONESIAN INSTITUTE

CENTER FOR PUBLIC POLICY RESEARCH

**The Indonesian Institute (TII)** ) is a Center for Public Policy Research that was established on 21 October 2004 by a group of young, dynamic activists and intellectuals. TII is an independent, non-partisan, non-profit institution, whose main funding stems from grants and contributions from foundations, companies, and individuals.

**TII** has the aim of becoming a main research center in Indonesia for public policy matters and has committed to giving contribution to the debates over public policies and to improving the quality of the planning and results of public policy by promoting good governance principles and public participation in the policy processes in Indonesia.

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

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

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The scope of the research and review on public policies undertaken by **TII** includes economic, social, and political factors. The main activities have been conducted in order to achieve vision and mission based on research, surveys, training, public discussions, working group, weekly editorial articles ("Wacana TII"), monthly analysis ("Update Indonesia" and "The Indonesian Update"), annual analysis ("Indonesian Report"), and monthly discussion forum ("The Indonesian Forum").

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## RESEARCH ON ECONOMIC AFFAIRS

The economy tends to be used as an indicator of the success of the government as a policy-maker. The economy plays an important role as one of the fundamentals of national development. Limited resources have often caused the government to face obstacles in implementing economic policies that will optimally benefit the people. The increase in the quality of the people's critical thinking has forced the government to conduct comprehensive studies in every decision-making process. In fact, the studies will not be stopped when the policy is already in place. Studies will be continued until the policy evaluation process.

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

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

The TII Economic Research Division is present for those who are interested in the conditions of the economy. The results of the research are intended to assist policy-makers, regulators, and donor agencies in making decisions. The research that TII offers: **(1) Economic Policy Analysis; (2) Regional and Sectoral Prospects; and (3) Program Evaluation.**

## RESEARCH ON LEGAL AFFAIRS

According to stipulations in Law No. 12 Year 2011 on the Formulation of Laws and Regulations, every bill which will be discussed by the legislative and the executive must be complemented with an academic paper. Therefore, comprehensive research is very important and needed in making a qualified academic paper. With qualified academic papers, the bills will have strong academic foundations.

TII can offer and undertake normative and legal research related to harmonization and synchronization of laws and regulations, especially in making academic papers and bills. In addition, the research will be conducted using sociological, anthropological, and political approaches in order to produce more comprehensive academic papers and bills. It is expected that the laws and regulations will be produced through such participatory processes, which involve the writing of academic papers and also focus group discussions (FGD), which will involve the stakeholders related to the laws and regulations that will be discussed.

## RESEARCH ON THE POLITICAL AFFAIRS

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

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

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

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

## RESEARCH ON THE SOCIAL AFFAIRS

Social development needs policy foundations that come from independent and accurate research. Social analysis is needed by the government, the businesspeople, academia, professionals, NGOs, and civil society to improve social development. The Social Research Division is present to offer recommendations to produce efficient and effective policies, steps, and programs on education, health, population, environment, women, children, and elderly.

Social research that TII offers: **(1) Social Policy Analysis; (2) Explorative Research; (3) Mapping & Positioning Research; (4) Need Assessment Research; (5) Program Evaluation Research; and (5) Indicator Survey.**

## EVALUATION OF A PROJECT OR A PROGRAM

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

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

## THE INDONESIAN FORUM

**The Indonesian Forum** is a monthly discussion activity on actual issues in the political, economic, social, legal, cultural, defense, and environmental fields. TII organizes these forums as media for competent resource persons, stakeholders, policymakers, civil society activists, academicians, and the media to meet and have discussion.

Themes that have been raised were the ones that have caught public attention, such as migrant workers, social conflicts, domestic politics, and local direct elections. The main consideration in picking a theme is sociological and political reality and the context of the relevant public policy at the time that the Indonesian Forum is delivered.

It is expected that the public can get the big picture of a particular event as the Indonesian Forum also presents relevant resource persons.

Since its inception, the Indonesian Institute is very aware of the passion of the public to get discussions that are not only rich in substance but also well formatted, which support balanced ideas exchanges ideas and the equal involvement of the different elements of the society.

The discussions, which are designed to only invite a limited number of participants, do not only feature idea exchanges but also regularly offer policy briefs (policy recommendations) to relevant policymakers and also summaries to the participants, especially the media people and the resource persons at the end of each discussion. Therefore, the discussions will not end without solutions.

## LOCAL COUNCIL TRAINING

The roles and functions of local councils in monitoring local governments are very important. They need to ensure that participative and democratic policies will be espoused. Members of provincial and regent local councils are required to have strong capacity to understand democratization matters, regional autonomy, legislative techniques, budgeting, local Politics, and political marketing. Thus, it is important to empower members of local councils.

In order for local councils to be able to response every problem that will come out as a result of any policy implemented by the central government or local governments, the Indonesian Institute invites the leaderships and members of local councils to undergo training to improve their capacity.

## WORKING GROUP

The Indonesian Institute believes that a good public policy process can be held with some engagement and empowerment of the stakeholders. The Indonesian Institute takes a role as one of mediator agencies to facilitate some forums in which the Government, Council Members, Private Sectors, NGOs and Academicians can meet in interactive forums. The Indonesian Institute provides facilitation on working groups and public advocacy.

The Indonesian Institute takes the role of mediator and facilitator in order to encourage the synergy of public policy work between the stakeholders and policy makers and also to have a synergy with funding agencies (donors).



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