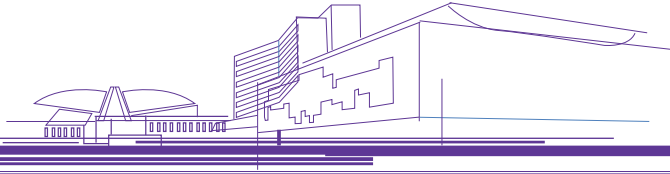


Roles of Representation in the Parliament



Parliamentary Party Groups in the Indonesian House of
Representatives

Standing Orders of the House of Representatives
of the Republic of Indonesia: the Institutionalization of the Roles
of Representation in the Parliament

Strengthening the Roles and Principles of Representation
to become one of the main functions of the Parliament



Secretariat General of the House of Representatives of the Republic of Indonesia
In collaboration with
PROPER Project-United Nations Development Programme Indonesia



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Gedung Sekretariat Jenderal DPR RI, Lt 7

Komplek Gedung DPR, DPD, MPR RI,

Jl. Jenderal Gatot Subroto No 6

Jakarta 10270

Writers:

Frank Feulner, Ph.D

Dra. Siti Nur Solechah, MSi & Haryadi, SIP, MPA

Nurul Hilaliah, SHI

**Secretariat – General of The House of Representatives
of The Republic of Indonesia :**

Dra. Nining Indra Shaleh, MSi

Untung Djumadi, SH

PROPER UNDP:

Pheni Chalid, MA, Ph.D

Umar Zulkarnain Aziz, MIR

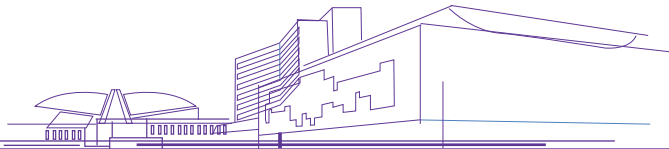
Bachtiar Kurniawan, MA



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FOREWORD

The Indonesian House of Representatives has undergone many changes in its functions and roles. In 1998, the House of Representatives underwent dramatic transformation from what it had been under the Soeharto regime, also known as the “New Order” regime. Members of Parliament gained unprecedented powers in passing legislation and carrying out over-sight of the Executive. As a generator of legislation the House of Representatives had gained equal authority with the President in its law making capacity. Meanwhile, in its function of evaluating budgets, the House is a superior body. Even though budget formulation originates at the Executive level, the House of Representatives plays an important role in directing and prioritizing budget allocations. In carrying out over-sight of government, the House keeps a check on government policies.

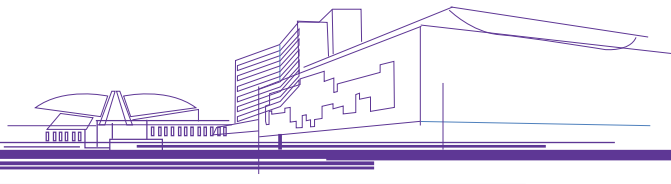
Since 2004, policies relating to the political system have changed with emphasize the House of Representatives performs a representative role being put on improving the capacity of Parliamentary members. Members of the Houses of Representatives are now directly elected by people or constituents. Statutes have strengthened the role of the Parliament as a representative institution.

In facing the new demands and expectations on the members of Parliament, the Secretariat-General of the House of Representatives also has an important role in supporting each representative member. To meet the demands of the general public that the Parliament delivers on its promises in passing legislation, budgeting,

and performing oversight, the Secretariat-General needs to work harder to support the members with technical and administrative support. In order to provide maximum support to the House, the Secretariat-General has collaborated with the United Nations Development Programme (UNDP). The collaboration with UNDP has resulted in the publication of several handbook and books of compilation: handbook on Representation; handbook on Reporting System on Parliament; handbook on Gender Mainstreaming on Legislative Function; handbook on Guidelines of Ethical Parliament, compilation book on Faction and Representation Principles, compilation book on Representation Principles in DPR Standing Order and Faction Codes, compilation book on Gender Mainstreaming, and book on Political Party Group Staff: Working Areas and Best Practices. Through these handbooks, it is expected that the members of the House of Representatives can support to improve their capacity to carry out their parliamentary duties.

Dra. Nining Indra Shaleh, MSi

*Secretary-General
The Indonesian House of Representatives*



PREFACE

Democracy means power for people. Government is a manifestation of power in which supreme power is vested in people. Power can be exercised by the people directly or through their elected representatives. Abraham Lincoln described democracy as government “of the people, by the people, and for the people”. Democracy is not the same as freedom, but it is a manifestation of freedom which has been institutionalized through practices or procedures molded over a long time.

Indonesia has witnessed a dynamic evolution of its government systems. The year 1998 was a turning point in Indonesian history, particularly for the role of the House of Representatives. The election of 1999 was remarkable because of the public trust and acknowledgement shown towards the government and its institutions. The Indonesian House of Representatives (*DPR*) was no longer a rubber stamp as it had been under the New Order regime, but had become a key institution in developing legislation budgets and oversight. However as a reformed institution with new roles, the *DPR* has still struggled to cope with its new functions. Many parliamentarians lack experience in carrying out their duties and roles as people’s representatives.

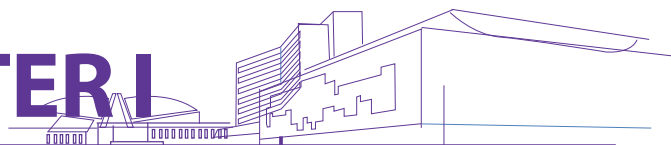
Since 2000, Secretariat-General of the House of Representatives in collaboration with the United Nations Development Programme (UNDP) has supported the House through providing technical assistance for parliamentarians, auxiliary bodies, and the Secretariat-General itself. This assistance is directed at maximizing the legislative, budgetary and oversight functions. Through this assistance, enormous activities and many books have been

produced in order to support parliamentarians and their staff at the House. This compilation book on 'Representation Function in the Parliament' is trying to provide an overview on the important aspects of the roles and principles of representation in its relevancy in the context of dynamic development towards roles, duties and functions of the political parties in an attempt to fulfill the people aspiration and interest, where this objective can be achieve through parliamentary party groups in the parliament. At the same time, this compilation is also try to provide formulation, inputs and recommendation to evaluate whether the principles of representation needs to be clearly define in the Draft Law od Structure and Composition and Standing Order of the House of Representatives of the Republic of Indonesia in the future working periode, and to assess whether the in the present Parliamentary Law and Composition and Standing Order have already reflect the important aspects of the roles and principles of representation. This compilation book hopefully can become enrichment of knowledge and important reference sources to further increase and enhance the performance and roles of the parliamentary groups to better serves the people. The publication and distribution of this handbook on representation is ways of showing the concrete prove in effort to support and strengthen the process of democracy in Indonesia.

Pheni Chalid, MA, Ph.D

Project Manager
Project PROPER - UNDP Indonesia

CHAPTER I



INTRODUCTION

A.

Background

In a democratic country that successfully apply the best and ideal practices of the implementation of good governance, roles and principle of representation in the parliament play a key role to contribute in achieving such objective. Indonesia's as a country that believes and implementing democratic system of government through its parliament has roles, responsibilities with its functions to optimally give its contributions in achieving national development goals as mandated by its constitution.

Post New Order era has significant meaning for Indonesian Parliament, with the transition power that has happen in which the House of Representatives of the Republic of Indonesia is becoming one of integral part as a governing body. Indonesian Parliament with its three functions: forming legislation, and budget allocation and monitoring, the Indonesian parliament has the power to give guidance and direction towards the successful achievement of national development goals.

Entering a decade of reformation era, public still perceive that the working performance of the Indonesian Parliament still perform below public expectation even compared to the era of New Order, even though the reformation era, public freedom in expressing their opinion and ideas has been guaranteed and protected as well recognize as one of significant achievement as a result of the work of the Indonesian Parliament. The achievement of national development goals such as the increase status of the Indonesian people's social wellbeing has not being accommodate and achieve as hoped and expected based on priorities of the people's aspiration and interest.

Indonesian parliament as an insitution that represent the people's interest is a manifestation of true from of people's power, this institution has responsibilities to absorb, channel, fight for the people's interest. Based on those responsibilities, Indonesian Parliament with its three functions: forming legislation, budget allocation and monitoring have to fulfill the fundamental principle of their responsibilities in fulfilling the people's interest and aspiration, while there is other main functions of Indonesian Parliament aside from its three functions and that would be

representation function. This representation function should be the basis of the other three main functions toward the fulfilment of the demand of people's aspiration and interest.

In channeling public aspiration by the members of the parliament or even through its institution to reflect of the implementation of the principle of representation or representation of member of the parliament as representatives of the people or institution that represent the people. In the present condition there are no provisions or law that explicitly stipulate the principles of representation function by the member of the parliament and how to implement the roles of representation by the members of the parliament. The implementation of the roles of representation by the members of the parliament or by the institution itself can only be perceived as an assumption.

This compilation book on 'Representation Function in the Parliament' is trying to provide an overview on the important aspects of the roles and principles of representation in its relevancy in the context of dynamic development towards roles, duties and functions of the political parties in an attempt to fulfill the people aspiration and interest, where this objective can be achieve through parliamentary party groups in the parliament. At the same time, this compilation is also try to provide formulation, inputs and recommendation to evaluate whether the principles of representation needs to be clearly define in the Parliamentary Bill and Standing Order of the House of Representatives of the Republic of Indonesia working period, and to assess whether the current formulation on the principles of representation in the present Law of Stucture and Composition and Standing Order have already reflect the important aspects of the roles and principles of representation.

Based on public evaluation and assessment on the facts of dynamic development in regards towards roles, duties as well function of the political parties where in this case is represents by the parliamentary party groups in the DPR, where decisions that's have impact the public interest as a whole, at the present time it can be seen that roles and principles of representation function has not yet become the heart and soul that should become the fundamental tenet of other three functions in achieving goals that becomes priorities in the national development agenda, the increase of social wellbeing of the people of Indonesia.

B.

Research on Roles of Representation in the Parliament

In the context of political accountability, the working performance of the parliament in relation effectiveness and efficiency in becoming responsive institution in facing the anticipation of the dynamic development on roles, duties and functions in absorbing, channelling and fighting for the people best interest is a true reflection on the implementation of good governance that is based on the democratic best and ideal practices. The best and ideal practices of democratic values is a successful achievement of the implementation of the roles and principles function which becoming the main basis of the fundamental principle in achieving the better status of social wellbeing for the people.

Democratic countries that have successfully implement the roles and principle of representation function, aspects of roles and principles representation function has been explicitly and clearly stipulated in the Standing Order in their parliament. In the context of its implementation and efforts to strengthen the democracy system in Indonesia, the roles and principles of representation functions has to be clearly and explicitly defined in the Law of Structure and Composition and in the Standing Order, where in the future it can gives positive impact on the quality of life, political stability for the people of Indonesia. Political Parties and the Parliamentary Party Groups can play important roles to increase roles of representation function in clearly voicing people's aspiration and interest that becomes their constituent. In addressing this issue, it can certainly strengthen the representation system and contribute positively on public participation in legislation making process through their elected representatives.

The parliamentary party groups can improve its representation function with establish and maintaining relations by communicate directly with their constituents.

Members of the parliament as the people representatives are also representation of the political parties. To absorb, channel, and fighting to better serves the interest of the people is part of the core responsibility of the members of the parliament that also members of the political party group in executing their functions as well fulfilling their responsibilities.

The dynamic development of the public demand on increasing roles, functions and responsibilities of the political parties in the democratic values on the basis of the country constitution should become the medium of public participation in efforts to achieve the national development goals.

The purpose of this research is to provide an overview on roles of the political parties which in this case represents by the parliamentary party groups in the DPR to come up with important political decision that supports the advancement of the roles and principles of representation as a basis for implementing the other three functions in efforts to fulfill responsibilities so the public aspiration and interest can be absorb, channel and fight for effectively and optimally.

The result of this research is also to elaborate formulation of the principles and values of democracy that focus on implementation on the principles of democracy that has been stipulated clearly in the Standing Order of the House of Representatives by giving comparison from the Old Order through Reform Era. Moreover this research is give illustration on the successful implementation on the practice of best and ideal democratic system in the parliament in other countries.

Recommendation and inputs from the parliamentary party groups leaders, members of the parliament, staff experts of the factions as well experts contributed to this research. Hopefully the result of this result that have been address collectively further strengthen the roles of representation in the parliament and the recommendations, inputs that have been gather in this research can be valuable sources of references for Working Team that formulating the Draft Law of the Structure and Composition, so roles and principles of representation functions can be explicitly stipulated in the new Susduk (Structure and Composition Law), where as if right now still in the final discussion process.

Focus Group Discussion

Strengthening the roles and principles of representation function still being perceived as not an issue which can be considered as a priority as an accountability of an institution that represents the people's aspiration and interest.

In the present time there are no explicit laws or provisions that try to bridge the dialogue process between the members of the parliament and their constituents. Aside, activities constituent visit has not been able to reflect mechanism, that public aspiration is being discussed, affect the decision making process in the parliamentary party groups in the parliament. This factor should be the responsibility of the parliamentary party groups in the parliament to prepare the supporting unit so they would be able to absorb, channel, their constituents' interest effectively.

At the end public/constituent will have access to information on how the parliamentary party groups formulate its legislation making process and how the public can participate in addressing their aspirations toward their elected representatives.

There are various stakeholders that have strategic roles where it can help to advance the roles and principles of representation in the parliament such as Political Parties that are directly related with the parliamentary political groups, CSOs, NGOs, professionals, academicians, where these groups can be involved in providing inputs toward problems faced by the issue of representation and how the parliament can really implement the roles and representation function.

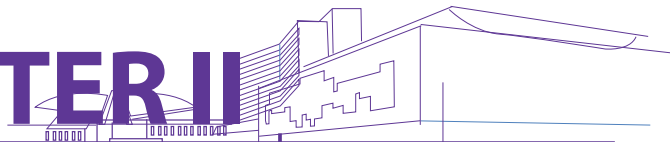
There are many objectives of this discussion forum, first is to discuss the process of strengthening roles and principles of representation function in the parliament, second to evaluate how far the DPR as an institution already implementing its main functions in fulfilling the principles of representation in their working process, third, to be able to get lessons learned from the implementation of the absorption of the people's interest that has been done during the previous years, *fourth*, to provide inputs and to integrate the strengthening process of roles and principle of

representation function through the ideas of formulating new Structure and Composition Law and Standing Order of the DPR, Internal Standing Order of the Parliamentary Party Groups, Policy of Forum Dialogue, Budget formulation, and others.

Supports on strengthening representation function in the DPR have been conducted through series of activities; i) To conduct a research on Institutionalization of Representation Function in the Standing Order of the DPR and ii) To conduct Focus Group Discussions that had been conducted in May to September 2008, where this FGD involved members of the parliament, staff experts of the parliamentary party groups, Academician, CSOs, mass media that have special interest in the parliament and political issue. These FGD will gather inputs and lesson learned on the implementation of roles and principles representation functions that have been done and how the ideal practices should be.

There were six FGDs that have been conducted with various themes as follows: (1) Definition and Representation Principles in the Parliament., (2). Strategy to insert the representation function into new Law of Structure and Composition and Standing Order of the DPR RI, (3). How to maintain effective communication with the parliamentary party groups and its constituents, (4). Technical Standards in Absorbing and Influencing the public inputs towards parliamentary party groups internal policy/ regulations, (5). Roles of the Parliamentary Party Groups in managing its constituent aspiration to become important inputs for the members of parliament, committees and other parliamentary organs, and (6). Roles of the media in reporting the working performance in efforts to increase public participation to provide inputs for their elected representatives.

CHAPTER II



PARLIAMENTARY PARTY GROUPS IN THE INDONESIAN HOUSE OF REPRESENTATIVES



Purpose and Methodology

The purpose of this paper is to introduce the importance of parliamentary party groups in parliament.¹ Parliamentary parties cluster parliamentarians and allow for a better articulation of interests. The point that this paper makes is fairly straight forward. If organised and managed well, parliamentary party groups can be important channels for advancing representation. Parliamentary party groups usually provide themselves with a management structure and rules for their members. The better a parliamentary party is organised, the better it can manage the information from the citizens and inform deliberation processes in parliament.

The paper first introduces the purpose of parliamentary party groups and the principle of representation, followed by a discussion of how parliamentary party groups are regulated in representative legislatures and best practices applied. To learn more about the parliamentary party groups in the Indonesian House of Representatives (DPR), this paper then analyses the set-up of the various existing parliamentary party groups (*fraksi*) of the 2004-2009 parliamentary period. Finally, the paper provides recommendations on how these groups can advance representation.

A comparative and analytical method is applied by this study. The paper provides an overview and comparative examples and practices of how parliamentary party groups function elsewhere. Further, based on the study of the relevant laws and the House standing orders, it analyses the existing framework of parliamentary party groups in the Indonesian DPR. Finally, the author uses interviews with House members and expert staff of parliamentary party groups to provide specific insight into the structures and working mechanisms of these groups in the DPR.

Preliminary versions of this paper have been discussed during internal and external feedback sessions organised by the UNDP Parliamentary Support Programme. The input gathered during these sessions has been included into the paper. The author likes to thank the House members

1 The author is aware that the term “parliamentary party groups” for the parties in parliament is not equally used throughout the spectrum of liberal democracies. For reasons of convenience, the terms, “parliamentary party groups”, “parliamentary parties”, “parties in parliament”, and “*fraksi*” are used as synonyms throughout the text.

and expert staff who made themselves available for interviews and shared their insight of the work of the parliamentary party groups in the DPR.

Parliamentary Party Groups and the Principle of Representation

A clear understanding of the different types of parliamentary groups is important not at least because of the often confusing use of the various terms. Therefore, this section explains the purposes and differences that exist between “Parliamentary Party Groups”, “Caucuses”, and “Factions”.

The terms “Parliamentary Party Group” or “Parliamentary Party” are used to describe a political party or fusion of parties in a legislature, like a parliament or council. A parliamentary party group is led by a chairperson or parliamentary group leader. In some countries this person is called a whip. The dependence of parliamentary party groups from their party organisation varies from case to case and from country to country. A weakening or strengthening of a parliamentary party group in relation to their party organisation is dependent on a number of factors. A weaker position can be created when party elites become more professional and when party organisations receive state subsidies. A stronger position can be created through parliamentary reforms that make the work of parliamentary party groups more effective, or when financial situations of parliamentary party groups improve due to state financial assistance paid directly to the parties in parliament. In addition, a shifting focus away from ideological competition towards pragmatism also weakens the position of party organisations towards the parties in parliament.²

Parliamentary party groups are common in many European countries with multiparty systems and strong party discipline, like Austria (where the term *Club* is used), Belgium (*fractie/fraction/fraction*), Finland (*eduskuntaryhmä/riksdagsgrupp*), Germany (*Fraktion*), Italy (*gruppo*), the Netherlands (*fractie*), and Switzerland (*fraction/fraction/frazione*). The parliamentary groups in the European Parliament comprise of at least 19 legislators from at least five different European Union member states. In Asia, parliamentary party groups with the highest decree of

2 For an in-depth discussion on this issue see, Helms, Ludger, “Parliamentary party Groups and their Parties: A Comparative Assessment”, *The Journal of Legislative Studies*, Vol. 6, No. 2, Summer 2000, pp. 104-120.

organisation exist in Japan. In these and many other parliaments, the only way that legislators and parties can receive financial support and can join parliamentary committees, is to form parliamentary party groups. The leaders or chairpersons of these groups often become important players inside parliament, and political parties often choose their own leaders to become the chairperson. The discipline within parliamentary party groups is often regulated by internal standing orders or procedures, and tends to be very strong in Westminster systems like the United Kingdom, Canada, or Australia.

In the congressional system of the United States the term “Caucus” is used to refer to groups with members of only one political party, but also to groups with members from more than one party. Such multiparty caucuses are also common in parliaments elsewhere. Members join together in such caucuses to debate or speak out on cross-cutting issues, or issues of particular importance. Similar groups in the United Kingdom are called All-Party Parliamentary Groups.

The term “Faction” is used for a sub-group of a parliamentary party group or an intra-party unit.³ In politics the main agenda of a party can be interpreted and subsequently implemented differently by different groups of members. Often adjectives are used to describe the various factions, like “conservative” faction, or “liberal” faction. An example of factionalism is Japan where post-war party politics have experienced an almost uninterrupted one-party rule and an extreme factionalism within the dominant governing party.⁴

The Principle of Representation

The Inter-Parliamentary Union in its 2006 guide to good practice defines the representation criterion having two main aspects.⁵ The first aspect means that the parliament should reflect the popular will

3 For a discussion of factions as intra party units see, Frank P. Belloni and Dennis C. Beller, “The Study of Party Factions as Competitive Political Organizations”, *The Western Political Quarterly*, Vol. 29, No. 4, (Dec. 1976), pp. 531-549.

4 See, Crespo, J.A., “The Liberal Democratic Party in Japan: Conservative Domination”, *International Political Science Review*, Number 16, 1995.

5 See, *Parliament and Democracy in the Twenty-first Century: A guide to good practice*, Inter-Parliamentary Union, Geneva, 2006.

as expressed during democratic elections and the voter choice for representatives and political parties. In a representative democracy, the fact that people elect their legislators periodically and have the right to dismiss them periodically means that ultimate power rests with the people but is mediated through a representative system.⁶

What is equally important, however, is the second aspect which is the representation of the social diversity of the population in terms of gender, language, religion, ethnicity, minorities, or other politically significant characteristics. If a parliament is unrepresentative in the second sense, this will leave some social groups and parts of society excluded from the political processes. This fact can result in consequences for the quality of public life or the stability of the political system and society in general. Political parties and their parliamentary party groups can play an important role in advancing representation through clearer articulating the needs and interests of their constituents. In a positive way, this articulation will strengthen the representative system and contribute positively to the public participation in policy making through their elected representatives. Party groups can improve representation through supporting the constituent relations of their members as well as through direct communication with the public.



Regulating Parliamentary Party Groups and Best Practices

In most democratic parliaments parliamentary party groups are regulated in the parliamentary standing orders. The overall purpose of parliamentary party groups is to divide the larger House into groups to allow for a better articulation of policy ideas. The standing orders directly regulate the creation of parliamentary party groups and indirectly the

⁶ See, McHugh, Declan and Philip Parvin, *Neglecting Democracy: Participation and representation in 21st Century Britain*, The Hansard Society, London, 2005, p.5.

balancing of parliamentary minorities and majorities. Some House standing orders require a minimum number of members to form a parliamentary party group, others require a minimum percentage of the overall number of House seats.

The significance given to political parties by parliamentary standing orders depends very much on the number of parties being represented in parliament. Hence, the requirements posed on parliamentary party groups by standing orders and the privileges accorded to them differ from place to place.⁷ One common objective is to make the distinction clearer between the majority parliamentary party, or a coalition of parties, that support the government (executive) and the other parties opposing it. Standing orders help to institutionalise this distinction, which is considered valuable as a check on the possible abuse of power, as a channel for minority opinions, and as a means to ensure peaceful changes in parliamentary majorities.⁸

A number of propositions can be made regarding parliamentary party groups.⁹ Over the past decades, their influence in multiparty parliaments has grown significantly, giving them more capabilities and more opportunities. Equally, parliamentary party groups have become important forums for members representing distinct regional viewpoints on political issues and allowing for more regional input to internal party discussion. Further, parliamentary party groups are useful to mediate internal differences and issues like diverting ideological thinking. Finally, too strong majority parliamentary parties that impose a strict party line can result in a weakening independence of parliament from the executive.

Many parliaments have rules in place that oblige members, once elected, to join the parliamentary party group of their party and remain with it as long as they hold their seat. This practice gives the parliamentary party group a high degree of stability. In the German Bundestag, a parliamentary party group (*Fraktion*) must be an association of members

7 This section is an expanded version of a section on parliamentary party groups as part of a study on parliamentary standing orders. See, Frank Feulner, *Standing Orders: Making Parliament Work*, WBI Working Papers, World Bank Institute, 2007.

8 See, Paul G. Thomas, "The Role of House Leaders in the Canadian House of Commons", *Canadian Journal of Political Science*, Vol. 15, No. 1, (Mar. 1982), pp. 125-144.

9 Professor Paul Thomas (University of Manitoba) presented four propositions about party caucuses in his keynote address to the *Conference Party Caucuses: behind closed doors*, organized by the Canadian Study of Parliament Group, Ottawa, 21-22 November 1997.

of parliament that belong to the same political party.¹⁰ Although in some multiparty parliamentary systems the members are not legally bound to a parliamentary party group because the mandate is personal, members often can only through a party secure a seat in parliament and exercise their mandate effectively.¹¹ For example, it might be ruled that new bills can only be initiated through parliamentary party groups, and not through individual members, like it is the case in some congressional systems.

In some countries the standing orders reward parliamentary party groups financially with monthly contributions and the provision of office space in parliament. For example, in the Rumanian Chamber of Deputies, parliamentary parties, depending on their share in the chamber, shall have at their disposal the necessary logistics for the carrying out of their activity, secretariat, and special personnel, according to the decision of the Standing Bureau.¹² In some legislatures the recognition of a parliamentary party group over the individual member is further reflected in the way the agenda of the House is prepared and the amount of speaking time awarded. Leaders of parliamentary party groups are usually allowed to speak first. In several cases, while the speaking time of each individual member is equal, the number of members from a parliamentary party group allowed to speak reflects the strength of each parliamentary party in the plenary.

It is important that parliamentary party groups are free to organise their internal affairs and discipline. They do this with their own more or less strict internal codes. A common practice is to elect a chairperson and a number of vice chairs, an executive committee, and one or a number of floor leaders.¹³ Particularly in large well developed parliamentary parties, internal working groups or issue groups are formed, which include the party members who sit on a parliamentary committee with the same focus. These groups are led by committee coordinators who regularly meet with the leadership of the parliamentary party group. The main duty of the leader in the governing party is to manage the flow of the government business, and to do this to seek the cooperation of the leaders of the other parties in parliament.

10 See, for example, Rule 10, Rules of Procedure of the German Bundestag, 2003.

11 Like for example the case in Germany. See, Gerhard Loewenberg, "Parliamentarism in Western Germany: The Functioning of the Bundestag", *The American Political Science Review*, Vol. 55, No. 1, March 1961, pp. 87-102.

12 See, Article 16, Standing Orders of the Romanian Chamber of Deputies, as of 2003.

13 See, Gerhard Loewenberg, "Parliamentarism in Western Germany: The Functioning of the Bundestag", *The American Political Science Review*, Vol. 55, No. 1, March 1961, pp. 87-102.

During regular meetings, the leaders or appointed members of parliamentary party groups discuss, negotiate and arrange legislative business and outline the parliamentary schedule. The meetings are also used to agree on progress made regarding policy issues. The consultation process among parliamentary party groups can be more or less formally regulated in the parliamentary standing orders. Some standing orders constitute an "All-Party Business Committee" (Canada), a "Council of Elders" (Germany), a "Standing Bureau" (Romania), or a "Deliberation Council" (Indonesia) for the purpose of planning the business of the House and provide parliamentary party group representatives with a forum to achieve consensus.¹⁴ Dependent on the degree of internal democracy within parliamentary party groups and the authority awarded to group representatives, such all-party committees are sometimes dubbed as "mini-parliaments" that allow for political horse-trading between parliamentary party groups with different interests.

The authority executed by the leadership of a parliamentary party group can be quite strong. The group leader can call weekly meetings and set the agenda of the regular meetings. The group chair in consultation with the party leadership also proposes the parliamentary party group's positions on policies and issues, which then has to be followed by all its members. The group leadership also develops parliamentary strategies and tactics and decides on assignments to parliamentary committees.¹⁵ In particular, it appoints parliamentary party leaders for the committee work. One task of these committee leaders is to discuss issues with other committee members of his group and to report back to the parliamentary party group leadership. It can be concluded, that in most parliaments, the parliamentary party group leader has the largest impact on the overall performance of the legislature. But how does the group leadership make its decisions? Ideally, one might argue, the decisions of the party group leadership are made by majority vote in the group plenary, but not all party group internal rules regulate the decision making process in this way. Further, each parliamentary party usually has its own wording or convention regarding internal party discipline.

14 See also, Donald Page, "Streamlining the Procedures of the Canadian House of Commons, 1963-1966", *Canadian Journal of Economics and Political Science*, Vol. 33, No. 1, (Feb. 1967), pp. 27-49.

15 See, for example, Paul G. Thomas, "The Role of House Leaders in the Canadian House of Commons", *Canadian Journal of Political Science*, Vol. 15, No. 1, (Mar. 1982), pp. 125-144.



Challenges and Good Practice

One of the key challenges for the creation of parliamentary party groups is the determination of the optimal minimum size. Ideally, the size of a parliamentary party group is determined by the overall number of legislators in parliament and based on a certain percentage thereof.¹⁶ Another important issue is the need for having clear criteria in the House standing orders for the formation of parliamentary party groups, including their rights and responsibilities in the legislature.¹⁷ Finally, an issue of contestation that can occur in the absence of specified rules is the formation of House committees through parliamentary party groups. House standing orders, therefore, should regulate in detail the appointment of House committee members and selection of committee chairs by the parliamentary party groups.

With regard to all-party business committees, the media tends to overemphasize the individual personalities of parliamentary party group leaders and their influence in brokering compromises. However, the success of group representatives in achieving a consensus in such committees depends very much on the political context at a given time. The parliamentary party group leaders or representatives are very much dependent on the opinion in their respective group where divisions between different factions can be very common. In such case, no immediate consensus might be achieved, and leaders have no other choice than to refer issues back to the group plenary for further internal discussion. To facilitate more successful negotiations and to be able to make commitments, the leaders require some freedom from their respective group. But this might be prevented by the group's internal rules which can impose strict party discipline.

16 For example in the German Bundestag a minimum of 5 percent of the number of all seats available are required to create a parliamentary party group. This figure is the same with the parliamentary threshold for parties to enter the legislature.

17 On this issue also see, *Benchmarks for Democratic Legislatures*, a study group report, Commonwealth Parliamentary Association, 2006, p. 13.

Summary of Idealised Best Practice

Ideally, House standing orders regarding parliamentary party groups should cover the following issues:

- ★ Spell out the criteria for the formation of parliamentary party groups in a precise way.
- ★ Define the rights and responsibilities of parliamentary party groups in the House.
- ★ Guarantee the freedom of parliamentary party groups in organising their internal affairs.
- ★ Clearly define the funding criteria of parliamentary party groups and other support provided by the House.
- ★ Define what support services parliamentary party groups can have, how staff is to be recruited, and to whom the staff of parliamentary party group reports.
- ★ Provide parliamentary party groups with the opportunity for consultation among groups through all-party business committees.



Parliamentary Party Groups in the House of Representatives of the Republic of Indonesia/DPR

The focus of this section is on parliamentary party groups in the Indonesian House of Representatives, which has 550 members. During the general elections in 2004, 16 political parties have been elected to be represented in the DPR. Subsequently, 10 parliamentary party groups (*fraksi*) have been formed. The influence of these party groups has been steadily increasing since, which became visible during the discussions over the amendment of the House standing orders of 2005. Then, particularly the issue of the appointment of committee chairs was highly contested. Other issues that have shown the increasing strength of party groups have been various decisions of the House Ethics Council and House plenary decisions over government inquiries and interpellation.

List of Parliamentary Party Groups in the Indonesian DPR in 2008

No.	Parliamentary Party Group	Political Party	Members
1	Fraksi Partai Golkar (F-PG)	Golkar Party (127) Concern for the Nation Functional Party (2)	129
2	Fraksi Partai Demokrasi Indonesia Perjuangan (F-PDIP)	Indonesian Democratic Party-Struggle	109
3	Fraksi Partai Persatuan Pembangunan (F-PPP)	United Development Party	58
4	Fraksi Partai Demokrat (F-PD)	Democratic Party (56) Vanguard Party (3) Justice and Unity Party (1)	60
5	Fraksi Partai Amanat Nasional (F-PAN)	National Mandate Party	53
6	Fraksi Partai Kebangkitan Bangsa (F-PKB)	National Awakening Party	52
7	Fraksi Partai Keadilan Sejahtera (F-PKS)	Prosperous Justice Party	45
8	Fraksi Partai Bintang Reformasi (F-PBR)	Reform Star Party	14
9	Fraksi Partai Damai Sejahtera (F-PDS)	Prosperous Peace Party	13
10	Fraksi Bintang Pelopor Demokrasi (F-BPD)	Crescent and Star Party (11) United Democratic Nationhood Party (4) Indonesian Democratic Vanguard Party (1) Marhaenism Indonesian National Party (1)	17
TOTAL			550

Contrary to the increasing importance of parliamentary party groups in the Indonesian DPR, the House standing orders have devoted only a relatively small section on the formation and work of parliamentary party groups. These requirements are rather broad. In the general provisions of the House standing orders parliamentary party groups are defined as “groups of members based on the configuration of political parties as the result of the general elections.”¹⁸ In the same section of the standing orders a reference to the representation principle is made by defining the duty and authority of the DPR as to “absorb, compile, accommodate, and follow-up the aspirations of the people.”¹⁹ Yet, in the subsequent sections, the current version of the DPR standing orders does not make any further reference to the representation principle or constituent relations. The DPR standing orders, however, have dedicated one small chapter with five articles to parliamentary party groups (*fraksi*):

Chapter V

Fraksi

First Part

Position and Composition

Article 14

Fraksi as defined in Chapter 5, Number 6, are independent and formed with the intention to increase the performance and effectiveness of the DPR in implementing its role, authority, and rights as well as obligations.

Article 15

Fraksi are made up of at least 13 (thirteen) members.

Article 16

(1) *Fraksi* are formed by members of political parties as the result of general elections.

18 “*Fraksi* adalah pengelompokan Anggota berdasarkan konfigurasi partai politik hasil Pemilihan Umum”, Bab I, Pasal 1 (6), Peraturan Tata Tertib Dewan Perwakilan Rakyat Republik Indonesia, Sekretariat Jenderal DPR RI, 2005.

19 “Menyerap, menghimpun, menampung dan menindaklanjuti aspirasi masyarakat”, Bab I, Pasal 6 (1)(I), Peraturan Tata Tertib Dewan Perwakilan Rakyat Republik Indonesia, Sekretariat Jenderal DPR RI, 2005.

- (2) *Fraksi* can also be formed as a merger of members from 2 (two) or more political parties based on the result of general elections and that are made up of at least 13 (thirteen) members or merging with a *fraksi* as defined in Article 15.
- (3) Each member has to be a member of a *fraksi*.
- (4) The *fraksi* leader is appointed by the respective *fraksi*.

Second Part

Role

Article 17

- (1) *Fraksi* are tasked with co-ordinating the activities of their members in implementing the role and authority of the DPR.
- (2) *Fraksi* are tasked with improving the capacity, discipline, effectiveness and work efficiency of their members in implementing their tasks as reflected in every activity of the DPR.

Article 18

The DPR provides the means and budget for the smooth implementation of the role of *fraksi* considering the number of members of each *fraksi*.

Additional references in the standing orders to the parliamentary party groups can be found in the sections concerning the Deliberation Council (*Badan Musyawarah*) (Articles 28 to 33) and committees (Komisi) (Articles 34 to 38), as well as other DPR internal bodies like the Legislation Council, Budget Committee, Household Affairs Committee, and the Ethics Council. However, the references to the parliamentary party groups pertain only to the composition of these bodies which have to be in proportion of the parties' number of seats in the DPR. Alternatively, these propositions on the proportional composition according to the strength of the party groups could also be summarised in the standing order section on the parliamentary party groups. In the sections of the standing orders on legislation, budgeting and oversight the role are mentioned of the parliamentary party groups to provide their opinions and statements on bills and the draft budget.

The absence of a parliamentary threshold during the 2004 general elections resulted in a number of parties with less than 13 elected members entering the DPR. Since the criteria for the formation of a parliamentary party group requires a minimum number of 13 members, seven parties have been forced to form joint party groups. There are currently ten *fraksi* in three clusters in the Indonesian DPR: Two large party groups with 109 and 129 members each; five medium sized groups with 45 to 60 members each; and three small groups with 13 to 17 members each. Seven party groups consist of members from one party each, one party group comprises of members from two parties, one party group comprises of members from three parties, and one party group includes members from four parties. There is no provision in the DPR standing orders that regulates the duration, and therefore stability, of joint party groups consisting of members from more than one political party. Further, there are also no regulations that require party groups to state if they are in support of the government (government parties) or if they are opposing it (opposition parties).

The different size of the parliamentary party groups has a direct implication on the support they receive from the DPR, and on their internal organisational and management needs. While the principal structure of the parliamentary party groups are the same, differences exist in the way the groups can perform their roles and how they can support the work of their members. The next section will elaborate the similarities and differences of the parliamentary party groups in the Indonesian context.

A look at opinion polls about the parliament and parties in Indonesia shows that political representation remains a problem. Although crucial for parliaments, an explicit mentioning of the representation principle of the DPR is missing from the Indonesian constitution, the law defining the structure and functions of legislatures, and the House standing orders. Legislators and parliamentary party groups are slowly recognising this deficit and have begun to develop guidelines on constituent relations, reporting requirements and internal working mechanisms. In addition, efforts are under way to revise the law defining the structure and functions of legislatures and to include references to the representation principle. It is hoped that representation and constituent relations will also be included in the future revision of the DPR standing orders for the 2009-2013 parliamentary period.



Working Mechanism of the Parliamentary Party Groups in the DPR

This section of the paper is based on input gathered from interviews with House members and expert staff of parliamentary party groups in the DPR. It provides specific insight into the structures, management, and working mechanisms of these groups. Best practices of internal procedures are highlighted. This section also shows the challenges of parliamentary party groups of different size and with different resources. The size of a party group has implications especially on the number of expert staff available for supporting the group's work. Further, this section discusses how far the parliamentary party groups contribute to political representation in the DPR, particularly through the constituent relations of their members. Different parliamentary party groups have different ways of communicating with constituents and the media.



The Organisation of Parliamentary Party Groups

While a party organisation is required by the law on political parties to give itself a constitution (*Anggaran Dasar*) and party code (*Anggaran Rumah Tangga*), it is up to each parliamentary party group to further regulate its business and its members. A party constitution is limited to regulating the goals, membership, structure, and management of the party. References to parliamentary party groups introduce the nomenclature and existence of such bodies.²⁰ The rights and duties of party members and the party leadership are further regulated in the party code. The code also contains provisions regarding party discipline and sanctions. Further to this, the party code regulates the right of the central leadership council (*Dewan*

20 See, for example, Chapter XXII, Article 27 (1), "Anggaran Dasar Partai Golkar", Denpasar, 19 Desember 2004; Also, Chapter IV, Second Part, Article 11 (1)(j), "Anggaran Dasar Partai Demokrasi Indonesia Perjuangan", Keputusan Kongres II PDI Perjuangan, Denpasar, Bali, 28-31 Maret 2005.

Pimpinan Pusat or *Dewan Pengurus Pusat*, DPP) to form parliamentary party groups and to appoint their leadership.²¹ The dominance of the party central leadership council with regard to parliamentary party groups at the national parliament, as well as provincial and district councils is reflected in the fact that it can recall legislators from these bodies, based on the outcomes of party leadership meetings.²²

The working mechanism and relationship between parliamentary party groups and the party organisation is subject to a separate regulation (*Peraturan Partai* or *Peraturan Organisasi*). Such a regulation is typically passed by the DPP. The larger a parliamentary party group, the more important are these internal rules on group membership, decision making, discipline, and ethics. Clearly defined rules can mediate between different factions within a parliamentary party group. However, although it is a proven tool in multi-party parliaments elsewhere, only few parliamentary party groups in the Indonesian DPR have created internal rules and work procedures (*Peraturan Tata Tertib Fraksi* or *Sistem dan Prosedur Kerja Fraksi* or *Tata Kerja Fraksi*).²³ Most parliamentary party groups act based on unwritten conventions and on decisions (*Keputusan*) made during meetings of the group leadership or group plenary. How parliamentary party groups conduct their affairs is based in majority on these unwritten practices.

The Structure of Parliamentary Party Groups

Written or unwritten practices, the parliamentary party groups in the Indonesian parliament have very similar management structures. All party groups have a leadership consisting of a group leader (*Ketua* or *Pimpinan*) and one or more deputies (*Wakil Ketua*). Within the large parliamentary

21 To confirm the selection of the party group leadership, the central leadership council issues an internal decree (*Surat Keputusan*, or SK). See also, Chapter IX, Article 23 (1), "Anggaran Rumah Tangga Partai Golkar", Denpasar, 19 Desember 2004; Also, Chapter III, Second Part, Article 18 (10), "Anggaran Rumah Tangga Partai Demokrasi Indonesia Perjuangan", Keputusan Kongres II PDI Perjuangan, Denpasar, Bali, 28-31 Maret 2005.

22 See, for example, Chapter III, Third Part, Article X (6), "Anggaran Rumah Tangga Partai Demokrasi Indonesia Perjuangan", Keputusan Kongres II PDI Perjuangan, Denpasar, Bali, 28-31 Maret 2005. The right for recall is disputed and an amendment of the provision in the Law on the Role and Function of the MRR, DPR, DPD and DPRD (Law 22/2003, or *Susduk Law*) is likely.

23 See, for example, "Peraturan Tata Tertib Fraksi Partai Keadilan Sejahtera", Fraksi Partai Keadilan Sejahtera DPR RI, Jakarta, February 2007; also, "Sistem dan Prosedur Kerja FKB DPR-RI", Jakarta, Desember, 2007; and also "Tata Kerja Fraksi Partai Golongan Karya Dewan Perwakilan Rakyat Republik Indonesia", Jakarta, Nopember 2005.

party groups the deputies are responsible for a number of issue areas related to the areas of the House standing committees. Therefore, they are often called sector coordinators (*Koordinator Bidang*). Further, the leadership includes a secretary (*Sekretaris*) and deputy secretary (*Wakil Sekretaris*), a treasurer (*Bendahara*) and deputy treasurer (*Wakil Bendahara*). Besides the core leadership the parties in parliament appoint a number of committee leaders (*Pimpinan Kelompok Komisi, Kapoksi, or Ketua Kelompok Alat Kelengkapan*) who represent the members sitting on each committee. The committee leaders form part of the extended leadership of the parliamentary party group. The length of the term of office of the group leadership is decided by the party's central leadership council and usually lasts for one year. Extensions of office terms are possible after annual evaluation.²⁴

It is interesting how different parliamentary parties have decided to select and appoint their leaders. While generally all party group leaders are appointed by the party central leadership council based on previous discussions among party leaders and parliamentary party group members, the selection process for deputies, secretaries and treasurer is more in the hands of the party group members, who have the right of proposing names for these positions to the party organisation.²⁵ Committee leaders are entirely proposed by the party group plenary and appointed by the party group leader.²⁶ The often unwritten criteria for the selection of party group leaders, deputies, secretaries and treasurers are party seniority and regional representation of party chapters. It is expected that committee leaders have experience with the issues of the respective committees. Written provisions on the composition of the party group leadership can be quite unspecific. For example, the number of deputies, deputy secretaries and deputy treasurers is not always well defined and can change throughout a parliamentary period.²⁷

24 See, for example, Chapter V, Article 10, "Peraturan Tata Tertib Fraksi Partai Keadilan Sejahtera", Fraksi Partai Keadilan Sejahtera DPR RI, Jakarta, February 2007; also Chapter II, Article 2 (e), "Tata Kerja Fraksi Partai Golongan Karya Dewan Perwakilan Rakyat Republik Indonesia", Jakarta, November 2005.

25 For example the guidelines for the party group secretariat of F-PDIP state that the "Party group leader is a member of the DPR who has been appointed and confirmed based on a decree by the party's central leadership council"; See, Chapter I, "Pedoman Tugas dan Tanggung Jawab Sekretariat Fraksi PDI Perjuangan DPR-RI, Jakarta, 9 January 2005.

26 See, for example, Chapter VI, Article 13 (2), "Peraturan Tata Tertib Fraksi Partai Keadilan Sejahtera", Fraksi Partai Keadilan Sejahtera DPR RI, Jakarta, February 2007.

27 See, Chapter IV, Article 5 (1), "Sistem dan Prosedur Kerja FKB DPR-RI", Jakarta, Desember, 2007.

Decision Making within Parliamentary Party Groups

Decisions within parliamentary party groups are made during meetings of the party group leadership or plenary. It seems, however, that more internal decisions are made during routine weekly leadership meetings rather than at plenary meetings, suggesting a somewhat exclusive group leadership. The large party groups in the DPR hold plenary meetings only twice during a sitting period, once at the beginning and once at the end of the sitting period. Medium and small party groups though, have weekly plenary meetings, preferably before the weekly House plenary session, to consolidate leadership decisions with all group members.²⁸ Unlike Westminster style legislatures with parliamentary party dominance and strong authority of the party group plenary, Indonesia follows the principles of a presidential system with extra-parliamentary party organisation dominance and a focus on the group leadership. Besides leading and representing the group internally and externally, it is the authority of the group leader together with the deputies to determine the meeting agenda and policies of the party group, to determine and appoint members to committees and working groups, and to select members going on overseas trips.²⁹

The internal decision making process within party groups predominantly follows unwritten convention or practice. Few written rules exist and such written rules can be quite ambiguous, stressing that the group leadership is a “collective” one, without spelling out explicitly how decisions during meetings are to be made.³⁰ Similar to the House standing orders which do not clearly specify the decision making during committee meetings and other House working meetings, the decision making during a party group plenary is expected to follow the guiding principle of “discussion leading towards an acceptable agreement”

28 For example, the party group of the National Mandate Party (PAN) has its weekly leadership meetings on Monday. On Tuesday it has its weekly plenary meetings, followed by the weekly House plenary.

29 See, Chapter IV, Article 7, “Sistem dan Prosedur Kerja FKB DPR-RI”, Jakarta, Desember, 2007; Also, Chapter V, Article 11, “Peraturan Tata Tertib Fraksi Partai Keadilan Sejahtera”, Fraksi Partai Keadilan Sejahtera DPR RI, Jakarta, February 2007.

30 See, Chapter IV, Article 5 (2), “Sistem dan Prosedur Kerja FKB DPR-RI”, Jakarta, Desember, 2007; also, Chapter IV, Article 6 (2), “Tata Kerja Fraksi Partai Golongan Karya Dewan Perwakilan Rakyat Republik Indonesia”, Jakarta, Nopember 2005.

(*musyawarah dan mufakat*). Some parliamentary party groups suggest voting for situations where no common agreement can be reached.³¹ Other party groups leave the final decision during deadlock to the party group leader to decide.

Development of Party Agenda and Discipline within Party Groups

The party group stance on issues debated in the DPR is decided at leadership and plenary meetings. Because of the dynamic environment, the party group leadership has to consult with the party organisation during regular meetings at party headquarters. Interestingly, none of the two largest political parties in Indonesia, Golkar and PDI-P, is represented in parliament by its party chairperson acting as parliamentary party group leader. The chairpersons of these two major political parties have not been elected as members of parliament. Instead, the leaders of these main parliamentary party groups are also senior members on their respective central party boards. The leaders of the medium-sized and small-sized party groups are the either party chairperson or party an executive member.

Yet, despite the fact that some party groups are not led by their party chairpersons, the communication between the party group leadership and the leadership of the party organisation remains relatively smooth. Most members of the party group leadership also hold positions on the party central leadership council and therefore routinely attend party meetings. In addition to the meetings at party headquarters, once during a sitting session the central leadership board meets with the plenary of the parliamentary party group to explain and discuss general party policies. More specific topics are then discussed during regular meetings of the party central leadership board with the leadership of the parliamentary party group.

To decide the party group stance on an issue, the group leadership also has to consult with the section coordinators and committee leaders. The committee leaders regularly report to the party group leadership

31 See, for example, Chapter VIII, Article 28 (1), "Peraturan Tata Tertib Fraksi Partai Keadilan Sejahtera", Fraksi Partai Keadilan Sejahtera DPR RI, Jakarta, February 2007.

about the issues debated during committee working meetings and what issues need a party position. Committee leaders then convey the decisions made during leadership meetings to the other members sitting on the same parliamentary committees. As a general rule, party group members are expected to follow the decisions of the leadership and plenary meetings and to adhere to the agreed party line. Usually, in presidential systems party discipline is not that strict, since a deviation from the party line by members cannot easily bring down the government.³² However, in Indonesia, like for example in presidential systems in Latin America, most decisions are made by party leaders and at party meetings.³³

Members generally follow the agreed agenda. Because of the relatively closed open list system in Indonesia, they are very dependent on their party for good positions in parliament and later on the party lists for re-election. Therefore, the costs for challenging the party line are very high. This might be one of the reasons why few parties in Indonesia have included the allegiance to the party line into their internal rules.³⁴ If a member wants to use his right to make a petition or launch an enquiry, he is expected to consult with the party group leadership first. The party groups can impose sanctions on members for not following internal decisions and instructions. Sanctions, like warnings, remain the digression of the party leadership and party plenary, for example, if a member decides to break from the agreed agenda during a party-line vote taking in the DPR plenary.³⁵ Some parliamentary party groups in the DPR have passed their own ethics codes on the discipline of members, the misuse of power, secrecy, and the formation of an *ad hoc* ethics council.³⁶

32 In parliamentary systems the stability of the government depends very much on whether the leaders of government parties can maintain discipline by legislators. See also, Arend Lijphart, *Presidential versus Parliamentary Government*, Oxford University Press, Oxford, 1992.

33 On the difference of parliamentary groups in parliamentary and presidential systems see, "Political Parties in the Legislature", UNDP Technical Paper, <http://www.undp.org/governance/docs/Parl-Pub-political.htm>

34 See, for example, Chapter VI, Article 17 (c), "Sistem dan Prosedur Kerja FKB DPR-RI", Jakarta, Desember, 2007; also, Chapter VIII, Article 46 (2), "Tata Kerja Fraksi Partai Golongan Karya Dewan Perwakilan Rakyat Republik Indonesia", Jakarta, November 2005.

35 "Golkar scolds MP over fuel policy inquiry", The Jakarta Post, 29 June 2008.

36 See, for example, "Kode Etik Fraksi Kebangkitan Bangsa DPR-RI", Bogor, 5 Mai 2001; Also, "Kode Etik Anggota DPR Republik Indonesia Fraksi Partai Keadilan Sejahtera", 2007. The party group of Partai Golkar has a permanent ethics council, see, Chapter VI, Articles 25-29, "Tata Kerja Fraksi Partai Golongan Karya Dewan Perwakilan Rakyat Republik Indonesia", Jakarta, November 2005.



Constituent Relations of Parliamentary Party Groups

The constituent relations by parliamentary party groups are twofold. On the one hand, parliamentary party groups through their members actively conduct constituent visits during the recess periods. On the other hand, the party groups receive individual constituents or delegations at the parliament to hear their concerns and receive written interests. During recess legislators are expected to visit their electoral districts and meet with their constituents.³⁷ These visits are an opportunity for legislators and party groups to learn firsthand about the issues that concern the citizens. Some party groups during their last plenary meetings before each recess decide what issues should be discussed with constituents.

After recess, most party groups expect their members to produce reports on their visits, documenting the issues and problems they encounter and being accountable about the costs they spend.³⁸ Subsequently, a party group consolidates the information gathered on issues and problems. The insight gained is used to inform the policy stance of the party group. To this end, a number of party groups have made it mandatory for their members to report about their constituent visits and have unified report templates. However, without guidelines how the reporting process should be conducted and without specific sanctions the reporting system is not always working well.³⁹ Some members do not report their activities in a detailed way and so far only few party groups systematically publicise the information gathered by their members on their homepages or in their annual reports. Further, party groups often lack the human resources and capacity to sufficiently process and document the reports and data about their constituents. The preparation of answers to the questions raised by constituents remains weak.

Most party groups in the DPR are open to receiving delegations and interest groups at their offices. These visits are often prepared by

37 See, for example, Chapter XII, Article 40 (2), "Sistem dan Prosedur Kerja FKB DPR-RI", Jakarta, Desember, 2007; Also, Chapter IX, Article 73 (2), "Tata Kerja Fraksi Partai Golongan Karya Dewan Perwakilan Rakyat Republik Indonesia", Jakarta, Nopember 2005.

38 The House Secretariat makes financial reporting about the usage of the allowances for the recess period compulsory for all legislators. However, the required format of financial reporting is not very detailed.

39 See also, Hasanuddin Wahid, "System Pelaporan Kegiatan Anggota DPR", Research Paper, Parliamentary Support Facility, UNDP, Jakarta, July 2008.

individual members or party branches. It is common for party groups to reimburse expenses of delegations visiting them at the DPR. Constituent delegations are given the opportunity to explain their problems and interests to the internal working groups dealing with the relevant issue. The committee coordinators also have the opportunity to suggest interest groups and experts to be invited to committee working meetings. Like the information gained during constituent visits, the concerns by visiting delegations are consolidated and forwarded to the party group leadership. Important issues are also communicated to the party central leadership committee at the end of each parliamentary session. Ideally, all citizen complaints are recorded, discussed, and followed up. However, while party groups collect and – to a certain extent – discuss complaints, the follow up and feedback to constituents is still underdeveloped. A number of party groups have begun to prepare information about issues the party has been fighting for. This written information can then be taken by legislators on their constituent visits.

Ten years after the start of the reform era and with many new political parties contesting the elections, constituent relations become increasingly important for legislators and party groups. The 2007 election law with its reformed open list proportional representation makes it now easier for candidates to reach the number of votes required to win a seat directly, rather than the seats being filled by the party. This fact leads members who are interested to be re-elected to reach out more to the constituents of their electoral district. Reporting and constituent representation is becoming the interest of the individual legislator and party groups still have to prepare themselves for supporting this need. For example, some members have taken the initiative to use their communication allowances to open constituent offices with regular opening hours. Equally the need for accountability is taken more seriously with some legislators now producing annual reports on their work and achievements. Since May 2008, the House Secretariat is financing an additional expert to serve each legislator. It is hoped that the additional capacity can be used to further improve constituent relations.

Over the past years, party groups in the DPR have also developed their outreach through the development of homepages, publications and media relations. The creation of specific homepages that are separate

from the homepages of the party organisation is still at an early stage.⁴⁰ For example none of the two largest party groups in the DPR have their own homepages yet. The existing homepages of smaller party groups provide basic contact information and news about the party group. Yet, the homepages lack more specific information about party policies and decisions that have been made on certain issues. There are no special sections dedicated to the work of members. Since 2007, booklets and annual reports about the policies and work of party groups have been emerging.⁴¹ These publications as well as advertorials in national newspapers provide the public with a better picture about their representatives in parliament and it is hoped that party groups continue their outreach.

The need to communicate with the media in a more coordinated way has let some parliamentary party groups to organise regular press conferences and to produce press releases. Some party groups have even recruited trained journalists to organise their press relations. Members use the press conferences to update the media about the party stance on issues and their work in the various House committees.⁴² Although the practice to prepare regular press meetings and press releases is labour intensive and requires the commitment and cooperation of members, it is well received by the media.

Support to Parliamentary Party Groups

The work of a parliamentary party group requires resources. In the Indonesian case, the support to party groups by the legislature remains small. Each registered party group receives a secretariat and additional office space for the expert staff and support staff. The facilities for party groups are limited to office furniture for members, their assistants, secretariat staff, and expert staff. Each member office, party secretariat

40 The party group of the National Awakening Party (PKB) was the first group to develop their own homepage. <http://www.fkb-dpr.or.id> also includes a selection of reports by members produced after their constituent visits during recess. Other homepages include: <http://www.fpkd-dpr.or.id>.

41 For example, in 2007 and 2008, the party group of the Indonesian Democratic Party Struggle (PDI-P) has produced so called "Reports to the People", explaining their stance on policy issues and introducing itself as an opposition group in parliament.

42 For example, the party group of the National Mandate Party (PAN) has introduced weekly press conferences focusing each week on the work of their members in a certain committee. This enables the party group to cover each committee every twelve weeks.

office, and party expert staff office receives one office computer. Additional equipment has to be purchased by the party group.

The House Secretariat allocates civil servants to assist each party group secretariat and pays for the salaries of expert party staff. The number of expert staff for each parliamentary party group is proportional to the size of the parties in the House. Therefore, large parties can rely on more expert staff than small parties. This gives larger party groups an advantage in exercising their tasks. Only large party groups have sufficient expert staff to cover all eleven House committees. Expert staff at medium and small party groups has to divide their attention over a number of tasks.

Number of Expert Staff of Parliamentary Party Groups⁴³ at the Indonesian DPR

No.	Parliamentary Party Group	Number of Expert Staff
1	Fraksi Partai Golkar (F-PG)	14
2	Fraksi Partai Demokrasi Indonesia Perjuangan (F-PDIP)	11
3	Fraksi Partai Persatuan Pembangunan (F-PPP)	6
4	Fraksi Partai Demokrat (F-PD)	7
5	Fraksi Partai Amanat Nasional (F-PAN)	6
6	Fraksi Partai Kebangkitan Bangsa (F-PKB)	6
7	Fraksi Partai Keadilan Sejahtera (F-PKS)	5
8	Fraksi Partai Bintang Reformasi (F-PBR)	3
9	Fraksi Partai Damai Sejahtera (F-PDS)	3
10	Fraksi Bintang Pelopor Demokrasi (F-BPD)	4
TOTAL		65

43 "Tenaga Ahli Fraksi DPR-RI", Sekretariat Jenderal, Dewan Perwakilan Rakyat Republik Indonesia, Jakarta, Mei 2008.

Unlike in parliaments elsewhere, the Indonesian legislature does not support the parliamentary party groups financially. Besides the provision of office space, office equipment, and some human resources, the meetings of the party group leadership and group plenary are catered for with drinks and snacks. Parliamentary party groups cover their running costs through contributions from their members. A fixed contribution (luran) is deduced from the monthly salary and allowances of members to be used by the parliamentary party group and the party organisation.⁴⁴

The party group treasurer is responsible for the accounting and financial management of the group. Financial reporting is done regularly and the reports are distributed to all members of the party group.⁴⁵ Some parliamentary party groups have drafted special guidelines for the work of their secretariats.⁴⁶ These guidelines detail the secretariat structure and provide task descriptions for the various sub-sections of the secretariat. Recruitment and evaluation of party group staff is another area where parliamentary party groups lack consolidated guidelines and standard operation procedures.⁴⁷ The same is valid for finance and auditing of party group budgets.



Recommendations on How the Parliamentary Party Groups can Advance the Roles of Representation

Advancing a representative democracy can be achieved through the work of legislators and the support of their respective parliamentary party groups. This requires commitment and specific internal working

44 In 2007 this contribution amounted to IDR 5,000,000 per month for members of the PDI-P party group. See, "Brokerage common in House, MPs say", *The Jakarta Post*, 3 July 2008.

45 For example, the party group of Partai Golkar requires its treasurer to prepare a financial report and distribute it to all members every three months, see, Chapter XI, Article 79, "Tata Kerja Fraksi Partai Golongan Karya Dewan Perwakilan Rakyat Republik Indonesia", Jakarta, November 2005.

46 See, for example, "Pedoman Tugas dan Tanggung Jawab Sekretariat Fraksi PDI Perjuangan DPR-RI, Jakarta, 9 January 2005.

47 For example, the expert staff of the party group of Partai Golkar are evaluated every six months by the party group leader.

procedures. Hence, the suggested recommendations for parliamentary party groups focus on two areas, internal procedures and constituent relations.

Improved Internal Procedures

Since not all party groups in the DPR have yet created internal procedures the first effort should be to prepare and pass such regulations. Parliamentary party groups with existing procedures should improve them by focusing on a number of core chapters that could include the representation principle and constituent relations. The structure of the procedures can be simplified following best practices.

Procedures of parliamentary party groups ideally have the following main sections:

- Constitution of the group
- Membership of the group
- Group organs and bodies: membership and powers
- Organisation of work within the group
- Deliberations, quorum, decision making, and communications
- Group secretariat
- Group budget and balance sheet
- Final provisions: parliamentary assistants, amendment to the procedure

Improved Constituent Relations

The second area of recommendations for parliamentary party groups refers to advancing constituent relations. This should include an improvement of the processing and documentation of issues gathered during recess and from visiting delegations, particularly the feedback to questions from constituents. Since parliamentary party group work is resource-intensive, the DPR Secretariat should allocate more support for

each parliamentary party group. This includes funds for more expert staff and research equipment that can be used for reporting and improving constituent relations. On the other hand, parliamentary party groups are advised to:

1. improve guidelines for members on how the recess work should be conducted. Rather than only collecting issues during recess, the constituent visits should be used to give answers to questions previously forwarded to the parliamentary party group and its members;
2. better facilitate their members with expert staff and research facilities in conducting their constituent relations;
3. create and manage a database on the demographic particularities of constituents and the important issues in each electoral district;
4. pass an ethics code and introduce sanctions for members who do not produce regular and detailed reports about their constituent relations;
5. strengthen interaction and communication with their constituents via publications, a regularly updated homepage containing sections on each member, and periodic press conferences with press releases.
6. record the positions of the parliamentary party group on policy issues and achievements through the work in parliament, and made this information available to the public.

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CHAPTER III



STANDING ORDERS OF THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA: THE INSTITUTIONALIZATION OF THE ROLES OF REPRESENTATION IN THE PARLIAMENT

I

Background

The DPR (House of Representative) performance shows improvement during the Post New Order era, compared to the era before. The DPR functions are optimally implemented. In addition, the freedom of expression has found its momentum during this era. Dissatisfaction of the mass is expressed through various demonstrations. The lustrous demonstrations, which are often colored with violence, indicate that the public is still looking for its own channel than entrusting its problem solutions to the DPR. This also indicates that the level of public trust toward the DPR is still low.

The low level of public trust toward the DPR is a reflection of the low capacity of the DPR Members' majority in comprehending the aspirations that develop within the society. Less responsiveness and less sensitiveness of DPR Members toward problems faced by the society cause negative judgment of the public toward the DPR institution, which is all this time still attached to the DPR Members and the DPR as an institution.⁴⁸

The polling of "Kompas", which focuses on the DPR performance, indicates that the public still doubts the quality of the DPR in performing its functions. A total of 65.6% respondents are all this time not satisfied with the legislation functions carried out by the DPR. A total of 76.3% respondents admit that they are not satisfied with the performance of the DPR in controlling the Government. Meanwhile, 76.4% respondents are not satisfied with the DPR's performance in channeling the aspirations of the people.⁴⁹

48 Part of the explanation is that this situation is caused by the political map of Indonesia, which is still elitist and with partial characteristics of the elites toward their own interests than toward the interests of the people whom they represent. See Leo Suryadinata, *Elections and Politics in Indonesia* (Singapore: ISEAS, 2002), page 212-214.

49 Kompas, 27 August 2007.

The channeling of public aspirations to the DPR Members as individuals, or to the DPR as an institution, is the manifestation of the DPR Members as people's representatives or the DPR as an institution representing the people. However, there is until now no legislative regulation instruments that explicitly regulate the representation roles of the DPR and the DPR Members.

In addition, NGOs, students or other community elements indicate how difficult it is for them to access information to the DPR, with regard to the many public complaints that they voice. For example, when implementing the legislation function, the public participation is only accommodated at the initial discussion stage, namely at the first level discussion or the Public Opinion Hearing (RDPU or Rapat Dengar Pendapat Umum). The RDPU is normally conducted at the Pansus (Special Committee) level. Thereafter, at the Panja (Panitia Kerja or Work Committee) level, at the Timus (Tim Perumus or Formulation Team) level, and at the Timsin (Tim Sinkronisasi or Synchronization Team) level, the discussion of a Law is conducted in a closed way. The public access toward the aspiration, submitted during the RDPU, is closed at these levels. The public is unaware of whether their opinion is accommodated or not. Later on, at the Plenary Meeting or Level II Discussion to legalize the Bill, the public access is open again, since such Meeting is conducted openly.

The limited public access also occurs at the DPR meetings. The discussion of a Bill has apparently no time limit on when it should be completed. The DPR Standing Order does not regulate when a Bill discussion should be completed and when it is able to be accessed by the public as a realization of the DPR accountability to those being represented.



Problem Formulation

Following are several problems that can be formulated based on the above mentioned background:

1. Has the current prevailing Standing Order reflected the representation principles?
2. What representation principles should actually be reflected in the DPR Standing Order?
3. Why are those representation principles important to be included in the DPR Standing Order formulation?
4. How can those representation principles be included in the formulation of the DPR Standing Order articles?



Framework

According to its name, the DPR is an institution that represents the people. According to Bintan Saragih, the materialization of this people representation role is to accommodate and channel public aspirations.⁵⁰ However, according to Arbi Sani, in addition to accommodating and channeling aspirations, it should also defend and fight for the public aspirations.⁵¹

Bintan said further on that the DPR, which executes this representation role, is like a dam that is expected to accommodate water (public inputs/aspirations/interests) as much as possible and then distribute it through various channels in accordance with the public need. If the DPR is unable to distribute the dam water, then the channel will be clogged up and the water will look for its own channel. This clogged up channel causes the occurrence of dissatisfaction and the mass will look for its solution, as

⁵⁰ Bintan Saragih, presented in the limited discussion with P3DI researchers, on 16 April 2008.

⁵¹ Arbi Sani, FGD UNDP,

shown by the lustrous demonstrations. Further consequences of those demonstration actions are violence acts.

Beginning from accommodating the people's aspirations, the DPR Members and the DPR, as an institution, further on channel/fight for those aspirations through three DPR functions, namely the legislation function, control function and budget function. According to Arbi Sani, the representation function serves as the base of those three DPR functions.⁵² Through the legislation function and the awareness of being the people's representatives, the DPR Members and the DPR, as an institution, will use their rights to channel the aspirations and interests of the people into Law articles, which are prepared together with the Government.

Through the control function, the DPR Members and the DPR, as an institution, in their qualification as people representatives, perform the political control. Matters that are controlled by the DPR Members and the DPR, as an institution, are issues related to the implementation of the produced Laws. The DPR also controls the executive and judicative bodies, which act as the Law executives, on whether those Laws have been properly executed or not.

Arbi Sanit expressed as follows in relation to the budget function:

"Due to its role of representing the people, the Parliament has the authority to determine the incoming and outgoing of the state money, which is basically the people's money. The state expenditures, which funding is taken from taxes as its source as well as from foreign assistance or loan, are all certainly the burden of the people."⁵³

The DPR determines the tax policies through the budget function, by taking account of the capacity suitability of tax payers. In addition, the DPR also determines the budget for state expenditures, which operation is conducted by the Government. Taxes and state expenditures should be accounted for to the people, as tax payers and the party that will bear the consequences on any failures in utilizing the budget determined by the DPR. As such, the DPR Members should perform the role of people's representatives by way of implementing the legislation, control and budget functions in accordance with the aspirations and interests of the people.

52 Arbi Sanit, Political Representation in Indonesia, CV Rajawali, Jakarta, 1985, page 48 – 52.

53 Ibid, page 50

Meanwhile, according to John K. Johnson⁵⁴, the basic functions of the parliament are the representation function, Law preparation function, and control function. The budget function is not made explicit, with the assumption that the budget function is already included in the legislation function, since the parliament approval on the budget proposed by the government is contained in the State Budget Law.

Maswadi Rauf and Bintan Saragih have also the same opinion as Johnson, using the representation function in addition to the three DPR functions, namely the legislation function, control function and budget function. According to Maswadi Rauf, the representation function at the Parliament is a function carried out by the people's representatives, who act on behalf of the people, to control the executive institution.⁵⁵

Nevertheless, the post amendment 1945 Constitution, as well as other legislative regulation instruments that regulate the DPR, did not mention the representation function. The representation function is not explicitly regulated and is not regulated individually and separated from the three DPR functions.

Since the representation aspect inspires or serves as the base of the three DPR functions, then in this context, the representation function protects the implementation of those three DPR functions. The exact term to be used in this context is "representation role", while the term of role means "behavior expected to be possessed by someone with high position in the community".⁵⁶

Further on, the implementation of the DPR functions needs "rules of the game". This "rules of the game" is regulated at the DPR Standing Order. The Standing Order are the rules of the game, which serve as the base of such representation institute. They are processed or activated in the council task framework. Therefore, the Standing Order strongly determine the movement space of the DPR. The current prevailing DPR Standing Order are the Standing Order contained in the Decree of the Indonesian DPR No. 08/DPR.RI/I/2005-2006 concerning the Standing Order of the DPR of the Republic of Indonesia.

54 J. John K. Johnson, *The Role of Parliament in Government*, World Bank Institute, Washington, D.C., 2005, page 2.

55 Maswadi Rauf, FGD with the theme "Definition and Principle of Representation in the Parliament", Ibis Hotel, 22 May 2008

56 Indonesian Language Dictionary

With regard to the representation role, Article 1 point 5 contains among others that the meaning of Member is: "..... People representative who has sworn or promised according to the legislative regulations and should seriously take account of the people's interests in his/her implementation of duties."

Likewise, the oath of the DPR Member, which is contained in Article 7 paragraph (4) is as follows: "In the name of God I swear that I shall fight for the aspirations of the people whom I represent in order to materialize the national objective for the interest of the state and nation of the unitary Republic of Indonesia."

Meanwhile, Article 6 paragraph (1) letter 1 contains the following duties and authorities: "absorb, collect, accommodate and follow up the public aspirations." The representation role of the DPR Members, which is formulated in form of authority to receive and channel the public aspirations and is equated with other authorities, caused this function to be shunted aside. Moreover, if the public aspiration submitted to the DPR has no high political quality, then it will disappear among other DPR authorities.

The formulation of the DPR Standing Order is still heading in the wrong direction, viewed from the issue of collecting and following up the people aspirations. The DPR Standing Order should actually be able to formulate how the absorption/collection and follow up inspire/serve as base of the activities of the DPR Members and the DPR in carrying out their functions. However, the absorption, collection, accommodation and follow up of the public aspirations are only placed as the obligations of the DPR Members and the DPR, as an institution.

The representation role should actually be regulated in the initial part of the Standing Order after the General Provisions. This is meant to make the representation role as a protection for other following regulations. In addition, the DPR Standing Order, which is all this time only regulating procedural matters, needs in the future also to regulate substantial matters that are associated to the council interaction substance.

Meanwhile, parallel with the thought of Logemann, the state is an

organization of positions, and therefore, the DPR is a collective position (*"Samengestelde Ambten"*).⁵⁷ *"Samengestelde Ambten"* means: "several officials combined in one position and they do not represent themselves in this position, but represent the interest of the position"⁵⁸

Meanwhile, the position function is shown by the decision made such position.⁵⁹ As a collective institution with many officials, the decision making at the DPR should be carried out by way of deliberation for consensus, and if no agreement is reached, then it should be carried out by way of voting.⁶⁰ Meanwhile, the decision can be made / taken in all types of DPR meetings.⁶¹

Meanwhile, Article 206 contains: "Each DPR meeting can make a decision if it is attended by more than a half portion of the meeting members, which consists of more than half of the Faction elements." As such, the involvement of faction elements is important to make decisions in DPR meetings.

If the formulation of the Standing Order still places the faction in a strong position, Muchtar Pakpahan considers that, with regard to the DPR Standing Order that prevailed during the New Order era, it is still relevant to evaluate the current existence of the DPR Standing Order. Pakpahan expressed that:

*"According to the Standing Order, the DPR membership is not an active membership (personal active) but is a faction active membership (faction active). It means that the applicable approach is a structural approach, so that personal activities in the DPR should be viewed as a group or faction activity. Personal opinions have no meaning, although they contain the truth and are supported by the people, if contrary decisions are made by the group or faction. This pattern also serves as the base of the DPR Standing Order."*⁶²

57 Logemann, Muchtar Pakpahan: Indonesian DPR During the New Order era , Pustaka Sinar Harapan, Jakarta, 1994, page.26

58 Ibid, page.27

59 Ibid, page.27

60 See Chapter XXVIII concerning Method of Decision Making.

61 This is contained in Article 204 paragraph (2) of the DPR Discipline Rules. Meanwhile, the types of meetings at the DPR are the Plenary Meeting, Extraordinary Plenary Meeting, Faction Meeting, DPR Management Meeting, Deliberation Board Meeting, Commission Meeting, Collective Commission Meeting, Legislation Board Meeting, Budget Committee Meeting, BURT Meeting, BKSAP Meeting, Honorary Board Meeting, Special Committee Meeting, Work Committee or Team Meeting, Work Meeting, Hearing Meeting, and Public Hearing Meeting

62 Muchtar Pakpahan: Indonesian DPR During the New Order Era, Pustaka Sinar Harapan, Jakarta, 1994, page 174-175

According to Maswadi Rauf, the representation concept needs accountability of the people representatives to the represented people. Accountability of the people representatives is the accountability of the DPR Members to the constituents, by establishing direct and periodic contacts. As such, the constituents will be able to control their representatives at the DPR.⁶³ Therefore, each activity carried out by the DPR Members should be informed to the people, and they should submit reports to their constituents. For example, with regard to the activity of the DPR in conducting a work visit to the region during the recess period, then the DPR Members should inform the public and report to the constituents on what has been carried out, including the results.

In addition, the Standing Order, which reflect the representation role, should actually open the opportunity to the people/constituents to be involved in each process at such representative institution. The participation and openness principles toward the ideas/aspirations from the people/constituents shall be accommodated in the formulation of the Standing Order. The public participation in the activity processes at the DPR is possible at each session phase. Those aspirations should be accommodated, and the mechanism should be regulated by the Standing Order.

In addition, the Standing Order should also regulate the transparency for the public to access DPR activity processes, including the DPR products. Meetings/sessions at the DPR should be open for public. Closed DPR meetings should be upon reasons on why they are closed.

In addition, the Standing Order should also regulate the openness for the public to access the DPR products. The Standing Order should regulate how long a product should be finalized and when it can be accessed by the public. The public should obtain the facilitation guarantee in order to access those products. Besides being documented by the DPR Secretariat, then, in this era, those DPR products should also be able to be accessed through the internet network.

In the democracy tradition, all matters should be continuously revised. Revision means reformation in each system.⁶⁴ Reformation should always be carried out in the DPR context, for example in enhancing the quality of

63 Prof. Maswadi Rauf: FGD with the theme: "Representation Definition and Principle at the Parliament", Ibis Hotel, 22 May 2008

64 Apter, *op-cit*, page 270

the Law, enhancing the service quality of the DPR Secretariat and others. In order to materialize the representation role into a base that serves the three DPR functions, then there should be a revision of the DPR Standing Order, which is able to reflect the representation role in regulating the functions as well as the work mechanism of the DPR.

IV

Research Method

Research Strategy

The efforts to academically accommodate and include the representation function into the DPR Standing Order may be carried out through an approach using the case study strategy. As a study that is expected to be able to provide practical recommendations, this case study strategy puts in front two basic questions, namely “how” and “why”, by focusing the study on events that took place all this time.⁶⁵ This study strategy seems to have a similarity with the historical study strategy. However, the difference with the historical study is that the case study strategy offers two evidence resources that are normally not found in the historical study, namely direct observations and systematic interviews. In other words, both strategies seem to be overlapping, but the unique power of this case study strategy is its ability to process a series of variable evidences, such as documents, artifacts, interviews and observations, which are matters that have a small possibility to be carried out in the historical study strategy.⁶⁶ Eventually, by putting in front those two basic questions, an academic study can be presented, with the objective to achieve a basic conclusion as the formulation base of a number of recommendations that are expected to be suitable to the determined purpose.

65 Robert K.Yin: Case Study Research, Design and Method, (2nd ed.), Sage Publication, 1994, page 6-9.

66 Ibid., page 9.



Materials and Technique of Data Collection

There are two types of collected data in this research, namely:

- a. Primary Data :
 - (1) Weak representation function performance of the Indonesian DPR Members all this time;
 - (2) Indonesian DPR Standing Order;
 - (3) The non-inherence impact of the representation principles in the Standing Order, based on the DPR performance all this time as the evaluation parameter.
 - (4) Results of in-depth interviews with the DPR Members who were all this time actively involved in the preparation as well as amendment of the Indonesian DPR Standing Order.
- b. Secondary Data
Purposive Standing Order, Rules of Procedure or Standing Orders of one of the parliaments of other countries, theoretic studies related to the functions and roles of the parliament, a number of articles and other studies related to the functions, roles and performance of the parliament.

The data are collected by using the following techniques:

- a. Documentation study, namely by collecting documents related to the study issues. Those documents may be in form of legislative regulations, such as Laws, Standing Order and other related data sources, as well as in form of administrative documents and a number of official research outcomes.
- b. In-depth interviews with DPR Members who were all this time actively involved in the preparation or amendment of the Indonesian DPR Standing Order, and with competent academicians who are purposively selected.

As a policy matter, this research uses the legislative problem solution method by putting in front at least four steps that are logically connected.⁶⁷ However, since this research will cease at the presentation of recommendation, only the first three analysis phase methods will be used in this research, namely:

(1) Identifying problems.

The problem identification in this phase is intended to understand the characteristic and scope of the problem. Two matters will be undertaken in this phase, namely (a) finding basic and specific facts, and (b) what forms are considered as social problems and finding the actors, including the executive institutions, with regard to their diverge behaviors or creation of those social problems

(2) Designing and strengthening the explanation.

A public rule of the game will be proposed in the framework of assisting the problem solving, which is believed as being able to change and eliminate a series of the problem causes (in form of explanations). Other parties will be involved in order to strengthen and explain those behaviors and to show that the consistency of their explanations is proven with the available evidences.

(3) Proposing a solution in form of a number of recommendations.

After obtaining facts that are believed will strengthen the explanation on the existing problems, then an evaluation is carried out in order to determine that logically a new public rule of the game---particularly its implementation aspect--- will much possibly change or eliminate the problem causes and will induce the required behavior patterns. An alternative solution will also be made in this phase, which shows the strengths and weaknesses compared to the proposal of the researcher.

67 Legislative Theory and Methodology: The Key to a Legislator's Tasks", Manual for Legislators, tt., hal. 68-69.

V

Activity Results

This activity is expected to result the policy study and recommendation concerning:

1. The meaning that it is important to include the representation principle in the DPR Standing Order.
2. The meaning that it is important to regulate a more explicit mechanism to collect the public aspirations, which is regulated in the Standing Order, in the framework of optimizing the participation and control of the public toward the parliament.
3. What matters are reflecting the representation principle, which should actually be regulated in the DPR Standing Order?
4. How should the matters that reflect the representation principles be regulated in the DPR Standing Order?
5. Why should matters that reflect the representation principles be regulated in the DPR Standing Order?

VI

Objective and Users of Activity Results

This activity is intended to:

1. Prepare the study concerning the representation role in the improvement of the parliament policy dialogue and its implication toward the public life.
2. Discuss and make similar the perception concerning the importance of the representation role in the parliament and how it can be clarified in the DPR Standing Order.
3. Conduct a dialogue with the Special Committee for the DPR Standing Order revision, with regard to integrating the representation role in the DPR Standing Order.

Meanwhile, the users of the results of study on the representation role in the DPR Standing Order are among others:

1. Special Committee for Revision of the DPR Standing Order.
2. DPR Members from 10 factions.
3. Faction Staff.
4. Faction Experts.

VII

Implementation Schedule

No.	Activity	April	Mei	Juni
1	Proposal Preparation	X X X	X X X X	X X X X
2	Limited Discussion		X	
3	Study on the Supporting Literature and Standing Order, as well as the Preparation of Recommendation	X	X X X X	
4	Seminar Research Outcomes			X
5	Preparation of Final Report			X X X
8	Submission of Research Outcomes to UNDP			X



REPRESENTATION ROLE OF DPR MEMBERS IN THE COMPARATIVE STANDING ORDER

The DPR is, along with the results of the 1945 Constitution amendment, which provides a larger role in the establishment of laws, facing the demand to enhance its representation role performance in the implementation of its three constitutional functions in the sectors of legislation, control and budget. The laws that are produced by the DPR in the legislation sector are apparently not meeting the quantity target based on the priorities determined in the Prolegnas (National Legislation Process). The produced laws are qualitatively not fully providing direct benefit to the interests of the overall public as well as the limited access of the public in each Bill discussion process.

Similar cases are also found in the control and budget sectors. In the control sector, the problems are still at the lack of control effectiveness of the DPR and the mechanism to absorb public aspirations, which is often only a collection of inputs without cler follow up. The problem in the budget sector is the weak budget planning as well as the effectiveness and efficiency in the allocation of expenditures to fulfill the public need.⁶⁸

As mentioned in the previous part, the efforts to observe the extent of the representation role of the DPR Members, either as an institution or as individuals, as the people's representatives, should be looking at the institutional context of the Standing Order, in which the DPR Members should implement their roles.⁶⁹ For this purpose, it is necessary in the

68 Outcome Report of the Indonesian DPR Performance Study Team dated 23 February 2007, and accessed in www.parlemen.net on 18 June 2008.

69 Each group or class has its interest, but the way on how they interpret and achieve their interests and the outcomes of their efforts are determined by institutional factors. They often give up during their interactions or modify their objectives as replacement of the concession that they receive from other parties. Those interactions certainly occur in the context of regulations or institutional forms that surround the policy making process and affect how each actor achieves his/her interest, and within what limits those efforts are successful (Michael Howlett and M. Ramesh, 1995: 51).

framework of comparatively studying the development dynamics of the representation function implementation of the DPR, to know how and to what extent the representation role has been implemented, based on the Standing Order from time to time.

However, due to the limited discussion scope, this part will periodically only look at the development of the Standing Order regime context, and then clarify it in the next part, as long as each can provide a political movement space to each DPR member, either individually or institutionally in implementing the function.

It is admitted that the completion of the DPR Standing Order is only one of the effort dimensions to enhance the performance of the DPR, which results in the increase of the public interest function actualization that should be implemented by the DPR Members as people representatives.⁷⁰ As a superstructure element for the DPR Members to interact with each other in fighting for their interest, the Standing Order still has a central role in covering the DPR policy process and affects how each actor achieves his/her interest and ideas. Eventually, the problems that emerged can be mapped in order to see the DPR performance individually and institutionally.

In order to facilitate the phasing, it will be distinguished based on the Standing Order in each time frame, according to the work period of the people's representative institution and the constitution base that prevails at that time.⁷¹ The phasing of the institutional dynamics on the roles of the DPR Members and DPR, as an institution, will be simply grouped in three administration regime periods, namely: (1) early independence period and Old Order regime era, (2) New Order period, and (3) reformation period. One of the Standing Order institution samples, which is taken purposively, will be presented in those three period groups.

70 The Outcome Report of the Indonesian DPR Performance Enhancement Study Team, dated 23-2-2007. The document was processed PSHK and presented in www.parlemen.net, and accessed on 17 June 2008. Compare also with Bivitri Susanti, "Institutional Problem the Legislation Process", the seminar document at The Habibie Center, 8 March 2007. The document was processed by PSHK and presented in www.parlemen.net, and accessed on 18 June 2008.

71 Collection of the Indonesian DPR Discipline Rules, Jakarta, Indonesian DPR Secretariat General, 1984, page i..



Representation Roles in the Standing Order



A

DPR Standing Order from the Early Independence Period until the Old Order Period

The DPR institution experienced an evolution during the period from 1947 to 1966, from the Central National Committee (KNP or Komite Nasional Pusat) and Central National Committee Worker Board (BP-KNP or Badan Pekerja Komite Nasional Pusat) until the different state institution and state constitution systems during the RIS period when the state used the UUDS (Temporary Constitution), the 1945 Constitution until the period when the Indonesian Communist Party was forbidden at the end of the Old Order era.

A number of Standing Order were used in this period, among others the KNP and BK-KNP Standing Order, DPR Period and RIS Senate Standing Order, Temporary DPR Period Standing Order (1950-1956), 1955 Election Result DPR Period Standing Order (1959-1960), which was based on the 1945 Constitution, Old Order GR DPR Period Standing Order (1960-1965) and DPR GR Minus PKI Period Standing Order (1965-1966).

Two Standing Order were used in the early independence period by KNP and BK-KNP. The KNP Standing Order was legalized by BP-KNP on 1 December 1949, consisting of 7 Chapters, 32 Articles and 65 paragraphs. Meanwhile, the BP-KNP Standing Order was legalized by the BP-KNP Meeting on 10 June 1947, consisting of 9 Chapters, 62 Articles and 120 paragraphs.

The member representation function is shown by several regulations related to procedural as well as substantial issues. One interesting matter is that although the section (currently commission) function is not placing the function to listen to the public voice and to accept the public during the session period as the highest obligation (Article 22 of the BP-

KNP Standing Order), the direct communication with the public during the session is regulated in a separate chapter (Chapter VIII concerning Communication With the People, BP-KNP Standing Order).

Several other representation function aspects are shown in the decision making pattern, which provide each KNP member individual full authority to decide his/her attitude, as shown by the institutionalization of voting after the debate of an activity agenda. The individual political preference sovereignty is also shown in the submission of proposal, request to the government on a certain matter and the inquiry right (KNP Standing Order, Chapter VIII concerning Submission of Proposal and Others by Members, Article 29-32, Article 39, Article 48-59 of the BP-KNP Standing Order). The accountability aspect on the implementation of the representation function is shown in the mechanism and time to speak in the meeting forum. Both Standing Order assert that, in order to avoid protracted discussions and to maintain the effective roles of members in the decision making process at the DPR, the chairman of meeting has the authority to direct the session participants to speak proportionally according to the topic and within a limited time span (Article 13 and Article 15 of the KNP Standing Order, Article of the BP-KNP Standing Order). Other matters are shown by the obligation of each member to attend the sessions, except for acceptable reasons (Article 9 paragraph (2) of the KNP Standing Order, Chapter IV Article 25 and Article 27 of the BP-KNP Standing Order).

However, there is one matter that may inspired the formulation of the Standing Order after such period, which –according to the study of the Law and Policy Study center—contradicted the democracy logic, namely the regulation on the limited access of the public to the closed work committee meeting forums (Chapter III concerning Committee, Article 5 paragraph 6).

Another aspect is the justice aspect on the membership allocation in each committee/commission, which should consider the representation based on group (political) in the BP-KNP without considering the political power grouping, as currently shown in the faction system (Article 14 paragraph 3 of the BP-KNP Standing Order).

Following are the DPRS Period and Senate RIS Standing Order. The Standing Order in this period was divided in two institutions, namely the

DPRS and Senate RIS. The DPRS Standing Order was legalized based on the Decree of DPRS No. 307K/1950 concerning DPRS Standing Order. This Standing Order consisted of 10 Chapters and 135 Articles, while the Senate RIS Standing Order was legalized on 22 February 1950 and consisted of 15 Chapters and 127 Articles.

Several arrangements on the representation role are shown by the several following aspects. For example the DPRS internal institutional aspect is shown by the Deliberation Committee (currently Bamus), which clarifies that is necessary for all groups to be included in this committee (article 25 paragraph (2)). The same occurs in the case of establishing the "Section" organizational membership, which clarifies that the Deliberation Committee should place the Sections membership by considering the representation of all groups and the wish of the member him/herself (Article 30).⁷² However, one contradictive matter with the real representation role is that in fact the section (commission) membership is appointed by the DPR by taking account of the factions wishes (Article 28 paragraph 3).

Meanwhile, the confirmation of the representation role is shown by the regulation concerning the obligation of the section (commission) to "listen to the public voice" and to investigate important events upon initiative of the section and decision of the DPR, although its placement is after other obligations (Article 29 letters d and e).

In the political accountability aspect context, the work effectiveness and efficiency of the DPR and the representation role or the DPR Members, are shown in the implementation of the DPR rights, which do not require any interferences of the faction, and the implementation of the DPR inquiry right also regulates when it should be finalized (Article 92-128). Another matter is shown in the context of public access to the DPR products where there is a requirement to attach inquiries and their answers as an appendix of the minutes of meeting in implementing the inquiry right (Article 107). An approximate regulation on the representation role that should be carried out by the DPR Members and the DPR can also be found in the Senate RIS Standing Order.

Further on is the Standing Order of the 1955 Election DPR (1956-1959). This Standing Order, which consisted of 10 Chapters and 158 Articles, was

72 However, it is necessary to examine whether the word "group" refers to what is known by faction in the context of grouping the political power, based on the election result, at the DPR like in this era.

legalized in the open plenary meeting on 9 October 1959. The grouping of members into factions was institutionalized in this Standing Order (Chapter IX), an institutionalization that is philosophically contradicting the sovereignty of the DPR Members in implementing their roles. Another matter was the institutionalization of the allocation session year into four session periods and the institutionalization of the president's speech at the opening of the first session at the DPR, followed by the introduction speech on the government financial note (Article 97).

The DPR is institutionally starting to strengthen the completeness of its instruments by involving factions to fill in the membership, such as the Household Committee (Article 20), Commissions (Article 22), Budget Committee (Article 26) and Special Committee (Article 26). Filling in the membership of other DPR instruments has a correlation with representation role and member sovereignty, such as at the filling in of the Deliberation Committee Members, which considers the wish of the member him/herself (Article 18 paragraph 2), while the filling in of membership that requires the involvement of the faction consideration and the consideration of the member him/herself, occurs at the same time when filling in the Commission membership.

The confirmation of the representation role within the institutional frame of the DPR instruments can be found in the duties of the commission, which expressed the requirement to listen to the public voice (Article 24 letter c).⁷³ Another matter occurred in the institutionalization of communication and public access to what are carried in the commission, namely that discussions in the commission should be recorded, while they should be corrected by the speakers within 2x24 hours, while 2x24 hours after that the final record should be submitted to the members and the executive institution. The commission record should contain the names of members who are not present in order to strengthen the accountability of the members and the public control toward its representatives. This is the same in the minutes of meeting of the DPR meeting with the government, which requires the indication of members who agree or do not agree in case of a voting (Article 122). However this record may not be published to the public in a short term (Article 45).

Another significant aspect in the representation role context is

73 Article 24 letter c reads: "The obligation of the Commissions is to listen to the public voice (public hearing), with regard to the affairs of the respective Commission, among others by taking account of the letters that are submitted to the DPR, and to accept the parties of interest".

shown in the implementation of the DPR rights, which does not involve the factions, such as in the implementation of the right to ask (Article 71), request of information (Article 73 paragraph (1)), inquiry right (Article 77) and the proposal for amendment of the Bill, which is being discussed (Article 83). One interesting matter is that in the case of implementing the inquiry right, the proposal of this right should also explain the cost details, an institutionalizing of the accountability for the DPR activities with regard to the use of public budget.⁷⁴ For the reasons of effectiveness and efficiency, each meeting with the government is also limited to 10 minutes, in order to avoid protracted and non-focused discussion of the meeting agenda.

There were three Standing Order used in entering the Old Order regime period, namely the 1955 Election DPR Standing Order (1959-1960)–based on the 1945 Constitution, the Old Order GR DPR Period Standing Order (1960-1965), and the DPR GR minus PKI Period Standing Order (1965-1966). We take several arrangements as samples from those three Standing Order concerning the aspect of the DPR Members representation role, which are approximately similar to what are found in the previous Standing Order, such as filling in the DPR instrument membership that should take account of the group interest, the DPR agenda procedures that is in line with the previous Standing Order, and the implementation of rights and obligations of the DPR Members and the DPR (instruments) in carrying out their three constitutional functions in legislation, budget and control sectors. It is only that in those three Standing Order the DPR authority was still under the subordinate shadow of the government of President Sukarno. The legal base of those Standing Order was still the Presidential Regulation. A similar case also occurred in the decision making method, for example in the case of not reaching the agreement (consensus), several opinions of the DPR Members were submitted to the president and eventually the president made the decision (Article 103, 1955 Election Result DPR Period for the office term 1959-1960). The position of the DPR GR Members was still under presidential power authority subordination, since they were appointed and discharged by the president as the MPR/DPR mandate holder (Article 2 paragraph (1) of the Regulation of the President of the Republic of Indonesia No. 28 of 1960 concerning the Amendment of the Standing Order), where the implementation of oath taking is before the president and the contents of the oath is determined based on the Decree

74 This arrangement has been accommodated in all Discipline Rules after such period until now, although ironically the limited public access to the inquiry results, its plan and funding still takes place until now.

of the President (Article 2 of the Presidential Regulation No. 32 of 1964 concerning the DPR GR Period Standing Order).⁷⁵

B

DPR Standing Order in the New Order Period

Entering the beginning period toward the commencement of the Standing Order of the 1971 election DPR and the election for the next five years, the New Order pioneering Standing Order was established (DPR-GR Standing Order based on the Decree of the DPR No. 10/DPR-GR/III/1967-1968), which began to institutionalize the faction strengthening and regulated the obligation of each DPR Member to become a faction member, and for efficiency reason, united small factions into one new faction (Article 10 paragraph 3, Article 13). The Standing Order, which was used after this period, was based on the internal mechanism of the DPR as result of the five years period elections, namely the elections in 1971, 1977, 1982, 1987, 1992, 1997 until the end of the New Order administration period in 1998.

The basic characteristic of the Standing Order during this period was not much different than the period before with regard to accommodating the representation role of the DPR Members as individuals and as an institution. The difference was at the political context, more heading toward one political power, namely the Karya Pembangunan Faction, which dominated the method process and in each decision making reflected the extension of the New Order power. Consequently, in the situation where the faction was so strong in performing its function, each decision making in the DPR forum was still colored by the faction sovereignty than the member sovereignty. The faction role was very strong and even became part of the DPR instruments, such as for example found in Article 3 (2), Standing Order No. 10/DPR-RI/III/1982-1983.

The institutionalization of the DPR's representation role, which is for example directly related to the public aspiration absorption function, was only obvious approaching the termination of the New Order power at the

75 In the Post-G30S/PMI era, where the last phase of the DPR GR Discipline Rules entered the beginning of the New Order era, a basic change was made in the method of electing the DPR Chairman after the issuance of the Decree of the DPR GR No. 30/DPR-GR/IV/65-66 dated 17 May 1966 concerning the Regulation on the DPR Election Discipline Rules, where the election of the chairman was regulated by a mechanism based on the power of the respective groups in the DPR.

end of 1977, through the Standing Order of 1997-1998 (Chapter XV) and in the Standing Order after such period.

However, the issue of the representation role strengthening of the DPR Members in performing the three DPR functions, is constitutionally still colored by the not maximum performance of the DPR institution, which is still due to (1) the strong faction role, (2) the legislation outcomes of the DPR, either quantitative or qualitative, are not complying with the people's interests, (3) the public opinion that the DPR institution is not fully complying with their aspirations and interests, (4) the implementation of the control and budget functions is not fully directing toward the effectiveness and efficiency in carrying out the administration, and (5) the communication and strong moral as well as political accountability of the DPR Members toward their constituents is not developed yet, due to the use of the election system, which does not open the space for the establishment of the DPR Member's loyalty toward their constituents.

C

DPR Standing Order in The Reformation Period

The issue of the representation role of the DPR and DPR Members is not much changed in the reformation era. The DPR Members have no full sovereignty in performing their functions, due to the still strong institution role of the DPR Chairman in the procedure of implementing The rights of the DPR and DPR Members, the less optimum effectiveness in implementing the Standing Order, which is open for the absorption of aspirations and public participation in the legislation, control and budget processes, as well as the not established integrated communication between the DPR Members and their constituents in the framework of implementing the DPR Members election system are still obscuring the role and accountability of the DPR Members.

The problem map of the representation performance of the DPR Members and the DPR in the reformation era all this time is for example shown by their performance in implementing the DPR legislation function. The data of the DPR Legislation Board indicate that 230 Bills of the Prolegnas (National Legislation Process), planned for 2005-2009, only resulted 144 laws until April 2008. From those 144 Laws, only 28 Laws are

from the Initiative Bills and 56 laws are related to the area expansion.⁷⁶

Since the commencement of the reformation era, the efforts to revise the DPR Standing Order in the framework of strengthening the institutionalization of the representation role of the DPR Members and the DPR, have experienced significant progress, although normatively. Several matters still need to be straightened up, due to several following reasons: (1) this institutionalization still uses the term of *Darul Sika*, namely "just the overall", and not on more specific matters in order to more strengthen the relation between the DPR Members and the election area, (2) the public opinion that the DPR performance is still not responsive and not complying with the public expectation in implementing the three constitutional functions, (3) the still limited sovereignty of the DPR Members in performing their duties and authorities due to the still strong role of the factions in the DPR as the extension of the party interests,⁷⁷ and (4) the more explicit and specific (comprehensive) institutionalization of the representation role of the DPR Members and the DPR in the Standing Order, is believed to be one of the ideal ways to encourage the enhancement of the DPR Members and the DPR performance.

A number of general regulation samples will be presented hereunder with regard to the institutionalization of the representation role of the DPR Members and the DPR in the DPR Standing Order for the period of 2005-2006 and a slight relation with the regulation of the previous Standing Order, as the DPR Standing Order cases in the reformation era. Standing Order No. 8/DPR. RI/2005-2006 has accommodated a number of regulations related to the representation role of the DPR Members and the DPR. Article 1 letter 5 of the General Provisions for example, has regulated the definition of "DPR Member" as a people representative, who has sworn or promised according to the legislative regulations and shall seriously take account of the people's interest in carrying out his/her duties.⁷⁸ As an institution, the DPR is among others assigned and authorized to absorb, collect, accommodate, and follow up the public aspirations.

Three principal matters are confirmed regard to the obligation of the

76 The data was processed from the Legal Section, Legal Bureau and Law Executive Committee, Legislation Deputy, Secretariat General of the Indonesian DPR.

77 The regulation of this matter is for example found in Article 130 paragraph (3), Article 171 paragraph (2) and Article 206 of the Discipline Rules No. 08/DPR RI/I/2005-2006.

78 The oath/promise of the DPR member reads among others as follows: "I swear by God that I will fight for the aspirations of the people that I represent in order to materialize the national objective for the interest of the nation and unitary state of the Republic of Indonesia" (Article 7 paragraph (4), Article 24 paragraph (2).

DPR Members, which are directly associated to the representation role in the framework of (1) absorbing, collect, accommodate and follow up the public aspirations, (2) prioritizing the state interest than the individual and group interests, and (3) providing moral and political accountability to the constituents and the election area (Article 13 paragraph (2) letter f and letter h).

Institutionally, the representation role of the DPR is explicitly shown by a number of regulations concerning the duties and authorities that are implemented by a number of DPR instruments, Factions, Commissions, the Budget Committee, Legislation Board, BKSAP, and Honorary Board (BK). The regulation of the Standing Order clearly mentions that in the implementation of the three DPR functions, those DPR instruments may conduct the RDPU, either upon request of one of those instruments or upon request of other parties (Article 37 paragraph (4) point 4; Article 46 paragraph (2) letter b; Article 55 paragraph (2) letter a, and Article 59). The same can be found in the Legislation Board instrument, particularly that is related to its position as the law establishment center. The representation role of the Legislation Board in the legislation process can be for example found in the case of: (1) spreading and finding inputs of the Bill, which is and will be discussed and the socialization legalized law; (2) implementation of the RDPU and work visits to absorb the public aspirations in order to prepare the Bill (Article 42 paragraph (1) letter f and Article 42 paragraph (2) letter d and letter e).

In addition, the presence of the Indonesian DPR Code of Ethics, which started to be institutionalized since 2001, has philosophically a relation with the objective to strengthen the representation role of the DPR Members and the DPR in carrying out their constitutional duties. This Code of Ethics is intended to maintain the dignity, honor, image and credibility of the Indonesian DPR and to assist the DPR Members in performing their authorities, duties, obligations and responsibilities toward the state, public and constituents (Article 2, Appendix of the Decree of the DPR No. 03B/DPR RI/I/2001-2002 concerning the DPR Code of Ethics).

An important development regarding the institutionalization of the representation role of the DPR can be found in the DPR Standing Order commencing 1997 with the issuance of the DPR Standing Order No. 9/DPR RI/I/1997-1998, which was maintained in the following Standing Order, namely in the DPR Standing Order No. 16/DPR RI/I/1999-2000, DPR

Standing Order No. 03A/DPR RI/I/2001-2002, DPR Standing Order 15/DPR/I/2004-2005 and DPR Standing Order No. 05/DPR RI/I/2005-2006. The additions of separate chapters occurred in the regulation of those Standing Order with regard to the Public Aspirations and Complaints (Chapter XV of the DPR Standing Order No. 9/DPR RI/I/1997-1998; Chapter XVII of the DPR Standing Order No. 16/DPR RI/I/1999-2000; Chapter XVIII of the DPR Standing Order No. 03A/DPR RI/I/2001-2002, and Chapter XX of the DPR Standing Order No. 15/DPR/I/2004-2005 and DPR Standing Order No. 05/DPR RI/I/2005-2006).

Another important development on the institutionalization of the DPR representation role can be found in the legislation process, namely in the preparation and discussion of the Bill. The regulation, which started to be accommodated in the Standing Order No.15/DPR/I/2004-2005 and Standing Order No. 05/DPR RI/I/2005-2006, has opened the widest space and access for the establishment of the public participation in those two phases (Public Participation, Article 139 paragraph (1) to paragraph (7), Article 140 paragraph (1) to paragraph (8), and Article 141 paragraph (1) to paragraph (3), and Part Seven, Public anticipation, Article 141 paragraph (1) to paragraph (7), Article 142 paragraph (1) to paragraph (8), and Article 143 paragraph (1) to paragraph (3)).

Several other matters related to the representation role are also indirectly regulated in those Standing Order. Although the existence of the Standing Order is only one factor that determines the performance of the DPR Members and the DPR, the design of the Standing Order that provides wider space to the DPR Members and the DPR in the sense that the institutionalization becomes a required valuable political instrument/ means to internally support their performance. Meanwhile, externally the political structure should target the establishment of a DPR Members election system, which is more supporting the establishment of a political accountability of the DPR Members and the DPR in order to optimally fulfill the interests of the people. Based on all those clarifications, it is important to restructure the role institutionalization of the Indonesian DPR Standing Order.



PROBLEMS IDENTIFICATION ON THE ROLES OF REPRESENTATION IN THE DPR STANDING ORDER

In the DPR Standing Order, which is contained in the Decree of the Indonesian DPR No. 08/DPR RI/2005-2008 concerning the Indonesian DPR Standing Order, the problem map related to the representation role includes among others:

1

Strong Role of The Faction Chairman in The DPR Duties

This Standing Order indicates that several DPR duties always involve the role of the faction chairman. Those duties are among others:

a. Duties of the Chairman of the DPR

Article 27 paragraph (3) point h clarifies that:

“In implementing the duties as meant in paragraph (1), the DPR Chairman may establish a Team on behalf of the DPR with regard to an urgent problem that needs immediate handling, after consulting the Factions Chairmen and the associated Commission Chairmen”

b. Propose/Suggest and Approve Consideration/Consultation, and Opinion

Article 156 clarifies that:

"If a legislative regulation determines that the DPR provides considerations/ consultations, then those considerations/consultations are provided by the DPR Chairman together with the associated Commission Chairmen and Faction Chairmen, unless the Deliberation Board determines otherwise".

Article 158 clarifies that:

The providing of consideration for a candidate Ambassador of a country for the Republic of Indonesia during the DPR Session Period is carried out as follows:

- a.
- b. The nomination letter is discussed in the consultation among the DPR Chairman, associated Commission Chairmen, and Faction Chairmen in confidence.

Article 159 clarifies that:

"The providing of consideration for a candidate Ambassador of a country for the Republic of Indonesia during the Recession Period is carried out as follows:

- a. The nomination letter of the Ambassador of a country for the Republic of Indonesia, which is submitted by the President, should immediately be submitted by the DPR Chairman to the Faction Chairmen in confidence.
- b. The letter as meant in letter a is immediately discussed in the consultation meeting among the DPR Chairman, the associated Commission Chairmen and the Faction Chairmen in confidence.

The provisions of the above articles emerged the question on why the DPR Chairman, in implementing his/her duties, should involve the role of the Faction Chairmen? A faction is an extension of a party, while the DPR work should actually by the DPR Members without being necessary to take account of or consider the Faction opinion.

c. Discussion on the BPK Investigation Outcomes

Chapter XXI: Discussion on the BPK Investigation Outcomes

First Part: Semester Investigation Outcomes

Article 166 clarifies that:

- (1) The DPR discusses the investigation outcomes on the state finances management and responsibility, which are informed by the BPK (Finances Investigation Board) in form of the Semester Investigation Outcomes, which are submitted in the Plenary Meeting and to be used as control materials.

- (2) The DPR assigns the Commission to discuss and follow up the Semester Investigation Outcomes as meant in paragraph (1).
- (3) For the need of discussion and study on the Semester Investigation Outcomes, the Commission may consult the Finances Investigation Board in order to clarify the investigation outcomes of such Finances Investigation Outcomes according to the duty scope of the Commission.
- (4) The results of discussion, as meant in paragraph (3), become the materials for the Work Meeting and Hearing Meeting.
- (5) The results of the Work Meeting and/or Hearing Meeting, as meant in paragraph (4) are reported in writing to the DPR Chairman.
- (6) The DPR Chairman conducts consultation with the Factions Chairmen to discuss the written report as meant in paragraph (5).

The formulation of the above paragraph (6) arises the question on why it is necessary for the DPR Chairman to communicate the Semester investigation outcomes of BPK to the Factions Chairmen. Still related to the Discussion on the Investigation Outcomes of BPK,

Article 169 paragraph (1) further on clarifies that:

"the consultation and coordination and other State Institutions are carried out in form of:

- d. meeting between the DPR Chairman, Factions Chairmen, other DPR instruments according to their scope of duties, and Heads and/or officials of other State Institutions"

d. Inter-State Institution Consultation and Coordination

Article 169 paragraph (1) point 4 clarifies that:

- 1) The consultation and coordination between the DPR and other State Institutions is carried out in form of:
 - 1)
 - 2)
 - 3)
 - 4) meeting between the DPR Chairman, Faction Chairmen and Chairmen of other DPR instruments according to their scope of duties with the Chairman and/or officials of other State Institutions.
- 2) The consultation and coordination meetings between the DPR Chairman, Faction Chairmen, and Chairmen of the associated DPR instruments with the President are conducted periodically or with the Constitution Court and Supreme Court according to the need.
- 3)

- 4) The outcomes of the consultation and coordination meetings, as meant in paragraph (1) and paragraph (2), are notified in writing to the Faction Chairmen and Chairmen of the associated DPR instruments, and reported in the Plenary Meeting if it is considered necessary.

Why should the consultation and coordination with other state institutions involve the factions? Isn't the DPR Chairman representing the DPR institution in the interactions with other state institutions?

e. Use of DPR Right and Member Right

1) Interpellation Right

Article 171 clarifies that:

- 1) "At least 13 (thirteen) Members may submit a proposal to the DPR to use the interpellation right on a Government policy that is important, strategic and has a wide impact toward the community and state life."
- 2) The proposal as meant in paragraph (1) is drawn up briefly and clearly, and is submitted in writing to the DPR Chairman accompanied by the list of names and signatures of those who propose as well as the names of their Factions.

2) Inquiry Right

Article 176

- (1) At least 10 (ten) Members may submit a proposal to the DPR to use the inquiry right that is important, strategic and has a wide impact toward the community and state life, which is assumed as contradicting the legislative regulations.
- (2) The proposal as meant in paragraph (1) is submitted to the DPR Chairman accompanied by the list of names and signatures of those who propose as well as the names of their Factions.

3) Right to Express Opinion

Article 184

- (1) At least 13 (thirteen) Members may submit a proposal to express the opinion on:
 - a. a government policy or extraordinary event that takes place in the country or international world situation..
 - b. the follow up on the implementation of the interpellation right, as meant in Article 171 paragraph (1) and the inquiry right as meant in Article 176 paragraph (1), or

- c. the assumption that the President and/or Vice President conducts a legal violation in form of betraying the state, corruption, bribe, other serious crimes, disgraceful actions or is no more complying with the requirements for President and/or Vice President.
- (2) The proposal to express opinion as meant in paragraph (1), including its clarification, is submitted in writing to the DPR Chairman, accompanied by the list of names and signatures of those who propose as well as the names of their Factions.

4) Right to Propose Bill

Article 191

- (1) Each Member has the right to propose a Bill.
- (2) The right to propose the Bill, as meant in paragraph (1), is carried out according to the provisions as meant in Article 130 to Article 133.

Bill from the DPR

Article 130

- (1) At least 13 (thirteen) Members may submit the initiative Bill proposal.
- (2)
- (3) The initiative Bill proposal, as meant in paragraph (1) and paragraph (2) including the clarification, information and/or academic concept, are submitted in writing by the Member or Commission Chairman, Combined Commission Chairman, or Legislation Board Chairman, to the DPR Chairman, including the list of names and signatures of the Member who propose as well as the name of his/her Faction after conducting the harmonization, completing and stabilization of the concept as meant in Article 42 paragraph (1) letter c.

Including the "name of the Faction" may burden the Member, which in a certain period and related to a certain issue is not in line with the Policy of his/her faction. At least 13 (thirteen) Members submit the Initiative Bill Proposal, while Article 21 of the 1945 Constitution clarifies that "The DPR Member has the right to submit the Bill proposal". This means the DPR Member has individually the right to propose the Bill. The requirement of 13 Members complicates the requirement to submit the Initiative Bill Proposal.

The public aspiration absorption mechanism is not sufficiently regulated

Article 6 paragraph (1) letter l clarifies that the DPR has the duties and responsibilities as follows:

- l. absorb, collect, accommodate and follow up the public aspirations;

The obligations of the Members, as regulated in Article 13 paragraph (2) letters e, f and h, clarify as follows:

- e. to take account of the efforts to increase the welfare of the people;
- f. to absorb, collect. Accommodate and follow up the public aspirations;
- h. to provide moral and political accountability to the constituents and the election areas.

Meanwhile, the public aspirations and complaints are regulated in Article 164.

Article 164

- (1) The DPR accommodates and follows up the public aspirations and complaints concerning a problem within the scope of duty and authority of the DPR.
- (2) Besides through the RDPU, as meant in Article 37 paragraph (4) letter d, Article 42 paragraph (2) letter d, and Article 46 paragraph (2) letter d, and through the work visits, as meant in Article 37 paragraph (4) letter e, Article 42 paragraph (2) letter e, and Article 46 paragraph (2) letter d, the DPR receives the public aspirations and complaints directly and/or by letter.

The Articles for reference read as follows:

Article 37 paragraph (4) letter d

The Commission may, in carrying out its duties, as meant in paragraph (1), paragraph (2) and paragraph (3), conduct the RDPU, either upon the request of the Commission or upon the request of other parties.

Article 42 paragraph (2) letter d

The Legislation Board may, in carrying out its duties, as meant in paragraph (1), hold the Work Meeting, Hearing Meeting and RDPU Meeting.

Article 46 paragraph (2) letter d

The Budget Committee may, in carrying out its duties as meant in paragraph (1), conduct the comparison study upon approval of the DPR Chairman, which outcomes are reported in the Budget Committee Meeting in order to determine the follow up.

Article 37 paragraph letter e

The Commission may, in carrying its duties as meant in paragraph (1), paragraph (2) and paragraph (3) conduct the work visit and comparison study in the Recession Period or in the Session Period if considered necessary, upon approval of the DPR Chairman, which outcomes are reported in the Commission Meeting in order to determine the follow up.

Article 42 paragraph (2) letter e

The Legislation Board may, in carrying out its duties as meant in paragraph (1): Conduct the work visit in order to absorb the public aspirations, and the comparison study in order to prepare the Bill, upon approval of the DPR Chairman, which outcomes are reported in the Legislation Board Meeting in order to determine the follow up.

The duty and authority of the DPR to absorb, collect, accommodate and follow up the public aspirations are confirmed as the obligation of the DPR Members. However, these duty and authority do not have a further proportional and clear regulation portion in the DPR Standing Order. The public aspirations can be collected in various ways, among others through the media, by letter, from delegations visiting the DPR, or through the proactive activities of the DPR Members who collect inputs from the public, through work visits during the recession period or work visits to the regions in order to discuss a Bill or to conduct investigation on a certain issue in the framework of carrying out the control function.

The Standing Order only regulate the aspiration submission mechanism, which is submitted by letter and delegations directly visiting the DPR. However, its regulation is not followed by a clear mechanism on how the follow up is carried out. Meanwhile, the follow up to collect aspirations by conducting work visits to the regions is also not regulated. As such, the issue of regulating the public aspiration absorption is not substantially regulated in the Standing Order.

The mechanism to absorb, collect, accommodate and follow up the public aspirations at the implementation of the legislation function is regulated in Article 137 paragraph (3), which clarifies that the Public Hearing Meeting (RDPU) may be conducted at the Level I Discussion.

In association with the implementation of the legislation function, the public participation in the preparation and discussion of the Bill is regulated in Article 141-143.

Article 141 regulates that:

- (1) The public has the right to provide inputs orally or in writing to the DPR in the framework of preparing the Bill.
- (2) Written inputs are submitted to the DPR Chairman by mentioning a clear identity.
- (3) The DPR Chairman passes on those inputs to the DPR instrument that prepares the Bill within the period of not later than 7 (seven) days.
- (4) In case the inputs are provided orally, then the Chairman of the concerned DPR instrument determines the time of meeting and the number of persons invited for the meeting.
- (5) The Chairman of the concerned DPR instrument submits the invitation to the invited persons.
- (6) The meeting may be conducted in form of a Public Hearing Meeting with the Chairman of the concerned DPR instrument, or meeting with the Chairman of the concerned DPR instrument accompanied by several DPR Members who are involved in the preparation of the Bill.
- (7) The outcomes of the meeting become the input materials for the Bill in preparation.

Meanwhile, Article 142 regulates that the public participation in the Bill discussion is similar to the regulation in Article 141, except that the inputs from the public are submitted in writing to the DPR Chairman prior to the Level II discussion.

Article 143 clarifies that:

- (1) Besides the inputs based on the public request, the DPR instrument, which prepares or discusses the Bill, may conduct activities to obtain inputs from the public.

- (2) The activity as may be in form of a Public Hearing Meeting, seminar or similar activity, and visits.

The DPR Standing Order only regulates the public participation in the legislation sector, namely the preparation and discussion of the Bill. The implementation of other functions is only implicitly regulated in Articles with regard to the duties of the DPR Instruments, namely the duties of the Commission, Budget Committee and Legislation Board. As such, the public participation is substantially not yet clearly and explicitly regulated.

4

Work Visit of the DPR Members

The work visits of the DPR Members are normally conducted in order to absorb the public aspirations. Article 8 paragraph (3) clarifies that:

“Each Member conducts the visit to his/her election area at least 1 (one) time in 2 (two) months for a maximum of 5 (five) days, which is conducted outside the Recession Period and outside the DPR sessions.”

Article 42 paragraph (2) letter e clarifies that:

The Legislation Board may, in implementing its duties as meant in paragraph (1): Conduct the work visit, in order to absorb the public aspirations, and the comparison study in order to prepare the Bill upon approval of the DPR Chairman, which outcomes are reported in the Legislation Board Meeting in order to determine the follow up.

Meanwhile, Article 37 paragraph (4) letter e clarifies that:

The Commission may, in implementing its duties as meant in paragraph (1), paragraph (2) and paragraph (3):
Conduct the work visit and comparison study during the Recession Period, or during the Session Period if considered necessary, upon approval of the DPR Chairman, which outcomes are reported in the Commission Meeting in order to determine the follow up.

As such, the work visits regulated in the Standing Order are the individual work visit and work visit of the DPR instrument. As regulated in the above Article 37 paragraph (4) e, the Commission may conduct work visits during the recession period, but it may also conduct work visits during the session period, which is referred to as the special work visit.

However, in practice the work visits, either by individuals or by the DPR instruments, are often not conducted on good planning.

5

There is No Operational Formulation Related to The Accountability of The DPR Members

The mechanism on accountability, either institutionally or individually, with regard to the implementation of the constitutional duties, is in general not explicitly regulated by the Standing Order. The implementation of those three functions are all this time only regulated from the procedural aspect. Likewise is also the duty of the DPR Members to "take account of the efforts to enhance the welfare of the people"; and "provide moral and political accountability to the constituents and the election area." The operation of this noble duty and the form of attention of the DPR Members to enhance the welfare of the people are not clear. In fact, sufficient regulation on the obligation of the DPR Members to take account of the efforts to enhance the welfare of the people will have the impact of high credibility level of the DPR Members in the eyes of the people.

The operation of the obligation of the DPR Members to give moral and political accountability to the constituents and the election area is also not regulated yet. The concrete measures that regulates the mechanism and form of moral and political accountability of the DPR Members to the constituents and the election area are not explicitly regulated in the Standing Order.

In addition, the DPR Members are also demanded to perform their obligations to "prioritize the state interests than the individual and group interests" (Article 13 paragraph (2) letter g). In other words, the DPR Member should behave as a statesman in carrying out the DPR duties. What and how to prioritize the state interests than the individual interests are also not further clarified.

Inter-Period Termination of The DPR Members

Article 9 paragraph (1) clarifies, in relation to the Inter-Period Termination of the DPR Member, that:

The DPR Member is inter-period terminated because the concerned:

- a. passes away;
- b. resigns as DPR Member upon own written request; and
- c. is proposed to be terminated by his/her political party.

Article 62 paragraph (1) clarifies with regard to sanctions that:

After examining and considering the complaints, defense, evidences and witnesses, the Honorary Board may impose sanctions in form of:

- a. Written reprimand;
- b. Dismissal from the position of DPR Chairman or Chairman of the DPR instrument; or
- c. Dismissal from the position of DPR Member.

Meanwhile, Article 202 paragraph (5) in Chapter XXVI, concerning the Prohibition for Members, clarifies that Members who do not comply with the obligations as meant in paragraph (4) are dismissed by the DPR Chairman based on the investigation outcomes of the Honorary Board. Has the DPR Chairman the right to dismiss the DPR Member? Wouldn't it be better if the Honorary Board recommends the dismissal to the party?

Work Mechanism of DPR and Public Access to DPR Products

Article 95 clarifies that:

- (1) The Plenary Meeting, Extraordinary Plenary Meeting, Commission Meeting, Commission Combined Meeting, Legislation Board Meeting, Budget Committee Meeting, Special Committee Meeting, Work Meeting, Hearing Meeting, and Public Hearing Meeting are basically open, unless it is decided that the meeting is closed.
- (2) The DPR Chairman Meeting, Other DPR Instrument Chairman Meeting, Deliberation Board Meeting, BURT Meeting, BKSAP Meeting, Honorary Board Meeting, and Work Committee or Team Meeting are basically closed, unless it is decided that the meeting is open.

Article 96 clarifies that:

- (1) An ongoing open meeting may be proposed to be closed, either by the Chairman of Meeting or by the Member or one of the Factions and/or one of the parties invited to attend the meeting.

Meanwhile paragraph (3) and paragraph (4) clarify that:

- (3) The concerned meeting decides whether the proposal as meant in paragraph (1) is agreed or rejected.
- (4) If the proposal is agreed that the meeting should be closed, then the meeting is declared as closed and the observers and reporters are requested to leave the meeting room.

Article 97 paragraph (1) clarifies that:

- (1) The discussions and decisions in the closed meeting, which are confidential, may not be announced if they are explicitly clarified as confidential.

The transparency of the DPR products is found in the following Articles:

Article 114 clarifies that:

- (1) The Minutes is made for each Plenary Meeting and Extraordinary Plenary Meeting, which is signed by the Chairman of Meeting or Secretary on behalf of the Chairman of Meeting.

Article 115 clarifies that:

The Secretary of Meeting prepares the Minutes to be distributed to the Members and related parties, after the meeting is completed.

Article 116 paragraph (1) clarifies that:

- (1) The Meeting Notes and Short Report are prepared in each DPR Chairman Meeting, Deliberation Board Meeting, Commission Meeting, Commission Combined Meeting, Legislation Board Meeting, Budget Committee Meeting, BURT Meeting, BKSAP Meeting, Honorary Board Meeting, and Special Committee Meeting, which are signed by Chairman of Meeting or Secretary on behalf of the concerned Chairman of Meeting.

Article 117 clarifies that:

- (1) The Meeting Secretary prepares the temporary Short Report and Meeting Notes as soon as possible to be directly distributed to the DPR Members and related parties after the meeting, as meant in the above Article 116 paragraph (1), is completed.

- (2) Each DPR Member and related party is given the opportunity to correct the temporary Meeting Notes within four days after receiving such temporary Meeting Notes, and submits it to the concerned Secretary of Meeting.

The Standing Order regulates the transparent work mechanism of the DPR in various meetings that are basically open, unless the meeting is decided to be closed. Conversely, there are meetings that are basically closed, unless those meetings are decided to be open. The Standing Order is apparently not containing the reasons on why meetings may be open or closed. On the other hand, the Standing Order is also not regulating on the public access to the DPR products. There is no formulation on when the minutes of a Bill discussion should be completed or when the Meeting Notes or Short Report should be completed, and also whether the DPR products can as soon as possible be accessed by the public, and others.

8

Session management

Article 98 clarifies that:

- (1) Each Member is required to sign the attendance list before attending the meeting.

Article 108 expresses that:

- (1) The Chairman of Meeting may decide how long a Member can speak.
- (2) The Chairman of Meeting may warn and request the speaker to end the presentation if the concerned exceeds the determined time limit.

It is actually not sufficient if the DPR Members are required to only sign the attendance list, since often in practice the attendance list is signed, but the concerned are physically not present in the meeting. Likewise in the session, the DPR Members often disregard the effectiveness and efficiency of time to speak. There is no time limitation, and also no priorities of issues in a session.



ANALYSIS

The representation role of the DPR Members and the DPR, as an institution, is at least related to four principles. Those principles are the existence of:

1. transparency
2. public participation
3. accountability, and
4. credibility

Transparency

The political process will be in the transparency issue strongly related to what is known as the tendency of information asymmetry occurrence between the power holder and the people. The information asymmetry will direct the public officials and decision makers – due to the discretion in making the decisions – to the fulfillment of their interests rather than the public interests. As such, the improvement of public access to information related to the processes in the public institutions, moreover decision making institutions, as well as the regulation concerning its mechanism, is believed as being able to limit the space for the occurrence of such deviation tendency.⁷⁹ Another basic reason, as expressed before by Mill, is that the public control is a requirement for the establishment of a benefit and is simultaneously the best way to determine the arguments or position of a problem.⁸⁰

79 See Joseph Stiglitz, "Transparency in Government", *The Right To Tell, the Role of Mass Media in Economic Development* (Washington, DC: World Bank Institute, 2002), page 27-28.

80 John Stuart Mill, *Ibid.*, page 30.

Transparency in the context of this study is related to the need toward openness in the working process/mechanism at the DPR. The processes that occur and are going on within the DPR scope, either political processes for the interest of organizing and managing the internal DPR institution as well as the implementation of its constitutional function, include the openness on the work mechanism of the DPR as well as the openness toward the products produced by the DPR. As a public institution with the representation role as the centre of excellence, the institutionalization of the DPR Standing Order should regulate the facilitation for the establishment of public access to the work mechanism of the DPR and its products. The transparency principle in such work mechanism is particularly shown by the characteristic of meetings at the DPR sessions.

The DPR Standing Order regulates two types of meetings, namely the open meeting and the closed meeting. The meetings that are conducted in the Plenary, Extraordinary Plenary, Commission, Commission Combination, Legislation Board, Budget Committee, Special Committee, Work Meeting, Hearing or Public Hearing Meeting forums, are basically open, unless they are decided to be closed. Conversely, the meetings in the DPR Chairman, DPR Instrument Chairman, Deliberation Board, BURT, BKASP, Honorary Board, Work Committee or Team forums, are basically closed, unless those meetings are decided to be open. With regard to the faction internal forum meetings, the Standing Order fully let it to decision of the concerned faction (Article 95 of the Standing Order).

There is a number of matters that are seen contradictive with regard to the regulation of public access to the DPR meetings. First, there are so far no philosophic or principal reasons on the criteria of meetings at the DPR, which are "basically" declared as open or closed. In such condition, the public access to what are being debated and afterwards decided in the DPR Meeting forums has a strong potential to be disregarded. This is because the issues that are the agendas of discussion and the political degree of an issue will drive the DPR Members to the characteristics of meetings that provide political benefit to them. Consequently, the public access to DPR meetings has the potential of full uncertainty. In this condition, the transparency "degree" of the DPR in performing its activities, is automatically reduced, moreover the DPR institution is identical to speaking and meeting activities.

Second, the aspect of accessibility and transparency obstruction of the DPR meeting activities is also shown by the regulation on the place of meeting. Article 76 paragraph (3) and paragraph (4) expresses that all types of meetings are conducted at the DPR building and may be conducted outside this location upon approval of the DPR Chairman. The phenomenon of the DPR meetings that are conducted outside the DPR building, with various reasons, is technically also reducing accessibility and transparency level to the DPR meeting activities.

Third, the regulation of meetings that are basically closed is also considered contradictive with democracy logic. As mentioned above, since it is a public institution, all activities related to the public interests should basically be open, unless for the reason of a higher national interest, it may be declared as closed.⁸¹

Fourth, the Standing Order has not yet regulated more widely on the public access to the DPR processes and products, which is a “one door” access, so that it is technically more effective, efficient and easy to be reached by the concerned public. As such, it becomes a need to formulate this issue, particularly in the decision making process at the DPR, so that the people can provide the opinion, which is not always partial, to the DPR members and institution.

A number of informants on this study are aware on the urgency of accommodating the transparency principle and public access to the mechanisms and products of the DPR. The problem that is faced by the public all this time is technical problem with regard to its regulation in the Standing Order.⁸²

Along with the DPR reformation efforts, the issue of transparency in the legislation process is institutionally part of the problems faced by the DPR as an institution, which after the political reformation era has a larger political role, although its performance is considered as relatively still low.⁸³ The transparency issue in the Bill discussion is an inseparable part of two DPR problems in the legislation sector, namely the produced Law

81 See Bivitri Susanti, “Institutional Problem in the Legislation Process”, Seminar Work Paper, 8 March 2007, accessed in www.parlemen.net, 17 June 2008, page 10.

82 Interview with Nizar Dahlan (Faction BPD of the PBB Party), 15 July 2008. Agus Purnomo (PKS Party), dated 7 July 2008, Lukman Hakim Saefuddin (Faction Chairman of PPP Party), dated 10 July 2008.

83 PR Reformation, Outcome Report of the Indonesian DPR Performance Enhancement Study Team, Jakarta: Secretariat General of the Indonesian DPR, December 2006, page vii.

quality and the Law finalization time, which are included in the priority list of the National Legislation Program.⁸⁴

In order to overcome the problem of less transparency of the DPR work mechanism, the DPR Performance Enhancement Team recommends among others: to establish cooperation with TV and radio stations, and other mass media as well as develop the DPR website, which can broadcast/publish/socialize parliamentary activities, news and information within the national scope (accessible by all community members).⁸⁵ In addition, the Team also proposes the determination of the Work Committee meeting, which is basically open, unless otherwise decided.⁸⁶

In addition, it is recommended to open the public access through the DPR website concerning the socialization on the outcomes of the National Legislation Program, socialization on Bills that will and are in discussion, and socialization of all work visit plans/schedules, and to open the public access in order to provide opinions concerning the public official candidate through the printed media and DPR website.⁸⁷

Meanwhile, the lustrous corruption and collusion practices that are conducted by the DPR Members are due to the closed budget discussion practices. It is very relevant that the proposal of the Performance Enhancement Team is that the Work Committee meetings are open. Eva Sundari (F-PDIP) expressed that one of the matters that can be carried out in order to overcome the many “dark rooms” of the DPR Members, is by openly discussing the budget.⁸⁸

This still low performance of the DPR may also be referred to as a political recognition, which is parallel with the spirit to establish a representation institute that really reflects its function constitutionally. The need to establish transparency and public access to the DPR work mechanism in the legislation process is also in line with the demand toward transparency of public information.

Law No. 14 of 2008 concerning Public Information Transparency guarantees the right of each citizen to obtain quickly and on time public

84 Ibid

85 Recommendation and Work Program, Indonesian DPR Performance Enhancement Team, Jakarta 2006, page 38.

86 Ibid., page 47

87 Ibid., page 61 – 68

88 Republika, DPR Corruption Initiates from Closed Meetings, Saturday, 5 July 2008.

information, with low costs and simple, as consequence of open public information, which are accessible by each citizen using the public information (Article 2). The guarantee toward the public access to public information is among others to: (1) guarantee the citizen right to know about the plan of preparing the public policy, public policy programs, and public decision making processes, as well as the reasons for making a public decision; (2) encourage the public participation in the public policy making processes; (3) increase the active public role in the public policy making and management of a good Public Body; and (4) materialize good state administration, which is transparent, effective, efficient, and accountable (Article 3). As such, it is now the obligation of each public institution to provide public information, as long as such information is not categorized as information, which is restricted to be accessed due to the reasons guaranteed by this Law.

The transparency toward the DPR products, is in the Standing Order only formulated in Article 114 paragraph (1), which clarifies that “ The Minutes is made for each Plenary Meeting and Extraordinary Plenary Meeting, which is signed by the Chairman of Meeting or by the Secretary of Meeting on behalf of the concerned Chairman of Meeting”, while Article 115 clarifies that “The Secretary of Meeting prepares the Minutes to be distributed to the Members and related parties after the meeting is completed.”

Meanwhile, Article 116 paragraph (1) clarifies that:

“The Meeting Notes and Short report are made in each DPR Chairman Meeting, Deliberation Board Meeting, Commission Meeting, Commission Combined Meeting, Legislation Board Meeting, Budget Committee Meeting, BURT Meeting, BKSAP Meeting, Honorary Board Meeting and Special Committee Meeting, which are signed by the Chairman of Meeting or Secretary of Meeting on behalf of the concerned Chairman of Meeting.

Article 117 clarifies that:

- (1) The Secretary of Meeting prepares the temporary Short Report and Meeting Notes as soon as possible to be directly distributed to the Members and the concerned parties, after the meeting, as meant in Article 116 paragraph (1), is completed.
- (2) Each Member and related party are given the opportunity to correct the temporary Meeting Notes within four days after receiving such temporary Meeting Notes , and submits it to the concerned Secretary of Meeting.

No formulation is found in the DPR Standing Order that the public may access DPR products. The Minutes of meeting and Short Report are distributed to the Members and the parties involved in the meeting. There is no formulation that regulates the mechanism if the public, having the interest with those DPR products, needs the Minutes or Notes of the meeting.

The opportunity is provided to the Members and related parties to correct the Temporary Notes of Meeting within four days after its receipt, and submits it to the concerned Secretary of Meeting. Four days to correct the such Notes of Meeting is a long time. The correction on the Notes of Meeting should actually be received by the Secretary of Meeting within several hours or maximum 24 hours. It would be better if after the correction, the Short Report and Notes of Meeting are able to be accessed by the mass media and the public in need, unless they are confidential.

Therefore, the formulation of transparency of the session mechanism at the DPR should in future be more clarified in the Standing Order. Likewise, the DPR products, such as the Minutes of Meeting or other DPR products, related to the solution of certain issues, should be transparent and able to be accessed by the public in the future. The DPR Standing Order should prepare the formulation related to the time limit on for example when the Minutes of the Bill discussion, or Minutes of Meeting or Minutes on the investigation outcomes concerning a certain issue can be accessed by the public.



Public Participation

The political participation of the public may be interpreted as the active public role in the efforts to influence the preparation and implementation processes of public decisions, which include the process of determining the political leadership. As such, this participation is directed toward the public activities or participation in the input and output processes at the same time.⁸⁹

89 See Ramlan Surbakti, *Understand the Politics Science* (Jakarta: Gramedia Sarana Indonesia, 1992), page 118 and 142.

The public should be supplied with adequate public information in order to establish an optimum and sufficient public participation level. As such, the political participation has a strong relation with transparency or, in line with the instrumental perspective, transparency may be positioned as the means to achieve other objectives that are also fundamental, namely participation.⁹⁰

Meanwhile, in relation to the implementation of the legislation function, the public participation in the preparation and discussion of the Law is regulated in Article 141 to Article 143. Article 141 regulates among others the public right to provide oral and written inputs to the DPR as well as the method to submit the public inputs until the RDPU is conducted. Article 142 regulates the public participation in the Bill discussion, which is similar to Article 141, only that the written public inputs are submitted to the DPR Chairman prior to the Level II Discussion. Meanwhile, Article 143 regulates that, in addition to the inputs based on the public request, the DPR instrument, which prepares or discusses the Bill, may conduct activities to obtain public inputs. Such activities may be in form of Public Hearing Meetings, seminars or similar activities, as well as visits.

The DPR Standing Order only regulates the public participation in the legislation sector, namely the preparation and discussion of the Bill. In the framework of implementing other functions, this is implicitly regulated in the Article, which regulates the duties of the DPR instruments, namely the duties of the Commission, Budget Committee and Legislation Board.

The public can also participate in submitting its aspirations when the Member conducts the work visit, which is conducted in the framework of absorbing the public aspirations. Article 8 paragraph (3) clarifies that "Each Member conducts the visit to the election area minimum 1 (one) time in 2 (two) months for a period of maximum 5 (five) days, which is conducted outside the Recession Period and outside the DPR Sessions."

Article 42 paragraph (2) letter e clarifies that:

In implementing its duties, as meant in paragraph (1), the Legislation Board may conduct Work Visits, in order to absorb the public aspirations, and comparison study to prepare the Bill, upon approval of the DPR Chairman, which outcomes are reported in the Legislation Board Meeting in order to determine the follow up.

90 Stiglitz, op.cit., page. 28, 31.

Article 37 paragraph (4) letter e clarifies that:

In implementing its duties, as meant in paragraph (1), paragraph (2), and paragraph (3), the Commission may:

Conduct work visits and comparison study during the Recession Period, or in the Session Period if considered necessary, upon approval of the DPR Chairman, which outcomes are reported in the Commission Meeting, in order to determine the follow up.

As such, besides through the RDPU mechanism, the aspiration absorption is also carried out through letters submitted to the DPR, either in the framework of providing inputs to the Bill discussion or other issues. Seminars are also a means for the DPR Members to obtain inputs. In addition, the absorption of aspirations is also carries out by conducting work visits.⁹¹

The work visits that are carried out by the DPR Members are individual work visits to meet the constituents and also work visits in their capacity as members of the DPR instruments. For example, there are two types of work visits conducted by the Commission, namely the work visits of the Commission during the recession period and the special work visits, which are related to certain issues, such as on the issue of rice for poor families.

The work visits of the DPR Members are in practice all this time not using a standard and accountable pattern. Work visits conducted by the commission are often without any planning. The Members visit the areas not with the intention to solve problems faced by the community in those areas at that time. However, in general the DPR Members are only aware that those areas are facing various problems at the time they conduct those work visits.

The DPR members collect the problems faced by the community at the time they conduct the work visits. However, the concerned community will not know about the solution of their problems until the DPR Member returns to such area to collect again new problems. As such, the cycle of visit to the region is only around the collection and accommodation of problems, but not to inform the solution of problems, and the complaining community will not receive the solution on the problems that are faced.

91 Information from the staff of Commission VII FGD UNDP concerning Public Complaints, August 2007.

This will be different if the DPR activities are covered by the mass media, for example the Parliament TV or are uploaded in the DPR website, then the public or the constituents can observe that their representatives are discussing their problems in the Work Meeting opportunity with the Government, as is expressed by F-PG:

"Everyone is requested to prepare the report of his/her election area at the beginning of the session period, and such report is submitted by the Member to the Hubda (regional relations), then submitted by Hubda to Hubwil (area relations), further on submitted by Hubwil to the faction. This report is concerning the condition in his/her area, the problems that are faced in the area, which is submitted to Commission V, but if the problems are concerning land affairs, then it is the concern of Commission II. Each Member can with this compilation know about the problems that are faced in the areas. Land affairs are to be taken into account by the Commission II members and are to be discussed with the Minister during the Work Meeting, in relation to the coordination function of the faction toward the Members."⁹²

Due to the exposure of the Work Meeting with the Minister in discussing the problems of the complaining community, the public knows that its representatives have done a lot for the community that they represent. All this time the public considers that the people representatives did nothing related to their interests, because of not being exposed by the media, which reports the activities carried out by the DPR Members related to the interests of the public/constituents.

Related to the individual work visits, there is actually a faction that has prepared the mechanism of work visits to the regions. For example, Golkar/Functionaries Party Faction (F-PG) are requested to prepare a written report at the end of the recession period. Such report is the report of Members who conduct the DPR instrument work visits and individual work visits during the recession period.

This is also conducted at the Partai Persatuan Pembangunan/Unity Development Faction(F-PPP). The mechanism starts from the preparation of the assignment letter by the faction for each Faction Member approaching the recession period. This letter expresses that the concerned Members will return to their respective regions in order

92 Interview with Darul Siska, Functionary of F-PG, dated 8 July 2008.

to absorb aspirations that develop in the community and to meet the related parties. Lukman Hakim Saefuddin expressed as follows:

“There are at least two or three matters that are carried out in the individual work visit during the recession period. First is socialization when meeting the constituents or when meeting the related officials in the area. The socialization is concerning what has been done by the DPR through the commissions and what Laws have been legalized or are being discussed. Second, absorb the aspirations on what have been or are being done by the DPR, and request inputs from the public when discussing the revision of a certain Law. Third, since the concerned is also associated to his/her Commission, then he/she meets with the government official or executive apparatus related to his/her Commission. For example, Commission III is related to the police, and should meet with the local police when visiting the area.”⁹³

Written reports from the F-PPP Members are actually required, but in the implementation not everyone prepares such written report. In order to overcome this matter, the faction solves this by conducting faction plenary meetings. As such, after the recession period, a plenary meeting is held in the beginning first or second week of the session, where each member is given the time to submit important matters, which are particularly related to the public aspirations.

The two monthly Work Visits of the Partai Keadilan Sejahtera/ Justice and Prosperous Faction (F-PKS) are fully distributed to all election areas and are coordinated with the DPW (Regional Management Council). The process also involves all related DPRD (Local Parliament) members. The struggle mechanism of the members toward their constituents depends on the issue that is faced. If the policy issue is struggled through the mechanism channel at the DPR, then the public program realization is referred to the competent government agency in order to facilitate the contact with the public fund source. However, matters with small values, namely Rp 1-2 million are financed by the Member him/herself. However, often the missing link occurs in the aspiration absorption process between the planning in the region and what are really faced by the public, so that there is often no connection between the aspirations and the programs that are carried out. It may implicitly be said that the local government planning is not always in accordance.⁹⁴

93 Interview with Lukman Hakim Saefudin, Functionary of F-PPP, dated 15 July 2008.

94 Interview with Agus Purnomo, Member of F-PKS, dated 7 July 2008.

Although the public participation is already accommodated in the Standing Order, a number of problems are still considered as obstructing. First, the Standing Order is only limited to the providing of room for public participation in the legislation process up to a limited level. The public access in the legislation process, which is only until the RDPU phase, is considered as still not providing an adequate public role in the political decision making process.

Second, both interaction processes between the interests and opinions of the public and the decision makers are not always synergic with the interests of the factions at the DPR, due to the reduced political sovereignty of the DPR Members by the faction power, as the extension of the concerned political party. In this condition, the potential of the disconnected public participation in the legislation process is very large.

Third, the still low DPR accountability in implementing the representation function is partly caused by the problem of the member's sovereignty degree as well as the political recruitment system, which is not siding with the constituents. In addition, the less open legislation process at the DPR causes that the public is often unaware of the follow up on the aspirations and suggestions submitted in such process.

Another matter is related to how to determine the instruments for opening the public participation space. Nevertheless, it is principally the consensus that a larger space for public participation in the legislation process at the DPR has become an urgent need to be accommodated in the Standing Order, heading for the materialization of legislation products that are more with quality, aspiration and participative.⁹⁵

Recommendations of the Indonesian DPR Performance Enhancement Study Team are very progressive related to the public participation in the DPR duties. Those recommendations of the Team are among others:⁹⁶

1. regularly facilitate the public dialogue between the DPR Members and the public through the factions.
2. open the opportunity to the public, which is intended to directly submit aspirations. In this regard, what needs to be prepared for the work program is to make a mechanism for the submission of public

95 Interview with Nizar Dahlan (BPD Faction from PBB), 15 July 2008.

96 Recommendation and Work Program of the Indonesian DPR Performance Enhancement Study Team, page 11-67.

aspirations to the DPR Chairman, the DPR instruments, and factions at the DPR. The public complaints working group also need to be established at each DPR instrument.

3. provide a service special telephone call number / access to the DPR activity information. The cooperation is in this regard necessary to be established with the telecommunication service company in order to provide a service special telephone call number / access to the DPR activity information.
4. provide a special place for public delegations, which directly visit the DPR to submit their aspirations.
5. cooperate with the post office, printed media, and other electronic media to socialize the public complaints post office box, which can be used by the public to submit the aspirations.
6. extend the network and enhance the cooperation with the higher education institute and institutions related to legislation (for example the National Legal Guidance Board), as well as with other institutions that are active in the research sector (to obtain efficient and on time information, in order to support the legislation process, such as the preparation of the academic concept and genuine test).
7. prepare the Work Visit plan of the commissions, socialize all work visit plans/schedules through the DPR website, and prepare the draft of the cross faction work visit implementation mechanism book.
8. prepare the mechanism of the book on the implementation of the cross faction and cross commission individual work visits (based on the election area).
9. establish the aspiration house, which bridges the DPR Members and the people in their election area.
10. With regard to the public aspirations, it is necessary to:
 1. prepare the analysis on public complaints in the DPR website.
 2. prepare the draft of the public aspiration submission mechanism, to be socialized through the DPR website.
 3. prepare the commission meeting schedules in order to follow up the public complaints letters.
 4. open the public access through the DPR website.

Accountability of The DPR Members

Accountability (political) may be referred to as follows:

First, the accountability of the government, public officials and politicians to the public and to the public bodies, which are, based on the legal regulation, established to receive public accountability, such as the parliament or legislative institute.

Second, the accountability of each individual (public--public official) for all his/her actions, based on his/her responsibility scope and roles that have been clearly defined.

Third, interpreted as a mechanism where each individual is given certain responsibilities or duties and is requested to be accountable for his/her work results.⁹⁷

Article 13 paragraph (2) letter h has indeed regulated the obligation of the DPR Members to provide moral and political accountability to their constituents and election areas. However, the provisions in this Standing Order have not or not yet regulated the operation of this accountability mechanism of the DPR Members.

How is actually the accountability form of the DPR Members operated? Arbi Sanit expressed that it is by requiring each DPR Member to inform the outcomes of their work to the public and inform them to the constituents.⁹⁸ It is further on expressed that the information to the public and report to the constituents on what they have carried out, such as their attitudes and actions related to certain issues, either directly or indirectly, are carried out each certain period or maximum per session period.

With regard to the implementation of functions, such as the legislation function, the DPR Member may inform the public and report to the constituents concerning his/her position in the discussion of a Law. Likewise, with regard to the implementation of the control function, the DPR Member may inform and report that at for example in the implementation of the inquiry right, his/her position is agree or reject with certain reasons. The Member may also inform and report what have

⁹⁷ *The Chartered Institute of Public Finance and Accountancy, Corporate Governance in the Public Service (London: CIPFA, 1994)*

⁹⁸ Arbi Sanit in the Study Proposal Discussion concerning the Representation Function Institutionalization in the Indonesian DPR Discipline Rules, PROPER – UNDP, Ibis Hotel Jakarta, 15 May 2008

been done when conducting the work visit during the recession period. Likewise, when conducting the work meeting with the Minister, the DPR Member may inform the issues that he/she raised and discussed with the Minister, and others. Such information and reporting may be conducted at the end of the session period.

The information and reporting as the forms of accountability to the public may be conducted through various media. The DPR Members may periodically provide information to the press concerning the implementation of their duties⁹⁹, or the publication of the Member activities can be conducted by uploading all records of their activities through the DPR website.

The obligation of the DPR Members to absorb, collect, accommodate and follow up the public aspirations in the framework of daily implementing their three functions can be recorded and documented by the expert staff of each Member. Darul Siska has the opinion that if the expert staff of the Member can upload the activity records in the DPR website, then "my daily activities can be observed, my staff knows with whom I am holding a meeting and what substances are being discussed. My expert staff should actually accompany me in the meetings in order to know with whom I am holding the meeting and what are being discussed. Information are also coordinated and recorded (compiled) in each session."¹⁰⁰ As such, if the expert staff of the DPR Member has recorded the daily activities, then the provision and reporting of the information can be conducted daily, weekly, monthly or per session period.

All this time the public never knows about the follow up of the public aspirations/inputs that are submitted in the RDPU, or through letters, seminars, as well as work visits of the concerned DPR Member. The DPR Standing Order does not regulate how such absorbed aspirations are followed up. Are their aspirations really made as consideration materials by the DPR members or not? The public is also not aware or does not obtain adequate information on whether the follow up process implementation has accommodated their aspirations/inputs or not. Consequently, the public has the image that the DPR Members never report/inform their activities to the public and constituents.

99 Suggestion of Arbi Sanit, Ibid.

100 Interview with Darul Siska, Ibid.

What is not properly to be conducted by the DPR is when it invites the invitees to provide inputs during the RDPU, but those inputs are in fact not accommodated.¹⁰¹ The practice all this time has the impression that the public aspirations accommodated by the DPR Members are only aspirations that are in line with the policy and standpoint of the faction. If not in line/contradicting the policy and standpoint of the faction, then they will not be accommodated. As such, the first and main consideration is the policy and standpoint of the faction, and then the aspirations submitted by the public will be considered.¹⁰²

The Chairman of the PPP Faction justifies when we inform him about such practices and add that almost all factions will behave like that. This is conducted with the reason that the public aspirations submitted to the DPR are only aspirations that emerge on the surface. However, the aspirations that are not submitted by the other public circles or that are not manifested should also be considered.¹⁰³

According to us, such opinion means eliminating the public aspirations/inputs that emerge on the surface with the reason of considering the aspirations of other latent community groups. The impression of such answer is the effort to avoid responsibility. Moreover, if it is said that the reason is to consider aspirations that do not emerge on the surface. The problem is, why the aspirations that do not emerge on the surface are made as the consideration materials?

In this regard, the public aspirations/inputs and group interests that are submitted through letters, petitions, and delegations should actually be guaranteed to be discussed and followed up in each discussion phase that follows.¹⁰⁴ If they are unable to be accommodated, then it would be better if the public also knows the reason why their inputs are not accommodated. Here is the importance of such public access transparency. Whether an aspiration is accommodated or not can be find out if the sessions at the DPR are conducted transparently or the outcomes of the discussions are published in the DPR website, or are live broadcasted by the Parliament TV and/or other private TV stations.

101 Arbi in the Proposal Seminar, Ibid.

102 Personal experience of the writer when accompanying the work visit of the Special Committee for the Legislative Election Bill and Political Party Bill.

103 Interview with the Secretary of the PPP Faction, Ibid.

104 Input for Revision of Law concerning the Structure and Position of the MPR, DPR, DPD, and DPRD on the Representation Principle, Point 5, PROPER – UNDP.

Since there is no communication all this time between the related Member and the efforts to improve the accountability level of the DPR Members, the proposal of the DPR Performance Enhancement Team, which recommended the establishment of the aspiration house¹⁰⁵, should also be considered. This aspiration house is established to bridge the DPR Member and the constituents in his/her election area. The aspiration house may also be made as the place to accommodate cross party constituents. In addition, it can also be made as the meeting place of DPRD members, Provincial DPRD Members, and District/City DPRD Members.

The only channel used for communication by the DPR, Provincial DPRD and District/City DPRD Members is the party channel. In this aspiration house, the incoming aspirations/inputs can be separated into issues that are included in the authority of the DPR and Provincial DPR, and issues that are included in the District/City DPRD. Therefore, "in the framework of enhancing the duty effectiveness of the DPR Members, we should think about how to synchronize the roles of the DPR and DPRD Members simultaneously. This should be a consideration in the Parliamentary Law."¹⁰⁶

According to Darul Siska, the aspiration house will be very helpful because:

"The DPR Member stays maximum 2 weeks in the constituent area, while the problems occur all the time. It is also not certain that in the 2 weeks period, during which the DPR Member stays in the election area, all the concerned are able to be present. If there is a permanent office, then the people can submit their complaints at any time. The DPR Member can directly be contacted, for example if there is scarcity of fertilizer in such election area. If the Member is in Jakarta, then he/she can coordinate with the other Members of Commission VI, in order to question the Minister with regard to such scarcity of fertilizer. If not, then the Member can only know about the fertilizer scarcity during the recession period, while the problem needs immediate solution. If the fertilizer problem is only solved one month later, then the need of fertilizer has already passed.

In the framework of implementing this work visit, the DPR Performance Enhancement Study Team recommends the following: First, prepare the Work Visit plans of the Commissions; Second, socialize all Work Visit

105 Recommendation and Work Program of the Indonesian DPR Performance Enhancement Study Team, December 2006, page 55.

106 Ibid.

plans/schedules through the DPR website; and Third, prepare the draft of the mechanism book on the implementation of the cross faction Work Visits.¹⁰⁷

In order to show the political accountability of the DPR Members, the DPR Standing Order should regulate that the DPR Members have to inform the public and report to their constituents concerning their activities. Lukman H.S. agrees in principle with such reporting mechanism, with the condition that the instruments should be prepared. For example, preparing the form, what are reported, and what are the sanctions if they are not reported. These are important matters in order to be applicable.

The Member can through his/her expert staff provide the activity reports to the aspiration house in the election area of the concerned Member. Likewise, if the discussion of a Bill is being conducted, then in accordance with the recommendation of the DPR Performance Enhancement Study Team, the Special Committee/Commission should give a press release to the public, minimum at each end of the session period, with regard to the progress of a Bill discussion.

In association to this accountability, Arbit Sani suggested that the internal DPR institution also prepares reports from the members to the chairmen, for example from the faction member to the faction chairman, from the commission member to the commission chairmen, and likewise also for the other DPR instruments.

The DPR Performance Enhancement Study Team also recommended to issue the annual report on the implementation of the duties, functions and financial accountability of DPR, which is published to the public.¹⁰⁸ The Secretariat General has already drawn up the annual book concerning DPR activities, but the financial accountability of the DPR or Secretariat General is not included in such annual book.

¹⁰⁷ Ibid, page 66

¹⁰⁸ Recommendation and Work Program of the Indonesian DPR Performance Enhancement Study Team, Jakarta, 2006, page 37.



Credibility of The DPR Members

The credibility is literally related to the degree of trust that should be provided toward the promise and behavior of someone. Credibility refers to sincerity and truth. As such, the political credibility of a politician may be formulated as the condition of a politician who has the right to be requested information and has the right to give evidences in court.¹⁰⁹

A people representative is required to fulfill certain qualities, which enables the procurement of trust from the people. The people representative will conceptually be considered as possessing high credibility if he/she is able to comply with three qualifications, namely intelligence, character, and goodwill.¹¹⁰

Further on it is said that

Intelligence or astuteness is related to the knowledge quality (practical wisdom) presented by the speaker (people representative) to other parties. The character or nature is related to the image of the speaker (people representative) as a good and honest individual. In other words, a people representative should be virtuous in order to be credible before the public. Goodwill is reflected by the intention or good intention of the people representative to provide something beneficial to others.¹¹¹

Such credibility parameter is normative and demands how the people representative should behave in order to be trusted by the people. The people representatives are through the political communication individuals with the potential to lie and deceit. In the view of ethics, lies and deceptions are basically the expression of suppression toward the truth.¹¹² Therefore, people representatives/politicians should realize that their power is sourced from the people, and they should be accountable to the people for such entrusted power.

The problem in relation to the DPR Standing Order, is how to prepare the Standing Order that can direct the DPR Members to become credible DPR Members. Wit regard to the representation role, Chapter I Article 1

109 Blak's Law Dictionary, 4th.rev.ed., West Publishing Co., 1968.

110 Opinion of Em Griffin, which is quoted by Turnomo Rahardjo, lecturer of Communication Science, FISIP Universitas Diponegoro, Suara Merdeka, Thursday, 01 March 2007.

111 Ibid.

112 Ibid.

no. 5 concerning General Provisions clarifies that “The DPR Member, hereinafter referred to as Member, is a people representative who has sworn or promised in accordance with the legislative regulations, and will seriously take account of the people’s interests in implementing his/her duties”.

Meanwhile, the oath/promise of the DPR Member contains among others: “I swear by God that I will fulfill my obligations as Member of the People’s Representative Council as best as possible and as fair as possible, that I will struggle for the aspirations of the people that I represent in order to materialize the national objective for the interest of the state and nation of the unitary state of the Republic of Indonesia (Article 7 paragraph 4).”

In addition, the DPR Member has the obligation to: “take account of the efforts to improve the people’s welfare” (Article 13 paragraph (2) letter e), and “prioritize the state interest than the individual and group interests (Article 13 paragraph (2) letter g).

However, the regulation concerning the use of the Members’ rights and the work mechanism in implementing the DPR functions does not show the guidelines on how the Members seriously take account of the people’s interests, how to take account of improving the people’s welfare, and how to prioritize the state interests than the individual and group interests.

The operational guidelines, as mentioned above, are not obvious since the regulation on the institutional obligations of the DPR and the individual obligations of the DPR Members are in the Standing Order only procedurally regulated on how those obligations are implemented. In the framework of implementing those functions, matters that are substantial are not regulated, namely the member interaction substance in implementing the DPR functions.

The substantial regulation concerning the obligations of the Members to take account of the people’s interests and to take account of the efforts to sufficiently improve the people’s welfare will have the impact of a high credibility level of the DPR Members in the eyes of the people. Members with a high credibility level will increase the credibility of the DPR institution.

In order to establish a credible DPR institution, the work mechanism to implement the DPR functions is conditioned so that it contains political representation. Each activity in the framework of implementing the DPR functions should “ensure that the Members: first, solve the problems; second, motivate the progress; and third, fairly making the constituents prosperous.”¹¹³

Darul Siska agrees in response to this proposal, so that there will be a report on their development in the future. Meanwhile, Agus Purnomo said as follows: “Since the Standing Order is a procedural regulation, the regulation of the Standing Order into a more substantial direction is less suitable to be regulated in this Standing Order, and is more suitable to be regulated in the Susduk, which norms are further on broken down into the Standing Order.”¹¹⁴

Meanwhile, Lukman H. Saefudin agrees to the regulation on the substance dimension in the Standing Order, as long as it is not emerging debates, the parameter is clear, and indeed it still needs the operation mechanism of the duties and authority of the Members in order to absorb the public aspirations and to take account of the improvement of the people’s welfare. This demands to talk about substantive and qualitative matters.¹¹⁵

In addition, A DPR Member who has high credibility will certainly put forward the statesman attitude.¹¹⁶ Such attitude is indeed in accordance with the demand in the Standing Order, which obliged the Members to “prioritize the state interest than the individual and group interests” (Article 13 paragraph (2) letter g). The DPR member should in this regard have autonomy in his/her attitude.

Muchtar Pakpahan considers that the DPR membership is not an active membership (personnel active) but an active party or faction membership (faction active). It means that the applicable approach is the structural approach, so that individual activities should be viewed as group or faction activities. Personal opinions have no meaning although they contain the truth and obtain support from the people, if the contrary is decided by the group or faction. This pattern serves as the base of the DPR Standing Order.

113 Suggestion of Arbi Sanit in the Proposal Discussion, op-cit.

114 Interview with Agus Purnomo, op-cit.

115 Interview with H. Saefudin, op-cit.

116 Arbi Sanit, op-cit.

In order to direct the DPR Members to act and behave as statesman and prioritize the state interests above the individual and group interests, the cooptation of the faction on its members needs to be slackened. As such, the DPR Members will have autonomy and sovereignty, although at certain times they are bound to the faction attitude.

In this regard, the role of the faction, which is very large in this DPR Standing Order, needs to be reduced in the future. There are until now indeed several DPR duties that are related to the faction Chairman, The explanation of such DPR duties, which are related to the Faction Chairman, has been described in details in Chapter III. Following is the short version, among others:

1. In case the DPR Chairman establishes a Team on behalf of the DPR with regard to an urgent matter, as contained in Article 27 paragraph (3) letter h.
2. Related to the matter of "Proposing/Suggesting, Providing Approval, Consideration/Consultation, and Opinion." Such consideration/consultation is provided by the DPR Chairman jointly with the related Commission Chairman and Faction Chairman, unless otherwise determined by the Deliberation Board. The providing of consideration to the candidate Ambassador of another country, and if it is coinciding with the session period, then the nomination letter is notified in the Plenary meeting, and then the nomination letter is discussed in the consultation between the DPR Chairman, related Commission Chairman, and the Faction Chairman in confidence (Article 158). Meanwhile, if the consideration on a candidate Ambassador of another country is in the recession period, then the nomination letter is directly submitted by the DPR Chairman to the Faction Chairman in confidence. Further on the nomination letter is discussed in the consultation meeting between the DPR Chairman, the related Commission Chairman, and the Faction Chairman in confidence (Article 159).
3. Related to the Discussion on the BPK Investigation Outcomes. After the BPK Semester Investigation Outcomes are discussed and followed up by the Commission, the discussion outcomes are made as materials for the Work Meeting and the Hearing Meeting. The outcomes of the Work Meeting and/or Hearing Meeting are then reported to the DPR Chairman in writing. Then the DPR Chairman conducts a consultation with the Faction Chairmen in order to discuss such written report (Article 166 paragraph 6).

4. Related to the Consultation and Coordination with other State Institutions. The consultation and coordination between the DPR and other state institutions are conducted in form of meeting between the DPR Chairman, Faction Chairman, and other DPR instruments according to their scope of duties, and the Chairman and/or officials of other State Institutions (Article 169 paragraph (1) letter d). Article 169 paragraph (2) clarifies that the consultation and coordination meeting between the DPR Chairman, Faction Chairman, and Chairman of the related DPR instrument, with the President, is conducted periodically, or with the Constitutional Court and Supreme Court according to the need. Meanwhile, the outcomes of the consultation and coordination meeting are notified in writing to the Faction Chairman and Chairman of the related DPR instrument, and reported in the Plenary meeting if considered necessary" (Article 169 paragraph (4)).

The four above mentioned matters are DPR duties. With regard to the DPR duties, those activities should actually be carried out by the internal DPR institution or the DPR instruments. The faction is an extension of the party, which positions its representatives at the DPR, and is not a DPR instrument. It would be ideal if the DPR duties are carried out by the DPR instruments without having to involve the Faction.

The tasks of the faction itself are actually already regulated in the Standing Order, namely in Article 17, which covers:

- (1) Coordinating the activities of its members in implementing the duties and authorities of the DPR.
- (2) Increasing the capacity, discipline, and work effectiveness of its members to implement the duties, which are reflected in each DPR activity.

Based on the provision of such Article 17, the duty of the faction is to regulate internally, namely to regulate its faction members. In certain cases, for example in the Level II Discussion Plenary Meeting to discuss the Bill, then the regulation of the Members to speak is per faction, and this is conducted for efficiency, since it would be unable if each member speaks. However, in context 4 of the above DPR duties, it is actually not necessary to involve the faction.

In response to this issue, Darul Siska said that:

"Commission I is actually sufficient to handle the ambassador issue, since this commission is already a reflection of all factions. The Ambassador, who is assigned

to our country, is actually a political appointee, and we will certainly view this from the political aspect. The Commission should indeed provide the consideration, and therefore, before the consultation we should first hear the opinion of the commission as a DPR instrument. Actually it is only to obtain political support, as representation of the political power grouping in the DPR. It is actually sufficient to conduct a meeting at the Commission if it is intended to be deleted. Not everything should involve the Faction Chairman, but sometimes this is a way/solution if for example the Deliberation Board is not complete or if it cannot be conducted several times, then the consultation is conducted. The appointment of the Deliberation Board is actually also on faction base".¹¹⁷

Likewise is also the use of the DPR rights and the rights of the DPR Members, which involve the faction, such as the use of the interpellation right, inquiry right, right to express opinion, and right to propose the Initiative Proposal Bill. The proposal to use those rights are submitted in writing to the DPR Chairman along with the list of names and signatures of those who propose, as well as the names of their factions. The inclusion of the "name of the faction" in the proposal to use the above rights, may burden the Members who will propose the use of certain rights. This occurs if at a certain time and related to certain issue, the attitude of a Member is not in line with the attitude of his/her faction.

Darul Siska said in response to this matter that:

"It is actually only psychological, since we know Darul Siska is an F-PG member. It is just the same whether it is written or not. This is actually not a principal, since at F-PG, before there is an attitude of the Faction, the Faction member can do anything, including the use of free right, as long as the concerned views it in an intelligent way. Therefore, for example if X also signs the interpellation, and the next day signs the inquiry, and later on all what have been signed by X are not accepted, then X will have no credibility, since all what have been signed are without being convinced that they are the right of the DPR. Therefore, in using such rights, someone should not just follow. Those who sign and do not sign have argumentations, and if the argumentations are not convincing, then we will not support. If they are convincing, then we support"¹¹⁸

Meanwhile, according to Agus Purnomo in relation to the Member sovereignty:

"in the case of implementing the rights of the Members and the DPR, the elimination of faction involvement can be conducted, but it should be viewed

117 Interview with Darul Siska, op-cit.

118 Ibid.

from the Member capacity context, whether the capacity is good and whether the supporting system is good. Without this, then the regulation of eliminating the faction role will be complicated. The faction is until now still very strong, not only in coordinating its members, but also in determining the position of the faction/party on a certain issue at the DPR, although in the presidential context the freedom of members is something normal. As such, it is understandable that this proposal can be accommodated. Moreover, the faction is not a DPR instrument. It is only that, particularly for the investigation of the BPK report outcomes, the determination of Ambassador/Armed Forces Commander/Head of Indonesian Police, the PKS faction is so far still lax toward its members. As such, it is no problem if the faction role is eliminated'.¹¹⁹

The use of the right to propose the Initiative Proposal Bill particularly requires that at least 13 (thirteen) Members should propose the Initiative Proposal Bill. In fact, Article 21 of the 1945 Constitution clarifies that "the DPR Member has the right to submit the Bill proposal". This means that the DPR Member has individually the right to propose the Bill. In this regard, it would be better if the DPR Standing Order returns the sovereignty of the DPR Member in proposing the Initiative Proposal Bill, so that a DPR Member has the right to propose the Initiative Proposal Bill.

According to Lukman, "this regulation is indeed ideal, but if there is already a quite good structuring on the mechanism of a Bill, then where is the procedure, and is it regulated by the Legislation Board, which has expert staff, and it is well described. However if it is not well described, then there is a concern that chaos will occur."¹²⁰

Another matter that intervenes the sovereignty of the DPR Members who have been elected by the people is the authority of the Honorary Board, which has the authority to impose sanctions in form of dismissal as a DPR Member (article 62 paragraph (1) letter c). Meanwhile, Article 202 paragraph (4) and paragraph (5) clarifies that a Member who does not fulfill the obligation as meant in paragraph (4) is dismissed by the DPR Chairman based on the investigation of the Honorary Board. Paragraph (4) mentions that the Member may not hold a double position, among others as a structural official at a private education institute, public accountant, and others. The sanction to dismiss a Member should actually be the authority of the party, not the DPR Chairman, based on the investigation of the Honorary Board.

119 Interview with Agus Purnomo, op-cit.

120 Interview with Luqman H.S., op-cit.

According to Darul Siska, it is better that the authority of the Honorary Board is only to remind, prepare notes on someone's ethics, but not to recommend the dismissal of someone. If the Honorary Board discover criminal actions, then it should be handed over to the law enforcers. The matter of being dismissed or not is the right of the party.¹²¹

Having the similar opinion, Lukman H.S. said that:

The Honorary Board is actually a political institution. With regard to the decision making, if not conducting a deliberation, then the Honorary Board will conduct a very political voting with regard the majority of votes. If the Honorary Board has the authority to dismiss a member, then such dismissal is very political. It is worried that if the Honorary Board has such authority, then it can be politicized for certain interests. The dismissal of a Member is the party's affairs and the Honorary Board is only authorized in the efforts to enforce the ethics".¹²²

Different than such opinion, Agus Purnomo responded positively by saying:

"In accordance with the principle that the position of the DPR Member is a mandate/honorable position and not a position like other public positions, then the violation of ethics will have the consequence of the dismissal of the concerned member, and if it is proven that there is a criminal violation, then it should be handed over to the law enforcer".¹²³

In our opinion the Recall conducted by the party can still be justified, since in practice there are still a lot of Members who conduct non-disciplinary actions, such as for many years not conducting the work visits to the election area, although they still receive the recession allowance, or they are often absent, in the sense of signing the attendance list but not following the session, or are even never present. The consequence of applying the proportional system with an open candidate list is if a DPR Member of a certain party does not show good performance, then it would be better if the party replaces the concerned with another better cadre.

The matter that is indirectly related to the credibility of the DPR Member is the discipline of the Member to follow the session. In this regard, there should actually be an improvement of the session management. Article 98 of the DPR Standing Order clarifies that: "Each Member is required to sign the attendance list before attending the meeting." It is actually not

121 Interview with Luqman H.S., op-cit.

122 Interview with Lukman H.S. op-cit.

123 Interview with Agus Purnomo, op-cit.

sufficient if the Member only signs the attendance list, since in practice the signature appears on the attendance list, but physically the concerned is not present. Likewise in the session, the Members are often disregarding the effectiveness and efficiency of the time to speak. There is no time limit and there is also no priority of issues in the session.

The DPR Performance Enhancement Team recommends that the determination of the decision making quorum is attended by 60% of the faction representatives or 50%+1 of the total Members. The DPR Standing Order clarifies in Article 206 that: "Each DPR meeting can make decisions if it is attended by more than a half portion of the total members, which consists of more than a half portion of the Faction elements". In practice, to wait until more than a half portion of the faction elements are present will often take time. In addition, it is recommended that there should be a limitation of the time to speak, namely 3 times 3 minutes for each member, intervened by the answers of the government. In addition, it is also proposed that the Members should already prepare the questions before the meeting starts, supported by accurate data and information, and that Members who arrive 30 minutes late lose the right to speak, as well as sanctions for members who leave the the meeting before it is closed.¹²⁴

In addition, the credibility of the DPR Members and the DPR will institutionally increase in the eyes of the public and the constituents if: "The Members and the DPR have active transparency to the public and the constituents in behaving and acting. In addition, the arguments, attitude, and the decisions of the DPR and DPR Members should as much as possible benefit the public/constituents, and also that there is consistency in defending or struggling for the values and interests of the public or constituents."¹²⁵

Meanwhile, in order that the DPR really represents the Indonesian people, then the composition of Members in each structure, such as the Commission, Work Committee, Work Team, Chairman etc., should better be based on the even distribution of the election areas. If the convention that applies all this time determines that the nomination of the DPR Chairman package is based on the amount of seats in possession, in future it should be based on the representation of the election areas. If the amount of

124 Recommendation from the Performance Enhancement Team, op-cit. page 53.

125 Arbi Sanit, Ibid.

Chairmen is only 3 – 4 persons, then they should be able to represent West Indonesia, Central Indonesia and East Indonesia. The similar criteria should also be applied at the election of the DPR instruments and Work Team or Committee.



Closing



A

Conclusion

The DPR Standing Order, which is contained in the Decree of the DPR of the Republic of Indonesia No.08/DPR RI/1/2005-2006 concerning the DPR RI Standing Order, which is currently applicable, is actually already initiated by the regulation concerning the existence of the DPR members, position and duties of the DPR and the DPR Members, which position the people that they represent at an important position.

However, no operational formulations are found in the formulation of the following articles, which clarifies the existence of the DPR Members as the people representatives, who in their oath/promise will become DPR Members as good as possible and as fair as possible, and will fight for the aspirations of the people that they represent in order to materialize the national objective for the interest of the nation and the unitary state of the Republic of Indonesia, to take account of the efforts to improve the people's welfare, and to prioritize the state interests above the individual and group interests.

The DPR Standing Order is the rules of the game that determines the movement space of the DPR Members. Nevertheless, the current prevailing DPR Standing Order has not yet formulated a number of formulations that are able to direct the DPR Members to become Members as demanded by their oath/promise as well as the obligations that are provided to them as the people representatives. The Standing Order is institutionally also not yet able to make the DPR as an institution that is really able to fight for the interests of the people.

This is because the current applicable Standing Order is not fully reflecting the principles of political representation. Those representation principles are transparency, public participation, accountability and credibility. Those four principles are related one to another. The transparency principle means the openness for the public to access the work mechanism in implementing the DPR duties, as well as access to the products produced by the DPR. Therefore, the DPR Standing Order should regulate the facilities for the public to access either the work mechanism as well as the products of the DPR.

Meanwhile, the public participation means the involvement of the public in the DPR activity processes. The Standing Order needs to widen the public involvement space in the implementation of the DPR functions. This principle is closely related to the principle of accountability of the DPR Members. This principle refers to the accountability of the DPR Members for their actions/work results to the public and the constituents. The DPR Members need to periodically inform their work results to the public and give the accountability to the constituents.

Meanwhile, the credibility principle of the Members refers to how actually people representatives should behave in order to be trusted by the people. Since the DPR Standing Order directs the Members to be credible, then the Standing Order should formulate matters that are substantial concerning the obligations of the Members to take account of the people's interests, take account of the efforts to adequately increase the people's welfare. Each activity in the framework of implementing the DPR functions should ensure that the Members are able to solve the problems, encourage the progress, and fairly make the constituents prosperous.

Why are those representation principles important to be included in the DPR Discipline Rules? This is necessary for the following reasons: First, in the context of disseminating the representation democracy values, which are not rooted at the elite level, the inclusion of the representation values is expected to be able to provide a strong base to eliminate an elitist democracy. By way of institutionalizing the representation role into the Standing Order, it is expected to strengthen the control function of the public toward the parliament performance.

Second, as the efforts to improve the constitutional performance of the parliament as shown by the instrumentally perspective, the institutionalization of the representation role becomes a new “spirit” which is “inspiring the rule of the game” in the implementation of the three DPR functions.

Third, sociologically the people have not much felt the optimum representation role. This is shown by the lot of criticisms and resistances in form of demonstrations and others with regard to the performance of the DPR. Therefore, it becomes an urgent need for the DPR to immediately reform itself institutionally as the base to strengthen the legal infrastructure in order to strengthen the representation role through the completion of regulation instruments, such as the Law concerning the Structure and Position of the MPR, DPR, and DPRD as well as DPR Discipline Rules.

Fourth, politically the report on the DPR performance becomes a “political sin admittance” of the DPR institution for its performance all this time, particularly with regard to its public accountability. As such, the institutionalization of the representation role into the Standing Order becomes a symbol of the political will of the DPR in the efforts to enhance its performance and the public trust. This is very reasonable, moreover with the implementation of the political leadership recruitment system, which is more open and direct and becomes the incentive of the of each of the cadre at the political institution, particularly the DPR, to provide the best performance in the framework of strengthening their struggle to obtain political positions, which are more open but still elitist.

Then, how to include those representation principles into the formulation of the articles of the DPR Standing Order? Since those representation principles inspire or serve as the base of the three DPR functions, then those principles should be integrated into the formulation of regulating the three DPR functions as described in the following part of recommendation.

B

Recommendation

In order to complete the DPR Standing Order, so that it has representation contents or reflection, then the measures that need to be undertaken in the future are as follows:

1. Representation norm of the DPR Members

One chapter should be placed at the initial part of the Standing Order, after Article 1 concerning the General Provisions, which functions to protect the regulation of the next articles. This chapter should contain the people's political representation norm package. Those norms are among others concerning the following:

- a. The DPR Members execute the mandate of the people that they represent in implementing the DPR functions.
- b. Active openness of the DPR Members toward the public and the constituents in behaving and acting.
- c. Consistent in defending and fighting for the public or constituents values and interests, and others.
- d. The argumentations, attitudes and decisions of the DPR Members should have the orientation of providing as much as possible benefit to the people.
- e. The DPR Member should develop the statesman attitude in implementing the DPR duties.

2. Transparency Principle

- a. Transparency is needed in the DPR work mechanism. This transparency of the DPR work mechanism can be implemented by way of:
 - i. Changing the characteristics of meetings in the DPR sessions. The DPR sessions should basically be open, unless for higher national interest reasons they are declared closed.
 - ii. Transparency is needed in the Bill discussions.
 - iii. Facilitating public access to the sessions at the DPR.
 - iv. Making the requirements stricter in conducting work meetings with the Government outside the DPR building.
- b. Transparency of products produced by the DPR.
 - i. Simplifying the public access to the DPR products.
 - ii. The public access to the DPR products needs to be regulated with the "one door" system, so that it is technically more effective, efficient and within easy reach by the concerned public.
 - iii. It is necessary to prepare the formulation related to the time limit on when the Bill Discussion Minutes, or the Minutes of Meeting, or the Minutes of the Investigation Outcomes related to a certain issue, should be finalized and when they can be accessed by the public.

- iv. Prepare a formulation in the Standing Order, which instructs the Secretariat General to broadcast/publish/socialize parliamentary activities, news and information within the national scope (accessible by all community members), and also to socialize the outcomes of the National Legislation Program and the priorities, socialize the Bill to be discussed, and socialize all work visit plans/schedules, and open the public access in order to provide opinions concerning public official candidates through the printed media and DPR website.

3. Participation Principle

- a. The Standing Order should open larger space for the public participation in the legislation process at the DPR, in order to materialize legislation products with more quality, aspiration, and participation.
- b. It is necessary to prepare the work method/mechanism for the submission of public aspirations to the Chairman and DPR instruments, and to establish working groups for public complaints at each DPR instrument.
- c. The Secretariat General should be instructed to prepare a special line for the DPR activity information service/access, and also provide a post office box for public complaints, so that they can be utilized by the public to submit their aspirations, as well as open the public access through the DPR website.
- d. It is necessary to formulate in the Standing Order that the DPR building is open for public.
- e. A standard mechanism needs to be formulated with regard to the implementation of the cross faction and cross commission individual work visits (based on the election areas).
- f. It is necessary to formulate the establishment of an aspiration house in the election area in order to bridge the DPR Member and his/her constituents.

4. Accountability Principle

- a. The Standing Order needs to formulate the obligation of the Member to inform his/her work outcomes to the public and report them to the constituents. This report includes the reporting on his/her attitude and actions related to certain issues, either directly or indirectly concerning the constituents, his/her position in the discussion of a Law, and the

implementation of the right with regard to the control function, and others. This reporting is conducted each certain period (periodically) or maximum per session period.

- b. The Standing Order needs to regulate on how the public aspirations/inputs, submitted in the RDPU, or by letters and also in seminars, or through the work visits of the concerned DPR Member, are followed up, and those public aspirations are discussed/made as consideration materials in the next phase.
- c. With regard to the implementation of the legislation function, the Special Committee/Commission gives a press release to the public concerning the progress of a Bill discussion.
- a. The Standing Order needs to formulate the instruction to the Secretariat General to publish the annual report on the implementation of the duties, functions and financial accountability of the DPR, which should be published to the public.

5. Credibility Principle

- a. The Standing Order needs to formulate substantial matters concerning the obligation of the Members to take account of the people's interests and to take account of the efforts to sufficiently improve the people's welfare.
- b. The Standing Order needs to formulate the work mechanism on the implementation of the DPR functions, which should be conditioned with the contents of the political representation principle. Each activity in the framework of implementing the DPR functions should be ensured to the Members that they solve the problems, encourage progress, and fairly make the constituents prosperous.
- c. The DPR duties should in the future be carried out by the DPR instruments, without having to involve the Faction Chairman.
- d. It is necessary to take off the requirement to include the "name of the faction" in the proposal to use DPR rights and the DPR Member rights.
- e. It is necessary to return the sovereignty to the individual Member in order to propose the Initiative Proposal Bill.
- f. It is necessary to revise the authority of the Honorary Board to not impose sanctions in form of dismissal as Member, and to return the authority for dismissal as Member to the faction or party.
- g. Improve the session management by requiring the Members to be physically present in following the sessions, and not just only requiring

the signature. In addition, it is also necessary to regulate the limitation of the Member's right to speak, and to prioritize the issues to be discussed in a session, so that the session materials are not diverted everywhere.

- h. Change the decision making quorum, namely attended by 60% of the faction representatives or 50%+1 of the total Members, Members who arrive later than 30 minutes will lose their right to speak, as well sanctions to members who leave the meeting before it is closed.
- i. The composition of Members in each structure, such as the Commission, Work Committee, DPR Chairman, etc., should as much as possible be based on the even distribution of the election areas.



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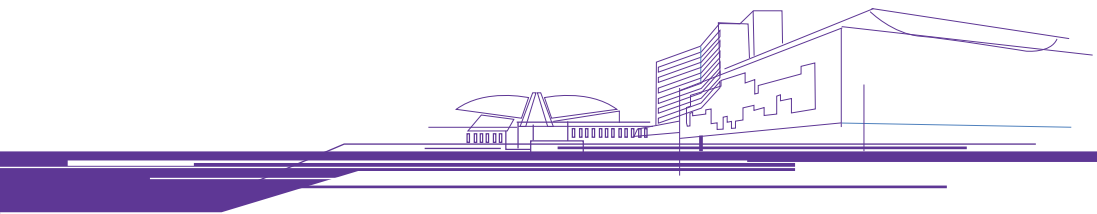
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CHAPTER IV



6 FGDS: “STRENGTHENING THE ROLES AND PRINCIPLES OF REPRESENTATION TO BECOME ONE OF THE MAIN FUNCTIONS OF THE PARLIAMENT”



FGD 1¹²⁶

Definition and Principles of Representation in the Parliament

Principal discussion subject: The representation subject is not only important to be discussed, but also to be explicitly and firmly formulated in the law, which is the reference of activity and behavior, as well as the reference of partiality for the Parliament members, such as in the Parliamentary Law (Susduk) and the DPR (House of Representatives) Standing Order.

The first discussion subject is related to basic matters, which provide the clarification concerning the representation function at the parliament, namely: 1) description concerning the representation function in the political system and parliament in Indonesia; 2) description concerning the representation role and function of the Parliamentary members as executors of the three Parliament main functions, namely the legislation function, budget function and control function; 3) description and analysis concerning the representation principles that are attached to the Parliament function in the DPR legislative regulations, either in the Parliamentary(Susduk) Law as well as the DPR Standing Order; 4) clarification concerning the available support system for Parliamentary members in carrying out their representation function; 5) sharing of experiences among the Parliamentary members on the implementation of their representation function at the DPR; and 6) formulation of the recommendation concerning the strengthening of the representation principle at the DPR, which is an important part of each implemented FGD representation function.

126 FGD 1 conducted at Ibis Hotel, Thursday, 22 May 2008.



Representation Function as an Important Part in the Democracy¹²⁷

Following are the basic principles of democracy that function in a system:

First: The freedom of the people produces the sovereignty of the people. Democracy is the wish to enhance the sovereignty of the people. How to make the people become sovereign? A lot of scholars have opinions that democracy is too idealistic or utopian. The values to be uphold are too supreme, namely the people with sovereignty or in power, but at the same time they have to be governed or should obey the government. This is a controversy in the democracy.

Second: Due to the large amount of the people, it is necessary to have parliamentary members, who act on behalf of the people (representative government). The administration is implemented by the parliamentary members (in form of indirect democracy), who act on behalf of the people.

Third: Although there are parliamentary members, it will not reduce the rights of people. The constituents may submit their aspirations to the parliamentary members and judge the properness. If the constituents consider that the parliamentary members are not trying to identify, accommodate and fight for their aspirations, then they have the right to demand their replacement with more capable parliamentary members. How excellent the parliamentary members may be, there are certainly interests of the people that are not voiced by them. Therefore, the representation function at the Parliament is a function implemented by the parliamentary members as the party, which act on behalf of the people to control the executive institution.

Although it is complicated and very complex in the democracy, the representation concept is needed to fulfill the accountability of the parliamentary members toward the people that they represent. The accountability of the parliamentary members is the accountability of the Parliamentary members toward the constituents, by establishing direct

¹²⁷ Prof. Dr. Maswadi Rauf (Resource person as political observer and expert of Universitas Indonesia).

and periodical contacts. Thereby, the constituents are able to control their representatives at the DPR.

The accountability of the parliamentary members should have the elements of imposing sanctions if they are considered as not properly implementing the representation function. Therefore, the opportunity should be provided to the constituents to propose the dismissal of their representatives at the DPR.

Representation Function in the Parliamentary Law

Law Number 22 of 2003 concerning the Parliamentary (Susduk) provides the opportunity to the constituents to submit their complaints to the Ethical council (BK) of the DPR toward parliamentary members who do not carry out their obligations as Parliamentary members (Article 85 paragraph (2) letter c). If it is proven, then those parliamentary members may be dismissed (inter-period replacement).

How is the Representation Function can be Achieved Through the Working Performance of the Parliamentary Members?

Visits to the constituents need to be supported by adequate facilities and the parliamentary members need to prepare clear programs that will be carried out in the regions. Important aspirations that are resulted from the visits to the regions are integrated with aspirations from other regions, which will be made as part of the work program of the concerned parliamentary party groups at the DPR.

Achievement of the implemented – or not implemented – representation function at the DPR:

1. The negative image of DPR is closely related to the negative political party image. The DPR and political parties are often accused as prioritizing their own interests and disregard the interests of people.

2. Measures to be taken to improve the DPR image are:
 - a. Transparent or limit any policies at DPR related to financially benefit to Parliamentary members;
 - b. The DPR should be make welcome to people or any groups that are intended to directly submit their aspirations;
 - c. The DPR need more effort in absorbing aspiration of people from constituent;
 - d. Parliamentary members should be more frequently visiting their constituent in order to absorb people aspirations; and
 - e. The parliamentary party groups chairman needs to request a written report from each member, who has conducted a visit to the constituent, and the report should be discussed at the parliamentary party groups meeting, which can also be used to evaluate the member performance.



Forum Dynamics: Discussion of Introduction



Limitation of the Representation System in the Ideal Concept¹²⁸

Parliamentary members are human beings and they have their own interests that might differ with other people interests. Due to these interest differences, those parliamentary members may easily disregard the interests of the people. They might interpret people aspiration in different way without having the intention to know more about the aspirations of the constituents.

In the 18th century J.J. Rousseau had the opinion that democracy with the representation system was not a real democracy, since the

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parliamentary members will never be able to voice the aspirations of the people. Therefore, Rousseau proposed that a state should consist of small states, possibly a kind of village state, where each person is involved in each decision making. Since long time ago, parliamentary system would always face problems. However, there is no other alternative, an indirect democracy or no democracy at all. An indirect democracy is more possible to be implemented than a direct democracy. A lot of scholars said that democracy contains inherently many contradictions.

The General Election, as one of the democracy instruments, may elect the representation government, if the general election conducted freely. The people can freely determine the political parties or candidates, who will represent them at the DPR, through a free general election. This may occur with the assumption that the all eligible people can participate in the election. As an indicator of the appropriateness of the election, people should examine the performance of the parliamentary members from the parties. Therefore, each constituent should actually have the reports of all parties and figures. The unawareness, lack of information and indifference of the public may cause that the general election is not carried out through the rational choice, but emotionally.



Representation and Accountability

The representation concept needs accountability of the parliamentary members toward the people they represent. Therefore, if the people elect a representative, then this representative should provide accountability. The constituents should influence on the actions and work of the parliamentary members. The parliamentary members should be transparent and communicate with the constituents.

The accountability of the parliamentary members is the accountability toward the constituents. In order to materialize this, the parliamentary members need to establish direct and periodical contacts with the constituents. The accountability of the parliamentary members can only work well if the constituents are able to control their representatives at the DPR. Therefore, not only the Parliamentary members visit the regions, but the people should also react toward those visits. They should not only passively but also actively evaluate and provide inputs. As such, the

constituents can submit the aspirations to their representatives as well as evaluating the capacity of the parliamentary members. People should also actively provide inputs to those parliamentary members so they are able to carry out their functions.

Parliament who has accountability should have power in imposing sanctions for those parliamentary members who are not performing representation function properly as consequences of control. If there is no sanction, there is no obligation for parliamentary members to perform their duties properly. Therefore, the opportunity should be provided to the constituents to propose the dismissal of their representatives at the DPR.



Public Participation

The public participation may also be carried out, such as in the Parliamentary (Susduk) Law (Law No. 22/2003), which provides the opportunity to the constituents to submit their complaints to the Ethical council of the DPR concerning the parliamentary members “who do not perform their obligations as Parliamentary members” (Article 85 Paragraph (2) letter c).

Those complaints are directed to the Ethical council of the DPR, which will conduct the investigation and verification. If it is proven, then such parliamentary members may be dismissed (inter-period replacement). Such complaining never took place, since many constituents are not aware of this right (also due to other reasons).




Achievement on the Implementation of the Representation Principles and its Challenges

Right now, the image of the DPR in the public perception is negative which affect performance of the parliamentary members. There are also unreasonable accusations such as anti DPR. The negative impression is also closely related with the negative political party image. That negative image is the product of anti political party socialization, which was

implemented during the Soekarno and Soeharto administration era for 39 years (1959-1998). Therefore, the DPR and political parties are often accused as prioritizing their own interests and disregard the interests of the people. Actually, if we ask about the concrete evidence, the accuser may not even know, like in the case of Slank. Almost all the activities of the DPR and parliamentary members receive strong criticisms from the public. Consequently, the DPR/parliamentary members are considered as not fighting for and defending the interests of the people.

Following are the measures that need to be taken in order to improve the DPR image: First: reducing the DPR policies that have the impression of financially benefiting the Parliamentary members; Second: if they have to be made, then those policies should be openly announced and the consideration should be transparent; Third: the parliamentary members are demanded to properly receive the visits of public groups, which are intended to directly submit their aspirations; Fourth: the parliamentary members need to put more effort to absorb aspirations of the constituents in performing their duties as parliamentary members; Fifth: in order to improve in absorbing people aspirations, the constituent visits need to be more intensified, so that the presence of those parliamentary members are being more felt by the constituents; Sixth: The intensive visits will also provide the opportunity to the constituents to conduct dialogues and submit their aspirations in a better way; Seventh: in order to make the visits to the constituents more transparent, the parliamentary party groups chairman needs to request a written report from each parliamentary members, which is submitted in the parliamentary party groups meeting; Eighth: the parliamentary party groups chairman is required to evaluate those visits, which is part of the evaluation toward the performance of the parliamentary members by the parliamentary party groups chairman.



Collecting and Following up the Constituents/ Public Aspirations

The importance to build positive image of parliamentary members, the constituent visit activity should be supported by adequate facilities. The parliamentary members need to have well prepared programs in the regions and should report implementation and achievement results in the

parliamentary party groups meeting. The constituent visit should collect important aspirations, which will be combined with the aspirations from other regions, and made as part of the work program of the concerned parliamentary party groups at the DPR. As such, the DPR work program is actually the combined work programs of the parliamentary party groups, which are resulted from various aspirations collected by those parliamentary party groups members from their respective constituents. Therefore, what is referred to as aggregation is the collection of various interests. Why should it be conducted periodically? The reason is because the people aspirations might change or different through times.



Representation Function in the Perspectives of the Parliamentary Members¹²⁹

All this time, the focus work of the DPR consists of three elements, namely legislating, oversight and budgeting. The representation function has not yet being put at the first place, and has not yet received the attention from the Parliamentary members in performing the legislation function at the DPR.

These situations might come from history where DPR was only the supplement of the executive institution. The DPR was formerly known as the rubber stamp institution. However, the situation has changed during the reformation era. More authority or power shifts took place that are considered as balancing by part of the public, but not with sufficient capacity to accommodate those burdens. A lot of things took place from the aspect of system and output, and still a lot are disappointing with regard to the implementation process of the representation function as well as the other three functions, particularly by the political parties. Viewed from the performance of the Commissions, the active Parliamentary members are possibly only 15-20 members out of 50 members. Even in the law preparation phase up to Deliberation Team (Timus), there are maximum only 4-5 active members.

The political behavior of Indonesia is still feudalistic, because when we talk about the emerging power, then it is feudalism. This causes the

129 Ir. Afni Achmad (Resource Person at FGD 1 as Member of the Parliamentarians Performance Enhancement Team).

failure of our democracy process. If there is an election of the party general chairman, then it will not become an arena of competence contest, but an arena of whether there are any influences from the party management. One or two parties may have a system, but most still have the feudalism culture. How can the DPR be democratic if the source of culture is still there (political party)?

For example, the Partai Amanat Nasional (National Mandate Party) rejected since the beginning, but at the last moment agreed to the import of rice. Eventually, I took the attitude of abstain and walked out, and likewise was Cepu. I didn't want to collide with the party, but I also didn't want to collide with my inner feelings. In my opinion, such situations make us nervous at the DPR. According to me, the priority should be the competence. A lot may not be interested in politics, but the hand palm lines took them there. There are issues of competence, interest, system, and public education. For example, I did not find specific complaints when the public approached us, but only small or personal problems.

This is just a thought that there are executive, legislative and judicative sectors in the democracy. Why are political parties not given the facilities to develop the democracy? All political parties should actually be financed by the APBN (National Budget). Why should political parties struggle by themselves, while they are actually needed? For example the parliament in Germany, all winning political parties in the parliament obtain funding from the National Budget. As such, all their activities are financed by the National Budget, since they are part of the democracy. What happens in Indonesia if a party becomes powerless? It will request its cadres to collect fund from everywhere in order to finance its activities. This is not a sound life in the democracy. Moreover, funding is currently the priority in the party, not competence.

The appreciation toward us at the DPR does not obtain a good portion. I handled sand dredging before and saved Rp. 234 trillion state money, but there was no appreciation for me. Due to this, Singapore became bankrupt. I also succeeded to prevent Cemex in controlling Semen Padang, but there was also no appreciation at all. If someone in the United States renders a service, then the concerned is given a medal by the Congress, but here there is no attention at all. However, we will be seriously criticized for a bad performance. Therefore, together with other colleagues, we encouraged the establishment of the DPR Performance Team. We have worked and prepared many things, but eventually we become desperate and indolent, because the person in charge does not understand what have been implemented.

The lesson learned during a visit to Canada with one of the DPR chairmen to study parliamentary issues, was that the house resource person in Canada does not influence and determine anything, but only determine the implementation of the session. There was no shouting, but politeness with good acoustics and a U form room. The parliament session room in China is similar to our session room, which is in a theatre form, showing the leadership domination.

Trainings need to be conducted in the next DPR period, since the political parties are not ready. The parties need to prepare their legislative member candidates at the parliament. The change of the room layout into a letter U form was proposed before, so that there may be interactions, but attention was never paid. In this regard, there should be a system, then sufficient raw materials that need to be improved, and finally the instruments. For example, the data of complaints from the public to the DPR are taken by the Secretariat General and then passed on to the Parliamentary members. Why are all this time only 14, from around 200 proposals, responded? Complaints that should actually be received face to face are conducted mechanically. Complaints or aspirations can only be received face to face.

For example, the parliament in Singapore arranges the days that are made available for the Parliamentary members to receive the public. The memorandums of the Parliamentary members in America are very meaningful at the executive level. There should be rapid measures in addition to routine measures. The Parliamentary members often receive complaints from the public, but they are not sure whether those complaints can be processed due to the complicated mechanism. Those complaints are often also outside my authority. It is difficult for us to handle events that are partial and can directly be felt by the people. As such, the people do not feel what are carried out by the DPR, and this has direct impacts on the people.

Following is with regard to the law discussion process. From all the laws that involve discussions, only one law discussion was conducted smoothly and safely, since a new creation was made. Each law is entered into the RDPU before being made, which is often very ceremonial. For example, a seminar of three days was conducted at a free location for the very sensitive Layout Law, and the public may speak up anything, which are then summarized. The RDPU was also completed, and after that another

seminar was conducted for socialization and there were no protests at all. This law was actually assumed as receiving extraordinary protests. Based on this experience, a transparent socialization should be conducted for the public before the law is prepared, so that there will be no protests.

Problems occur since a standard system is not available yet, which cause complications, and it also depends on the experiences of the chairman. For example, in the Special Committee, where the chairman had possibly never chaired a session before, the law discussion went on for 1.5 years, since the members and the chairman of the Special Committee were debating on how to organize the session. We had to accept this fact, since the session chairman was a result of the parliamentary party groups meeting and chairmen meeting. The DPR chairman should actually have the criteria. He should at least understand about how to chair a session. A personal opinion sometimes becomes the DPR opinion. The capacity to absorb information from the lower level should actually be improved by the DPR chairman.

The ideal DPR is a DPR that is able to optimally implement its three functions. There is also a reason why the DPR is slow in preparing the budget. The draft of the National Budget Plan is during the commission meeting only submitted 3 hours before the session. How is it possible to be discussed? What took place is only quoting. There should possibly be an institution that examines this document before reaching the DPR, so that the Parliamentary members have the second opinion on whether it is suitable or not. The competence and capacity of the Parliamentary members are the main issues, likewise the facilities possessed by the Executive and Judicative sectors.

A lot of the parliament's system framework in Indonesia need to be improved from time to time. The resource person, who is also the Vice Chairman of the Legislation Sector, requests to shorten the time of the Bill discussion process without extension, so that the plenary meeting is more effective. All this time the attention is only given to the DPR, but sufficient attention is not given to the source, namely the party. The sample of Germany may possibly be taken, so that the party can be more independent and put forward its competence than debating about interests.



Representation in the Perspectives of the Parliamentary Party Groups Experts/Analyst

Opinion 1¹³⁰

The use of the “representation function” term should be clearer, so that it will not confuse the three principal functions (legislation, budgeting and monitoring) of the Parliamentary members. Does this representation duty already exist all this time at the DPR? It already exists in broad outlines, but still not maximum and effective. For example, the work visits of the commissions were not conducted to the constituents, but only to the local officials. However, step by step the Parliamentary members are already willing to accept inputs from the local government. Meanwhile, the individual visits (of the Parliamentary members) were only conducted to the concerned political party in the election region.

If possible, the representation function may also be entered into the Parliamentary (Susduk) Law and not only into the Standing Order.

Is the representation function already implemented by the DPR outside the work visits? Yes. Our parliamentary party groups has also a transparent public complaints place. If possible, this may be conducted at the parliamentary party groups and then continued at the plenary meeting before the public. There are 6 members out of 109 members in our parliamentary party groups who never spoke up, and this may possibly also be the case at other parliamentary party groups.

The meeting with constituents, in order to receive aspirations, may be conducted in: 1) the office of the Parliamentary members. The Parliamentary members often left their office, since so many strangers visit their office; 2) the parliamentary party groups room; 3) it is also necessary to be included in the Parliamentary (Susduk) Law that aspiration houses for the Parliamentary members should be developed in the election regions. Our current new party regulation indicates that a maximum of 10 houses and a minimum of 3 houses should be developed in the constituent as aspiration houses for the Parliamentary members. The DPR budget in the National Budget is less than 1 percent, while actually the current government budget reaches Rp. 892 trillion. The DPR budget is Rp.

130 Rusman Lumban Toruan (PDIP Political party groups Expert).

1.2 trillion in one year, which is the largest for the wages of the members, experts, and secretariat staff.

Another note is that the constituents should be able to control the parliamentary members at the DPR. This is currently only carried out by the NGOs and not by the people/constituents. How should the people have the opportunity to control the DPR? They are always busy with problems that threaten their economic life, for example traditional markets that are always removed. With regard to political parties, after 1955 new political parties emerged 1988. How weak a political party may be, it should always be maintained in order to develop and give meaning to the representation democracy. Article 85 of the Parliamentary (Susduk) Law provides that 13 ethical council members, according to the DPR Standing Order, may dismiss Parliamentary members elected by 200 thousand people. In this case the ethical council has too much power. It is better that this not decided in the plenary meeting. If a party is not explicitly taking actions toward its members who violate the code of ethics, then the people will be able to not elect the concerned political party in the next general election.

Opinion 2¹³¹

The formulation of legislative regulations is still to be apprehensive about with regard to the representation function, where sometimes a lot of words with shallow meaning have consumed time, cost and energy. Complaints are already accommodated at the RDPU. Parliamentary party groups and the DPD (Regional Management Council/same level with Province) are the aspiration houses. Political parties should actually be clever, but unfortunately, if the General Chairman of a political party is replaced, then the ethics, instruments and system are also changed. As such, it is difficult to develop.

Opinion 3¹³²

Based on experience, the public will be able to judge whether a Parliamentarians is suitable or not to be re-elected, due to three reasons: 1) the Parliamentarians goes to work at the DPR in the morning and goes home in the afternoon/evening (routinely) as a political worker; 2) The Parliamentarians often appears in the TV; 3) The Parliamentarians is able

131 Virgiani Rahayu (PG Political party groups Expert).

132 Handoyo (PKS Political party groups Expert).

to fulfill the life needs of the constituents, such as giving money to the constituents. The terminology concerning this representation function should first be agreed upon by the FGD participants. We should agree upon what is actually referred to as representation, since the above three matters (with regard to the judgment of the public toward the Parliamentarians) may just be considered as representation. For example, the work visits are – often not within the capacity of the DPR but within the capacity of DPRD (Local DPR), such as the request for a road or bridge at the village level.

Do we want the Parliamentary members to carry out the three functions (legislating, budgeting and controlling), in addition to their tasks to absorb public aspiration as well as to solve the public problems? However, the problem is how many know about the individual functions of the Parliamentary members? This needs to be criticized. For example, the attitude of the political party needs to be presented in the newspaper or other mass media. This is apart from the substance, which was presented before (Resource person: Ir. Afni Achmad) concerning the parliamentary party groups attitude. This is indeed a complicated matter. Proposal: If possible, there should be an in-depth discussion and agreement concerning a more applicative representation. The manual¹³³, which was discussed yesterday, may possibly also be very applicative.

Opinion 4¹³⁴

The representation issue in the mind of the participant is the Parliamentary members at the DPR who are struggling for their constituents. As such, there will be no more regions in Indonesia that are left behind. The Parliamentary members should be aware of the public aspirations. For example, the representation by Parliamentary members from Papua or Maluku is currently only a joke. This may also be caused by the system. The political parties should actually elect who are required. In this case, the public should actively participate with the Parliamentary members, although it is very difficult to be conducted. There are at present NGOs, which clarify and play an active role in this regard.

Another system problem is with regard to the remaining votes. If the

133 Manual concerning the Parliamentarians performance reporting system, which is being studied by UNDP.

134 AM. Furqon (PAN Political party groups Expert).

remaining votes are drawn to the province, then who will be represented by the Parliamentarians? The district system is the most appropriate system for the condition in Indonesia. If the performance of the Parliamentarians is bad, then it will be easier to blame and may be imposed sanctions in the next General Election.

The existence of parliamentary party groups at the DPR needs indeed to be debated. Is it necessary to dissolve the parliamentary party groups, so that they are no more struggling for the aspirations of their parties? There is often an extraordinary inner contradiction between a member and the parliamentary party groups. Are parliamentary party groups still needed? If yes, what are the conditions? For example, with regard to the general election system, there are no banners or flags of billions rupiah in Argentina. A system needs to be developed, where there will be no banners when the general election approaches. What about appearing the Parliamentary members in the mass media as elegant as possible?

There was one case without settlement with regard to the Ethical council, which is the representation of the parliamentary party groups. Mr. Agung, who was reported as conducting a series of field visits, had used state facilities. There was a VCD and other evidences, but the case was not followed up. Would it be possible if the ethical council consists of competent members from outside the DPR? With regard to the image, the DPR is indeed *“good news is a bad news and bad news is a good news”*, as was said by Mr. Afni.

The Dismissal of Members of the Parliament: Is it Violating the Representation Principle?¹³⁵

The Ethical council is able to dismiss Parliamentary members who are elected by hundreds of thousands people. There is indeed a provision in the Parliamentary (Susduk) Law, but the duty of the Ethical council is to verify the incoming accusations, which are then to be discussed at the DPR and PAW (inter-period replacement). As such, it should not be the Ethical council, but the mistake of the Member that caused the dismissal of the concerned Parliamentarians. This is associated to the code of

135 Prof. Dr. Maswadi Rauf (Resource person).

ethics. If a Member violates the rules, then he/she is no more suitable to be a Parliamentarian, even if the concerned is elected by 400 thousand people. This Ethical council is new tool or creature that emerges a lot of questions. It is the watchdog of the code of ethics, since there is no other institution than the Ethical council that verifies the violations on the code of ethics.

What is the measurement rod of the Parliamentary members? What is actually the duty of the Parliamentary members? The duty is to aggregate and articulate the aspirations of the people. Not the aspirations of all the people, but only the aspirations of the constituents from the election region in order to identify the developing aspirations. This is in accordance with the Parliamentary (Susduk) law and Standing Order, namely to collect, prepare, channel and find the aspirations of the people. The people are currently not yet able to be expected to control the Parliamentary members. We can only expect the NGOs in this regard, but they are often overacting. We do expect the public that has the concern, is more intelligent, and with the insight of being able to criticize the parliamentary members who are visiting the regions.



Roles of the Parliamentary Party Groups and the Accountability of their Members¹³⁶

Our concern with regard to this representation function is due to: 1) insufficient competence; 2) lack of supporting system; and 3) public distrust toward the DPR.

The participant observed during the visit to Canada that the debates at the parliament were courteous and in order. What is the meaning of this? The parliament members accommodated the debate. The public is able to observe the competence and capacity of their representatives through the debates. However, what do we see at our plenary session? No more than sleeping, talking and reading the newspaper. It means that this plenary session does not make the Parliamentary members to become intelligent, creative and the aspirators of the people. In fact, the Plenary Session is actually a political arena, which is viewed by the people, in order to have the confidence toward the Parliamentary members. It is

136 Ir. Afni Achmad (Resource Person).

necessary to change the paradigm of the lobby and debate in the Plenary Session. In my opinion, the parliamentary party groups are distorting the democracy.

There is so far no forum and facility to conduct the publication of the Parliamentary members' activities as the efforts to comply with their accountability. For example, the public in Canada are able to view from the cable TV – live from the public contribution – and they are able to see and follow the debates of their representatives, which are without lobbying and distortion. If this is able to be conducted by our parliament, then this representation problem is solved.

In addition to the competence, there is also the very mechanical system that inhibits the Parliamentary members with a lot of complicated procedures. In Singapore, there are certain days dedicated for face to face meetings with the constituents, which eventually emerges the confidence of the people, because the political communication takes place. If this takes place, then the amount of demonstrations will be reduced, since the demonstrations are the realization of dissatisfaction parliamentary party groups due to the clogged up communication. If such political system exists, then the public will function well and there will also be not many political party participants in the general election.

Parliamentary party groups are to be dissolved in order to reduce the grip toward the freedom of the Parliamentary members in having room to forward or struggle for the public aspirations. A debate is not something illegal and voting is not something to be afraid of.

Response¹³⁷

Is there theoretically a possibility that the parliamentary party groups remain or can they be deleted? This is associated to the representation principle itself, and the person who represents is the public representative in his/her election area. He/she is really owned by the public.

Clarification¹³⁸

The existence of parliamentary party groups depends on the general election system. A proportional election system produces

137 Ai Furqon (PAN Political party groups Expert).

138 Prof. Dr. Maswadi Rauf (Resource Person).

parties or parliamentary party groups that are strong enough to grip the Parliamentary members, since the parliamentary members are supported by the people or constituents and the political parties. The Parliamentary members, who are proportionally elected, are actually the parliamentary members but they are simultaneously also the representatives of the parties.

The district system is indeed weakening the party bound, where the figure is more determining, and this can be viewed at the election for of Regional Leader. The district system should be the option in order to reduce the grip of parliamentary party groups.

With the district system, the accountability is clear, the system is clear, the parliamentary members and constituents are clear, and the election area is also clear. If it is intended to reform the general election system in this context, then the district system – although with a lot of weaknesses but with representative quality – is better compared to the proportional system.

Clarification¹³⁹

Article 22 e of our constitution provides that the general election participants are the political parties. If the parliamentary party groups are dissolved, then the political parties are not necessary anymore, unless the Constitution is amended. However, until now willing or unwilling, our general election still relies on the political parties.

Clarification¹⁴⁰

There are two demands in the democracy, namely education and welfare. If there should be an option, then the priority is education. We are not prosperous yet in the Old Order era, but the public are more educated and well mannered in politics, like in 1955. Politics was not causing a lot of costs, and someone could appear as a politician due to his/her capacity.

For example, the resource person observed that the existence of the parliament TV or the changing of the DPR building to become more luxurious, is only physical and not substantive.

139 Rusman Lumban Toruan (Resource person at FGD 1 as PDIP Political party group Expert staff).

140 Ir. Afni Achmad (Resource person).

The recommendations of the resource person are: i) there should be substantive change along with the physical change of the DPR infrastructure; ii) availability of a system that encourages the development of the DPR performance; and iii) there should be a leader who provides inspirations and visions.

Recommendation of the FGD 1 Results

Recommendations for the Parliamentary (Susduk) Bill concerning the Representation Principles in the Parliament

1. The representation function at the Parliament is a function that should be carried out by the parliamentary members as the party that acts on behalf of the people in controlling the executive institution. The representation function has been carried out by the DPR, either through the Members, who conduct work visits to the election areas, as well as through the parliamentary party groups that accommodate the public aspirations. The DPR representation function is also carried out by the DPR Secretariat General by channeling the public aspirations to the related commissions.
2. The representation function should be contained in the Parliamentary (Susduk) Law, in order to provide a strong legal base to the DPR in implementing such representation function. Therefore, in the future it is necessary to add in Article 18 of the Parliamentary (Susduk) Bill the formulation of: "DPR has the following functions:
 - a. legislation,
 - b. budgeting,
 - c. oversight, and
 - d. representation."

Further on, Article 19 of the Parliamentary (Susduk) Bill should contain the following formulation: "the representation function is implemented by absorbing, collecting, accommodating, and following up the public aspirations, which are conducted in the DPR building or in periodic work visits to the regions."

3. With regard to the absorption of the public aspirations, Article 31 letter e and letter f of the Parliamentary (Susduk) Bill provide that “The Parliamentary members have the following obligations:
 - e. Absorb and collect the aspirations of the constituents through periodic work visits;
 - f. Accommodate and follow up the public aspirations and complaints.”

This formulation needs to be maintained and Parliamentary members who do not implement those obligations are imposed sanctions, as mentioned in Article 36 paragraph (2) of the Bill, namely that “In case the Parliamentarians does not implement one or more of the obligations, as meant in Article 31 letter d up to letter k, then the concerned may be imposed sanctions in form of temporary dismissal as a Parliamentarians.”

Law No. 22 of 2003 (parliamentary Law) has actually provided the opportunity to the constituents to complain to the Ethical council of the DPR about the parliamentary members who do not implement the obligations as Parliamentary members, as regulated in Article 85 paragraph (2) letter c. The Ethical council conducts the investigation and verification, and if it is proven correct, then such parliamentary members may be dismissed (inter-period replacement). This is also contained in Article 36 paragraph (3) of the Parliamentary (Susduk) Bill that “Each person, group, or organization may submit complaints to the Ethical council of the DPR, in case the concerned has sufficient evidences about a Parliamentarians who does not implement one or more obligations as meant in Article 31.”

4. The Ethical council, as a Supplement Tool of the DPR, is assigned to maintain the respect of the DPR institution, by way of imposing sanctions to the Parliamentarians who violates the code of ethics or does not implement his/her obligations. Therefore, the role of the Ethical council is very important and needs to be maintained, as contained in Article 111 paragraph (2) letter g of the Parliamentary (Susduk) Bill, but other alternatives need to be considered, in case the current Ethical council membership is the representation of parliamentary party groups, which may sometimes occur conflicts of interests.



FGD 2¹⁴¹

The Representation Principle into the Parliamentary Law (Susduk) and into the Standing Order

Principal discussion issue: The representation principle needs to be formulated in order to become a concrete input for the amendment of the Parliamentary (Susduk) Bill, which is being discussed at the DPR.

The second phase principal discussion is the collection of the best practices in the implementation of the 3 (three) principal parliament functions within the representation framework and to see the possibility of including the representation substance at the parliament into the Parliamentary (Susduk) Law, namely: i) discussion about the process and development of the Parliamentary (Susduk) discussion at the DPR; ii) discussion about crucial issues related to the fulfillment of the representation function in the political and representation system in Indonesia; iii) formulation concerning the strategy to include the principles and implementation method of the representation function into the Parliamentary (Susduk) Law and the DPR Standing Order; iv) proposal concerning the measures to include the representation function into the Parliamentary (Susduk) Law and the DPR Standing Order; and v) prepare the efforts to develop the representation principle in a more transparent, firm and detailed mechanism in the regulations of the Parliamentary (Susduk) Law and the DPR Standing Order.



The Dynamic Discussion on the Parliamentary Law¹⁴²

Lesson learned from the experience of the discussions on the General Election Bill, which time was consumed a lot on lobbying, The DPR is expected to discuss the Parliamentary (Susduk) Bill unanimously, although it is difficult to be carried out, since there are 550 votes.

141 FGD 2 was conducted at Santika Hotel, Jakarta, on 5 June 2008.

142 Ganjar Pranowo (Chairman of the Susduk Bill Special Committee at the DPR/FPDIP).

The main subject in the discussion about the Parliamentary (Susduk) Bill is the discussion channel, which follows the constitution channel up to the law of procedure. Several problems that are still the discussion in relation to the DPR are the:

- The work mechanism of the DPR and also the DPD, which is mutually supplementing and not overlapping with the type of work that is almost – if not to say – similar.
- Understanding about a clear DPR work.
- Function of the Political Party, which offices in the regions are the outlets, although the capacity in the regions is not yet in order.
- The mechanism of receiving – and managing – the aspirations or complaints of the people through work visits, meetings at the DPR building, complaints through various communication media, and not only through individuals but also through the Parliamentary party groups.

There is still time – although short – to provide inputs prior to the implementation of the Parliamentary (Susduk) Bill Work Meeting. Several issues that need to be the focus are:

- The standard mechanism for the implementation of work visits;
- The procurement of people houses in the respective election areas of the Parliamentary members;
- The procurement of staff in the election areas, who assist the fluency of the mechanism to receive complaints;
- The establishment of working groups at each supplement tool; and
- The mechanism to receive aspirations and to conduct the monitoring.

The requests of the people – most – are very simple, but if the Member, who is expected to be able to represent, is unable to voice such requests, then the representation function of such Member is not maximum.



DPR as an Illustration of Expensive, Large, and Strong Dam to Accommodate Public Aspiration¹⁴³

The wish of the majority – although not all – of the Parliamentary members is to be re-elected in each General Election. Therefore, it is extraordinary if there is a Parliamentarians who has no intention to be re-elected. All this time the Political Party determines whether someone can become a Parliamentarians or not, and not the people or constituents in the election area. Consequently, the Parliamentary members in Indonesia do not feel responsible toward the people, but more toward their parties. The prevailing general election system shows that there is no bound between the people and their elected representatives.

The discussion mechanism, which has a very strong political nuance, caused that the ideal inputs of those who are involved in preparing of the Parliamentary (Susduk) Bill, have no maximum impacts.

The DPR is an institution that accommodates and channels the aspirations of people (representation principle). This principle should actually inspire the 3 (three) DPR functions, namely legislation, control and budgeting. The urgency of including the representation function should actually be able to be further raised and clarified in the next article. The representation function should actually be put forward since the beginning and not like it is now, where it only contains one point concerning the representation function of the Parliamentary members, out of the 16 existing assignments (current parliamentary law). Therefore, it would be better in the future to raise the functions of “absorbing, collecting, accommodating and following up the public aspirations,” as regulated in Article 20 of the Parliamentary (Susduk) Law, so that since the beginning the DPR is already introduced as an institution that accommodate the aspirations of the people.

The DPR is like an expensive, large and strong dam, which is expected to accommodate all issues, from the large ones to the small ones and from the clean ones to the dirty ones. What have been accommodated can be sifted and regulated.

143 Prof. Dr. Bintan Saragih (Political observer and State Structure Law expert, Pelita Harapan University).

The people need to be aware that the DPR is the institution that represents them. If it is compared to the DPD, then the DPD is actually stronger because of representing more votes than the DPR. Therefore, the DPR role should be raised since the beginning. One province consists of several election areas and one election area may be represented by ten Parliamentary members. Compare with the 4 (four) DPD Members who have to represent one province.



Value, Subject and Mechanism of Political Representation¹⁴⁴

The idea of the Parliamentary (Susduk) Bill Special Committee Chairman to harmonize the discussion on the contents of the Bill with the constitution should be appreciated. The structure, functions and duties of the DPR are different between the presidential system and the parliamentary system. If the presidential system is applied, then only two parliamentary party groups exist, namely the parliamentary party groups that supports the government and the opposition parliamentary party groups. The position of the Parliamentary members is between the people and the DPR, and is not necessary to be interfered by the Parliamentary party groups. The consequence is that the DPR consists of the supporting party and the opposition party.



The Representation Principles of as the Basis of 3 (three) Principles Functions of the Parliamentary Members

The valuable input for the completion of the Standing Order is not sufficient by only describing the three DPR functions, but it should also describe the political representation performance. It should be clarified that the DPR is the representative of the people. The legislation, budgeting and control functions are not anymore necessary to be separated from the political representation function.

¹⁴⁴ Arbi Sanit (Resource person at FGD 2 as political observer and expert, Universitas Indonesia)

How, when, by whom and whether the political representation function is needed are several questions that need to be answered. Following are several parameters on the need of the political representation function:

- i) The values and interests of the people are matters to be represented. Those values and interests should not collide with each other.
- ii) The subjects are individuals, society groups, and the people (overall community). The formulation is possibly difficult, but it is still open for discussion.
- iii) The mechanism of “representing” includes: first, delegate who knows the people, second, proxy, and third, politician who combines delegate and proxy. The members need to have empathy toward the people and side with the people.
- iv) The representation action is situational or consistent.

Discussion of the Parliamentary Law (Susunan dan Kedudukan) with the Context of the Constitution¹⁴⁵

This Parliamentary (Susduk) Law follows the constitution channel, based on the authority of each institution, up to the law of procedure. For example, with regard to the relationship between the legislative sector and executive sector up to the Constitution Court. There are several issues after the discussion, namely: first, the MPR (People’s Consultative Council) authority. The MPR chairman has discussed before about the intention to become a constitution evaluator; second is with regard to the DPD. The DPD proposed to also participate in the discussions of laws and to effectively carry out the control duty; third is with regard to the DPR. The legislation function always emerged the legislation carry over problem. There is no similar understanding, as soon as the DPR is intended to produce the Standing Order at the DPR level. Then, how long is needed to prepare the law and what should be done if there is a “stagnation”; fourth is related to the budget. The DPR and DPD Members want to have a clear status on whether they are state officials or not; fifth, should the DPD be in Jakarta or in the region? After the discussion, the existence of the DPD is decided to be in Jakarta


¹⁴⁵ Ganjar Pranowo (Resource person of FGD 2)

and to participate in the recession together with the DPR; sixth is with regard to the representation function. How is the representation method? Some carry this out by preparing the parliamentary party groups report to the constituents. On the other hand, the recession method to absorb the aspirations is also not clear; seventh is the occurrence of thought that there should be an election area based representation. The concept is possibly that the Parliamentarians has a representative staff in the election area; eighth is with regard to the function of the political party to absorb aspirations. The political party offices in the regions may become outlets and the addresses to be visited by the constituents. However, the capacity has not yet reached the administration order or capacity to collect the aspirations.



The Way and System of Implementing the Representation Principles by the Members of the Parliament

There are several methods that can be used by the Parliamentary members to meet the people, namely: first, through work visits conducted by the DPR instruments or individuals; second, meetings at the DPR building through the RDPU (public hearing) or direct complaining; third, through intensive communication between the Parliamentary members and the constituents, for example through the telephone or short text message (SMS).



Opportunity to Include the Ideas and Recommendation for the Parliamentary Law (Susunan dan Kedudukan)

The Special Committee of the Parliamentary (Susduk) Bill will certainly be happy if there are inputs, since there are still 10 days left to restructure the DIM and enter the Work Meeting. If there are inputs, then they can be quickly distributed and socialized.

The expectations of the Parliamentary members from the Parliamentary (Susduk) Law are: first, preparation of standard rules to collect, compile and channel the aspirations; second, establishment of aspiration houses in the election areas, either individually or by several

members; third, to provide staff members in the election area; fourth, preparation of an aspiration submission mechanism by way of visiting, through the telephone/fax, etc; fifth, establishment of working groups at each instrument; and sixth, preparing the aspiration and monitoring mechanism.

Domination of the Parliamentary Party Groups¹⁴⁶ in the Parliament

In theory, the Parliamentary members want to be re-elected, since they are not responsible to the constituents but to their parties. The resource person participated in assisting the establishment of the General Election Law in 2003, which still regulated the strong position of political parties. As such, excellent advisors are useless, since the decisions are still made by the political parties.

There is only one representation function, namely to accommodate and channel the aspirations of the people. The main parliament function should be only accommodating and channeling people aspirations in accordance with the parliamentary members function, since the political parties are responsible. As such, the control and budgeting functions should not be included into the political system.

If the open proportional system has been implemented in 10 years, then it is better to use the district system thereafter. The open proportional system is almost similar to the district system, since the sequence number is not determining. The representation function should first be formulated in one article and not in the sub-article. The law establishment function is also a representation function, since there are inputs from the people in the discussion of the Law.

The Important Concept of Participation in the Representation of Principles

The objective of the DPR is currently still to achieve the power and not to use the power to make certain people to be more prosperous.

¹⁴⁶ Prof. Dr. Bintan Saragih


The partisan concept is eventually eliminating the relation between the constituents and their representatives after the general election, since what emerged after that is the relationship between the representative and his/her party and the parliamentary party groups. This is extremely different than the participative concept. The most important matter in the representation relation is the existence of the accountability mechanism. The parties have currently more power than the constituents.

Therefore, a strategy should be made so that the public is aware that the DPR is a means to accommodate and channel their aspirations. According to the history, the DPR emerged from the feudalistic system accident in England during the era of King John in the 12th century. The king collected taxes from the landlords through his army commanders. Those lords conducted a meeting and asked about those taxes, and then the first law was established to limit the use of the people's taxes. Then those lords became parliament members, but the people also wanted to be elected through the district system.



Proposal to include the Representation Principles in the Parliamentary Law (Susduk)

The strategies to be made in the Parliamentary (Susduk) Law are: first, include the representation function by way of pulling out Article 26 of the Parliamentary (Susduk) Law concerning the duties and authority of the DPR without minimizing the representation function; and second, strengthen the oath of the Parliamentary members.




The Implementation of the Principles of Representation Between the Presidential System and the Parliamentary System¹⁴⁷

A very important matter related in this regard is concerning the Parliamentary (Susduk) Law, which is currently still "bent", since it has no relation with the Constitution. The position of the Parliamentary (Susduk)

147 Arbi Sanit

Law should be placed as an operation tool of the Constitution. The amendment of the Constitution has determined that the administration form is a presidential system. Therefore, the Parliamentary (Susduk) Law should regulate the DPR and DPD, as the legislative institutions, into the presidential and not the parliamentary system. Consequently, the function and structure of the DPR and DPD are different.

For example, the parliamentary party groups at the DPR should be directed toward two sides, namely supporting the government and opposition. There will only be two parliamentary party groups, namely the parliamentary party groups that supports the government and the parliamentary party groups that becomes the opposition, as an absolute structure in the presidential system. The members should be more flexible toward the party, so that they are able to stand between the parliamentary party groups and the people, which mean that the privilege rights of the party and the parliamentary party groups are decreased.



Inter-Period Replacement (PAW/Pergantian Antar Waktu): is it consider legal action to be taken by the Parliamentary Party Groups?

The recall right should actually be eliminated, because the Parliamentary members are unable to be objective to the people since they are afraid of the parliamentary party groups. Likewise, there should be at the commission, which implements the three functions (legislation, control and budgeting), a balance of between the pro-government and the opposition. There should also be a balance of power at the DPR management (pro and opposition).



The Political Representation Dimension, the Attitude of the Parliamentary Members and the DPR Functions

The DPD existence is currently showing the bicameralism system, and although it is still weak, it can be developed in the Parliamentary (Susduk) Law to regulate the relation between the DPR and DPD, as long as it is strengthening the presidential system.

We should certainly look into the discipline rules with regard to the work method of the DPR. These discipline rules do not only describe the three DPR functions, but they also describe the political representation, since the current rules are not clear on whether the parliament members are from the people, representing the people and working for the people. The resource person does not see the urgency of clarification on the representation functions, which are combined in one Standing Order section and then separated in the legislation, control and budgeting sections. The resource person has the opinion that its form is integrative. Therefore, the resource person tries to look at the dimensions of political representation, attitude of the parliamentary members, and the DPR function.

The following are important in the political representation dimension:

- i) Who are going to be represented is with regard to the subject, namely: individual citizen, groups, and the region or area.
- ii) What is representation?, namely: individual values or interests, values or interests of groups, and values or interests of the community on the overall.
- iii) How to represent, namely: representing delegate, representing proxy, and the combination between the representing delegate and representing proxy. Is it continuously or not, in this case situational or consistent?
- iv) When to represent.

If the above are operationally still too abstract, then the resource person will include the element of:

- v) Representation attitude of the parliamentary members, namely: empathy to people being represented or siding by way of defending or protecting, struggling, and winning what are wanted by the constituents.

If it is formulated in the legal language, then the new Standing Order will show, for example, that the legislation function is presented into the elements of the political representation dimension, likewise the control and budgeting functions. Meanwhile, this attitude of the parliamentary members and the DPR function will later on be regulated in the regulations

concerning the members, parliamentary party groups, commissions, and plenary.

Opinion 1¹⁴⁸

The number and types of the discussions on the Parliamentary (Susduk) Law increases and may take two session periods. In the representation context, this is strongly associated to the relation between the members and the constituents whom they represent. In the context of the Parliamentary (Susduk) Law, its relation with the enacted Election Law should not be disregarded, where there is still the anxiety concerning the procurement of seats, which is more based on the sequence number than the major votes. The challenge is what can be done with the members who are elected with such condition?

The party is already superior with the existence of parliamentary party groups at the DPR, which have the policies. As such, the parties have still a large power in this context. The PAW (inter-period replacement), which can be carried out by the parliamentary party groups, is still recognized in the Parliamentary (Susduk) Law. This means that the Members are still depending on the parliamentary party groups. The placement of Members in the DPR instruments is also still depending on the parliamentary party groups. This system is established so that the members are more submissive toward the party than toward the constituents, since there is no mechanism where the constituents can replace their representatives at the DPR.

The Parliamentary members in other countries meet their constituents every week or every month and are funded by the state. Conversely, at the Parliament in Indonesia, the costs of the Parliamentary members from East Java are equal to the costs of the Parliamentary members from Papua, while actually the transportation costs are different. With regard to the existing system, options should be made in the amendment of the Parliamentary (Susduk) Law, so as to become clearer and better, and as such the dependency of the members on the party can slowly be reduced and even be eliminated. The function of the party should only be to educate the cadres and to position them at political functions.

148 Sulastio (delegate of the Indonesian Parliamentary Centre)

Opinion 2¹⁴⁹

We have prepared several alternatives and studies, which were submitted to the Parliamentary (Susduk) Special Committee. The key word in preparing those studies was re-presentation, so that afterwards all provisions in the Parliamentary (Susduk) Law were trying to respond to the need in how to raise and strengthen the representation function. We don't have any considerations other than the Parliamentary (Susduk) Law model that should be used to strengthen the parliament institution. The presence of this Parliamentary (Susduk) Bill is the entry point to strengthen the parliament institution.

There was a problem at the presentation of this Parliamentary (Susduk) Bill, namely its operation and clarification at the Standing Order level, which is very complex. A diagnosis was then conducted, and apparently, not only at Law No. 22/2003, but when the Parliamentary (Susduk) Law was operated into the Standing Order, the performance of the DPR was far from strengthening the DP\$R institution.

It is interesting that if what was presented by Pak Bintang Saragih¹⁵⁰, with regard to the allocation of time, is connected to the representation function, it could not be answered. A consistency is needed concerning the representation value up to the technical level, even up to the recall and PAW (inter-period replacement) rights. We have proposed before that 30 percent of the BPP may submit the recall right, so that it is legitimate, since the Parliamentary members were all this time not used to prepare reports. Apparently, this is still causing confusion on whether this 30 percent procurement are the votes from the election area or nationally. This is an opportunity on how the manifestation of the representation value emerged.

Opinion 3¹⁵¹

The resource person¹⁵² has the opinion that, based on his presented description, what is resulted by the government in the Parliamentary (Susduk) Law is strongly insufficient, since there are a lot of issues not

149 Ronald Rofriandri (Resource person at FGD 2 as delegate of PSHK).

150 Paper of Bintan R. Saragih; "Strategy to Include the Representation Function into the SUSDUK Law and DPR Discipline Rules.

151 Refli Harun

152 Ganjar Pranowo

accommodated. Is it possible to change its DIM within a short term? The resource person has the opinion that the Parliamentary (Susduk) Law should better not be bias anymore, since not only the DPR is regulated, but also the MPR, DPD and DPRD. The discussion on Parliamentary (Susduk) Law amendment is not necessary to strengthen everything, for example that the existence of the DPR management is not necessary to be maintained as well as the budget of 200 billion rupiah for the constitution socialization.

The parliamentary (Susduk) Law should clearly regulate the relation between the DPR and DPD. This relation is not clear in the draft, for example concerning the participation in the Law discussion and in providing considerations. The connection between the DPR and DPRD should also be clear, so that the DPRD is not always referring to the Department of Home Affairs – in conducting the coordination –. The relation and allocation of duties between the DPD and DPRD should also be clear. The Parliamentary (Susduk) Law should regulate the relation between those institutions.

With regard to recall and PAW (inter-period replacement) rights, does the DPR have courage to eliminate this recall right and replace it with the petition from the constituents? Does the DPR also have courage to recall its members who were never present or who never spoke up? In my opinion, with regard to the financial autonomy, the institutions should have the protocol right to 100 percent control their own finances, since the most important is the accountability.



The Dynamics of the Discussion within the Forum: Clarification and Discussion



Clarification and Resource Person¹⁵³

The resource person has the opinion that the determination of time to use the district system is difficult, in fact, we are ready with the district system. The recall right is already regulated in the Political Party Law. If it is already heading toward the open proportional or district system, then there will be no more recall, since reelection or interval election should be carried out.

The tendency of the Parliamentary members is that they want to be re-elected, unless they have the intention to obtain higher positions, for example at the executive level. As such, it should first be reflected that the DPR is a representation institution by preparing the formulation, then the entry point is for the others. The relationship between the DPR and DPD is difficult to be regulated, since their functions are different and already regulated in the constitution. I think that the relationship between the DPR and DPD has a different portion.



Clarification from a resource person¹⁵⁴

There are many challenges in the discussion of this Parliamentary (Susduk) Law, one of those is not similar capacity of the members in the Special Committee. The resource person then changed the method by conducting a lobby in the beginning. There is neutral zone that we have to respect in the political process.

153 Prof. Dr. Bintan Saragih (Resource person at FGD 2)

154 Ganjar Pranowo (Resource person at FGD 2).

The issue of representation is already answered in the paper of Mr. Arbi Sanit. Mr. Bintan is right that the Parliamentary members want to be re-elected and therefore, the burden becomes heavier. What are demanded by the people should be implemented in this representation.

The resource person has no objection if the nomenclature of the representation function is included. Likewise is with regard to the existence of the parliamentary party groups. We want an improvement with regard to the total parliamentary party groups, since there are small parliamentary party groups with double membership at the commission or at the supplement instruments, so that they always participate when there are work visits.

The PAW (inter-period replacement) is already regulated in the Law. However, all parliamentary party groups agree that the PAW should be made complicated. The resource person believes that the performance of the members can be improved if the recall right is eliminated. The petition can be made as a trick by those who are not same as Parliamentarians or political opponent. Almost all parties have a mechanism that considers the public demand. All political parties or parliamentary party groups are willing to improve themselves.



Clarification from a resource person¹⁵⁵

The resource person agrees that the PAW is not carried out by the parliamentary party groups, and the petition is indeed easy and can be made as a trick, but what if using an independent survey institution.



Recall Mechanism¹⁵⁶

There is a way out with regard to the recall mechanism, such as in other democratic countries. The recall by the parliamentary party groups is possible to be conducted, since each parliamentary members should join the parliamentary party groups. There are regulations or Standing Order in the parliamentary party groups. If there is member who is not in

155 Arbi Sanit (Resource person at FGD 2).

156 Frank Feulner, Ph.D (consultant of PROPER-UNDP).

accordance with the outlines or vision of the parliamentary party groups, then the recall can be conducted through voting at the parliamentary party groups, but the recall at the DPR is not possible. The concerned may be in the DPR but not as a parliamentary party groups member – from the original party -. The Member, who is recalled, may carry out several duties outside the parliamentary party groups, for example participating in the plenary session or submitting the public aspirations to the DPR, but the concerned may not have the initiative or prepare a new Law. I think that the Parliamentary (Susduk) Law needs to clarify the duties and functions that can be carried out by the members or parliamentary party groups.

One of the standing orders or Standing Order is not a regulation in the Parliamentary (Susduk) Law. A lot of issues of the Standing Order should be delegated into the Parliamentary (Susduk) Law, and several in the Parliamentary (Susduk) Law should also be transferred to the Standing Order, particularly that are related to the parliamentary party groups. I strongly agree with Mr. Refli that the DIM concept is possibly unsuitable to discuss the Parliamentary (Susduk) Law, since it is now already too late. It is important that the same mistake is not made with the Standing Order.



Clarification ¹⁵⁷

Almost similar issues in many laws can be integrated into one law, for example the Election Law with the Presidential Election Law. The chapter regarding the composition of constituents, voting, control, and monitoring, is technically similar. What is significant is only the chapter concerning the requirements.

According to the resource person, the representation in the Election Law becomes bias at the DPRD level, while actually the DPRD is directly in touch with the public, either at the Provincial as well as at the District/City level. The function of the DPRD is apparently not similar to the function of the DPR, with regard to the legislative, executive and judicative powers. If the regional parliament (DPRD) makes a Regional Regulation, and it is opposing the Law, then it is not brought to the Supreme Court but to the Department of Home Affairs. Since the Department of Home Affairs makes the decision, the DPRD becomes part of the executive power. Likewise is the budgeting and others, where the executive control is very strong.

157 A.M. Furqon (PAN Political party groups expert).

Finally, is it possible for the DPR to establish its own budgeting institution, in the sense of when the government prepares the National Budget (APBN), then each commission makes an estimate. Then they are compared from each perspective (the government and the DPR).

Trias Politicia (Legislative, Executive and Judicative Powers) ¹⁵⁸

The trias politica is actually clear. The legislation should only be made by the DPR as the legislative power, however, the government (executive) is currently also proposing the Law and is even tending to participate in the discussion. The government parliamentary party groups at the DPR should actually submit the proposal, so that the presidential system is clear, and it should not be the minister who submits the proposal to the DPR.

The philosophy that is used all this time is “gotong royong” (mutual cooperation), which was applied during the Old Order era in the 1960s. According to the history, President Soekarno was ‘annoyed’ with the failure of preparing the National Budget (APBN) at the DPR, and as such the National Budget was prepared by the government and legalized by the DPR. This “*gotong royong*” philosophy can be implemented in the parliamentary system.

State Institutions that are Involved in The Proposal, Discussion and Approval of a Law ¹⁵⁹

The Constitution provides about the common agreement between the government and the DPR with regard to the legislation, but not about the common discussion. This common discussion was conducted since the Old Order era, the New Order era, until now. There was a Parliamentarian who said that the common discussion is within the DPR, and when it is 100 percent ready, then it is submitted to the government. The government has the veto right to approve or disapprove. If we intend to change this

158 Arbi Sanit (Resource person at FGD 2).

159 Refli Harun (Resource person at FGD 2 as academician, UNAND).

system, then I think that the entry point is at the Parliamentary (Susduk) Law. The real issue after the reformation is the shift of the legislation power from the executive to the legislative power.

Clarification of Main Participant¹⁶⁰

Article 20 paragraph 2 of the Constitution expresses that each law is discussed by the DPR and the President in order to obtain the approval. As such, it cannot be entered into the Parliamentary (Susduk) Law. The DPR is currently thinking technically not in the same capacity. The DPR should be supported by expert staff members, so that it does not talk about technical matters.

The resource person is proposing that the DPR has a special institution that is able to prepare a comparative National Budget. Someone should be involved in the parliamentary party groups with regard to the parliamentary party groups provision. The plenary session should actually only be the day of voting, so that it does not become long-winded with debates and the reading of the parliamentary party groups opinion, which takes a long time. The parliamentary party groups should actually be minimized, and the spirit is just that each supplement instrument has a parliamentary party groups representative, so that the decision making is not fragmented and long-winding.

The submission of the Bill – initiative – should always be from the government, since the DPR is not able to do this. When the Prolegnas is made, we should allocate the duties with the government. The government has a more stable infrastructure to prepare the Bill, while there are only 15 expert staff members at the Legislation Board of the DPR.

According to the experiences obtained from other countries, the revision of the law is only on certain articles that are intended to be revised. This is not the case in Indonesia, and the trend is that the meetings are often framed in non-substantial and long-winding debates, for example a long debate on a point and comma in a sentence.

160 Ganjar Pranowo (resource person at FGD 2).



Recommendations for Revision of the Parliamentary Law (Susduk)¹⁶¹

The strategy to include the representation function is by entering special sections into several articles, which regulate the principles, into the current Parliamentary (Susduk) Law. If it is still like now, then it is better that for the inclusion of four institutions (DPR, DPD, MPR and DPRD) into the Parliamentary (Susduk) Law, only the principles of the DPR and DPD are entered, while the clarification and technical aspects are entered into the Standing Order. Substantive and procedural matters should be entered into the Parliamentary (Susduk) Law.

The lobbying mechanism is not contained in the Parliamentary (Susduk) Law and the Standing Order, while lobbying is actually very important as a mechanism that should be carried out. This lobbying is very substantial.

Isn't it better that, with regard to the discussion on the parliamentary party groups, the parliamentary party groups is at the DPP (Central Management Board) or DPD (Regional Management Board) of the party and not at the parliament, due to the implementation of certain deviating practices? The parliamentary party groups system is currently only existing in Germany, the Netherlands and Indonesia.



Proposal for revision of the Parliamentary (Susduk) Law¹⁶²

The problems on this representation occur due to: first, there are weaknesses, mistakes and badness of political parties; second, the competence of the members is still very low; third, it is true to include this representation function into the Parliamentary (Susduk) Law as a separate part.

161 Siti Nur Sholichah (Resource person at FGD 2 as researcher of PROPER-UNDP concerning the inclusion of the representation principle into the Discipline Rules).

162 Rusman Lumban Toruan (PDIP Political party groups expert).

Recommendation of the FGD 2 Results

Recommendation for the Parliamentary Bill (Susduk) in conjunction with the Representation Principles in the Parliament

1. The formulation the strategy to include the representation function principles and implementation method into the Parliamentary (Susduk) Law and the DPR Standing Order are as follows:
 - a) The DPR should not be bias, since the DPR, DPRD, MPR and DPD are regulated in the Parliamentary (Susduk) Law. It does not mean that everything should be eliminated, but there should be phases where the Parliamentary (Susduk) Law could be used to revise the political surface to become better. When there is an article that have discussion concerning the election subject, then it should not only stipulated about the DPR and not to include about the DPRD
 - b) There should be an option (although not drastically) for a clearer and better change in order to reduce the dependency of the Members toward the Party. The political Law provides that the function of the party is for the political education and placement of position and not to regulate – technically – the Parliamentarians at the DPR. DPR.
 - c) There needs to be a consistency of what are already contained in the Parliamentary(Susduk) Law with what are to be contained in the next technical regulation (in this case the Standing Order).
 - d) Not framed in technical matters.
2. The composition of measures and strategies to include the representation principle into the Parliamentary(Susduk) Law and the DPR Standing Order are as follows:
 - a) The DPR should not be bias, since the DPR, DPRD, MPR and DPD re regulated in the Parliamentary (Susduk) Law. It does not mean that everything should be eliminated, but there should be phases where the Parliamentary (Susduk) Law could be used to revise the political face to become better. When there is a discussion on the election area, then it should not only be about the DPR and forget about the DPRD.

- b) There are regulations in the Standing Order that could be entered into the Parliamentary (Susduk) Law, and there are regulations in the Parliamentary (Susduk) Law, which are actually more appropriate to be entered into the Standing Order. There should be an understanding on which – regulations – that should be entered into each regulation.
3. The list of proposals concerning the development of the representation concept in a more transparent, explicit and detailed mechanism in the Parliamentary (Susduk) and DPR Standing Order regulations are as follows:
- o The recall right should be eliminated, since the members are elected by the people and not by the Political party groups. Nevertheless, there should be a further discussion that this issue in regards to right is a legitimate right and does not only emerge a “like and dislike” and has already been regulated in the Law. The mechanism of using the right needs to be regulated and tightened as a form of fulfilling the representation principle, although the Political party groups has already a quite good mechanism in the current ongoing practice and is also influenced by the constituents. If possible, there should be mechanism of petition from the constituents based on percentage, or a survey by an independent institution.
 - o The Standing Order, which regulate the legislation, budgeting and control rights, describe the initial process, which presents the elements of the political representation dimension, either as an individual, Parliamentary party groups member, Commission member, and plenary member.
 - o The regulation concerning a clear relation between the DPR with DPD, DPR with DPRD, and DPD with DPRD, in order to avoid overlapping, although it is difficult and may possibly violate the constitution. If there is a regulation in the constitution, then there is an opinion that it is no more necessary to be regulated in the Parliamentary (Susduk) Law.
 - o Regulation of the involvement of the DPD in the discussions at the DPR.
 - o Regulation of the inter-institutional relation, for example between the DPR with the DPD and Supreme Court.

- o Regulation on the financial autonomy and protocol right. The important matters to be considered are accountability and responsibility.
- o The possibility to establish a separate budgeting institution, in order to not become confused in interpreting the budget proposed by the Government.
- o The Parliamentary (Susduk) Law needs to re-indicate the strengthening of the Parliamentary party groups role in the common "approval" and common "discussion". The veto of the Government is a veto at place on its agreement or rejection regarding several main issues. It is not necessary for the Minister to attend the overall discussion meeting.
- o As an institution, the DPR should unite the opinions of the Team Members during the Bill discussion, so that in the end the Government DIM and DPR DIM go along as partners.
- o The representation principles are in general applied to the DPR and DPRD, and not the DPD and MPR.
- o The lobbying material needs to be included, considering that the lobby mechanism is not yet recorded in the Parliamentary (Susduk) Law or Standing Order.
- o It is not necessary to blame the political parties, since based on the system this should be regulated correctly, so that the competence of the Members recruited by the Political Parties is better.



FGD 3¹⁶³

Maintaining Relationship between Members of the Parliament and their Constituent

Discussion subject: The relation between the Parliamentary members and their constituents is one of the indicators on the fulfillment of the representation principle.

The third serial discussion subject is about the collection of best practices based on direct experiences concerning the established political relation between the Members and the constituents/people. The expected outcomes are: i) formulation concerning an ideal relation between the Parliamentary members and their constituents, ii) records of experiences concerning the system and mechanism that are all this time used by the Members in building relation with the constituents and the public in general, iii) description on how the Members and their parliamentary party groups balance the tactical interests of the political parties with the interests of the constituents/public, iv) formulation concerning the mutual relationship between the members and the constituents/public in the discussion forums in order to struggle for the common interests, v) description on the effective aspiration collection/public consultation/work visit, which were all this time conducted in order to increase the political participation of the constituents/public, vi) role of the parliamentary party groups at the DPR in managing and making the aspirations of the constituents/public as the base of the parliamentary party groups policies and to fight for them at the DPR.



Constituent Relation Management¹⁶⁴

The basis of constituents is not only the people in the election area, but also the community members who have a relation with the parties and the community members who have an emotional bound with the Parliamentary members. The Parliamentary members can raise the issues/problems of the constituents in a passive way, namely by waiting for inputs from the public, or in a pro-active way, namely by raising important issues

163 FGD 3 was conducted in the Special Committee B Room, DPR RI, on 10 July 2008.

164 Alvin Lie, M. Sc. (Member of the Performance Enhancement Team/PAN Political party groups).

from the results of visits, media reporting, researches, or by establishing a network.

Reasons of the Public to Contact the Parliamentary Members are Among others:

- a. Feeling of being treated unfair, such as the seizure of their rights.
- b. Not satisfied with the response or performance of government officials.
- c. Not satisfied with the government policies.
- d. The public has information on the misuse of power.
- e. Expect support for the ideas or aspirations that are struggled for.
- f. Request advices, opinions, and suggestions (this relation can be established continuously, although not in the related sector).
- g. Request political support to overcome problems that are faced.
- h. Request assistance to bridge communication.
- i. Request contribution (this is a reason that is most conducted by the public and occurs every day, and therefore, a clear and explicit limitation is required, namely that the problems submitted to the Members are only limited to public problems related to the policy control function, and not related to personal problems).
- j. Contribute thoughts and solutions (in general by academicians and experts).

The considerations of the public in choosing the Member to be contacted are related to the problem being faced, and are in general based on the reasons: the public believe that concerned Member will provide solutions on the submitted problem; already know the concerned Member; has a certain tie with the concerned Member; and has an access channel to the concerned Member.

The transparent access to the Member is very important to establish communication with the constituents, which can be conducted by way of: Short Text Message (SMS) that can be continued with a personal contact, telephone call, visiting the constituent service office, visiting at home, or through fax. The letter and e-mail media are relatively still seldom used by the public.



Expectation of The Constituents on The Problems Submitted to The Parliamentary Members:

- a. That the Parliamentary members listen to their problems: Not all Parliamentary members have in practice the ability to listen to the public complaints.
- b. That the Members show a sympathetic, firm and clear response on the problems submitted by the constituents, and the solutions should be clear by avoiding solutions that are suspended or “ping-pong-ed”, and should be directed according to the DPR domain. The DPR authority should be explained, including the suggestions and advices, and there should also be a follow up on the handling of the problems, namely by passing on to the related agencies.
- c. That the development on the handling of the problems, are always monitored by the Parliamentary members.



Follow Up Actions by The Parliamentary Members are Carried Out Through The Following Phases:

- a. Verification and clarification on the information and data that are received, whether they are complete and in balance, and to further on determine the priority scale and urgency of problems.
- b. The decision making is according to the domain, and to further on taken to the Work Meeting at the DPR.
- c. Complete supporting data and documents are needed, which are simultaneously the preparation before the Members conduct meetings.
- d. Identification of possible conflict of interests between the problems and the parties or the party supporting parties. If there is a conflict, then the problem should be taken to the parliamentary party groups meeting, in order to avoid a collision with the party.
- e. Draw up the history of the problem, the identification of the problem, the related parties, and the expected solution. This phase is not easy to be carried out, but at the minimum a written synopsis can be made on the problem. Based on experience, all this time the submission of data

in writing will be formally and completely responded by the related party.

- f. If the problem is within the domain of the Parliamentarians, then it would be better that such problem is made as an agenda of the commission or parliamentary party groups. In this case, in order to obtain optimum response, a lobby is needed to convince the other members who are in one commission or parliamentary party groups. If it is not within the domain of the concerned Parliamentarians, then the problem should be submitted to the related commission, in addition to other required efforts by writing a letter to the related Department, and if necessary even to the President.
- g. The follow up handling at another party would be better by determining the time limit of handling in order to obtain the clarity/certainty of the handling. Further on, if the time limit is exceeded, then the related agency should be re-contacted to inquire about the development of the handling of the problem by such agency.
- h. The development of the handling is submitted to the public that complains, so that the public feels that they are properly served, which will have an impact on the good name of the party and the DPR. A further impact is that the constituents will give a positive judgment toward the seriousness of the Member in handling public problems.

The political parties have limitations in facilitating the relation between the Parliamentary members and their constituents. Therefore, it is not possible for the Parliamentary members to develop a sound relation with their constituents by only relying on the facilities or role of the party. Based on the experience of the resource person, the development of relation with the constituents can be conducted by opening a representative office, opening the communication access through the telephone, conducting interactive dialogues in the local radios, and establishing cooperation with the DPRD Members in order to identify various problems in the region and to simultaneously find the solutions on the various problems that are submitted by the constituents, and this measure is all this time proven as very effective.



Quality of Relation Between The Parliamentary Members and Their Constituents¹⁶⁵

The system and mechanism of relation between the parliament members and the constituents, which is carried out all this time, is still far from ideal and is more a pragmatic relation that it should be, namely as a tool of struggle in the long term toward the process of the overall welfare of the people.

The Parliament Members are still a tool (subordinate) of the Political Parties, so that those Parliament Members are dominated by the Political Parties, while the Parliament Members should obey the Political Parties, although it is contradicting their inner feelings. The domination of the political parties is in practice very strong, affecting the sense of people's representation by the Parliamentary members. The Parliamentary members are at the position of facing the will of the public that they represent on one hand and the parliamentary party groups on the other hand. The parliamentary party groups has often the interest that is not wanted by the constituents, and the Parliamentary members are in this position required to be skillful in prudently responding to the problem.

There is still a democracy capitalization process, which benefits the capital owner in the party recruitment, where the representation strengthening occurs through a sales & purchase process. It is in general still difficult for the parliamentary members candidates to leave the measures of providing money to the public in order to determine their choice.

The quality of relation between the parliamentary members and their constituents is also influenced by the representative figure, which is due to the selection process of a parliamentary members candidate. It is in fact still an obstruction for professionals to become members of the legislative institution, which is considered as the circles of politicians, so that measures are needed to penetrate the wall that separates the professionals and the political activist circles. It would be better if in the future the parliamentary members is a combination of politicians and professionals.

It is necessary to establish a harmonious relation with the community, and the executive as well as legislative sectors in the region, in order to

¹⁶⁵ H. Masduki Baidlowi (Resource person at FGD 3 as Member of the Parliamentary(Susduki) Bill Special Committee Team/FPKB).

absorb the public aspirations and discuss various problems in the region, particularly the regions that are represented. This is according to the experience of the resource person by conducting periodic visits to the region of the constituents during each recess, inter-parliamentary party groups joint visits, as well as meetings with the DPRD Members and the governor.

The handling of the constituents' problems are normally carried out by contacting the related minister, either by telephone as well as in writing, for example with regard to the education discrimination in accordance with the commission being handled.

There is an OSKAM forum at the parliamentary party groups of the resource person, which has an annual agenda to conduct an executive meeting on East Java in order to jointly formulate various problems and policies, which will then be struggled for by the parliamentary party groups through the related commissions. If it is considered necessary, then meetings are also conducted with the Minister, and according to the experience of the resource person, the results of meetings between the executive and legislative sectors are more optimum.



Maintaining Relationship between Members of the Parliament and their Constituent¹⁶⁶

Basically, the dissatisfaction public toward the DPR as an institution and the parliamentary members in struggling for the public interests is something natural in each country, however, there are matters that can be carried out to improve the functions of the parliamentary members. Unfortunately, the efforts to improve this function of the parliamentary members are not much carried out by the Parliamentary members.

The problem of relation between the Members and the constituents are often expressed as a principal agent problem, namely that the constituents as the principal often do not obtain benefit or their interests are disregarded by the agent (parliamentary members).

The relation structure between the parliament and the constituents needs to be established in a certain legal regulation, either a Law or


166 Nico Harjanto (Resource person at FGD 3 as CSIS researcher).

DPR code of ethics. In practice, the Parliamentary members act as super individuals, who settle all problems. The Parliamentary members should actually handle the national interests, or at least the national interests that have impacts on the interests of the public in the constituent area. The problem that is currently faced is that there is no clear and explicit separation of the problems, so that each problem is submitted to the DPR, and eventually the Members are burdened with problems outside their authority domain.




The Political Representation Concept has Different Accountability Consequences, Namely:

- a. The political representation is based on the fulfillment of political promises during the election campaign. The parliamentary members, who struggle for their campaign promises, will be considered as responsible and with accountability by their constituents.
- b. The political representation is acting and struggling for its constituents. In practice, the Parliamentary members should not necessarily comply with the wishes of the constituents, but the practice to struggle for the interests of the constituents is also important for the interest of the parliamentarians election in the next period.
- c. The political representation is the similarity of ideas or programs of the parliamentary members and their constituents. In this case, the understanding of the constituents toward the track records of their representatives is important, since it is the base of the constituent political confidence, and the parliamentary members will only succeed if they have the value integrity and are consistent toward the general interests of the constituents.
- d. Non-territorial political representation, where the representation at the national level has no base at the national level. In this concept, the parliamentary members acts and struggles for an election area cross border issue or aspiration. The issue is a larger national interest, although it is not a prioritized issue in his election area.



The political representation process is difficult to be implemented in Indonesia, due to the following reasons:

- a. The duty coverage of the Parliamentary members is very wide, and often a Parliamentarians represents a very extensive area, which is even divided in many islands.
- b. The magnitude of interest that should be struggled for by the Parliamentary members is very large, while the party has no clear policy platform toward a certain issue or toward the constituents.
- c. The political recruitment process is less democratic and less rooted, so that the relation between the members and the constituents is not sound and tends to direct toward the patron-client pattern, namely that the Parliamentarians is considered meaningful by the constituents if they receive incentives or material contribution.
- d. The vertical check and balance mechanism between the Parliamentarians and his/her constituents is very limited or even not available, so that it is difficult to obtain the accountable political attitude of the Parliamentarians.
- e. Other factors, such as competence and capability of the Parliamentary members in implementing their basic functions as well as the limited fund to routinely and measured collect and struggle for the aspirations of the constituents.



Efforts to overcome various problems/obstructions, in order to develop a sound relation system between the parliamentary members and their constituents, are among others through:

- a. The conventional way, namely by conducting work visits, utilizing the recession period, and establishing a public aspiration network. This system needs to be carried out, but it is less motivating the improvement of the political representation quality, due to the limited reach of time and accommodated issue.
- b. Using the modern way, namely by opening a representative office in the election area, which office is always ready and proactive to accommodate the constituents' aspirations and interests.

- c. Open the free of charge call center service for constituents whose telephone numbers are recorded in the database, in order to accommodate aspirations and to provide clarification to the constituents.
- d. Utilizing the mass media in the election area in order to replace the physical presence, which is sometimes less effective in accommodating aspirations and to provide clarification related to the political decision.

The communication relation should always be established in order to shorten the distance between the political option and the preference as well as the interest of the constituents, which is made transparently and better and with a wider scale. In many countries, the direct submission of aspirations to the legislative members is very seldom carried out and it is usually handled by the staff of the parliament Member.



Forum Dynamics: Introduction to Discussion



Management on How to Made Contact with the Constituent¹⁶⁷

The experience of the resource person shows that the constituents are not only limited to those in the Parliamentarians election area, but it also includes the community members who have a relation with the party of such Parliamentarians, although they are not in the election area.

There are also community groups that have similar interests or almost similar to the elected Member. As such, they may possibly not be the party supporters or the area is not the area of the elected Member, but they feel that the presence of the elected Member at the DPR is also representing them. Those are the constituents of the Parliamentarians.

¹⁶⁷ Alvin Lie, M. Sc. (Resource person at FGD 3).

How is an issue or problem raised? First, most common is being passive or waiting for the public elements to bring their problem. Second, The Member proactively develops the problem to be raised as a political issue, whether it is resulted from a visit, media report, an autonomous research or from the established network.

The problem anatomy is divided in two: First, the problem bearer. Who has the problem? There are problems of individuals, groups or institutions, such as companies, foundations or schools, as well as general problems. For example, the Sidoarjo mud is a public problem.



Why do Public Elements Visit the DPR?

First, most common is because the public feels as being treated unfair, and also not satisfied with the response of government officials, and they complain so that there is a political follow up by the DPR.

Some are also not satisfied with government policies. For example, the increase of fuel price or the public has the information concerning the misuse of power. This is very important, and those matters are normally with regard to confidential data. Those data are from the internal people, and if well managed, it may become an effective instrument to implement the DPR control function. Some public elements also visit the DPR with the expectation to obtain support for ideas or aspirations that are struggled for. For example, we still remember the case of Ahmadiyah, pro and contra groups visited the DPR with the expectation to obtain support for the aspirations that are struggled for.

Art of the public elements request the opinion and suggestion on the problems that they face. A sample is that until now the DPR is still being visited by the former employees of PT DI (Dirgantara Indonesia). A lot of the public elements also request the assistance to bridge their problems, since they don't know whom to contact, for example the case of difficult to get gas (LPG gas). Kerosene is already drawn from their area, but gas is also not available. Where do they have to ask for gas? They only know that they have to come to the DPR. Our duty is to contact and make the appointment with whom they have to meet such as Pertamina. As such, not everything should be settled by the Parliamentary members. However,

it is also unfortunately that the majority of the public in general visit the DPR to ask for contribution in whatever form and for whatever reasons.

How does the Public Elect the Parliamentary Members?

First, they will look for the track records of each Parliamentarians. They know at least about the track records before. The first element is the trust to the parliamentary candidate that they want to be elected.

For instance, the resource person has opened a constituent office in Semarang since 2000. Most of the problems that are submitted are not related to the DPR duties. Most of those problems are personal conflicts and legal conflicts, which should certainly be settled through the legal channel, and even if there are policy problems, most of them are at the district/city level and not national policies. Some also visited the house, the DPR, or contacted through fax, while through letters or email is still seldom. This is possibly still the characteristic of our community, the communication is still verbally or through SMS.

Expectation of the Public when Contacting the Parliamentary Members

Based on the experience of the resource person, not all expect that the Parliamentary members are super and are able to give a way out to all problems. They are quite happy if the Members listen and show a sympathetic, and clear response.

Next is that there should be a follow up, and a follow up with the related agency may also be sufficiently satisfying the public who submits the complaints. There are problems that are sufficiently attached with a covering letter to the related Minister or Director General. The expectation of the constituents is that they are treated well, listened to with a sympathetic response and follow up.



Follow up of Complaints Submitted to the Parliamentary Members

The Members have the obligation to verify the complaints so that they are still in balance and also to see whether the category is urgent or not. In addition, complete documents and data are needed. This is followed by the decision making by the DPR on whether it is included in its domain or not and whether it is appropriate to be followed up or not. If it should be followed up, what are the next steps to be carried out at the work meeting and those are matters that need to be maintained.

The input of data and more complete documents are needed by the Parliamentary members in order to follow up the public complaints. The effectiveness of the Parliamentary members is strongly determined by information. Preparation is also very important. If there is no preparation, then the Members are only passive with minimum contribution. The identification of the conflict of interests is also important, or whether the complaint is related to the interest of the party. If yes, then this should first be discussed within the parliamentary party groups. How will approximately be the compromises? To what extent can the Member provide assistance? Nevertheless, the presence of the Parliamentarians is due to the party, and therefore, efforts should be made that there is no frontal collision with the party.

The data collection can be carried out by preparing in writing the history of the problem and the identification of the problem and the related parties, followed by preparing the synopsis. This will strongly assist the Parliamentarians.

Whoever the related parties are to be met, the story should be the same or consistent and the data should remain the same. It would be better if the report is submitted in writing to the related parties. The resource person has already proven the effectiveness of such written report, and if presented in writing it will always be responded. It will be formally responded until completed and not suspended, even if it is not fulfilled.

The next follow up is that if the problem is within the domain of the Parliamentarians, then it would be better if it is struggled for through the

parliamentary party groups member agenda in order to obtain a better weight or quality in fighting for such agenda. Therefore, a lobby is needed to convince the colleagues, either from the same parliamentary party groups or from other parliamentary party groups.

The follow up actions of the Parliamentarians are: a) If it is within the domain of the Member, then efforts should be made to become a member of the Commission or supplement instrument, so that it can be discussed in the work meetings; b) the time limit should be determined with regard to the follow up by other parties. It is the obligation of the Parliamentarians to contact other parties; c) routinely contact other parties to monitor the development; and d) routinely give a report to the complainer concerning the development.



Fulfillment of the Representation Principle will Produce a Relationship Quality between the Parliamentary Members and the Constituents¹⁶⁸

The representation should continuously be developed in the future, because if we talk about representation then it means that we talk about the power source of the people in power and parliamentary members, who are in this case bridged by the political parties. Those bridges are until now still willing and even in certain cases still subordinating the relation between the people and the representatives. As such, what is sometimes dominant is the function of the political party.

Then, what if the people as the source of power has the intention, will and plan that should be absorbed? It was already presented by the previous resource person that if the people have an intention, then the party has on the other hand also an intention. If apparently the intention of the party is different than the intention of those who are represented, what would then be our attitude? The resource person feels at least about what is the intention of the people on one hand and what is the intention of the political party on the other hand. This is very interesting to be responded. As the shop window of the political party, the parliamentary party groups often has intentions or interests that are correlative with those of the constituents.

168 H. Masduki Baidlowi (Resource person at FGD 3)

Based on the micro condition in the field of the resource person's constituents, namely the Election Area IX of East Java (Gresik, Lamongan, Tuban and Bojonegoro), there are four representatives from the resource person's party, or there are in total 11 seats of Election Area IX. We have a special forum to discuss matters related to the aspirations in this area. As a picture, East Java is a North Cost election area, which culture is very strongly related to "santri" (Moslem Student) and NU (Moslem Organization), "Mataram" (centralized in Kediri and Madiun), egalitarian "Arek" (Surabaya and Malang), and "Horseshoe", which is in general for "santri". The election area of the resource person has a "santri" culture.

The field experience of the resource person is during the recession period, and in addition to very sudden visits such as being invited by the "Banoms" of NU, periodical visits are also conducted to absorb aspirations. There are certainly several forums for follow up in order to absorb the aspirations. We have also conducted two inter-parliamentary party groups visits before to absorb the aspirations and met local DPRD members to find out about the problems in this area. We also visited the governor to present our common ideas. We have even initiated a meeting with the Governor at this Election Area, and are until now still struggling for several matters that are related to the ideas in East Java. For example, we were assigned to settle the Suramadu¹⁶⁹ problem. Those are general matters, while specific matters in this Election Area are not much different than those presented by the previous resource person, which are administratively better. We are more often using the telephone to contact the related Minister or Director General. The majority of our constituents are from the Islamic school or Moslem boarding school circles.

We are struggling for free elementary education at religious school, but have not yet succeeded until now. However, at least we have succeeded in obtaining School Operation Cost. We have until now repeatedly tried at parliamentary party groups meetings to eliminate this discrimination. For example, the majority of the Special Allocation Fund for school in our area is provided to the Elementary School than to the Islamic school. The reason is that the Islamic school is vertically related to the Department of Religious Affairs, while there is actually already an inter-Minister agreement that the elementary education should be handled in the region, either for Islamic school or for public schools.

169 Bridge that is build for transportation connection between Surabaya and Madura Island.

The party of the resource person has an annual forum (Foksam), which is attended by executive and legislative members from throughout Indonesia. We also invited the ministers, who eventually understand about the problems, and this is our target.



Obstructions in Absorbing Aspirations

The people still has pragmatic interests. The impacts of the Regional Head Election, which has a money nuance and not the nuance of selling ideas, has also implications on the Parliamentary members.

If we are intended to make a process in the future, how should the democracy condition be developed and directed to substantial matters through the democracy system if it is obstructed by such pragmatic process. If this occurs, then defeat will shadow the political party activists, who have not much money on one hand, but have good concepts and values on the other hand. As such, constructive ideas will be defeated by large capital, which has a pragmatic tendency.

The next records, which are related to the experience of the resource person, are the efforts to penetrate the representation of the party, namely between political activists on one hand and professionals on the other hand. It is until now considered that the political party world is different than the world of professionals, and that there is a separation wall. We like to imagine that in the future the political party activists also consist of professionals.



Relationship System between Legislative Members and The Constituents

How is the relation structure between legislative members and constituents in many countries and how is such structure affecting the accountability of the relation? How are the problems systemically faced, outside non-personal factors or incidental, time limitation and other factors?

If we look at many surveys and polling, there is indeed a distrust and dissatisfaction public toward the DPR as an institution and toward the Parliamentary members, particularly in struggling for the aspirations or in implementing the representation function. The public dissatisfaction party group toward the representation function is not only in Indonesia, but also in all other countries, although the contents are different. This is certainly understandable, since the public expectation is too high toward the political processes and representatives as well as the figures that they have elected. There are many things that should be able to be corrected and carried out, in order to improve the political representation function, which are possibly not yet corrected by most of the Parliamentary members. This increases the distrust and dissatisfaction. There are certainly also other factors, such as corruption by the members or indifference of the Parliamentary members.

Basically, the relation between the legislative members and the constituents in the classic definition is like the relation between the principle and the agent, where the constituents are the principle with the sovereignty and the agent is only the mandate holder or trustee. They should actually be the connectors or defenders of the public interests in an election district. This understanding is a relative classic conception, which is referred to as a primary representation. In fact, there are in America and everywhere various political representations that are sometimes complicating. How should the relation structure between the legislative members and the constituents be developed or even institutionalized in more detailed laws or regulations? Is it only sufficient in a code of ethics or is it necessary to establish the institution?

The problems in Indonesia, from Sabang to Merauke, are within the domain of the Parliamentary members, since the Parliamentary members do not represent the people at one constituent area but at the national level. The problems that are handled are of national level or problems that are related to the authority of the central government in the election area or in other constituent bases. As presented by 2 (two) other resource persons, the constituent base of the legislative member is not only in his/her election area, but it may also be the base of the party. As such, it is not a single basis. The separation of this issue is until now not clear yet. Many constituents submit problems that are actually able to be settled in the region. They feel that it is not sufficient to only visit members of the District/City or Provincial DPRD, and consider that it is important to

meet national figures. This becomes a problem, because eventually the legislative members are burdened with complaints that are outside their domain.

The Parliamentary members are in practice not necessarily required to fulfill their campaign promises, due to future considerations, and this is referred to as the secondary representation or making options for the future, since some are intended to be re-elected. As such, this practice is not directly considered as bad. This also occurs in America. This also depends on from which aspect the Member can see the political side and the accountability.

There is also a model of parliamentary members who are free to make political decisions, apart from the promises that they have made before, as long as those political decisions are not outside the ideas or main values that are the preference of the member or the constituents. For example, the constituents can understand about the certain policies of the resource person, who is from PKB and NU, as long as the interests of the constituents in the region are still represented or struggled for.


There is also a representation practice, which has less or has no more territorial limits at the national level. The national issue is sometimes overlapping between one area and another area. The struggle for the education quality is certainly not only for the Election Area IX of East Java, and operational school assistance fund (BOS) should also be applicable in Aceh and other regions throughout Indonesia. Therefore, a lot of constituents in one election area sometimes feel that their political interests are not fully represented, since the Parliamentary members at the national level should also accommodate the national interests or accommodate the interests of groups outside their election areas. Such practices are common, even in America, where a Congress member may reject war, although the constituents have no problems with the war, and there are even constituents who agree with the war. For example, this area has battle equipment factories, so that if there is war, then the economy in this area will improve, but due to a more important interest, the concerned Congress member may reject the war. Such empiric practices are often complicating the development and management of the relation structure between the constituents and the legislative member.

The resource person has also presented the micro management of the relation between the constituents and the legislative member. What is

the form? What are the expectations? What measures should be followed up? This management is in a micro way easy to be identified.

With regard to the representation issue in Indonesia, a Parliamentarian roughly represents 392 thousands citizens or around 264 thousand voters, and this depends on whether the constituents are defined as active voters or as the population in general. However, this means that one member represents hundreds of thousands citizens. It is clearly obvious in other standards, for example one police officer represents 400 citizens, and there should be one doctor for one thousand citizens, if the health quality of the nation is to be improved. This is the problem, maybe not realistic, but one person should be able to accommodate and struggle for such many aspirations. Moreover, the election areas in Indonesia do not have the same distance and volume. There is an election area that consists of 13 districts/cities. This is geographically very extensive and needs a lot of costs, time, etc. in order to collect aspirations and to meet by using the classic method. As such, there is still a systemic obstruction. In addition, there are also representatives from the island areas.

Those obstructions are also the implication of the proportional election system application. This is different than the countries which use the district system, where there is normally one representative for one Election Area. A district may have a large population, but it is geographically easy to be reached.



Relationship System of the Member of the Parliament and their Constituent in the Presidential and the Parliamentary System

The relation structure between the legislative members and the constituents is difficult to improve, since the system is a presidential system. For example, the members in a parliamentary system are not responsive, not good, etc. They will lose if there is an intermediate election or an election at any time. It means that the party will lose at the legislative as well as at the executive level. Willing or unwilling, they have to struggle hard to obtain the confidence from the people, while at a presidential-multi party system like this, with a five years system, it will be good if they

are re-elected. One year approaching the election can be used to obtain sympathy. As such, there is less incentive to develop the support and loyalty base, since the legal system is not like in a district-parliamentary system. This is also a problem in the recruitment process, so that the relation is sometimes like a patron-client relation. It is more surprising for the Parliamentary members to develop a sound and democratic relation structure, in the sense of not always the incentive of money, goods, or compensations.

The vertical check and balance mechanism is very limited. There is no mechanism to make a popular referendum for the recall, since the recall is still the right of the party. The incentive for the elected legislative members in order to visit the field is also quite decreased.

The people are eventually unable to rigidly regulate the relation with the legislative members, since the legislative members have very heavy assignments in Jakarta. For example in England, they have at least the opportunity once in two weeks to return to their election districts. This is technically difficult to be carried out in Indonesia, due to the geographical condition.

The use of modern means and methods is still quite difficult to be carried out, since part of the public is not able yet to access the information technology. The short text message is already used but still limited and cannot be made as a formal base. A survey, which was conducted by Partnership, on the party management, constituents, and strategic groups with regard to the accommodation of aspirations, was still in a conventional way, such as conducting visits to the community as well as social party activities. The public aspiration network was also used. The aspiration network is sometimes also able to be included in other party activities or in the community meeting visits. Easy facilities can also be used, such as the mass media. This is a challenge for the Parliamentary members. I think that there is still hope to improve the relation structure, although this initiative is systemically still not much. The communication relation should at least be more transparent and the access should be better.



Forum Dynamics: Clarification and Discussion

Opinion 1¹⁷⁰

A better opinion is in principle a balanced opinion, in the sense that both parties, the agent and the principal, should be mutually supporting. The resource person has presented about the once in two weeks system in England, which may be referred to as a parliamentary-district system. The geographical condition in England is not as difficult as in Indonesia. Is it possible that it will be in contradiction with the 1945 Constitution if it is included in the Parliamentary (Susduk) Law, due to the unavailability of the representation function? This is a form of responsibility of the Parliamentary members. There are various forms in the previous FGD, such as website, books, or others. Is it able to combine the system in America and the system in England? If it is included in the Parliamentary (Susduk) Law, will it be a burden for the Members?

Opinion 2¹⁷¹

The resource person – CSIS researcher – expressed that the image of political parties and the DPR is the democracy pillar, which is negatively considered as the lowest among the other democracy institutions. Based on the survey or polling conducted by two LSIs, the political parties and the DPR are considered the lowest. Further on, we have obtained a micro technical picture that actually there is nothing that is not carried out. In this case, where is actually the core of the problem? If we go back to FGD I, is the representation function indeed necessary in our constitution, while we have already applied the representation mechanism? The substance is actually here. Where is then the problem? Is it at the systemic system? If the problem is there, then the change of the election system should be emphasized. The Election Law is clearly transparently proportional since FGD I and FGD II. In this case, the problem is at the practice in the field, at the Parliamentary (Susduk) Law and at the DPR Standing Order.

170 Baginda Pakpahan (Resource person at FGD 3 as FKB Expert).

171 Audy Wuisang (Resource person at FGD 3 as FPDS Expert).

I think that there is a contribution since FGD II in form of books or ideas, which may be lessons learned, that need to be capitalized. Are there such good lesson learned processes at the DPR? What legal instruments are better to be regulated and structured, so that the Parliamentary (Susduk) Law and the DPR Standing Order can technically clarify if there are matters not carried out by the Members? In the future, in order to glue the Parliamentary members and the constituents, we should determine the reporting system, the evaluation on the reports, and the reported feedback. This can possibly be further developed.

Opinion 3¹⁷²

It is necessary to be aware that we are meeting here to present experts and Parliamentary members. This forum should first be clear that there is really a separation wall between professionals, political activists, and members of the civil society circles, who may not have the same way of thinking.

The DPR activities include visits, and is there any responsibility of the members to submit reports on the collected aspirations? We have already tried to discuss this in FGD I and FGD II. We do not need extensive thoughts in this context, but the experiences of the two Resource persons from the DPR may become materials for us for the Parliamentary (Susduk) Law. The questions are simple in this meeting with the experts For example, is there a DIM in our parliamentary party groups that is associated to the representation relation, and is it already included in the rights and obligations of the Parliamentary members? This is already included in our parliamentary party groups, what about the other parliamentary party groups?

We have also tried to find the nomenclature of the representation function in FGD I, but more mature, and the representation function is really already included in the Standing Order. A more complete report is at the Standing Order. Our parliamentary party groups has already included the obligation of members in the DIM, such as what have already been carried out by the Parliamentary members all this time. There are two follow up actions that should first be regulated in the Standing Order. The resource person observed – in a supplement instrument meeting at the DPR – that the Parliamentary members will have a memo paper

172 Rusman L. Toruan (FPDIP Expert staff).

to write letters to the minister, so that there is an official format of the Parliamentary members. Again, in the Parliamentary (Susduk) Law, what have already been carried out by the parliamentary party groups?

Opinion 3¹⁷³

The resource person presents the importance of formulating the portraits of the members. We have concentrated on the members in several previous meetings, for example the portrait of Parliamentary members who are successful in ideal matters (comply with the public aspirations, prepare books or website), or even often appear in the TV. The conclusion that may be drawn, in association to the structure of relation between the parliament members and the constituents, is proportional with the way of thinking of the represented constituents. The frame may possibly not be the same. The success of the Parliamentary members will have various indicators. For example, the role of the Parliamentary members may possibly not be felt by the public in Jakarta, different than in other areas. It is possibly more concrete at the DPRD. With regard to the technical level, this relation structure is intended to be included in the Parliamentary (Susduk) Law or the Standing Order, but only its means. Is it possible for the Parliamentary (Susduk) Law to aggregate whether the indicator is successful or not.

Are the conclusions in the FGD today and in the future close to the ideal type, or what are most possible to be carried out with the political system like in Indonesia? As such, the options should not be too ideal, so that they will not be concrete.

Opinion 4¹⁷⁴

What is the ideal pattern with regard to the structure of relation between the constituents and the members? If we talk about the relation structure, then it means that we talk about the political representation structure. As such, it is about the members as agent and the constituents as client, and the political representation between the representative and the represented. What representation type is better to be developed by the members, depending on the problems that are faced? For example, the second Resource person represents an area, which majority of the

173 Handoyo (FPKS Expert staff).

174 Siti Nur Sholicha (Resource person at FGD 3 from P3DI).

population are fishermen. As such, he is a delegate on matters that are related to the Fishery law, but when it is related to the international convention, then as a fisherman representative, he is a proxy or trustee. Thus, it depends on the issue that is faced. It also depends on what issue should be responded by the parliamentary members. The parliamentary members should determine what criteria should be responded. Not all issues should be responded. As mentioned before, there are work visits of the supplement instruments, such as the Commission and individuals. Where is the place of meeting for the work visits of individuals and which community should be met? It will become bias if only the party members are met. The resource person also gives a positive response toward the idea of the aspiration house.

Opinion 5¹⁷⁵

First, there is a relation that should be structured between the parliament members and the constituents. The very simple constituents are those who are able to be measured. The Resource person presented that the Parliamentary members make a political contract in the beginning. The constituents can value from this contract as a measurement tool. In addition, the constituents can also see the quantity of visits conducted by the Members to the region. However, the quality is more important. For example, the absorption of aspirations through various facilities, that can be utilized. The visit of the Parliamentarians should actually not be to collect the data on the problems, and makes another visit in the next recession to provide the answer. This will be too late. Various technology means (telephone, fax, email) need to be maximized to collect the data on problems and the solution should be provided during the recession.

Secondly, viewed from the recession accountability aspect, it is still not clear with regard to the report and fund. This should be made clear. With regard to the political contracts, can they be accommodated at the Ethical council? This will be very easy to measure members who do not make a political contract.

The communication between the Parliamentary members and the constituents seems to forget the bridge that takes the legislative member candidates from the political parties. This is not touched yet. All programs, visions, and missions are administratively already regulated at the

175 A.M. Furqon (Resource person at FGD 3 as FPAN expert).

political parties. The political parties are all this time not clear, compared to the Republic and Democrat parties in the United States, which are very clear. It means that whether the Republic party or Democrat party wins, their policies are clear. For example, a cleaner in Australia will know about the policy if Rudd is elected, and also with regard to the reduction of tax and increase of allowances from the company. Not only a cleaner, the academicians are also clear when they are intended to support Rudd, where he said that the diplomacy or academic relation between Indonesia and Australia will be enhanced.

Many cases in Indonesia are not clear and become more unclear. For example, the fuel price was increased during the previous administration, and it is also increased at present. What is the difference between the previous administration and the current administration? The current administration may choose not to increase the fuel price, but taxes are still increased. The implication is that when the Parliamentary members visit the community, everything will be complained to them, from sick children, delivery by mothers, to damaged roads, etc. If they want to complain, for example to PAN with regard to health, then they should talk about health service at the hospital. Likewise is PKB, which according to me has a concern for Islamic boarding school. PKB has the intention to struggle for the interest of Islamic boarding school at the Department of Religious Affairs. The problem is that if PKB takes this matter to the Department of Religious Affairs, then it may collide with the interests of others, which can cause feeling as being represented. Thus, there is almost no positioning of the political party, so that everything on the relation of communication between the Parliamentary members and the constituents should be discussed.

Opinion¹⁷⁶

The political party is considered as another creature. Mrs. Nur Soleha has expressed before that if Mr. Alvin goes to Semarang and meet with members of the party, then it becomes bias. This needs to be made clear, and Mr. Alvin has already given a correct formulation that what we refer to as constituents are the party members, the citizens in the election area and others with an interest. The academician group, NGOs, and students try to objectively view the political party. It is only ten years that we have parties, and before that it is only “a kind” of political party.

176 Rusman L. Toruan (Resource person at FGD 3).

The issue on the visits and roles of political parties is interesting. The reasons why the resource person opens a constituent service office in 2000 and using the office of his party are: 1) the resource person feels as representing everyone in his election area, either those who elect his party, those from other parties, or even those who are non-voters. If this services office is in the political party office, then the public may feel a psychological obstruction, and it is better to be a neutral place, 2) there is an apathetic feeling toward the political party, 3) Not all political parties have the same infrastructure. There are rich and there are still poor political parties, and some are even still using the management office.

With regard to the recession visit, the resource person has never conducted a meeting with the constituents at the office of his party in the region. The resource person cooperates with the regional parliament (DPRD) Members, because they know more about the area, for example, the rent of a room or restaurant to talk with the public figures. The topic of discussion should first be determined so that it is more directed, for example regarding a Law that is in discussion or is already produced, as well as issues that are popular at that time, such as the gas issue etc. Also the cooperation with radio stations, which live interactive programs were already announced one week before. The meeting is directed toward discussions on Laws and public policies. The public response is normally in form of complaints. This is more effective than the cadre meeting at the party office. The follow up action is cooperating with the radio station if there are still inputs from the public on such issue, and the radio station will pass them on to the resource person. The resource person stated that he has no courage to rely on the party in order to make the relation with the constituents. The condition is very plural at the party with various motivations of the people with possible rivalry. There is a time to be together as a party.

It is easy for the public to know about national policies from the news reports. What is specific is that we should be able to obtain the implication of the national policies toward our region. This is where the resource person observes the importance of the cooperation with the Regional

177 Alvin Lie, M. Sc. (Resource person at FGD 3).

Parliament (DPRD), which has actually no line of command line of party. Here is where we harmonize and synchronize problems at the central and regional levels.

Clarification from a resource person¹⁷⁸

With regard to the a Bill proposal of the government, if for example we have a Bill at the Special Committee and the DIM is an initiative of the government, then this is peculiar. That is why if we read the DIM for the beginning to the end, we will not find the connections that we have discussed. We will also not find the very basic matter, for example the budget independence concept of the DPR. A lot of quite basic matters are not found in the government DIM. This is why the resource person, together with Mr. Ganjar and Mr. Idrus¹⁷⁹ meet with the Poksi to try a cross parliamentary party groups without limits of the parliamentary party groups interest, since this is the interest of the institution in the future on whether in the future the DPR is according to the expectation in the representation context, and according to what we have discussed today.

Again, we discuss about the service standard in order to maximize the function of the DPR in the context of the representation function, and this basically what we need. This is a good input, we do not a parliamentary party groups limit at the DPR for the interest of the Parliamentary (Susduk) Law. As such, our opponent is the Bill maker from the government and we reconstruct the problem list (DIM). This is very important. We have already reached one discussion, and there is a sample with regard to the budget, which is also reached by the Budget Inspecting Body (BPK).

Due to the experiences that we have, with regard to the absorption of aspirations or representation functions, we do agree that the nature or characteristic of each Election Area are different. The base of the resource person at the Election Area is NU, and therefore, our approach is community based.

Further on is with regard to the negative image of the DPR and political parties. The resource person has an experience related to the DPR,

¹⁷⁸ H. Masduki Baidlowi (Resource person at FGD 3)

¹⁷⁹ Ganjar Pranowo is the Chairman of Team and Idrus Marham is a Parliamentary (Susduk) Bill special committee management member.

and has met several times with the DPR Management to discuss about a communication strategy that should be presented on the work flow of the DPR, which is actually quite productive. Not all press members are interested on this matter and not all press members want to know about the actual matter and on what have been struggled for by the DPR. As such, there are no in-depth reports on many basic matters that have actually been implemented by the Speaker of the House of Representatives always answered: "All Parliamentary members are leaders who can play public relations role for themselves". This is okay, but as an institution, this image should be maintained, because if we talk about corruption, then the DPR is legislative institution that is proportional with the executive institution, which is also very active in conducting corruption.

Clarification from a resource person¹⁸⁰

There is a common understanding that there are problems between the legislative members and the constituents, and the remedy to those problems is also different in various areas and election level. There are different characteristics in the election areas, and the scope of the responsibility authority of the Parliamentary members is larger compared to the Regional Parliament (DPRD) members in the region.

The structuring of this relation is like a principle and regulation in the Parliamentary (Susduk) Law, and this should be considered. The proposal on the aspiration house is very good, but if no one is controlling and there is no fund, then it will only become a ghost house. Another trade off is whether the representation is only the collection of aspirations, or is it a more extensive representation, which is not territorial based and not segmented. As such, it is representation with cross border values and ideologies, and is made as the priority for everything. Such difficulties will become an obstruction for the improvement of relation between the legislative members and the constituents. However, most important is that a communication mechanism should be established. Thus, the relation structure should first start from a more intensive and good communication mechanism between the constituents and the legislative members. The legislative is as an institution and not as an individual.

180 Nico Harjanto (participant).

Response

With regard to the recession budget, is there an evaluation standard on the utilization report of the recession fund? What is also the base of consideration to make the decision on the same amount of the recession fund in all areas?

Response¹⁸¹

If the practice in the United States is observed, then it is also related to the budget. We, from the DPR secretariat, try to launch a thought or discourse that the Parliamentary members, in the framework of improving their work method with the constituents, should be provided the facilities in form of a budget or allowance for the activities of the Parliamentary members, or the member budget office. Therefore, this should be considered at present and in the future so that the role of the members toward the constituents becomes very intensive. Whether it is a local issue or national issue, if it is not supported by adequate means, then the struggle will also not be optimum. The consequence is that member has to use own fund, so that this also complicating the member him/herself. Therefore, a discourse should be made in the framework of improving the role of the Parliamentary members, and particularly for their relation with the constituents, they should be equipped with the required means and infrastructures. Therefore, the activities that are not much related to the constituents should be reduced. For example, the members were all this time conducting visits with the DPR supplementary instruments, such as the Commission, which absorbs a very high budget. Why isn't this shifted to the members so as to increase the intensity of visit? For example in the United States, there are maximum 30 visits in one year, except the casuistic visits. This has an impression that the Parliamentary members from East Java want to know about other areas, for example Papua, while there are actually also Parliamentary members in Papua. This has the impression of traveling on vacation. Therefore, such paradigm should be changed. The consequence is that the intensity of relation of the Parliamentarians will increase and he/she will be closer to the people.

181 Untung Djumadi (P3DI of the Secretariat General of DPR).

Response¹⁸²

It is still confusing if we talk about the relation between the members and their constituents. The resource person has touched on this as extensive as possible. The parliamentary members should ideally be close to a statesman. Thus, there are no party limits, as long as the concerned is from the people. Due to the party system, the concerned should be at the Election Area, and should be positioned there. Meanwhile, the comments of the Resource person,¹⁸³ are quite different, and just nationally. Does national means the 33 provinces, control on the work department, or public facilities in the name of the people. We should make and present a clear formulation. This clarification is needed because there are two different poles, and the problems in the region are not our problems (Parliamentary members), only the national problems. What should then be carried out? Justification is given from the academic perspective, which obstructs or limits the scope of the people that should be struggled for.

Clarification from a resource person¹⁸⁴

We talk about the relation structure between the legislative members and the constituents when the legislative members at the provincial and district level overcome the problems. Therefore, it is not necessarily that the Parliamentary members should overcome the problems in the region. The resource person has presented the limitations that can still be debated, but this is at least related to the cross border or group interest problems. For example, willing or unwilling, the education in the region needs to be improved, because it is not possible to have a Law on the improvement of the education quality in a certain area. With the authority and resources at the central level, the Parliamentarians struggle for the problems in the area, although the constituents in other areas can feel this. Roads have also a category, but it will become a national issue if all the roads in the village are damaged. This should indeed be transparent for all matters, but there should also be clear priorities in handling the problems, whether they should be handled by the DPR or by the provincial or district/city parliament members, since they also have the same authority.

182 Pheni Chalid, Ph. D (PROPER-UNDP).

183 Nico Harjanto (Participant).

184 Nico Harjanto (Participant).

The question on the recession fund is whether it should be evaluated or not. What if the recession is not conducted outside the election area, which means that the focus is more on the election area? Why is the recession fund all this time made equal? The resource person just found out from the responder that the amount of the recession fund is the same in all areas. Why should the recession fund be equal, while actually the areas are different and the difficulty levels are also different? This shows how dominant the Secretariat General is in allocating the budget. The BURT (a body that talking domestic issues at parliament) is powerless in this regard. That is why it is important that we discuss the Parliamentary (Susduk) Law, and that it is important that the Secretariat General is not dominant and is not part of others. The budget independency in the Parliamentary (Susduk) Law should be developed in the future. Each parliamentary party groups has a different character with regard to the evaluation of this recession fund. Our parliamentary party groups has an internal mechanism for the evaluation, and the outcomes are usually submitted to the Secretariat General.

The recession is currently more directed to the election area, and there are three recession funds, namely: 1) individual recession fund; 2) visits to the region that are monthly financed by the state; and 3) commission work visits, which may be several times.

Settlements cannot be avoided, since there are national cases, for example the education, which needs investigative visits. I agree to increase the visit fund, but the Parliamentary members are not allowed to visit other areas, moreover if it has the impression of travelling on vacation. There is a possibility that individuals conduct the travel on vacation. Therefore, the prototype of successfully ideal in the context of the relation structure between the legislative members and constituents is the main key for us to be formulated together.

185 H. Masduki Baidlowi (Resource person at FGD 3).

Response¹⁸⁶

I would like to enter into the financial independence of the DPR. The DPR was having difficulties due to Law 12/80. Then, 23 years later, Law No. 17/2003 was issued concerning State Finances, which provides that the state finances is managed by the Minister of Finances, so that no one in this building can regulate it. Therefore, Mr. Masduki said that it is also necessary to take the BPK Law as a sample. If this budget is seriously to be independent, then the BPK Law can be copy-pasted.

Response¹⁸⁷

Independency has a consequence, namely the reporting and accountability on the budget use. It should be able to be accounted for at any time.

Recommendation on the FGD 3 results

Structure of Relationship between the Parliament Members and their Constituents

1. The relation structure between the legislative members and their constituents needs to be improved through explicit regulations that are binding the legislative members, and the assistance of the state in implementing its functions and obligations in the Parliamentary (Susduk) Law, with regard to the principal regulations, and the DPR Standing Order, with regard to more technical regulations. On the other hand, a systemic and elementary improvement is also required, such as in the political recruitment system, party affairs, Parliamentary of the legislative members, state subsidy, and active participation of civil society groups.
2. The Bill concerning the Parliamentary (Susduk) should contain values that are able to accommodate and to provide solution on various problems with regard to the relation structure between the parliament members and their constituents.

186 Rusman L. Toruan (Resource person at FGD 3).

187 Pheni Chalid, Ph.D (PROPER-UNDP).

3. There need to be the criteria on problems of the constituents that should be responded by the Legislative Members, in accordance with their functions and authorities, among others: issues of national scale or national interests, which have impacts on the interests of the constituent area.
4. The improvement of relation between the Members and their constituents should be facilitated by adequate means and infrastructures, in addition to reduction of the activities of legislative members who have no relation with their constituents.
5. A more extensive stakeholder involvement mechanism needs to be considered in the framework of improving the quality of relation between the legislative members and their constituents, through collective political activities that enable a more extensive participation of the constituents and other civil society groups.



FGD 4¹⁸⁸

Absorbing Public Aspiration and its Impact on the Parliamentary Party Groups Policy

Discussion subject: The collection of aspirations is an effort to motivate and strengthen the public political participation, and further on the advocacy on each problem faced by the public is the responsibility of the representative Members.

The fourth serial discussion subject is on how far the public aspirations are able to affect the discussion agenda and the stepping point of the parliamentary party groups in solving each problem faced by the public. The outcomes that are expected from this FGD are: i) formulation on the public political participation concept in the political and representation system in Indonesia, and several samples on the development of the constituent aspiration network model and mechanism in several countries, ii)

188 FGD 4 was conducted in the Special Committee C room of DPR RI, Jakarta, on 7 August 2008

description concerning the strength and weaknesses of the political contract initiative, which is actively conducted by the public and the Legislative member candidates, President candidates and Vice-President candidates, or Heads of Region, prior to the implementation of the election. Also how the political contract can be applied as a public political communication media to the Parliamentary members and also conversely, iii) formulation concerning the organizational/institutional mechanism for the constituent aspiration network, which is more binding and with mutual benefit for the Members and the public, iv) description on substantial obstructions that are faced by the Parliamentary members in organizing their constituent aspirations, v) description on how the Parliamentary members and their parliamentary party groups balance the tactical interests of the political parties with the interests of the constituents/public, vi) sharing of experience among the members on the achievements of the Members/ Parliamentary party groups in the implementation of the representation function toward a certain problem/case that is faced by the public. What ways are carried out to settle such problem, such as how to collect the public aspirations, how to find a way out, and the lobby that is made, vii) recommendations on the constituent and public involvement in the implementation of the representation function of the Members and their parliamentary party groups/political parties at the DPR.

Collecting The Public Political Participation¹⁸⁹

1. Aspiration is a desire or will to progress or improve, while collecting the aspirations is an activity, which is carried out to identify various forms of problems, ideas, and interests of the community group stakeholders.
2. The public participation is the direct involvement of the stakeholders/ public in the decision making process, implementation and evaluation/ monitoring.
3. There are two regimes to be considered in the implementation of the public participation, namely:
 - a. The role of the state is not necessarily too large, so that such role can be provided to the public so that the public participation increases. However, there is an opinion that this assumption is correct if our community is already educated and understands about their rights and obligations.

¹⁸⁹ Nursanita Nasution, SE, ME. (Resource person as Vice Chairman of the Parliamentary(Susduk) Bill Special Committee Team/FPKS)

- b. The state should have a large role and the public should not be provided too large participation. This opinion is in general directed to developing countries.

Based on the experience of the resource person when he was a Parliamentarian, Indonesia is between those two regimes.

4. The public participation is only considered as a public "obligation" to contribute its resources in order to make successful the activity agenda formulated by the government.
5. The method that is used to collect the public aspirations is by using the network in each area, such as: Local Government, DPRD, profession organizations, custom institutions, religious institutions, Regional Head Election campaign network, and NGOs.
6. The methods that are used in collecting the public aspirations are among others:
 - a. Polling.
 - b. Open a post office box.
 - c. Open a website.
 - d. Open an email address.
 - e. Direct communication with the public.
 - f. Mailing list.

The public aspirations need to be clarified based on the need of the community in the region, national issue, and is not the group interests.

7. The aspirations that have been compiled need to be followed up, including the follow up to other agencies or institutions, which can be carried out through public consultation, or through publication, such as the issuance of newsletters, opinions in the newspaper, progress reports of the Parliamentary members, talk-show in the radio/television, etc.
8. The public has in principle the right in the formulation and determination of public policies, which include the:
 - Right to be informed
 - Right to provide inputs
 - Right to complain/express objection
 - Right to control the implementation
9. Matters that need to be considered by the Legislative Member in absorbing the public aspirations are among others:

- a. Directly listening to the main source and retrace the issues that are related to the submitted aspirations.
 - b. Be professional and transparent by way of opening the public access.
 - c. Not discriminative, namely by accommodating all community elements from various ethnic groups, races and religions.
10. Obstructions on the absorption of the public aspirations:
 - Difficulty to reconcile the time, because often the activities of the public are the same time with the activities of the legislative members.
 - The public demand to immediately settle all their problems, while there are on the other hand obstructions, such as the parties related to the implementation of the aspiration follow up, or slow in responding toward the aspirations.
 - The legislative members are often not focused in absorbing the aspirations, so that it is less able to function as a political education means.
11. Obstructions that are challenges in the implementation of the public political participation are among others:
 - a. Low public trust toward the politicians.
 - b. Public surfeit due to the many implementations of the regional head election activities.
 - c. Not optimum political education programs that should be implemented by the political parties or NGOs.
 - d. Low efforts of the political parties in preparing leaders.
- 12..Several factors that cause the public policies not reflecting the public aspirations are among others:
 - a. Low knowledge of the public concerning laws and legislations.
 - b. Weak of enforcement.
 - c. Not wide public aspiration channelling means, so that the low political participation causes that the policies are not in accordance with the desire of the public.
13. At the regulation level, the public participation is opened in several Laws, but the public participation is closed in several other Laws. This means that from the aspect of the government, the participation opportunity impression is only to implement or make successful what have already been outlined by the government. The similar case also exists at the legislative institution, where the DPR Standing

Order expresses that each meeting is open (the public may observe), but almost all meetings are in practice closed. Likewise is the public participation role in the discussion of the Law, which is basically already regulated in the Law or Standing Order, but not yet optimum. In other words, the problem is at the understanding or paradigm that is followed, where the current applicable public participation has still the impression of a public obligation to contribute its resources.



Objective of the Political Contract:

- a. The political contract is meant to bind the legislative candidates so that they obey the principle and are able to carry out what are expected by the party and the people that elect them. The political contract may also be a guarantee for the party or the public. If the political contract is able to be carried out, then the democracy improvement is implemented and parliamentary members are created according to the expectation. However, if the legislative members do not carry out their political contracts, then they may be imposed sanctions up to the level of dismissal.
- b. The political contract is all this time always a moral issue and is in general normative, which is basically related to matters that are already regulated in the Constitution or Laws, so that it can be carried out individually without necessary consultation with the party, such as struggling for women's rights, commitment to not conduct corruption, and to enhance the welfare of the people.
- c. The political contract is very difficult to be carried out without involvement of the political party, since the legislative sector involves collective and not individual work, except on matters that are very general, but this may emerge multi-interpretation among those individuals.

There are several matters that need to be considered based on the experience in collecting the public aspirations:

- The collection of aspirations needs to be supported by a budget policy.
- The facilities that are available at the DPR should be optimized, such as utilizing the recession period as means to collect public aspirations.
- There should be follow up actions on the public complaints.

Based on the experience as a legislative member, the use of the direct visit to the community method, is in fact still expected by the public and is an effective means to collect the public aspirations.

The aspiration house, as one of the means to collect public aspirations, should be available in each election area (multi-party), so that the public is not reluctant to channel their aspirations to the political party outside the political party that they follow. On the other hand, it will be easier for the public to evaluate which party is really struggling for the public aspirations.

The understanding and awareness of the Parliamentary members are strongly needed in collecting the public aspirations for further socialization and follow up. This will need a high level of patience and skill to absorb and formulate the public aspirations for further struggle at the legislative institution, and able to interpret legislative policies to the public.

The mechanism to collect the public aspirations is better to be regulated in the law and this regulation opportunity is available in the Parliamentary (Susduk) Law. The performance of the Parliamentary members should be easily accessible by the public in order to see the extent of the follow up on the implementation of collecting the public aspirations, and each Parliamentarians should prepare an annual performance report.

The context of collecting the people's aspirations is not collecting the aspirations of the constituents but the aspirations and interests of the public, which reaches all outlying places. However, the aspirations need an explicit limitation on which are the mandates of the DPR and which are the mandates of the DPRD, so that it can easily be separated into areas to collect the public aspirations. In order to minimize the distortion in preparing policies, it is necessary to implement an institutional engineering and proportional election with political contracts. Further on, it is necessary to think about a public mechanism in order to submit public aspirations, which can be accommodated in an Election Law (central) and Regional Regulation. However, if the context is related to the individual responsibility, then it becomes a scope of the code of ethics.



Political Participation and Collection of Public Aspirations¹⁹⁰

1. The political participation concept is in general defined as the involvement of the people as citizens and not as a “mass” in the public policy making process, either directly or indirectly, through the participation means, such as the political party, election, mass media, groups of stakeholders (NGOs, society organizations, profession organizations, etc.).
2. The concept of citizen should be explained as a peaceful political involvement, or not disturbing others, because we are provided the freedom as citizens but we are limited by the rights of others.
3. The normal participation form is voting, campaign, political discussion, demonstration, petition, writing in the media, and others.
4. The problem of participation is among others due to the still adhering stigma within the public circles that politics is “dirty”, which is a serious impact of the “de-political” and “de-political party” policies implemented by the New Order. The further impacts are:
 - a. Part of the public is still suspicious toward everything related to politics, including the political parties, so that time is needed to create a community, which is aware of its rights and obligations.
 - b. The community tends to develop as a “floating mass” than as a citizen community that has the right and sovereignty on the political party.
 - c. The political party, either intentionally or not, tends to institutionalize this unhealthy situation in the framework of “controlling” the public.
5. The political party needs to conduct a political education in order to improve the political awareness. Currently, due to the lack of political education by the political party and the adhering stigma toward politics, the impact is the occurrence of participation on behalf of the public by aristocrats, entrepreneurs (capital owners), and hoodlums (criminals), such as the case of demonstrations, which are in general on behalf of the people, although there are interests of certain parties behind it. A further consequence is that the public is framed as a “mass”

190 Syamsuddin Haris (Resource person at FGD 4 as LIPI researcher).

(without clear orientation and objective) and is not organizing itself as citizens in voluntary interest groups.

6. The dilemma of the political party is how to distinguish real participation from manipulative participation. Manipulative participation is easily organized by groups of entrepreneurs, hoodlums and others, which is further on referred to as on behalf of public interests.
7. In the situation where the people tends to be framed as a “mass” than as citizens, the interpretation of public aspirations may be very manipulative, in the sense that they are more the the aspirations of the elites (aristocrats, entrepreneurs, hoodlums).
8. Demonstrations and protest movements, which ignore the rights of other citizens to collectively live in peace and order, is not certainly reflecting the participation, moreover the aspirations of the people.
9. Due to the minimum awareness concerning the right of the people as citizens, the people aspirations are not always verbally uncovered (appear in the newspaper or demonstrations).
10. Four effective ways to collect the aspirations of the people are:
 - a. Understand the problems of the people through analysis on the regional/election area database (including the Regional Budget structure) in order to identify regional economic and resource potentials as well as the regional/election area demographic map, so that the problems that are faced by the election are easily identified.
 - b. Conduct separate or joint FGDs with various stakeholder groups that are considered significant.
 - c. Cooperate with the academician/university circles in the framework of finding the cause of problems of the people in the region/election area.
 - d. Visit public figures that are considered have influence on the public opinion (religious leaders, former officials, or successful and clean entrepreneurs, and others).
11. The economic and education development are factors to determine the quality of the democracy and administration that we have currently achieved. On the other hand, the ethical responsibility in order to support a better condition is still minim. Therefore, the collection of aspirations is not necessarily by visiting the election areas, but other more effective ways can be used, such as implementing the authority

and responsibility of the DPR in the legislation sector (establishment of laws) without bribes, is basically already fulfilling the public aspirations.

12. The main duty of the DPR is to prepare Laws, which is based on the accumulation of collected aspirations (is it in synchronization with the prolegnas). An example is the Agrarian Law, which is an aspiration and priority of the prolegnas, but is not realized until now.
13. The collective collection through the commission or cross commission will be more effective than individually, because the duty of the DPR is at the commission and not at the parliamentary party groups. Therefore, the commission should be more optimal in collecting and following up the public aspirations. The role of the commission secretariat is very important, particularly to inform the incoming aspiration letters, which will be discussed in the commission meetings, so that the commission members are on the overall informed.

Idealism of a Political Contract

1. The political contract can be implemented in the Presidential Election and Regional Head Election context, due to the direct relation between the constituents and the candidates.
2. In the legislative election context, in view of the still quite closed proportional election system, the political contract between the legislative candidates and the constituents is difficult to be implemented, because the relation between the legislative candidates and the constituents is bridged by the political party. Even if the political contract is made, then it is between the candidate, political party and constituents.
3. The vision and mission of the legislative candidate are difficult to be materialized without support of the party. Therefore, the political contract of the legislative candidate is only possible to be made by involving the party at the respective management level.
4. Several matters that need to be considered in making the political contract are:

- It is better to make the political contract with the representatives of significant stakeholder groups in an area/election area and not individually.
- It is better that the political contract is not in general, but also not too detailed.
- It is better that the political contract involves figures who are considered as having influence as witnesses.
- It is better that the political contract is realistic to be achieved within the period of maximum five years (one administration period).
- The aspiration is related to the need of managing the natural as well as economic resources for the interest of the government or the local community.

Public Political Participation¹⁹¹

1. Facilities to support the implementation of the public aspiration collection by the Parliamentary members is currently quite sufficient, among others through the:
 - Commission Work Visit.
 - Combined Commission Work Visit.
 - Cross Commission Work Visit.
 - Individual Work Visit (aspiration absorption fund).
2. One of the support forms of the DPR Secretariat General related to the collection of public aspirations, is the availability of the Public Complaints Section, which is assigned to assist in handling the aspiration letters of the public to the Parliamentary members.

¹⁹¹ Nining Indra Saleh (Resource person at FGD 4 as Secretary General of DPR).



Forum Dynamics: Discussion of Introduction



Political Participation of the Public ¹⁹²

One of the important matters that we need to discuss approaching the election, are the public or people participation and aspirations. Following are the principal matters. As it is known, the concept of participation as part of the public or people involvement in the political life, is more specific as a policy making process. Whatever the form, it is referred to as political participation. The accommodation instruments are certainly variable, such as the political party, mass media, stakeholder groups, NGOs, profession organizations, and others. The point in this context is the participation itself. Thus, mentioning the people or demos, is a general or very wide interpretation. However, in the political context, we should be more specific, namely how to distinguish the people on one hand and the mass on the other hand.

Nevertheless, our objective in the future is that the people is not just as a mass. A mass has no clear objectives. If the provocation is "Kill", then everyone will kill, or if its "Burn", then everyone will burn, whatever the targets are. It is not the participation that emerges but anarchy. Our obsession in the future is how the public in the election can really participate in politics based on their awareness as citizens and not as a mass. A mass has no clear orientations and objectives, and will eventually even threaten or kill the democracy itself. Our dilemma is that the people in the election are framed as a mass and not as citizens. This is obvious in the phenomenon of the Regional Head Election, where the KPU office is damaged etc. This is a mass phenomenon.

The citizen concept should be connotatively explained as a peaceful political involvement or not disturbing others, because as citizens we are provided the right of freedom, but limited by the rights of others. This is

¹⁹² Syamsuddin Haris (Resource person at FGD 4).

indeed something that is already formed as an impact of the authoritarian system during 40 years. Moreover, there are de-political and de-political party policies during the Soeharto era, so that politics is considered as something dirty or not good. This is why Golkar did not want to be referred to as a political party during the Soeharto era, due to the creation of phobia or fear toward politics, so that those authoritarian system elements can freely control the public.

Nevertheless, it should be admitted that our community is still suspicious toward anything related to politics. Therefore, time is needed to create a community where the people are aware of their rights and obligations. Therefore, it is not surprising that what is referred to as the people in an election is still as a floating mass. This something inherited from Soeharto, which is really utilized by the political elites, in this case our politicians. The people are until now as a collective entity does not have the sense of awareness in regards of their rights and obligations as citizens. The dilemma is that our political elites or political parties are in fact institutionalizing or maintaining this condition of the people as a floating mass. Due to the limited political education, the participation or aspirations that emerged are in general on behalf the people. We see that in many cases the mass actions and demonstrations are on behalf of the people, while actually behind it are the entrepreneurs, hoodlums, and elites in a wide sense, etc.

Thus, when Soeharto was toppled down in 1988, he was faced by the explosion of the participation. This is a general phenomenon, when the authoritarian system moves or shifts to the democracy system. If this participation explosion is not well managed, then it may threaten the democracy itself. At the same time there is no significant political education for our people or community.

The second problem is the aspiration collection problem. There are four effective aspiration collection groups, namely: 1) the legislative candidates or Parliamentary members who have adequate database on the election area, because we can know the problems and weaknesses with the database, 2) the people, as citizens in a sound political or democracy system can organize their interests through voluntary organizations. It is not possible for us to imagine public aspirations without the community as citizens who organize their interests through voluntary organizations, either the interests of farmers, fishermen, etc. Those organizations are

currently in fact co-opted by the elites, for example HKTI, which chairman is Let.Gen. (retired) Prabowo Subianto. Our politicians or political parties should actually make the public or community aware about the establishment of voluntary organizations. As such, the second effective aspiration collection pattern can be carried out with the FGD or similar type with these stakeholder groups, which can be separately or in combination, 3) cooperate with the university circles. The university circles can certainly identify the cause of the problems in each province or election area, 4) visit public figures, which are considered as key influential figures.



Political contract

With regard to the political contract in the legislative election context, and in view of our quite closed proportional election system, it is indeed difficult to have a political contract between the legislative candidate as individual and the groups or the community as citizens, because the relation between the legislative candidate and the constituents is bridged by the political party. Even if a political contract is made, then it is between the legislative candidate, the political party and the constituent, except in the Regional Head Election or Presidential Election context, where the relation is direct between the candidate and the constituents.

The resource person has made a research before on the aspiration. For example, in the Jepara District, which is the base of PPP, the local PPP branch management understands that one of the potentials of this area is wood carving in form of furniture etc. Therefore, the commitment of PPP is to struggle for the competition power of the local furniture industry at the provincial, national or international levels. Each area has potentials in general or natural resources in particular. The aspiration is certainly related to the need of economic resources or other resources management or utilization for the collective interests of the local community.



Securing the Community's Political Participation¹⁹³

When talking about securing the community's aspirations, it is closely related to the tasks of the Parliament members on the representation. There are two regimes that said that the state's role was not necessarily too big, and it should be given to the community so that it would increase their participation. However, there are also regimes that said that this assumption was justified when the community has been educated so that they would also understand their rights and obligations. On the other side, a developing country is not allowed to be provided with much higher participation, instead, the country must play more roles. These two thoughts must be considered. Based on the resource person's experience, more than three years in the RI Parliament, Indonesia seems to be in the middle. We have seen that some laws are open, but some are closed. It means that if we talk to the government partners, it seems that the community is given the opportunity to participate is only to carry out or to succeed the issues that have been determined by the government. So, the participation is not in the context of community involvement in many cases. Next, in the context of dynamics of the House, it is not too much difference. For example, in the Parliament meetings, it is stated in the Parliament Standing Order that the community is permitted to be present in every open meeting, but in practice, almost all meetings are closed.

The community participation in the Parliament is arranged in the discussion of Law, for example, in the Bill on the Parliamentary (RUU SUSDUK), there is an initiative to make it explicit, and in fact, the participation is not a new issue where it has been stated in the Standing Order of the Parliament. Therefore, the problem is the Members' understanding and paradigm by looking at the relation to the existing policies, including the Parliament members. The resource person's experience in the 2004 General Election, when he made the political contracts, particularly with the women community, where they demanded the improvement in the women quality to be fought for. And this political contract request is individual so that it does not require the political parties' approval, and it always relates to the moral issues.

193 Nursanita Nasution, SE, ME. (Key Resource person in FGD 4).

Other political contract, for example, was in the Presidential Election when the resource person's party supported SBY, and the Prosperous Justice Party (PKS) has made a political contract providing that the people's welfare must come first. Then, in the international politics where we do not agree with the presence of colonization, etc. These issues are normative, and as a matter of fact, they are stated in the Preamble of the 1945 Constitution.

In relation to a follow-up to the political contract, it is very difficult for the House members to immediately find solutions to all of the constituents' wishes. Most of the things can only be performed through the party's mechanism or assistance. Based on the resource person's experience during this time, the party is quite effective in solving the constituent's problems. Technically, coordinate with the Head of Regional Dakwah that arranges the meeting with the constituents and stakeholders, in other words, they go to the Regional Leaders Council (DPW), then to the Branch Leaders Council (DPC). Normally, they will be accompanied by the Regional Parliamentary members Council's (DPRD) members due to the fact that most of the problems can be solved at the regional level.

Therefore, if a meeting is conducted in a sub-district, it is endeavoured that head of village and head of sub-district are present. In a forum to secure the aspiration from the DKI, the activity in a village was started since year 2003 with a budget of Rp. 1 billion per village, and there was the PPMK, etc. Then during that time, the community soon complained to the head of village that they did not know about the availability of the budget. Based on the State Incomes and Expenditures Budget (APBN), we are able to find out the total of budget for a province, and then, there was also a DPRD member that mentioned the total of budget that was approved. It was an interesting issue where it went down to the head of village. Based on the information from the DPRD members, the DKI Jakarta is far more advanced in terms of administration and services, and for example, the Identification Card (KTP) is free of charge. This matter can be confirmed directly in the meeting with the constituents where the head of village or even head of sub-district is also present.

When comparing to other Parliament members, particularly when the resource person was still in the Commission IX, the resource person oftentimes has a discussion with Bapak Dradjad Wibowo. When Bapak Dradjad Wibowo was asked how did he secure the information?, he said

that “I have an intelligence forum,” or the banking intelligence. If there was a banking officer that is treated cruelly in his office, or he saw the misconduct, the banking officer would report it directly to him so that he could shout clearly. There are two important things: aspiration and accurate data. Such things would then be appreciated by the reporter and would be excellent in the media.

Based on some notes from the friends of other parties, it is stated that they do not want to use the mechanism of going down to the community for a period of 1 (one) month at the end of quarter due to tiring factor, and too much money that requested by the constituents. Nevertheless, to be the House member will require a high level of patience, and the skill to interpret the issues in the House due to the fact that we sometimes talk in the House language that not understood by the community. On the other hand, we must also formulate the community's messages before we can fight for them in the House.

Opinion 1¹⁹⁴

Some points that can help to direct this afternoon's discussion. The resource person agrees with the analysis on the community that able to submit their aspirations through the political party and interest group. However, the interest group has the elite that directing it, which is not in the democratic process. Therefore, it is difficult for the political party to secure the aspirations through the concerned interest group because there would be a contract between the political party elite and interest group elite in the future.

Concerning the open or closed meeting, it is not related to the participation, but it represents more on the transparency.

The individual political contract between the citizens and the Parliament in the parliamentary or presidential system should be made through the political party. There is a different opinion in terms of contract between the citizens and political party, for example, the political party provides an opportunity to the citizens, not the opposite side. Whereas, the political contract has been taking place for five years to strive for the people in the Parliament forum. It is simple, but what have been done by the parliamentary members or the Parliament forum is much closed for the

194 Frank Feulner, Ph. D (Resource person in FGD 4, as the consultant of PROPER-UNDP).

citizens. It is very common that the political party fights for the community's aspirations, but their method is unclear, and it should be different. The citizen's option in differentiating the political party's objective, method, and target is very little. This purpose of this afternoon's discussion is to explain to the community the options and methods in fighting for the aspirations. One of the methods is through the campaign.

As being explained by the key resource person earlier, the parliamentary member have to meet directly with their the community. It is a strange picture, why he/she must go to meet them, whereas, he/she must live among the people. It is not the Prosperous Justice Party's (PKS) or the parliamentary members's problem.

Opinion 2¹⁹⁵

Concerning the securing of aspirations of the people that lives in remote area from the ordinary citizens who does not have not have a clear orientation. It is caused more by the inheritance from the dictatorial system in the New Order era where there were 'depolitisasi' and 'deparpolisasi' (antonym of 'politicization' and 'politicization of the party'). Looking back at the 10 years of reformation era, if 'depolitisasi' and 'deparpolisasi' during the New Order were caused by the regime, but now they are caused by the political party elites. Based on various surveys, the level of trust towards the political parties and politicians is very low. As a matter of fact, many people that do not want to participate in the Regional Head Election (Pilkada). It means that in the reformation era, there is an intention to sustain what have once occurred in the New Order era. It is considered as a very serious problem.

Then, the constituent means the party's constituent or the constituent of people at large. During this time, I see that the House members go back to the region during the recess only to meet their party. They grapple in one circle only, whereas, the pubic officials are paid by the state. We also witness that the number of floating mass is higher compared to a certain political party's members. In this context and based on the survey result of the Reform Institute, the community does not know about the Parliament member and what he/she has done. It is one of the matters that need to be considered since the aspiration network is the whole society, not only the political party's members.

195 AM. Furqon (Resource person in FGD 4, as the expert of PAN Political party groups).

Opinion 3¹⁹⁶

The analysis on the internal parliament process and mechanism is accurate enough, and it has the implication for this discussion to a certain degree. The resource person's presentation criticizes the proportional system that still maintained although it causes many negative effects. Since in the Focus Group Discussion (FDG) I. we have tried to apply a strategy to diminish negative effects of this choice system. Does the community securing model have the implication for the policy makers at the fraction level? Then, how far can the interest group access the correlation between the securing model in the community and the policy makers at the parliamentary party groups level. Can we place it at the Parliamentary (Susduk) or Standing Order (TATIB) level, or can we just trust the regulation at the fraction? Is it still possible for such regulations in the current political context and track? Since in the beginning, we have listed that the choice of this system does not have direct relation between the constituents and parliamentary members that must be bridged by the political parties. From point of academic theory view, are there tips to apply the strategy in this case? Where should such tips be placed, or in this case, its regulation?

Opinion 4¹⁹⁷

Immediately before the general election, we witness the decrease and increase in the marketing of political parties, or the institution like the Parliament. Unfortunately, immediately before year 2009, the performance or opinion that appears in the media is negative. The opinion that built by the Parliament is too good so that the pragmatism comes out from the community that causes the political contract that requested is pragmatic. During the General Election in year 2004, we saw many legislative candidates (Caleg) that made political contracts that ended uncertainly. Then, the community made the political contract as the personal law. This problem was caused by wrong perception.

Such critics have become not only the fraction's burden, but also the Parliament where it is reasonable if the Parliament makes a mistake it will be highlighted, but if the Parliament succeeds in finishing the Law, there is no clear announcement about it. This is a public relations

196 Audy Wuisang (Resource person in FGD 4, as the expert of PDS Political party groups)..

197 Handoyo (Resource person in FGD 4, as the expert of PAN Political party groups).

problem so that the people feels it appropriate and believes that the aspiration delivered will be fought for in order to be balance. Therefore, if there is a self improvement process, then this aspiration problem will be reasonable. In the narrow scope, it is also wrong in the case where the Prosperous Justice Party Parliamentary party groups (FPKS) of DKI DPRD once claimed something that was not appropriate to be claimed. There was once the banner on the success in the honorarium increases. It was protested because it has become the policy, then it became the DPRD or state policy that could not automatically be claimed by a certain political party.

Opinion 5¹⁹⁸

The phenomena of 'depolitisasi' and 'deparpolisasi' are still felt by us until now. It also strengthens the friends' statement that at present time there is a political phobia phenomenon. Therefore, why the mass media does not side with the politicians since not all politicians that are bad.

The bad performance would cause higher level of society's pragmatism. The political parties are not capable of following the system so that it is quite difficult. When the resource person assisted the Commission II in the case of area expansion, the Parliament was quite productive in the case of area expansion, while other Laws, for example, the Law on Military Court that has been in the process for three years could not be finished. There was an area that has just been expanded, then it was expanded again. The political party and Parliament systems are not conducive yet because they cannot define the community's aspiration although there are also successes, such as in the case of the harbor.

Opinion 6¹⁹⁹

This country is full of intelligent people, but why the country does not provide a place for the nation's best cadres. And, there is always a political party that does not give its cadres optimally where the best cadres might be placed in the party, but not in the House. It will eventually create a policy that sometimes is contradictory so that the legislative product is not applicable in the community.

198 M. Fathullah (Resource person in FGD 4, as the expert of PPP Political party groups).

199 Virgiani Rahayu (Resource person in FGD 4, as the expert of PG Political party groups).

Concerning the previous, earlier, and earliest government, there was a government era in the period of 30 years that has the foreign exchange rate of US\$1 was equal to Rp. 2.300,-. What is the value of our currency at present time? It is the evidence that causes us to have difficulty with such low exchange rate, which really cuts our vital organ in every aspect of our lives.

Is there an aspiration house because it seems necessary to include it in the Law to be managed by the political parties so that it will not waste the time, such as the Public Hearings (RDPU) that still line up for a period of one year?

Concerning the parliamentary party groups' policy, it is also necessary to utilize the experts in the Parliament due to the fact that sometimes there is incomplete information. It needs the support for the acceleration of the aspiration house. Later on, the think tank of the experts would give suggestions to the Parliament members from the concerned parliamentary party groups. The aspiration house must be included in the political Law, otherwise it will be difficult to impose sanction to the political parties.



Forum Dynamics: Clarification and Discussion



The Key Resource Person's Clarification²⁰⁰

The Community's Distorted Aspiration

There are three issues that come up: we have similar perception about this nation. Sometimes, our thoughts overlap or cancel each other. Nevertheless, our nation development in the political and economic fields can be connected to the nation's reality. The democratic thesis can be seen in the economic and educational development. It is very basic, and we must admit that besides criticizing the politicians and House members,

200 Syamsuddin Haris (Key Resource person in FGD 4).

we also have to understand the objective condition of our nation. The economic and educational under-development factor, which there are still many people that only elementary school graduates, determines the democratic quality or the government quality at present time. Therefore, although we are disappointed with the political parties, politicians, and the Parliament, there is a condition that causes this transition to be a long process or in a staggered progress although there are some experts that said we have already entered the consolidation stage, whereas, the transition is still staggering.

If we still blame the politicians, political parties, or legislative body, it is more on the minimum ethical responsibility to make changes for the better. The meaning of ethical responsibility, for example, is to make the Law without having to receive bribes so that it has fulfilled the demand of public aspiration. Therefore, it is not necessary to go down to the constituents because it just wastes the time since its substance is not there. The substance for a small matter is to make a good Law on Bank of Indonesia for our nation without receiving bribes. It surely fulfills the public aspiration in the concerned field. So, it should not be like the previous example given by the key resource person where if there is anyone who asks for the money, then he will be given money. Such condition is not educated, and it also humiliates our own nation. In this context, it seems that the aspiration is distorted or narrowed, which means we enjoy and seize the public aspiration. If we do such a thing, it means we enjoy the situation of public inability. So, we are as the elite in the House, UNDP, the Indonesian Institute of Sciences (LIPI), or the expert must be responsible for it and to minimize it. Therefore, if it is related to the parliament or political party, our political parties do not have a genuine proposal on how to organize this nation better.

When the government announced the steps in eradicating corruption in the beginning of year 2005, there was no reaction to it from the political parties. What does it mean? It means that our political parties do not have the ideology on how to eradicate corruption well, and they also do not have the agenda for it. So, what is reformation? The reformation is possessed by the friends of campus activists, NGO, or the academicians that manipulated by our political elites to enter Senayan, Presidential Palace, etc. Are we then pessimistic? Not really. In some cases, such as our general election is better compared to the Philippines', and our political party is much better compared to the Philippines' and Thailand's. Another

thing that makes us optimistic is that the communal conflict, in Sambas, Poso, or Ambon, is not triggered by the difference in political opinion, but is caused more by the economic gap or economic isolation. What does it mean? It means that there are potencies for the democracy, plurality, and differences.

There is also other optimistic aspect, for example, if we look at the founders that made the political party as a place to serve, such as Bung Hatta, M. Natsir, etc., who were generally poor. Bung Hatta could afford to pay the electricity bills for his house. In the past, people joined the party to serve the people, but now, they join the party to be served by the people. It is all right if they take their rights, but not to take those that are not theirs.

'Depolitisasi' and 'deparpolisasi' of post-Soeharto

Did the 'depolitisasi' and 'deparpolisasi' only happen in Suharto era, which not certainly caused by the political party situation as described above? At present time, the condition is almost similar although it is not caused by the state. Such condition is caused by the absence of political education, the political parties now enjoy the floating community situation so that they are easily fooled or tantalized with the promises

If our community has possessed good political awareness, they will not be easily fooled or tantalized. We must also have common perception, and do not ever think that money can make everything is possible. The community has now improved their political awareness, but they are oftentimes manipulated by many elite's interests. The opportunity of manipulation will increase if the political parties do not conduct the political education.

The public interest aspiration

Concerning the public aspiration, the context of securing aspiration is actually the constituents' aspiration, not in a narrow scope, but in the scope of public interest. The public interest aspiration in the context of RI parliament does not mean to go to remote places and to go down to visit the constituents. The aspiration can be captured through a number of communication and information channels, such as mass and electronic media.

Then, in order to minimize the distortion that caused by the incompatible system is required the institutional reengineering that consists of various forms. The electoral threshold that has been changed to the parliamentary threshold is one the institutional reengineering examples in order to make the presidential system is compatible with the multi-party system. In this context, if the general election system is proportional, and at the same time, it makes the political contract, what kind of reengineering that will be required. Or, in the context of proportional general election, what kind of constituent mechanism that will be required to submit their interest. The matters that still related to the mechanism of participation or securing the aspiration can be included in the law on the General Election or other Laws, such the Law on the Regional Government for the legislative context. But, if it is in the context of commitment or responsibility, it will be included in the Code of Ethics. The resource person considers that the Parliament Members' Code of Ethics includes the House members' real commitment, and it also represents the public interest.

What kind of mechanism that used to assess the things that have been done by the House representing the public interest? It will surely be a part of the abovementioned code of ethics context. And, our community is not like what is imagined where their pragmatic attitude has been institutionalized. It is not completely true since the pragmatism in the community is more a by-product of the elites.

The political contract

Concerning the political contract, it is difficult now to realize it without involving the political parties since the individual commitment is almost impossible to be fulfilled. It is due to the fact that the legislative body's work is not individual work, but collective work, except for the general issues, but it will cause many interpretations since they are general.

Concerning the relations between the political party and the constituents, our research shows that the relations have just started immediately before the General Election, except for the Prosperous Justice Party (PKS) since it consists of the groups. However, the PKS faces with the dilemma where it sometimes narrows its constituents, so it is limited to the PKS's constituents, whereas, it should not only be limited to the PKS's constituents, but it should also include the community in an area

that really represents its interest through the political party. How does it happen? It is due to the fact that our general election system in every area is not one and only (single), but it is a multi-member system because there are many political parties. Therefore, the aspiration is pluralistic, not only for one certain political segment.

The Key Resource Person's Clarification²⁰¹

First, the democratic transition that has taken place is good and it is on the track. Then the Parliament plays a big role in encouraging the achievement of democracy as we wish. Second is the political party.

We face the problem where there are not so many visionary leaders that have ideas for the future. Moreover, in some of our discussion with our partners in the Commission, we often asked about what are the things that included in the strategic industry, and it turns out that the question could not be answered by the Minister.

The resource person gives an opinion that the concerned constituents are surely in the context of the party supporting constituents. The resource person's experience in post-General Election year 2004, and being elected as the Parliament member was that he received the critics from the community –'golput' (non-voters group)– that considered he has no right to be heard, however, he responded that the taxes he paid were used to pay the salaries of the Parliament members. Another example was during the time we were helping the victims of fire where the constituent from other party came and asked us to strive for his aspiration. We surely received his aspiration and submitted it to the DPRD.

The internet is the media that is able to reach widely, and we have a website that collects the aspirations and inputs from the community. The problem is the method that can be used by the community to control or monitor whether their aspirations are fought for or not.

201 Nursanita Nasution, SE, ME. (Key Resource person in FGD 4).



Securing the aspirations through face to face media

The resource person has an experience when writing critics on the price increases of cooking oil, flour, etc. where the community responded that we only talk due to the fact that the prices have never gone down, and how did we know? In fact, the community still needs or has to meet the House members in person. Sometime ago, the resource person went down to a place where its community was very enthusiastic, and they revealed that they were very happy to be visited considering that there was none of House members has ever come to visit them within a period of 30 years, and they promised to continue voting in the future.

As a note, besides accessing the internet, each House member should also prepare an annual report, which takes the form of informative book that can be distributed to the community.



Securing the People's Aspiration in a Binding Law

How can the community's aspiration can be channelled in the microscope? The best opportunity is in the Bill on the Parliamentary (RUU SUSDUK). As one of Chairmen in the Special Committee (Pansus), the resource person mentioned that the issues, which related to the Standing Order, will be included in the Parliamentary(Susduk), such as inquiry right, interpellation right, and the Secretary General.

In relation to the DPRD is also interesting. Concerning the issues that related to the Parliament or DPRD, some DPRD members submitted to us the issues that related to their intensity of meetings with the community, and the House members that very seldom go down to each of their constituent areas. During this time, there is no distribution of money in the meeting with the constituents. The budget is disbursed for conducting an event, such as place rental and event preparation.

In relation to the aspiration house, I also have a thought whether the aspiration house will be effective if it is provided for all of House members. The issue is that from the political party point of view, the current structure has the requirements, such as to provide money for the secretariat's sign

post or flag before being elected as the candidate. It should also become the aspiration house providing that each political party has it so that the community can come to visit the political party.

If it is compared to the United States of America, its democracy has been taking place for a long time, and it acquires significant supports from its country. For example, each House of Representative has a total of 10 experts, each of which with a doctorate degree, in the Capitol House in addition to another 10 experts in his election area that paid by the state. However, the abovementioned statement of the Resource person from LIPI should be underlined where it is said that we have a multi-party system, or it has many seats. In order to be effective, the aspiration house should be used by all political parties in a constituent area.

The resource person agrees with the analysis on the conflict that occurred in Ambon, for example, which not caused by the political party problem or the difference in political opinion, but it was triggered by the economic gap. It gives a signal that it will not cause a problem if the aspiration house is used by several political parties.

Response²⁰²

The resource person starts the discussion from an unclear definition of aspiration. In many regulations, including in the Standing Order (Tatib) and Law on the Parliamentary (UU Susduk), the roles and functions are static, and there is no detailed definition. The Indonesia's situation and condition on this issue is complex although the resource person has been learning the Indonesian political system for a period of 18 years and living in Indonesia for eight years.

The aspiration is an old statement and it is oriented to the New Order. The discussion of issue is focused on the interest. The parliament is an interest forum, and the political party should decide which interest that will be fought for, and to make it compatible with the political party's agenda. If there is no agenda, then there must be a problem in the political party. As it was mentioned previously, it is every party's homework to define different agendas so that the community has the option to choose the method in providing support and in acquiring the trust for a period of five years in monitoring the results.

202 Frank Feulner, Ph. D (Resource person in FGD 4, as the consultant of PROPER-UNDP).

In relation to the aspiration, there is no a good or bad aspiration since it does not contain the value. And, it is also true with the interest. It can only be implemented through a dialogue and the Central Leaders Council's (DPP) decision in terms of choosing or making priority for the interests to be fought for as the first priority, second priority, etc.

Then, in relation to the aspiration house that will be introduced in an area, it is unclear whether there is a benefit for the members of political party, or it is just used as an organized civil society discussion forum. Other country, such as the United States of America has the representative office for the members that sit in the central as well as the regional parliament. If Indonesia wants to try a new concept, it does not have the experience or best practices from other countries so that it is worried that the action might not be proper. It is also true for the plan in the future where there will be no revision for the Law within the next five or ten more years.

The Regional Leaders Council (DPD) has now branches in the region. But, there is a problem where the community does not want to meet with the staff in the region since they want to see the House member. If all representatives are placed in one office, then it is required a work room or private room for the House members, which will be used for discussing sensitive issues. In the next five or ten years, there must be the political party's agenda, which consists of several kinds, unlike this year's situation. The reason that there is no a representative office for all House members –in one constituent area-, but each one has their own office is due to the fact that every House member is provided with the allowances, and the funds can be used to make the representative office in the area.

Response²⁰³

The aspiration house is a place that represents its political party. There should be separate representative offices due to the fact that each political party has different agenda in line with its ideology. In this context, the aspiration house is established in each branch office or in a room of the Parliament office, for example, a certain parliamentary party groups has a room where the community can meet the House members. In brief, it functions as a meeting facility between the constituents and the House members.

203 Virgiani Rahayu (Resource person in FGD 4)

Another thing, the voters in Indonesia are not as intelligent as those in the United States of America or Germany. There is the thought and expectation in the community where they feel proud when coming to the Parliament, and especially if they can meet the House member. We cannot fulfill every demand of those unintelligent voters because it will hamper the House member's performance. As a matter of fact, twenty-four hours a day is not enough for the House members due to their high level of activities. If the opportunity is given to the community to meet the House members, then how about the meetings? It might eventually affect the quality of meetings that become the main task of the House member. We should utilize the available resources to secure the aspirations in the aspiration house.

Response²⁰⁴

In relation to the supporting system, the illustrations on it have been provided by the Secretary General to the House members, particularly those that related to the community's aspirations. As it has been described, in the period of year 2004-2009, the presence of experts has been greatly assisted the Parliament. Starting this year, we have recruited the experts according the determined system. The resource person feels proud because there is an assessment, and those matters are discussed, namely, a recruitment system that has not been fully effective yet. It will be the base for the following year, but it requires some improvements in order to be more optimal.

In relation to the securing of community aspirations, it is still required to use face to face method. We have facilitated a number of opportunities for the meeting between the community and the House members, including the visits to the community through the commission's recess, cross-commission's recess, and individual recess, which have been provided with the community absorption funds. In the beginning, we were disturbed by the accountability of recess funds system. And, since the constituent area consists of several political parties, there is also a joint work visit to the constituent area. In such case, there are many facilities that have been prepared and provided to the House members in order to meet their constituents whether as the House members or as the House supplementary tools. The results of such visit should be optimized.

204 Nining Indra Shaleh (Resource person in FGD 4, Secretary General of Parliament)

Then, there is also another problem. There are thousands of letters that sent by the community, and there is the community complaint letter bureau that processes them. Most of the problems are related to the land problem and followed by labor problem. Then, the analysis is submitted to the chairman in order to direct the House supplementary tool in line with the procedures in the Standing Order. However, when the analysis is submitted to the House supplementary tool and the Commissions, the problem is how to use such information. It seems that it has not been effective yet, but since the Commission now is equipped with the experts, it can be used as the effective material when they have a meeting with their work partners. We will inform the results of this meeting to the community although the mechanism is not effective yet.

Next, there are still many complaints in relation to the internet. So, it must be improved further. At present time, we only have a-7 MB capacity that used by more than 1,000 computers. The target is to increase the capacity up to 15 MB. Looking at the IT system in the future, we do not have to buy more PCs and laptops, but through leasing system considering rapid information technology development, which can be in count of month. Thus, the results of Special Committee's, Commission's and Plenary's meeting can be accessed immediately.

Response²⁰⁵

The resource person is oftentimes requested by the House members to conduct research in the Law on the General Election. However, its resources, such as books, minutes, or transcripts are not available in the library, and they cannot be accessed immediately. And there are not too many reference sources about research on the People's Consultative Assembly (MPR) in the library.

Response²⁰⁶

The minutes are considered as important meeting documents so that more advanced technology should have been applied. Other countries' parliaments have used the voice technology where the voice of the House member in the meeting is imitated by the voice writer and the machine type it automatically so that the minutes will be ready as soon as the

205 AM. Furqon (Resource person in FGD 4, as the expert of PAN Political party groups)

206 Nining Indra Shaleh (Resource person in FGD 4, Secretary General of Parliament)

meeting is over. At present time, there is a total of 40 minute staff that must handle meetings that spread in many different places. And, the overtime work is required in some discussions on the Bills. Some minutes of the Bill meetings that have finished will be compiled in a book. In year 2006, there is a total of 50 books that have been printed. At present, there is a total of 80 Bills that being discussed, whereas, the minutes staff only totalled to 40 persons. In general, the Bill that has been approved in the plenary is finished although sometimes, there are some articles that must be synchronized again. The government is responsible for socializing the approved Bill to be the Law so that its budget is no longer in the Secretary General.

The key resource person's clarification ²⁰⁷

This is the confirmation for Frank where the making of Law does not require consultations with the public. He has misunderstood where it is meant is without a bribe. The securing of aspirations through visits is considered good enough. The question is how far is its effectiveness? What is the standard? The main task is after the amendment, and the House member's task is to establish a Law (legislation). So far, is there a Law product that based on securing aspirations? If so, it is very good

The House member's does not work in the parliamentary party groups, but in the Commission. It means that securing aspirations cooperatively or jointly might be effective compared to implement it individually. The work period of House member will end soon, can it be counted the total of Law initiatives in the Parliament that come from the aspirations? If not, this matter is related to the National Legislative Program (Prolegnas), and we only waste the money.

The key resource person's clarification ²⁰⁸

The system or mechanism of the community involvement in securing the aspirations is available, but it is considered as being too slow. It is not necessary to talk further about the letter where the existing Public

207 Syamsuddin Haris (Key Resource person in FGD 4).

208 Nursanita Nasution, SE, ME. (Key Resource person in FGD 4).

Hearings (RDPU) is not optimal yet. The Regional Representative Council (DPD) even asks how far the aspirations that they have submitted to be fought for. It is true that the Commission should be more optimal, but in practice, it still becomes a problem although there are several Commission expert staff, but they provide more services to the chairmen compared to the House members. The problem is that many internal meetings that related to the Commission are read or recapped, and later on, we can see its relation with the discussed Bills. Whether an aspiration can be fought for or not is still a problem that found most in the closed meetings. I think this matter should be open so that it can be accessed easily by the community. The answer lies in the Parliamentary(Susduk).

Recommendations on the Results of FGD 4

The Securing of Community's Aspirations and Its Influence on the Parliamentary party groups' Policy

1. It is required the awareness for the community and political elites so that they can place the people as citizens that have the rights, obligations, orientations, and objectives, not only as the mass.
2. It is required good political education to the community, particularly in relation to the House member's tasks, obligations, and performances.
3. Alternative concept of community's participation:
 - a. The community's participation is direct involvement of the stakeholders/community in the decision making process, implementation, and evaluation/monitoring.
 - b. The community's participation is people's involvement as citizens, not as the "mass" in the public policy making process, either directly or indirectly through the participation facilities, such as political party, general election, mass media, and interest groups.
4. It is necessary for the political party to make the community aware through the establishment of voluntary organization that is not driven by the political elite's interest.

5. The implementation of securing the people's aspirations should be supported by sufficient budget.
6. It is necessary to encourage the Parliament Members to utilize the database in the region in order to know exactly the problems that faced by the region, and at the same time, as local supporting effort.
7. It is required the community's aspirations securing model that easily accessed by the community, especially the interest groups.
8. It is required the regulation on the mechanism for submitting the community's aspirations that can be included in the Law or Regional Regulation.
9. Considering that individual vision-mission and legislative candidate program are difficult to be realized without the party's support, then the political contract for the legislative candidate is only possible to be implemented by involving the political party at each managerial level.
10. It is required the procedures in making the political contract by considering, among others, the following:
 - a. It is implemented with the representatives of significant interest groups in a region/constituent area, and not individually;
 - b. The material of political contract is not general, nor too much in details;
 - c. It is implemented by involving the leaders that considered as the influential witness; and
 - d. The material of political contract must be realistic to be achieved within a period of maximum five years (one period of government).



FGD 5²⁰⁹

The Parliamentary Party Groups Role in Making Public Aspiration to Become its Supports Basis

Main issue in discussion: the representative principle technically, among others, is fulfilled by making the community's aspiration (wish) as something to be fought for, and as a basis of the Parliament member's taking side. The parliamentary party groups' role as the political party's identity is very important in encouraging and fighting for the issue.

The main issue in discussion is related to the Political party group' role in absorbing the aspirations, and how far the community's aspirations can be the basis of taking side in decision making in the Parliament: I) The issues that become the indicator the community's aspirations are represented, ii) The formulation on how ideal the Parliamentary party groups and political parties' role of securing, managing, and fighting for their constituent's aspirations, iii) The obstacles that faced by the Members of Parliament and constituents/community in equalizing the perception on a problem or certain issues, and make them as the basis of cooperative struggle between the Members of Parliament, parliamentary party groups/its political party and the constituents/community that being represented. Besides that, how the constituent's or community's initiative influences the aspiration securing process, iv) The description of the Members of Parliament's experience about its parliamentary party groups internal mechanism in securing, managing, and making the constituent's aspiration as the discussion material in the Parliament meetings, and to fight for the community's aspirations through their three main functions, v) The description of the Members of Parliament's experience about the report standard of the MPs' to their parliamentary party groups on the result of public hearings, recess visit, and work visit to the constituents/community, vi) The description of the Members of Parliament's experience about how to submit and explain a problem, the parliamentary party groups/political parties' decision and policy that considered important or having direct impact upon the constituents/community that represented; vii) The preparation of recommendations on the constituents' aspirations securing organization/institution model that more binding for the parliamentary party groups/political party.

209 FGD 5 was conducted in the Special Committee Room, Parliament. Thursday, 21 August 2008.



Forum Dynamics: Discussion of Introduction



The Principles of Representation in the Indonesian Parliament²¹⁰

The meaning of representation:

- In a domesticated meaning: the meaning of representation is too simple and limited to receive the community's complaints.
- In a broad meaning: the representation is the mainstreaming of democratic institutions' work that aimed to legitimate the legislative members to represent the groups/constituents that being represented.
- In its implementation, not all of Members of Parliament fight for the representation that being represented. For example, many of the Women Members of Parliament do not have appropriate capacity to fight for the women representation in the Commission.

The resource person has an opinion that the implementation of democracy that has been taking place for the last ten years, particularly in the RI Parliament, is the democracy without representation. One of the reasons is the weaknesses in the representation process in Indonesia, as follows:

- The process of legislative candidate takes place in the parliamentary party groups so that it is unclear concerning which group that is represented by the concerned individual.
- The Members of Parliament's performance audit is not the community's concern, such as the NGO.

Based on the resource person's experience, it should be made a list of reference about what must be done and what have been achieved in order to measure the individual performance of the Members of Parliament.

210 Eva Kusuma Sundari, MA., MDE. (Key Resource person in FGD 5, as the Team Member of Special Committee in the RUU Susduk/Team Member of Parliament/FDDIP Performance Enhancement).

The resource person's experience in the Indonesian Democratic Party of Struggle (PDIP), each legislative candidate has possessed the portfolio so that it clearly indicates the issues that will be brought up by each legislative candidate.



The Implementation Constraint of the Roles of Representation in Indonesia

The existing legislative regulations do not well internalize the representation issue. The 1945 Constitution and Law on Parliamentary (Susduk) does not accommodate the representative function due to the fact that the 1945 Constitution and Law on Parliamentary (Susduk) only states three functions of the Parliament, namely, legislation, budgeting, and supervision, whereas, the Parliament main function is to implement the representative principles in addition to legislative function and supervisory function, including the supervision of the State Incomes and Expenditures Budget (APBN).

In solving the aforementioned problem, it is supplemented in the Bill on Parliamentary (Susduk) the formulation that states the Parliament main function is the representation that interpreted into three functions, namely, legislation, budgeting, and supervision. Furthermore, the representative function should be reflected in the three functions of the Parliament, therefore, in the discussion of the State Incomes and Expenditures Budget (APBN) in the Parliament, it should really represent the community's interest. During this time, the Members of Parliaments do not optimize well the representation issue.

In the future, it is expected that Law on Parliamentary (UU Susduk) will bring up the representation issue in all institutions. In addition to that, it is necessary to explicitly regulate the definition/meaning of the parliamentary party groups, and the mechanism of parliamentary party groups establishment. Meanwhile, in the Standing Order there are two institutions with the objective to optimize the representative issue in the Parliament, as follows: 1) The institution that has a task to follow up the State Audit Board's (BPK) reports, 2) The institution to conduct their own investigation.



The Effort in Improving and Optimizing The Representation Issue

It is required support from the Secretary General in the form of a reliable supporting system that not only limited to the administrative staff, but also to prepare the policy papers that related to the House's tasks.

Developing the aspiration house (Rumah Aspirasi) in the region is also an effort to improve the representative function.

In relation to the parliamentary party groups' authority, the institutional issue of the parliamentary party groups becomes very important so that it is necessary to prepare the parliamentary party groups' working standard that explicitly and clearly must be fulfilled by parliamentary party groups' members.

It is also important for the improvement of the Secretary General of Parliament bureaucracy through the establishment of more flexible standard operational procedures for the community in order to get the permission for acquiring data or information on the Parliament so that it will be more responsive toward the community's initiative that wants to submit their aspirations to the Members of Parliaments.

The political accountability represents break down of the party, therefore, the political accountability is individual so that each Members of Parliament should have the basis of the constituents that is represented through the governance of normative issues and problems that faced by the constituents.

One of the reasons that the representative function does not work is the disobedience of the procedures that available for the parliamentary party groups members. In solving this issue, it is required the advocacy to express the constituent's aspirations. Considering that the representative function does not work well yet, in practice, the interest groups submit their aspirations to all parliamentary party groups without considering whether the parliamentary party groups has the mandate or ideology that in line with the aspiration to be submitted. In relation to this issue, it is required that each parliamentary party groups should have a complaint division.



The Parliamentary party groups' Role in the Parliament

In the level of practice, the parliamentary party groups has not yet reflected the ideology that it carries out, and it represents the output of the political system that has been developed since a long time ago so that many parliamentary party groups that have "grey" ideology, and furthermore, many of the parliamentary party groups' members that emphasize more on their rights than their obligations. Ideally, the parliamentary party groups should be the think tank for the Members of Parliament by formulating, among others: I) the tasks and obligations of each parliamentary party groups' member explicitly and clearly; 2) the recruitment system and iii) the development of the member's performance monitoring system.



The Dynamics of Parliament Meetings

It is difficult for the Parliament meetings to reach the quorum, and for a while, it is used the tactics of arranging the total of parliamentary party groups' members to minimum four times the total of the House supplementary tool. Although it is realized that this formula is not appropriate based on the total of supplementary instruments, it is expected to find the appropriate and sufficient formula naturally in the future.

One of the efforts in optimizing the taking side of parliamentary party groups' member toward the community's aspirations is through the arrangement of an open Parliament session (in the Law on Composition and Status). It is also aimed at creating the transparency and at the same time, the learning of the member's ethics without eliminating the possibility of closed meetings that limited to certain issues, such as the intelligent or witness issues that must be protected.

Nevertheless, the amendment of Law on Parliamentary should be followed by the cultural change of the parliamentary party groups' members. Therefore, it is required the characteristic and institutional development. The political party system, which is not well and modern yet, has caused the parliamentary party groups is powerful although it

is admitted that the parliamentary party groups is not efficient, but it is effective in handling an on-going discussion in the meetings.

The Parliamentary Party Groups' Role and Position in the Indonesian House of Representative (DPR) ²¹¹

The resource person has an opinion that parliamentary party groups is the source of problem as well as the place to solve the problem due to the fact that parliamentary party groups is really the most powerful in the Indonesian House of Representative. Without the parliamentary party groups, the Indonesian House of Representative does not exist. So, if there is a problem in the Indonesian House of Representative, it must come from the parliamentary party groups, and they must resolve it because they have the capacity and power. The chairman of Parliament is elected by the parliamentary party groups so that the real power is in the parliamentary party groups. The Parliament is driven and controlled by the parliamentary party groups. Therefore, in overall we know that Parliament tends to be a conspiratorial institution, not a representative institution. It is the place where the highest conspiracy is done in this country. We have seen many evidences, and it can be quoted later on.

The Political Dishonesty (read: Conspiracy) in The Parliament

The Indonesian House of Representative did not exist in the Majapahit age. It was created after the colonial era since year 1918. Therefore, it is an imported and modern product, but it is filled with "traditional" contents. The problem is the mismatch between the journey of the state institution and the things that must be done by the concerned institution. There is a distance between what is prevailing and what must be done because what is prevailing is picked up from Majapahit age, and what must be done is brought in from abroad, or being imported from America, Europe, etc. So, the gap is caused by the inappropriate characteristics. We do not think rationally in managing a rational organization, and not cooperate rationally in order to achieve rational goals. The state is a rational entity,

211 Arbi Sanit (Key Resource person in FGD 5, as the political expert from University of Indonesia)

and the Parliament as the state's element should also be rational. If the state and Parliament are not rational, then the emotional battle that originated from the history will not be won, and there will never be a change. The state is supposed to solve the unsolved problems. We have a weakness where we implement something new with an old method. Therefore the resource person considers that the Parliament or parliamentary party groups is the root of political dishonesty. Of course, not all of them are dishonest, but too many of them that get involved in the dishonesty.

The political dishonesty comes from the bargaining and consensus process, which supposed to be aimed at representing the people. So, the objective of negotiation or bargain is to improve the condition of people. But, the output is the conspiracy that is only beneficial for the people that debate through a bargain. So, there is a slight difference. Who gets the benefit from the parliamentary party groups process in the Parliament? If the people get it, it is a consensus. But, if only the Parliament member, the parliamentary party groups, or the party that gets it, then it is a conspiracy. It is the tendency that still exists until now. The inspiration to reach this conspiracy can be found in the *God Father II* film where there is a statement by the actor that there is no difference between politics and crime, they are the same. In fact, there is a similarity.

The tendency of the misuse of power happens in the political and criminal worlds. Then, it is hiding from each other, or keeping secret of many things to cover it. For example, most of sessions are closed or become confidential. It is exactly like the mafia game. Actually, there is nothing is closed in the Parliament; all should be open in order to differentiate it from the mafia. Next, about the cruel budget where 70% of the budget are used to finance the apparatus, and only 30% for the people that amounted to hundreds of million. Is it cruel or not? Look at the naked man after the election of Regency Head, which caused by the political cruelty. The failure of legislative candidate of DPRD in Semarang in year 2004 has caused his death by committing suicide. Once again, there is a political world face that is the same with the criminal world face although they are not completely the same.

The conspiracy has really happened in our Parliament. For example, in the formulation of Law on the General Election where it has been made the regulation on the Electoral Threshold (ET) that totaled to 2.5 (two and half) percent, which then protested by the smaller parties so that it has

caused a conspiracy between the bigger parties and the smaller ones, the benefits of which are not for the people. If the Law is for the people, the Electoral Threshold (ET) will not be increased to 7 (seven) percent. Recently, there is also a new conspiracy where the parties that not participate in the general election did not come to the Constitutional Court (MK), but to the High Court of State's Affairs (PTUN) and threatened the General Elections Commission (KPU). Because the KPU was established by a conspiracy, it did not have courage to fight against small parties' demonstration. Whereas, the KPU could appeal to a higher court due to the fact that the lawsuit has passed the registration period of the political party. So, the political game is fought back with the political game. Anyone in this country should understand the conspiracy, otherwise he/she will be a victim. The KPU that does not understand anything has been victimized by the smaller parties.



Open Competition: Diminishing the Political 'Dishonesty' in the Parliament

Maybe, we should go backward on what to do in order for the parliamentary party groups is not trapped continuously so that the constituents do not get sufficient benefits from their presence. It is the competition issue, and if the competition is carried out openly, then it will cause the argumentation and revelation of facts, therefore, the conspiracy cannot take place. In an open condition, the press will know it and the community will understand it. Then, there will be a real argumentation, data competition, and full competition. In such case, the system must be liberal, and it cannot use the kinship, cooperative and amicable discussion principles. Nowadays, we are trapped by the traditions, which represent the authoritarian product, where the people are pushed on the tradition so that the elites can play freely on the top of it. However, we are clearly different, why should be trapped continuously where there should be an improvement or reform.

With the existence of competition, each member competes to talk, to think, and to fight for what is best for the people. The parliamentary party groups also compete to do the same thing. However, the cooperative condition will cause an uneasy feeling, for example, if a senior is speaking. In addition to the competition, there are institutions that basically obey

the agreed rule, which is a not personal, but impersonal relation in the institution. There are procedures and on time. The personal relation will disturb the institution because the procedures will be compromised. So, the procedures must be made explicitly and clearly. For example, to choose the meeting places, for example the hotel, without using the facilities that available in the Parliament. How to serve the people if the Parliament building is used to make a dishonest act.



The Democratic Consolidation through the Parliamentary Party Groups

The political representation can be brought up if there are three interest factors that combined in every issue: 1) the party's interest; 2) the member's and parliamentary party groups interest; 3) the people interest. At present time, the emphasis is placed more on the party and parliamentary party groups, and less on the people. Let's look at the allocation of the State Incomes and Expenditures Budget (APBN) that totaled to 70 percent for the government employees, which eventually for the parties because the parties consist of government employees so that the party's people are in power. Then, the aforementioned two groups are prioritized, while the people only get 30 percent. It is the current composition. In considering this matter, there are many of party's and parliamentary party groups interests that are prioritized, while less services provided to the people. Therefore, if it wants to represent the people, the percentage should be reversed. A total of 15-20 percent for the party's interest, another 15-20 percent for the parliamentary party groups interest, and the remaining or 50-75 percent for the people interest. It is an approximate calculation.

So, where is the consolidation? The consolidation takes place when the people's interest is given the biggest portion in the discussion process and in the process of decision making on any issue in the parliament. It is only a calculation if wishing to be counted, but it is an illustration so that we know and understand whether we have really forgotten the people or not. It might be the mechanism due to the fact that percentage cannot be exact, it is only an illustration of figures that done abstractly.

At present time, the condition is still in the transition period, and many people said that we are in the democracy consolidation, not in

the democracy transition anymore. What are the things that being consolidated? Are the corruption and conspiracy being consolidated? It is not right. Therefore, Indonesia's condition now is far from the consolidation where the transition is only a small part of it. So, the transition should be optimized first before we talk about the consolidation.

Opinion 1²¹²

The resource person has an opinion and is concerned if the Resource person formulates the parliamentary party groups as the central of political conspiracy. The issue has been also discussed in the Focus Group Discussion (FGD) I. Some that is open and being closed intentionally is appropriate to be called the political conspiracy. And, what is submitted that open the representative issue in order to see several things that supposed to experience the renewal. Let's start with those issues. Actually, almost all of the Parliament components require revisions and improvements. The Secretary General, nearly all of the experts, and the friends that come to this area indeed experience the problems that brought in from the previous Order or the past Order, such as lack of professionalism, slowness, etc. Whether it is systematic or past experience or what is delivered by the resource person that the institution is modern, but its spirit and contents are still traditional. However, such appearances that present in the society, and the appearance and performance indeed show the incompatible things between the institution and how the institution should work. If the discussions from FGD I until now are compiled, it will show the incompatibility clearly.

There are several annoying questions, such as concerning the experts, members, and parliamentary party groups. We once discussed about the expert, the skills and profession of which are appreciated, but the appreciation is not comparable with the background of expertise due to the fact that in the Decision Letter (SK), it states that the expert can be fired at any time. Therefore, this condition can be called the extortion of skills. And, these are the issues that should be improved in the future. The second key resource person said that there are things that should be improved, including the Public Hearings (RDPU), its mechanism, public sharing, etc.

212 Audy Wuisang (the expert of PDS Political party groups).

The last point, this forum is rather advanced because there are members of the Parliamentary (Susduk) that present here. Parliamentary party groups is a very powerful institution because nearly all of the Parliament policies can be found there. Each strategic decision must have the trade-off, and it is seldom made through voting or open mechanism. Previously, it was suggested its solution by letting the competition open because it is supposed to be open. A question to the second key resource person” How to catch a solution that actually seems simple so that there is its hook in the Bill on Parliamentary (RUU Susduk)? It is difficult to penetrate the obstacles without the availability of significant entry point. We have reminded earlier that whether the Law on Parliamentary (UU Susduk) can include the hook or not, at least for example, there is no longer closed meeting. The things that revealed by the resource person are the weaknesses that must be improved, and might acquire the appropriate channel in the Bill on Parliamentary (RUU Susduk) so that determination of its Standing Order will refer to it, and there is a binding legal force to be enacted.

Opinion 2²¹³

It is interesting about the discussion of parliamentary party groups in the Parliament). Taking example from several countries, for example, besides the parliamentary party groups, there is also parliamentary party groups in the parliament. Can such thing be applied in our parliament? Japan, for example, has a parliamentary party groups that consists of wheat farmers, and it is also true in French where although there is a battle between right and left, they can join in the parliamentary party groups to fight for, for example, there is a parliamentary party groups that discuss particularly about the fishermen. The key resource person (the Parliament member) has talked about the representation, does it exist? Is it possible to discuss about the parliamentary party groups and then also discuss about the parliamentary party groups. Is there the Standing Order in the Parliament to establish the parliamentary party groups? Around year 2002, there were caucuses; can they be called the parliamentary party groups?

213 Suryo (Resource person in FGD 5, as the delegate of Lingkar Madani Indonesia).z

Opinion 3²¹⁴

Concerning the parliamentary party groups role in following up the community's aspirations as the basis of taking side, the resource person (the Parliament member) has mentioned it, however, the matter can be performed individually or by the parliamentary party groups, but by all parliamentary party groups' commitment by formulating the parliamentary party groups' roles and tasks as the basis of taking side. Therefore, all participants from the experts should convey to each parliamentary party groups that in the Bill on Parliamentary (RUU Susduk), there is a discussion that taking place on, for example, the parliamentary party groups. The Bill on Parliamentary (RUU Susduk) should include the issue on new parliamentary party groups so that it will not be a conspiracy place. Then if it is allowed, it will be a message for all parliamentary party groups. It is expected that the formulation existing Standing Order can be a reference for all of our friends, namely, the Members of Parliament. There are some improvements of the Standing Orders (Tatib) that formulated simultaneously in it.

For example, the Ethical council (BK) is present in the Standing Order as well as in the Law on Parliamentary. What should be done so that it will not undermine the Ethical council's (BK) role or hurt the Members of Parliaments as the parliamentary members? Does not the Ethical council (BK) that regulates the ethical issues suddenly recall? Such issue should also be considered. All of the parliamentary party groups have stated that their political budget for the public should be above 50 percent, and I think it has finished earlier so that there is no longer conspiracy. So, the parliamentary party groups' commitment still waits for the refreshing and renewal from all parties.

Opinion 4²¹⁵

The powerful position of the parliamentary party groups is a consequence of our political party's system that makes the party as the participant of the general election in the general election system. Therefore, it is difficult to limit the parliamentary party groups since the parliamentary party groups is the one that prepares the List of Problems (DIM) of the Bill. All of the Law discussions are represented by

214 Rusman Lumban Toruan (the expert of PDIP Political party groups).

215 Andi Rusnandi (the expert of PPP Political party groups).

the parliamentary party groups. The point is that in the Parliamentary (Susduk), all systems must be made open, and do not like buying a cat in the bag (do something before studying it carefully in advance), such as the work of inquiry committee, and the preparation of budget that not based on the people's interest, but on the individual's and party's interest. In the preparation of budget, there is allocation that not for the people's interest.

In order to develop the effectiveness in the public policy discussion, the number of parliamentary party groups is limited strictly. At present time, the parliamentary party groups that does not fulfill the total members of small parliamentary party groups (13 people) will join the small one, not the small parliamentary party groups joins the big one. The total should be at least three times the total of the existing commissions. It will improve the Parliament performance, not like in present time where one substance should be two rounds until reaching the parliamentary party groups lobby.

How to make some kind of an open communication room between the parliamentary party groups and the public or its constituents? The system should be open, and now we do have one yet. When talking about the scarcity of fertilizer, for example, it has its own channel and the people do not know where to enter from. The Secretary General makes eight parliamentary party groups rooms, and then there should be eight complaint rooms in the lobby.

There should be a place where the community will be served well, but it does not disturb the member's work or the meeting. There should be a place that becomes a center of community's complaint that related to their complaint. The community must also be humanized. There are some parliamentary party groups that have the offices in the lobby. At present time, the people came directly to the Members of Parliaments. We must educate the people so that they will not complain small problems to the Parliament, but they should do so for the big problems. So, how to formulate the Bill on Parliamentary (RUU Susduk) so that the parliament is not sensitive the people's problems?

Opinion 5²¹⁶

Our discussion is focused on the Parliament performance in order to avoid the political conspiracy. The total number of parliamentary party groups should be odd so that decision making is not based on the number of parliamentary party groups. Then, total members in the parliamentary party groups is not only being limited in the commissions so that, for example, small parliamentary party groups like the Reform Star Party (PBR) and other parties, with their limited number, cannot play the role because there are only big parliamentary party groups in the commission. To reinforce the previous resource person's²¹⁷ statement where the Members of Parliament cannot stand alone, but must cooperate with other parliamentary party groups.

Forum Dynamics: Clarification and Discussion

Parliamentary Party Groups Dynamics in The Parliament²¹⁸

In the draft of Bill on Parliamentary(RUU Susduk), we have determined how the parliamentary party groups can be established. So, the current case is the minority's tyranny where the 5-percent small parliamentary party groups have the same value with the 30-percent PDIP parliamentary party groups, for example. It means that there will be many sessions cannot take place because the quorum is not reached. There two kinds of quorums, namely, party's quorum and member's quorum. The problem is the parliamentary party groups' quorum where all parliamentary party groups have been thoroughly distributed in the Special Committees. Finally, there is a formula from the Clean Coalition Court. They proposed the formula where the parliamentary party groups must be established

216 M. Fathullah (Resource person in FGD 5, as the expert of PBR Political party groups).

217 Rusman Lumban Toruan.

218 Eva Kusuma Sundari, MA., MDE. (Key Resource person in FGD 5, as the Team Member of Special Committee in RUU Susduk / Team Member of Parliament/FDDIP Performance Enhancement).

with a total of minimum four times the total of existing supplementary tools. So, it will not be hostage if there is the parliamentary party groups later on.

The resource person has an opinion that reliable, accountable parliamentary party groups should be based on the ideology, not the total. This matter becomes mathematical, but its ideological representation will be reached. It is expected that there will be the grouping based on the ideological lines naturally.

Concerning the caucus, it still exists, such as the Labor Rights Caucus, which is then lost because of not having power. In the USA, for example, the caucus can request for a special budget. The caucus is based on the individual since there is specific interest, and it is usually not organized, except the Parliament Women Caucus that financed by the UNDP, but eventually it does not respond to the contemporary issues since it has been bound by the program. So, the choice is issue-based or program-based. Lastly, we have established the Pancasila Caucus after the Islamic Defenders Front's (FPI) incident in order to remind the people not to use the anarchic method in solving the problems.

There is an annoying feeling that caused by the resource person's statement that treats the cooperation the same with the conspiracy. The cooperation is non-hierarchical and always for the multi-interest, whereas, the conspiracy is the grouping or gangland. I just want to make it clear so that they are not equalized. Such condition is, among others, as a consequence of the management of party that is still oligarchy, and then it is connected to an old-fashioned parliamentary party groups. Sometimes, the interest of the political party leaders that manipulate the members. Since the party is old-fashioned, then the parliamentary practice is still primitive where it is found the manipulation by the political party's leader, which is self-oriented, not people-oriented. We are still exercising to have the party, whereas, having the country has been established since the Dutch era so that it has more advanced culture. But, it is all right because there is a learning process, and its implication is the current performance. Therefore, the focus of the Parliamentary(Susduk) should not get trapped by its title since its objective is functional, and there will be an effective, check and balances institution so that its essence is for the improvements.

Concerning the State Incomes and Expenditures Budget (APBN), it has been mentioned that there is a formula in the Indonesian Democratic Party of Struggle's (PDIP) parliamentary party groups with a title of pro budget advocacy and a 30-70 composition, which is exactly as recommended by the resource person. If there are awards for the local government or regional autonomy, the Indonesian Democratic Party of Struggle's (PDIP) will get them all because 70 percent of its share – the APBD (Regional Incomes and Expenditures Budget – are allocated for the people. For example, The PDIP's cadres in Blitar will get an award from the UNDP for its pro budget, then followed by Jembrana and Sulawesi. They are implementing the party's ideology mandate. Unfortunately, the political constellation in the Parliament is higher compared to the executive, and there is something that has not established, namely, the leadership element that is strong and has the vision, and it is highly influential. The problem in the Parliament is that our position is still the opposition although we already have the pro budget.

Sometimes, the political party's leaders influence the member's individual performance. We expect that the political party's pressure is still strong so that it can be the source of the parliament to be more credible, legitimate, and accountable due to the fact that we are the officials that sometimes have to choose something that we do not like. It is the fact. The politics lie on when the combination will appear, and the art is there, namely, when the political party and parliamentary party groups are not modern yet. If the transparency is open, then the illicit negotiations will disappear, and the members' ethics will be better.



The Political Leader's Influence on the Member's Performance

Sometime ago, for example, in the budget committee meeting, there was a Member that suggested the uniform project in Central Java should be increased. We knew that the man's objective was to get the project of managing the uniform. If the meetings are conducted openly, then the concerned Member would be more careful. Of course there are still some closed meetings, such as BIN (State Intelligence Agency) or intelligent issues, however, if discussing about the subsidy and poverty budget, then it is foolish if being closed. Therefore, the statement must be open in the

Standing Order, except it has to be closed, such as witness hearings that must be protected because the witness wants it closed. Today, the resource person has an argument where suddenly the Inquiry Committee has a closed consultation with the State Audit Board (BPK) and the reporters are asked to leave the room, but the resource person protests it so that finally all members support it to be an open meeting. Sometimes, although it has been agreed beforehand that it will be an open meeting, the leader might suddenly make a separate deal to make it a closed meeting. So, it must be reminded and encouraged continuously in order to be open. The protest that made by the resource person in fact has awakened most of the Members of Parliament that previously so not have the tradition to be open and accountable in the practice because their culture still follows the New Order's culture.

Another thing that makes a difference in opinion with the previous resource person is the importance in developing the nation and character building. It is the resource person's concern. If the liberalization makes the Members of Parliament free to do anything, then it will be like Brazil. Brazil has a pure, open district election so that there is no party's discipline when fighting against the party, etc, with a note that its party is correct so that to discipline its members is relevant. If the party is bad, then its discipline is also bad, and the corruption will be rampant. When being liberalized like in Brazil and Russia, it was based on free competition, but due to the fact that the political parties were not in order, the people might say that they won because of themselves. Such condition makes our party worry to try playing between the party's authority and the constituents. So, it is made between the BPP (Constituent Distribution Division) and the entry number. The Golkar's attitude was surprising where it proposed at most, but it suddenly changed. The Prosperous Justice Party (PKS) that previously agreed on the highest votes, suddenly changed to be in accordance with the Law. The parties, which proposed and fought for the entry number, have changed, whereas, the National Mandate Party (PAN) since in the beginning has proposed the highest votes.

The resource person agrees with the existence of nation and character building, not the full competition due to the fact that the Parliament attitude now is still peculiar, and if it is allowed, it will be more peculiar. Maybe, it is still in the democratic transition, we cannot disagree because we still learn, and the recruitment has not been based on the competency, competition, and integrity, so it is still feudal so that it cannot be freed yet.

Concerning the idea that weakens the parliamentary party groups is caused by, among others, the system that has not been established yet. Although it is not efficient yet, the parliamentary party groups is still effective in handling the blunder. The consultation is still vulnerable, but sometimes the rotation process can be completed because all of the 5-percent parliamentary party groups suddenly have the strength that equal to the 30-percent parliamentary party groups. So, the most important thing is the process that exists on the upper part. The parliament is the product of the process on the upper part.

Response 6²¹⁹

The upper part is not only found in the political party and parliamentary party groups because it has been described in the constitution. Article 22 E has stated that the participants of general election are the political parties. Constitutionally, we cannot tell how to diminish the political party's role. Actually, it does not diminish it, but to modernize it is more appropriate.



The Members of Parliament's Understanding Toward The Condition of His/Her Electorate Districts (Dapil)²²⁰

The competition can be realized in the Standing Order (Tatib). According to the resource person, the parliamentary party groups should also have the Standing Order (Tatib) as the institutional procedures of parliamentary party groups. Concerning the previous statement on the liberal, it refers to the freedom that has regulation, so it does not mean that it is not regulated. There are standards in the Standing Order (Tatib), such as the sharpness of conversation and problem solving, and it can be learned as soon as becoming the Members of Parliament. Such thing can make the competition work, and all people can work well and productively. The procedures are also aimed at eliminating the conspiracy in the Parliament.

One of the issues that written in the resource person's paper is that the Member should really know the details of his/her Electoral District. So,

219 Rusman Lumban Toruan (Resource person in FGD 5).

220 Arbi Sanit (Key Resource person in FGD 5).

there is an obligation in the parliamentary party groups' Standing Order (Tatib) that states the Member should know all of things that related to his/her Electoral District. As soon as joining the parliamentary party groups, each parliamentary party groups' member should have the map of social problems in his/her Electoral District, and what will be done. It will be an obligation for the parliamentary party groups' member so that he/she can understand his/her constituents well. Therefore, the representation is not just being elected, but also to really understand and to formulate the problem into the problem solving and in the formulas of public policy. Therefore, the key is in a serious candidate. In an artist is proposed, most likely that he/she can only show off. The lecturer that proposed should not be any lecturer, but he/she must have the understanding of the problem.

The parliamentary party groups must be efficient. The parliamentary party groups' member should be provided with the tasks in detail so that he/she knows what to do. There must be a list of tasks. The Law on General Election does not regulate the requirement for the parliamentary members that has the capability to be a leader. If a popular person joins the parliamentary party groups, then he/she will be given tasks by the parliamentary party groups.

It is better for the parliamentary party groups to own a house. So, if the parliamentary party groups' member does not work in Jakarta, he can live in the region and can communicate well, and there is a commitment to be developed and fought for. It is important to condition such thing because there must be social condition that forces the member to be effective. He emphasizes is on his/her responsibility.

The resource person concludes that this country's disorder is caused by many that prioritize the rights and neglect the responsibilities. If each member has been responsible, then there will not be many parties because they know the total of chairs that available. If it is only amounted to 2-3 chairs, they are useless, and will only be traded to the big parties. It is the small party's operational function. If the small party is responsible, then it will join the existing big party. The resource person concludes that the voters are not responsible in the condition like this, but the 'Golput' (non-voters) are more responsible than the voters because the non-voters know the elected people do not give any hope. It is the warning about the importance of the 'golput' (non-voters).

The Debate on Ideal Composition of Parliamentary Party Groups

Limiting the number of parliamentary party groups might be right. Does the Law on Parliamentary (UU Susduk) direct the parliamentary party groups to be only two in total? The presidential system with many parliamentary party groups is of course very difficult. Therefore, if it is unable to simplify the parliamentary party groups to be two in the general election, then after the general election the parliamentary party groups must be forced to be two in total, namely, the parliamentary party groups that supports the government and the parliamentary party groups of opposition. If such regulation is not included in the Law on Parliamentary (UU Susduk), then the opposition cannot work because they do not acquire explicit rights. In the Law on Parliamentary (UU Susduk), it is also explained that the parliamentary party groups that supports the government must be consistent. Will the Parliament approve such Law? The multi-parliamentary party groups is suitable for the parliamentary system, but not for the presidential system. The number of parliamentary party groups should not be odd, but if possible, it should be only two. If the number of parliamentary party groups is simplified, then there will be a coalition.

The cooperation in the community level is indeed for being together due to public interest. However, it is not appropriate for the political cooperation.

Response 1²²¹

The phenomena of 'Golput' has increased from the general election to the general election. There are several causes, among others, the political party is the upper part. The roles of political articulation, political education, or socialization of politics have not been implemented by the political party so that we can see in the Regional Head Election (Pilkada) where the phenomena of 'golput' is amazing, and there is possibility that in the coming General Election, this phenomena will be higher. If we then agree to be 'golput', the resource person does not agree due to the fact that there are parties have actually implemented the excellent forming of

221 Masruchah (Resource person in FGD 5, as the Secretary General of KPI).

cadres process. The most important thing to be reminded to the parties is how to carry out their functions and roles well.

Concerning the parliamentary party groups that cannot carry out the aspiration well is due to the regulations of the Parliamentary (Susduk) that are not quite good yet. If it is said that the parliamentary party groups and its party are still learning, there should be encouragement from the society because we still need the state and parliament. How to strengthen them? These two elements should still be embraced between the civil society and political party.

The discussion on the representation, particularly the representation of interest, why the women as the highest constituents or 53 percent, but their representation is still low. The resource person has an opinion that in the Parliamentary (Susduk) there should be the representation that based on gender in the political recruitment, which is not only in the legislative, but also in the executive. It is also important to perform the matriculation about this matter. There should be the regulation for the requirement to be a sensitive Members of Parliament. Looking at current situation, it is quite difficult because the society cannot look well at the representatives in the coming general election process. Then, there should be the public test as political education for the people. In the General Election year 2009, this country has been considered as a democratic country so that the will be no funds for the voter education, except the improvement of legislative candidate's quality. It will be a problem if the party does not think about it in avoiding the people to get farther. I am sure that the parties do not have a good form of the cadres system, from the sub-branch to the central levels.

Response 2²²²

How to monitor the community's aspirations that go into the parliamentary party groups? What are the solutions or problems that have not been socialized? What are the impacts of 'golput' from positive side as well as negative side?

222 Beginda Pakpahan (Resource person in FGD, 5 as the expert of KB Political party groups).

Response 3²²³

How does the Members of Parliament describe his/her constituent's aspirations in the meetings that conducted in the Parliament? Looking at the fact, the majority of the meetings that conducted in the parliament are seldom attended by the Members of Parliaments until the meeting is over.

Response 4²²⁴

Concerning the position of the parliamentary party groups, it should be defined further. If the parliamentary party groups is an extension of the political party, then the political party should have the parliamentary party groups. The parliamentary party groups in the context that it is not present in the parliament, but outside of it. The consequence is that its budget is not state budget, but it is borne by the political party. If the parliamentary party groups is in this context, then the political party's dignity will be determined very much by the parliamentary party groups. The parliamentary party groups will be the community's struggle place into the party's ideology, and then being pushed into the parliament until it becomes the policy. The parliamentary party groups is placed at outside of parliament. But, it seems not like that. If the parliamentary party groups represents the political grouping, then the parliamentary party groups must be present in the parliament, and the number of parliamentary party groups should be only two, namely, opposition and pro-government. The parliamentary party groups that we know today do not have clear tasks, but they are using the state budget. Each political party will maintain that its parliamentary party groups has the dignity, and the best expert staff are assigned in the parliamentary party groups to prepare the party's concepts to certain issues that will be fought for in the parliament. They (expert staff) will prepare the priority scale, to process and formulate them so that the parliamentary party groups' member will be confident to appear. There are various ambiguities in the parliamentary party groups that we understand today where on one side, all of them want to get the state facilities, and on the other side, the parliamentary party groups become the extension of the parties to control their members in the Parliament. Oftentimes, there is no difference between the parliamentary party groups' expert staff and the commission's expert staff. Actually,

223 Virgiani Rahayu (Resource person in FGD 5, as the expert of Golkar Party Political party groups).

224 Sebastian Salang (Resource person in FGD 5, as Director Executive of FORMAPPI).

the expert staff in the parliamentary party groups are those that really understand the party's ideology. So, they are not just the expert staff that taken from anywhere, which not understand the party's ideology and struggle lines.

According to the resource person, if there is a wish to encourage the parliamentary party groups as the grouping of political interests, there should be only two parliamentary party groups or three at most in the Parliamentary(Susduk). It consists of parliamentary party groups of opposition, parliamentary party groups of pro-government and alternative parliamentary party groups in case of the deadlock. There is requirement made where the parliamentary party groups' member can move to other parliamentary party groups, but only once. The member can move with a clear reason and regulation. So, the issue becomes clear, and the community can see clearly which parliamentary party groups that must be lobbied or supported. At present time, such issue is not clear, it might have refused previously, but later on it gives support because of government's enticements. Such issue should be improved to be included in the Law on Parliamentary(UU Susduk).

Response 5²²⁵

In the modern political system, it might be said that there are two parliamentary party groups: opposition and pro-government. The resource person prefers the parliamentary system because there is clarity of gender. But, at present time, there is confirmation about this issue. There is a good political education that conducted by the Indonesian Democratic Party of Struggle's (PDIP) parliamentary party groups which explicitly said "we are opposition" although this term is not well known in such system. But, aside from this, not only the community's aspirations as the chosen aspect, but the parliamentary party groups has also other variable (that is party's ideology or platform) in policy making or choosing the alternative policies. According to the resource person, to take or not to take the community's aspirations as the basis of policy making is also the party's right. It means that it is not certain that the aspiration propounded is desired by many people or is beneficial for Indonesia in the future.

In relation to the electoral district (Dapil) issue, there is actually a relative good modus when the caucuses in the region are strengthened

225 Handoyo (Resource person in FGD 5, as the expert of PKS Political party groups).

so that the socialization is not only conducted before the election, but also after the election in the public places massively. This thing is done by the cross-parliamentary party groups but in fact it cannot refuse when there is something good or bad in the Parliament so that it cannot be said that the bad is only the “Parliamentary party groups X”. The roles in the characteristic representation are played and socialized well in certain Electoral District. The resource person has an opinion that the reinforcement is not only regulated in the parliamentary party groups, but also in the same Electoral District because it is important, and it is distributed in several supplementary tools.

Response 6²²⁶

For the resource person (The Parliament Member), who represents the interest groups, such as the laborers’, farmers’, women’s and other interests? Each group also has the parliamentary party groups’ interest because they are not homogeneous. Next question, how can the parliamentary party groups group the interests of the interest groups? How can certain interests be combined or fitted with the parliamentary party groups’ policies or policy options? What is the resource person’s (the Parliament Member) experience in his parliamentary party groups? What is the solution or recommendation to other parliamentary party groups that there is a relation among the policies or the policy options that represent the interest group, or to provide choice of option to the constituents of the existing parliamentary party groups in the Parliament? In the meantime, if a group fails to meet or have the same opinion with one of their parliamentary party groups, they will look for other parliamentary party groups, but the policy options are not discussed because the parliamentary party groups’ response is very common. Up to present time, it has not been broken down.

Clarification²²⁷

The previous response is more the politician’s accountability. If someone from Kediri, for example, wants to be the Parliament Member, he/she must have the constituent’s basis. If his/her constituents are

226 Frank Feulner, Ph. D (Resource person in FGD 5, as the consultant of the UNDP Project).

227 Eva Kusuma Sundari (Key Resource person in FGD 5).

cigarette factory workers, then he/she must understand everything (A-Z) about the cigarette. For example, the Prosperous Justice Party (PKS) suddenly wants to prohibit the cigarette, and then he/she must defend (the cigarette factory workers). Therefore, the party cannot be like a supermarket that responds to all of the worker's interests. In the platform, the basis of accountability is the individual. In the Indonesian Democratic Party of Struggle's (PDIP) platform, it does not specify which worker, but it interprets the small people ('wong cilik') as the workers, fishermen, and farmers. However, it is still weak in term of its operation. If we talk about accountability as the politician, then the element of constitution is important. The member does have to be an expert of everything, for example, he/she does not have to understand about the metal workers since they are not his/her constituents. If his/her constituents are the mining workers, then he/she must learn about mining. Because the resource person is in Kediri, he must understand about the cigarette, its normative issue, its strategic issue, and its legal problem, so it represents more as the individual platform that represents the breakdown of the party's platform that has not been operational and specific.

In the Indonesian Democratic Party of Struggle (PDIP), there is a Complaint Division and the staff, which is standby with his/her cellular phone number that known by everybody, to organize the complaints. Because the representation issue is disorganized, the interest group targets all parliamentary party groups without looking which parliamentary party groups that has the mandate or constituent that related to the issue that being complained. Most of them usually target the Indonesian Democratic Party of Struggle (PDIP), and then followed by the one that wants to accept them. So that it is disappointed when the people do not understand how to submit the aspiration or demand, and all of demands tend to be the advocacy. The Parliament is like the NGO, not the policy maker, but the case. It is caused by the law enforcement process in the region that is stagnant, and all of them prefer go to the Central in order to get the attention.

Let's go back to the question about how the parliamentary party groups should be and how to establish it. The resource person postulates that a country does not have to follow the meaning that must be followed. All countries have a mixed system between the parliamentary and presidential systems, none is pure. Maybe, it can follow the Westminster of English or American style, but the others are mixed. The presidential style

of the French is somewhat peculiar. The Australia might be obedient, but it is not the same in term of committee posture. There a lot of developments and Indonesia has the opportunity to develop or look for a suitable system. If during this time the parliamentary party groups has not reflected the ideology line, it is indeed the output that has been developed for a long time, and now it is still unclear. If it is divided between the opposition (parliamentary party groups) and government (parliamentary party groups), it is difficult because most people will prefer the grey since there is no clarity between the ruling party and opposition. Based on the experience in the Law on General Election, the parliamentary party groups only looks for something that beneficial for the parliamentary party groups itself. It will be better to have the grouping of interests so that there is an effective check and balances in order to realize the long-term political attitude of the opposition and ruling party. According to the resource person, ideally, the parliamentary party groups should be the think tank of the parliament individuals (members), particularly due to the unstable supports. The resource person also supports the idea that there should be a clear performance indicator in the parliamentary party groups, such as task and function, output, transparent recruitment system, and monitoring of the member's performance. If it is not based on the integrity and competency, it will be complex again.



Clarification²²⁸


The 'Golput' is a warning to the parties. If the number of 'Golput' is small, then the political party's attention to the people is little, however, if the number of 'Golput' is big, then the people will be considered. If we look closely, the democracy that taking place now is not prepared for a maximum democracy, but for a minimum democracy, that is to elect the people to sit in the parliament without knowing what to do. The General Election is not designed like that although it can be so. The solution is to make the clear requirement or criteria for the leader. If the leader that sits in the Parliament is a serious leader, then he/she will work appropriately. Then, a strong party system should be developed, and it is conditioned that in the General Election, the parties will establish a coalition. The result of general election is the majority party. The leader that is really strong and

228 Arbi Sanit (Key Resource person in FGD 5).

powerful so that becoming stable and the government is effective. Then, the general election should also condition that the government after the general election should be consistent, or not mixed up, and followed by other Laws. The general election with wider results will provide a lot of benefits to democracy.

Concerning the parliamentary party groups, the choice is two or many parliamentary party groups, and it should not be three due to the fact that Suharto also made three parliamentary party groups. It means that we want to use the method to compete; it should be clear who against whom. In the multi-party, it is not clear about who against whom and it becomes the problem. If there are only two parliamentary party groups, it will be clear who controls whom. The resource person has an opinion that such foolish community should not be given a complex product that they cannot take care. The resource person uses the sharpened language although not appropriate in order to catch the meaning easily. Such thing is meant to simplify the problem so that the meaning can be caught easily. The community like ours should be provided with a simple system so that they can understand, get involved, and take the benefit or bear the loss. The resource person prefers the presidential system rather than the parliamentary system. The people cannot be asked to go round, especially with the confused system. Let's clarify this system together. In the future, if the income level of the Indonesian people is the same with the Singaporean people, it will not be a problem to have a complex system.

Now, we need something simple because of the transition from an under-developed community to a developed community. Although we want to criticize or improve the parliamentary party groups, do not forget that the parliamentary party groups is the party's instrument. Although the parliamentary party groups belongs to the party, it is a smuggled thing in the Parliament because it is not a supplementary body or tool. It is the problem because if it is considered as the supplementary body, then it will belong to the state, not to the party anymore.



Between the Presidential and Parliamentary Systems in Indonesia

The resource person does not agree that the parliamentary system is more explicit. Please do not look at the presidential system under Soekarno or Suharto because the system that prevailed during that time was not pure presidential due to the fact that it was still unorganized or unclear, and it was indeed authoritative. Therefore, do not refer to Soekarno or Suharto era since it will threaten our perspective on the presidential system. Indonesia had once the parliamentary system from October 1945 to July 1959, and it was pure parliamentary. However, since we returned to the 1945 Constitution based on the Decree, the system became a combination again because the 1945 Constitution was not mainly in determining the government system. The President is elected by the People's Consultative Assembly (MPR) and is responsible to the MPR, and can be overthrown by the MPR. The MPR is the parliament because it is elected and there are regional representatives there so that it becomes parliamentary. But, since it is said that the President is not overthrown for a period of five years, then it becomes the presidential. Both conditions are stated in the 1945 Constitution because the constitution maker did not understand about the governance. It is the problem. It is the mistake that made by Soekarno-Hatta in making unclear system. At present time, the parliament is still not serious by making the law on General Election that is not serious. I think there is inheritance of mistake, but we cannot just transfer the mistake, but also to correct it. Therefore, we can see clearly now what we can do and what we cannot do. It should be clear.

People said that democracy is a building of agreement, but if the agreement is only any agreement, then it is called the conspiracy. If there is an agreement for the better in the long-term, then it is democracy. If the agreement because of being afraid to the agreement, then it is conspiracy, and it is what we are doing, and there are many of which in this country.

Concerning the community's aspirations, it was previously said that the Parliament member collects the aspirations in the form of advocacy or policy. The resource person has an opinion that both of them must be implemented because as the politician he/she must help his/her constituents, while the advocacy is conducted in his/her capacity as the statesman, in addition to the parliament, has the task to make the public

policy. So, he/she generalizes the problem together with his/her friends from other regions, and makes the public policy for the whole society. In relation to his/her constituent's complaints, it is called the advocacy, and it is a life time campaign so that a 9-month campaign like now is no longer needed. The 9-month campaign has to be conducted by the political cadres because the advocacy is not performed. In the policy making, there is a problem on how to transfer the issues of each group of community to be a general issue. It is the parliamentary party groups' role. The parliamentary party groups is the one that links the problem in each region to be a general policy opinion. It is the task of the parliamentary party groups' member as the statesman that understands what must be done to ensure that he/she can be re-elected and to implement his/her task in making the public policy. Each of them has the responsibility, either as the parliamentary party groups' member or parliament member. Furthermore, if there is a mistake, all of them are related and inseparable.

Response 1²²⁹

There is an answer from the resource person (the Parliament Member) that is not substantive yet. It is related to the issue on how we revise the Law on Politics in order to strengthen the presidential system, and to strengthen the President's position, however, based on what has been stated previously, the Parliament position is also strong enough so that the TNI Commander and Chief of Indonesian Police, which supposed to be a part of the executive, must request the approval from the Parliament.

The previous interesting discussion is how to make the parliamentary party groups' function effective in absorbing the community's aspirations, can it be regulated in the Parliamentary (Susduk), and its grouping does not only consist of some parliamentary party groups, based on the pro-government and the opposition. What is the chance? If it can be done, then it would be easier for the experts to work because we sometimes also confuse with an ambiguous attitude. Concerning the resource person's statement that the parliamentary party groups is a smuggled thing, it is not correct because the parliamentary party groups is legal and being regulated in the Law.

229 Andi Rusnandi (Resource person in FGD 5, as the expert of PPP Political party groups).

Response 2²³⁰

Concerning the benchmarking, is it possible to make the performance indicator of each member that regulated in the Standing Order (Tatib) or the Parliamentary (Susduk) so that it is easy to access? At least, the public control toward the Parliament member's performance can be accessed through that process.

Response 3²³¹

Previously, it was mentioned about 'Golput (non-voters)', it might be important to understand the nomenclature of 'Golput'. Today's newspaper says that there is a total of 30 million people that has the right to vote, but they have not been recorded yet. If the total is more than 30 million, it means more than 1 percent of total voters. If the total 'Golput' turns out to be more than 40 percent, the total of political party's constituents would be around 60 percent. And, it is not correct that the 60 percent represent the political party's constituents. Then, it is required the efforts to fight against the 'Golput' since there are people's rights in there that must be increased.

Response 4²³²

In responding to the 'Golput' issue, it is necessary to differentiate the terminology of 'Golput'. The 'Golput' that caused by administrative reason cannot be categorized as 'Golput' because 'Golput' is a conscious choice. So, a person that has voting right, but not recorded, is the General Election Commission's (KPU) fault, and it must be punished since it has destroyed the voter's right that wants to vote. The 'Golput' that we are talking about during this time is a person that not vote consciously. We must support such 'Golput'.



Clarification²³³

We can follow the example of the institutionalization of parliamentary party groups in Germany. In Germany, the parliamentary party groups that

230 Andi Rusnandi (Resource person in FGD 5, as the expert of PPP Political party groups).

231 Rusman Lumban Toruan (Resource person in FGD 5, as the expert of PDIP Political party groups).

232 Sebastian Salang (Resource person in FGD 5, as Director Executive of FORMAPPI).

233 Eva Kusuma Sundari (Key Resource person in FGD 5).

is institutionalized and financed by the State Incomes and Expenditures Budget (APBN) is the opposition that looks for the alternative policy based on the investigation. While the parliamentary party groups of pro-government just relies on the data that owned by the government, the parliamentary party groups of opposition is financed by the APBN, and parliamentary party groups of pro-government is not financed. All of parliamentary party groups in Indonesia are financed, but their status is unclear. So. It is necessary to propose the parliamentary party groups' confirmation, status, and gender in order to improve the check and balances. The resource person has an opinion that the performance of everything should be measured. If all parliamentary party groups can monitor their members with a fair, objective and measurable indicator, then accountable politicians do not have the time to be in the dark. Such thing will be the cadre's instrument that driven by the party through the parliamentary party groups so that its quality will continue to improve. Do not let it be uncontrolled and only based on likes and dislikes. Therefore, if the parliamentary party groups wants to use the APBN funds, then its outputs must be determined by the public. The parliamentary party groups should be the public institution that reflects the accountability.

Based on the resource person's observation, the in Germany House is accountable, such as conducting hearings with whom, the results, the reasons of disapproval, and issues that being endorsed. All of these can be monitored in the website, and the parliamentary party groups even opens the public hearings through email. So, the people from Papua do not have to buy tickets to go to Jakarta. So, the main problem in the benchmarking issue is the political commitment, and it is our homework.



Clarification²³⁴

According to the resource person, 'Golput' is not a threat, it is just free. Seriously, democracy should be able to campaign for voting, it also can campaign for the 'Golput'. "Golput" is not wrong because it is the right to vote, and the right not to vote. Now, where is right that accompanied by the obligation? That is all.

234 Arbi Sanit (Key Resource person in FGD 5).

Based on the resource person's observation, the phenomena of 'Golput' is that the higher the level of education, the higher the number of 'Golput'. The majority of 'Golput' come from higher education graduates. They are a more critical people which are more difficult to be manipulated. It is a general phenomenon. In the United States of America, for example, its level of 'Golput' is high. It is not a specific case in Indonesia since it has become a general phenomenon.

Recommendations on the Results of FGD 5

The Parliamentary Party Groups Role in Making Public Aspiration to Become its Supports Basis

1. In order to make the Parliament representation function effective, in the Bill on Parliamentary (RUU Susduk) should be included the formulations of:
 - The Parliament main function is the representation that translated into 3 (three) functions, namely, legislation, budgeting and supervision.
 - The definition or understanding about the parliamentary party groups, and
 - The mechanism of establishment of parliamentary party groups.
2. The efforts in improving and optimizing the representation issue:
 - a. The parliamentary party groups should be made effective and efficient through the formulation of parliamentary party groups' work standards in details and explicitly in order to measure the performance of parliamentary party groups' member.
 - b. The capability of the parliamentary party groups' member should be improved through the improved mastery of normative issues and the problems that faced by the constituents.
 - c. It is necessary to develop the aspiration house in the region and the complaint division in each parliamentary party groups, and reinforcement of advocacy to distribute the people' aspirations.

235 Eva Kusuma Sundari (Key Resource person in FGD 5).

- d. It is required support from the Secretary General in the form of reliable supporting system that not limited to the administrative staff, but also the reliable manpower that have the task to prepare the policy papers that related to the House tasks.
 - e. It is required the improvement of the Secretary General of Parliament bureaucracy through the establishment of standard operational procedures for the permit that is more flexible and responsive to the people's initiatives.
3. It is necessary for the parliamentary party groups to make the improvement and to formulate explicitly and clearly the followings:
 - a. The tasks and obligations of each parliamentary party groups' member.
 - b. The recruitment system.
 - c. To develop monitoring on the member's performance.
 4. To encourage the optimal political representative institutionalization of parliamentary party groups' member toward his/her constituents, it is necessary to regulate in the Law on Parliamentary(UU Susduk) and the Parliament Standing Order the indicator of political representation that based on the political competency and parliamentary party groups and commission institutionalization. The formulation of political representation indicator regulation is divided into two stages, as follows:
 - a. The transition stage of democracy:

- Party's interest:	40%
- The interest of parliamentary party groups' member :	30 %
- The people's interest:	30%
 - b. The consolidation stage:

- Party's interest:	15 – 25 %
- The interest of parliamentary party groups' member :	15 - 25 %
- The people's interest:	50 – 75%



FGD 6

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The Roles of the Media to Encourage Improvement of Working Performance of Members of the Parliament and Public Participation in Politics

The main issue of discussion: The media's role is an important instrument in the efforts to encourage the improvement of performance, as a form of the Member's accountability to the society, and the effort to encourage the community's active involvement in controlling and submitting the aspirations to the Members of Parliament.

The main issue of discussion is related to the balanced media's role in the news release on the Member's political activity. It is expected the news release does not only cover the negative sides about the Parliament, but also best practices of the Members of Parliament's activity. This matter certainly becomes a part of political education for the society: I) the description on the effectiveness of media's role in developing and improving democracy's quality in the Indonesian Parliament. The description also includes best practices of media's involvement in the parliaments of other countries; ii) The description on the media's point of view in conducting news release on the activities of the Members/RI Parliament/Parliamentary party groups/Political Parties that related to the fulfillment of their obligations as the parliamentary members; iii) Results and conclusions of the analysis on some printed media in order to test the concerned media's role in encouraging the improvement in the Parliament Member's performance quality and community's political participation. He news analysis will be conducted on, for example, the news content presentation by related media; iv) The description on how far the Members and Parliament utilize the media as one of facilities in fulfilling the accountability principle that submitted to the people; v) The strategy and management of the Parliament Member's image through mass media, which implemented based on the Member individual initiative, and institutionally by the RI Parliament; vi) The description on the availability and easy access to data and information that related to the Member's performance and the Parliament's institutionally; vii) The description on the Member's experience in involving the mass

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media to provide information on his/her activities or his/her parliamentary party groups' activities. And also the information on the discussion of problem solving that discussed in the Parliament; and viii) Recommendations on the ideal relations that be developed by the Members, and the Parliament institutionally with the media as the mediator in their relations with the constituents and community.



Forum Dynamics: Discussion of Introduction



The Representative Principle in the Constitution

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The resource person conveys the thanks and appreciation for this forum that discusses the Media's Role in Encouraging the Improvement in the Parliament Member's Performance and Community's Political Participation. Based on the executor's initiative that specifically conducts the study on the representation, the role of which is supposed to be played by the Parliament as the representative institution. The constitution only stipulate that the Parliament has the authority in legislation, budgeting, and supervision.

The Parliament representative function gets a little regulation in the Bill on Parliamentary (UU Susduk), while in its practice, there many parliament tasks that related to the community's aspirations. On the other side, there is a difference in the representative principle understanding on whether the member represents the people or party considering that the practice level, the parliament member prefers the party's interest as the impact of the recall system presence. Therefore, it is necessary to formulate the representative function explicitly, and its mechanism is regulated in the Law on Parliamentary (UU Susduk) and the Parliament Standing Order (Tatib).

237 HR. Agung Laksono (Key Resource person in FGD 6, as the Chairman of Parliament/Member of Golkar Party Political party groups).

The representative aspect in the framework of expressing the constituent's interest is crucial in the process of strengthening democracy because the negligence of people's interest is potential for creating a distance between the parliament and the constituents. However, the parliament representative function in Indonesia until now is still responded differently, first by the community that feels their aspirations are not quite accommodated in the process of public policy making, and second by the political parties that feel as the mother or source of the parliament member. Ideally, each parliament member works for his/her constituent's interest, and not being limited by the party's interest due to the fact that basically, the party's existence is based on the constituents, and the constituent's aspirations are assumed as the party's vision and mission.



The Dilemma of the Parliament Member Represents The People or Party

An old question: Does the Parliament member represent the party or the constituents from his/her Electoral District? There is always the impression that the parliament member tends to be loyal to his/her party compared to his/her constituents. It can be understood since his/her party can fire him/her, whereas, the constituent until now cannot fire the member.

The representative aspect in the framework of expressing the constituent's interest is crucial in the process of strengthening democracy because the negligence of people's interest is potential for creating a distance between the parliament and the constituents. The critical question that related to the representative function up to now still evokes different responses, such as from the community's point of view that feels their aspirations are not quite accommodated in the process of public policy making, unlike the very big stakeholder that can come to the Parliament, can go directly to the leaders or parliamentary party groups, and some even do lobby directly to the members of Special Committee (Pansus). So that, the interests of the stakeholders can be properly accommodated. Ideally, according the resource person's opinion, each parliament member works for his/her constituent's interest, and not being limited by the party's interest due to the fact that basically, the party's existence is based

on the constituents where the constituent's aspirations are assumed to know and understand the party's vision and mission. Moreover, now there is an amendment proposal from 60 Members of Parliament in the Law on the General Election No. 10 Year 2008 that related to determination of legislative candidate to have an option, not only the entry number above the 30 percent of voting result (from BPP), but also the highest votes. So, there is a desire to be accommodated in the Law so that the state gives the choice to each party. Of course, the constituent's interest will stick out more with this system since the candidates of Members of Parliament in the future will be overwhelmingly dependent on their constituents.



The Media's Role in Supporting the Member's Performance and Accountability

In implementing its function, the parliament needs the media's role so that the implementation of function can reach the community, and in turn, the community can provide the feedback to the parliament. In this case, the media plays the role as the channel that connects various communities' interests, and at the same time, as a place to submit the complaint by the community that feels their interests are neglected by the decision maker.

The role of media as the nation intelligence development instrument is very important and strategic, and the mission that carried out is very central in strengthening democracy. The media is always critical toward the law process and product that produced by the parliament. Moreover, some of the Laws have been dropped by the Constitutional Court because they are considered contrary to the 1945 Constitution although the percentage is small. Most of old Laws because of the amendment of 1945 Constitution become obsolete and even contrary. However, small percentage of the new Laws that contrary to the 1945 Constitution because its mechanism in the House is stricter, and even some Laws must get the consideration from the DPD. So, the Parliament is careful enough in order to goal an article, which related to the 1945 Constitution. Therefore, the role of media must be supported as one of facilities in fulfilling the public accountability by the member as well as the parliamentary institution, and the media eventually also involves in determining the member's and parliamentary institution's image.

The resource person supports the media's role as one of facilities in fulfilling the public accountability by the member as well as the parliamentary institution, such as the one that becomes hot topic in the legal cases that involve some of the Members of Parliament. From various communities' attentions, the standards are the Members of Parliament's function and role in the constitution. How about the supervision on the government? It is usually determined by how far the process in the use of rights that possessed by the House (interpellation right, inquiry right, etc.).

Next, about the legislation where the public also assess it based on the quantity, and now the discussion of Bill is less than 50 percent of 250 Bills. Regrettably, the remaining time for discussing the Bill is less than a year. Up to present time, there are only around 120 Laws. Maybe, on October 24, 2008, it could have reached 50 percent. The resource person predicts it might reach more than 60 percent. Now, there are around 50 percent of hard works in the middle of struggle in the House with high transition period, in addition to, the condition of the state in the earlier years. We all of course still remember that in the first year, the Parliament was made busy by the chairpersons from Nationality Coalition and People Coalition that once showed up and then dissolved, plus the Tsunami event, etc., which sucked the parliament attention to those events. It has caused the delay so that the effective time that possessed by the Parliament only totaled to three years. It is predicted that the last one year is also difficult where on one side; it is organizing the list of legislative candidates that goes up and down, and those. Which have acquired it, are busy to plan on how not to disappoint their constituents? Then, how about the parties that follow the highest votes? So, the condition is not advantageous in accelerating the legislative tasks.

In order to develop and improve the healthy, transparent, accountable and reliable relations between the members and parliamentary institution and the community and the press media, it is required availability and easy access to data and information that related to the member's performance and the Parliament's institutionally. The transformation of democratic political and government system requires the media supports that support the implementation of parliament functions critically without neglecting both parties' (media and parliament) responsibility to strengthen democracy.

The role of media that is important and not possible to be neglected by the parliament is the media's role as the parliament partner in providing the channel or space for political participation that carried out by the community, particularly in decision making and public policy making processes. The media needs to release news about the Parliament in balance and to increase the portion of information on the activities of the Parliament, political parties, as well as the members. In providing positive image to the Parliament, the Parliament spokesman's role is needed, particularly in conveying the information that related to the Parliament performance, however, the Parliament spokesman's magnificence must also be supported by the member's behavior individually.

Concerning the budget, which once attracted the attention, is not about its figures, but its process that now involving various cases that occur in the society, particularly whether it must be translated in details per project, or only in global politically. The State Incomes and Expenditures Budget (APBN) in the world are really full with political contents. The resource person admits that as the Chairman of Parliament, he oftentimes becomes the attention of the Parliament image. So, we improve the Parliament image by taking various steps to increase its performance, and even it is established the Parliament Performance Enhancement Team where the resource person holds the Chairman position, where it is often highlighted with the news around the legal cases. The resource person also regrets about this matter.



The Community's Expectation to The Parliament in Realizing Good Governance

Therefore, it is expected that the meaning of representative function can be targeted with those three rights (legislation, budgeting, and supervision), particularly budgeting right. In order to realize good governance, the public not only expect the balance between the executive branch and legislative branch, but farther to have the transparency. So, the community's expectation is still at far distance. Such thing is not easy. Therefore, the meaning of representative principle is very important so that it can be formulated in the Law. In the earlier years of his position as the Chairman of Parliament, the resource person always states that Parliament is the people's house; it is open for the public, not only to look

at it, but to access the decision making process and results so that the representative function can soon be realized. At the same time, it should be as lesson learned for the mass so that during demonstration, they do not have to turn down the fence or making fire. How we manage this well is dependent on the meaning of representation itself.

In its capacity as the public media, the media can develop the space and encourage the community's political participation indecision making process. It represents the most important role of the media where it is impossible for the Parliament to ignore it. The community's participation needs the channel to in the decision making and public policy making processes. The discourse that we develop can perfect the parliament performance in various fields. The resource person expects that the UNDP-PROPER can continue its programs, like this one, in order to improve our parliamentary performance.

Opinion 1²³⁸

In relation to the resource person's statement about the role of media, we as the experts are sometimes concerned. There are several issues, such as the media is indeed very effective in socializing the policies that produced by the Parliament. But, on the other side, there are some policy makers (Members of Parliaments) that are oftentimes interviewed before the meeting has ended. So, they have been interviewed beforehand at outside of the meeting room so that it looks as if they the one that appears on the media, whereas, those people (Members of Parliaments) are not working. In the future, the press might be wiser in covering this issue so that the one that works is supposed to be exposed.

Then, in some media coverage, some statements are improperly included so that the community thinks, for example, Bapak Agung Laksono's statement is different from the governments, whereas, there is an agreement between Agung Laksono (Parliament) and Jusuf Kalla (Government). How does it happen?

In the future, the Parliament should apply one door concept in a certain main problem that conveyed to the media. Do not let the question goes to Parliamentary party groups A or Parliamentary party groups B, or even to each politician, whereas, it might not have the uniformity in

238 Virgiani Rahayu (Resource person in FGD 5, as the expert of Golkar Party Political party groups).

the media. So, later on, it is required a special unit that will convey the Chairman of Parliament message to the press.

Opinion 2²³⁹

In some discussions between the UNDP and us, one of the basic things that we feel is that Parliament institutionally is not successful in making a balance image. Even the current image shows the unusual point where the Members of Parliament have been away from their dignity on the eyes of media. There should be efforts that implemented institutionally on how the Parliament can also explain that there are many positive things that have been done by the Parliament. Like the Constitutional Court where one decision is immediately socialized. The Parliament does not do that. The ratified Law is not immediately socialized to the press, for example, the Law on Harbor that is good enough where the Parliament is serious so that it is able to cut the Pelindo's monopoly.

What has Parliament done to provide balanced information to the public? We need a better information management system, starting from discussion of the Bill, the completeness of minutes, until a better law management. Moreover, the expert staff only distributes the Bill to the members, not to the experts. Whereas, the expert staff that assist in preparing the parliamentary party groups' view, DIM, etc., but they do not get the copy from the Secretary General. In addition to that, there is a weakness in access to other issues, such as related old Laws. The Parliament Website is not complete, and cannot answer about this issue.

Opinion 3²⁴⁰

The question for the Chairman of Parliament, is the task of spokesman? The public can assess the Parliament performance or not, one of which is conveyed by the Chairman of Parliament. However, if other Members of Parliament that talks, it is not considered as the Parliament representative. Therefore, please explain whether the spokesman is single (Chairman of Parliament) or all of Members of Parliament.

Next, it is elated to the Parliament performance that cannot be measured by the public, one of which can be seen on TV Swara. If wanting to know the Parliament performance, TV Swara can be accessed from all

239 Andi Rusnandi (Resource person in FGD 6, as the expert of PPP Political party groups).

240 M. Hasanuddin Wahid (Resource person in FGD 6, as the expert of KB Political party groups).

over the country. At present time, TV Swara's show sometimes is not clear, the signal often disappears, and its coverage is limited. The Chairman of Parliament should establish cooperation with other networks (TVRI or other networks) that have wider coverage, and the quality of show is better. The hard work of Members of Parliaments in the Special Committee or anything else cannot be covered by the public, instead, the public only know about the scandals. The reason is that TV Swara is not the instrument to look at the Parliament performance. Finally, there is another internal media, such as website. For example, one hour after the Constitutional Court has made a decision, we can see the concerned decision on their website, however, in the case of Parliament, and we will see it within one year after the event has taken place.



Forum Dynamics: Clarification and Discussion



Clarification²⁴¹

One question is related to another question, which usually around the image. It is indeed that up to now, the news about the Parliament has developed negative image in the society. Such condition is caused by the Parliament member's behavior.

In relation to the Parliament function that is in accordance with the function that stated in the Constitution, most of the news release is beyond it, such as the scandalous cases that brought up to the surface. The cases that related to the KKN (Corruption, Collusion and Nepotism) have dominated the news in the media, which lasts for months. It means that no matter how good the Parliament spokesman is, the Parliament

241 HR. Agung Laksono (Key Resource person in FGD 6, as the Chairman of Parliament/Member of Golkar Party Political party groups).

will damage itself if its member's behavior is still the same. Such member's behavior is the product of the party that sends him/her to the Parliament. Not to mention the events in the past. The resource person once stated in the speech that we must look whether the man that intends to do the KKN or the system that is too weak. When the Corruption Eradication Commission (KPK) wants to participate in the budget meeting, the resource person agrees due to the fact the KPK does not want to investigate the case, but they want to see the system, and to look for the gap that can cause a series of corruption. So, the resource person agrees to add the information to the community. At present time, it has started in stages although the budget is not small to distribute the information on the results of Law making or revision to various media

Concerning the largest percentage of Laws that discussed or ratified in the Parliament, we must be careful because the Laws that we produce are still around the regional expansion. The regional expansion is actually more or less on the copy-paste where the difference is only in the place, date, and name of the region. So, we are in the legislative body implement the task in the legislative field, to harmonize, to round up, to make the editorial substantial correction in the articles. Therefore, the Parliament member or individual behavior must be in line with the efforts to socialize the results of the House in legislation, budgeting, and supervision to the public. Concerning the budget preparation function, it has been agreed the establishment of work teams that handle the House supplementary tools to the post-budget. Drin this time, it is more on the pre-budget. It is necessary to be implemented. For example, it is required the accountants, the cooperation with the State Finance and Development Surveillance Agency (BPKP) and the State Audit Agency (BPK). It is aimed at developing the image.

Concerning the question on who is the spokesman of Parliament. In abroad, it is not called the Chairman of Parliament, but it is the resource person of the house that represents the spokesman. The Law also does not forbid the Parliament member to talk. The parliamentary party groups also talk about an issue; therefore, there is the political subjectivity in investigating a certain issue. In this case, it is difficult to say it is single or one door, but regardless of there is or there is not an opinion, the Chairman of Parliament regularly submits the results that have been achieved. It is conducted in its own press release, and in the future, it will try to use the media as exemplified by the Constitutional Court (MK).

For example, in each opening and closing speech in the session period where it has illustrated the period of one session on the things that have been implemented in the three functions of the Parliament. If later on, there is an additional opinion of the Members of Parliament, it cannot be blocked because they are protected by the Law (to give an opinion). Concerning the website, the resource person also feels that the data is slower compared to others. In solving it, it is required a really professional official that follows the development, and he/she is a journalist, is not the technology impediment, etc. so that he/she can input the website quickly and not left behind.

That is all, and the Secretary General is present here so that there many issues that can be accommodated. The publication of all Laws in the daily will depend on the budget that being allocated.



Lack of Communication between the Press and the Parliament²⁴²

Previously, the Chairman of parliament has talked many things that related to the press, in improving the performance, to control, and to criticize the Parliament. We all understand about similar complaint from the expert staff concerning the unbalanced news release by the media. In answering this issue, it is stated that the press has its own argumentation, but there many things that influence it. Although it can be generalized, some of the presses are correct, some are trying to be correct, and some are surely not correct. Actually, the press release has been regulated in the Law, and there is the supervision in each association. The choice like now or strict like in the past are not good for the Parliament. But, everything is dependent on the member him/herself in the Parliament, particularly in the performance measurement issue that not clear during this time and for those that like to be interviewed when the meeting has not finished. That's means the Parliament also needs to have the mechanism to regulate the ethics on someone in providing the information. It is also true that the choice of Commission that not based on the competency, but sometimes, it is indeed the parliamentary party groups' choice.

242 Imam Anshari Shaleh, SH. (Key Resource person in FGD 6, as the Member of Special Committee in RUU Susduk / Member of PKB Political party groups).

Weak representative function in the Parliament is caused, among others, by: i) The problems in the Parliament, such as the member that is not serious in working, the uneven quality of the members, the placement in certain commission without sufficient capacity and capability; ii) The Parliamentary(Susduk) and the Parliament Standing Order (Tatib) often change, and there is no synchronization in the Parliamentary(Susduk) and the Standing Order (Tatib); iii) The regulation in the Standing Order (Tatib) do not quite reflect the practice that takes place in the Parliament, and much of materials that must be regulated in the Law on Parliamentary(UU Susduk), but only regulated in the Parliament Standing Order (Tatib), such as:

- Interpellation mechanism.
- The minimum requirement of a parliamentary party groups that totaled to 13 persons (this stipulation is not ideal and it causes difficulty for small parliamentary party groups to distribute its members in the Parliament meetings so that that the meeting often not reach the quorum.
- The presence is only determined by signing the absence list, not on physical presence; and
- About the vacancy of Vice Chairman of Parliament position.

There are weaknesses in the Parliamentary(Susduk) that also influence so that the press makes the Parliament to be bad due to the fact that the members are powerless that caused by the Parliamentary(Susduk) and the Standing Order (Tatib) that are not good yet, such as the Interpellation Right that asks for the presence of the President, but its Standing Order (Tatib) regulates that the President does not have to be present. Sometimes, there are members that are foolish and still insisting so that it is covered by the press. So, we often repeat the unnecessary stupidity. Next, another example is about the vacancy of the replacement of Vice Chairman of Parliament which is caused by the fact that Parliament and the Standing Order (Tatib) are synchronized. At that time, the election of Chairman and Vice Chairman is implemented in package, whereas, during this time, usually the biggest party and its Tatib still follow the order of the biggest party. The procedures in the Parliament should be improved. Then, there is a stipulation that minimum number of parliamentary party groups that totaled to 13 persons, which makes it difficult in the Parliament. The meetings often not quorum because the members of small parliamentary party groups join so many Special Committees. The resource person

has an opinion that in the future the Parliamentary(Susduku) should be careful. It is reasonable that the press criticizes the productivity of the Law due to political and technical obstacles, not quorum, etc. Next, there is also the obstacle from the parliamentary party groups and party. So, the parliamentary party groups' or party's rule that the parliamentary party groups' member is not allowed to provide the information beyond the parliamentary party groups' policy in its practice will hamper the parliamentary party groups' member to talk in accordance with the heart.

Then, are the public relations necessary? In certain issues or technically, the Secretary General is needed. In the case of laptop provision, due to mistake in the news release has caused the pressure from the press and community so that it is cancelled, but in secrecy, all of Members of Parliament are provided with the laptop. It is also true for other issues. For the Secretary General's or Household Affairs Agency's (BUP) issues, the presence public relations is important. But the political issues, such as Bill, can be uniformed, but the ethics are required. If not knowing, it does not have to provide the information. The Public Relations in the Parliament is needed for the information that related to the Parliament Secretary General considering that the purpose public relations presence is that there is only one or little information doors to the public. In relation to the activity of Parliament member, ideally, each member or the supplementary tools official in the Parliament should talk in line with each member's competency.

I would also like to criticize the press where the Press and Member should understand each party's tasks based on the regulation. Now, there are many Members that allergic to the press, being worry if giving comment that turns out to be wrong, and there is also regulation to forbid the press to receive the payoff. Such condition is caused by many growing press, a lot of reporters that not receive sufficient salary.

In fact, the press represents the fourth pillar in democracy, in addition to, three other pillars, namely, executive, legislative, and judicative power. In relation to the relation between Parliament and the press, the press has a big role in encouraging the Parliament performance because the press photographs and provide the picture of people's condition and aspirations, which then can be used as one of information sources in decision making by the Parliament. Besides that, the press is one of the facilities in socializing the Parliament performance to the public. Meanwhile, for the press, the

Parliament is the source of important news.

In criticizing the Parliament performance, the press release should be proportional. However, in its practice, the press release about the Parliament has not been proportional, it can be seen from:

- The editorial writings in certain newspapers that not based on the assumption, and not carefully read what's happening in the Parliament. It often does not understand the state administrative system and the mechanism in the Law on Parliamentary(UU Susduk), and the Parliament Standing Order (Tatib).
- The press' attitude tends to be a priori and general in releasing news about the Parliament so that it makes the Parliament as the object of "press court".
- The press critics tend to be contra productive so that some of Members of Parliament are a priori, apathetic, and even being afraid of the press release. For example, in releasing news about the work visit of the Bill Work Committee to abroad, it is brought up the "sight seeing" side, not the educational role or main activity of work visit in acquiring the information or comparative materials for the Bill discussion.

The efforts in improving the media's role in encouraging the improvement of the Parliament member's performance, among others, through:

- The transparency of each Parliament activity, in relation to the commission's policy and supplementary tools, work visit, and field survey (for example, by preparing a brief proposal on the concerned activity).
- The distribution of discussion implementation and conclusion by the press on the actual issues, and the absorption of the community's aspirations through public hearings.

Several things that should be implemented in developing ideal relation between the Press and Parliament:

- The news release by the press is performed proportionally by bringing forward the educational mission that carried out by the press.
- To minimize the Parliament member's self weaknesses and mistake in perceiving the press.
- It is necessary the elimination of the press "envelope" behavior since it might impact on the news release that not proportional.
- It is necessary for the Press and Parliament to cooperatively organize and to understand each function.

Media's Role to Contribute Toward the Development of the Parliament that Reflect the Ideal and Best Practices²⁴³

1. Based on the result of research that conducted by the World Bank, it can be seen the correlation between the press freedom and the economic development and governance, as follows:
 - a. The correlation between the press freedom and the economic development:
 - Based on the result of research in year 2000, is concluded that there is a positive correlation between the press freedom and the economic development, which means that the more the state gives the press freedom, the higher the level of the state incomes. On the contrary, the lesser the freedom that provided to the press, the income level of the concerned state is also lower.
 - The stronger the press freedom, the healthier the economy of the concerned state, and the weaker the press freedom will impact on less healthy state economy.
 - b. The correlation between the press freedom and the level of corruption: The higher the level of press freedom, the higher possibility that the corruptors will get caught.
 - c. The correlation between the press freedom and the government readiness. The research conducted in the states of India that have low income per capita (poor), but possessing high press freedom, then its government is highly responsive. Such condition impacts on the apparatus' attitude that tends difficult to do the divergence and being afraid to make a scandal.
 - d. The correlation between the press freedom and the hunger disaster. Amartya Sen compares between two countries with hunger problem and different level of press freedom:
 - India: Although it included in the poor country, but it has press freedom.
 - China: Highly populated and there is no press freedom.

The impact is that hunger disaster often occurs in China compared to India due to the fact that in India, the media plays an important

243 Bambang Harymurti; pesentation points (Key Resource person in FGD 6, as Editorial Staff of TEMPO Magazine).

role in informing the hunger in one of the states (regions) quickly and accurately so that the hunger disaster can be handled faster. In other words, in order to assist in solving the community's problem in a country quickly, it is required democratic press.

e. The correlation between the press freedom and free market. According to Joseph Stiglitz, in the business world, it often occurs the unbalanced information that provided by the company management and shareholders, therefore, the media's role in providing balance information is very important, and it influences the creation of free market.

f. The correlation between the press freedom and development aid.

- James D Weolfensohn has an opinion that the poverty impacts on the community's powerless to determine the choice in decision making that related to their lives. The poverty also encourages the corruption and unclear government. The more information that received by the community, then they will support in determining a better decision.

- Ali Sadikin: The press is important for criticizing the individual or institution's performance. The critics represent the input and at the same time, as the correction tools, and without critics, it is not possible for someone or the institution to make the progress. Using the media as the work control facilities will not require much costs because it is not necessary to pay a special employee to handle a certain problem.

g. The laws of media.

According to Roumeen Islam: If besmirching good name is included in the criminal act, then it will impact on the reporter to do self-censor, and if the truth cannot be used in defense of good name besmirching lawsuit, then the reporter will limit his/her investigation. However, the press freedom will be beneficial if there is a law that gives protection against the accusation of good name besmirching that done by media through the proof obligation charge by the plaintiff the news released by the media is not correct and made with bad intention.

2. The press freedom in Indonesia.

Based on the survey results, Indonesia is included in Asian countries that not have good press freedom. In year 2007, in term of press freedom, Indonesia is ranked 100th out of 169 Asian countries.

Some reasons that Indonesian press has not been free:

- a. The serious and quality reporters are oftentimes sued in the court so that it has caused an increase in bad quality reporters (majority).
 - b. High level of threats to file lawsuit for besmirching good name by the media that releases news about someone's badness.
3. Things that need to be fought for creating the press freedom in Indonesia:
- Discrimination in good name besmirching legal offence.
 - To burden the plaintiff with the proof of good name besmirching and bad intention by the media.
 - The truth can be used in defense of good name besmirching case.
 - The empowerment of Press Council in handling the public complaints about the press negative excess in order to improve the reporter's/ media's quality, and to maintain the press independence.
 - The improvement of journalism investigation's quantity and quality.
 - The enactment of the Law on the Information Openness, and the Law on the Protection of Witness/Reporter.
 - The improvement of public access to the information through improvement of media infrastructure, including the uniformity in the ownership and healthy distribution system.
4. The presence of Public Relations in the Parliament Secretary General is needed with the paradigm to the policy that supports the efforts in improving the press quality, namely, by providing access to serious/ good press in acquiring the information and data, and on the contrary, not providing access to non-quality/bad press (for example, by complicating the process of acquiring the coverage permit card with relatively long validity period).
5. The Parliament should be the source of knowledge for the reporters, and becoming the interesting information to be released by the press.
6. It is required the coverage ethics for the reporters with the objective, among others, to make the reporters to be more proportional in covering and releasing news in the media (for example, in Australia, it is not allowed to cover the parliament member that falls a sleep in the session room).

Let's look at the global benchmark of the press industry. In the rich countries, almost 90 percent of them have the press freedom, in the

middle class countries, it is totaled to approximately 40 percent and in the poor countries, and the press freedom does not exist. The question, does the press freedom only exist in the rich country, or the press freedom is the requirement for the country to be rich? In order to answer this question, there is a group of economists that has conducted a study. They looked at the condition of a country and its press statistically. If we look at it statistically, it can be seen its relation.

Then, it is made the statistic of press freedom with the level of corruptors that being caught. Statistically, there is a relation between the press freedoms with the possibility of the corruptors being caught. At present time, the Parliament has sensed it. The resource person said that those who against press freedom must be the corruptors or being financed by the corruptors.

Concerning the press performance, In India, which consists of the states, they can see the states' incomes and level of responsiveness to the people's aspirations. In theory, the richer the country, the freer its press. In fact, there is a state that is poor per capita, but its news paper per capita is overwhelmingly high. It means that the level of readers is high, and its responsiveness is the best so that it is difficult for someone to commit the divergence. If there is a divergence, it will be charged immediately; unlike in our country where it must be proven first until the Supreme Court level, then the actor is fired. It represents interesting data sue to the fact that India is not a rich country, there is different levels of poverty and wealthy in its states, and its press freedom and responsiveness are also different. Indonesia might be able to do the same, for example, with its 400 districts. The correlation maybe the same.

It is interesting because a developed country likes to use various reasons, such as its country is rich already, etc. Amartya Sen Compares between India and China, both have high level of growth (10 percent in China, and 9 percent in India), but one of them is democratic, while another is not, and one has the press freedom, while another not. No matter how poor India is, there is no any hunger disaster since its independence. But, in China, there are several times of hunger disasters, one of which can reach up to a total of 28 million people. Such condition incurs the question for the public policy designers. Actually, to protect against the hunger disaster is easy. The problem is whether the information is received or not. In India, as a democratic country, where the harvest failure has made noises so that the government must pay attention and take the preventive act. In China

where the report must please (the government) because of non-free press, the hunger disaster takes place due to late information. Amartya Sen not only conduct the test in India and China, but also in many poor countries in Africa where the hunger disaster has never occurred in some countries that give press freedom. For his survey on this subject, Amartya Sen has received the noble prize for the economy.

Next, Joseph Stiglitz, the noble prize winner, that has developed a thought that the difference between the have and the poor is so big because the people do get balanced information, for example, in China where the rich people, which amounted to 250 million, live on the coastal areas, and it is very contrary to one billion very poor people that live in other regions. Just for your information, we have felt the unbalanced condition in Asia Pacific, but by looking at the economic unbalances measurement that based on 20 percent of population divided by 20 percent, we are only defeated by Japan. China and India are more unbalanced compared to Indonesia, or even Singapore. Believe or not, the data can be seen at World Bank, The rich people in Indonesia only totaled to three or four percent of the population, where the rest is averagely poor. It is proven when counting the fuel subsidy. It might be a surprise to the people that based on total population of 220 million, or approximately 40-60 million families, the total of cars in Indonesia – with all of traffic jams in Jakarta – are only 4 million. It means that less than 10 percent of Indonesian people that have cars sue to the fact that many families own more than one car, which at the most is only 4 percent. And, many people do not know that Jakarta's Gross Domestic Revenues per capita is much higher than Singapore. Indonesia is ranked 18th based on its large Gross Domestic Revenues. Why the ones that run the forest and mining businesses are people from Jakarta? Because the local people do not know the market.

James D. Wolfensohn, the first man from World Bank that said the corruption is the economic development problem, not the political problem so that World Bank can participate in eradicating corruption. When the World Bank conducted a poll on a total of 10,000 poor people in the world, the result was a shock because they would prefer a life that is far from the fear. When I submitted the result of the poll to Cilangkap, those generals were happy by saying that they (poor people) need us (the army) after I conveyed that the majority of fear is toward the army or police because in the poor countries, the army or police often becomes the predators for the poor people.

At present time, the resource person is fighting for the availability of Ali Sadikin Award because he is an interesting figure. He became the governor in year 1996, and during that time, the DKI budget was totaled to around Rp. 60 million (two third of which from the central government) and it was not sufficient, then he got the tactics by legalizing the gambling so that the DKI revenues increased to two billion within a period of two years. In the middle of his success, in year 1970, Ali Sadikin did two things, namely, as the governor and as a personal, to establish the Legal Aid Foundation (LBH) that sued the Regional Government everyday due to the land dragging problems. During his governorship, the LBH has filed 200 lawsuits, and 60 of which have been won. At the same time, he founded the Jaya Raya Foundation, which dedicated to develop the art and sport facilities, and lent the money to a group of people, among others, Gunawan Muhamad, Fikri Jufri, and others so that they could establish the Tempo Magazine, which published the news about the LBH lawsuits weekly. At one time, the expert staff asked Bang Ali to conduct a special meeting and asked Bang Ali to do something to Adnan Buyung and Goenawan Muhamad because they have difficulties to the DKI (Regional Government) and many projects were hampered. Bang Ali said "What do you want?" They said "During this time, they (LBH and Tempo) depended on bang Ali, so please put pressure on them, or if necessary threatening them." During bang Ali era, 90 percent of funding for those two institutions came from Bang Ali, namely, his salary as the President Commissioner of Jaya Group that being donated. There was no any foreign fund for the LBH during Bang Ali era. Then, Bang Ali said "If you think the accusation is not correct, file a lawsuit and fight in the court, and I will fully support. If you are right you will win in the court, but if you really corrupt, then you will be sentenced to jail". His staff went out limply.

Then, the resource person asked Bang Ali why financing for hitting. Bang Ali answered "It is simple management issue, I know that as soon as the Regional Government of DKI has the money to develop, my staff will corrupt because the temptation was so big. Then the people said, establish the Inspectorate Generals and strengthen them, and later on being supervised so that its system will improve. But, I know that the temptation was too big, and those Inspectorate Generals would also be bribed. So, it meant that I will add more employees, add more corruptors. "I think Buyung and his friends should be given a small amount of money, then in the next 24 hours, they will think how to uncover the corruption

in DKI. The cost is very cheap. And then, Goenawan will write, if he plays around, then sue him. It is easy. It is not necessary to increase the number of employees, the cost is low, and my government is clean.” It is simple management.

The resource person is a little bit surprised to hear that one of the previous resource persons stated that the communication in the Parliament should be through one door only. Why should it be one door? The one door system will create the corruption nest. Bapak Ali Sadikin in fact said that the reporter should be critical. Then, he made the deal with the editorial chief, only one deal. He said that he only wanted the experienced reporters that knew the problem, not just made sound. Therefore, the reporters that got the press card should have a minimum two years experience, and do not withdraw them too often. Because the new one could make the mistake so that it wasted the time. He considered “I have the reporters that become the employees that must not be paid.” Therefore, if we look for the reporter for finding the goodness, it is wrong in the management. It is not necessary to have the Inspectorate General, and if necessary, the Directorate General is being retired, it is more economical and efficient. The problem is that in Indonesia, there are no many bureaucrats like Ali Sadikin so that you might feel that the press in Indonesia is too free and gone too far. In fact, if comparing with other countries, we are better compared to last year where we are still number 100 out of 160 countries. Therefore, if there is someone that says our press has gone too far, then it will be better to live in North Korea or Burma (Myanmar).

Why the Indonesian press has not been free? As it was said by Bapak Imam, in fact, there are more “bodrex reporters” (free lance reporters that seeks news for the sake of money) than serious reporters, and in Indonesia, the reporter that dares to investigate, is honest, then most of his/her time will be spent in the court to fight against the accusation of good name besmirching. If you all pay attention on who are the ones that file lawsuit against the reporters in the court, there are no poor people, but only the rich people that normally have black reputation. So, we actually give an incentive not to be a good reporter because of wasting much time in the court, being interrogated by the police, becoming the enemy, and not getting the money envelope. There is the environment that creates the bad reporters to be the majority. It should be on the contrary, the good reporters are promoted, while the “bodrex reporters” are sent to jail because they like to blackmail. In Indonesia, it is still the opposite.

Based on the experience where we investigated a case in one of the State Owned Business Enterprises (BUMN), then on the next day, our marketing staff and the competitor's were called, and the advertising contract was withdrawn and given to the competitor. Is it the kind of Public Relations that we imagine? The resource person worries if the provision of information through one door. Such thing that will be manipulated where if there is a bad news release on the parliament, then the advertising contract will be withdrawn. "It seems like good," but it is actually similar to the situation where you ask your wife or husband just to eat good foods and not to take bitter medicines. Such paradigm that must be improved.

Referring to some of the previous issues that should be answered. The resource person agrees that the existence of the Public relations for the Secretary General, but its paradigm must make a policy that good and serious press will get the easiness, while the bad one will get difficulty. In American Congress, the press is also limited, but not based on the close relation. The new reporter will be in the probation period where he/she will administer the pass card. Then, it will be monitored how many news he/she maintains within a period of three months, six months, and a year. If he/she is routine in carrying the task, he/she will get a permanent pass card so that he/she is free to go anywhere and always productive. The problem is that Public Relations only give the pass to the media/reporter that he/she considers good. But I do not blame the Public Relations because it might be the instruction from his/her superior, unlike Bang Ali that saw the reporter as the unpaid employee and to assist in improving the institution. In the Parliament, we also a problem where there too many reporters, but it is difficult to find the good ones. If looking at the reporters that cover in the Parliament, frankly speaking, most of them are still quite junior. When we covered in the Parliament, most of us have understood the issue well; even the Member asked the Members of Parliament's job description to us. The resource person considers it as temporary problem. One of the things that can be done by Public relations is the development where the reporters are provided with the information, draft, etc., but not money.

We released the news on the laptop not because we did not agree that the Members of Parliament get the laptop, but due to the fact that its price was twice the market price. So, please do not get it wrong. Not because the reporter did not like that the Member's damaged house was renovated, but how could it be that a single capacity washing machine was

priced at Rp. 5 million. So, not because the reporter did not like about the facilities that provided to the Parliament, but its mark-up. The price should be reasonable and in accordance with the market price. Every year, we subsidize the conglomerates Rp. 60 trillion in the form of the Indonesian Liquidity Bank Assistance (BLBI), and another Rp. 30 trillion for the bank owners. Just imagine, the people that receive trillions of subsidies are not quarreled at, while the poor people that happen to own a black and white television set and receives Rp. 100 thousand a month are quarreled at. The resource person expects that our friends (Members of Parliament) want to learn that the Parliament should be the source of knowledge.

Opinion 4²⁴⁴

Responding to Bapak Imam's previous statements. The press' and Parliament's role must support each other, and to criticize what is happening in the society. We are talking about what are things that happening or the actions of the community itself. Sometimes, the community's critics are not being responded. Then, in relation to the cooperation between the press and the Members of Parliaments where based on our experience, our friends (reporters) sometimes do not have too much time so that they are not in details, for example, in participating in the Special committee meeting where we are from the Research and Development (Litbang) of Kompas participated in the process, but still not get sufficient information. In relation to Bapak Imam's comment, whether in the future we can participate until it is finished, to know the attendance list, and what is discussed in the meeting so that we can make an analysis from the total members that present until who is speaking.

In the future, we might also be provided with the inputs because we always analyze what the Parliament member is doing. Therefore, we need the support of data that related to what have been done so that the information can be accurate.

Concerning the information that can be submitted directly through the website, such as the Bill that has been ratified, which supposed can be accessed directly. No matter how, we must be able to analyze what have been approved, and do not have to wait until the Law is signed by the President, for example, because we will automatically be late in informing the community. We also see what is being discussed since there is a Law

244 The resource person from Litbang Kompas.

that is produced, but just through copy and paste, and this matter is not considered well.

Opinion 5²⁴⁵

It is interesting about what have been conveyed by Bapak Bambang. The resource person agrees that the public access should be opened to look at the House performance that will minimize the potency of divergence. We agree on this framework, but the media needs to cover both sides in looking at a problem. In the case of the Bill on the Shipping Line, the Parliament has done a good job in cutting Pelindo as the regulator and at the same time, as the operator. The field demonstration was designed by the management. This can be ascertained because we know it exactly and there is an intention to put the fact upside down. This issue is unique, at that time; it seemed as if the media defended the workers that in substance defended Pelindo, which eventually created a peace clause. The clause has incurred a question why it happened. That is when Pelindo gave the judgment about the Parliament member's performance, in addition to criticize the wrong aspects. At least, the things that are on the track should be given the appropriate portion so that the Parliament is not always wrong. So, how the things that are on the track look like in the media's proportion?

In relation to the improvement of performance, we often read the atmosphere in the advertorial, but the media calls it the advertisement, whereas, its code of conduct states that if it is called the advertorial, it must be the advertorial. If something is already on the track, then it should be rewarded so that we can educate the society.

Opinion 6²⁴⁶

Concerning the closed meeting that conveyed previously by Bapak Imam. Is a closed meeting meant for all reporters or the expert staff only? When I attended the meeting on the Bill on the General Election from the beginning until the end of the meeting, I have an inner conflict due to the fact that the Law on the General Election belongs to the public so that the community should be able to follow it step by step, and finally, I often sent SMS or made a phone call to the reporters in order to confirm the crucial issues to them because the public should know about them.

245 Handoyo (Resource person in FGD 6, as the expert of PKS Political party groups).

246 AM. Furqon (Resource person in FGD 6, as the expert of PAN Political party groups).

Next, it is for Bapak Bambang concerning the layout of the question-answer right. Up to present time, the question-answer right is not balanced yet. In the case of hitting in Monas, for example, it was shown on Kompas headline on Monday. Then, on Tuesday, the same photo was displayed again, but only with a small capture that contains a correction that Munawarman choked his own man. What else the problem because the question-answer right only includes in the reader's letter, while its news has spread all over the places.

Opinion 7²⁴⁷

A sufficient number of researches on the relation between democracy and press freedom have been introduced. It is a surprise when the Indonesian reformation during the Habibie-Gusdur era, the press freedom was an anomaly because according to the procedural political theory in year 2004, we have been free from the transition period. At the same time, the press freedom experienced the returning point in that time. Maybe, it can explore some indicators that have been stated.

The resource person agrees about the Public Relations that do not mean one door, but it is necessary to explain the information on mutual decision that should be socialized to the public. The resource person participated in the LSI research started in year 2004 where in fact the community trusted more the press or the NGO compared to the Parliament and political parties. The Focus Group Discussion that we conduct actually represents the improvements on the external side so that we can give significant contents for the improvement of parliamentary party groups. But, the problem is not there as being explored by the press. If all of our Members of Parliament are like Bang Ali Sadikin, then all of performance problems in the Parliament will be solved, but they are not, and also there are many reporters that not in line with the paradigm as stated previously by Bapak Bambang. In the position of creative tension, the minimizing of divergence will happen automatically if both of them stand on the right position.

As a note, the two resource persons remind us that in fact there are basic problems that have not been touched.

247 Audy Wuisang (Resource person in FGD 6, as the expert of PDS Political party groups)

Opinion 8²⁴⁸

The resource person agrees with several things that conveyed by Bapak Harimurti. However, there is an issue that must be clarified in order to straighten the problem. With the press freedom like this, we must also go back to the climate and society in Indonesia that in general do not really know what is meant with press freedom. It is proven by the presence of many “bodrex reporters”. Accidentally, the resource person is an advocate, and there are many reporters that make the legal practitioner as a milk-cow. In relation to the press freedom, there are things that must be alerted by the friends (the press) that if the condition continues like this, then there will be a review on the press freedom. Therefore, the Press Council should limit or impose sanction to the reporters that work with such method.

Concerning the one-door information and the democracy climate like in Indonesia, sometimes the reporter interviews one by one in the case as if he/she represents others, whereas, the session has not yet ended. It might be necessary the existence of the spokesman of the Parliament, or the Chairman of Parliament that also becomes the spokesman so that the community is not confused, but it does not mean to hamper the press with one door system.

Opinion 9²⁴⁹

The Household Affairs Agency’s (BURT) is discussing about the regulation on “Parliament Spokesman” that includes, among others, the regulation on:

- In each Parliament closed meeting, there should be the spokesman.
- In providing the official explanation, there is authoritative area of the Chairman of Parliament and Chairperson of House supplementary tools.
- The explanation or information that provided by the member individually, it can be limited or regulated because it has represented the political domain.

It is difficult for the Parliament Public Relations to distinguish between quality reporters and non-quality reporters. However, through

248 Virgiani Rahayu (Resource person in FGD 5, as the expert of Golkar Party Political party groups)

249 Riadlo Simanjuntak (Resource person in FGD 6, as Head of Public Relations Bureau of RI Parliament Secretary General).

the chief coordinator of reporters, it is expected that the Parliament can select the quality reporters to cover in the Parliament considering that the provision of coverage permit card (it is valid for three months or one year) is administered by the coordinator.

In the effort to socialize the Parliament performance to the community, the Parliament Public Relations cooperates with several printed and television media (such as, Media Indonesia, Republika, Harian Merdeka, and TVRI) to make a column that related to the activities of the Parliament. We have endeavored TV Parliament to socialize on the TVRI at 1:00 p.m. TV Swara has actually helped and there are many issues that have been socialized.

In the USA, the official statement must go through a plenary. In this country, the official statement of the institution is not easy. The members have different opinions on an issue, and it is reasonable because the Parliament is a political institution. However, we need to limit which one is the institution's official statement, either by the Chairman of Parliament or the Chairperson of House supplementary tools.

Frankly speaking, there are many complaints concerning the website, and it will be improved. Hopefully, it will be better in the coming year. Concerning the expert staff that has difficulty in materials; it should be easier because there is members, maybe its photocopy that is difficult.



Forum Dynamics: Clarification and Discussion



Clarification²⁵⁰

In the future, the Parliament should make the Standing Order (Tatib) that is in line with the requirements, including the complaints from the

250 Imam Anshari Shaleh, SH. (Key Resource person in FGD 6, as Member of Special Committee in RUU Susduk/ Member of PKB Political party groups).

Research and Development of Kompas and the expert staff. Maybe, this issue will be regulated in the Standing Order (Tatib). Concerning the closed meeting where the definition of closed meeting is the meeting that attended by the members and the invited persons. This issue has become a dispute in the Budget Committee because at that time, the Chairperson was the one that invited, but the Vice Chairperson or Directorate General that came. So, we still have many weaknesses because there are new things.

Concerning the laptop, initially, it was like that (the price that was higher than market price), but it eventually developed to whether the provision of laptop was necessary or not. If it is related to the technical issue, it is not necessary to have the opinion. It is not necessary to make one door, except for technical issues.

It is better to imitate the Constitutional Court (MK) in the case of work that can be informed directly to the society. The question from the Research and Development of Kompas, it is dependent on the policy of each commission. We, in the Commission III, allow the expert staff to participate, and sometimes, the reporters can also attend the closed meeting. The criteria of closed must also be explained. There should be an improvement later on in the Composition and Status, or the Standing Order (Tatib).

Opinion²⁵¹

Every year, there is an evaluation of state institution's performance. From there, we can ascertain the Members of Parliament's performance, such as who is present or not, who participates until it ends or not. Finally, they are at outside that provide the information, whereas, the meeting has not ended yet. We do not follow the unimportant things. We just want to conduct an in-depth analysis on this issue later on.

Opinion²⁵²

How can the media play the role if its advertising column is expensive? And, there is no a special column on what the Parliament is doing. This matter has caused the media's role in improving the Parliament performance is hampered. Although, there is an investigation by the TV, it

251 Resource person from Litbang Kompas.

252 Erni Y (Resource person in FGD 6, as the expert of PBR Political party groups).

only discusses the strategic issues, whereas, other issues, such as the Bill on the Hospital, have never been discussed. Then, in order to make the community is interested in talking about the politics; its packaging should be made simpler.

Response²⁵³

In order to diminish the “bodrex reporters”, why there is no standardization.



Clarification²⁵⁴

In relation the package reporter. Electing the President in Indonesia now is a speculative matter. There is no successful Regency Head, Governor, or Senator that then becomes the Presidential Candidate, so, it is different with developed countries. Similar condition happens in the Parliament where becoming the Members of Parliament is not that because he/she is good in the Regional Parliamentary members Council (DPRD). The first time is speculative like the person that opens the first road will encounter snakes, and bushes, whereas, the follower is much better. If you look at everywhere, the person that becomes the Congress member is the one that is good in making news because if it is not interesting, it is not possible to be the Congress member. So, naturally, the people that can attract the attention will be the source of attentions. In Indonesia, the Parliament (DPR) has only become the party representative council (‘dpr’).

Then, if it is considered that the Parliament is powerless, then why not to empower itself. When we look at the plenary sessions abroad, they are not many participants, but they are full when there is a voting, and why not we imitate such thing. It is indeed bored to listen to the speech. In Australia, there is a deal where it is not allowed to project the member that falls asleep. In this country, the reporters can also have the press office in the parliament, but they cannot disturb the member’s privacy, and the press office is meant for the reporters that have the privilege.

The parliament reporter’s organization in Washington is included in the oldest in the world, and if we want, we can just copy-paste from there

253 Andi Rusnandi (Resource person in FGD 6, as the expert of PPP Political party groups).

254 Bambang Harymurti; presentation points (Key Resource person in FGD 6, as Editorial Staff of TEMPO Magazine).

because it has been used widely in other countries, and it can be corrected a little and adjusted to the Indonesia's condition.

Concerning the question-answer right, it is not possible to be done simultaneously. The correction takes place after the mistake has occurred. In solving this issue, if not satisfied with the question-answer proportion, it can be continued to the Press Council that will determine whether it is proportional or not. The Press Council is free of charge, fast, and if it is necessary, it can send the people to the region.

Concerning the advertisement, why should pay for an expensive advertisement, whereas, people read its content? Actually, if the member is very publication friendly, he/she has already known about it. According to the economic law, human is determined by his/her incentive or disincentive. As long as his/her incentive does not determine, but the more decisive is the closeness with his/her party's Chairperson, then the person prefers to take a walk with the chairperson than to participate in the session. If the climate has changed, of course, many media will release the news happily. There are many of parliamentary members that not empower themselves, instead, weakening themselves. The resource person does not agree if there is a salary cut of the Members of Parliament for the party. The party is supposed to give donation because the parliamentary members is the party's front liner. If the government cannot finance, then the party should pay the staff. In our country, it is not common yet. In the feudal country, the chairperson that finances it, whereas, each party or organization should be financed by the member's contribution.

Recommendations on the Results of FGD 6

The Role of Media in Encouraging the Improvement in The Parliament Member's Performance and Community's Political Participation

1. It is required the support of availability and easy access to data and information that related to the member's and Parliament's performance institutionally as an effort to develop and improve healthy, transparent, accountable and reliable relations between the members and parliamentary institution, and the community and the press media.
2. It should be regulated in the Parliament Standing Order (Tatib) about the Spokesman in order to convey the information that related to the parliament performance.
3. It is necessary to regulate in the Parliament Standing Order (Tatib) the mechanism of statement provision by the members.
4. The Parliament Secretary General is needed especially to inform data that related to the Secretary General.
5. It is required the efforts to improve the media's role in encouraging the improvement in the Parliament member's performance through, among others, preparation of a brief proposal on the activities that carried out by the Members of Parliaments, and the news release by the media concerning the implementation of activities and conclusion of discussion on the actual issues.
6. It is necessary to establish the ethical regulation on the media coverage that covers the Parliament activities.
7. It is required the selection in securing quality reporters, and to minimize the non-quality reporters that do the coverage in the RI Parliament through the procedures on the provision of coverage pass card.