

# The Indonesian Update

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



## Main Report:

Looking at the Increase in VAT Rates

### Law

- Observing the Option to Postpone the 2024 Simultaneous Elections ■
- Considering a Constitutional Amendment in the Midst of a Pandemic ■

### Politics

- Muslim Women's Freedom in Using Hijab ■
- The Election of Anti-Feminist Yoon Suk-Yeol as the South Korean President ■
- Looking at the Challenges Faced by the New Election Organizers ■

### Social

- The Prevention of Sexual Violence in Education Units ■
- The Polemics over the National Education System Bill ■

# CONTENTS

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FOREWORD .....	1
<b>MAIN REPORT</b>	
Looking at the Increase in VAT Rates .....	3
<b>LAW</b>	
Observing the Option to Postpone the 2024 Simultaneous Elections .....	10
Considering a Constitutional Amendment in the Midst of a Pandemic .....	14
<b>POLITICS</b>	
Muslim Women's Freedom in Using Hijab .....	17
The Election of Anti-Feminist Yoon Suk-Yeol as the South Korean President .....	21
Looking at the Challenges Faced by the New Election Organizers	25
<b>SOCIAL</b>	
The Prevention of Sexual Violence in Education Units.....	31
The Polemics over the National Education System Bill .....	35
<b>INSTITUTIONAL PROFILE</b> .....	39
<b>RESEARCH PROGRAMS, SURVEY AND EVALUATION</b>	41
<b>PUBLIC DISCUSSION</b> .....	45
<b>TRAINING &amp; WORKING GROUP FACILITATION</b> ...	46

# FOREWORD

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The April 2022 edition of the Indonesian Update features a main report on the Value Added Tax (VAT) rate, which was officially increased by one percent on April 1, 2022. This provision is contained in Law Number 7/2021 on the Harmonization of Tax Regulations (UU HPP). Initially, the VAT was set at 10 percent, and now it is 11 percent. The VAT rate increase will also occur before 2025, which will become 12 percent in accordance with prevailing economic and social conditions. Although the increase is only one percent, it will certainly have an effect on the prices of basic commodities, leading to inflation.

In the legal field, the Indonesian Update discusses the discourse to postpone the 2024 Simultaneous Elections and other ideas such as pushing for a third term for Jokowi. There are a series of consequences that will change the face of state administration and the way we are in democracy if this discourse occurs. These changes will not lead us to a better direction, but instead pushing back Indonesian democracy. Furthermore, we also discuss the discourse of amendments to the Constitution of the Republic of Indonesia (UUD 1945), which is only to accommodate the proposal to increase the authority of the MPR through the Principles of State Policy (PPHN).

In the political field, the Indonesian Update discusses the polemics over Muslim women's freedom regarding the use of headscarf. Next, we also discuss the victory of the anti-feminist Yoon Suk-Yeol in the 2022 presidential election in South Korea, which proves that gender issues can be a powerful force to win elections. Considering these developments, it is not impossible that the same strategy will be practiced by political parties or presidential candidates ahead of the upcoming 2024 general elections in Indonesia. In addition, we discuss the challenges for election organizers for the 2022-2027 period in preparing for the 2024 General Elections and Pilkada by reflecting on previous elections and the current conditions.

In the social sector, the Indonesian Update raises the issue of preventing sexual violence in education units. The government, education units, and other stakeholders need to strengthen the prevention of sexual violence so that the education units can become proper and safe places for the learning process. In addition, we also discuss the preparations of the National Education

System Bill (RUU Sisdiknas). Early and ongoing public involvement in the process of drafting the National Education System Bill is very important to comprehensively discuss various National Education System issues.

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 issues in Indonesia, as well as an understanding of public policy in Indonesia.

**Happy Reading.**

## Looking at the Increase in VAT Rates

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The official Value Added Tax (VAT) rate was increased by one percent on April 1, 2022. The provisions are contained in Law Number 7/2021 on the Harmonization of Tax Regulations (UU HPP). Originally, VAT was set at 10 percent, and now it is set at 11 percent. The increase in VAT rates will also occur by 2025, which will become 12 percent in accordance with applicable economic and social conditions. Although the increase is only one percent, it will certainly have an effect on the price of basic commodities, leading to inflation.

The issue of increasing the 11 percent VAT rate has actually been mentioned since mid-2021. The VAT increase will also be applied to staples, such as rice, meat and goods sold in supermarkets. This is enforced because the basic goods can only be afforded by certain people. The tax is intended to provide the principle of justice and mutual assistance to the people through taxes (cnbcindonesia.com, 16/03/2022).

As it turns out, the imposition of VAT only applies in some goods and services. Goods and services that are needed by the community such as basic needs, health, education, social services and so on, are not subject to VAT (Ministry of Finance, 2022). Meanwhile, the 0 percent VAT rate is applied to the export of tangible taxable goods, the export of intangible taxable goods, and the export of taxable services.

The HPP Law is a change from the Law on General Provisions and Procedures of Taxation (UU KUP). HPP Law Number 7/2021 mentions some space for the government to adjust the increase in VAT rates. In addition to increasing the VAT rate to 11 percent on April 1, 2022 and 12 percent by 2025, the article also mentions the highest rate of VAT of 15 percent and the lowest of 5 percent.

The provisions in the regulation have received challenges and rejections from various parties, one of which is entrepreneurs. The rejection to the VAT rate increase has also come from business actors who believe that there needs to be a delay because

the increasing trend in the prices of basic goods. In addition, the increase in VAT will also cause the increase in prices of the raw materials for production, which will in turn cause productivity to fall. If there is a decrease in productivity, it will force a company to make efficiency by reducing the number of its workforce (merdeka.com, 13/5/2021).

The establishment of tax law has come a long way. As of now, the legal basis of taxation has changed three times. The change aims to continue to simplify policy and to pay attention to justice for the community.

### **The Legal Basis for VAT Increase**

VAT is a tax levied on each transaction / trade in the sale and purchase of domestic products or services by individuals, business entities, and the government. VAT is also indirect, because it is not paid by merchants, but by the consumers. The objects subject to VAT are: (1) The delivery of Taxable Goods or Taxable Services (BKP / JKP) within the customs area by Taxable Entrepreneurs (PKP), (2) The imports of BKP, (3) The utilization of intangible BKP from outside the customs area within the customs area, and (4) The exports of tangible / intangible BKP and export of JKP by PKP.

The previous legal basis of VAT was Law No. 42/2009 on Value Added Tax on Goods and Services and Sales Tax on Luxury Goods. Then, the latest legal basis of VAT is Law No. 7/2021 on the Harmonization of Tax Regulations. The HPP Law contains nine chapters and 19 articles that change a number of provisions contained in the Law on General Provisions and Procedures of Taxation (KUP Law) and in the Excise Law.

Some of VAT mechanisms are as follows:

1. Taxable Entrepreneurs (PKP) add VAT to Taxable Goods (BKP) purchased by taxpayers and must provide invoices as proofs.
2. The VAT rate stated in the invoice is an output tax for PKP sellers of taxable goods.
3. VAT is a tax paid in advance when PKP are carrying out business activities.
4. If there is a difference, where the output tax is greater than the input, then it must be deposited into the state treasury. If it is the other way around, then the difference can be included in the next tax compensation.

5. VAT tax return must be submitted by PKP every month.

In addition to being regulated in the HPP Law, there are a number of legal bases for VAT in Indonesia. The first one is Law No. 8/1983, which regulates customs areas and tangible goods BKP. The submission of BKP in the regulation on VAT is the submission of BKP due to an agreement, the transfer of BKP due to a lease agreement, and the transfer of production products in a moving state.

The second is Law No. 11/1994 on Value Added Tax on Goods and Services and Sales Tax on Luxury Goods. The legal basis of this VAT explains the existence of a Multi-Stage Tax system as a tax that is imposed in stages on the production and distribution chains. This Law also discusses the consumption type of VAT as a tax levied on added value and the application of non-cumulative tax; namely, the system of taxation on goods / services on goods / services that have been subject to local taxes.

The third is Law No. 42/2009 on Value Added Tax on Goods and Services and Sales Tax on Luxury Goods. This is the third amendment to the VAT Law. The law discusses a number of changes from the previous law regarding the status of PKP as a party to deposit and to report VAT and PPnBM owed and the obligation of small entrepreneurs who have chosen to be confirmed as PKP. This law also regulates VAT on the delivery of canceled JKP can be deducted from the outstanding VAT that occurs in the tax period of cancellation.

### **VAT's Contributions to the State Revenue**

Tax revenues are derived from tax, customs and excise revenues, where the realization of tax revenues is recorded at IDR199.44 trillion, or reaching 15.77 percent over the target in the 2022 State Budget. The realization of tax revenues has grown by 36.47 percent year on year (yoy). Nominally, the achievement of tax revenues has mainly come from non-oil and gas income tax (PPh) revenues and value added tax and sales tax on luxury goods (VAT / PPnBM), where the contributions to the total tax revenue are 55.26 percent and 37.20 percent, respectively (APBN Kita, 2022).

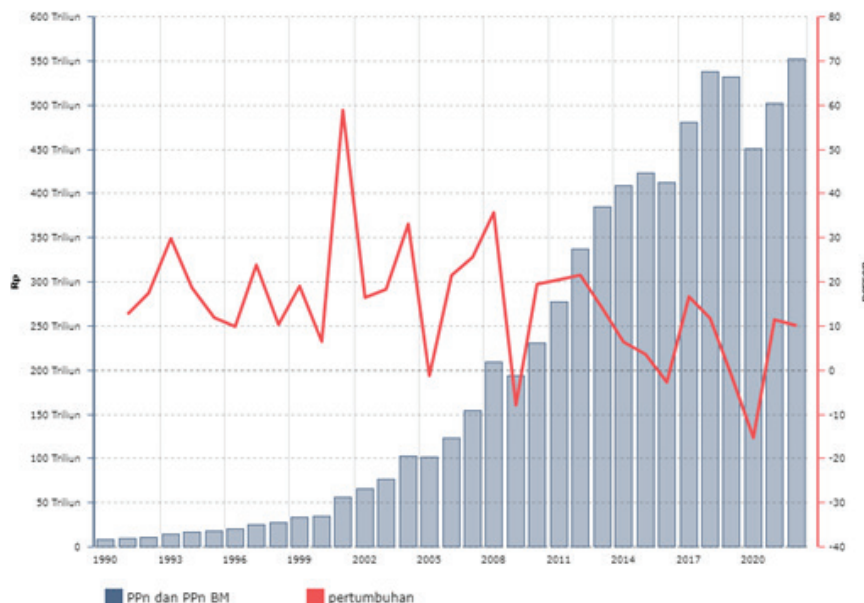
The realization of non-oil and gas income tax is supported by the achievement of receipts from its main subcomponents; namely, PPh 25 / 29 bodies, PPh 21, and final income tax. Judging from its growth, the non-oil and gas income tax has grown by 37.48 percent (yoy) supported by positive growth from PPh 22, PPh 25 / 29 bodies, PPh 22 imports, PPh 26, PPh 21, and PPh OP. The main

subcomponents supporting non-oil and gas income tax receipts; namely, PPh 25/ 29 bodies and PPh 21, have grown significantly by 155.12 percent (yoy) and 18.31 percent (yoy) respectively, while at the same time the final income tax has actually contracted (APBN Kita, 2022).

The growth of the main subcomponents of non-oil and gas income tax receipts shows that the continued economic recovery in 2022, as well as the performance of non-oil and gas income tax has also been driven by the implementation factors of the HPP Law and the Voluntary Disclosure Program (PPS), which came into force in early 2022. The positive performance of non-oil and gas income tax has also been supported by the performance of taxes in the main sectors, where the majority of the main sectors of tax revenue continue to continue their positive growth trend.

Furthermore, the achievement of tax revenue from the VAT / PPnBM revenue component has nominally been supported mainly by VAT receipts, especially the Domestic VAT (VAT DN) and Import VAT. He cumulatively VAT / PPnBM has grown quite significantly by 25.50 percent (yoy). The growth of the DN VAT revenue component has been driven by economic activities returning to normal and public consumption that has increased again. In addition, as domestic consumption continues to improve, import activities are still increasing even though they are slowing down, so the performance of Import VAT has still been growing positively (Apbn Kita, 2022).

**Graph 1. Value and Growth of VAT and PPnBM Tax Revenue (1990-RAPBN 2022)**



Source: Databoks, 2021.

The government targets the value added tax (VAT) and sales tax on luxury goods (PPnBM) revenues to reach IDR552.3 trillion in the 2022 Revenue and Expenditure Budget (RAPBN). This value increased by 10.07 percent from the 2021 outlook. The target of VAT and PPnBM receipts is equivalent to 37.65 percent of the total tax revenue of IDR1466.84 trillion, or 36.65 percent of the total tax revenue worth IDR1506.92 trillion.

The target of receiving VAT and PPnBM in the 2022 RAPBN is supported by an increase in economic activities supported by the efforts to recover the national economy from the impact of the Covid-19 pandemic since 2020. The increase has also been supported by the improvements in tax administration in the form of the development of online taxation facilities (e-service). The target of VAT and PPNBM receipts is the second largest tax revenue after Non-oil and gas Income Tax worth IDR633.56 trillion in 2022.

VAT is influenced by income inequality, inflation, rupiah exchange rate as shown by Arifin's research (2015). The results of the simultaneous test (Test F) show that together the free variables have a significant effect. Meanwhile, partially (Test t) Income Inequality has a significant positive effect; inflation has a significant negative effect; and the exchange rate has a positive significant effect. Inequality is proven to occur and to increase VAT receipts, but what needs to be considered by the government is that growth that is based on consumption is not ideal, and this will pose risks related to sustainability in the long run.

### **The Impact of VAT Increase**

The increase in VAT rates imposed will certainly increase state revenues. VAT is the second largest component for contributions to total revenues after the non-oil and gas income taxes. The country's revenues are used for various financing posts of development and economic recovery due to the pandemic. The ongoing economic recovery has created economic turmoil for the community, especially as the purchasing power that has not fully recovered.

The increase in the prices of goods and services due to taxes paid by consumers will lead to inflation. The inflation rate has a positive effect on value-added tax revenues. This means that if the inflation rate rises, then this will increase the selling prices that become the basis for taxation (DPP) (Hibatulloh and Sofyanti, 2022).

## Learning from Other Countries

According to a study conducted by Liyana (2021), which examined the plan to increase VAT rates and their impact, Indonesia imitated Japan as a basis for the study to increase VAT. The steps taken are considered appropriate because it is for the return of Indonesia's fiscal strength.

The Indonesian government believes that fiscal conditions are more or less the same as those in Japan at the time, which had debts and budgets used for social security. The Japanese government follows four principles: (1) the time is right to strengthen fiscal resilience, (2) it is carried out gradually to reduce the impact on economic growth, (3) there is a long period of time so that it can be evaluated, and (4) the increase in tariffs must be as simple as possible to avoid a higher burden for the lower middle class.

Liyana (2021) mentions that what the government is on the right track as empirical evidence suggests a significant positive relationship between VAT and GDP, as well as national savings. Thus, raising VAT rates is expected to boost economic growth and to attract foreign investors to Indonesia. Nevertheless, it is necessary to analyze in advance the impact of rising VAT rates on macroeconomics. According to lessons from Japan, it turned out that the increase in VAT rates was not able to increase consumption and economic growth but instead raised inflation. Therefore, there needs to be special concerns from the Government of Indonesia to mitigate these things.

## Recommendations

According to the explanations about VAT rates that have been mentioned above, here are some notes that policymakers, especially the Ministry of Finance, need to consider. State revenues in terms of tax revenues do need to be increased. However, the current increase in VAT rates is not the right time, as Indonesia is still in the process of economic recovery.

In order to increase state revenues to restore fiscal resilience, it is also necessary to maximize income tax revenues. There are still many taxes owed that have not been collected. This certainly requires time and efforts to be organized to the maximum. Until now, the implementations of the tax collection mechanisms are still considered complicated, so they need simplification.

On the other hand, the amount of income taxes also needs to be considered so as not to give disincentives for freedom and economic

growth. Furthermore, the use of taxes for public financing must also be transparent and accountable. This is important to increase taxpayers' confidence in their contributions to development and the benefits received as taxpayers.

**- Nuri Resti Chayyani -**

*The increase in VAT rates is indeed directly proportional to state revenues. However, it is not necessarily able to directly increase economic growth, because it is still hindered by the consumption of people that is hampered, as the prices of goods and services applied are higher.*

## Observing the Option to Postpone the 2024 Simultaneous Elections

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The discourse to postpone the 2024 Simultaneous General Elections was first echoed by the Chairs of three government coalition parties; namely, the *Partai Kebangkitan Bangsa* (PKB), *Partai Amanat Nasional* (PAN), and *Partai Golongan Karya* (Golkar) (tempo.co, 4/3/2022). One of the reasons for the postponement of the elections given by the Chair of PAN, Zulkifli Hasan, is related to the situation of the Coronavirus Disease 2019 (Covid-19) pandemic, which is still ongoing and requires special attention, resulting in unstable economic conditions, so the government, the business world, and the public need to recover.

Meanwhile, there are a number of parties that have expressed their rejection to this idea, such as *Partai Nasional Demokrat* (Nasdem), *Partai Demokrat*, *Partai Keadilan Sejahtera* (PKS), *Partai Persatuan Pembangunan* (PPP), and *Partai Demokrasi Indonesia Perjuangan* (PDIP) (tempo.co, 4/3/2022). The split in attitudes amongst political parties that have seats in the House of Representatives of the Republic of Indonesia (*Dewan Perwakilan Rakyat / DPR*) has also occurred in the leaderships of the smallest unit of regional government; namely, the village heads.

In contrast to the three general chairs of political parties who want a delay in the implementations of the 2024 Simultaneous Elections, village heads who are members of the All-Indonesian Association of Village Governments (*Asosiasi Pemerintah Desa Seluruh Indonesia / Apdesi*) propose a clearer discourse; namely, a third term for Jokowi. The aspiration was originally voiced at the Apdesi National Gathering event at Istora Senayan, Jakarta, on Tuesday, March 29, 2022.

The event was attended by President Joko Widodo. Coordinating Minister for Maritime Affairs and Investment Luhut Binsar Pand-

jaitan—the Chair of the Advisory Board of the Apdesi Central Executive Board also attended the event. Muslim, a village head from Southeast Aceh, Aceh, conveyed a proposal for Jokowi’s third period to Luhut. “I am sure that Mr (Luhut) can approve the proposal, and Mr President can also approve it. “Jokowi for three terms, agree?” said Muslim, at the event. Luhut answered the cheers with a smile ([tempo.co](http://tempo.co), 29/3/2022). However, there is a split in the attitude of the Apdesi management; namely groups supporting and rejecting President Joko Widodo’s proposal to serve for three terms.

A series of statements from the Chairs of Golkar, PAN, and PKB who want the postponement of the elections and the voice of the village heads who support the idea of Jokowi for three periods have one common intention; namely, a desire to encourage Joko Widodo to extend his term as the President. If there is political will from the elite of political parties and if there is encouragement from the grassroots level, it is not impossible that the 2024 Simultaneous Elections will actually be postponed.

The emergence of the discourse to postpone the implementation of the 2024 Simultaneous Elections and other ideas such as encouraging Jokowi for three periods is something that cannot be underestimated. There are a series of consequences that will change the face of the state system and the way we live in a democracy. These changes do not lead us to a better direction, but will instead push back Indonesian democracy.

### **Should the Elections be Postponed?**

One of the reasons for the postponement of the 2024 Simultaneous Elections proposed by the Chair of PAN is the ongoing Covid-19 pandemic. This statement clearly contradicts the government’s claim that the developments of Covid-19 in Indonesia continue to improve. In fact, President Joko Widodo has announced the various easing measures of Covid-19 control policies, such as travelers from abroad arriving through airports throughout Indonesia no longer need to go through quarantine ([kominfo.go.id](http://kominfo.go.id), 23/2/2022). This proves that one of the reasons for postponing the elections is far-fetched.

If there is an agreement between the General Election Commission (*Komisi Pemilihan Umum* / KPU) and the Government and the DPR to postpone the 2024 Simultaneous Elections on the grounds of the Covid-19 pandemic, there will be inconsistencies in attitudes that can reduce public trust in these state institutions. The reason is

that, in 2020, which was the initial year of the pandemic, Indonesia continued to implement Simultaneous Regional Head Elections in 270 regions—nine provinces, 224 regencies, and thirty-seven cities—when there was an increase in the number of Covid-19 cases. Continuing to hold the 2020 Simultaneous Regional Head Election was an effort to fulfill the mandate contained in Paragraph (6) Article 201 of Law Number/2016 on the Election of Governors, Regents, and Mayors related to the voting schedule in the 2020 Simultaneous Regional Head Elections.

The order to carry out elections in a direct, general, free, secret, honest and fair manner every five years is not only a regulation contained in the law, but it is a direct order from Paragraph (1) Article 22E of the 1945 Constitution of the Republic of Indonesia (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 / UUD 1945). In addition to the consistency of attitude, the election organizers must also show their commitment in fulfilling the provisions already stated in the Constitution.

The experience in organizing large-scale the 2020 Simultaneous Elections held in 270 regions should be able to become capital for organizers to be able to carry out Simultaneous Elections according to a predetermined schedule. In the Working Meeting and Hearing Meeting regarding the Determination of the 2024 Simultaneous Election Schedule held in January 2022, the DPR, the government, and the election organizers had agreed to hold general elections to elect the president and vice president and the members of the DPR, Provincial People's Representative Councils (*Dewan Perwakilan Rakyat Daerah / DPRD*), regency/municipal DPRD, and the Regional Representatives Council (DPD RI) will be held on Wednesday, February 14, 2024. Therefore, there should be no more reasons to postpone the implementations of the 2024 Simultaneous Elections.

Referring to Indonesia's considerations and experience in holding the 2020 Simultaneous Regional Head Elections in the midst of a pandemic, there is no need to postpone the 2024 Simultaneous Elections. Therefore, two tactical steps must be taken so that the democratic party can run smoothly in accordance with a predetermined schedule. *First*, the KPU as the election organizer must immediately prepare a KPU Regulation regarding the stages, programs, schedules, as well as registration and verification of political parties participating in the elections. The provision of legal instruments to provide schedule certainty and technical rules will prevent the KPU from postponing the stages of the implementations of the elections.

*Second*, President Joko Widodo must express his position firmly, clearly and openly that he only wants to serve for two terms, as has been done by the sixth President of Indonesia, Susilo Bambang Yudhoyono (SBY). In mid-2010, SBY made it clear that he only wanted to serve for two terms. The desire to serve for only two terms is in accordance with the provisions contained in the Constitution (republika.co.id, 19/8/2010).

Although President Joko Widodo has held a limited meeting to discuss the preparations for the 2024 Simultaneous General Elections with his staff at the Bogor Presidential Palace, on Sunday, April 10, 2022, a direct statement is still needed that he will only hold power for two terms. This is needed so that the public, especially supporters and sympathizers, do not misunderstand and again voice the idea of Jokowi serving for three terms, as if it were the President's wish.

**- Hemi Lavour Febrinandez -**

*Limiting the term of office of the President is one of the articles that were amended in the First Amendment to the 1945 Constitution. This was done because Indonesia had learned from the New Order government, which was run in an authoritarian way as there were no restrictions on the term of office and the powers of the President.*

## Considering a Constitutional Amendment in the Midst of a Pandemic

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The People's Consultative Assembly (*Majelis Permusyawaratan Rakyat* / MPR) through its Deputy Speaker from the United Development Party (*Partai Persatuan Pembangunan* / PPP) Faction, Arsul Sani, stated that the discourse on the amendment to the 1945 Constitution of the Republic of Indonesia was only to accommodate the proposal to increase the authority of the MPR through the Principles of State Policy (PPHN). Arsul asserted that his party rejected the amendment discourse if it was held to discuss other proposals, including the postponement of the 2024 Simultaneous General Elections (2024 Simultaneous Elections) and the extension of the president's term of office (cnnindonesia.com, 17/3/2022). Regarding the discourse to amend the Constitution by the MPR for the 2019-2024 period, it has indeed raised concerns from the pro-democracy community.

The urge to amend the 1945 Constitution did not come immediately. This discourse has emerged since early 2008, when the Government and the DPR agreed to prepare a comprehensive process for the Fifth Amendment to the 1945 Constitution by immediately forming a national committee/commission. The agreement was taken in a consultation meeting at the State Palace in Jakarta, on Friday, January 25, 2008. The new Constitution as a result of the amendment is expected to be used by the new government resulting from the 2009 General Elections (Ni'matul, 2008). However, this discourse was never executed by the MPR at that time.

Then, the will to amend the 1945 Constitution was again shown by the MPR in 2016, which wanted the MPR's authority to form and compile the Outline of State Policy (*Garis Besar Haluan Negara* / GBHN) to be restored. The discourse had sparked rejection from the civil society that considered that currently Indonesia did not need the GBHN because there were already development blueprints; namely, the Long-Term Development Plan (*Rencana Pem-*

*bangunan Jangka Panjang / RPJP*), which planned development for a period of twenty years and the Medium-Term Development Plan (*Rencana Pembangunan Jangka Menengah / RPJM*) for planning in five-year periods. The legal basis for the two forms of development roadmaps is contained in Law Number 25/2004 on the National Development Planning System.

In addition to the potential to cause overlapping regulations on national development plans, the PPHN with the GBHN pattern also has the potential to restore the position of the MPR as the highest state institution. This choice is a logical consequence of giving the MPR the authority to draft PPHN. If not, then the PPHN is no different from the RPJP and RPJM, as it does not have a binding power and sanctions for the President if he does not carry out the provisions contained in the PPHN.

In addition to the unclear form of the ideal PPHN desired by the MPR, opening the option to amend the Constitution when Indonesia begins to try to recover from the impact of the Coronavirus Disease (Covid-19) Pandemic will only open the Pandora box that will threaten Indonesian democracy. Some of the discussions that can arise if constitutional amendments are implemented are creating a mechanism for delaying the holding of elections, extending the tenure of the President's term of office, and the efforts to return the presidential election to the MPR.

### **The Consequences of Withdrawing Democracy through Constitutional Amendments**

Before discussing further, it should be emphasized that amendments to the Constitution are not something that is forbidden to do. Article 37 of the 1945 Constitution has provided constitutional steps if an amendment to the constitution is to be made. However, there are several prerequisites that must be met first.

The provisions contained in the a quo article only exclude the form of the state as a matter that cannot be changed through amendments. This means that all articles other than the rules regarding the form of the state can be changed by the MPR if the session participants agree on these changes. This shows that the statement made by the MPR that the amendments will be limited to the PPHN cannot be trusted.

Partial amendments to the Constitution are completely unknown in the 1945 Constitution or provisions in the science of legislation. As

a political process, all possibilities can be opened when the institution that has the authority – in this case the MPR – wants it. We will encounter different scenarios if there is a special agency that is given the authority to conduct studies related to the contents of the Constitution to be amended, such as the national committee/commission for the amendment of the 1945 Constitution, which would be formed by the government and the DPR in 2008.

If the plan to amend the 1945 Constitution is really going to be taken seriously, there must be an impetus to form an independent commission formed on an ad hoc basis and tasked with reviewing and recommending articles in the Constitution that should be amended. This commission must also be established independently and be filled by academics, non-government organizations (NGOs), and various other civil society groups.

MPR members do not need to be involved in this group so that each review and recommendation given by this Commission can be prepared scientifically without political intervention. This is needed so that the process of amendment to the 1945 Constitution can be carried out by involving public participation and that the contents of the changes will also be based on the needs of the community. The role of the MPR will be sufficient to carry out discussions in the plenary sessions of amendments to the 1945 Constitution.

The amendments to the 1945 Constitution must be carried out in a planned and not rushed manner. As Indonesia is still recovering from the impact of the Covid-19 pandemic, it is not ideal and urgent to make amendments. Therefore, it takes wisdom from the MPR to exercise restraint and to be wise in relation to the push to amend the Constitution.

**- Hemi Lavour Febrinandez -**

*Amendments must be carried out in a planned manner so as not to become a Trojan horse that smuggles changes to articles that can push back democracy, such as trying to increase the tenure of the President's term of office and delaying the holding of elections in certain circumstances.*

## Muslim Women's Freedom in Using Hijab

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Some time ago, Muslim women in India caught the world's attention because of the ban on wearing the headscarves in educational institutions issued by the High Court of the State of Karnataka, India. According to the Chief Justice of the Karnataka High Court in his ruling, the Government of India has the authority to determine the uniform dress code in schools or universities. In addition, the wearing of headscarves by Muslim women is not an essential part of religious practice (antaranews.com, 15/03/2022). As a result of this decision, a number of Muslim women in India have also demonstrated to protest against the court's decision, which has resulted in the closure of several educational institutions in India.

The decision of the Karnataka High Court regarding the ban on the wearing of headscarves in schools and universities stemmed from a protest by six Muslim students in Udupi, a district in Karnataka, for being barred from attending classes. This prohibition was enforced because the six Muslim students were wearing headscarves. The school said that they actually allowed students to wear the hijab in school and only asked them to take it off in class on the grounds that teachers need to see students' faces and uniforms. On the other hand, according to the six students, the reason that they continued to wear the hijab in class was because it was necessary to cover their hair as there were male teachers (fajarpendidikan.co.id, 11/02/2022).

This issue has also gone viral on social media and has given rise to solidarity movements for Muslim women in other parts of India. However, the schools and universities, as well as the government have not responded to these demands. In fact, the ban has been widespread to several other universities in Karnataka, implementing the same ban after Hindu student activists wore saffron scarves that are synonymous with Hinduism as a form of counter protest (Merdeka.com, 16/02/2022).

The problem of using the hijab in Indian educational institutions has also become a national problem. The reason is, the Bharatiya Janata Party (BJP), a Hindu Nationalist Party, which controls the government in Karnataka as well as in the central government, has supported the ban on wearing the hijab. For decades, the BJP has campaigned for the application of the Uniform Civil Code (UCC), or a dress code, which is believed to impose the values of the majority on minorities (Republika.co.id, 17/02/2022). In fact, the leader of the Vishva Hindu Parishad, a Hindu religious organization affiliated with the BJP, will ask for the hijab ban to also apply in other areas such as Uttar Pradesh, which is also controlled by the BJP (Republika.co.id, 17/03/2022).

### **The Polemics over the Use of Hijab in Indonesian Public Schools**

What happened in India has also been experienced by Indonesia during the New Order era. The New Order regime tried to prevent Muslim students in public schools from wearing the hijab while at school. The policy of uniforming school clothing was disseminated by the Minister of Education and Culture (Mendikbud), Daoed Joesoef, in the early 1980s. After that, most of the principals of public schools in Jakarta, Bandung, and Surabaya, had immediately obeyed the new rules. They firmly stated that wearing the headscarf was a violation of school discipline, which was legalized by the Directorate General of Primary, Secondary, and Upper Education, through Decree Number 52/1982 (Tirto.id, 31/01/2021).

The issuance of this policy directly affected Muslim students who wore the hijab at school. There were a number of cases where teachers refused to teach if there were still veiled students in the class. Furthermore, Ramadhani's research (2018), noted that there were instructions from the Regional Office of the Ministry of Education and Culture to every teacher to put pressure on students who still wore headscarves (Tirto.id, 31/01/2021).

This policy, which was considered to discriminate against Muslim women, had also been rejected by Muslims. However, Daoed Joesoef did not flinch and defended the decision. In fact, Daoed Joesoef's successor, Nugroho Notosusanto, even went further by releasing a press release explaining that the policy on uniform discipline for public schools would not be evaluated because it had become a government school regulation and students who must wear the headscarves would be assisted to transfer to religious schools (Tirto.id, 31/01/2021).

At the end of the 1980s, President Suharto began to accommodate the demands of Muslims on the issue of banning the headscarves and religious education in schools. In 1991, the government released a new policy on school uniforms in which the hijab was designated as an alternative school uniform for Muslim women (Tirto.id, 31/01/2021).

After the problem of wearing the headscarves in schools stopped in the New Order era, recently this case had happened again in Indonesia. In 2016, the then Governor of DKI Jakarta, Basuki Tjahaja Purnama (Ahok) forbade state schools to force their students to wear headscarves. According to Ahok, he had implemented this policy when he was the Regent of East Belitung in 2006 (Kompas.com, 04/06/2016). Ahok also emphasized that what he forbade was forcing Muslim students to wear headscarves, not prohibiting Muslim students from wearing headscarves (Detik.com, 08/06/2016).

In 2021, the problem of using the hijab in Indonesia occurred again. In contrast to the previous cases, the current problem is related to the appeal from schools to their students to wear the headscarves, including non-Muslim students. These polemics took place at the State Vocational High School (SMKN) 2, Padang, West Sumatra (Tirto.id, 31/01/2021). The principal of SMKN 2 Padang said that the rules for using the headscarves in schools were a form of uniformity of students' attire. According to him, this rule has been going on for 15 years.

Furthermore, the rule that requires students to wear headscarves as happened at SMKN 2 Padang has actually been around for a long time. The National Commission on Violence Against Women (Komnas Perempuan) noted that similar cases had occurred in Bali (2014), West Java (2016), Banyuwangi (2017), Jakarta (2017), Riau (2018), Manokwari (2019), and Yogyakarta (2017, 2018, 2019) (Magdalene, 28/01/2021).

### **Politics and Women's Freedom**

One of the similarities between what happened in India and Indonesia during the New Order era was the relationship between the issue of prohibiting the use of the headscarves and politics. In India, the issue indirectly became big because of the influence of the BJP to incorporate Hindu values through regulations made by the state. This is similar to Indonesia during the New Order era, precisely during the leadership of Daoed Joesoef as the Minister of Education and Culture at that time.

In the New Order era, religious education was highly regulated by the government because of the assumption that religion could threaten political order. Daoed Joesoef as the Minister of Education and Culture at that time was considered a person who respected the values of French secularism that did not glorify any particular religion. Therefore, it is not surprising that in each of his policies, Daoed Joesoef tended to reject religion-based education policies. Banning the wearing of headscarves in public schools was only one way to separate the world of education from politics and religion (Tirto.id, 31/01/2021).

*Women should have the freedom to make choices regarding the use of the hijab. Even though she is a Muslim student, there should be no parties, including the school or the government, which may impose the use of the hijab on the student.*

Regarding political parties, Islamic parties in post-reform Indonesia tend not to be strong enough to accommodate Islamic values, as did the BJP in India in accommodating Hindu values. This is because Muslim voters tend to choose nationalist parties because nationalist parties also accommodate religious values (Tanuwidjaja, 2010). This means that current Islamic parties in Indonesia are not as strong and influential as the BJP in India. Thus, issues related to religion such as the hijab issue cannot be turned into a political force on a national scale like the BJP did in India.

Apart from having similarities with regard to their relationship to politics, what happened in India and Indonesia has one thing in common; namely, there is an element of coercion to the use of the headscarves for Muslim students. In fact, a woman should have the freedom to make choices regarding the use of the hijab. Even though she is a Muslim student, there should be no parties, including the school or the government, which may impose the use of the hijab on the student.

A person's freedom to wear the hijab has actually been guaranteed by the state as mandated in Article 55 of Law Number 39/1999 on Human Rights, which explains that "Every child has the right to worship according to their religion, to think, and to express themselves in accordance with their intellectual level and age under the guidance of parents and or guardians. In addition, forcing the removal or use of the headscarves is also contrary to Article 4 (1) of Law Number 20/2003 on the National Education System, which regulates that "*Education is carried out in a democratic and fair manner, and it should not be discriminatory by upholding human rights and religious values, cultural values, and national pluralism*".

**- Ahmad Hidayah -**

## **The Election of Anti-Feminist Yoon Suk-Yeol as the South Korean President**

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On March 9, 2022, South Korea held a democratic party to determine who would lead South Korea to replace President Moon Jae-In. Although participated by a number of candidates, the South Korean presidential election in 2022 was dominated by two candidates; namely, Lee Jae-Myung from the Democratic Party, which is the party of the previous President, Moon Jae In, and Yoon Suk-Yeol from the People Power Party as the opposition party. The results of the South Korean presidential election showed that Yoon-Seok-Yeol was ahead with 48.56 percent of the vote, only slightly ahead of his opponent Lee Jae-Myung with 47.83 percent (world.kbs.co.kr, 2022).

The interesting thing about the election of Yoon Suk-Yeol as the President of South Korea is the anti-feminism narrative that he has echoed during the campaign. For example, he has accused feminism of being the cause of the low birth rate in South Korea. South Korea's population census data show that there are more than 51 million South Koreans, but population growth has decreased from 0.1 percent to 0.09 percent in 2019 to 2020. In addition, the average South Korean woman only has less than one child (Magdalene, 14/03/2022).

Furthermore, Yoon Suk-Yeol has also said that South Korea is no longer has a gender inequality problem. He perceives that the superiority of men over women is the polemics of the past, not a current priority (Magdalene, 14/03/2022). In addition, Yoon Suk-Yeol has also argued that equality can only be achieved if women and men are no longer separated based on gender (Kumparan.com, 15/03/2022).

Not only that, in his campaign, Yoon Suk-Yeol has also promised to abolish the Ministry of Gender Equality and Family. According to him, the Ministry of Gender Equality and Family currently only

focuses on women's rights, which are no longer needed (Guardian, 11/03/2022). This has also led to criticisms from women's groups, as expressed by women journalist Jung Hawon on her personal social media, where she said that this would have a huge impact on the lives of single unmarried mothers. The reason is that one of the programs from the Ministry of Gender Equality and Family is to provide assistance funds for low-income single parents with children under the age of 5 years worth 50 thousand Korean Won (approximately IDR 500 thousand) and for parents with children under 18 years worth 200 thousand Korean Won (around IDR 2 million) per month. In addition, the education subsidy for single parents with middle and high school children is 83 thousand Korean Won (approximately IDR 950 thousand) (Magdalene, 14/03/2022).

The abolition of the Ministry of Gender Equality and Family can also have an impact on the issue of sexual violence that is currently rife in South Korea. In recent years, South Korea has been facing the problems of spycams or small cameras hidden in public women's restrooms or motel rooms. During 2013 to 2018, more than three hundred thousand spycam cases were reported to the police. The linkage with the Ministry of Gender Equality and Family is a support center for removing sexual harassment content on the internet funded by the Ministry of Gender Equality and Family (Magdalene, 14/03/2022). It is possible that spycam problems will continue to increase.

Furthermore, regarding violence and sexual harassment, Yoon Suk-Yeol has also promised to intensify the punishment for false accusations of sexual assaults. This will make South Korean women even more afraid to reveal the injustice, harassment, or sexual violence they experience.

### **The Lessons from Yoon Suk-Yeol's Victory**

The important thing that can be learned from Yoon Suk-Yeol's victory in the South Korean presidential election is Yoon Suk-Yeol's success in gaining support from male voters by playing anti-feminist sentiments. Furthermore, the issue of anti-feminism was also raised programmatically, attracting public attention; namely, the dissolution of the Ministry of Gender Equality and Family, as well as increasing punishment for false accusations of sexual violence.

Yoon Suk-Yeol's success in South Korea proves that gender issues can be a force to win elections, and it is not impossible that the

same strategy is practiced by political parties or presidential candidates ahead of the upcoming 2024 elections in Indonesia. Because, in 2021, the issue of women has received enough attention from the Indonesian public. For example, the number of cases of sexual harassment and violence has been increasing every year. In addition, regulations related to sexual harassment and violence are also in the public spotlight, such as the Regulation of the Minister of Education, Culture, Research, and Technology of the Republic of Indonesia Number 30/2021 concerning Prevention and Handling of Sexual Violence in Higher Education or the Draft Criminal Code, and Sexual Violence Bill (RUU TPKS), which was recently passed by the House of Representatives of the Republic of Indonesia (DPR RI).

In contrast to Yoon Suk-Yeol in South Korea, the way that political parties or presidential candidates in the upcoming 2024 General Elections can be is to push for the ratification of laws related to women. Quoting the Indonesian Update Volume XV with the title “Waiting for the Indonesian House of Representatives to Prioritize Women’s Issues in 2022”, it is explained that there are four bills that need to be ratified immediately. However, one of these four laws has been passed; namely, the Sexual Violence Criminal Act (TPKS). Thus, there are three more laws that need to be pushed.

The first one is the Bill on the Protection of Domestic Workers (RUU PPRT). This also needs to be ratified immediately considering that from 2015 to 2019, there were 2,148 cases experienced by domestic workers with various forms, such as physical, psychological, and economic violence. The second one is the Bill on Maternal and Child Welfare. This departs from the fact that the Maternal Mortality Rate (MMR) and Infant Mortality Rate (IMR) are still high, thus requiring the government’s active role in reducing these figures through legislation. The third one is Draft Law on Gender Equality and Justice to strengthen Gender Mainstreaming (PUG), which has existed since 2000.

In addition to encouraging the ratification of laws related to the protection of women, the Indonesian Update Volume XV also explains that there are two laws that are deemed detrimental to women and need to be revised immediately. The first one is Law Number 11/2008 on the Information and Electronic Transactions (UU ITE). There are several articles in the ITE Law that are considered

detrimental to women. For example, Komnas Perempuan's annual records for 2021 show a sharp spike in the number of reporting cases of gender-based violence against women in cyberspace. The most reported cases were threats and acts of distributing sexually charged photos or videos, which resulted in the victim being humiliated and even at risk of facing the law as suspected violators of the ITE Law and the Pornography Law.

The second is Law Number 1/1974 on Marriage. Although the Marriage Law has been revised to become Law Number 16/2019 on Marriage, Article 31 Paragraph 3 that reads "The husband is the head of the family, and the wife is a housewife" has not been revised, so the applicable law is still Law No. 1/1974 on Marriage. In fact, according to the data from the Ministry of Women's Empowerment and Child Protection (KPPPA) in 2020, there were 15.46 percent of women as heads of families (KPPPA, 2021). This law implies that the state does not recognize the existence of women as heads of families. For this reason, it is important to revise this law.

By pushing for the ratification of laws related to women and also by supporting the revision of laws that are considered detrimental to women, political parties or presidential candidates who will run in the upcoming 2024 election can win the hearts of female voters who in the 2019 general election amounted to 96,557,044 voters. .

- **Ahmad Hidayah** -

*Yoon Suk-Yeol's anti-feminist victory in the 2022 presidential election in South Korea proves that gender issues can be a force to win elections. Seeing this, it is not impossible that the same strategy will be practiced by political parties or presidential candidates ahead of the upcoming 2024 general elections in Indonesia.*

## **Looking at the Challenges Faced by the New Election Organizers**

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On April 12, 2022, President Joko Widodo inaugurated and took the oath of office the members of the General Elections Commission (KPU) and the General Elections Supervisory Body (Bawaslu) for the term of 2022-2027. The inauguration of KPU members for the term of 2022-2027 was carried out in accordance with the Decree of the President of the Republic of Indonesia Number 33/P/2022 on the Dismissal and Appointment of the Members of the General Elections Commission. The names of the appointed KPU members are: Betty Epsilon Idroos; Hasyim Asy'ari; Mochammad Afifuddin; Parsadaan Harahap; Yulianto Sudrajat; Idham Holik; and August Mellaz (<https://setkab.go.id/>, 12/4/2022).

Meanwhile, the members of Bawaslu for the term of 2022-2027 were appointed in accordance with the Decree of the President of the Republic of Indonesia Number 34/P/2022 on the Dismissal and Appointment of the Members of the General Elections Oversight Body. There are five Bawaslu members who have been sworn in; namely: Lolly Suhenty; Puadi; Rahmat Bagja; Totok Hariyono; and Herwyn Jefler Hielsa Malonda (<https://setkab.go.id/>, 12/4/2022).

Previously, President Joko Widodo has also ensured that the General Elections will be held as scheduled on February 14, 2024 and the Regional Head Elections (Pilkada) on November 27, 2024. After the inauguration of the KPU and Bawaslu, it is hoped that the Government can talk with the KPU and Bawaslu to prepare for the simultaneous general elections thoroughly (Kompas .com, 10/4/2022).

The preparations for the 2024 General Elections and Pilkada are very important because the two activities will be held simultaneously. This paper will review the challenges for election organizers

for the 2022-2027 period in preparing for the 2024 General Elections and Regional Head Elections by reflecting on previous elections and the current conditions.

### Challenge Analysis

This paper tries to analyze the challenges that will be faced by election organizers by taking lessons from the previous elections. Therefore, risk management mitigation is needed in the implementations of elections. In Policy Paper No. 14 November 2016 entitled “Risk Management in Elections”, the International Institute for Democracy and Electoral Assistance (International IDEA) defines risk management in elections as a systematic effort made to develop knowledge about and situational awareness of internal and external risks.

**Table 1. Internal and external risk factors related to the electoral process**

Internal risk factors*	External risk factors
1. Contested electoral legal framework	1. Socio-economic conditions
2. Poor election planning and management	2. Social and political exclusion
3. Poor training and education	3. Dynamics of power change
4. Inadequate resolution of electoral disputes	4. Gender-based discrimination and violence
5. Voter registration and problematic political parties	5. The emergence of non-state armed actors
6. The heated election campaign	6. The existence of organized crime
7. Implementing voting problems	7. Complaints regarding genocide, crimes against humanity and war crimes
8. Disputed election results	8. Human rights violations
	9. Unethical media behavior
	10. Environmental hazards

Source: Internasional IDEA (2016).

Risk management is carried out by referring to the processes to identify and analyze challenges for taking preventive and mitigating actions.

By using risk management indicators in elections created by International IDEA (2016), there are several internal risk factors, which will be challenges for election organizers in the context of the 2024 General Elections and Pilkada. Here are some of them:

**Table 2. Internal Risk Factors for the 2024 General Elections and Regional Head Elections**

Internal factors	Risk Analysis
Legal Framework	There should be required regulations as the legal umbrellas for administering Elections and Pilkada simultaneously in 2024. KPU's and Bawaslu's different interpretations of the regulations can become a risk for the holding of simultaneous general elections and regional elections in 2024. President Joko Widodo has said that the legal umbrellas and required regulations for administering Elections and Pilkada simultaneously in 2024 can be quickly issued. The President has also asked that the existing regulations can be detailed clearer so that there will be no multiple interpretations, causing disputes in the field (republika.co.id, 10/4)
Election Planning and Management	Budget and time issues will be risks that need to be anticipated. This is important because the budget allocation is mostly absorbed and prioritized for handling the pandemic and economic recovery.
Human Resources (HR) Training and Education	Learning from the 2019 elections, simultaneous elections were exhaustive. Many election officials died due to exhaustion. According to KPU data, the number of confirmed deaths was 708 people. Meanwhile, the number of reported sick cases was 749 people (KPU, 2019). Education and training for the personnel of the Voting Organizing Group (KPPS) are risks that need to be considered.
Voter Registration	The issue of voter registration is a risk that must be considered in the implementations of the 2024 General Elections and Pilkada. This is because the issue of voter registration is a problem that often arises in every election.
Election Campaign	The risks that occur during the campaign period are the emergence of the polarization of the supporters of presidential candidates accompanied by hate speeches based on ethnicity, religion, race and inter-group (SARA). There is also a risk of the increased spread of fake news on social media.

Implementation of the Voting	Reflecting on the 2019 elections, the voting process is expected to take quite a long time. Similar to the 2019 Elections, voters will elect the President, the members of the House of Representatives (DPR), Provincial DPRD, Regency/Municipal DPRD, and members of the Regional Representatives Council (DPD).
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Meanwhile, several external risk factors, which will be a challenge for election organizers in carrying out their work in the context of the 2024 General Election and Regional Head Election, include the following:

**Table 2. External Risk Factors for the 2024 Elections**

External Factors	Analisis Risiko
The emergence of non-state armed actors	The existence of armed groups in conflict-prone areas, such as in the Provinces of Papua and West Papua. This will disturb the administration of the 2024 Elections. The safety and security of election officials are very important in all election stages (the campaign, voting, and vote counting).
Socio-economic conditions	Indonesia is still dealing with the COVID-19 pandemic, where budget allocations are absorbed and prioritized for handling the pandemic and the recovery of the economy. In addition, a threat stemming from a new variant of COVID-19 will become a challenge for the administration of the elections.
Media behavior that is not ethical	Unethical media could result in the increased spread of fake news on social media, as social media has become the new channel of information for the society.

According to the explanations above, it is necessary to mitigate risks in the implementations of the 2024 General Elections and Pilkada. These risks are potential problems that could arise after reflecting on the implementations of previous elections. Identifiable risks occur from the stage of drafting the legal framework to the processes of voting and of vote counting.

If these risks are not anticipated from the outset and cannot be overcome in the future, they will lead to a decrease in the quality and integrity of the 2024 General Elections. Poor election management will lead to low confidence in participants and voters.

### **Recommendations**

Several recommendations can be made by election organizers to prepare for the upcoming 2024 General Elections and Pilkada; namely: first, the Government, DPR, KPU, and Bawaslu need to create a legal umbrella and to strengthen the information dissemination related to technical rules in organizing the 2024 Elections to the Regional Elections Bodies (KPUD) and the Regional Election Supervisory Bodies (Bawasda) from the provincial to district/city levels. This is important to prevent multiple interpretations in the implementations of technical rules for the elections and local elections.

Second, KPU needs to evaluate the implementations of training for KPPS so that it can optimize the KPPS training stage. It is important to optimize training, including in the delivery of training materials that can solve problems on the voting day; for example, by providing training in the administration of voting and vote counting, as well as training in the use of information systems in the context of vote counting. In addition to training, KPU also needs to increase the training budget so that all KPPS members can attend training and gain knowledge related to voting and vote counting.

Third, KPU needs to work closely with the Ministry of Home Affairs to improve the process of updating the voter data. Improvements to this stage are carried out by building a collective agreement on the main ingredients of the voter data. This can be used to revise the current regulations so that in the future the voter data will be more accurate than those in the previous elections. In relation to the election data, KPU and the relevant stakeholders, including political parties and election participants, and relevant government ministries/institutions, also need to work together to update the data on the KPU's open data portal in accordance with the principles of open data. This could be done by ensuring that the aspects of data appearance, storage, and access are accountable in order to promote inclusive, integrity, transparent and accountable elections.

Fourth, KPU and Bawaslu will simplify the administration of vote counting at the polling station (TPS) level. KPU and Bawaslu should make a simpler understanding of rules related to the administration

of voting and vote counting to make it easier for KPPS to report the vote counting results. Furthermore, the understanding and agreement between KPU and Bawaslu should be set forth in the form of regulations such as the General Elections Commission Regulation (PKPU) and the General Election Supervisory Body Regulation (Perbawaslu), which will become the legal umbrellas for the administration of voting and vote counting. After the regulations have been issued, KPU will make the technical instructions, which will be disseminated through training to KPPS.

Fifth, KPU and Bawaslu should strengthen and reinforce rules that prohibit participants from using SARA campaigns; for example, by imposing sanctions on election participants in the form of administrative matters and reporting them to the police if there are elements that could endanger public order and security stability. Furthermore, KPU also needs to further regulate campaigns on social media to prevent negative campaign externalities.

Sixth, KPU and Bawaslu together with the Ministry of Communication and Information (Kemenkominfo), as well as civil society groups, should encourage the strengthening of digital literacy for the community. Strengthening digital literacy will foster a critical understanding of the community regarding circulating information. The public will be able to sort out the information obtained to see whether the information obtained online, including information about elections, is hoax or not.

Seventh, KPU and Bawaslu need to improve wider collaboration with civil society organizations on issues related to democracy and elections. There should also be citizen participation in the policy process to help improve the management of election administration. Cooperation can be done through studies and hearings between the civil society and election administrators. Eighth, the Indonesian Armed Forces (TNI) and the Indonesian National Police (Polri) should anticipate and maintain security during the election processes in areas prone to attacks by armed groups such as in Papua and West Papua.

**- Arfianto Purbolaksono -**

*There are several risk factors, both internal and external, which will become challenges for new election organizers in carrying out their work in the context of the 2024 General Elections. These risks should be anticipated by election organizers as well as election participants and other relevant stakeholders to achieve accountable, transparent, and inclusive elections.*

## The Prevention of Sexual Violence in Education Units

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Quality education is a human right and is the best investment to achieve sustainable development goals. To realize quality education, there are at least four aspects that must be met, including availability, accessibility, acceptability, and adaptability (Tomasovski, 2001).

Indonesia is currently unable to fulfill the four aspects above. One of these conditions is reflected in the number of children who drop out of school, which is partly because the availability and accessibility aspects of the education unit have not been fulfilled. However, this paper will only discuss the acceptability (feasibility) points of education in Indonesia. Some of the requirements for an educational unit to be considered worthy include having the enforcement of minimum standards to create a safe environment, as well as having rules and methods of supervision regarding respect for diversity and the rights of students.

The number of cases of sexual violence that occur in education units in Indonesia reflects that these facilities/services have not become a safe place for students. The number of cases of sexual violence in education units, in which most of the victims are women, also shows that educational actors who are perpetrators of violence do not respect gender diversity and the right of female students to study safely.

The findings of the Coalition for Safe Public Space (KRPA, 2018) show that the top three locations where harassment occurs the most are public roads (33 percent), public transportation (19 percent), and schools/campuses (15 percent). Meanwhile, research from the Ministry of Education, Culture, Research, and Technology (Kemendikbud Ristek, 2020) showed that 77 percent of lecturers on 79 campuses stated that sexual harassment had occurred on their respective campuses. Ironically, 63 percent of these cases were never reported.

Similar data from the Annual Records of the National Commission on Violence Against Women (Komnas Perempuan) also show that in 2020 there were still many cases of sexual violence that occurred in educational institutions, both public and religious-based educational institutions. In addition, in-state institutions in 2015-2020, as much as 27 percent of sexual violence occurred at all levels of higher education (Komnas Perempuan, 2020).

Most perpetrators of sexual violence in education units were people who were well known to the victims, such as girlfriends, seniors in organizations, lecturers, family members, and the administrators of educational institutions (Komnas Perempuan, 2021). This shows that the education units have not fulfilled the element of acceptability (feasibility) for students and other education providers. These conditions are certainly obstacles to the achievement of equitable and quality education in Indonesia.

### **The Regulations and Implementations**

The House of Representatives (DPR) has ratified the Draft Law on the Crime of Sexual Violence (RUU TPKS) in the Plenary Session on April 12, 2022. The commitment of the DPR needs to be appreciated and the implementations of the TPKS Law need to be guarded so that they are in line with the original purpose of the formation of the law.

Several articles in the TPKS Bill have accommodated the prevention of sexual violence in education units, such as Paragraph (4) Letter b Article 79 of the TPKS Bill, which states that one of the preventions of sexual violence is carried out in education units. In paragraph (2) letter a Article 79 of the draft law, it is also stated that one of the ways to prevent sexual violence is through education. The regulation has now become the basis for education providers to prevent acts of sexual violence in education units.

In addition to the TPKS Bill, which has become law, the Regulation of the Minister of Education, Culture, Research, and Technology Number 30/ 2021 on the Prevention and Handling of Sexual Violence (Permendikbud PPKS) in Higher Education is also one of the bases for the implementations of prevention of sexual violence in universities. According to the Acting Director-General of Higher Education Kemendikbud Research and Technol-

ogy, Nizam, since the release of the PPKS Permendikbud, there have been an increasing number of reports of sexual violence occurring in universities (cnnindonesia.com, 20/11/2021).

Unfortunately, not all universities implement the PPKS Permendikbud properly; for example, the State Islamic Institute (IAIN) Ambon noted that 32 people claimed to be the victims of sexual harassment there. Meanwhile, there were 14 suspected perpetrators (tempo.co, 07/04/2022). The case occurred from 2015 to 2021. However, one of the university officials had silenced students from reporting the violence. This situation shows that the PPKS Permendikbud has not been implemented by all universities.

Furthermore, there are still many cases of sexual violence at the primary and secondary school levels, indicating that the Minister of Education and Culture Regulation Number 82/2015 concerning the Prevention and Overcoming of Violence in the Education Unit Environment has not been implemented optimally. The Permendikbud also does not include aspects of gender equality in efforts to prevent sexual violence. One of the roots of these actions is the perceived unequal relationship between the perpetrator and the victim in several respects, such as the assumption that women are inferior to men.

### **Recommendations**

According to the above analysis, several things that can be done include, first, the Ministry of Education and Culture, Research and Technology, the Education Office, civil society organizations, and various other stakeholders in the world of education need to immediately make efforts to prevent sexual violence as stated in the TPKS Law. These stakeholders need to make derivative rules to implement efforts to prevent sexual violence in each education unit.

Second, all universities in Indonesia need to make Standard Operating Procedures (SOPs) for the implementation of the PPKS Permendikbud. The Ministry of Education and Culture and Research and Technology also needs to monitor the implementation of these regulations.

Third, the Ministry of Education and Culture, Research and Technology needs to include elements of gender equality in the Minister of Education and Culture Regulation Number 82/2015

on the Prevention and Overcoming of Violence in the Education Unit Environment. The Education Office can also work with education units to instill the principles of gender equality in teachers, education staff, and students to increase gender awareness.

These steps are important to do so that the education units will become proper and safe places, be it for students, teachers, lecturers, and education staff to carry out the learning process. Proper education units (acceptability aspect) will be one of the important aspects to support quality education.

*The government, education units, and other stakeholders need to strengthen the prevention of sexual violence so that education units can become proper and safe places for the learning process.*

**- Nisaaul Muthiah -**

## The Polemics over the National Education System Bill

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Until April 2022, the Ministry of Education, Culture, Research, and Technology (Kemendikbud Ristek) has still been drafting the National Education System Bill (RUU Sisdiknas). The bill is being drafted to improve Law (UU) No. 20/2003 on the National Education System.

Currently, there are 155 articles included in the bill. However, the bill has drawn criticisms from education observers. According to the Civil Society Coalition for Educational Transformation (17/03/2022), the process of drafting the bill is still closed, not inclusive, and many important things are not accommodated in the draft bill, even though the drafting of the bill has been going on for about a year.

In February and March 2022, the government did hold public hearings with some parties, such as the Indonesian Education Providers Alliance and several universities, on the draft National Education System Bill. However, this involvement is still minimal, as not all stakeholders in the world of education are involved. The public should be involved from the beginning of the drafting process of the bill.

According to the Minister of Education and Culture, Research and Technology, Nadiem Anwar Makarim, the National Education System Bill will formulate four main issues, including an education standard policy that accommodates regional diversity and innovation; a right to learn policy; teacher management policies to be inclusive and professional; and policies to increase autonomy, as well as improve higher education governance (Kompas, 30/03/2022). Therefore, this paper aims to further analyze several main points, which according to the Minister of Education and Culture, Research and Technology, will be formulated in the National Education System Bill.

### **The Formulation of National Education System Bill**

If we refer to the explanations of the Minister of Education and Culture, Research and Technology, several points that will be formulated in the National Education System Bill are related to innovation, compulsory education, and the structuring of the teaching profession. However, in the draft National Education System Bill, which is available until early April 2022, there is very little discussion on innovation, especially innovation in technology. The last draft of the bill has not accommodated the vision and mission of the future of Indonesian education concerning globalization and technological developments. In fact, in Indonesia lately, technology has become one of the big obstacles in the implementation of distance learning (PJJ).

Furthermore, related to compulsory education, the government has included these points in the draft National Education System Bill. However, the government's efforts to realize compulsory education do not appear to be serious. In 2021, there were still 75,843 children from elementary school (SD) to high school (SMA) and vocational high school (SMK) who dropped out of school (Kemendikbud, Research, and Technology in Kompas. id, 2/03/2022). Of this total, 56.8 percent of children dropped out of school because their parents could not pay the school fees as they did not work.

Against this reality, the government should not impose the financing of primary and secondary education on parents, as it is written in Article 10 of the draft National Education System Bill that parents of compulsory school-age children are obliged to provide basic education to their children. If the basic and secondary education financing scheme is left as it is, it is very possible that the dropout rate will increase again and compulsory education will remain mere rhetoric.

In Paragraph (2) Article 78 of the draft National Education System Bill, it is written that the Central Government and Regional Governments finance basic education and secondary education. However, in Paragraph (1) Article 80, it is stated that the financing of basic education and secondary education as referred to in Paragraph (2) Article 78 is the obligation of the Central Government and Regional Governments to provide basic financing. Meanwhile, Paragraph (3) Article 80 states that basic financing is given to education units that meet the criteria set by the Central Government.

Some of these articles indicate that the government plans to pass the costs of primary and secondary education on to parents. Meanwhile, the Central and Regional Governments only provide basic financing. The basic funding is also planned to only be given to educational units that meet the criteria set by the Central Government. This means that not all educational units can receive basic financing.

This policy is contrary to the 1945 Constitution Paragraph (2) Article 31, which states that every citizen is obliged to attend basic education, and the government is obliged to pay for it. The plan for an education financing scheme that is charged to parents is also contrary to Article 26 of the Universal Declaration of Human Rights, which states that education is a right for everyone and must be free at least at the basic level of education. The government needs to harmonize the draft National Education System Bill with the 1945 Constitution and the Universal Declaration of Human Rights to eliminate school dropouts and realize compulsory education.

The last point that will be discussed in this paper is related to the arrangement of the teaching profession. In the draft National Education System Bill, the government has not mentioned several crucial problems that are still being faced by teachers; for example, the problem of low honorary salaries, improving the quality of Teacher Professional Education (PPG), professional development forums, and the teacher career path system.

In Paragraph (1) Article 122 of the draft National Education System Bill, it is written that everyone who will become a teacher must graduate from PPG. However, these factors alone are not enough to improve the quality of education as a whole. The government should not turn a blind eye to the fact that many young teachers feel that the PPG program is inadequate and different from the reality in the classroom. Therefore, it is very necessary to restore PPG to be regulated in the bill.

Furthermore, the forums for professional development for teachers are also still minimal and have not been widely provided by the government. The results of the study by Alifia and Prama (2021) show the lack of forums for professional development for teachers. Currently, several institutions, such as the Teacher Working Group (KKG), are still seen as too rigid and monotonous to meet the needs of a teacher in the early days of a teacher's career.

Meanwhile, superior programs for teacher professional development, such as the Government's Continuing Professional Development (PKB), have not been implemented effectively. The program functions more as an administrative formality than as a learning space and competency improvement. The government needs to pay more attention to the root causes of education problems and regulate the resolutions of the root problems in the National Education System Bill.

### Recommendations

According to the analysis above, there are several things that need to be done, first, the Ministry of Education and Culture, Research and Technology need to formulate the National Education System Bill's vision and mission for the future of Indonesian education related to globalization and the world that continue to change due to technological developments. Second, the Ministry of Education and Culture is required to review the education financing scheme that requires parents to finance basic and secondary financing for their children. In the 1945 Constitution as well as the Universal Declaration of Human Rights, it is written that the government is obliged to finance the basic and secondary financing of children.

Third, the National Education System Bill needs to formulate the handling of various crucial problems faced by teachers, such as the low salary of honorary teachers, improving the quality of PPG, professional development forums, and the teacher career path system. With the regulation of the handling of these crucial problems in the Act, it is hoped that various teacher problems can be resolved.

Fourth, the Ministry of Education and Culture, Research and Technology need to involve more various stakeholders. This bill has been drafted for approximately one year, but the government had only started to involve the public in February and March 2022. The Ministry of Education and Culture should have involved the public from the beginning of the drafting of the National Education System Bill to get more comprehensive input for considerations and discussion of this bill.

*The National Education System Bill needs to reorganize the basic and secondary education financing scheme, which is the responsibility of the state. The bill also needs to accommodate the handling of various crucial problems faced by teachers. Early and ongoing public involvement in the process of drafting the National Education System Bill is very important to comprehensively discuss various National Education System issues.*

- 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”).

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## RESEARCH ON ECONOMIC AFFAIRS

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

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