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Main Report:

The Fight against the Terror of Violence against Children and the Increase in the Number of Cases of Prostituted Children

Politics

- Questioning the Recuitment System of Public Officials in the Political Parties
- Impeachment in the Post-Constitutional Court Ruling Era, Is it Possible?
- The Direct Local Elections

Social Issues

- Moral Movement against Government's Lies
- Analyzing Government's Ways to Anticipate the Impacts of Extreme Weather towards Fishermen
- The Collaboration Efforts between the Government and Civil Society to Deport Indonesian Migrant Workers from Saudi Arabia

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FOREWORD

The teror of physical and psychological violence against children repeats in early 2011. Sartono, a toy seller from Cirebon, was arrested early this year. He was accused to have been molested 96 children in the ages of around 14-17 years old. It is like having deja vu, even though on a slightly different scale. In January 2010, people were shocked by the Baekuni, or Babe, case, who had killed 14 children. Eight of them even ended up mutilated. The victims' ages are in the average years of 10-12 years old, except for one child who was only seven years old. Baekuni had committed this crime since 1993.

At the beginning of this year, we also see that new modes of operations are being executed in the case of prostituted children through the use of media technologies (mobile phones and internet). The above mentioned illustration shows that children still live under the shadow of physical violence and psychological terror. Ironically, although this country has a strong legal protection for children's rights, in reality, the practices of violence against children continue to rise. This edition of the Indonesian Update raises a main theme on the fight against the terror against children and the increase in the number of child prostitutes.

The Indonesian Update also discusses some important topics from several important fields. On politics, it talks about the recruitment system of public officials through the political parties and the impeachment of the President in the post-Constitutional Court Ruling era. Another topic is the regional direct elections in the legal context. On social affairs, it discusses the moral movement against the SBY government's lies, the government's anticipation to the extreme weather conditions, and the government's. And the civil society's efforts to return Indonesian migrant workers from Kandara, Saudi Arabia.

The regular publication of the Indonesian Update with its actual themes is expected to help policy makers in the government and the business sector, academicians, and international think tanks get actual information and contextual analyses on economic, political, social, and cultural developments in Indonesia.

Happy reading!

The Fight against the Terror of Violence against Children and the Increase in the Number of Cases of Prostituted Children

Sartono, a toy seller from Cirebon, was arrested in the Jakarta Kota Central Station some time ago based on the report of a junior high school student named HR. Sartono was reported to have committed sexual violence against HR. HR was sold for 25,000-50,000 IDR for serving adult men at the train station. To the police, Sartono claimed to have been molested 96 children in the ages of around 14-17 years old.

Seeing the case above, it is like having *deja vu*, even though on a slightly different scale. On January 8, 2010, people were shocked by a discovery of a mutilation victim, detected as a body of a child, in Cakung, East Jakarta. Not only a victim of a murderer, the child, who was recognized later as Ardiansyah (9 years old), also previously suffered from a sexual abuse that was conducted by Baekuni (48 years old), a.k.a. Babe.

Through a series of intensive investigations, Baekuni was discovered to have killed 14 children. Eight of them even ended up mutilated. The victims' ages are in the average years of 10-12 years old, except for one child who was only seven years old. Baekuni had committed this crime since 1993.

Both cases seem to emphasize the threat that children still live under the shadow of physical violence and psychological terror. Ironically, although this country has a strong legal protection for children's rights, in reality, the practices of violence against children continue to rise.

The protection of children is all activities to ensure and protect children and their rights in order to live, grow, develop, and participate optimally with the dignity of humanity, thereby getting protection

from violence and discrimination. This definition is clearly stated in Law 23/2002 on Children Protection.

The cases of sexual violence above also strengthen the situation and the fact that street children remain as the group that has the most risk from the threat of physical, psychological, sexual violence, and even murderer. The lack of protection -- either from the family, society and government -- in the end makes them (street children) still have to face the situation and the threat of violence.

It is believed that the cases of sexual violence amongst street children are an iceberg phenomenon. Many victims do not want to report their cases because of the shame that others might know, not to mention, if the perpetrators, usually known by the victims, threaten them not to talk to anyone else. As a result, many cases were not revealed and touched by the law enforcement officers.

The biggest risk for children that become victims of physical or sexual violence, such as sodomy, is a traumatic experience that will last for their entire lifetime, especially if the healing therapy is not completely enough. In the end, when they grow up, these children will end up as societal problems and social disease.

The practice of online child prostitution

A new phenomenon that has become popular these days are the practice of children trafficking; that is, children whom are employed as commercial sex workers (CSW) using the online social networks. The Head of the Cyber Crime Unit of the Directorate of Criminal Investigation at Polda Metro Jaya AKBP Hermawan stated that trafficking of teenagers through social networks, such as *facebook* continues to increase from the previous years.

That is because the verdicts handed down to the perpetrators have still been fairly mild. The increase was also due to the easy access to porn sites on the internet. Here is what the players do to ensnare the preys.

The main thing that should be carefully watched from the trend of the prostitution business through the internet nowadays is the change in age group. Traders who usually offered prostitutes aged 20 years old or older now are offering those aged 18 years and under. This is because most of the consumers today are more interested in the services of teenagers. The perpetrators or pimps are also looking their victims through *facebook*, and most of them look for school children that have unstable characters.

As reported, a pimp named Dede was arrested in an apartment at Kemayoran, Central Jakarta on January 18, 2011. The police also arrested a customer who wanted to buy one of the seven teenagers he employed. Dede sdold the teenager at the price of 500 thousand to Rp 2 million through her cell phones and *facebook account*. All children whom Dede trafficked mostly came from junior high school in the ages of 13-15 years.

Not only in the big city, a similar practice was also revealed in Surabaya. In early February 2010, the Surabaya Police District (*Polwiltabes*), East Java uncovered teenager prostitution through *facebook*. Not only is Social networking such as *facebook* is used to find new friends, it has also become a place where people can sell themselves.

The mode is by displaying around 25 pictures of teenagers on *facebook*. Then, the consumers will see and choose the teenager they like and make transactions through the internet chat. After the transactions are completed, the children will get the 400-800 thousand IDR.

In mid-September 2010 in Surabaya, a practice of prostituted children was uncovered. In this case, some teens who were still students were sold at Rp 1 million to Rp 2.5 million. The customers were entrepreneurs and foreigners. Ironically, the pimp was still relatively young, i.e. 21 years old.

Both players belong to the conventional mode by collecting the children under age who are in great needs. They were then invited to hang out at the café, malls and entertainment venues to offer to *om-om* (sugar daddies) or foreign men. Normally, bookings are made via telephone. Both, these pimps showed photos of their girls through mobile phones. After the deals were done, players came with some teens towards a place that had been agreed.

Based on the above explanations, we can see that new modes are being executed in the case of prostituted children through the use of media technologies (mobile phones and internet). These modes not only happen in the cities of Jakarta and Surabaya alone, but - if we try to keep track of various Internet sites - can also be encountered in various cities in Indonesia.

In the days before the reform era, the practice of child prostitution was hidden. It was done in the prostitution localization or in closed networks. Not anyone could access the information, or

communicate or get it, without a recommendation from consumers who had become customers.

After the reform, in the early 2000s, the public demands to dissolve the localization spread in different cities and succeeded. Almost all existing localizations have officially been closed.

However, the closures of localizations that are not matched by efforts to channel the residents have caused them to move into public space, especially the main streets of the city. As a result, the practice of prostitution has become very visible. In this process, the involvement of children into the world of prostitution has become rampant, as there is lack of control over it.

A situation analysis conducted by a child rights activist who has also been a Commissioner for the National Human Rights Commission, Mohammad Farid (1998), estimated that the number of child prostitutes stood at a level of around 30% of all prostitutes.

With reference to the estimate prepared by Jones, Sulistyaningsih & Hull that the total number of prostitutes in Indonesia reached about 140000-230000, then Farid estimated the number of child prostitutes in Indonesia reached a level of 40000-70000.

Basically, there should be awareness not to easily blame the children who have become victims. Child rights activists put these children as victims and referred to them as kids who prostituted. Farid (1998) explained that the term prostituted children was a translation of prostituted children, which was used as a substitute term for child prostitutes.

This term refers to the subject that the children involved in prostitution and was deliberately chosen to put an emphasis on the weight of judicial treatment, where children are different from adults, whom are regarded as having the ability to choose prostitution as a profession. Thus, this term confirms the position of children as victims, not perpetrators. Once asserted, the action of throwing the children into prostitution is regarded as a crime.

— Endang Srihadi —

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Questioning the Recuitment System of Public Officials in the Political Parties

The phenomenon of regional heads and members of the (House of Representatives and the Regional House of Representatives (DPR /DPRD) being involved in corruption cases has been rampant. The estimated value of corruption conducted by the regional heads during 2004-2010 was very high, reaching a level of 4.8 trillion rupiahs. According to the data from Indonesia Corruption Watch (ICW), during 2004-2010, as many as 147 regional heads were involved in corruption cases. Of the 33 provinces, as many as 18 governors and one vice-governor being involved in corruption. Meanwhile, at the district level, as many as 84 regents and 17 mayors were involved in corruption cases. There were also 86 cases involving vice regents and 19 case involving vice mayors. The total value od state losses due to corruption of local leaders during the past five years amounted to a level of 4.4 trillion rupiahs.

Not only has such a phenomenon involved regional heads, it has also involved legislators at the central and local levels (DPR and DPRD). The hottest issue today is the bribery in the election of Bank Indonesia Senior Deputy Governor DPR for the period of 1999-2004 involving members of the Golkar Party, the Democratic Party of Struggle, and the United Development Party.

The phenomenon of corruption by regional heads and legislators indicates that there is some thing wrong with the system and mechanisms for the recruitment and search for public officials (regional heads and legislative members) in political parties. This has something to do with the fact that the selection process in the political parties is often accompanied by the practices of money politics and the brokering of the nominations of the regional heads. The political parties also often set high tariffs for legislative candidate positions in the legislative elections. This phenomenon certainly raises a fundamental question: why does it happen?

Deviation of Political Parties

The practice of money politics, which has become a chronic disease with political parties in Indonesia, is very problematic. At the least, there are five drivers (catalysts) for the deviation of political parties (money politics). First, the impact of the liberalization of the election system (legislative and regional head elections). The increasingly more liberal election system has indirectly become a driving factor, as the more liberal election system more liberal tends to require a higher the political cost. However, the liberalization of the election system is still not a major cause and not exactly a reason to change the direct election system.

The liberal electoral system requires that regional head and legislative candidates be popular and have strong financial supports. A situation like this would lead to a recruitment system, in which political parties are trapped in the popularity and financial capability of candidates, as these traits have become a higher priority. These conditions also encourage the deviation of political parties through the application of instant strategies such as relying on famous figures, including the family members of *petahana* (incumbent) regional heads, party leaders, or the celebrities. They are considered as a capital to garner votes.

Second, a result of the failure of political parties to bind constituency. The failure to bind the party constituency will also encourage political elite to look for strategies to attract constituency by endorcing regional head and legislative candidates who are most popular and wealthy. Another instant way to attract the sympathy of constituents is the use of the power of money politics. Again, the aspects of quality and moral integrity of the regional head candidates or candidates have been abandoned.

Third, the implications of the fragile organizational and recruitment systems on the political parties. There have been irregularities in the selection mechanisms of the regional head and legislative candidate within the political parties. The mechanisms and parameters of the recruitment of the candidates of political officials within the parties also rely on the financial conditions and popularity of candidates. Competence, track records, and moral integrity are once again be considered as the last consideration in the criteria for netting regional head candidates or legislative candidates.

Fourth, the strong oligarchy in political party organization. Money politics has also encouraged the proliferation of oligarchy and the centralization of policies in the party structure. The candidate recruitment system is not conducted democraticaly and

transparently. Meanwhile, the mechanisms of internal elections - which could minimize the chances of money politics - have not become an institutionalized system within political parties. The practice of money politics and the impact of centralized oligarchy party on the parameters of the political candidates have made the parties more vulnerable and far from the factors of quality and moral integrity.

Fifth, the strengthening of political pragmatism and the decline of militant cadres - which have caused the political engine to run inefficiently - have encouraged the proliferation of money politics. The power approach has used instant strategies to move the engines of organizations in the regional head and legislative elections.

Looking at the six drivers of this political deviation, it is clear that the selection of public officials, particularly regional heads and legislators, are very dependable on the strength of money and oligarchy in the political parties. Meanhhile, the mechanisms of supervision after the elections and the aspects of moral integrity and morality in have been forgotten. Thus, it is not surprising if the recruitment of public officials in the political parties is often problematic. This is evident and visible in the cases of legislators and regional heads being involved in corruption.

Epicenter Corruption

The recruitment system and the selection of regional heads and legislative candidates that rely on the strength of money and the party oligarchy will be the entrance of corrupt behavior of regional heads and legislators. It is simple logic, the regional heads who "buy political tickets" or legislative candidate who "buy seats" almost certainly think that all of their political costs must be recovered. In this situation, corruption will become a shortcut for the returning of capital.

Therefore, the true face of the legislative and the government is a portrait of the parties. Therefore, the pros and cons about the parliament and government at the central and local levels are very dependent on the quality and commitment of the parties. All members of the legislative, the central government, and local leaderships (governors, regents, and mayors) will be selected through the party mechanisms. Only in some areas independent candidates from outside the parties are allowed. The selection processes of almost all members of high state institutions commissions also involve the parliament.

Therefore, the situation of rampant corruption that has ensnared regional heads and members of parliament has something to do with the fact that political parties are the epicenter of corruption in this country. This condition would endanger the future of democracy in Indonesia, as the parties have not been institutionalized (institutionalized) as a modern, democratic, anti-corruption organization.

Recommendations

The improvement of the selection process of public officials through the restructuring of the electoral system has become a necessity, because political costs need to be suppressed so as not to trigger corruption by local leaders and legislators. There are at least three aspects that need to be reorganized.

Thr recruitment and selection process of public officials are very dependent on the power of money and oligarchy in the political parties. Meanwhile, the aspects of integrity and morality have been forgotten. Accordingly, it is not surprising if the results of the recruitment of public officials through the political parties are often problematic.

First, the system implementation needs the simplification of the electoral system; namely, the unification of the executive and legislative elections at the national / local elections, followed by the implementation in the provinces / districts / cities across Indonesia. This means that there are only two elections: the national elections (presidential elections and parliamentary elections / DPD) and local elections (the selection of regents / mayors, and parliamentary elections).

Second, there is a need for the simplification of campaign costs through the limitation of campaign expenditures by the region head and legislative candidates in order for the implementation of elections to be more affordable and fair. This is to minimize the occurrence of corrupt practices.

Third, the instruments of campaign also needs some simplification. Campaigns that are expensive such as the mobilization of the masses, whose effectiveness is low, should be abandoned. Even political ads need to be considered to be financed by the state through the state budget / APBD.

Fourth, the selection mechanisms need simplification through the awareness of the political parties. There should be legislations to enforce it. In addition, the parties must perform the function of political education for cadres and their constituents.

— Hanta Yuda AR —

Impeachment in the Post-Constitutional Court Ruling Era, Is it Possible?

On January 12, 2011, the Constitutional Court (MK) ruled a decision on the judicial review on Law Number 27 Year 2009 on the MPR, DPR, DPD and DPRD that was filed by a number of 1977 and 1978 student movement activists and three members of Parliament, namely, Bambang Soesatyo (Golkar), Akbar Faizal (Hanura), and Lily Wahid (PKB).

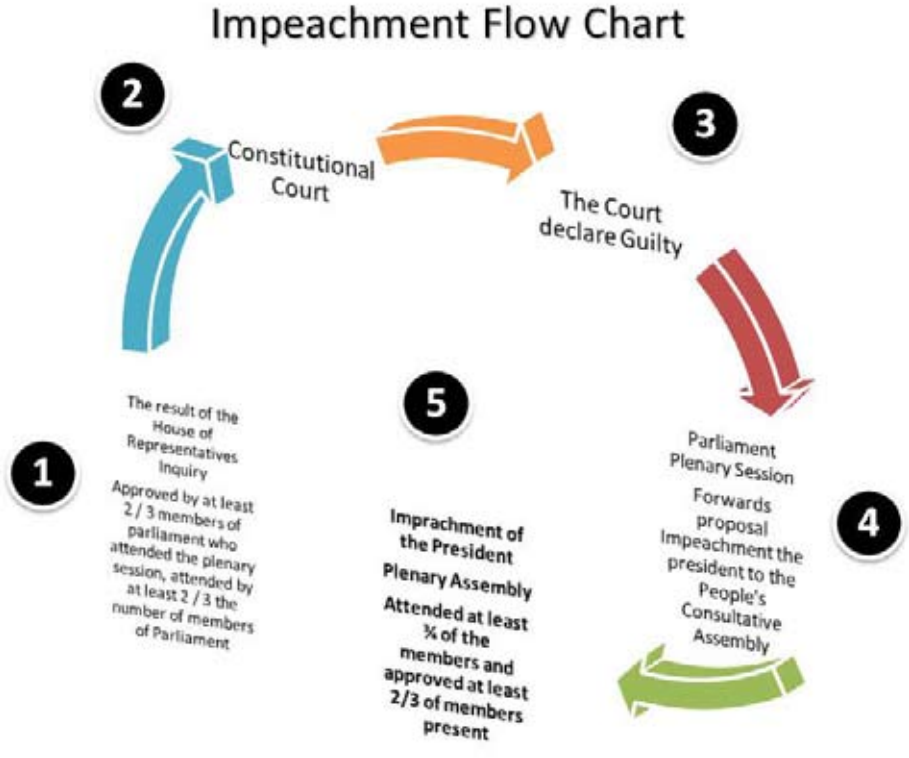
In its decision, the Constitutional Court cancelled Article 184 Paragraph (4), which regulates that the right to express an opinion should be taken with the approval of at least ¾ of the number of House members who attend a plenary meeting that is attended by at least ¾ of the number of Parliament members. The Court issued a decision that the article is not in line with the 1945 Constitution, declaring that it is not legally enforceable.

According to the Court, the decision-making process of the House of Representatives in exercising their right to express an opinion may not exceed the limits specified by the requirements stated in Article 7B Section (3) of the 1945 Constitution. Under Article 7B Section (3) of the 1945 Constitution, which had been highlighted by the Parliament members in their judicial review filed to, the right can only be done with the support of at least 2/3 of the number of members of Parliament who attend a plenary session, which is attended by at least 2/3 of the number of DPR members.

In fact, according to Court Justice Hamdan Zoelva, the decision on the right to express an opinion in the Parliament should be lower than the requirements specified in Article 7B Section (3) of the 1945 Constitutional Court.

The impeachment

Many people argue that this Court's decision has made the way to impeach the President easier. Is it true? Here is a flow chart that describes the procedures to be followed in conducting the impeachment of the President.



The flow chart above shows that the process of impeaching the President is not easy, even though the Court's decision on January 12, 2011 was the first stage to make the process easier. However, in the process of impeaching the President, in addition to the procedures set out in the People's Consultative Assembly's Rules, the most important thing is the reason for the impeachment.

It is not easy

We can say that the possibility of a motion for the impeachment of President Yudhoyono after this Court's decision is very difficult. The coalition that supports the President in the Parliament, even though it is often hit by internal conflicts, is still very strong. Thus, it would need a considerable movement to influence the coalition to exercise the right to express an opinion.

Furthermore, until now, there are no substantial issues that are relevant for the Parliament to impeach the President through the right to express an opinion. The process of the impeachment of the President can only be done if it fulfills at least the following three factors:

1. **The existence of a scandal involving the President.** In this case, the President has been proven to have violated Law on Treason against the State or involved in corruption, bribery, felonies, or moral turpitude. In this regard, President Yudhoyono is relatively clean from scandals that could lead to his downfall. The Century case is still in the stage that has not been able to explain the President's involvement. However, if this case is able to explain the involvement of the President, the opportunity to dismiss the President will be wide open.
2. **The existence of a government policy failure.** The failure of a policy could be an opportunity to go into the impeachment of the President. However, this failure could have an adverse affect and cause public unrest, leading to political unrest. This can be illustrated by the fall of Suharto when an economic crisis could not be overcome. Meanwhile, until now, SBY is relatively safe.
3. **There is resistance against the government in the Parliament.** In the current Parliament, there is indeed a group of individuals who are not satisfied with the government of SBY. However, the political movement of this group has not been able to demonstrate the political power that is able to overpower the coalition that supports the President, unless the coalition supporting SBY (that is already fragile) changes direction and forms a new axis.

However, the political power must still have a substantial reason for the impeachment of the President, because it must pass through the examination process and trial by the Constitutional Court.

From the discussion above, it is clear that the idea on the impeachment of the President in 2011 looks very difficult to be achieved. It is even almost impossible, unless there are exceptional events that meet one of three factors above. Therefore, the government and its supporting parties in the Parliament should not need to be worried with excessive fear.

— Benni Inayatullah —

The Constitutional Court's decision to cancel Article 184 Paragraph (4) of Law Number 27 Year 2009 was a good decision for the sake of the balance of power between the executive and the legislative branches of the government in carrying out the controlling function. Although the Court's decision could provoke the "naughtiness" of legislators, the impeachment of the President will need more substantial reasons, than just normal procedures.

The Direct Local Elections

Based on past direct regional election experiences, legal cases have become the final session between the elections' contestants. The legal cases have had wide implications on the contestants, legal instruments, and of course the people themselves.

The direct implications of the legal cases have made the position and role of the Regional Elections Commissions (KPUDs) very dilemmatic, as they try to mediate between legal interests and factual results in the society.

It is not only KPUD, the Constitutional Court (MK) has been affected by these legal cases. The Constitutional Court will be disturbed by such disputes. It will be expected to maintain political stability. The regional direct elections must involve the participation of judiciary institutions as the watch-dogs of democracy to ensure the quality of local election implementation.

Almost all legal cases in the regional direct elections have involved money politics, rigging the voting results, intimidating voters to choose certain candidates, hampering people to go to the voting booths, damaging the campaign attributes, utilizing state facilities, and involving government officials in campaigns.

Money politics is difficult to be legally proven. The other disputes also have high risks of reducing the quality of direct regional elections. These disputes are actually able to be legally proven, according to Articles 62 and 63 of the Government Regulation Number 6/2005.

The cases that have emerged in the regional direct elections (*Pemilukada*) have created and drawn refusals to the results of the elections. This means that some legal improvement is needed. But, many parties are reluctant to enforce the law.

This hesitation is based on the limited time to solve the problem,

actually inciting a wide horizontal conflict amongst the supporters. Thus, the disputes spark competitions and tensions between KPUD and MK such as in the cases of *Pemilukada* Ketapang and *Pilkada* Kotawaringin Barat in East Kalimantan.

The results of *Pemilukada* have been contested by the Yasyir Ansyari and Martin Rantan pair, after they failed in the second leg. The alleged problem is the voting results of the second leg. This couple argued that the direct electionson 5 July 2010 was tainted by systematic, structured, and massive violations in almost sub-districts.

So, the couple has demanded that MK refuse the decision of KPUD Ketapang's recapitulation that decided the Henrikus and Boyman Harun pair (2) as the winner. According to the recapitulation of voting prepared by KPUD Ketapang, the Yasyir-Martin pair acquired 94,052 voters (44.76 percent), while the Henrikus-Boyman pair garnered about 116,079 voters (55.24 percent).

In this case, the people have found money politics practices and other latent or real problems that influenced the voting results. These practices occurred in nine sub-districts, where a number of people accepted money to choose certain couple.

The other problems transpired in eight sub-districts such as the systematic serious problem to influence the second leg of direct regional elections. An example is that the campaign team of the candidate 2 is also being the executor of the direct regional elections in three sub-districts.

The second case is the direct regional elections in West Kotawaringin, East Kalimantan, after MK Decision Number 45/PHPU.D-VIII/2010 of July 7th 2010 on the Election Result Dispute in Kotawaringin Barat was issued. MK had disqualified the winning of the Sugianto-Eko Soemarno pair and ordered KPUD to determine the Ujang Iskandar-Bambang Purwanto pair as the winner. This decision has sparked wide disputes in the national and regional areas.

At the national level, the MK decision -- which was supported by the National Elections Commission (KPU) and several electoral watch institutions like National Law Reform Consortium (KRHN), Center for Electoral Reform (Cetro), and Association for Elections and Democracy (Perludem). Whereas at the regional level, the decision has created polemics among the people of Kotawaringin Barat.

The people have protested the decision, as it is not in line with the proposal letter that was sent to the Minister of Home Affairs, which relied on the proposal to decide on and appoint the local leader of Kotawaringin Barat. According to the letter, the public demanded that KPUD do not appoint a pair couple who had been disqualified by MK, and this decision is final and required to be obeyed.

The two legal cases must be solved immediately. Solutions without sacrificing one of the sides and are in line with the law should be found. The effort of Minister of Home Affairs Gamawan Fauzi to appoint Acting Regent (Pjs) of Kotawaringin Barat was a short term solution to improve the regional government role.

A long term solution that respects the MK decision may be espoused in order to avoid bad precedent of democracy and to provide legal assurance. If the refusal action is allowed, it is worried that similar actions will appear in other regions, thereby undermining the MK decision.

Actually, this decision is based on some regulations such as Law on Election implementation, Law on the Regional Government, and the Law on Constitutional Court.

— Aly Yusuf —

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Moral Movement against Government's Lies

President Susilo Bambang Yudhoyono (SBY) has drawn more criticisms from the public. As it has been already known, President SBY has been widely criticized for his leadership strategies that put an emphasis on image-building politics. Now, President SBY has been condemned not only because of his image-building politics, but there is also allegation that the government of President SBY has produced some lies about the achievements of national development.

The criticisms accusing that the government has produced lies have a strong impact on moral pressure, because they were stated by some religious leaders. On January 10, 2011, a number of interfaith leaders gathered and released a public statement about nine lies that had been done by the government of SBY. The religious leaders represented various religions: Syafii Maarif (former Chair of the Central Board of Muhammadiyah), Din Syamsuddin (Chair of Muhammadiyah), and KH Salahuddin Wahid (former Chair of NU) from the Muslim community; Bhiku Sri Pansyavora Mahathera from the Buddhists; Reverend Andrew A. Yewangoe (Chairman of the Union of Churches in Indonesia) from the Christians; Msgr. Martin D. Situmorang (Chairman of the Bishops' Conference of Indonesia), Father Frans Magnis Suseno, from the Catholics; and I Nyoman Udayana Sangging (Hindus).

Government lies

In a statement released from the forum "Public Statement of Interfaith Leaders on the Declaration of the Movement against the Lies" 18 Lies of the SBY government are listed. The 18 lies classify into nine new lies and nine old lies. The interfaith leaders who released this statement considered them as lies because of the inconsistency between the statements, claims, and promises by President Yudhoyono and his team made in the public forums and the facts that occur in the community.

Table 1. Nine Old Lies

No	Government Claims	"Truth" based on the summary of facts stated by the religious leaders
1	Poverty reduction reached a level of 31.02 million people	There are 70 million people whom are still listed as recipients of the rice for the poor program. There are 76.4 million people who are the recipients of the health care services for the poor (*Jamkesnas*).
2	The 100-day program to achieve self-sufficiency in food.	Economic difficulties still occur massively at the beginning of 2011.
3	Food and energy security by developing the Supertoy HL-2 variety and the Blue Energy program.	The programs failed badly.
4	Related to the JW Marriot bomb attack, intelligence data showed SBY's photo was being used as the terrorists' shooting target.	This was old information that had been shown in a meeting with the Commission I of the House of Representatives in 2004.
5	The resolution to human rights activist Munir's murder case.	The case has never been solved.
6	The education Budget should reach a level of 20 % of the national budget, excluded the salaries of teachers and lectures (as mandated by the National Education System Law).	The salaries of teachers and lectures are still included in the education budget as part of the 20 % of the national budget.
7	The Lapindo mudflow case's settlement (mentioned in the Presidential Candidate Debates 2009).	The Lapindo mudflow case is still unsolved.
8	President Yudhoyono calls on all countries to protect and save the sea.	President did nothing when 1,200 tons of wastes were channeled to the Senunu Sea (NTB), and 200,000 tons of waste were dumped into rivers in Papua by PT Freeport.
9	The renegotiation with PT Freeport (as recommended by the government's auditor team).	There is no follow-up from the government to attempt the renegotiation.

Table 2. Nine New Lies

No	Janji/Klaim Pemerintah	"Kebenaran" versi rangkuman dari para Tokoh Agama
1	Indonesia supports the harmony among civilizations	In 2010, there were 33 physical and property assaults in the name of religion; and 49 violence cases by the faith-based community organizations.
2	The resolution to the cases of violence that afflict journalists.	In 2010, there were 66 physical and non physical violence cases against the press.
3	Equipping the migrant workers with mobile phones to anticipate the problem of violence.	In 2010, there were 1075 cases of violence towards migrant workers.
4	President admitted that he received a letter from the World Bank that asked Sri Mulyani to work at the World Bank.	The announcement was made public on the World Bank website. Sri Mulyani had resigned as the Minister of Finance allegedly due to the President's pressure.
5	Combating corruption.	Between September 2009-September 2010, the successful anti-corruption measures only reached a level of 24 percent.

No	Janji/Klaim Pemerintah	"Kebenaran" versi rangkuman dari para Tokoh Agama
6	The resolution to the INP officers' "fat" account	The police had declared that the case was closed.
7	Clean, courteous, and ethical politics by his party.	A member of the General Election Commission was accepted to join the Democratic Party, even though she had violated the elections' code of ethics in the Toli Toli Local Elections.
8	The resolution to the problem of Gayus being able to leave detention to travel to Bali not later than 10 days	The case is still unclear, and Gayus has also been travelling abroad during the detention period.
9	The follow-up to the case of the arrest of the three members of the KKP by the Malaysian Police	There has been no follow-up from the government to overcome this case and to fix the problems in the Indonesia-Malaysia border areas.

The Government's response

The government of SBY has then immediately rejected the accusations that the government has made some public lies. The rejection was issued by Coordinating Minister for Political, Legal and Security Affaird Djoko Suyanto, who was accompanied by Coordinating Minister for Economic Affairs Hatta Rajasa, Secretary of State Sudi Silalahi, and Cabinet Secretary Dipo Alam on 12 January 2011. The government states that it has never lied to the public through the data that have been presented. The government admitted that there were things that had not been achieved in development, but the government refused to be called a liar.

The term "government lies" has become a popular term. For example, NGO Fitra then released a report about "The House of Representatives' Lie" about the budget of the House's comparative studies. The House did not unveil the whole budget to the public. Also, the Interfaith Movement of People against Lies (GTLAMK) also launched the House of Complaints about Public Lies. Critics to the government of SBY are now more severe and straightforward. It was once accused of being mere building public image, now it is being accused for producing lies.

— Antonius Wiwan Koban —

Critics to the government of SBY are now more severe and straightforward. It was once accused of being mere building a public image, now it is being accused for producing lies. The critics have become more serious and significant as they was released by interfaith leaders. The religious leaders in Indonesia have strong credibility, so their criticisms will immediately have an impact on the SBY government's credibility.

Analyzing Government's Ways to Anticipate the Impacts of Extreme Weather towards Fishermen

Generally, extreme weather is a condition that happens in certain times and beyond the normal condition. This extreme weather has lasted since the early January 2010 according to Meteorological, Climatology and Geophysics Agency (BMKG) will happen until June 2011.

These changes mainly felt by population in coastal area, par example East Lombok (NTB), Kendal (Central Java), Marunda (Jakarta), West Southeast Maluku (Maluku), Labuhan Maringgai (Lampung), and others. The height of waves that reached seven meters created lot of disadvantages for fishermen, main job of population in this coastal area.

For example, damaged or loss of house, production tools such as chart-fishing gear standing of rectangular bamboo structure that is attached so that stands firmly above the waters, ships, floating cages and other infrastructure such as the Fish Auction Place (TPI).

Besides, there is no fishermen activity is one of disadvantages because they do not want to take the risk remained at sea while the waves can reach a height of five meters. This will cause long domino effects. For instance, lack of food in family; emergence of quarrel in family; decrease of family nutritional status; decrease of health status; debt to the middleman, and others.

Even, according to the People's Coalition for Justice Fisheries (KIARA) on Fishermen Huge Meeting 2011 and National Meeting IV People's Coalition for Justice Fisheries (KIARA) at Thursday, 27th January 2011, this extreme weather has caused casualties about 88 fisherman died in the sea at January 2010 until January 2011 periods from all the coastal area in Indonesia.

Extreme weather changes: not a social disaster!

Facing this extreme weather issue, government through Ministry of Social admitted it as a social disaster. Therefore, government gave support in the form 13.271 tons of rice for 14 days necessity and that were given to 473.983 fishermen in 41 regencies/cities at 20 provinces with criteria that the fishermen did not go to sea during 2010.

On the other hand, Ministry of Maritime Affairs and Fisheries has planned to relocate part of Mina Rural Enterprise Development (PUMP) fund for support the famine fisherman. Total funds PUMP is about 100 billion IDR and each group of fishermen received100 million IDR. It has been given since this January 2011.

Based on the Law Number 24 year 2007 about Disaster Management, Article 1 (4), declare that social disaster is a disaster that caused by phenomenon or series of phenomenon that caused by human include social conflict between groups or between society and terror.

Therefore, the determination of extreme weather as social disaster by the government was not right. Still under the same law, specifically Article 1, paragraph 3, of this extreme weather phenomenon is a natural disaster because it caused by the event or series of events caused by nature.

Moreover, still based on this law, policy that government should take to cope the effect of extreme weather are give supports in form of provide clean water, health facilities, and refuges. Rice was only a little aspect from all ground necessity that they need

Recommendations

Government through the Industrial Ministries for example could give the series of skills trainings that have economic values which they could apply when there is no sea activity could be seen as one recommendation. There are two reasons about it.

First, for some fishermen, this profession is a profession that runs in their family. The fisheries skills are heritages on fishermen family. So, when the weather is going to extreme, they just went to nowhere, just stayed at home and do nothing.

Second, saving money tradition is hard to find in fisherman family. The income when there is no extreme weather mere enough for basic necessity and could not be spare for saving which could be use when famine at the extreme weather.

There should be an empowerment of fishermen so that they could cope when extreme weather comes. This empowerment should involve many stakeholders such as; Bank; Ministry of Trade; Ministry of Industry; Ministry of Social; and Ministry of Marine Affaires and Fisheries, because it concerns welfare, environment, production and food sovereignty.

The other thing that could be considered is the certainty of information distribution to all Indonesian fishermen about weather. And the role of fisheries extension workers is very important here.

— Lola Amelia —

Extreme weather
is not a social disaster.
Victims require
fulfillment of
all basic rights,
not only rice!

The Collaboration Efforts between the Government and Civil Society to Deport Indonesian Migrant Workers from Saudi Arabia

As reported, 200 Indonesian migrant workers live under the Kandara Bridge, Jeddah, Saudi Arabia. They are migrant workers who had escaped from their bosses who hope they will be deported to Indonesia. Their conditions are so poor, especially the women and children. Many of them are physically sick and seriously traumatized.

The government's sluggish respond towards this problem has prompted a coalition of civil society initiatives to raise funds about one thousand rupiahs (Rp 1.000,-) per contributor for relocating the Indonesian migrant workers back to Indonesia. The estimated costs to get 200 migrant workers back are about 1.7 billion rupiahs. This amount is about 0.28 % from the migrant workers's contribution per year to the State Non-Tax Revenue (PNBP), which stood at a level of about 600 billion rupiahs. It could be taken from the insurance protection cost, about 15 US dollars per every departure.

Human rights perspectives in the effort to bring Indonesian Migrant Workers Back from Saudi Arabia

The case of the Indonesian migrant workers who live under the Kandahar Bridge, Saudi Arabia, is not stand alone from our migration scheme. It starts from the recruitment process, which is vulnerable to forgery of documents, lack of comprehensive preparatory training, and also lack of laws that they could access when there are deportation problems. In other words, in all migration stages, there is no protection for migrant workers from this country.

This problem of no protection from the state for the migrant workers actually means a human rights violation from the state. The reasons are as follows:

First, Article 27 of the Constitution of the Republic Indonesia regulates that "Every person in this country has the right to have a decent job and livelihood for a reason of humanity". This shows

that the state guarantees jobs for its residents. Moreover, according to the formal data from the Directorate of Protection for Indonesian Citizens (PWNI) and International Law Assistance (BHI) of Ministry of Foreign Affairs, there are 2,029,528 Indonesian migrant workers. From this explanation, the state as a duty bearer has failed to complete the right about to have decent jobs and livelihoods for its residents (in this case, as the right holders) in the country, so they could to foreign countries, although with an option to be domestic workers.

Second, there is a rights violation because Indonesia has ratified some international Human Rights conventions, such as: the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Rights of the Child (CRC), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention Against Torture (CAT) and Convention against Torture and other Cruel, Inhumane and Degrading Treatment or Punishment.

Third, in the all migration processes, recruitment-placement-deportation, there are all forms of Human Rights violations, such as abuses, discrimination, exploitation, criminalization, lost contact, migrant workers traffic, no guarantees, and so on.

State responsibility perspectives towards effort to return Indonesian Migrant Workers from Saudi Arabia

It has to be noted that the state has a responsibility to protect its citizens in and out of the country. For citizens who live in foreign countries, they will become the full responsibility of the Republic Indonesia representatives, which are coordinated by Ministry of Foreign Affairs of the Republic of Indonesia.

For the migrant workers case, the state's responsibility has been transferred to the private sector, the Indonesian Labor Service Companies (PJTKI). It could be seen in Law Number 39 Year 2004 on the Indonesian Labor Placement and Protection in Foreign Countries. Some of its articles regulate the activities of PJTKI, and there are no protection aspects. The state, as a duty bearer, could not divert its responsibilities to anyone.

Related to the hundreds of migrant workers who live under the bridge phenomenon, according to the Director of the Indonesian Citizen Protection and International Law Support of the Ministry of Foreign Affairs of the Republic Indonesia, Tatang Budiutama Razak, in addition to doing the deportation, the Consulate General of the Republic of Indonesia (KJRI) has cooperated with the Saudi Red Crescent and the Family Health Clinic to give medical treatment, to push Tarhill to prioritize the deportation of the vulnerable groups such as the elderly people, sick peoples and children, and to negotiate with Saudi Arabia (about 5-6 February 2011) about the handling of the Indonesian workers.

Conclusion and recommendations

We can conclude that the migrant worker problem happen because there is no protection for migrants. There is no comprehensive law for this protection aspect. Whereas, there are two law schemes which could be pushed to solve the problem:

First, to revise the Law Number 39 Year 2004 on Indonesian Labor's Placement and Protection. This is because this law regulates more the placement aspect than the protection aspect. It more explains about PJTKI's duties and obligations, than the state's obligations and responsibilities. It also regulates more the economic aspect, than its protection aspect. A migrant workers protection scheme for workers in the country and foreign countries and in every migration stage should be added into the law.

The urgent things are laws to protect the Indonesian migrant workers, the revision of Law 39/2004, and the ratification of the 1990 International Convention on the Protection of Migrant Workers and Members of Their Families.

Second, to ratify the Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families, 1990. It is because this convention: (a) provides minimum standards for civil, politics, economic, social and culture rights protection for migrant workers and their families, (b) approaches the migrant workers not as a commodity, but as a human who has rights, (c) gives a schedule for consultation and corporation in undocumented migration abolition, pre-departure orientation, eradication of migrants' smuggling and human trafficking, deportation and reintegration.

— Lola Amelia —

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 through the initiative of Jeffrie Geovanie. Its current Executive and Research Director is Anies Baswedan, and the Program Director is Adinda Tenriangke Muchtar.

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 centre 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 in the new era of democracy in Indonesia.

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 to disseminate ideas to the society so that they are well informed about the policies that will have a good impact on the people's lives. In other words, TII has a position to support the democratization process and the public policy reform, as it will be involved in the process.

The scope of the research and review on public policies undertaken by TII includes economic, social, and political factors. The main activities have been conducted in order to achieve vision and mission based on research, surveys, training, public discussions, policy brief, and weekly analysis.

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Research on the Business and Economy

Business Analysis

The business sector needs a comprehensive analysis in order to minimize the potential risks, while at the same time increasing the value of its business. Business analysis is a solution in corporate strategic planning to make reliable decisions. The TII Business Policy Research Division is present to provide company leaders with practical recommendations on the decision-making process.

Research that TII offers are: **(1) Company Financial Analysis**, which encompasses financial analysis and financial risk analysis. **(2) Corporate Planning Consultancy,** which includes economic and industrial research, business valuation, and brand valuation. **(3) Strategic Marketing Analysis,** which encompasses strategic marketing and *Corporate Social Responsibility* (CSR) program design.

Research on the Economy

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

The 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 the Social Affairs

Social Research

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. The Social Research Division is present to offer recommendations to produce efficient and effective policies, steps, and programs on education, health, population, environment, women and children.

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.**

Political Survey and Training

Direct General Election Survey

One of the activities that TII offers is the pre-direct election surveys. There are sundry reasons why these surveys are important (1) Regional direct elections are democratic processes that can be measured, calculated, and predicted. (2) Surveys are used to measure, calculate, and predict the processes and results of elections and the chances of candidates. (3) It is time to win the elections using strategies based on empirical data.

As one of the important aspects in the strategies to win the elections, surveys can be used to prepare political mapping. Therefore, campaign teams need to conduct surveys: (1) to map the popularity of candidates in the society (2) to map the voters' demands (3) to determine the most effective political machinery that will act as a vote getter; and (4) to find out about the most effective media to do the campaign.

Local Council Training

The roles and functions of local councils in monitoring local governments are very important. They need to make sure 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.

Released!
INDONESIA REPORT 2010

The Indonesian Institute, Center for Public Policy Research (TII) has released our annual publication of INDONESIA 2010. This book is one of publications of TII that consists of Report on Indonesia in 2010. Indonesia Report has been published by TII annually since 2005. It is available in Bahasa Indonesia.

TOPICS IN INDONESIA 2010:

Section 1. Yudhoyono Presidency, Joint Coalition Secretariat, and the Government in Hostage.
Author: **Hanta Yuda AR**

Section 2. Adjustment of Special Autonomy for Aceh and Papua.
Author: **Aly Yusuf**

Section 3. Breaking Down Conflicts between Indonesia-Malaysia
Author: **Benni Inayatullah**

Section 4. Problems of Mitigation of Natural Disasters
Author: **Endang Srihadi**

Section 5. The Roles of State in Religious Tolerance.
Author: **Antonius Wiwan Koban**

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INDONESIA 2010 is an annual report produced by The Indonesian Institute, Center for Public Policy Research on economic, social, and political situations in Indonesia that is published regularly in the beginning of each year. INDONESIA 2010 consists of report and analysis on social and political situations in Indonesia in 2010. Generally, the whole analyses describe situations, evaluations, and policy recommendations. In addition, the reports also provide prediction for 2011.

There are five articles in Indonesia 2010 ini. In political section, the first analysis is on Government and Coalition of Parties; second analysis is on Special Autonomy of Aceh and Papua. In International Relation affairs, the highlighted topic is on Conflicts between Indonesia-Malaysia. Whereas in social section, there are two reports. One on Mitigation of Natural Disasters and second on Religious Tolerance.

Why we selected those topics? It is because of the degree of importance of those issues. Those topics also represent series of interesting moments that happened in 2010. In short, gaining public attention. Therefore, policy makers can use those topics as important notes for 2011.

Hope Indonesia 2010 can be used optimally by policy makers, private sectors, mass media, strategic institutions, academicians, students, et cetera.

Anies Baswedan
Executive and Research Director
The Indonesian Institute

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