

# The Indonesian Update

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



## **Main Report**

The Implementations of Free Nutritious Meals Program as  
an Effort to Improve the Quality of the 2045 Golden Generation

## **Economy**

- China's and the United States' Economic Outlooks in 2025  
and Their Impacts for Indonesia
- The Importance of Climate Finance in Mitigating and  
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- The Phenomenon of Light Sentences for Corruptors in Indonesia
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- The Implications of Removing the Presidential Threshold  
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# FOREWORD

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The January 2025 edition of *Update Indonesia* presents a featured report that delves into the implementation of the free nutritious meals program as part of efforts to realize the Golden Generation 2045. This program aims to enhance the nutritional quality of Indonesian children, ensuring they grow healthy, intelligent, and competitive. Through this report, we also explore the challenges and opportunities in implementing this policy.

In the economic sector, the January 2025 edition of *Update Indonesia* discusses the economic expectations for 2025 in several countries and the determining factors of climate financing. This discussion includes projections for global economic growth, highlighting the challenges faced by both developed and developing countries in maintaining economic stability amidst global uncertainties. Additionally, the report emphasizes the importance of climate financing as a strategic measure to promote a transition toward a sustainable economy.

In the legal sector, *Update Indonesia* addresses two topics: lenient sentencing for corrupt officials and the role of the state in preserving the traditional knowledge of indigenous communities. The discussion on lenient sentencing explores its impact on public trust and the effectiveness of law enforcement in combating corruption. Meanwhile, the article on indigenous traditional knowledge underscores the importance of legal protection for cultural heritage as part of efforts to safeguard the identity and rights of indigenous communities. Both topics highlight the urgency of legal reform to achieve more substantive and inclusive justice.

In the political sector, *Update Indonesia* examines the implications of eliminating the presidential nomination threshold and lessons learned from the United States. This article explores how removing the threshold could influence Indonesia's political dynamics, including the potential emergence of more candidates and its impact on political fragmentation. Additionally, lessons from the U.S. political system are discussed as a point of comparison, particularly regarding candidate selection mechanisms and their effect on democratic stability. This analysis aims to provide a broader perspective on political reform and future democratic challenges.

This monthly publication of *Update Indonesia*, featuring timely and relevant themes, is expected to assist policymakers in government and business institutions, as well as academics, think tanks, and civil society actors both domestically and internationally, in gaining up-to-date information and contextual analysis on Indonesia's economic, political, social, and legal conditions, as well as insights into public policy in the country.

**Happy reading.**

## The Implementations of Free Nutritious Meals Program as an Effort to Improve the Quality of the 2045 Golden Generation

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7th President Joko Widodo (Jokowi) on August 19, 2024, officially established the National Nutrition Agency. This government institution was established in accordance with Presidential Regulation Number 83/2024 on the National Nutrition Agency (news.detik.com, 19/8/2024). The establishment of the National Nutrition Agency (BGN) by former President Jokowi was essentially to carry out its duties in the context of fulfilling national nutrition.

In the Financial Note for Fiscal Year 2025, it is explained that the Free Nutritious Meal (MBG) Program is a program that has been designed to enhance human resources (HR) through quality education, quality health and effective social protection, including strengthening nutrition for school children. In addition, this program aims to improve the nutrition of school children and to empower micro, small and medium enterprises (MSMEs) and the people's economy, and encourage economic growth.

The adoption of the MBG program has taken place over the past few decades around the world. By 2022, the program will have reached nearly 418 million children worldwide. This is according to a survey conducted by the Global Child Nutrition Foundation, where the frequency of nutritious feeding for school children also varies in practice across the world. Nutritious feeding is generally accompanied by a height and weight measurement program, anemia testing, and deworming prevention drugs (in the Financial Memorandum along with the Draft State Budget for Fiscal Year 2025).

In this paper, the author shall describe the implementations of the MBG policy along with an analysis of the challenges faced in an effort to improve the quality of the 2045 golden generation.

## **Improving the Quality of the Golden Generation through the Free Nutritious Meal Program**

The golden generation is a national asset that needs to be prepared by all parties to face future challenges. One important aspect in creating a superior generation is through the quality of human resources. In the scores of the Program for International Student Assessment (PISA), Indonesia is at the bottom in a number of aspects, ranging from the level of intelligence quotient (IQ) to students' reading, math, and science skills (kompas.id, 8/1/2025).

In addition, in the report "Educational Inequality Predicts Intelligence Quotient: A Cross-Country Analysis", it was known that the average IQ score of the Indonesian population in 2022 was 78.49. With this figure, Indonesia was ranked 90th out of a total of 139 countries analyzed. In Southeast Asia, Indonesia ranked seventh. The first rank was Singapore, then Cambodia with an IQ score of 99.75, followed by Vietnam 89.53, Thailand 88.87, the Philippines 81.64, and Laos 80.99 (kompas.id, 8/1/2025).

Meanwhile, Indonesia's PISA score in 2022 was ranked 69th out of a total of 80 countries listed. The scores assessed by the Organization for Economic Cooperation and Development (OECD) consisted of reading scores, science scores, and math scores. Indonesia's respective scores were 359, 383, and 366 with a total score of 1,108 (kompas.id, 8/1/2025).

Studies on improving nutrition in improving children's intelligence have long been tested in the academic world. Research conducted by Yayik Indah Susnita and Selfi Lailiyatul Iftitah from the Madura State Islamic Institute on the Application of a Nutritious Diet for Early Childhood Intelligence in Child Friendly Paud (2024) concluded that the application of a nutritious diet applied twice a month had a positive impact on children's language, music and kinesthetic intelligence.

The same applies to stunting. According to research by Dr. dr. Damayanti Rusli Sjarif, Sp.A(K), children who experience malnutrition under the age of one year, 25 percent of them are at risk of having an intelligence level below 70, and another 40 percent are at risk of having an IQ between 71-90. With these IQ levels, the child's academic ability will be impaired. This inability in the brain is due to the wrong diet, which does not contain fat, carbohydrates and animal protein (fk.ui.ac.id, 27/9/2021).

## **The Concept of Nutritious Eating in Various Countries**

Providing nutritious food intake for school children has become an important focus in various countries around the world, such as Japan, which has done so since 2004. In addition, the nutritious lunch programs run by each country vary. Some are completely free, subsidized at low prices, and free for certain economic groups (detik.com, 10/10/2024).

In Japan, the term school lunch is referred to as *kyūshoku* meal and has been implemented since 2004. The program targets 99% of elementary school students and 82% of junior high school students. In practice, students in Japan are empowered to serve other students. This is to help teach children responsibility and respect, including cleaning the neighborhood (detik.com, 10/10/2024).

The free lunch program in India is referred to as the Poshan scheme. It is provided to children in government-run primary and high schools, Anganwadi, Madrassas, and government-aided Maktabas. The program can serve 120 million children in more than 1.27 million Education Guarantee Scheme schools and centers (detik.com, 10/10/2024).

In Indonesia, the concept of free nutritious meals is not only given to school students, but also to pregnant women and nursing mothers. The provision of free nutritious food for pregnant and lactating mothers is expected to prevent stunting. In fact, stunting prevention can be done in the first 1000 days of life. However, the Ministry of Health report recommends that pregnant women always consume healthy and nutritious food, including supplementation. The mother's nutritional needs will increase during pregnancy to support fetal growth. Compared to non-pregnant women, pregnant women's energy needs increase by 13% with 54% higher protein needs during pregnancy and lactation (yanke.kemkes.go.id, 5/9/2022).

### **Challenges in Implementing Free Nutritious Meals in Indonesia**

The implementations of nutritious meals in Indonesia have started since January 6, 2025, spending an allocation of Rp 71 trillion. In the initial stage, the program, which was rolled out in 26 provinces, reached around 3 million beneficiaries. The government also targets

to gradually increase the number of free meal recipients until it reaches 17 million recipients by the end of 2025 (Indonesia.go.id, 7/1/2025).

Although the nutritious meal program has started, there are still some regions (especially Eastern Indonesia) that have delayed implementing the policy. Even in the implementations of this policy, food was found to be stale. This is certainly not easy to do considering that the process of cooking in large quantities until serving takes quite a long time. The implementations of the free nutritious meal policy have faced many challenges. These challenges are related to the production process (up to distribution), basic differences in staple foods between regions of Indonesia, as well as supervision and waste management.

The implementations of free nutritious meals requires a measurable production process. The production process in the implementations of nutritious meals can be in the form of food quality selection, utilization of cooking equipment, cooks, availability of nutrition staff, and cleanliness of equipment. In practice, the nutritious meal production process is managed through 190 Nutrition Fulfillment Service Units (SPPG) selected through the National Nutrition Agency. The SPPGs in the form of national kitchens are spread across 26 provinces, covering areas such as Aceh, Bali, West Sumatra, North Sumatra, Riau Islands, Riau, Lampung, Banten, West Java, D.K.I. Jakarta, Central Java, East Java, D.I. Yogyakarta, Gorontalo, West Sulawesi, South Sulawesi, Southeast Sulawesi, North Sulawesi, East Kalimantan, North Kalimantan, South Kalimantan, Maluku, North Maluku, East Nusa Tenggara, to West Papua and South Papua (tempo, 9/1/2025).

The next challenge in the implementations of free nutritious meals is the difference in basic staple foods between regions of Indonesia. This difference in the basis of food consumed by people between regions in Indonesia can be a challenge in homogenizing the nutrition provided to program beneficiaries. Most people in western Indonesia have rice as their staple food. Rice contains carbohydrates and is difficult to replace with other food sources. This will certainly be different from other regions that rely on staple foods such as sago, corn, or sweet potatoes. Uniformity of basic foods in free nutritious feeding can cause various impacts, especially in health issues. Therefore, the government needs to consider socio-cultural factors, and involve the community in managing and providing food sources that still provide the characteristics of a region or local wisdom.



The process of cooking free nutritious food until consumption by beneficiaries will inevitably generate a high volume of waste. Food production on a large scale and carried out every day will certainly produce significant organic waste. According to the data from the National Waste Management Information System (SIPSN) of the Ministry of Environment and Forestry (KLHK) in 2023, as of July 24, 2024, the input results from 290 districts / cities throughout Indonesia stated that the amount of national waste generation reached 31.9 million tons. Of the total national waste production, 63.3% or 20.5 million tons can be managed, while the remaining 35.67% or 11.3 million tons of waste is not managed (Brin.go.id, 267/2024). Although the policy program organizers and schools as part of the beneficiaries have implemented a waste sorting system, this is considered insufficient to overcome the production of wasted food waste. In addition, not all parties involved understand the importance of reducing and managing food waste, therefore, this waste management requires an efficient system to avoid environmental impacts.

The same applies to the context of supervision. Supervision in the implementations of the free nutritious meal program involves many things, such as tender procurement, funding allocation, food quality and the waste management process. By involving many parties, the government can be encouraged to implement the program by prioritizing the principles of transparency and accountability.

### **The Importance of Transparency and Accountability in the Implementation of the Free Nutritious Meal Program**

The implementations of free nutritious meals are a small part of the government's commitment to improving the quality of the golden generation in 2045. Although this is part of the efforts to improve the quality of education of the generation, the government should view the problem of education not only in the form of fulfilling nutrition. There are many educational problems that need to be addressed. These problems can be in the form of difficult access to education, the absence of adequate school infrastructure, including the welfare of educators. The government must look at the issue of improving the quality of the golden generation holistically.

In addition, the implementations of free nutritious meals are also expected to prioritize the principles of transparency and accountability. Transparency and accountability are key elements

in the success of the free nutritious meal program organized by the government. Transparency allows the entire process, from planning to distribution, to be accessed and monitored by the public. With information disclosure, the public can understand the budget allocation, selection of food provider partners, and food distribution, thus preventing irregularities or abuse of authority.

The principle of accountability ensures that every party involved is responsible for their roles and decisions in the program. The government must ensure that the public funds used are well-targeted and provide maximum benefits to the recipients. Accountability mechanisms, such as periodic audits and structured reporting, can ensure the program is fit for purpose.

Accountability also encourages continuous evaluation to correct weaknesses in the implementations of the free nutritious meal program, so that the positive impact can be felt more by the community. Therefore, by promoting the principles of transparency and accountability, it is expected that the free nutritious meal program is not only operationally effective, but also has strong legitimacy in the eyes of the public.

**- Dewi Rahmawati Nur Aulia -**

***“Transparency and accountability are key elements in the success of the free nutritious meal program organized by the government. Transparency allows the entire process, from planning to distribution, to be accessed and monitored by the public, with information disclosure, the public can understand the budget allocation, selection of food provider partners, and food distribution, thus preventing irregularities or abuse of authority”.***

## **China's and the United States' Economic Outlooks in 2025 and Their Impacts for Indonesia**

The world economy will increasingly face uncertainty in 2025. Many countries in the world have still not recovered from the Covid-19 pandemic and are plummeting even further. The Human Development Report (HDR) 2023/2024 press release by the United Nations Development Programme (UNDP) entitled “Breaking the Gridlock: Reimagining cooperation in a polarized world” (March 14, 2024) found that the Human Development Index (HDI) between rich and poor countries was strikingly unequal after the Covid-19 pandemic. Countries such as Afghanistan, Timor-Leste and Samoa experienced an alarming decline in HDI while fourteen countries still had HDI values below 2019 level or before the Covid-19 pandemic.

Moreover, forms of economic uncertainty that need to keep an eye on are disasters due to climate change which are intensifying with a high level of severity, lingering geopolitical tensions and risks, the extreme trade protectionist policies of the President-elect of the United States (US) Donald Trump, etc. These obstacles can have a direct or indirect effect on Indonesia's economic activities under the leadership of President Prabowo Subianto.

As of the time this article was written, this article will summarize and analyze the economic outlooks of China and the US, as well as their impacts on Indonesia. This is because China and the US are two of the current world's economic superpowers, where China represents an upper middle income country that is rapidly developing and the US represents a developed country that has always dominated the world economy. Indonesia itself is a developing country with the largest economic value in the Southeast Asia region and has the potential to become one of the world's economic superpowers. It is anticipated that this article shall provide valuable insights into the policy perspectives of President Prabowo Subianto's administration.

## China's Economic Outlook in 2025

Garcia-Herrero (December 19, 2024) stated that China's Gross Domestic Product (GDP) growth declined to 4.8 percent year-on-year (YoY) in the first three quarters of 2024 from 5.2 percent YoY in 2023. What underlying this decline was slowing domestic consumption, as well as moderate investment values.

China's economic slowdown is forecasted to gradually slow to 4.7 percent in 2025 and 4.4 percent in 2026, partly resulting from slowing consumption due to high savings and weakening of the real estate market sector (Organization for Economic Cooperation and Development (OECD), December 2024). However, Chinese President Xi Jinping in *theguardian.com* (December 31, 2024) stated that he was optimistic that China's economic growth would reach the target of 5 percent in 2025, which also signaled a rebuttal and refuted concerns that the influence of US President-elect Donald Trump's government policies would be detrimental to China. Summarizing *bbc.com* (November 27, 2024), US President-elect Donald Trump would impose additional tariffs of 10 percent on imported goods from China and 25 percent on imported goods from Mexico and Canada.

Several provinces in China have also set economic growth targets to achieve the 5 percent ambition set by President Xi Jinping's administration in 2025. Summarized from *scmp.com* (January 14, 2025), Fujian Province is aiming GDP growth to be in the range of 5-5.5 percent, Nanjing City, the 10th largest city-level economy which is also the capital of Jiangsu Province, will also grow 5 percent or 0.5 percentage points higher than the estimated growth of 4.5 percent in 2024. In addition, the 15th largest city-level economy, Changsa City in Central China also has the ambition to achieve growth of 5.5 percent, where Shenyang City in Northeast China targets economic growth of more than 5.5 percent.

At least one basic question is important to study: if China's economy weakens in 2025, what will be the impact on the world economy, including Indonesia?

If China's economy weakens in 2025, the potential for trade and supply chain disruptions will worsen. This is because China is the largest exporting country in the world with a total export value of US\$3,380 billion with a global share in 2023 of 14.2 percent (*visualcapitalist.com*, November 21, 2024). Moreover, China also imports several important commodities; for example, crude oil,

integrated circuits, iron alloys, soybeans and copper alloys from several of its main trading partners, such as Indonesia and other ASEAN countries. The weakening of the Chinese economy will cause countries that depend on exports to China to experience a decline in income from exports which will lead to many things such as decreased production, delayed expansion, which in fact will reduce the country's economic growth.

On the other hand, the weakening of the Chinese economy will also have a major impact on Indonesia, especially in terms of priority infrastructure investment, reducing foreign direct investment from China, as well as reducing the number of foreign tourists from China which directly affects the tourism industry and related sectors, including restaurants, hotels, guides, tourism, etc.

### **United States' Economic Outlook in 2025**

As the world's largest economy, the US economic outlook in 2025 depends on several factors such as inflation, fiscal policy and geopolitical leadership. The Organization for Economic Cooperation and Development (OECD) (December 2024) predicts that the US economy will decline gradually from 2.4 percent in 2025 to 2.1 percent in 2026. The decline in immigration will reduce demand for labor, and consumption growth slowdown will occur, although remaining solid.

According to Conerly (December 30, 2024), the United States economy showed a good growth throughout 2024. Growth was also seen every month in employment, there was an increase in consumer spending, and wages were also rising faster than the inflation rate.

The re-election of Donald Trump as US President caused various responses from many economists. This is because Trump will implement, and possibly exacerbate, protectionist policies by the US. Trump's economic policies are also considered to further exacerbate the ongoing economic uncertainty. Chief US Economist, Ryan Sweet, in Robinson (January 9, 2025) said that the incoming new US administration would create a lot of uncertainty where regulations would usually have a direct impact on the US business world. Real changes and differences will be seen compared to President Joe Biden's leadership. Ryan Sweet also stated that technology and energy will be sectors that will be deregulated.

The winner of the Sveriges Riksbank Prize in Economic Sciences in Memory of Alfred Nobel 2008, Paul Krugman, in thehill.com (January 15, 2025) gave a more explosive statement. He stated that Trump's economic policies would make it worse for small business owners, including those who voted for Trump, who Krugman said would be "brutally ripped off" by Trump's economic policies. In addition, the policy of cutting taxes for the rich will have an impact on the US middle class, and plans for massive deportations will harm the US economy (Paul Krugman in thehill.com, January 15, 2025).

Trump's protectionist policy would also have a negative impact on Indonesia. The Indonesian Institute's study by Adijaya (August 2024) previously explained that Trump's protectionist policies, such as tax cuts, ease of doing business, and deregulation for American multinational companies and even foreign investors to focus more on developing their goods and/or services in the US, would result in the potential for increased capital outflow from Indonesia which leads to a weakening of the Rupiah exchange rate because incentives and domestic economic conditions in the US are more attractive than Indonesia.

On the other hand, the "America First" policy, which will increase import tariffs from other countries such as Indonesia, would have the potential to reduce Indonesia's export earnings. This is considering that the US is one of Indonesia's main trading partners. According to data from the Ministry of Trade (accessed January 15, 2025), the value of Indonesia's non-oil and gas exports to the US during January-November 2024 was US\$23,851.7 million. Indonesia itself exports several important commodities to the US, such as machinery, electrical equipment and components, clothing and accessories, footwear, rubber, and others.

Additionally, Indonesia's entry into BRICS also has the potential to be seen negatively by the US, mainly driven by US sentiment toward China and Russia. The potential switch from Indonesia to other ASEAN countries that are considered allies by the US could affect foreign investment from the US to Indonesia, which in fact would eliminate potential employment opportunities, the number of workers and people's income, as well as the development of important sectors, such as electronics manufacturing. This potential could hinder Indonesia from becoming a hub for industries with high economic complexity which will also reduce Indonesia's competitiveness.

The US push to restore production and reduce dependence on foreign suppliers could disrupt global supply chains. Indonesia's manufacturing sector, particularly the electronics and automotive industries, could face challenges if multinational companies relocate their operations closer to the United States, potentially leading to a decline in foreign direct investment and loss of jobs in Indonesia.

### **Policy Recommendations**

Referring to the explanations above, the following are policy recommendations for President Prabowo Subianto's administration. First, the Ministry of Trade and other related ministries/institutions should focus on increasing the added value of export products by investing in industries with high added value. Furthermore, the Ministry of Trade and related departments must also diversify export markets and increase trade diplomacy with the US and its allies as well as BRICS member countries.

Second, the Ministry of Micro, Small and Medium Enterprises (MSMEs), the Ministry of State-Owned Enterprises, and related ministries/institutions must encourage Indonesian MSMEs through subsidy assistance, tax deregulation, training programs, marketing, packaging and training that can increase competitiveness of Indonesian MSMEs.

Third, the Ministry of Primary and Secondary Education, the Ministry of Higher Education, Science and Technology, and related ministries/institutions must strengthen and encourage the education and workforce skills ecosystem in Indonesia through bilateral and multilateral cooperation, knowledge transfer, and adaptation of education and skills policies workers from other countries adapted to Indonesian conditions.

**-Putu Rusta Adijaya-**

***“The economic outlooks for China and the United States in 2025 have the potential to have a negative impact on Indonesia. Therefore, President Prabowo’s administration must be able to increase added value and diversify export products, encourage MSMEs, and strengthen and encourage the education ecosystem and skills of the Indonesian workforce.”***

## The Importance of Climate Finance in Mitigating and Adapting to the Impacts of Climate Change

Reuters.com (January 6, 2025) summarizes several facts by scientists related to climate change, such as: 1) global temperatures will reach 1.49° Celsius in 2023, according to research published in the journal *Nature Geoscience* with longer pre-industrial baseline data (from the year of 13 to 1700), as well as 2) research published in October 2024 in *Nature Climate Change* found that about 13% of deaths that were related to toxic smoke from forest fires during the 2010s could be attributed to climate impacts on forest fires. Moreover, since recording began in 1950, the Amazon forest in Brazil in 2024 was in the grip of its worst and most widespread drought.

The 2024 Global Water Monitor Report study reported in Kompas.com (January 7, 2025) revealed that 2024 was the hottest year ever recorded. The disaster that occurred killed 8,700 people, drove 40 million people from their homes, and caused losses of more than US\$550 billion. On the other hand, Indonesia cannot be separated from the impacts of climate change. Data from the Ministry of National Development Planning (PPN/Bappenas) and the Meteorology, Climatology and Geophysics Agency (BMKG) reported in *liputan6.com* (September 15, 2024) stated that there had been an increase in temperature of 0.03° C per year accompanied by a rise in sea level of 0.8-1.2 cm per year from 1981 to 2018. This was a threat to life in Indonesia, considering that 65 percent of Indonesia's population lives in coastal areas.

Thus, climate finance is an important effort to mitigate the impact of accelerating climate change. Climate finance is needed for mitigation because large-scale investments are required to reduce emissions significantly. Climate finance is equally important for adaptation because large financial resources are necessary to adapt to adverse impacts and reduce the impacts of climate change (UNFCCC, access January 8, 2025). Therefore, as of the time this article was written, this article wants to summarize and analyze the importance



of climate financing in mitigating and adapting to climate change, as well as policy recommendations related to climate financing for the administration of President Prabowo Subianto.

### **Climate Finance in Mitigating and Adapting to the Impacts of Climate Change for Indonesia, and the Challenges of Climate Finance**

Climate change is one of the most urgent global challenges to be resolved because climate change has had a huge negative impact not only on developing and poor countries, but also developed countries. The costs that must be borne due to natural disasters caused by climate change are worth billions US dollars. For example, the US National Centers for Environmental Information estimates the costs of the 403 weather and climate disasters that have occurred in the US since 1980 at US\$2.915 trillion (ncei.noaa.gov, access January 15, 2025). Adaptation to climate change has become necessary, which requires extraordinary and well-coordinated financial needs.

Developing and poor countries are the ‘frontliners’ countries disproportionately affected by climate change. One form of mitigation and adaptation; namely, transitioning to a low-carbon economy and building climate-resilient infrastructure, requires large financial support. This is because developing and poor countries may not be able to finance efforts to mitigate and adapt to the impacts of climate change on their own. The estimated annual costs for climate change adaptation by developing countries are around US\$160 billion-US\$340 billion in 2030 and US\$315 billion-US\$565 billion in 2050 (McKinsey, November 8, 2023). McKinsey (November 8, 2023) also stated that successful climate change adaptation was driven by financial transfer assistance from developed countries.

However, developed countries are considered to have failed to fulfill their financing obligations for developing countries, which occurred at the Conference of the Parties (COP) 29 in 2024. The Center for International Environmental Law (CIEL) (November 23, 2024) said that developed countries refused to pay in accordance with their legal obligation to provide sufficient climate finance to countries in the Global South. At COP29, only US\$300 billion in new climate finance goals were agreed, while developing and poor countries have demanded climate finance of at least US\$1.3 trillion per year for mitigation, adaptation, and loss and damage, which is a small portion of the amount spent every year by developed countries for fossil fuel subsidies and war (CIEL, November 23, 2024).

Apart from the enormous value, there are a number of challenges in implementing this climate finance. For example, within the specified time period, whether climate financing has been distributed in full or only in small portions, whether the distributed climate financing has been received by specific and entitled beneficiaries, whether there is real time and transparent data collection regarding the distributed climate financing, whether climate financing is used according to the corridor.

This is also reinforced by the United Nations (UN) report entitled “Accessing Climate Finance: Challenges and opportunities for Small Island Developing States” (2022) which states that the challenge of climate financing, such as in small island developing countries, is the quality of climate financing, complexity in accessing climate finance, limited capacity, expertise and human resources to develop green projects through climate finance, and so on.

Climate finance not only provides opportunities for developing and poor countries to develop important projects, such as infrastructure, for climate change mitigation and adaptation, but is also able to address issues of equality and justice. Climate finance that is channeled in a transparent, accountable, real-time and well-targeted manner will be able to provide opportunities and hope for indigenous, vulnerable, marginalized and affected communities to survive amidst climate change.

This is also what will happen if the Indonesian government places and channels climate finance through good practices. Climate finance can provide direct benefits to all groups of the society through the development of infrastructure or programs that can improve economic livelihoods, such as sustainable agriculture, access to clean water. Climate financing can also help accelerate targets for reducing greenhouse gas (GHG) emissions, energy transition and energy efficiency which are in line with the government’s vision of Asta Cita and Golden Indonesia 2045.

### **Policy Recommendations**

According to the explanations above, the following are recommendations for President Prabowo Subianto’s administration regarding climate financing. First, the Ministry of Finance together with related ministries/institutions, such as the Coordinating Ministry for Economic Affairs, the Ministry of National Development Planning (PPN)/National Development Planning Agency (Bappenas) and others must be able to channel the climate

financing received transparently, accountably, in real time, and can be monitored by all parties, including civil society organizations, environmental activists, think tanks, and others. This is so that the climate financing challenges described previously do not occur in Indonesia.

Second, the Ministry of Energy and Mineral Resources (ESDM), in this case, as the main ministry, must be able to accelerate the development of new and renewable energy projects that are fair, inclusive and prosperous. The Ministry of Energy and Mineral Resources must be really serious and show commitment in developing these 'green' projects. Promoting green investment by involving the private sector is important to attract the climate finance that Indonesia needs.

Third, all elements of ministries/institutions must be able to use climate financing to empower local communities and indigenous peoples both in training and capacity building programs, integrating the role of culture and local wisdom, so that they can manage and carry out sustainable economic activities based on customs and conditions in each regions.

**-Putu Rusta Adijaya-**

***“Climate finance is important for both mitigating and adapting to the impacts of climate change. Climate finance should not only provide opportunities, it should also be able to address issues of equality and justice. Therefore, the Indonesian government must be able to channel climate finance through good practices.”***

## The Phenomenon of Light Sentences for Corruptors in Indonesia

Indonesia is once again abuzz with a corruption lawsuit. Harvey Moeis, a defendant in the tin corruption case that caused state losses of IDR 300 trillion, was recently sentenced to only 6.5 years in prison, a fine of IDR 1 billion, and restitution of IDR 210 billion (23/12). This verdict has angered the community because the sentence is relatively light and not commensurate with the state losses caused by the corruption.

The Chief Justice of the Supreme Court Sunarto (January 3, 2025) responded, “There were several decisions considered not meeting the expectations of the community. Once again, judges made decisions based on evidence and their beliefs.” However, criticism still comes from various levels of the society to the government. For example, a survey by Indonesian Political Indicators (2024) involving 1,202 respondents showed that 44.3% considered confiscation of all assets to be the most appropriate punishment for Harvey Moeis. This was followed by 27% of respondents who viewed life imprisonment as an appropriate punishment. Therefore, Harvey’s actual sentence did not meet the expectations of these respondents.

President of the Republic of Indonesia Prabowo Subianto (December 30, 2024) also had his say on Harvey’s sentence. Prabowo said that judges were asked to give appropriate sentences, especially in corruption cases. Prabowo also encouraged the Minister of Immigration and Corrections and the Attorney General to appeal with a sentence of approximately 50 years.

Therefore, this paper shall describe how the phenomenon of light sentences can occur from the aspect of the applicable law and its enforcement.

### **The Phenomenon of Light Sentences for Corruptors in Indonesia**

Light sentences for corruptors, as seen in the Harvey Moeis case, are not a new phenomenon in Indonesia. These light sentences are not only seen in the length of imprisonment, but also in fines and

restitution. Since 2010, former Chief Justice of the Constitutional Court, Mahfud MD, has been vocal that the sentences for most corruption offenders in Indonesia are still too lenient. According to Mahfud (2010), until 2010, the only corrupt person sentenced to 20 years was Urip Tri Gunawan who received USD660,000 from businessman Artalyta Suryani.

If you recall, there was Heru Wahyudi, former Chair of the Bengkalis Regency Regional People's Representative Assembly who was sentenced to 1 year and 6 months in prison with a fine of 50 million rupiah in lieu of 2 months in prison and a substitute of 15 million rupiah in 2017. It should be remembered that Heru was involved in a corruption case of social assistance funds totaling 31 billion rupiah and throughout the judicial process was not cooperative and often did not attend examination calls (liputan6.com, 2/6/2017; national.okezone.com, 30/8/2022).

Then, Idrus Marham, who was a defendant in the Riau-I Steam Power Plant (PLTU) project bribery case, was sentenced to three years and a fine of 150 million rupiah in lieu of two months imprisonment based on the decision of the Jakarta Corruption Court. After the appeal and cassation process, the final result of his sentence became two years in prison based on the Supreme Court Decision Number 3681K/PID.SUS?2019.

Interestingly, four Customs and Excise officials; namely, Mokhammad Mukhlas, Kamaruddin Siregar, Dedi Aldrian, and Hariyono Adi Wibowo, were sentenced to two years in prison for each defendant in a corruption case of textile imports worth 1.6 trillion rupiahs that resulted in many textile factories in Indonesia going bankrupt and thousands of workers being laid off (news.detik.com, 8/7/2021).

According to data from observations from Indonesia Corruption Watch (ICW), lenient sentences given to corruption offenders have been going on from year to year. Court verdicts that impose lower sentences than the charges have also been observed by ICW and have occurred from year to year. In the second semester of 2014, ICW noted that the average sentence for corruptors was two years and seven months in prison with a total of 178 out of 196 defendants receiving prison sentences of one to four years (ICW, 2014: 2-3). Furthermore, ICW data in 2023 as a whole showed that only 12 defendants were given the maximum sentence out of 1,718 defendants in 1,649 decisions. The average sentence given was three years and four months (tempo.co, 15/10/2024).

If compared to other criminal offenses, the penalties for other criminal offenses are not comparable. Mahfud MD (2010) states that although other criminal offenses have effects in a narrower scope than corruption, the punishment can be dozens to decades. The case of grandmother Saulina Boru Sitorus from North Sumatra who was sentenced to one month and 14 days in prison in 2018 for cutting down a tree belonging to her relative. Also the sentence given to Asyani's grandmother for one year in prison with a probationary period of one year and three months and a fine of IDR 500,000 in lieu of one day probation for stealing two teak tree trunks that she wanted to make a bed (hukumonline.com, 19/7/2021).

This suggests an imbalance in sentencing between corruption and other crimes. Reflecting on Mahfud's statement, crimes such as theft as in the example above have a narrower impact than corruption, with a lower amount of damage as well. However, it is questionable when the punishment is not much different from corruption crimes with a much wider material impact.

The crime of corruption is a special crime that has a special or extraordinary nature different from other general crimes. According to Evi Hartanti (2007), corruption is a serious problem that touches various aspects of life. Corruption can jeopardize the stability and security of society, socio-economic and political development, and damage democratic values and national morality due to the tendency of corruption to become a culture in society. This prevents Indonesia from becoming a just and prosperous society. Therefore, it is imperative that corruptors are severely punished given the scale of the impact they cause.

### **Regulatory Factors in Their Influence on Corruptors' Light Sentences**

The crime of corruption is currently regulated in various regulations. In relation to the provision of sanctions, the relevant regulations that regulate it are:

- a. Law No. 31/1999 on the Eradication of Corruption as amended by Law No. 20/2001 and partially revoked by Law No. 30/2002 (Anti-Corruption Law)
- b. Law Number 30/2002 on the Corruption Eradication Commission as amended by Law Number 10 of 2015 and Law Number 19 of 2019 (KPK Law);

- c. Law No. 8/2010 on the Prevention and Eradication of Money Laundering (Money Laundering Law);
- d. Law Number 7/2006 on the Ratification of the *United Nations Convention Against Corruption*, and
- e. Law No. 1/2023 on the Criminal Code (KUHP) which will come into force in 2026.

The Anti-Corruption Law regulates corruption offenses and other criminal acts related to corruption offenses. These offenses have different lengths of punishment and fines. For corruption offenses, the highest ranges are set out in Article 2, Article 3, and Article 12B of the Anti-Corruption Law as follows:

Article	Corruption offenses	Punishment
2 of Corruption Law	Any person who unlawfully commits an act of enriching himself or herself or another person or a corporation that is detrimental to state finances or or another person or a corporation that is detrimental to state finances or the state economy	4-20 years in prison and a fine of 200 million - 1 billion rupiah. May be subject to death penalty under certain circumstances
3 of Corruption Law	Every person who with the aim of benefiting himself or herself or another person or a corporation, abuses the authority, opportunity or means available to him because of his position or position that position that is detrimental to state finances or the state economy	1-20 years in prison and a fine of 50 million - 1 billion rupiah.
12B of Anti-Corruption Law	Every gratification to a civil servant or state organizer is considered a bribe, if it is related to his/her position and contrary to his/her obligations or duties, with the following provisions: a. whose value is Rp 10,000,000.00 (ten million rupiah) or more, proof that the gratification is not a bribe is carried out by the recipient of the gratification; b. whose value is less than Rp 10,000,000.00 (ten million rupiah), the proof that the gratuity is a bribe is carried out by the public prosecutor	4-20 years in prison or life imprisonment and a fine of 200 million - 1 billion rupiah.

Source: *Anti-Corruption Law, processed by the author, 2025.*

If observed, the very large range for imprisonment allows the prosecution to adjust the charges to the amount of corruption and state losses proportionally. However, what happens is that this wide range actually makes corruption perpetrators with massive amounts

of money able to get light sentences as well. This is reflected in the cases of the phenomenon of lenient sentences in the previous chapter where the average prison sentence obtained is under 10 years and with fines that are also not at the maximum.

The latest Criminal Code also regulates corruption offenses in Articles 603 to 606. If compared to the Anti-Corruption Law, the penalties stipulated are relatively lighter. Whereas previously Article 2 of the Anti-Corruption Law was punishable by four to 20 years in prison and a fine of 200 million - 1 billion rupiah with the possibility of being sentenced to death, Article 603 of the Criminal Code becomes 2-20 years in prison and a fine of 10 million - 5 billion rupiah with the possibility of life imprisonment. Similar to Article 3 of the Anti-Corruption Law, which previously could be imprisoned for one to 20 years and a fine of 50 million - 1 billion rupiah to two to 20 years in prison and a fine of 10 million - five billion rupiah. Life imprisonment is possible in Article 604.

The removal of the death penalty already reflects human rights and is the right decision. However, the decrease in the duration of imprisonment in Article 2 of the Anti-Corruption Law to a minimum of two years opens up opportunities for lower prosecution, which results in lower prison sentences as well given the discount trend described in the previous chapter. The same applies to the decrease in the fine of Article 3 of the Anti-Corruption Law from a minimum of 50 million to 10 million. The same discount phenomenon can also occur as in imprisonment.

Next, money laundering is a criminal offense that is closely related to corruption. The Anti-Money Laundering Law is present to provide legal certainty for the crime of money laundering with more specific rules for it so that it has a higher fine. However, most prosecutors choose to refer to the Anti-Corruption Law with a maximum fine of one billion rupiah compared to the Anti-Money Laundering Law which can reach 10 billion rupiah. (Ramadhani, 2024).

Therefore, it appears that the regulations related to corruption themselves provide a loophole for lenient sentences for corruptors. The large range can be used to get a lighter sentence without considering the proportionality of state losses and the amount of corruption. In other words, Indonesia's regulation of corruption is fairly weak.



## Enforcement Factors in Influencing Corruptors' Light Sentences

In corruption trials, the two most important law enforcers are the KPK, prosecutors and judges. However, ICW shared its observations that in 2021, another factor for the low sentences was that the KPK and the Attorney General's Office themselves gave relatively low charges, namely an average of four years and five months in prison (kompas.com, 22/5/2022). The prosecutors did not maximize the charges so that the court also decided around the charges. Due to the principle of *non-ultra petita*, the judge's decision will be the same or lower than what is required. This is illustrated in the explanation in the previous chapters.

Another cause was suggested by Denny Indrayana (2008) who explained that the 'Judicial Mafia' had caused the phenomenon of lenient sentences for corruption perpetrators to flourish. Corruption is not only intertwined in the same institution, but has now spread to all institutions, including law enforcement officials. The existence of corrupt acts in the judiciary is reflected in several cases, even those that are not related to corruption.

A recent case in point is the arrest of Zarof Ricar, the former head of the Supreme Court's Legal and Judicial Research and Development and Education and Training Agency (24/10/2024). Nearly one trillion rupiah in cash in various currencies as well as 51kg of Antam gold were found during the search (national.kompas.com, October 29, 2024). Zarof allegedly acted as a broker in the persecution case committed by Ronald Tannur in order to influence the court's decision.

The cases of bribery of judges are not limited to that, from 2011 to 2024, there were 30 judges involved in bribery to influence criminal sentences (Judicial Commission & International Corruption Watch, 2024; googstats.id, October 30, 2024). Not only judges, other law enforcement officials are also often involved. Based on KPK data, from 2004 to 2022 there were a total of 34 law enforcement officials from among judges, prosecutors, and police officers who were also caught in cases of alleged bribery.

The prevalence of bribery cases makes the decisions made do not reflect justice because they are full of conflicts of interest and politics of reciprocation. Weak laws and non-independent enforcement have made the phenomenon of light sentences for corruptors flourish. When there is a 'compromise' in the law and its enforcement, justice cannot be reflected.

## Recommendations

Referring to the above discussions, the following suggestions can be given:

- a. The need to strengthen the law with a minimum criminal limit that is too small in the Criminal Code. It is necessary to conduct material testing when the Criminal Code has been implemented later;
- b. The passing of the Asset Forfeiture Bill by the House of Representatives with the approval of the President ensures that state losses caused by corruption cases can be recovered to increase state finances by the maximum amount;
- c. Judicial reform needs to be carried out by enforcing an internal monitoring system of district courts up to the Supreme Court that is indiscriminate. The same applies to monitoring by the Judicial Commission; and
- d. Increase the commitment to eradicating corruption as a whole by eliminating the transactional perspective between the government and the perpetrators of corruption followed by. The perspective that gave birth to the discourse on the policy of peaceful fines for perpetrators of corruption needs to be eliminated. Corruption perpetrators need to be tried as fair as possible with the applicable legal mechanisms.

***“The perpetrators of corruption need to be tried as fair as possible with the applicable legal mechanisms.”***

**-Christina Clarissa Intania-**

## The State's Role in Ensuring the Sustainability of Indigenous Peoples' Traditional Knowledge

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In an era of rapid globalization, indigenous peoples face challenges in ensuring their survival. The culture and way of life of each indigenous group, compiled as traditional knowledge, is slowly fading away in this modern era. This is due to the shift in references of good youth, especially indigenous youth, from traditional practices to references from abroad (Suci Lismandara Yulmanda Taufik, at the Indonesia Opinion Festival 2024 "What Can We Do for a Better Indonesia?" on December 21, 2024).

The absence of documentation is one of the things that contributes to the fading of traditional knowledge, which can lead to the extinction of indigenous identity. However, some government policies can also have an impact that indirectly affects the traditional knowledge of indigenous peoples. One of them is policies that shift the living space of some indigenous peoples such as the National Strategic Project. The discourse on deforestation for the expansion of oil palm plantations and the opening of 20 million hectares of forests for food and energy can also cause significant shifts in living space for indigenous peoples (Intania, 2025) so that traditional knowledge is threatened not to be applied in the daily lives of indigenous peoples living around forests and cannot be continued.

Then, the shift in living space makes indigenous people unable to continue their life practices as before. If there are conditions such as undocumented traditional knowledge and youth who cannot pass on traditional knowledge, the extinction of indigenous identity will accelerate. This can indirectly affect the fulfillment of the requirements for recognition of indigenous peoples, which must be "still alive" according to the 1945 Constitution of the Republic of Indonesia (UUD NRI Tahun 1945).

In this paper, the author shall attempt to discuss the efforts made by indigenous peoples to preserve their traditional knowledge and the role of the state in protecting it. Following the development of the current policy direction, the author shall try to provide some views and suggestions that can be incorporated to preserve the traditional knowledge of indigenous peoples.

## **Regulations Related to the Preservation of Indigenous Peoples' Traditional Knowledge**

Traditional knowledge is defined by the following characteristics; namely, being passed down and applied continuously, knowledge of the environment and its relationships, a unity with indigenous peoples so that it cannot stand alone, and a guide in people's lives because it contains values created in the society (Lutviansori, 2010: 96). In line with that, in accordance with Article 5 of Law No. 5/2017 on the Promotion of Culture, traditional knowledge is one of the objects of cultural promotion defined as "all ideas and ideas in the society, which contain local values as a result of real experience in interacting with the environment, developed continuously and passed on to the next generations". The promotion of culture is coordinated by the Minister with the central and/or regional governments that mainstream culture through education based on strategy. The promotion of culture is carried out based on principles, one of which is the principle of sustainability, which means that "the promotion of culture is carried out systematically, planned, sustainable and ongoing by ensuring the regeneration of cultural human resources and taking into account the interests of future generations".

To document culture, the minister established the Integrated Cultural Data Collection System (SPKT) to support the implementations of cultural promotion, which refers to Article 15 paragraph (2) of the Cultural Promotion Law, includes traditional knowledge as an object of cultural promotion. Through SPKT, an inventory of objects of cultural promotion is carried out by carrying out the stages of recording and documenting, determining, and updating data. According to Article 17 of the Cultural Promotion Law, it is the central government and / or regional governments that are obliged to record and document objects of cultural promotion by facilitating everyone who records and documents. From the recording and documentation, the minister will later make a determination through verification and validation. SPKT must be accessible to everyone. The central and/or regional governments are also obliged to update the data on the objects of cultural promotion that have been determined, and the public can also update the data.

In the Cultural Promotion Law, securing the object of cultural promotion is one of the things that must be done by the central and/or regional governments. Although safeguarding is done in the spirit of preventing cultural objects from being claimed by foreign

parties, it guarantees the inheritance of traditional knowledge as part of the object of cultural promotion to be carried out. In accordance with Article 22 paragraph (4) of the Cultural Promotion Law, safeguarding is carried out by updating SPKT data, passing on objects of cultural promotion to the next generation, and fighting for objects of cultural promotion as world cultural heritage.

Not only security, the maintenance of objects of cultural promotion must also be carried out by the central and / or regional governments, one of which is passing them on to the next generation. In Government Regulation Number 87/2021 concerning Regulations on the Implementation of the Cultural Promotion Law, this can be realized by using objects in educational activities and in activities organized by the central and / or regional governments, and dissemination through

In responding to the problems of globalization, the mechanism for utilizing objects of cultural promotion is carried out as stipulated in the Law on the Promotion of Culture. According to Article 33 of this Law, internalization of cultural values, innovation, increased adaptation to change, cross-cultural communication, and intercultural collaboration are carried out as forms of utilization of objects of cultural promotion.

So, traditional knowledge has actually been normatively guaranteed the protection of its sustainability by the government. As part of the object of cultural promotion, it is appropriate that the traditional knowledge of each indigenous community is regularly documented.

### **Efforts to Preserve Traditional Knowledge**

In practice, the SPKT platform has been made public through an official website under the name of the Ministry of Education and Culture at [spkt.kemendikbud.go.id](http://spkt.kemendikbud.go.id). It includes important information regarding cultural documentation partners and recapitulation. The recapitulation section shows the total amount of SPKT data, the number of partners, integrated data, data on objects of cultural promotion, data on cultural heritage, data on cultural personnel, data on cultural institutions, and data on facilities and infrastructure ([spkt.kemendikbud.go.id](http://spkt.kemendikbud.go.id), January 16, 2025). However, the figures on the official SPKT website are not accompanied by an elaboration of what objects of cultural promotion are recorded. Thus, this does not reflect the openness of SPKT, which should be accessible to everyone as stipulated in Article 15 paragraph (5) of the Cultural Promotion Law.

At the same time, the former Ministry of Education, Culture, Research and Technology also has an official website, Data Pokok Kebudayaan (Dapobud), which is part of SPKT. Since 2019, Dapobud has become the main data collection system to be distributed to each relevant work unit (Budaya Saya, 2021; Sari & Mawardah, 2021: 415). In this page, traditional knowledge in the form of: 1) community customs, rites, and celebrations; 2) knowledge and behavioral habits regarding nature and the universe; and 3) traditional craft skills and proficiency.

According to this website, 453 community customs, rites and celebrations; 68 knowledge and behavioral habits regarding nature and the universe; and 375 traditional craft skills and proficiencies have been recorded. All of these objects have been recorded since 2013 (dapobud.kemdikbud.go.id, January 16, 2025). Therefore, in terms of documentation, efforts have been made by the government. Of course, there is always room for improvement and the task of updating becomes very critical to continue to recognize the traditional knowledge of indigenous peoples in Indonesia.

In terms of education, efforts to pass on traditional knowledge are made through traditional schools. Indigenous schools are tasked with preserving traditional knowledge at the community level. Indigenous schools are efforts formed by indigenous peoples and are also supported by the Ministry of Education and Culture through the former Director of Belief in God Almighty and Indigenous Peoples (kemendikbud.go.id, September 7, 2023). The Indigenous Peoples Alliance of the Archipelago (AMAN) views indigenous schools as the identity of indigenous peoples themselves because of their role in exploring the history and local wisdom of indigenous peoples to protect ancestral lands (Syarif, 2024).

Indigenous schools exist at the regional level, at the level of each indigenous community so that they can address the needs of the community more specifically. However, not all regions have customary schools. For example, as of June 28, 2024, there was no indigenous school in Sinjai District, South Sulawesi, which was the focus of a socialization event by AMAN to encourage the opening of an indigenous school in Sinjai.

To continue the good practice of preserving traditional knowledge through indigenous schools, indigenous communities understand the importance of collaboration with the government in this regard. This collaboration can be in the form of cooperation with the local government, as stated by Muhlis Praja, AMAN Sulawesi

Regional Indigenous School Facilitator (2024). Not only with local governments, the central government, namely the Director of Belief in God Almighty and Indigenous Peoples, Sjamsul Hadi, encourages the sustainability of these schools by supporting their infrastructure, namely through funding (kompas.com, October 11, 2023).

Not only that, the expected government support is also in the form of adopting indigenous education in national education. This was also conveyed during the Great Deliberation of the Nusantara Customary School in the Olehsari customary area, East Banyuwangi Regency on August 13, 2024 (aman.or.id, August 15, 2024). Little by little, indigenous education has been introduced to some formal schools in the form of visits to formal schools in Jakarta in 2023 (aman.or.id, November 21, 2023).

The hope for the adoption of indigenous education in national education was also shared by Director General of Culture Hilmar Farid in his statement in October 2023. He mentioned that currently indigenous schools are a form of non-formal education, and what must be done is to bridge this indigenous education to formal education. Indigenous schools are seen as needing to be integrated, which from a policy point of view requires an assessment, recruitment and qualification system (antaranews.com, October 11, 2023). Therefore, the Decree of the Minister of Manpower No. 233 of 2024 on the Determination of the Indonesian National Work Competency Standards for the Education Category of the Main Group of Cultural Education Activities in the Field of Indigenous Peoples Education Facilitators has been formed.

From the aspect of documentation and education, there is support and initiation by the government to preserve traditional knowledge. SPKT through Dapobud is one of the efforts to integrate traditional knowledge into data so that it is well documented and not lost. Although the initial spirit is so that this culture is not stolen, but the preservation of knowledge about the existence of traditional knowledge is also a benefit gained in this process.

In terms of education, it appears that indigenous peoples and the central government have found a common understanding of the importance of indigenous schools and the need to integrate these with formal education in Indonesian schools. Policies related to determining competency standards have been established by the Ministry of Manpower. However, the next challenge is how the next policy can continue to advance these ideals. Preparing curriculum

models, socialization to education offices in the regions, and so on will be a big challenge. It is fitting that the current government continues this spirit so that traditional knowledge can be known and learned by more people.

### **Recommendations**

Traditional knowledge is an integral part of the existence of indigenous peoples. The state has recognized this in the constitution, and it is only right that the government reflects the same and translates it into concrete measures to support the preservation of traditional knowledge. Therefore, the author proposes the following points:

- a. The ratification of the Indigenous Peoples Bill by the House of Representatives with the approval of the President protects the rights of indigenous peoples from threats that endanger their survival. Not only that, this bill also needs to regulate the right to education of indigenous peoples and other related provisions. By guaranteeing the right to a prosperous life for indigenous peoples, traditional knowledge can continue to be practiced in aspects of life and passed on to the next generation;
- b. The collection of traditional knowledge in the SPKT by the Ministry of Culture together with local governments must be continued in accordance with the mandate of the Law on the Promotion of Culture and carried out more massively by intensively involving indigenous peoples;
- c. Data updates should be carried out regularly by the Ministry of Culture together with local governments as well as with the support of indigenous peoples and other parties involved;
- d. Easy access to SPKT by the public should always be implemented by the Ministry of Culture together with local governments as a form of transparency and to preserve traditional knowledge itself so that many people can see it;
- e. The establishment of indigenous schools needs to be done more massively with cooperation between indigenous peoples, civil society organizations, local governments, and the Ministry of Culture; and



- f. The Ministry of Culture, the Ministry of Primary and Secondary Education, and the Ministry of Higher Education, Science and Technology need to continue the spirit of incorporating indigenous education that promotes traditional knowledge in the realm of formal education by coordinating and forming policies that allow this to happen. Of course, policy design must be accompanied by close collaboration with indigenous peoples themselves and other civil society.

***“Traditional knowledge is an integral part of the existence of indigenous peoples.”***

**-Christina Clarissa Intania-**

## The Implications of Removing the Presidential Threshold and Lessons from the United States

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The Constitutional Court's decision (MK Decision No. 62/PUU-XXII/2024), which annulled the presidential threshold, has had a positive impact, but is also like a double-edged sword if not handled correctly and wisely. On the one hand, the elimination of this rule opens up wider opportunities for political parties, including small and new parties, in terms of nominating a president without having to meet the requirements for obtaining seats in the Parliament. In addition, this is expected to enrich the alternative choices of the community, increase political representation, and encourage the emergence of more diverse leaders.

However, in order for this ruling to produce real results in accordance with the goals of democracy, adjustments are needed in related laws, such as the Election Law, as well as its derivative technical regulations. Firm and clear regulations are essential to ensure effective implementations and create healthy political competition. This includes technical arrangements for nominations, registration procedures, and supervision so that the process is fair, transparent, and accountable in accordance with the essence of the Constitutional Court's ruling. In addition, it is important to ensure that political party participation remains under control so that there is no spike in election participants that could hamper the spirit of democratic reform in Indonesia.

This article shall highlight the implications that may occur if this policy is implemented, along with practices in other countries that can also be used as learning materials.

### **Presidential Threshold Removal**

The elimination of the presidential threshold is considered a breath of fresh air by academics and activists in Indonesia. This is because the presidential threshold often hinders or limits the choices of the community and political parties to nominate their best cadres as presidential or vice presidential candidates. Gaffar (2017) in his research said that the presidential threshold was actually not needed

because it would only limit the people's choices. On the contrary, the people should be given as many choices as possible so that they could get a good leader as much as possible. Of course, this policy has further implications so that it cannot be accepted just like that. The potential for domination by large parties to how elections must still run effectively. This is also related to how the Constitutional Court's decision can be integrated with the planned revision of the Election Law, so its continuation must be monitored so that there can be derivative regulations.

The Constitutional Court (MK) Decision No. 62/PUU-XXII/2024 provides five guidelines for lawmakers in regulating a more inclusive and competitive presidential nomination. First, all political parties participating in the elections have the right to nominate candidate pairs. Second, nominations are not based on the percentage of votes or seats obtained nationally. Third, the rules must ensure that there is no dominance of a particular party and provide a variety of choices for voters. Fourth, parties that do not nominate presidential candidates may not participate in the next elections. Fifth, further regulations must involve meaningful public participation. These five guidelines aim to create a fairer, more open, and more representative election system.

The fourth point is interesting, in which political parties that do not nominate presidential and vice presidential candidates to participate in the next election are not allowed to participate in the elections. On the one hand, this rule has a positive impact in encouraging political parties to actively participate in the nomination process and prepare competent cadres. With this rule, political parties are required to be more responsive to political dynamics and the needs of democracy, as well as encourage internal reform so that they can present more qualified candidates. In addition, elections also become more efficient because only parties that are truly committed to the nomination process will be involved, reducing the potential for excessive political fragmentation.

On the other hand, the potential risks of this rule cannot be ignored, especially for small parties that often face limited resources. Without adequate protection, this rule can worsen political inequality, as small parties are more vulnerable to co-optation by large parties or established dominant coalitions. In this condition, political diversity could be threatened, and voters' choices become increasingly limited. Furthermore, parties that do not have the readiness or resources to nominate presidential candidates may be forced to do

so only to fulfill administrative requirements, without preparing truly qualified candidates. This risks lowering the quality of democracy, reducing the credibility of elections, and creating candidates who do not optimally represent the aspirations of the community.

According to Tempo's report (June 7, 2018), the experience of the 2004 Presidential Election is an important lesson. At that time, the Susilo Bambang Yudhoyono-Jusuf Kalla pair only received support from small parties such as the Democratic Party (which was newly established), the Crescent Star Party, and PKPI. On the other hand, their rivals were supported by large parties. However, the final result showed that the people preferred SBY-Kalla. Something similar happened in the 2014 Presidential Election, when Joko Widodo managed to defeat the incumbent, even though he was not from a dominant party. These two experiences show that in presidential elections, the people tend to consider the figure, personality, and image built in the public eye, not just their party affiliation.

This phenomenon reflects that voters in the presidential election are more oriented towards personal aspects than political party identity. The figure of the presidential and vice presidential candidates becomes a determining factor, especially when they succeed in building an image that is close to the aspirations of the people. SBY-Kalla in 2004; for example, was seen as a pair that offered new hope amidst the boredom of the old elite, even though they were supported by a small party. Likewise, Jokowi in the 2014 presidential election appeared as a simple and populist figure, so he was able to attract the sympathy of voters even though he faced an incumbent with greater political resources. These two examples emphasize that a candidate's ability to understand and represent public expectations is often more important than the institutional strength of the party that supports him.

### **Lessons from the United States**

In general, the United States Constitution does not directly regulate the presidential nomination process and its limitations (Briffault, 2020). The absence of this rule provides more space for various candidates to run. In the 2024 presidential election; for example, there are six candidates participating: Donald J. Trump, Kamala Harris, Robert F. Kennedy Jr., Cornel West, Jill Stein, and Chase Oliver. Despite the many choices of candidates, the dominance remains with the two major parties—Donald Trump from the Republican Party and Kamala Harris from the Democratic Party.

This phenomenon shows that even though the United States' democratic system provides opportunities for more candidates to run, the political power structure remains centered on the Republican Party and the Democratic Party. This is influenced by a number of factors, such as the popularity of the candidates, campaign resources, and political networks they have. Thus, political parties are not the only variables that determine people's choices, but the power of the major parties still plays a central role in shaping election results.

In the Indonesian context, this story provides an important reflection on the dynamics of democracy. Although the elimination of the presidential threshold *may* expand the number of candidates, the dominance of large parties such as PDIP, Golkar, and Gerindra is likely to remain. This is due to their advantages in terms of political infrastructure, mass base, and access to resources that are much greater than those of small parties or independent candidates.

However, the presence of more candidates has the potential to enrich the dynamics of Indonesian democracy by presenting diverse ideas and choices to the public. In this situation, even though the structure of political power does not change drastically, political competition becomes more open, providing space for more substantive debate and broader representation. Thus, it is important to focus not only on the number of candidates, but also how political structures and resources can be directed to support a more inclusive and equal democracy.

### **Recommendations**

According to the explanations and learning above, the elimination of the presidential threshold does open up space and options to be more democratic. However, this does not automatically make the competition that occurs also healthy and democratic. Therefore, here are some further steps that need to be taken as a follow-up attitude that supports this decision:

- a. Campaign funding reform needs to be implemented in the DPR's revision of the Election Law to require full transparency in political funding to prevent candidates from becoming dependent on large donors.
- b. Encourage political parties to reform their internal institutions. This is important to encourage political parties to present qualified candidates through a democratic, transparent and accountable process.

- c. Election organizers could implement a proportional representation system to ensure that small parties get their due place in the political process.
- d. Civil society must continue to promote political education to the public so that they understand the value of plurality in democracy.
- e. Civil society in collaboration with other policy makers could develop digital platforms to strengthen community engagement in selecting or supporting non-dominant candidates.

**-Felia Primaresti-**

***“The elimination of the presidential nomination threshold opens up wider opportunities for political parties to nominate candidates without the constraint of the number of seats in parliament. However, this also raises new challenges in maintaining healthy, quality, integrity and democratic political competition.”***

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