Volume XV, No. 2 - February 2021
ISSN 1979-1976

The Indonesian Update

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

Main Report:
The Existence of the State Civil Apparatus Commission and Its Proposed Disbandment

THE INDONESIAN INSTITUTE
CENTER FOR PUBLIC POLICY RESEARCH

ISSN 1979-1976

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Contributors :

Arfianto Purbolaksono (Coordinator), Hemi Lavour Febrinandez,
Muhamad Rifki Fadilah, Nisaaul Muthiah, Rifqi Rachman, Vunny Wijaya.
Editor: Awan Wibowo Laksono Poesoro

FOREWORD

The February 2021 edition of the Indonesian Update raises a main report on the polemics over the proposed dissolution of the State Civil Apparatus Commission (KASN). KASN as a non-structural institution (LNS) is tasked with overseeing the implementations of the merit system in ASN policy and management. The enforcement of the merit system through KASN has received a lot of positive responses from ASNs who have experienced arbitrary actions. Moreover, Indonesia's bureaucratic climate is prone to corruption and the transactions of positions. Therefore, the proposed dissolution of KASN by the DPR needs to be reviewed through a comprehensive performance evaluation.

In the legal field, the Indonesian Update discusses the importance of harmonizing the Election Law in order to prevent the practices of money politics in elections and regional elections. Regulatory reform and harmonization are needed in order to provide a deterrent effect for the parties involved in money politics. In addition, we discuss the discriminatory articles in the Draft Election Law (RUU Pemilu).

In the political field, the Indonesian Update discusses the plan of the Indonesian National Police to create a virtual police tasked with campaigning the importance of personal data security. In addition, we also discuss President Joko Widodo (Jokowi) 's decision to accommodate the interests of political parties into the government. So, what will happen to the society in the future when power runs without meaningful supervision and balance? Next, we discuss the polemics over the Election Law. It is hoped that the revision of the Election Law can be an entry point to improve the quality of elections.

In the social sector, the Indonesian Update raises the issue of violence perpetrated by unscrupulous police. The violence perpetrated was far from the police's function as protector and the principle of democratic policing. Next, we discuss about the application of Distance Learning (PJJ). PJJ is designed to reduce the spread of COVID-19. However, the fact that many children play with their peers without health protocols during PJJ can actually lead to a cluster of the spread of COVID-19 in itself.

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 at home and abroad, to obtain actual information and contextual analysis of economic conditions. political, social, and legal in Indonesia, as well as an understanding of public policy in Indonesia.

Happy Reading.

The Existence of the State Civil Apparatus Commission and Its Proposed Disbandment

Sometime ago, the Commission II of the House of Representatives (DPR) held a working meeting with Minister of State Apparatus Empowerment and Bureaucratic Reform (MenPAN-RB) Tjahjo Kumolo, Minister of Home Affairs (Mendagri) Tito Karnavian, and Deputy Minister of Law and Human Rights (Wamenkumham)) Eddy Hiariej regarding the Draft Law on State Civil Servants (RUU ASN) (Kompas.com, 18/01). During the meeting, a number of suggestions were made by Deputy Chairman of the Commission II of the DPR Syamsurizal. One of them is the elimination of the authority of the State Civil Apparatus Commission (KASN), which will be given to the Ministry of National Education and Culture.

According to Syamsurizal, KASN will be abolished because of its overlapping authority with KemenPAN-RB (Tirto.id, 01/02). Still in the article, MenPAN-RB Tjahjo Kumolo said that KASN was still needed to monitor the implementations of the merit system independently. Observing the pros and cons of the proposal, it is necessary to further examine the existence of KASN since this institution was founded in 2014.

The Formation of KASN and Its Role

KASN is still relatively young. KASN was born about six months after the signing of Law Number 5/2014 concerning ASN. In the law, it is explained that KASN is a non-structural institution (LNS) that is independent and free from political intervention, which is tasked with overseeing the implementations of the merit system in ASN policy and management. Structurally, this institution is under the President, so in reporting its performance, KASN directly reports to the President.

In addition, Article 28 of the ASN Law explains that KASN is formed with noble goals. First, to ensure the realization of a merit system in ASN policy and management. Second, to create ASN that is professional, high performing, prosperous, and serving as the glue for the Unitary State of the Republic of Indonesia. Third, to support effective, efficient, and open state governance, which is free from corruption, collusion, and nepotism (KKN) practices. Fourth, to realize ASN employees who are neutral and do not discriminate people whom are served due to ethnicity, religion, race, and class. Fifth, to ensure the formation of the ASN profession, which is respected by employees and the community. Sixth, to create dynamic and cultured ASN for achieving performance. The merit system provides an opportunity for anyone to serve in the sphere of government by focusing on their competencies.

A number of special situations in Indonesia underlie the establishment of the KASN. One of which is the filling of a High Leadership Position (JPT), which is not transparent and full of irregularities, such as buying and selling of positions and thick political intervention. Those situations have the potential to tarnish the implementations of the ASN Law, which upholds the merit system.

Woodard (2000), an American Public Administration expert, states that merit is the main support for the implementations of good governance in all aspects, including the appointments in government employee management. In this context, public management of merit acts as a value that connotes fairness, equity, and reward in public office based on merit, not on the basis of political principles or discrimination.

Looking at the situation in Indonesia, the existing bureaucratic climate is not ready to carry out its supervisory function independently. There are still many irregularities carried out by ASN. This deviation is carried out by those who are functional officials, structural officials, including those in political positions. Eko Prasojo (2021), Professor of the Faculty of Administrative Sciences at the University of Indonesia (FIA UI), describes the function of KASN as the guardian of the merit system in Indonesia, and KASN as the soul of the ASN Law. KASN is expected to be the guardian of system services that uphold qualifications, competencies, and performance, which are enforced fairly and fairl.

To optimize the KASN formation, Article 32 of the ASN Law states that KASN has five authorities. First, the authority over the stages of the JPT filling process, starting from agency selection, announcing vacancies, proposing the names of candidates, determination, and

inauguration. Second, to understand and apply the principles, basic values and code of ethics and code of conduct for ASN employees.

Third, to request information from ASN employees and the public regarding reports on basic norms, code of ethics, and code of conduct for ASN Employees. Finally, to request for clarification and/or documents needed from Government agencies for the examination of reports on the basic norms, code of ethics, and code of conduct for ASN Employees.

Looking at the background of the formation, KASN has a strategic objective to support the implementations of the merit system. In practice, a system performance that upholds competence will try to protect civil servants from arbitrary actions by superior officials; for example, in the appointment and dismissal of employees, as well as promotions. On a broader scale, KASN serves to support functions carried out by KemenPAN-RB, State Administration Agency (LAN), and State Civil Service Agency (BKN).

Observing the performance of KASN so far, the enforcement of the merit system through KASN has received many positive responses from ASNs who have experienced arbitrary actions. KASN has also issued various recommendations on the results of its supervision of ASN to Ministries / Institutions (K / L) and Local Government (Pemda). The reports received; for example, were about the dismissal of positions carried out without clear reasons by regional government officials.

One of the cases that have surfaced; for example, was when the DKI Jakarta Provincial Government (Pemprov) was reshuffled in 2018 by the Governor of DKI Jakarta Anies Baswedan (alinea. id, 03/02). Still in the article, the KASN investigation concluded that Anies had violated the rules and procedures related to official reshuffling as regulated in Law No. 5/2014 on ASN (alinea.id, 03/02). In the KASN recommendations, Anies was also asked to return the bureaucrats who were fired to their original positions or find positions equivalent to their status as echelon II officials.

Various reports regarding basic values, code of ethics, code of conduct, and neutrality, as well as the merit system, have continued to be received and investigated in the course of KASN to date. According to the KASN release, in 2019, there were 412 complaint cases recorded. Of that number, 386 words succeeded. In mid-2020, KASN again recorded a list of complaints that reached 351 cases and 243 of them have been completed.

Pros and Cons of KASN's Position as an Independent Institution and the Overlapping Issues

According to Fajrul Falaakh (2009), state power extends not only to the separation of three institutions; namely, the legislative, executive, and judiciary branches of the government, but also to independent institutions, which can also be referred to as non-structural institutions. In its position, KASN is an independent institution. One of the functions of an independent institution is to carry out checks and balances. In the principle of constitutionality, checks and balances require that state power be regulated, even properly controlled so that the authority of state administrators or individuals who are carrying out positions in state institutions can be prevented and overcome (Asshiddiqie, 2010).

Going back to 2011, the ASN Bill is an initiative of the Commission II of the Indonesian Parliament, which consists of ordering KASN. However, in 2017, the DPR issued a plan to disband KASN. The overlapping authority with KemenPAN-RB is one of the reasons why the DPR proposed the dissolution. However, this condition cannot be used as a solid basis for dissolving KASN. The problem of overlapping problems has become one of the challenges that have emerged since the introduction of reform.

In terms of Constitutional Law, Zainal Arifin Mochtar (2010) states that the existence of an independent institution in Indonesia needs to be assessed for its independence at the practical level. Zainal argues that one of the characteristics of an independent state institution is that it is free from interference from the President. The nature of the leadership is collective collegial, and the replacement of commissioners is carried out in stages with the aim of maintaining sustainability. However, the existence of independent state institutions has not been detailed in the existing laws in Indonesia. The model is not uniform and ambiguous, so clear technical rules are needed regarding independent state institutions in Indonesia.

At the same time, Lukman Hakim (2010) stated that in the revision of the institutionalization of the state commission, concepts, paradigms, including the format of state institutions according to the 1945 Constitution of the Republic of Indonesia must be put in place. However, these situations are very basic. It takes a long time to realize the arrangement of an independent institution. Moreover, at this time the form of an independent institution is not only in the form of a commission but also in the forms of councils and bodies. As an alternative, the science of Administration and Public Policy has an approach to overcome this situation.

First, by doing an organizational performance. Performance appraisal or evaluation can be defined as part of a process that is realized periodically to determine the quality of a particular process or activity (Elbana, 2013). To determine the sustainability of KASN, evaluation is carried out based on evaluation of KASN performance and duties. KASN itself has reliable performance indicators. In fact, the era of bureaucratic reform that puts forward organizational indicators that assess the organization can be clear and comprehensive. In short, whether the KASN is dissolved or not, it is necessary to evaluate its performance.

Second, reviewing the reasons for the overlap between KASN and KemenPAN-RB authorities. The proposal for the dissolution of KASN must be accompanied by an authoritative analysis of why KASN is delegated to the Ministry of National Education and Development, even though there are other stakeholders; namely, the State Civil Service Agency (BKN) that also performs the ASN supervisory function. This review is necessary because there are differences of opinion between the DPR and the Head of KemenPAN-RB and the Head of BKN.

As mentioned at the beginning of this paper, according to the MenPAN-RB statement, the existence of KASN is still needed. In addition, in the National Webinar, "Bureaucratic Reform through the Deinstitutionalization of the State Civil Apparatus Commission (KASN)?" which was held by the Faculty of Administrative Sciences at Universitas Brawijaya (FIA UB) together with the Indonesian People's Consultative Assembly (MPR) on February 10, the Head of BKN Bima Haria Wibisana stated that the ASN Law had regulated the authority between KemenPAN-RB, BKN, LAN, and KASN appropriately with the adoption of a balance of power.

Reflection and Conclusions

The establishment of KASN in Indonesia is not something easy. The author appreciates the efforts of the Government and the DPR at that time in realizing the existence of KASN in the midst of the Indonesian bureaucratic climate which is prone to corruption and rampant buying and selling of positions. Therefore, a performance and authority review needs to be carried out in accordance with the mechanism for dissolving institutions in the era of Bureaucratic Reform.

Furthermore, it must be admitted that in the implementations of KASN duties there are indeed similarities in functions; for example, in the monitoring of neutrality (stated in Article 31 of the ASBN Law), which has been carried out by BKN so far. Based on the

author's observations, BKN through its inspectorate; namely, the Supervision and Control Division, is quite effective in monitoring neutrality. One example was the discovery of 1005 ASNs who committed violations last year (bkn.go.id, 30/10/2020). The BKN function needs to be strengthened so that any violations of neutrality and sanctions are properly followed up by the Civil Service Officer (PPK).

In existence, the existence of a special institution that focuses on the propriety system has been practiced in other countries. In Canada, there is a Public Service Commission (PSC). In the United States, there is a Merit System Protection Board (MSPB). In Australia, there is a Merit Protection Commission (MPC). In Australia, MPC deals with employees about matters that affect their work, such as recruitment, errors (errors), and performance management, as well as conducting investigations (meritprotectioncommision.gov.au, 2021). In essence, the existence of an independent institution that enforces the system in Indonesia is very important, especially considering the Indonesian bureaucratic climate where there are still corruption activities and the transactions of positions.

In other words, if KASN is retained, its supervision in terms of ASN neutrality can be reduced.so that it focuses more on enforcing the merit system. As Eko Prasojo said as KASN was the guardian of the service system, the existence of KASN needs to be maintained with its focus on enforcing the merit system.

- Vunny Wijaya -

Many ASNs have who experienced arbitrary action responded positively to the enforcement of the system through KASN. Moreover, Indonesia's bureaucratic climate is still full of acts of corruption and the transactions of positions. Therefore, the dissolution of KASN by the DPR needs to be reviewed through a comprehensive performance evaluation.

Sovereign Wealth Fund (SWF) Analysis: Indonesian Investment Authority (Investment Management Institution)

President Joko Widodo (Jokowi) has officially formed an Investment Management Institute (LPI) named the Indonesia Investment Authority / INA. INA is a Sovereign Wealth Fund (SWF) LPI in Indonesia. The SWF in Indonesia has been formed through Law (UU) Number 11/2020 on Job Creation, which was passed on November 2, 2020; namely, Chapter X of Central Government Investment and Ease of National Strategic Projects, Part One Central Government Investment, Articles 154 - 172. In addition, Government Regulation (PP) Number 74/2020 concerning the LPI, which was passed on December 14, 2020, stipulates that the LPI is an institution that is given special authority (sui generis) in the context of managing central government investment. The LPI is fully owned by the Government of Indonesia and is responsible to the President.

The formation of SWF in Indonesia has been motivated by a gap between the need for and availability of infrastructure and other development financing. On the one hand, Indonesia has the ambition to build more and faster infrastructure. In addition, the realization of foreign direct investment (FDI) has also stagnated. Therefore, the government is very interested to attract new investment into Indonesia. So, the government has decided to form SWF Indonesia. SWF can functionally be defined as a fund owned and operated by a government institute that manages national savings, budget surpluses and excess foreign exchange reserves by investing them globally in stocks and corporate bonds and other financial instruments (Das, 2009). The following is an overview of the LPI:

Table 1. Overview of the LPI
Investment Management Institution

	Lembaga Pengelola Investasi
Country	Indonesia
Legal Basis	- UU No. 11 Tahun 2020 - PP No. 73 Tahun 2020 - PP No. 74 Tahun 2020
Ownership	100% Government of Indonesia
Total Asset	- Capital of IDR 75 trillion (USD 5 billion) will be carried out in stages until 2021 - Initial Capital IDR 15 trillion (USD 1 billion)
Governance	- a 'sui generis' institution - Responsible to the President - LPI organs consist of a Supervisory Board & a Board of Directors
Source of funds	- Capital (USD1 billion) - JBIC (USD4 billion) - US International Development Finance Corporation (USD2 billion) - Caisse de depot et placement du Quebec (USD2 billion) - APG Asset Management (USD1.5 billion)
Investment Strategy	- Mandate: Optimizing assets, driving government investment and private investors (global and domestic), improving Indonesia's investment climate - Public & private equity, project financing, debt instruments - Main sectors of the Indonesian economy (the selection of priority socio-economic investments: infrastructure, toll roads, airports, seaports) - Investment period: medium-to-long term - Geography: domestic initially with the possibility for overseas investment (cross-border) - Has a board of directors in an investee company (a place where investors make investments) to oversee operations, with significant added value to the economy
Investment Illustration	Year 1: Initial investment: 1. LPI & partner investors form a mutual fund-legal platform (trust / mutual fund). 2. The entity invests in assets in Indonesia (for example: toll roads) 3. If purchased from one of the BUMN (majority / minority), the funds obtained can be immediately reinvested by the BUMN (asset recycling) Years 1 to 10: Optimization of asset value 1. The entity manages to increase the value (create value) of assets, for example: placing professional management, improving operational performance, improving financial posture. 2. Asset refinancing can be done to open up domestic bank lending capacity. 3. Including continued funding for expansion & project completion End of year 10: Realization of added value 1. The entity exits to realize value added investment, for example: IPO, sales to strategic investors 2. LPI realizes investment + added value to be reinvested after some of the proceeds are distributed as dividends to the country

Source: From various sources. The data is processed by the author, 2021.

The Regulatory Impact Analysis (RIA)

The analysis used in this SWF discussion uses Regulatory Impact Analysis (RIA). RIA is a comparative process based on determining the fundamental regulatory objectives sought and identifying all policy interventions that are capable of achieving them (OECD, 2008). The economic approach in this regard also emphasizes the high risks of regulatory costs that outweigh the benefits. So, the main objective of the RIA is to ensure that regulations will improve the welfare of society from the point of view that profits will outweigh costs (Verico, 2018).

The following is the identification of RIAs related to SWF in Indonesia.

Table 2. Identification of the RIA

Name of Regulation	Central Government Investment
The problem you want to solve	- The high need for future financing - The level of FDI in Indonesia has stagnated - The debt to GDP ratio must be kept under control - SOE financing capacity is increasingly limited - There is a gap between domestic funding capacity & financing needs for national infrastructure - Some sovereign investors are interested in investing but require strategic partners who are legally and institutionally strong
Target	Infrastructure Sector: Toll Roads, Airports, Seaports
The points regulated in the existing regulations (PP No. 63 of 2019)	- Investments are made through BLU, BUMN, or other legal entities - In the form of a passive portfolio - Does not have a special entity
Alternative Actions	1. Do Nothing (stay on Government Investment in accordance with PP No. 63 of 2019) 2. LPI according to Law no. 11 of 2020 & PP No. 74 of 2020

Cost and Benefit Assessment

The framework for potential benefits obtained by enacting regulations related to the LPI in accordance with Law no. 11 of 2020 and PP No. 74 of 2020 are as follows:

Table 3 Benefit Analysis

No.	Benefits	Definition	Measurements	Asssumption	Receiver	Source of Data
	Tangible Benefit					
1.	Positive sentiment on the capital market	Increase in the stock price index	Increase in stock price index = IHSG (t) -IHSG (t-1)	Positive	Indonesia Stock Exchange, Government	Indonesia Stock Exchange
		Increase in share price of BUMN Infrastructure companies	Increase in stock price index = IHSG (t) -IHSG (t-1)	Positive	Issuer	Indonesia Stock Exchange
2.	Improve the finances of BUMN Infrastructure	Greenfield Project: Providing long-term funding at competitive interest rates to SOEs	Decreased gearing ratio	<1	BUMN	financial statements BUMN
		Brownfield Project: Take over an operating infrastructure project with an asset buying and selling scheme	The total potential value of the release of 11 Waskita toll roads	Rp31 trililion	BUMN	Waskita Karya
3.	Strategic infrastructure projects can be realized	Project development has an economic impact on the project location area	The price of land around the project has increased	10%-20%	Community, Local Government	Market price
		Absorbing labor	The increase in the number of people who worked for 8 hours in the last week	10%	Public	BPS
4.	The burden on the state budget is reduced	APBN to finance BUMN infrastructure has decreased	The toll road infrastructure budget has decreased	10%	Governemnt	Financial notes
5.	Transportation cost efficiency	Reduced transport costs	Travel cost = hours lost x road users x umr x 22 days x 12 days	Negative	Public	BPS, Department of Transportation
	Intagible Benefit					
1.	Capable of capturing investors' appetite	The government can interpret investors' expectations	Compliance with international best practice	Corresponding	Investors	Santiago Principles, SWF Institute
2	Have credibility and a perception of stability	Investors believe in investing in Indonesia	The entry of foreign funds into Indonesia	Positive	Government	Bloomberg

Source: From various sources. The data is processed by the author, 2021.

Potential costs may arise with the enactment of regulations related to LPI in accordance with Law no. 11/2020 and PP No. 74/2020 are as follows:

Table 1.4 Cost Analysis

No.	Cost	Definition	Measurement	Assumptions	Receiver	Source of Data
	Tangible Benefit					
1.	Potential for cannibalism	The share of FDI investment has decreased	Amount of FDI (t) - amount of FDI (t-l)	Negatif	Government	Capital Investment Coordinating Board
2.	Potential current account deficit	Dividend payment to investors in dollars	The amount needed in dollars to pay dividends	Positive	Government	Bank of Indonesia, Ministry of Finance
		Make up for possible LPI losses	Dollar amount to cover LPI losses	Positive	Government	Bank of Indonesia, Ministry of Finance
	Intangible Benefit					
1.	Moral Hazard	There are losses arising from corruption, collusion, unprofessionalism of the LPI board of directors and supervisory boards	Profits go down	Negatve	LPI	LPI

Source: From various sources. The data is processed by the author, 2021.

After identifying the benefits and costs of establishing the LPI, an alternative policy selection can be made; namely, accepting the LPI in accordance with Law no. 11/2020 and PP No. 74/2020. Stakeholder consultation is carried out to obtain input regarding problems, alternative solutions and the best policy input. Stakeholders involved include: the Supreme Audit Agency (BPK), the Financial Services Authority (OJK), market players, investment managers, investors, local governments, NGOs, economists, and researchers. This RIA implementation strategy is based on enforcement and compliance, Good Corporate Governance and transparency in the process of forming the LPI and the election of credible executives from the Board of Directors and Supervisory Board. Then, the supervisory mechanism (monitoring), supervision through audits carried out by public accounting firms registered with the BPK and OJK.

Policy Recommendations

According to the studies that have been made, the following are several policy recommendations to the Government, especially the President of the Republic of Indonesia, to immediately form and process the Indonesian SWF, both from the ranks and supervisors. This is based on the potential benefits that will be obtained by establishing SWF Indonesia. Considering that this policy alternative is a new proposal, enforcement and compliance were not included in the old regulation.

Therefore, the President of the Republic of Indonesia must make new enforcement and compliance involving several stakeholders, such as the BPK and OJK, market players, investment managers, investors, local governments, NGOs, economists, and researchers. This RIA implementation strategy is based on enforcement and compliance, good corporate governance and transparency in the process of forming the LPI and the selection of the executive of the LPI Board of Directors who will manage the source of the funds.

President Joko Widodo has officially formed an Investment Management Institute (LPI) named the Indonesia Investment Authority / INA. INA is a Sovereign Wealth Fund (SWF) LPI in Indonesia. The formation of SWF in Indonesia has been motivated by a gap between the need for and availability of infrastructure and other development financing. This also cannot be separated from Indonesia's ambition to build more and faster infrastructure.

- M. Rifki Fadilah -

Building Gender-Based Data for Women MSME Actors in Indonesia

Currently, women have significant shares of ownerships in the Micro, Small and Medium Enterprises (MSMEs) sector. According to a survey by the International Finance Corporation (IFC) (2016), women had 52.9 percent of the ownerships of micro enterprises, 50.6 percent of the ownerships of small businesses, and 34 percent of the ownerships of medium enterprises. Noticing this potential, the government through the Ministry of Cooperatives and Micro, Small and Medium Enterprises (KemenkopUKM) has formulated policies that support the business continuity of MSME players; for example, by making regulations regarding integrated electronic business licensing for MSME players. In addition, from the financing side, the government has also issued a policy regarding the implementations of People's Business Credit (KUR).

However, this policy has not necessarily brought fresh air to MSME actors, especially women MSME players who are still facing several challenges in running businesses. Tambunan (2019) states that the problems faced by women who are MSME actors are quite complex. First, there are socio-cultural challenges regarding the roles that are expected to be played by women, such as reproductive and domestic roles. Second, low levels of education and opportunities for skills training have made women very disadvantaged in their society and economic participation. Third, there are challenges of law, religion, traditions and customs, which have made women have obstacles in starting businesses. Fourth, women have difficulties in accessing formal credit and financial institutions.

The problems above are even more complicated, as until now the KemenkopUKM has not yet had a gender-segregated basis for MSME actors. As a result, policies issued by policy makers have sometimes become gender biased against women who are MSME actors. Hasugian and Panggabean (2019) also said that the assump-

tion that these policies could get women out of the challenges they faced in running their UMKM businesses were not fully effective. Therefore, the urgent thing that should be done by KemenkopUKM is to create policies that create a gender-just business climate so that women have a bargaining position in the family, community and state. Thus, women who are MSME actors can get access in a fair manner without any restrictions based on sex.

Market Failures

The Market Failure Theory is in the form of asymmetric information. Asymmetric information is conditions in which one party gets more information, while another party lacks of information. Asymmetric information problems can cause uncertainty in transactions in a market, which can be the cause of uncertainty and market failures (Akerlof, 1970). This study shows that the problem faced by the government is asymmetric information that causes market failures; namely, the emergence of inefficiencies in the framework of policy making, especially for MSME players.

The policies that the government has made are in fact unable to address the fundamental problems experienced by women who are MSME actors. The asymmetric information raised by the author in this study is placed on the issue of data limitation or even the issuebof the absence of data that makes the government biased in making policies for women who are MSME actors. The government needs to enter the market to solve the problem of asymmetric information that occurs. Therefore, a further analysis will be carried out regarding what steps the government should take to overcome this problem.

This study uses the Regulatory Impact Assessment (RIA). RIA is a comparative process based on determining the fundamental regulatory objectives sought and identifying all policy interventions that are capable of achieving them (OECD, 2008). The economic approach in this regard also emphasizes the high risk of regulatory costs that outweigh the benefits. Thus, the main objective of the RIA is to ensure that regulations will improve people's welfare from the point of view that the benefits will outweigh the costs (Verico, 2018).

Analysis using RIA is applied to provide policy alternatives to the Ministry of Cooperatives and Small and Medium Enterprises to build a gender-segregated database of MSME actors as a basis for

policy-making for women's empowerment and economic participation in MSMEs in Indonesia. This study also uses big data to collect a database that will be collected, processed and analyzed by the KemenkopUKM. Alternative policies that can be taken in this RIA analysis are: building a gender-segregated database of MSME actors.

Benefits and Costs Assessment

To be able to obtain policy alternatives, according tonthe RIA, a benefit and cost analysis must first be carried out as illustrated in the following table.

Table 1. Analysis of Benefits and Costs

Details	Receiver	Monetization
The availability of a complete and integrated database based on gender.	KemenkopUKM	Not yet able to be monetized.
The process of implementing / implementing policies effectively based on gender needs.	KemenkopUKM	IDR 5.2 billion (FITHRA, 2012 from Hukumonline.com) / Making legislation.
Can have a lot of access to get capital assistance, training, and specific business development according to gender needs from other actors outside the government.	UMKM players	Maximum of IDR 2 billion (the upper limit of the credit limit for MSMEs).
Develop and advance the role of women who are MSME actors.	Kemenkop and MSMEs Player	Rp5,143 trillion / year (60% women MSME actors x Total contribution to GDP of MSME actors).
Total Benefits		= **Rp.5.150/a year**

Source: From various sources, the data was processed by the author, 2021.

Costs

Details	Receiver	Monetization
Development of internet infrastructure access, especially for areas that are not yet accessible to the internet.	KemenkopUKM	IDR7.63 billion (Directorate General of Financing and Risk Management, Ministry of Finance, 2017).

Details	Receiver	
It costs money to set up and maintain a database system.	KemenkopUKM	$ 700 + per TB per year (Microsoft Azure) /Rp.10,150,000 x 100 TB (assuming) = Rp.101,500,0000 / year
Additional costs for internet access by MSME players.	UMKM players	Up to IDR 800,000 / month for installation fees and wifi or internet subscription fees = IDR 800,000x12 = IDR 9,600,000 / year (Indihome, 2020).
Total cost		**IDR 110.1 billion / year**

Source: Compiled by authors from various sources, 2021.

From the existing alternatives, a policy has been taken; namely, building a database (database) of MSME actors who are disaggregated by gender (gender-segregated data). This is because these policy alternatives will bring the most direct and indirect benefits to both KemenkopUKM and women MSME actors. Therefore, KemenkopUKM can immediately build a disaggregated database, starting from the discussion in the policy design to the infrastructure development process that supports women who do MSMEs to enter the database system.

The public consultation referred to in this paper is carried out to obtain input from various stakeholders regarding the best problems, alternative solutions, and policy input. Apart from public consultations, it is also necessary to carry out private consultations outside government actors with related parties. Public consultations will be in the forms of study groups, focus group discussions (FGD) and joint meetings, involving the central government, regional governments, banks and the community. Consultations with various stakeholders will be carried out with KemenkopUKM, other relevant Ministries, local governments, and also MSME assistance associations, such as the Indonesian Micro and Small Entrepreneurs Association (HIPMIKINDO), the Indonesian MSME Association (AKUMINDO), the Indonesian Micro, Small and Medium Enterprises Industry Association (AKUMANDIRI), the Indonesian Association of Micro, Small and Medium Enterprises (HIPMIKIMDO), as well as the Indonesian UMKM Entrepreneurs Association (APINDO UMKM).

Strategy for Implementing the Design Development Gender Segregated Database (enforcement, compliance and monitoring mechanisms).

Considering that this policy proposal is to build a new system, enforcement and compliance were not included in the old regulation. Therefore, the relevant ministries must make new enforcement and compliance, such as the Coordinating Ministry for the Economy and the Implementing Ministry, namely KemenkopUKM. In addition, in the short term, to overcome the obstacles in areas where telecommunication signals have not been reached, the KemenkopUKM can directly register women who are MSME actors. KemenkopUKM can cooperate with the Central Statistics Agency (BPS) to go to the field to take notes. Then, in the long term, the infrastructure development process must also be carried out by KemenkopUKM in collaboration with the Ministry of Information and Communication (Kemenkominfo) to facilitate enforcement and compliance of this system.

In principle, based on the author's findings, there are at least 18 Ministries from 34 Ministries in Indonesia that have programs for empowering MSMEs in Indonesia. However, regarding the monitoring mechanisms for this program, the author suggests that a special control team for this program be created as a cross-ministerial synergistic program. For example, the Minister of KemenkopUKM as the head of controller and supervisor, Minister of National Development Planning / Head of National Development Planning Agency as the deputy head of control, Minister of Communication and Information (Kominfo) as the secretary and abmember, as well as other ministries and institutions involved in empowering MSMEs, such as the Ministry of Villages, Development of Disadvantaged Areas and Transmigration, Ministry of Maritime Affairs and Fisheries, Ministry of Industry, Ministry of Trade as members to assist and take a role in the success of this agenda.

Policy Recommendations

Based on the study that has been made, the author provides policy recommendations to the Ministry of Cooperatives and Small and Medium Enterprises (KemenkopUKM) to build a gender-segregated database to become a tool in making policies for MSME actors, especially women MSME players who need policies that are comprehensive, touching on the root causes and the problems that have been faced by women who are MSME actors in running their businesses. Considering that this policy alternative is a new proposal, enforcement and compliance were not included in the old regulation.

Therefore, new enforcement and compliance must be made by relevant cross-sector ministries. Then, related to enforcement and compliance, the KemenkopUKM as the implementing ministry can also implement the proposed mechanism proposed in this study, which involves various stakeholders in implementing the proposals in this study. In addition, the recommendation in the future is that KemenkopUKM can make more comprehensive research if we want to make this policy more mature, given the limitations of the study in this paper, especially in data collection and calculation.

KemenkopUKM has not yet had a database of MSME actors who are disaggregated by gender. As a result, policies issued by policy makers sometimes become gender biased against women who are MSME actors.

- M. Rifki Fadilah -

Judging from Political Dowry

The revision of Law Number 12/2008 on Regional Government is a breath of fresh air for everyone who wants to compete in regional head elections (pilkada); namely, through individual or independent channels. Pilkada candidates do not have to join or to be promoted by a political party. The opening of this independent channel is an alternative choice for prospective participants and voters in regional elections. Voters are no longer "forced" to choose candidates for regional heads who are offered by political parties.

The proliferation of regional head candidates from the individual route can be seen in the two previous elections; namely, the 2018 and 2020 Pilkada. In 2018, there were 69 candidate pairs who competed via the independent channel. Meanwhile, in the 2020 simultaneous regional elections, there were 68 candidate pairs. The resumption of the high number of individual candidates registering for the 2020 Pilkada is thought to be due to the emergence of distrust of prospective pairs of candidates for parties due to political dowries. These transactional political practices between candidates and political parties have resulted in the creation of room for corruption to high-cost regional elections.

The case that had surfaced was the alleged provision of Rp40 billion in cash by La Nyalla Mattalitti to the Gerindra Party. Unfortunately, there was no meaningful investigation into this case due to the lack of evidence of the political dowry transactions (Amsari, 2019). Dadang S. Mochtar (former Regent of Karawang) also expressed a similar matter, that to become a regent in Java Island, the political costs that must be incurred reached Rp100 billion. In fact, the cost of becoming a regional head is greater if compared to the cost of becoming a council member, which only reaches Rp. 300 million-6 billion (Anung, 2013).

The difficulty of proving money politics in the form of a political dowry makes this practice more common in dark rooms at every

regional election event. The dowry is used as a binding for political parties so that candidates can be nominated in the regional elections through the political parties. Political dowry can be understood as an under-the-table transaction that involves the provision of large amounts of funds from a candidate for a position that contest the regional elections with a political party as the political vehicle.

According to the Study Report on Potential Conflict of Interest in Pilkada Funding by the Corruption Eradication Commission (KPK) in 2015, it was explained that the average political dowry that must be prepared by a candidate for regional head at the regency/city level ranges from IDR 20-to 30 billion. Meanwhile, to become a candidate for governor requires a dowry of IDR 20-100 billion. The amount of cost required is not balanced with the financial capabilities of the regional head candidates. According to the State Administrators Asset Report (LHKPN) report, the average total assets of a candidate for regional head only reached Rp. 6.7 billion. In fact, there were three people who had assets of Rp. 0 and eighteen others wbo had negative assets.

The amount of nomination costs that must be incurred to be nominated by a political party is a matter of concern. A person who has spent large sums of money to win the seat of regional head will seek to return the "capital" during his or her five year term in office. The most rational way to get money is to do corruption. The phenomenon of corruption to collect or return election capital has made the KPK appeal to election candidates not to do money politics. The reason is that money politics in elections can prompt people to commit corruption (Sjafrina, 2019).

Since the implementations of direct regional elections in 2005, as many as three hundred regional heads have been involved in corruption cases, and one hundred twenty-four of them have been prosecued by the KPK (kompas.com, 7/8/20). Corruption, which is a result of the monopoly of power, lack of transparency, and additional costs, has made regional elections costly.

The emergence of additional costs for nomination through political parties is inseparable from the check-in pattern of recruitment for regional head candidates. The methods used to recruit potential contenders in pilkada are important in finding leaders at the local level. This can also be the first step in producing candidates for national leaders.

However, this goal will not be achieved if the recruitment process is not transparent, and if the process involves only a few people. What has been practiced in the recruitment process for regional head candidates is the starting point for various forms of irregularities in the regional elections; for example, the rise of transactional politics, vote buying, and the practice of political dowry money (KPK and LIPI, 2017).

Illegal funding made by candidates for regional heads to political parties has directly undermined the regeneration system. Ideally, candidates for regional head candidates come from members of political parties and have participated in the process and attended political education. Therefore, candidates promoted by political parties are people who have understood the ideological goals of political parties by having a good understanding of politics.

Later, the approach taken between regional head candidates and voters in the campaign process will tend to use persuasive steps and provide insights related to politics and government. The approach will focus more on the vision and mission carried by the candidate pairs. This will also suppress the practice of buying and selling votes in the elections because the candidate pairs who will contest the elections will prioritize contesting ideas. (Amsari, 2019).

The Harmonization of Elections and Pilkada Regulations

Pilkada directly functions to open opportunities for the emergence of leaders according to the will of the people. However, the hope that democracy will grow through direct regional elections will not be fulfilled if political education for the community is carried out in half. One of the impacts of the lack of political education is the widespread practices of money politics in the implementations of regional elections.

If formulated simply, there are several patterns of money politics practices that occur in regional elections. First, money politics that is conducted between the owners of capital and potential participants. Candidates do not have to worry about the costs incurred during the election contestation. This is due in part to all costs will be borne by the owner of the capital. But, we should not assume that it was done for nothing, as the fee must be returned in another form when the candidates are elected to become the regional heads.

Second, between candidate participants and / or political parties and constituents. This practice of money politics is the most common. The simple form is by giving an amount of money or material in other forms to the public and constituents to choose or not to vote, a certain pair of candidates at the time of voting.

Third, candidate participants with political parties. Political dowry to be nominated by a political party is a transaction that often occurs when the candidate who wants to be promoted is not a party cadre. The nomination through individual channels should be able to suppress this type of political corruption, but this step is stunted by provisions in the law on regional head elections.

According to the formulation of the practice of money politics, several patterns that are commonly practiced can be identified. Even though it takes different forms, the main objective is still to win the election contestation through wrong paths. The practice of money politics is not only in the form of buying and selling votes, as also includes a broader subject.

Apart from logistical costs to operational costs, candidates who are not political party cadres must prepare a certain amount of money so that they can be nominated through certain political parties. Its central role as a political vehicle that brings regional head candidates to power gives him a strong bargaining position. Parties have the freedom to set conditions on candidates for the pilkada if they want to get their support.

The prohibition for political parties to determine and withdraw nomination money from candidate pilkada participants is regulated in Article 187B of Law Number 10 of 2016 concerning Elections for Governors, Regents and Mayors (Pilkada Law). Penalties for criminal sanctions await members of political parties who receive compensations in any forms during the regional head nomination process; namely, the imprisonment of between thirty-six months and seventy-two months, and a maximum fine of one billion rupiah. Not only for political parties, criminal sanctions are also given to parties proven to provide rewards in the process of nominating regional heads. The maximum imprisonment is sixty months and a maximum fine of one billion rupiah. However, even though they have been threatened with quite heavy sanctions, the perpetrators are still free to carry out these transactions.

The provisions for the prohibition can also be found in Law Number 7/2017 concerning General Elections (Election Law). However, there is difference in the types of sanctions imposed on the perpetrators. If the Pilkada Law severely threatens political money actors with criminal sanctions, Article 228 paragraph (2) of the Election Law rewards political parties that have proven to have received rewards in the presidential and vice presidential candidacy process by prohibiting nominating candidates for the next election.

The comparison of the two laws shows a different paradigm in overcoming the issue of political dowry. Compared to the Pilkada Law, which prioritizes the imposition of criminal sanctions, the Election Law accommodates administrative sanctions, which are an attempt to depenalize them. In accordance with this description, political dowry, which is seen as a form of violation in the eyes of the Pilkada Law, and the Election Law does not have to be given punishment.

The practice of political dowry, which often occurs in dark rooms, complicates the process of proof. Because to carry out convictions, the Pilkada Law suggests that there is a court decision first. a judicial process that runs long enough has the potential to drown the evidence until the election or regional head elections end. The proving process,.which is long enough to carry out convictions for election violations can actually be avoided if you take the option of administrative sanctions.

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Sanctions in the form of disqualification and prohibition of participating in elections and regional elections in the next period can be imposed based on sufficient preliminary evidence. A faster process of evidence can prevent individuals who do not have integrity and cheat from participating in regional election and election contestations.

The government together with the DPR must again evaluate the regulations that form the basis for the implementation of regional elections and elections. Based on the explanation above, it appears that the implementation of a democratic party is still vulnerable to the practice of money politics. This will not only have an impact on the quality of democracy, but will also open up space for corrupt practices in the governance process.

The regulatory evaluation process can also be accompanied by the harmonization of the Pilkada Law and the Election Law. Some of the arrangements that initially had an evidentiary process until different sanctions - such as rules on political dowries - were adjusted. This is important so that there are no disparities in the threats of political corruption sanctions contained in the Election Law and the Pilkada Law

The practices of money politics in the elections and regional elections does not only occur due to lack of supervision from the organizers, but also because of regulations that do not provide a deterrent effect over the parties involved. Therefore, it is important to push the reform agenda and harmonize the Election Law.

- **Hemi Lavour Febrinandez** -

Discriminative Articles in the Draft Election Law

The unification of the rules for holding the presidential election, legislative election, and regional head elections in a law through the revision of the Election Law is a step that deserves to be appreciated. In this regard, Law Number 7/2017 concerning General Elections (Election Law) can be harmonized with Law Number 10/2016 concerning Regional Head Elections.

Unfortunately, the efforts to harmonize regulations regarding the implementations of national and local elections have stumbled upon articles that are not substantive and discriminative. This provision is contained in Article 182 of the updated Election Bill as of November 26, 2020. The regulation specifically prohibits former members of the Indonesian Communist Party (PKI) - including its mass organizations - as well as for former members of Hizbut Tahrir Indonesia (HTI) from participating in elections and regional elections.

The emergence of various forms of restrictions contained in the prerequisites for becoming a participant in elections and regional elections is actually aimed at attracting potential leaders who have integrity, capacity, morals, and are able to gain public trust. Often this good goal is stumbled by the drafting process to the content of the relevant laws and regulations that injure an individual's political rights.

The issue of limiting rights is not actually prohibited in the formulation of a legal product. Even the Constitution divides Human Rights into two parts; namely, derogable rights and non-derogable rights under any circumstances. Rights that cannot be limited in the constitution are only found in Article 28I (1) of the 1945 Constitution, among others, namely "*Hak untuk hidup, hak untuk tidak disiksa, hak kemerdekaan pikiran dan hati nurani, hak beragama, hak untuk tidak diperbudak, hak untuk diakui sebagai pribadi di hadapan hukum, dan hak untuk tidak dituntut atas dasar hukum yang berlaku surut adalah hak asasi manusia yang tidak dapat dikurangi dalam ke-*

adaan apapun." Therefore, the government has the legal standing to limit the rights owned by citizens outside Article 28I of the 1945 Constitution.

In accordance with the above description, it is commonplace if there are restrictions on the administrative requirements of participant candidates in the Election Law. However, the limitation of these rights must be based on strong and proportional reasons. The choice of steps to limit a person's political rights must also be intended to ensure the protection of the rights and freedoms of others. When the regulation is enacted, there will be no parties that are disadvantaged.

As a constitutional state that has poured provisions on the protection of various constitutional rights of citizens into the formulation of Article 28A-28J of the 1945 Constitution, it should guarantee complete protection and provide equal opportunities for everyone to occupy a position. political. However, the inclusion of an article that has the potential to open up space for discrimination will directly pull back Indonesian democracy.

Answered by the Decision of the Constitutional Court

The emergence of provisions limiting political rights for former members and sympathizers of a party or community group that was banned by the government did not only happen this time. Article 60 Letter g Law Number 12/2003 concerning General Elections of Members of the People's Representative Council, Regional Representative Council, and Regional Representative Council have tried to include the same discriminatory preconditions.

The formulation of the article states that, *"Calon anggota DPR, DPD, DPRD Provinsi, dan DPRD Kabupaten/Kota harus memenuhi syarat … bukan bekas anggota organisasi terlarang Partai Komunis Indonesia, termasuk organisasi massanya, atau bukan orang yang terlibat langsung ataupun tak langsung dalam G30S/PKI, atau organisasi terlarang lainnya"* . The reason for the appearance of the nomenclature in the article is based on MPRS Decree Number XXV / MPRS / 1966 on the Dismissal of the Indonesian Communist Party, which generally states that the party is a prohibited organization. However, the Constitutional Court (MK) has not considered this reason as strong and proportional.

After a judicial review was conducted agthe provisions prohibiting the Indonesian Communist Party or other banned organizations,

the Constitutional Court through Decision Number 011-017/PUU-I/2003 stated that these provisions were contrary to the 1945 Constitution. The same nomenclature should no longer appear in the revision of the Election Law. Moreover, the decision has provided a strong reason to invalidate the discriminatory provisions.

In the consideration section of the decision, the Constitutional Court explains that the prohibition of certain groups from participating in the election, contains nuances of political punishment against that group. The legal considerations (ratio decidendi) in this decision were ultimately not only addressed and applied to former PKI members, who were the objects of examination, but also applied to other groups such as HTI.

As a rule of law, any prohibition that has a direct bearing on the rights and freedoms of citizens must be based on court decisions which have permanent legal force (inkracht). It is in this context that it is important to prove an act that can revoke certain rights belonging to someone. Therefore, government actions that try to discredit certain groups or individuals through laws or their derivative regulations can be prevented.

If this provision is still forced into the Election Bill, it could create a snowball effect for other regulations and their derivative regulations. For example, General Election Comission's Regulations, The Elections Supervisory Agency's Regulations, and related regulations such as the Political Party Law. In short, discriminatory articles like this have the potential to influence other related regulations.

Evidence that the Election Law and the Political Party Law influence each other can be seen from the emergence of rules on affirmative action in both laws. Initially, only the Political Party Law stipulated an obligation of 30% women's representation in management. Then the same rule is accommodated by the Election Law, which requires 30% representation of women in the list of candidates for legislative members.

If there are conditions prohibiting members of certain organizations from participating in elections, the Political Party Law must also be amended so that it can filter out candidate members. Thus, they will not find obstacles when participating in the elections. This will be easier to carry out because it is only through the internal mechanisms of political parties. However, it would be different if

this done by election organizers who were bound by the principles of justice and legal certainty.

When the Election Law regulates the prohibition of former PKI or HTI members from participating as election participants, the General Election Comission (KPU) and The Elections Supervisory Agency (Bawaslu) must also make implementing regulations to carry out the mandate of the law, including including such discriminatory articles as administrative requirements for candidate election participants.

The General election organizer must be responsible for verifying the conditions received from each candidate participating in the election. At this stage, the KPU will encounter problems. Because tracing a person's membership with written evidence (lex scripta) in an organization that does not exist such as PKI and HTI will be a difficult thing to do. This will run into problems of proof and threaten justice and legal certainty for individuals who wish to participate in the elections.

Steven Levitsky and Daniel Ziblatt in their book How Democracy Die, provide four key indicators of authoritarian behavior. Among them are prohibiting certain organizations and limiting civil or political human rights (Levitsky, 2019). The discriminatory article that prohibits HTI and PKI from participating in the election fulfills this key indicator of authoritarian behavior. Therefore, if the provisions limiting political rights are maintained, then Indonesian democracy will be threatened by the violation of these civil liberties and the potential to fall into a deeper hole of authoritarianism.

Breaking the Chain of Discrimination in Democracy

Limiting the rights of a certain organization or community group to participate in elections is a step backwards for the democratic climate in Indonesia. In fact, there are several breakthroughs for the fulfillment of human rights that the legislators have been able to produce. One of them is the formulation of affirmative action, which requires that there are at least 30% women in the list of candidates for legislative members.

In simple terms, Ani Widyani Soetjipto in the Politics of Women Not an Eclipsez explains that affirmative action is a pro-active action to eliminate discriminatory treatment against one particular social group (Soetjipto, 2005). It aims to promote equality of position for various groups suffering from unequal power relations. Until in

the end everyone has equality, including to participate actively in practical politics.

The provisions regarding affirmative action first appeared in Law Number 2 1/2011 concerning Political Parties, which was later followed by Law Number 8/2012 concerning the General Election of Members of the House of Represntatives (DPR), Regional Representatives Council (DPD) and Regional People's Representatives (DPRD). Both regulations specifically instruct political parties to meet a quota of 30% women's representation in management. This provision is also a prerequisite for participation in the legislative general election.

This special measure is not a discriminatory restriction. On the contrary, political parties are required to increase the involvement of women in order to have the same opportunity and treatment when participating in elections. The final result is the involvement of various groups that were initially marginalized so that they have the same opportunity to participate in the political sphere.

Learning from affirmationative acts related to women's representation in politics, the discriminatory rules regarding the prohibition of participation of any candidates with PKI or HTI backgrounds should not appear in the Election Bill. Attempts to fulfill the political rights of citizens will only be harmed by this one article.

In the past years, we have been able to make leaps and bounds in seeking equal rights for all citizens to be able to actively participate in the democratic party. This is a common thing if we refer to the rights of citizens contained in 28D paragraph (3) of the 1945 Constitution. Therefore, every citizen has the same opportunity in government, including being able to participate in elections, without any restrictions based on race, gender, and affiliation to certain political groups.

Do not let the spirit to hold a democratic party that can be enjoyed by all people stumble by a discriminatory article. If this provision is still forced into the Election Bill, this could create a snowball effect and the inclusion of similar discriminatory articles for other related regulations and their derivative regulations. For example, KPU Regulations, Bawaslu Regulations, and related regulations such as the Political Party Law.

- Hemi Lavour Febrinandez -

Cyber World in Virtual Police's Binoculars

"The most important political office is that of the private citizen,"
Louis Dembitz Brandeis

Strengthening people participation in cyberspace is one of the programs to be implemented by the Chief of the Indonesian National Police (Kapolri), General (Pol.) Listyo Sigit Prabowo. The realization of the program made by the Kapolri will include a virtual police entity that has the task of campaigning for the importance of personal data security. In addition, the virtual police will also carry out educational roles for the community that related to the ideal way to use social media culturally and ethically.

Further, the discourse of Kapolri's virtual police has raised questions. Especially regarding to the actualization of civil liberties, such as the expression of opinions. According to the findings in the national survey from Indikator Politik Indonesia (2020), the majority of Indonesians are increasingly afraid to voice their opinions (79.6 percent). Not to mention, the results from the same survey also showed that 57.7 percent of the public thought that the authorities were increasingly arbitrary in arresting citizens who had different political views from the government.

Hence, it can be assumed that the presence of an internet user ethics supervisor called virtual police has the potential to be counterproductive to what the Kapolri has expected from the start. Therefore, a number of notes shall be presented in the writing referring to General Listyo's explanations during a Fit and Proper Test that was held at the Commission III of the Indonesian House of Representatives (DPR RI).

Police's Penetration in the Cyberspace

When implemented, the virtual police will fulfill the approach used by the Indonesian National Police (Polri) in cyberspace. The approach used in this paper refers to Ernest James Wilson (2008), an academic from the University of Southern Califor-

nia, who explains the terminology of hard power and soft power. Wilson interprets hard power as the capacity to force someone to behave in accordance with what the owner of the power. Meanwhile, soft power is a form of using that strength in a more persuasive way.

Wilson's definition was then applied to describe the efforts to penetrate the cyberspace by Polri. Previously, the Polri has had cyber police as a form of hard power approach that prioritizes law enforcement in cyberspace. The Directorate of Cyber Crime (Dittipidsiber) is directly under the Police Criminal Investigation Agency (Bareskrim). From the official patrolisiber.id website, it is known that the task force, which has been operating since 2017, has an obligation to deal with two types of crimes; namely, computer crime and computer-related crime. Meanwhile, a softer approach (soft power) will be manifested through the creation of a virtual police, as the role of this entity will be positioned to monitor the ethics and the cultural side of social media for Indonesian internet users.

Article 13 Paragraph c of Law Number 2/2002 on the Indonesian National Police does explain that one of the main tasks of the Polri is to provide protection for the community. It is further explained in Article 14 Paragraph 1 Letter c that in carrying out its main duties, Polri can guide the community to increase participation. This is in line with the Kapolri's idea to create virtual police. However, this argumentation must be supported by a clear working mechanism of virtual police. Regrettably, the second note in this paper indicates such working mechanism is absent.

Gaps and Doubts

During a public examination, the words "ethical" and "cultured" were used by the Kapolri to describe the virtual police orientation in cyberspace. The absence of further explanations for those words means that the virtual police discourse is still unequipped with a clear framework. On the other hand, it is important that the virtual police also present an indicator of what makes internet users ethical and cultured. The aim is simply to avoid actions that are detrimental to the society. Of course, these worries do not arise without cause. Surveillance and hacking cases, which are often followed by the arrests of a number of activists by the police during 2020, are a precedence that greatly amplifies the people's anxiety to express and deliver their views in cyberspace.

Referring to one section from the year-end report of The Indonesian Institute, *Indonesia* 2020[1] , cases of intimidation that had occurred in groups of workers and students who rejected the Job Creation Regulation concretely illustrated the intrusion that occurred in cyberspace.

On the same occasion, the Kapolri stated that virtual police had the opportunity to collaborate with influencers in carrying out their educational roles. This plan is important to be addressed. Because, in his presentation, the Kapolri stated that the criteria for influencers who can be partnered with are those who have enough numbers of followers on their social media account. There were no other criteria mentioned by the Kapolri. This has become an alarming proposal, because the experience involving influencers in campaigning for the Job Creation Law ended badly last year. The fact should be enough for the Polri in considering their collaboration plans.

In addition, the existence of virtual police entity, which may be combined with influencers, also has the opportunity to dominate conversations in cyberspace. Moreover, a report from Indonesia Corruption Watch (2020) shows that Polri is the agency that has the largest budget for digital activities. In the report, the value of Polri's digital activity procurement reached IDR 937 billion.

On the other hand, an orientation to the exposure quantity will create a massive and continuous narrative that will be brought by the virtual police, which have the potential to create inequality and to restrict other variants of dissenting conversations. Moreover, the abundance of resources and a 'one commando' model will make the narratives generated by virtual police and influencers difficult to be leveled. Finally, the deliberation characteristic of cyberspace will be eroded and the alternative dialogues will fail to manifest and survive in the long run.

Notes

There is an interesting discourse about prefixes used in referring to the internet. Starting from e-, cyber, and digital, where e- is generally related to commerce, cyber for matters associated with security and crime, and digital for the development level (Kurbalija, 2015). Apart from the use of interchangeable

[1] See *Isu Peretasan Dalam Rancangan Undang-Undang Perlindungan Data Pribadi* in A. T. Muchtar (Ed.), *Indonesia 2020* (pp. 82-95). The Indonesian Institute Center for Public Policy Research.

prefixes, the associations attached to them indicate a number of options for conceiving cyberspace. Therefore, it is important for Polri to understand the complexity of interpreting cyberspace, which does not only need to be uniformed.

It is important for the National Police to understand the complexity of interpreting cyberspace, which does not always have to be uniformed so that the freedom to express opinions can be fully manifested.

The spatial character, which is so free does not necessarily make a step to penetrate the internet with an ethics-based approach is accurate, especially since an approach based on law enforcement has also been taken. If the Kapolri seriously guarantees the existence of public creativity, then seeing the virtual world not only as an arena that needs to be disciplined and haunted by sanctions is an obligatory action.

Therefore, this paper argues that the discourse on the formation of a virtual police is not urgent. The increasingly anxious and insecure conditions of the community, especially when expressing opinions, should be the top priority for the Polri. One example is through strengthening the Dittipidsiber in taking actions against computer crimes and computer-related crimes that pose real harms to the community so that the sense of security of internet users when doing activities in cyberspace can be fulfilled.

- Rifqi Rachman -

Eradicating the Pseudo-Democratic Side of Jokowi's Government

After various negative responses to the statement of President Joko Widodo (Jokowi), who asked the public to be more active in conveying criticisms, the President has finally asked the Minister of Law and Human Rights (Menkumham), Yasonna Laoly, to initiate the first steps to improve Law Number 19/2016 concerning Amendments to Law Number 11/2008 concerning Electronic Information and Transactions (UU ITE) (cnnindonesia.com, 18/2). Meanwhile, Indonesian National Police Chief General Listyo Sigit Prabowo has also been asked by Jokowi to be more selective in handling cases using the UU ITE. Listyo has then discussed the option of mediation as a medium to resolve cases without the need for detention (tempo.co, 17/2).

This should be seriously monitored, given the records of repressive acts against groups that opposed the government have relatively been high in the second term of the Jokowi administration. Records from Kontras per October 2020 also showed that there were 10 cases of critics against Jokowi that had resulted in 14 people being prosecuted (tirto.id, 10/2). Therefore, the promise to improve the rubber articles in the ITE Law must be completed so that the government led by Jokowi does not have a pseudo-democratic nuance.

The Incompatibility between Practices and Promises

Nowadays, maintaining self-awareness towards Jokowi's promises is not an exaggeration. The arrests of Dandhy Dwi Laksono and Ananda Badudu more than a year ago were clear precedence about the discrepancy between the statements made by the President and the reality in the field (liputan6.com, 27/9/21). The political space, which has failed to reconcile idealization and reality will eventually

give rise to a pseudo-democratic nuance. Mehran Kamrava (1998), a Professor at Georgetown University in Qatar, characterizes that the political space in pseudo-democratic is limited by the legal restraints on competition, participation and freedom, which are generally sidelined in the name of national security.

When the pseudo-democratic concept of Kamrava is contextualized in Indonesian, the existence and practice of ITE Law is the main element that makes this concept relevant. This is because the ITE Law has made the practices of imposing criminalization on groups that are vocal towards the government policies. Although, the maximum imprisonment of six years and/or a maximum fine of Rp1 billion was initially intended to provide a healthy digital space, articles that are considered have multiple interpretations have eventually attacked people who try to speak out about their grievances.

Improvements in this regulation have indeed been made. However, a number of articles considered as rubber articles still exist, as they have often been used in an inappropriate way. Those articles are Article 27 Paragraph 1 and Paragraph 3, Article 28 paragraph 2, and Article 29. These articles, respectively, regulate pornography, defamation, hate speech, and threats of violence that can be subject to sanctions in the forms of fines or imprisonment. There has been the same trend from the usage of the articles mentioned: silencing criticism through criminalization. Hundreds of cases using those articles of the ITE Law have been compiled by the Southeast Asia Freedom of Expression Network (SAFEnet) on their official website confirm this misapplication.

The Available Options

Then, what should be done so that the Jokowi administration's pseudo-democratic character can be separated from its cage? Revising the UU ITE is certainly the most ideal option. Considering that the political process in formulating the revised articles will open up room for many elements of society to take part in providing their views. This can happen if the Parliament also positions itself to collect and accommodate the aspirations from the community.

However, it should also be remembered that the revision process through the House of Representatives (DPR) will not be completed in a short period of time. Various interests, whether coming from each faction, groups, or political positions will make the revision of rubber articles from the UU ITE longer.

Therefore, the option to issue a Government Regulation in Lieu of a Law (Perppu) is a very good to consider. There are a number of reasons why this choice is good. First, issuing a Perppu would cut a lot of the time and processes needed to amend the problematic articles in the UU ITE. If the Perppu is passed, the existing multi-interpretation articles will automatically be trimmed. Furthermore, the process of stipulating the Perppu into law can become an agenda for the improvement of a number of articles in the Perppu. Obviously, this ideal discourse can be materialized if the substance of the Perppu answers accurately the problems that have been raised by the UU ITE.

When the society becomes the government's top priority, the pseudo-democratic character will be having a transition into a complete democratic system.

Second, the Perppu can become a reflection of the President's commitment to upholding a just law. The number of cases that use the UU ITE show how vague the interpretation and the implementations of this regulation are. Activists, journalists, students and ordinary people are the groups that often victimized by the use of this rule. Executive intervention on issues of the UU ITE through the Perppu will emphasize the priority of justice, which has been overlapped by the interests to silence the voices of common citizens.

Third, executive intervention will also show the partisanship of the government, especially the President, to the people who suffer because of the usage of UU ITE. This pseudo-democratic leadership can then be wiped out if the protection and rule of low for the people become the main orientations of any government policies.

It is expected that the President has received a lot of suggestions in responding to the freedom of expression issue in Indonesia. However, all of these suggestions will only be complete if the President really changes the direction of his government. We should wait and hope that the new direction that the President is aiming at and preparing will bring the society to a much better condition, especially in the existence of security and freedom on the internet.

- Rifqi Rachman -

The Polemics over the Revision of the Election Law

The discussions on the revision of Law Number 7/2017 concerning General Elections (Election Law) have occured after the House of Representatives (DPR) took the initiative to include it in the discussions on the 2021 Priority National Legislation Program (Prolegnas).

In subsequent developments, the discussions on the revision of the Law have divided a number of factions in the DPR. The factions in the DPR as representatives of political parties are debating a number of issues in the revision of the Law. Conflict of interests is inevitable in discussions on the revision of the Law. In fact, this has then dragged the government as the partner of the DPR to the polemics, which has resulted in a debate over whether or not to revise the Election Law. The next section examines the dynamics in the discussions on the revision of the Election Law.

The Dynamics of Revision of the Election Law

As mentioned above, the revision of the Election Law is an initiative of the DPR to improve election administration in Indonesia. There are several issues that have become debates among factions in the DPR.

Some of these issues are; for example, the choices of users of the open, closed, or mixed election system; second, the parliamentary threshold and presidential threshold; and third, the system for converting the vote count into seats; fourth, the consideration of the number of seats per electoral district (district magnitude); fifth, the synchronization of elections with Regional Head Elections (Pilkada); ane sixth, the digitization of elections.

In its developments, the dynamics of the discussions on the Election Law have changed, when President Joko Widodo (Jokowi) asked the political parties in the Parliament to really consider the revision

of the Election Law. Moreover, in the midst of the COVID-19 pandemic, there are still many problems that have not fully recovered (detik.com, 30/1). Jokowi's wish has then been welcomed by all political parties supporting the government coalition until the discussions on the revision have led to two options; namely, agreeing to do the revision or not agreeing to do the revision.

Then, on February 10, 2021, the Chair of the Commission II of the DPR, Ahmad Doli Kurnia, revealed that the Commission II of the DPR had agreed not to continue the discussions on the revision of the Election Law (RUU). The reason is, if there is one political party that disagrees, there will be no discussions, and a law will not be formed (kompas.com, 10/2).

Examining the Revised Discussions on the Election Law from a Policy Aspect

The DPR Commission II's decision that decided not to discuss the revision of the Election Law has raised pros and cons. The decision to disagree with the revision of the Election Law has ultimately become a policy. This is in line with tthe opinion of Thomas R. Dye (2006), "whatever the government chooses to do or not to do". However, the creation of a policy product should be based on sound arguments against these problems and based on public interests.

The decision not to revise the Election Law in the end has left homework for election administration in Indonesia. The revision of the Election Law is expected to be an entry point to improve the quality of elections. This revision is also important so that there will be no repeat problems as in the previous elections.

The problem at this time is that this decision has ultimately raised the suspicion of a number of parties, especially political parties outside the government coalition and also civil society groups. They believe that the decision taken cannot be separated from the interests of the 2024 Elections. In fact, the DPR (especially in this case the factions of governing coalition) and the Government should clearly think about the decision on the Election Law, considering that the Law is part of the design of Indonesia's future democracy. It is also worth remembering that the Election Law is not only in the interest of political parties. It should also be in the interes of torganizers and also the public as voters.

Reducing Trust in Political Parties

The dynamics of the discussions of the revision of the Election Law have raised a question mark about the future of democracy in Indonesia. Considering the handling of COVID-19, the discussions on the revision of the Election Law should continue as well as the discussions on other bills in the 2021 Priority Prolegnas list. As mentioned above, the Election Law is an important thing to improve the quality of democracy.

The decision not to revise the Election Law has eventually left homework for election administration in Indonesia. The revision of the Election Law is expected to be an entry point to improve the quality of elections. This revision is also important so that there will be repeat problems, as in the previous elections.

The failure of this revision has added distrust toward DPR as the representation of political parties. It is feared that this will increase public distrust in political parties. The results of a survey by the Indonesian Survey Institute (LSI) in 2019 stated that only 53 percent of Indonesians trustedt political parties and 61 percent trusted the House of Representatives (DPR) (Katadata.co.id, 29/8/2019).

In addition, the ties between political parties and voters are very low. This is illustrated by several survey results, which stated the low ties between voters and parties. For example, the results of the Politika Research and Consulting (PRC) and Indonesian Political Parameters (PPI) survey in early 2020, which stated that 85.9 percent of respondents did not feel close to certain political parties. Meanwhile, only 14.1 percent felt that they were close to certain political parties (republika.co.id, 24/2/2020). Even earlier, in 2017, a survey by Saiful Mujani Research and Consulting (SMRC) stated that only 11.7 percent of Indonesians had close ties to political parties he believed in (kbr.id, 3/1/2018).

The findings from the above surveys should serve as an illustration for political parties to think carefully about their roles and functions. If the public no longer trusts political parties as democratic institutions, this will also affect the legitimacy of the Parliament as the people's representation in the democratic system. Therefore, political parties should fix their internals, otherwise political parties will increasingly be seen as representative institutions of a handful of elites, not as the representatives of the people. This has led Indonesia to a crisis of legitimacy.

- Arfianto Purbolaksono -

Police Violence: Questioning the Protection Function of the Police and the Implementation of the Principles of Democratic Policing

A detainee at the Balikpapan Police (Herman) died in December 2020. Herman's death is suspected to have been due to acts of violence by unscrupulous police during the investigation process. This case shows that acts of violence committed by unscrupulous police against civilians still exist. Apart from the Herman case, four other cases of violence in the detention process also occurred in December (Narasi, 2021).

Apart from the violence has that occurred in detention, violence has also been perpetrated by police outside detention; for example, during demonstrations. In 2020, KontraS had received 1,500 complaints of violence by the apparatus during demonstrations (Kompas.com, 2020). Data also show that from 2018 to 2019, there were 643 cases of violence perpetrated by the police (KontraS in CNN, 2019). The violence included arbitrary arrests, which resulted in injuries and deaths.

The violence that has occurred both inside and outside detention showed that there are unscrupulous police that don not protect residents. Various acts of violence perpetrated by the police are included in violations of Human Rights (HAM) (LBH Bandung, 2020). In Law Number 2/2002 on the Indonesian National Police states that one of the duties of the police is to provide protection and protection for the community.

According to Putri (in Persada, 2019), violence perpetrated by unscrupulous police still occurs because there are no strict legal sanctions for the perpetrators. In 2020, there were no cases of violence with suspected police officers ending up in the court (Kontras in Kompas.com, 2020). Another evidence of the indecisiveness of the

police institution to the police violence is that the suspect who killed Yusuf (a demonstrator from Sulawesi) has not been found so far (Tegas.co, 2021). Even though the results of the KontraS investigation (in Wijaya, 2019) showed that Yusuf died as a result of being shot during the demonstration. Even the person who allegedly killed Yusuf is still an active member of the Police Agency.

As violence has occurred in the detention process, most of the violence has ooccurred in the interrogation rooms (KontraS in Persada, 2019). Violence often occurs because the police pursue confessions or evidence from the suspect (Putri in Persada, 2019). Like the Herman case, he was allegedly forced to admit that he was the perpetrator of the cellphone thief (Rosadi, 2021). The coercion was carried out using violence. Violence was chosen because of the police's lack of ability to gather information (KontaS in Persada, 2019).

Violence is Still a Culture in The Police Institution

Violence is still a culture in the police institution (KontraS in Persada, 2019). Indonesian Ombudsman member Ninik Rahayu also stated that her institutiom found that there were still high levels of maladministration of torture in detention centers and prisons or similar places of detention by members of the National Police. In additiom, the head of Komnas HAM, Ahmad Taufan Damanik, also noted that the National Police was the largest institution that had been reported on the practices of violence (Merdeka, 2021).

The existence of a culture of violence in the police institution indicates that acts of violence that occur within the police are also included in cultural violence. According to Galtung in (Eriyanti, 2017), cultural violence occurs because of the attitudes and beliefs that surround a person in everyday life. The number of acts of violence committed by police officers indicates that acts of violence are common for police officers.

The prevalence of violence in the police institution occurs because of the neglect by the superiors of the perpetrators of the violence and the police institution (Raharjo & Angkasa, 2011). These conditions are the same as Galtung's inner triangle of violence (Eriyanti, 2017). The violence triangle consists of direct violence, cultural violence, and structural violence.

If acts of violence perpetrated by police officers are analyzed using the concept of the triangle of violence, shooting, and torture committed by police officers against civilians are considered direct violence. This direct violence still occurs today due to a culture of

violence in the police institution. The culture of violence still exists because of the structure that allows the culture to continue to exist. Therefore, there must be a structure that changes the culture so that violence does not occur again.

However, there should be no human rights violations in the name of law enforcement. Moreover, the police have to protect civil society, not negating human rights.

Promoting the Principles of Democratic Police to Eliminate Violence

Galtung is optimistic that violence can be eliminated if we know the cause of the action. Violence by police officers, both inside and outside of detention, apart from the factors previously explained, can also occur due to the lack of understanding by police officers of the principles of democratic police. If the policing processes are carried out democratically, no human rights violations will occur.

The principle of democratic police that emerged after the reformation has not been optimally implemented by the Police. In the principles of democratic police, the police are encouraged to respect civil rights, obey the principles of democracy and good governance, and carry out modern policing (community policing) (PUSHAM-UII, 2013). These principles must be implemented so that no more acts of violence by unscrupulous police officers occur.

Bayley in (Dermawan, 2008) mentions several ways to create democratic policing. Among them, the police must protect human rights, especially those needed for the type of free political activity that is a feature of democracy; for example, demonstration activities. Apart from that, the police must also be transparent in their activities. These two principles can be encouraged to eliminate the culture of violence in the police institution.

There must be a strong will from the police and state institutions to end this culture. In addition to encouraging the application of the principles above, the Chief of the Indonesian National Police (Kapolri) must also maximize the role of investigative supervisory officials to eliminate violence in detention.

- Nisaaul Muthiah -

The Obstacles in the Implementations of Distance Learning

Currently, the implementations of Distance Learning (Pembelajaran Jarak Jauh/PJJ) still refer to the Joint Ministerial Decree (Surat Keputusan Bersama/SKB) of four ministers, which leaves the decisions to implement Face-to-Face Learning (PTM) to the regions (Kemendikbud, 2021). This decision was made because the regional governments are the parties that are considered to best understand the needs of their respective regions. According to the Ministry of Education and Culture's website (2021), the four ministers' SKB also emphasizes several points. First, the decision to conduct PTM must obtain the approval from the schools' committees or the students' guardians. Second, schools that are opened are required to meet health and safety requirements and to implement health protocols.

The PJJ policy above has various strengths and weaknesses. PJJ can indeed anticipate the spread of coronavirus disease 2019 (COVID-19), but PJJ can reduce the quality of education received by students (Kemendikbud in Ramadhan, 2021). The decline in the quality of learning has occured because during PJJ students have not received sufficient learning material. The Director-General of Early Childhood Education, Basic Education and Secondary Education (PAUD Dikdasmen) of the Ministry of Education and Culture, Jumeri in Ludiyanto (2021), stated that in its implementation, PJJ did not run effectively. PJJ is designed to reduce the spread of COVID-19, but in reality, when PJJ is running, children don't stay at home. They play with their peers without implementing health protocols.

In some areas, parents and teachers experience difficulties in implementing PJJ. In one elementary school in Gunung Kidul Yogyakarta, in one school there are only 30% of students have devices to conduct PJJ (Kumparan.com, 2021). Gunungkidul is not an underdeveloped area. If the accessibility conditions for technology in areas

that are not classified as underdeveloped areas are still poor, then we can imagine how bad the accessibility of technology in underdeveloped areas will be. In addition to the constraints on the aspect of device ownership, the Team of the Directorate General of Islamic Education of the Ministry of Religion also revealed that there were still many areas that had not been reached by internet provider signals and had not yet received electricity (Caesaria, 2021).

Not only the problem of infrastructure and access to technology, many parents and teachers also have problems in implementing PJJ. Not all parents pay attention to their children during PJJ because of differences in the ability of parents to understand children's lessons (Ogesnata, 2021). The difference between parents' activities also affects the implementation of PJJ. On the teacher aspect, the Director of Secondary Education and Special Education at the Directorate General of Teachers and Education Personnel of the Ministry of Education and Culture Praptono in Putra (2020) stated that 60% of teachers experienced problems in learning using technological devices.

Parents and Teachers vs. Local Governments

Each region has different obstacles in implementing PJJ, including infrastructure constraints, as well as technological access and capabilities (Ihsan, 2020). Therefore, the Central Government gives full rights to the Regional Government and parents of students to determine the sustainability of PJJ.

In Yogyakarta, several school principals and parents asked the government to immediately start PTM because PJJ was not optimal (Kumparan.com, 2021). The less optimal PJJ in Yogyakarta is due to the low ability of parents to provide gadgets and quotas for PJJ. On the other hand, the Yogyakarta Regional Government has not allowed the implementations of PTM because of the high number of COVID-19 cases in the province (Kumparan, 2021).

In Central Java, education activists from the Yayasan Satu Karsa Karya (YSKK) also encourage PTM to be carried out immediately by observing strict health protocols (Ludiyanto, 2021). According to him, if PJJ is continued, it will result in the poor quality of education of the generation affected by the COVID-19 pandemic. In Solo, PTM has been simulated at the end of 2020 at the junior and senior high school levels. However, the simulations have been stopped because the Governor of Central Java have prohibited the holding of PTM (Ludiyanto, 2021). The governor still prohibits PTM in anticipation of the increasing spread of COVID-19 (Saputra, 2020).

The two case examples above show an out of sync between the will of the local government and the wishes of the parents of students. The local government wants to postpone PTM because of the increasing spread of COVID-19, but many parents want to start PTM because they are unable to help their children optimize PJJ. Therefore, there is a need for dialogue between the local government, teachers, and parents in each region to find solutions together.

PJJ is designed to reduce the spread of COVID-19. However, the fact that many children play with their peers without health protocols during PJJ can lead to a cluster of the spread of COVID-19. There is a need for communication between the local government and teachers, parents, and children to discuss the implementations of PTM with strict health protocols.

PTM or PJJ

The reality is that during PJJ children play with their peers without health protocols and that there are constraints on access to technology, infrastructure, and the lack of the ability of teachers and parents to accompany children. This has caused PJJ not to run optimally. Therefore, the quality of student decreases, which can lead to a decline in the quality of student education. In short, PJJ is not the answer to the problems of education in Indonesia today, unless the government can facilitate access to technology, the technology supporting infrastructure, and the ability to operate the technology itself.

The government has introduced PJJ to reduce the spread of COVID-19. However, if children play with their peers without health protocols, this can become a separate cluster for the spread of COVID-19. The implementations of PTM with strict health protocols can be an effective solution in some areas.

If PTM is held, schools must prepare operational standards that are adapted to current conditions. Even though implementing PTM, schools can conduct direct outreach on health protocols. Attendance of students in schools with health protocols will be better than children playing with their peers without health protocols.

- Nisaaul Muthiah-

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.

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, political, and legal affairs. The main activities which have been conducted by **TII** in order to achieve our vision and mission, are: research, surveys, facilitation and advocacy through training and working groups, public discussions, public education, weekly editorial articles ("*Wacana*" or Discourses), monthly analysis ("***Update Indonesia***" in Indonesian and "**The Indonesian Update**" in English), mid-year policy analysis ("Policy

Assessment"), annual policy analysis ("Indonesian Report"), and monthly discussion forum on policy issues ("The Indonesian Forum").

Contact Details :
The Indonesian Institute, Center for Public Policy Research
Jl. HOS. Cokroaminoto No. 92,
Menteng, Jakarta Pusat - 10310
Ph. (021) 315-8032
contact@theindonesianinstitute.com
www.theindonesianinstitute.com

RESEARCH ON ECONOMIC AFFAIRS

The economy tends to be used as an indicator of the success of the government as a policy-maker. 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.

TII focus on economic issues, such as monetary policy and fiscal policy, as well as issues on sustainable development by using analysis which refer to economic freedom principles. Monetary issues will focus on the Indonesian Central Bank to maintain economic stability, both regarding inflation and exchange rate. Meanwhile, fiscal policy will focus on the discussions over the National Budget and infrastructure development both in the regions and in the cities. In relation to sustainable development, **TII** research is focusing on productivity, competitiveness, infrastructure development, and development gap. In addition, **TII** also upholds economic freedom principles in highlighting the importance of individual freedom and involvement of private sectors in increasing development and improving welfare in Indonesia.

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

RESEARCH ON LEGAL AFFAIRS

According to stipulations in Law No. 12 Year 2011 on the Formulation of Laws and Regulations, every bill which will be discussed by the legislative and the executive must be complemented with academic paper. This stipulation is also confirmed in Law No. 15 Year 2019 on the Amendment of Law No. 12 Year 2011 regarding the Formulation of Laws and Regulations.

Therefore, comprehensive research is very important and needed in making a qualified academic paper. With qualified academic papers, the bills will have strong academic foundation both from academic and content aspects. Furthermore, academic paper also functions as an early tracking over possibilities of overlapping laws and regulations, so that revocation of local regulations or other related issues which can be caused by legal, economic, or political aspects in the future, can be minimized as soon as possible.

TII offers normative and legal research related to harmonization and synchronization of laws and regulations, especially in making academic papers, legal opinion on harmonization and synchronization of laws and regulations, and legislative drafting for the formulation of local regulations bill drafts or other laws and regulations. In addition, **TII** also offers openly research on other legal issues related to Constitutional Law and Public Administration, Human Rights, and Political Corruption.

RESEARCH ON THE POLITICAL AFFAIRS

The enactment of Law No. 23 Year 2014 on the latest regulation on the Local Government, has created different relations between the Central Government and the Local Government. Entering the era of Bureaucracy Reform, specification of division of affairs of the Central Government and the Local Government has increasingly demanded the implementation of good governance principles. The government is demanded to be adaptive and responsive towards public aspiration and services. Therefore, public policy research become more important for both the Central Government and the Local Government to analyse context and current issues in the regions. The government must also consider various actors whether political actors or bureaucrats, as well as public's aspiration and other non-state actor in policy processes.

In order to respond those needs, **TII** research in political affairs offer policy assessment on various policies which were already applied or will be implemented. **TII** will look at socio-cultural, economy, legal, and political aspects in assessing public policies. Our research will be useful to assist government in formulating policies which are in line with context, priorities, and people's aspiration. **TII** also offers various breakthrough of transformative policies according to existing contexts in particular and Open Government principles' implementation in general, in order to increase public participation in policy processes, particularly in the era of the openness of public information.

Political Research Division of **TII** provide analysis and policy recommendations in order to generate strategic policy in the strengthening of democracy and the establishment of good governance both at the national and local levels. Political research forms are offered by TII **(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 a need for the government, the businesspeople, academia, professionals, NGOs, and civil society to improve social development. Social analysis is important to identify strategic issues which are developing and to make the right stakeholders' mapping to promote significant change in the context of development, public policy, and democracy in Indonesia.

The Social Research Division is present to offer strong and valid recommendations to produce strategic, relevant, efficient and effective, and impactful policies, in addressing to existing various issues. For example, issues related to 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.**

PRE-ELECTION AND REGIONAL HEAD ELECTION

One of the activities carried out and offered by **TII** is a pre-election survey as well as a pre-election and regional head election. The reasons underlying the implementation of pre-election and regional head election surveys, namely: (1) A good election is a democratic process that can be arranged, calculated, and predicted in the resulting process; (2) Survey is one of the important and common discussions to measure, calculate, and predict how the process and results of the General Election and the Regional Head Election will take place, in accordance to the expectations of the candidates; (3) It is very important to win in the General Election and the Regional Head Election based on empirical, scientific, measurable and supportable data.

As one of the important aspects of a strategic candidate's election, the survey is useful for monitoring political power. In this case, the success team needs to conduct a survey for: **(1) mapping the candidate's position in public perception; (2) mapping voters' desires; (3) publishing the most effective political machinery used as voters; and (4) Looking for the most effective medium for the campaign.**

EVALUATION OF A PROJECT OR A PROGRAM

One of the activities that have been performed and experienced offered by TII is a qualitative evaluation of the projects and programs of non-governmental organizations and government. Evaluation activities are offered TII stages of mid-term evaluation of the project/program (mid-term evaluation) and also the final evaluation at the end of the project/program (final evaluation).

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

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.

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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).

THE INDONESIAN INSTITUTE
CENTER FOR PUBLIC POLICY RESEARCH

Jl. HOS. Cokroaminoto No. 92,
Menteng, Jakarta Pusat - 10310
Ph. (021) 315-8032
contact@theindonesianinstitute.com
www.theindonesianinstitute.com

ISSN 1979-1976
9 771979 197640