The Indonesian Parliament after Two Elections: What has Really Changed?

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Foreword

This paper follows from a study on the structure and operation of the Indonesian parliament (Dewan Perwakilan Raykat (DPR)) commissioned by the Centre for Democratic Institutions (CDI) and published in 2003. The 2003 paper described the role, composition and structure of the DPR and made an assessment of its effectiveness as an institution in the context of the rapidly changing political scene in Indonesia after the fall of the Suharto regime. The paper concluded that great changes had occurred in Indonesian politics and that the DPR was part of those changes and was being forced to accommodate to continuing change. But it was also argued that the DPR was heavily marked by the traditions, procedures and practices of authoritarianism and that popular opinions about the Members of the DPR were dominated by perceptions of corruption, inefficiency and self-seeking behaviour. The first CDI study should be read in conjunction with this paper.

In October 2004, the second democratically elected DPR was sworn into office. But unlike the chamber elected in 1999, this DPR did not then meet as the Majelis Permusyawaratan Rakyat (MPR) and choose the President. Constitutional changes meant that the President had been chosen by the electorate in a direct popular election. The President was no longer answerable to the DPR but to the electorate. This reform fundamentally altered the relationship between the DPR and the Presidency, turning Indonesia from something of a hybrid parliamentary-presidential system into a more straightforward presidential style of government with a clearer separation of powers between the executive and legislative branches.

This paper was therefore commissioned to explore answers to two main questions. What, if anything, has changed about the structure and functioning of the DPR as an institution since the first CDI study of 2002? Specifically, have the new constitutional relationship between the branches of government in Indonesia changed the internal political dynamics of the DPR or changed the nature of the DPR’s role in law and policy-making and in Indonesian politics in general?

Introduction

In October 2004 the second democratically elected Indonesian parliament (Dewan Perwakilan Raykat (DPR)) was sworn in after elections for the DPR in June 2004 and the first direct popular presidential elections in September 2004. In a great many ways, the DPR is a transformed institution from the days when it was a rubber-stamp for the New Order regime. The turnover of new DPR Members elected in 2004 reflects the massive political changes that have occurred in Indonesia since the fall of the Suharto regime in 1998. Yet there are many institutional aspects of the Indonesian parliament that have only just begun to be reformed and, in many people's eyes, progress towards the creation of a representative and accountable institution has stalled or has even reversed. This paper outlines the structure and functioning of the DPR in the post-New Order era, assesses progress in the reform of the institution and analyses the extent to which the creation of a popularly-elected presidency has changed the interaction between the DPR and the Government.

The general conclusion of this paper is that the DPR as an institution has undergone a great increase in its legitimacy and constitutional powers since 1999 and that its relationship with executive government was further altered by direct presidential election. But in practice the DPR has been slow to make effective use of these powers
and it remains subordinated to executive government, partly because of constitutional limitations, but mainly because progress in reforming its own practices and structures has been slow. It is a fragmented chamber with seven major parties and host of minor ones and the level of parliamentary experience is very low, as three-quarters of all Members are first-timers.

Early predictions that a clearer separation of powers between the President and the DPR would lead to deadlock between the two branches of government have not come to pass. The President’s lack of a majority in the DPR has not been a problem for the Government because the parties in the DPR rarely take consistent policy positions and because decisions are not made by majority vote but by a complex and opaque process through which agreement is not reached until no parties express dissent. The DPR’s apparent inability to pass more than a few Bills per session, which has become the target of major public criticism, is not related to the balance of numbers but to resource constraints and problems with internal structures and procedures. But although the DPR is always blamed for its low legislative output, in reality the problem also lies with executive government. Ministries are badly coordinated, produce poor quality and inconsistent draft Bills, and do not interact with the DPR in a cooperative and effective way.

Although the DPR is now an activist institution with a major role to play in Indonesia’s political life, it continues to receive little more funding than did the rubber-stamp parliament of old. The general attitude within executive government is that the DPR is a subordinate branch of government. The stranglehold of the executive over the finances, staffing and management procedures of the DPR Secretariat means that change is very difficult without civil service reform as a whole. The recent restructuring of the Secretariat largely involved the reshuffling of existing departments and personnel, with basic procedures unchanged.

Despite these limitations, the DPR has started to become a conduit for new political debate that would not have taken place under the New Order. In particular, the monopoly on policy-making previously exercised by the President and government ministries has been broken. While there are clearly problems with the law-making process in the DPR, the parliament has become a major questioning voice in relation to the execution of government policy and the appointment of government officials. For better
or worse, this has increased the political complexity of the President’s job and has the potential to bring a wider range of issues into the public arena.

In order for the DPR to develop into an institution with a role that goes beyond short-term interventions into the changing issues of the day, it requires procedural reform. Beyond the strengthening and better management of the resources in the Secretariat, some basic rethinking of its role as a representative institution, its internal workings and its relations with both executive government and the electorate needs to take place. The idea that the role of the DPR is limited to the three clear and distinct functions of legislation, budget and oversight of government is an inadequate conception of a democratic representative forum.

Most importantly, both the Members and the officials of the DPR largely remain captured by a culture that lacks transparency and accountability. Public access to information and documentation on the work of the DPR is virtually non-existent and is subject to the whim of individuals who trade on the power of control of information. A major step forward for the DPR as a true voice of the people will be when it introduces an effectively functioning system for the recording, storage and retrieval of verbatim transcripts of all its proceedings. This would require not only a significant administrative restructuring for the Secretariat, but would also necessitate that Members accept that their deliberations are not about closed-door deal-making, but are matters of public interest and debate.

**Constitutional reform changed the role of the DPR**

If the first great transformative event in the history of the DPR in forty years was the conferral of legitimacy in the popular election of 1999, the DPR elected in the next elections in 2004 was greatly changed as a result of a round of constitutional reforms. The new DPR had an increased range of legislative and oversight powers but its previous role in selecting the President was taken away and its relationship with executive government became more clearly delineated. For the first time, the DPR and the President were elected in separate mass elections.

The following section outlines the constitutional reforms and their implications for the DPR. Before the constitutional amendments (a process

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begun in November 1999 and completed in August 2002), the separation of powers normally present in a presidential system was complicated by the existence of the Majelis Permusyawaratan Rakyat (MPR) or People’s Consultative Committee. The MPR was theoretically the supreme body in the Republic and was responsible for electing the President and laying down the Broad Outlines of State Policy (GBHN) which were meant to be general principles to guide the activities of all state organs, including the DPR, in the succeeding period. The fact that the MPR was composed of the members of the DPR (along with representatives from the regions and social groups), and had the power to appoint the President, meant that the President needed continuing support from the DPR to stay in office. The separation of powers between the legislature and executive was blurred.

This ambiguity was of no concern during the Soeharto years, when all real power was exercised by the President, but it became critically important after 1998. The MPR’s power to elect and depose the President created a potentially unstable quasi-parliamentary system. It was President Abdurrahman Wahid’s conflict with the DPR that led to his overthrow in July 2001 through the mechanism of a Special Session of the MPR.

This inherent instability, together with concerns about basic democratic principle, motivated a well-organised campaign by a number of NGOs, supported by key individuals in the political parties, which succeeded in having direct election of the president included in the constitutional reforms. It was argued that having a President selected by the politicians of the DPR and the government’s hand-picked “regional and social group” representatives in the MPR was a relic of Indonesia’s authoritarian past. There was also a stream of opinion that contended that while the New Order had been an “executive heavy” system, the increased power of the DPR as exemplified by the removal of the Wahid government had swung the balance too far the other way and created a “legislative heavy” constitution. This discourse was based on a fairly superficial understanding of the respective strengths of the two branches of government in the post-Soeharto era, but it nevertheless swayed many people to support the idea of direct presidential elections.

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The power of the MPR has been greatly reduced and its main functions are now to swear in the President and to amend the Constitution. While the MPR retains the power of impeachment, the President can only be impeached if he/she has infringed the law and not, as was previously the case, because of political or policy differences with the DPR. This new arrangement makes it impossible for a President to be removed from office by the DPR in the way in which Wahid was deposed in 2001. The MPR also no longer has the power to set down the GBHN, thus ending its quasi-legislative role.

The MPR is now composed of the Members of the DPR and the Members of a new chamber, the DPD (Dewan Perwakilan Daerah or Regional Representative Assembly), designed to increase the participation of the regions in national government and to replace the old regional representatives in the MPR. This change is often misleadingly described as establishing an upper house in a bicameral parliament. But the DPD is not an upper house through which all legislation must pass. Even though DPD Members often refer to themselves as “Senators”, they do not have the roles or powers of the US Senate or other upper houses like the UK House of Lords. The DPD’s powers are limited to submitting bills to the DPR which affect the regions, “participating” (ikut) in the discussion of all bills affecting the regions and “submitting its opinions” (pertimbangan) to the DPR on the State Budget and on bills concerning taxes, education and religion. In all cases, however, the final decision to pass, amend or reject any bill remains with the DPR alone. The DPD has not yet succeeded in having a single bill passed and is likely, at best, to play the role of an influential advisory body. In practice, its most effective role so far has been to act as a kind of ombudsman, collecting reports of common complaints and concerns in the regions and relaying them to relevant government agencies and the DPR.

Despite the withdrawal of the DPR’s power to select the President, it seems that the framers of the constitutional reforms wanted to retain some link between the DPR and the processes of the presidential election. It has been widely argued that because the reforms were carried out by the MPR (dominated by the Members of the DPR), the process was heavily weighted by the interests of the leaders of the political parties in the DPR. Section 6A

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of the amended Constitution specifies that presidential candidates must be proposed by political parties. This was taken even further in the law on presidential elections which states that a presidential candidate must be supported by a party or group of parties that received at least 15 per cent of the seats or 20 per cent of the vote in the DPR election held in the same year as the presidential poll. At the time of writing there are proposals to increase this threshold still further.

These provisions ensure that the presidential election is locked into an electoral cycle with the DPR and that the result of the DPR election determines the eligibility of presidential candidates. The stranglehold of political parties in the DPR (in which all Members must be members of parties) is thus extended to the office of the President. No independent non-party candidates are allowed and it becomes essential for presidential candidates to be supported by one of the major parties in the DPR or, as in the case of current President, Susilo Bambang Yudhyono, to create a political party strong enough to win support in the legislative as well as the presidential elections.

The DPR also retains a role in the procedures for presidential impeachment. An impeachment motion must originate from the DPR, although it can only succeed if it is supported by both the Constitutional Court and the MPR. A motion must be backed by two-thirds of the DPR and submitted to the Constitutional Court which must rule on whether the President has in fact breached the law. If the Court rules that there is a legal basis for pursuing impeachment, the DPR can then submit the motion to the MPR (now composed of the 128 DPD Members as well as the 550 DPR Members), two-thirds of which must support the motion for it to succeed.

Apart from direct presidential election, the other critically important element of the constitutional reforms was the provision of a more explicit law-making power to the DPR. It may seem surprising that a legislature did not have such powers before, but the original draft of the 1945 Constitution gave the President the authority to make laws with the “consent” of the DPR. The amended Constitution moves the authority to make laws from the President to the DPR. But while the balance of power between the two arms of government has shifted in the DPR’s favour, the new Constitution is contradictory or, at best, ambiguous. Article 20A (1) states that “the DPR holds the power to make laws”. But the power is compromised by the clause immediately following, Article 20A (2), which states that “each bill is
discussed by the DPR and the President to reach joint agreement”. In effect, therefore, legislative authority is not held by the legislature but is actually shared with the President.⁶

These arrangements create a situation where the legislative process is very much of the character of a dialogue between the government and the DPR. The DPR still cannot pass a Bill under its own volition and is, in fact, subject to an effective veto by executive government. Commentary on the amended Constitution often claims that the President does not have a veto on legislation (unlike the US President) because a Bill becomes law after 30 days, regardless of whether the President signs or not. The reality, however, is that the President in practice has a powerful effective veto over legislation because a Bill cannot become law without the “joint agreement” specified in Article 20A (3). The issue of formal Presidential veto never arises because the Government’s power to prevent the passage of a Bill is exercised at the ministerial or official level.

The Government can prevent the passage of a Bill at various stages during the law-making process simply by delay. For example, Bills initiated by the DPR are often delayed indefinitely because the Government has failed to name a Minister to act as a counterpart in the joint DPR-Government deliberations. In other cases, the Government can delay its official response to a DPR Bill or to the DPR’s comments on its Bill, without giving any explanation. Such devices allow the Government to stall a Bill without having to take a public stand against it. One DPR Member has described this as a “silent veto” because the Government is able to exercise it quietly, at little political cost to itself.⁷ The arrangement limits the independence of the DPR and creates the possibility of deadlock between the Government and the DPR. This reality forms the background to a number of the case studies of Bills discussed in later sections of this paper.

The final element of the constitutional reforms that had important implications for the DPR was the provision of a number of powers in relation to the appointment of state officials. These powers have significantly boosted the capacity of the DPR to intervene in and oversee the actions of executive government. They are:

a) to select members of the Supreme Audit Board (BPK)

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⁶ Author’s translation.
⁷ Interview with a Golkar DPR Member, November 2005.
b) to deal with the results of BPK investigations  
c) to approve the membership of the Judicial Commission  
d) to approve the membership of the Supreme Court as nominated by the Judicial Commission  
e) to select three of nine candidates for judges of the Constitutional Court  
f) to give its opinions on the President’s selection of ambassadors and receipt of foreign ambassadors  
g) to approve the President’s declaration of war or peace or signing of international treaties  

The parties in the DPR  
The DPR elected in 1999 was composed of 500 Members, 462 of whom were elected and 38 appointed from the armed forces (Tentara Nasional Indonesia – TNI) and the police (Polisi Republic Indonesia – POLRI). New laws passed in 2003 reformed the composition and electoral system for the DPR and increased the membership to 550. Representation for the military and police was eliminated and all 550 Members are now popularly elected following the election of April 2004.  

Indonesia has long had a fractured political landscape, with a large number of small parties competing for power and advantage. This tendency increased in the 2004 elections and has led to an even more politically diffuse and fragmented parliament than before.  

There were five major parties in the previous DPR of 1999-2004. It was numerically dominated by PDIP, with one-third of Members. Golkar held about a quarter of the seats and these two largest parties together formed a clear majority of elected seats (59%). Three middle-sized parties (PPP, PKB and PAN) together made up almost one third of the DPR and the rest was held by 15 small parties.  

Since the 2004 election, there are now seven major parties, Golkar, PDIP, PKB, PPP, Partai Demokrat, PKS and PAN. PDIP and Golkar losses mean that they now hold only 43% of DPR seats. With the rise of two new parties, Demokrat and PKS, nearly half the seats (48.1%) are held roughly equally by the five other major parties and 9 small parties hold the rest (9%). Thus the DPR now has two larger parties with about 20% each, five other parties with about 10%, with the final 10% held by 9 minor parties. Neither the two major parties together nor any other likely coalition could sustain a majority.
There are 61 women Members of DPR (11.1% of the total), a number which is a slight increase over the 43 women (9.3% of the total) in the previous DPR of 1999-2004. The secular parties generally have a higher representation of women than the Islamic parties.

The parties represented in the DPR are as follows:

<table>
<thead>
<tr>
<th></th>
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<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Golkar</td>
<td>22.4</td>
<td>21.6</td>
<td>120</td>
<td>128</td>
<td>26.0</td>
<td>23.3</td>
<td>18</td>
</tr>
<tr>
<td>PDIP</td>
<td>Indonesian Democratic Party – Struggle</td>
<td>33.7</td>
<td>18.5</td>
<td>153</td>
<td>109</td>
<td>33.1</td>
<td>19.8</td>
</tr>
<tr>
<td>PPP</td>
<td>United Development Party</td>
<td>10.7</td>
<td>8.2</td>
<td>58</td>
<td>58</td>
<td>12.6</td>
<td>10.6</td>
</tr>
<tr>
<td>PD</td>
<td>Democrat Party</td>
<td>n/a</td>
<td>7.5</td>
<td>n/a</td>
<td>57</td>
<td>n/a</td>
<td>10.4</td>
</tr>
<tr>
<td>PKB</td>
<td>National Awakening Party</td>
<td>12.6</td>
<td>10.6</td>
<td>51</td>
<td>52</td>
<td>11.0</td>
<td>9.5</td>
</tr>
<tr>
<td>PAN</td>
<td>National Mandate Party</td>
<td>7.3</td>
<td>6.4</td>
<td>34</td>
<td>52</td>
<td>7.4</td>
<td>9.5</td>
</tr>
<tr>
<td>PKS</td>
<td>Justice &amp; Welfare Party</td>
<td>1.3</td>
<td>7.3</td>
<td>n/a</td>
<td>45</td>
<td>1.5</td>
<td>8.2</td>
</tr>
<tr>
<td>PBR</td>
<td>Star Reform Party</td>
<td>n/a</td>
<td>2.4</td>
<td>n/a</td>
<td>13</td>
<td>n/a</td>
<td>2.4</td>
</tr>
<tr>
<td>PDS</td>
<td>Peace &amp; Welfare Party</td>
<td>n/a</td>
<td>2.1</td>
<td>n/a</td>
<td>13</td>
<td>n/a</td>
<td>2.2</td>
</tr>
<tr>
<td>PBB</td>
<td>Crescent &amp; Star Party</td>
<td>1.8</td>
<td>2.6</td>
<td>13</td>
<td>11</td>
<td>2.8</td>
<td>2.0</td>
</tr>
<tr>
<td>PPDK</td>
<td>Democracy Unity &amp; Nationhood Party</td>
<td>n/a</td>
<td>1.2</td>
<td>n/a</td>
<td>4</td>
<td>n/a</td>
<td>0.9</td>
</tr>
<tr>
<td>PKPB</td>
<td>Care for the Nation Functional Party</td>
<td>n/a</td>
<td>2.1</td>
<td>n/a</td>
<td>2</td>
<td>n/a</td>
<td>0.4</td>
</tr>
<tr>
<td>PP</td>
<td>Pioneer Party</td>
<td>n/a</td>
<td>0.8</td>
<td>n/a</td>
<td>3</td>
<td>n/a</td>
<td>0.5</td>
</tr>
<tr>
<td>PKPI</td>
<td>Indonesian Justice &amp; Unity Party</td>
<td>1.25</td>
<td>4**</td>
<td>1</td>
<td>0.8</td>
<td>0.2</td>
<td>0</td>
</tr>
<tr>
<td>PNIM</td>
<td>Indonesian Nationalist Party – Marhaen</td>
<td>0.8</td>
<td>n/a</td>
<td>1</td>
<td>n/a</td>
<td>0.2</td>
<td>0</td>
</tr>
<tr>
<td>PPDI</td>
<td>Indonesian Democracy Upholders Party</td>
<td>0.8</td>
<td>2***</td>
<td>1</td>
<td>0.4</td>
<td>0.2</td>
<td>0</td>
</tr>
</tbody>
</table>

* as Justice Party (PK) | ** as PKP | *** as PDI

An inexperienced chamber

A particular feature of the DPR is the very large number of new and inexperienced Members. Of the 550 Members elected in 2004, 400 (73%)
entered parliament for the first time. This is partly because the DPR was increased in size from 500 to 550 (a 19% increase) and because 38 seats previously allotted to unelected representatives from the Armed Forces and Police (TNI/POLRI) were replaced with elected Members, thus creating new 88 seats to be taken up by elected Members. But there was also a very high turnover of Members from the previous DPR. Of the 462 elected Members of the old DPR, only 150, or 32%, were re-elected in 2004.

Of the 43 women elected in 1999, 12 were re-elected in 2004, a re-election rate of 18.5%. This compares to a re-election rate of 25.2% for male Members. Of the 400 new Members in the DPR of 2004-2009, 351 are men and 49 are women. A female Member is thus more likely to be a new Member than is a male Member.

The party with the largest pool of experienced Members is Golkar, with 62 of its 128 Members sitting for a second time. The Indonesian Democratic Party – Struggle (PDIP) fared badly in terms of reelection and just 47 of its 109 Members have experience from the last DPR. This was largely because of its spectacular loss of electoral support, falling from 34% to 18.5% of the popular vote and from 153 to 109 DPR seats (33% to 19.9%). The major party with the largest turnover was the National Awakening Party (PKB), which retained just 8 of its 51 Members (16 per cent). There was a major influx of new Members from the newly-created Democrat Party, formed by the former Security Minister and later President, Susilo Bambang Yudhono. Many of the new Members also entered parliament with the rise in popular support for the Justice and Welfare Party (PKS) (previously known as the Justice Party (PK)), which increased from 1.3% of the vote in 1999 to 7.4% in 2004, increasing its DPR seats from 7 to 45 seats (1.1% to 8.2%).

Caucuses (Fraksi)
The parties within the DPR are formally institutionalised in DPR Caucuses (Fraksi). In many ways, Fraksi is just another name for parliamentary party, along similar lines to a Westminster parliament. But the unusual feature of

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8 The word Fraksi originates from the Dutch word fraktie which has no direct equivalent in English. The closest English word is caucus which, except in the case of the Canadian parliament, is usually used to connote a more unofficial or informal grouping. The Australian Labor Party parliamentary party has historically called itself a caucus, but the practice is not followed by other parties in the Australian parliament.

9 In the Australian parliament, for example, parties with above a certain number of MPs receive official “party” status which means they receive funding and facilities from the
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The DPR is that each Fraksi has to be represented on every Commission (standing committees explained below), so the minimum membership for a Fraksi has to be equal to the number of Commissions, which is eleven. As a result, parties with fewer than eleven Members are placed together into a combined Fraksi to make up the minimum membership. Thus the larger parties constitute a Fraksi by themselves, but the very small parties either join a larger party’s Fraksi or a combination Fraksi. The combined Fraksi show little regard for the political complexion of the parties concerned, but are created entirely to ensure that the rule about minimum representation on Commissions is followed. A member of a small party in a combined Fraksi will thus be recognised as a representative of his/her Fraksi rather than his/her party when officially participating in the organs of the DPR.

The Fraksi are the basic organisational unit through which the DPR is considered to operate by the Rules of Procedure of the DPR. As well as being represented in each Commission, each Fraksi is represented in proportion to its numbers in each of the other working organs of the DPR explained below. The leaders of the Fraksi, as the leading representatives of the parties in the chamber, are amongst the most powerful figures in the DPR.

The 10 Fraksi are:

<table>
<thead>
<tr>
<th>Caucus (Fraksi)</th>
<th>No of Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Golkar</td>
<td></td>
</tr>
<tr>
<td>Golkar Party</td>
<td>127</td>
</tr>
<tr>
<td>Care for the Nation Functional Party</td>
<td>2</td>
</tr>
<tr>
<td>PDIP (Indonesian Democratic Party – Struggle)</td>
<td></td>
</tr>
<tr>
<td>PPP (Unity &amp; Development Party)</td>
<td></td>
</tr>
<tr>
<td>Democrat</td>
<td></td>
</tr>
<tr>
<td>Democrat Party</td>
<td>56</td>
</tr>
<tr>
<td>Justice &amp; Unity Party</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>60</td>
</tr>
</tbody>
</table>

national budget. In the case of Canada, each parliamentary party above a certain threshold of Members is given recognition as a “caucus”.

10 In one case, the Pioneer Party of 3 Members, transferred its membership from the combined Democratic Pioneer Star Fraksi to the Democrat Party Fraks.

A table showing the distribution of seats in the DPR:

<table>
<thead>
<tr>
<th>Party Name</th>
<th>Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pioneer Party</td>
<td>3 (transferred from Democratic Star Caucus in Jan 2007)</td>
</tr>
<tr>
<td>PAN (National Mandate Party)</td>
<td>53</td>
</tr>
<tr>
<td>PKB (National Awakening Party)</td>
<td>52</td>
</tr>
<tr>
<td>PKS (Justice &amp; Welfare Party)</td>
<td>45</td>
</tr>
<tr>
<td>PBR (Star Reform Party)</td>
<td>14</td>
</tr>
<tr>
<td>PDS (Peace &amp; Justice Party)</td>
<td>13</td>
</tr>
<tr>
<td>BD (Democratic Star)</td>
<td></td>
</tr>
<tr>
<td>PBB (Crescent Star Party)</td>
<td>11</td>
</tr>
<tr>
<td>KDKP (Unity Democracy Nationality Party)</td>
<td>4</td>
</tr>
<tr>
<td>PPD (Upholder of Democracy Party)</td>
<td>1</td>
</tr>
<tr>
<td>PNIM (Indonesian National Party Marhaen)</td>
<td>1</td>
</tr>
</tbody>
</table>

**Sessions of the DPR**

The DPR has a fixed term of five years. Its deliberations are divided into five Session Years (*Tahun Sidang I-V*) which run from October to October.

According to formal procedure, the supreme forum of the DPR is the Plenary Meeting (*Rapat Paripurna*). In practical terms, however, Plenary Meetings are purely for protocol and the formalities of the final endorsement of decisions that have been made in other bodies within the DPR, principally the Commissions and Special Committees, as explained below. Thus the only times all Members of the DPR meet in one place are for ceremonial purposes. The scheduled questioning of Ministers before the assembled parliament that is part of the Westminster tradition of Ministerial responsibility has no place in the DPR. Scrutiny of executive government by the DPR occurs in other forums within the DPR, principally the Commissions and Special Committees.

**Decisions by “consensus”**

The Rules of Procedure devote a whole chapter to the decision-making procedure and state that decisions in all meetings of the DPR, from Plenary Meetings to small working committee meetings are, as far as possible, to be taken on the basis of “consensus” (*mufakat*). Only if there is continuing disagreement should decisions be taken by a majority vote.\(^\text{12}\) What this means in practice is that decisions are made by agreement amongst the party leaders through the mechanism of the *Fraksi*. Each *Fraksi* puts its position

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\(^{12}\) *Peraturan Tata Tertib*, Chapter 23, Articles 187-197.
and a final agreement is reached through discussion in general meetings or in closed lobbying and negotiation sessions. The process by which agreement without dissent is reached is not recorded or documented and thus it is often difficult to know which parties or individuals took what original position and how they were persuaded to assent to the dominant position. It is a non-transparent process which is a legacy of the New Order political culture, even though it is frequently argued to be a traditional Indonesian way of decision-making that prevents the exclusion of minority views.\(^1^3\)

Virtually all serious decisions, formally at least, are made in Commissions and Committees. There has never been an occasion when a Bill drafted and agreed upon by a Commission or Special Committee has gone to a vote in a Plenary Session. Decisions by other special working groups also routinely pass through the Plenary session without serious discussion, even though they formally become the decision of the entire legislature. For example, in December 2006, the decision by a DPR working group to call on the President to set up a special team to investigate the murder of the human rights activist, Munir, was endorsed without debate or vote by a Plenary session, even though the case has the potential to seriously compromise the Indonesian intelligence services.\(^1^4\) There has, however, been a limited trend towards real debate in the Plenary, as exemplified by the cases of fuel price subsidies reduction and rice import, matters that are discussed in a later section of this paper.

**Parliament & President: A changing relationship**

In the public commentary on the DPR there has been a line of argument that has stressed what is seen as a great increase in the power of the DPR relative to the President and executive government as a whole. The argument is that under the New Order Indonesia had a “presidential heavy” political system where the legislature and all other institutions of government were subordinate to the President. In the era of *reformasi* since 1998, it is contended, the increasing power of the DPR means that there has been a switch to a “parliament heavy” political system, the inference being that the system is still unbalanced, but now in favour of the parliament.

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\(^1^3\) The author’s 2003 CDI study on the DPR discusses in more detail the processes and effects of decision-making without voting.

\(^1^4\) *Kompas*, 8 December 2006.
But how much change has there really been in the role of the DPR and has such change really constituted a fundamental shift of relative power to the legislature? What new dynamics have emerged in the interaction between the two arms of government and how have they affected the realities of politics in Indonesia?

In formal constitutional and political terms the DPR has of course undergone a transformation since its days as a rubber stamp for President Soeharto. The free elections of 1999 invigorated the DPR with a new legitimacy it never possessed during the Soeharto years. With popular legitimacy, the DPR had the confidence to intervene in the operation of government in an unprecedented way, culminating in its removal from office of President Abdurrahman Wahid in 2001. The constitutional reforms of 1999-2003 provided the legislature with a range of new powers to oversee executive government and explicitly named the DPR as the body with the authority to make laws. On the other hand, the power of the DPR to appoint and remove the President was fleeting and was removed in the constitutional amendment introducing direct presidential election. And the legislative power of the DPR is greatly compromised by the constitutional provision that the government must jointly agree to all legislation.

The constitutional change providing for direct Presidential election has great potential to affect the relations between legislature and executive. When the change came into effect in 2004, the President became free of the possibility of being unseated by the legislature and could appeal directly to the electorate for his/her legitimacy. But, of course, like any President in a system based on a separation of executive and legislative powers, the President still needs the legislature to pass legislation. The deadlocks between the two arms of government that are so characteristic of presidential systems in other countries became a prospect for Indonesian politics.

Indeed, when President Yudhyono was elected in 2004 there were many predictions from Indonesia-based and international commentators that Yudhyono would face major problems of governing because of his lack of a majority in the DPR. Although Yudhyono won an overwhelming victory in the Presidential election, his party, the Democratic Party, scored only 10 per

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cent of the seats in the parliament. Even with the support of the party of his Vice-Presidential partner, Jusuf Kalla of Golkar, he controlled only one third of the DPR. Conventional wisdom based on the experience of other legislatures internationally suggested that this was a formula for legislative deadlock and possible political instability.

Such forecasts, however, did not come to pass because they were based on a misconception of the internal dynamics of the DPR. It is not unreasonable to assume that the dynamics of a parliament would be determined by the balance between the numbers of seats held by each party and that this balance would be revealed each time a vote was taken. The problem with the assumption in relation to the DPR, however, is that decision-making in the Indonesian parliament is a much more complex and opaque process than the counting of numbers. First of all (as outlined in the first part of this study and discussed in more detail in the 2003 CDI paper), decisions are not made by voting but by so-called consensus. Under this system, a decision on the passage of a Bill or on any procedural matter is not made until each Fraksi (as distinct from each Member) is in agreement with a proposal. Secondly, virtually all key decisions are made in Commissions and Committees, each of which has its own internal political balance and mode of operation, and are ratified as a matter of course in a Plenary Session. Finally, the deliberations and deal-making required to obtain the agreement of all Fraksi take place in private meetings and are not minuted or recorded in any DPR documentation.

Thus, curious though it may seem to an outside observer, the actual number of seats held by a President’s party is only one amongst a range of other more important factors that determine whether or not he/she is able to have his/her legislation passed by the DPR. The internal dynamics of a particular Commission/Committee, the political position of each individual Member in relation to his/her Fraksi and the relations between the Commission/Committee and its counterpart Minister are all variously important according to the particular issue. Added to this is the fact that because Indonesian political parties have poorly developed policies, it is rarely possible to predict what position their Members in any Commission/Committee might take.

For all these reasons, President Yudhyono has not encountered any particular difficulty in having legislation passed by the DPR on party political grounds. As discussed in a later section of this study, there are a
number of reasons for the DPR’s poor record in producing legislation, but they do not relate to the Government’s lack of a majority. This has also meant that there has been little sign of the emergence of consistent groupings of Government and non-Government parties. The lack of any sense of Government and Opposition in the DPR which was identified in the 2003 CDI study remains almost as strong as ever.

Direct presidential election did create some pressure towards the development of governing and non-governing parties, but it has proved to be weak and fitful. Thus the Democrat Party is sometimes referred to as the “ruling party” and Golkar is even talked about as the “majority party”, despite being far short of a majority. But these appellations are highly misleading and seem to be an attempt to apply terms from international experience in circumstances that are quite different. Although the Democrat Party and Golkar can be relied upon not to embarrass the President during any particular high-profile political controversy, they have not shown a predictable pattern of behaviour in deliberations on legislative questions. The only party that might be called on opposition party is PDIP because it does not have any representatives in Cabinet. But its behaviour in Commission/Committee meetings is rarely any more consistent than other parties.

Soon after the new DPR was convened in October 2004, two party groupings did form, the National Coalition (Golkar and PDIP) and the People’s Coalition (PPP, Democrat, PKS & PAN), with PKB taking an ambiguous position. These groupings came together mainly over the question of the allocation of control over the Chairs of the various Commissions and other organs of the DPR. There was a major public stand-off between the two so-called coalitions, bringing the work of the DPR to a halt for a couple of months. There were even threats to boycott plenary sessions and to set up rival Commissions. This initially seemed to provide evidence that the kind of political party divisions and deadlock predicted by some commentators was indeed coming true. But the groupings did not develop into sustained working coalitions and effectively disintegrated when their initial purpose of winning the control of DPR Commissions was resolved. When the leadership of Golkar was assumed by Vice-President Jusuf Kalla in 2005, his party came together into a working relationship with the Democrat Party, cutting across the lines of the two groupings and finally eliminating any pretence of the existence of two coalitions. Since that time the DPR has been marked by a shifting record of party allegiances.
Notwithstanding the weakness of party policy positions, the new legitimacy and constitutional position of the DPR has greatly increased the relative importance of the DPR as an institution in relation to the executive. The DPR is now more active in questioning the government’s policy objectives as embodied in Bills presented to the parliament and in initiating amendments to government drafts. A growing number of DPR Initiative Bills are also being drafted, although their number is still far exceeded by Government Bills. But the greater legislative activism of the DPR is eclipsed by its much more vocal role in questioning individual government policy actions and in influencing the appointment of state officials such as ambassadors, the commander of the military and the head of the Supreme Audit Agency. In less tangible terms, the DPR is a new channel for interest groups of various kinds to influence government decisions, a fact that is causing some discomfort in government agencies used to exercising a monopoly in making and executing policy. Finally, the DPR is one of the key corridors through which political parties have returned to the main political stage from which they were excluded during the New Order.

The Structure of the DPR

The Leadership of the House (Pimpinan DPR)
The presiding officers of the DPR are the Members of the Leadership of the House, namely a Chair or Speaker (Ketua) and three Vice Speakers (Wakil Ketua). The Leadership is characterised in the Rules of Procedure as being a ‘collective leadership’ (bersifat kolektif). The philosophy underlying this description is indicative of the particular role of the Speaker(s) of the Indonesian parliament. In most democratic legislatures it is usually considered that the presiding officers should be impartial and ‘above’ partisanship, or should at least give strong consideration to the rights of opposition parties. The Leadership of the House in the DPR, on the other hand, seems to be seen as representing a collective consensus of the different political currents in the assembly. The Leadership is considered non-partisan not in the sense of being apart from party divisions but in the sense of articulating, or even embodying, a collective expression of the views of the DPR. It could be seen as significant that the terminology to describe the office implies that it is one that ‘leads’ rather than ‘presides’.

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16 Peraturan Tata Tertib, Article 18.
**Steering Committee (Bamus)**

The broad agenda of the DPR is decided by the Steering Committee\(^17\) (*Badan Musyawarah* or *Bamus*), a powerful body whose role is:

- To determine the agenda for each annual session of the DPR and parts thereof, including an estimated time for the resolution of an issue or the completion of a Bill
- To advise the Leadership of the House on policies to carry out the work of the DPR
- To consult with other bodies in the structure of the DPR
- To consult and coordinate with the government and the People’s Consultative Assembly (*MPR*)

The Steering Committee is made up of a maximum of 100 DPR Members, in proportion to the size of the *Fraksi*. The Committee is generally regarded as a forum where the leading members of each *Fraksi* consult and determine the priorities for the DPR for the coming period. The Committee determines the dates for each session and recess, when Bills will be placed on the agenda of a Plenary Meeting, what Commission will consider a particular Bill or whether a Bill will be passed to a Special Committee to consider. The Steering Committee also decides if and when a Special Committee is to be formed to conduct an inquiry or investigation into a particular issue.

As the meeting place for the key members of each of the *Fraksi*, the Steering Committee is a highly influential body. It is often referred to as a ‘mini-DPR’ because it reflects the totality of political currents in the parliament and is chaired and led by the Leadership of the House. The Committee often foreshadows what position the DPR as a whole is likely to take on a particular question. The power of the Committee comes from the fact that it is the gatekeeper for the entry of Bills and requests for inquiries into the DPR. In the words of one Member of the Committee, ‘*Bamus* controls the traffic’.\(^18\)

The importance of the Steering Committee is indicated by the fact that it is presided over by the Leadership of the House. The Rules of Procedure also declare that the Leadership of the Steering Committee is a ‘collective

\(^{17}\) *Badan Musyawarah* is more literally translated as ‘Consultative’ or ‘Deliberative Committee’, but ‘Steering Committee’, the term used in the official DPR English translation of the Rules of Procedure, is a more accurate description of the body in question.

\(^{18}\) Interview DPR Member, December 2002.
leadership’, with the inference that its views are a collective statement of the views of the Members of the Committee as a whole.

The limit to the Steering Committee’s power is that it cannot actually prevent a Bill or other matter coming before the DPR but can delay or facilitate it. As one Member of the Committee put it, ‘you can’t kill it in Banus’. While the Member was of the opinion that, in political terms, it was probably not possible to delay something for much longer than about three months in the Steering Committee, he also pointed out that such delay could sometimes be as effective as a complete halt. An example was the question of whether to form a Special Committee in 2001 to investigate the alleged involvement of then DPR Speaker, Akbar Tandjung, in certain corrupt activities (the so-called Buloggate II affair). Both Golkar and PDIP Members of the Committee prevaricated on the issue for long enough for the matter to lose its political momentum and for the then President to decide that she did not wish to proceed on the matter.

**Commissions (Komisi)**

The eleven Commissions of the DPR are the principal working bodies where the constitutional roles of the DPR are actually carried out. Their functions and powers are:

- To discuss, prepare and complete the formulation of draft legislation before its final assent in a Plenary Meeting
- To monitor or oversee the policies and activities of executive government
- To call Ministers and government officials to public or closed hearings
- To hold preliminary meetings to discuss Budget Bills in their respective subject areas, before the Bills are passed to the Budget Committee for final decision
- To propose draft legislation for the consideration of the DPR
- To exercise the DPR’s right to appoint or to be consulted on the incumbency of a range of positions of state, including the Supreme

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19 Interview DPR Member, December 2002.
21 ‘Komisi’ is sometimes translated as ‘Committee’, but the author has used the other common translation ‘Commission’, partly because it is a more direct translation and partly as a means to distinguish the Komisi from the Panitia (with different roles and composition), which are more appropriately translated as ‘Committees’.
Court, Supreme Audit Agency (BPK), central bank (Bank Indonesia), National Commission for Human Rights (KomnasHAM), General Elections Commission (KPU) and ambassadorships.

Commissions are key bodies in the DPR because they are the main place where draft legislation is considered and where changes to Bills are made. As the point in the legislative process where substance rather than procedure or protocol is involved, the Commissions have the power to reject, delay or facilitate Bills and to determine their content. They are also one of the principal forms of formal contact between executive government and the DPR and the main site where the parliament exercises both formal authority and practical power over the President, Ministers and government agencies. Not only does the Commissions’ role in law-making give them the power to influence the course of government policy and actions, but the questioning of government representatives has the potential to seriously embarrass Ministers or officials. The power to determine or influence appointments to the positions of state outlined above can profoundly influence the actual execution of government policy.

There are 11 Commissions, defined according to their subject area and the executive government bodies they oversee:

Commission I  
Foreign Affairs, Defence, Information

Commission II  
Home Affairs, Regional Autonomy, State Apparatuses, Land Issues

Commission III  
Law, Human Rights, Security

Commission IV  
Agriculture, Forestry, Fisheries, Food

Commission V  
Transportation, Telecommunication, General Works, People’s Housing, Rural Development, Underdeveloped Regions

Commission VI  
Industry, Trade, Cooperatives/Small & Medium Enterprise, State-Owned Companies, Investments, National Standardisation

Commission VII  
Energy, Mining, Research & Technology,
Each Commission can also form Sub-Commissions (*Subkomisi*) to assist in their work. There can be up to a maximum of 3 Sub-Commissions for each Commission. Commission I, for example, has Sub-Commissions on Defence, Foreign Affairs and Information and Communication. Commission VI has Sub-Commissions on Industry and Trade, Cooperatives and Tourism.

Each Member of the DPR must be a Member of one Commission and one Sub-Commission. The membership of each of the Commissions is determined in proportion to the size of the *Fraksi*. This means that each *Fraksi* should have approximately one-tenth of their number represented on each Commission with, for example, Golkar having around 13 Members per Commission and the three smallest *Fraksi* having one or two Members in each Commission. The total size of each Commission is around 60 Members.

Each Commission has a Leadership (*Pimpinan*) composed of a Chair (*Ketua*) and 3 Vice-Chairs (*Wakil Ketua*). The Members of the Leadership of each Commission are very influential individuals, both because of their role within the Commissions and their role in representing the Commissions in other bodies in the DPR. The Leadership schedules the Commission’s meetings and hearings, determines their agenda and presides over them. The Leadership also decides the composition of Sub-Commissions and the Commission’s representation in the Budget Committee (see below) and has the power to change that representation. The Leaderships of the Commissions regularly confer with the Leadership of the House and with the Steering Committee over the introduction and scheduling of discussions on Bills.
While Commissions in general are very important bodies in the DPR, there is an imbalance in the relative power and status of the different Commissions. Three Commissions stand out as exercising particular influence because of their subject areas and the government agencies they oversee. Since Commission I covers foreign affairs, defence and security it has a clear pivotal position in the fundamental issues of state. Commission II’s responsibility for Home Affairs also provides it with a role in issues of internal security, responsibility for state apparatuses is important for the structure and management of government and responsibility for law is critical in a law-making institution. Commission XI’s coverage of finance and banking gives it influence over the key questions of fiscal, monetary and economic policy.

On the other hand, while the other Commissions do not concern themselves with the overtly powerful issues of government, they each have their own areas that are considered ‘wet’ (basah), that provide the greatest opportunity for wealth-generating activities. Commission III, for example, covers forestry, where official complicity in lucrative illegal logging is reported to be rampant. Commission II also oversees the National Logistics Agency (Bulog), the food purchasing and distribution agency which was a major source of unaccountable off-budget funds for the Soeharto government and continues to be the subject of allegations of corruption. Other Commissions have coverage of matters such as transport and communications, state-owned corporations, education, health, religious affairs and natural resources, all of which are notorious for their exploitation for illegal income.

**Budget Committee (Panitia Anggaran)**

In addition to the Commissions, there is a Budget Committee, which is a standing committee (panitia yang bersifat tetap) whose role and prominence is similar to that of a Commission, but which has the sole function of considering the Bills that constitute the annual state budget (APBN). The Budget Committee is made up of Members of each of the Commissions and, according to the Rules of Procedure, with consideration for proportionality

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with each *Fraksi*. Members of the Committee cannot, however, be part of the Leadership of a Commission.

**Special Committees (Pansus)**

Special Committees (*Panitia Khusus* or *Pansus*) have largely the same powers as a Commission, but are temporary, ad hoc committees created in particular circumstances. They are formally created in a plenary session on the recommendation of the Steering Committee, which means in reality that they are the product of a decision in the Steering Committee. Special Committees can be created to carry out one of two roles: to consider a Bill in place of a Commission, or to conduct an inquiry or investigation into a particular issue of policy or political importance.

In the case of legislation, a Special Committee will be formed when the Steering Committee decides that a Bill crosses the subject boundary-lines of two or more Commissions and is sufficiently complex to require inputs from more than one Commission. This usually occurs when two or more Commissions argue that they have an interest in a particular Bill. Roughly a half or more of Bills under discussion at any one time are passed to a Special Committee rather than to a Commission. A Special Committee to consider a Bill will be composed of representatives of the two or more Commissions deemed by the Steering Committee to be concerned with the subject matter of the Bill. The Members are nominated by the *Fraksi* and are in proportion to *Fraksi* size.

Special Committees to inquire into a particular issue are established by the Steering Committee, in the form of a recommendation to a Plenary Meeting. The formality of forming a Special Committee for an inquiry is the same as for a Special Committee for a Bill: that the matter involves issues related to the work of more than one Commission. In this case, however, the Membership of the Committee does not have to be in proportion to the relative size of the *Fraksi*. A Special Committee will normally be formed if the issue is a high profile one, particularly if it involves matters that are politically sensitive for the Government or the parliament.

**Legislation Committee (Baleg)**

The Legislation Committee (*Badan Legislasi* or *Baleg*) is the only body within the current structure of the DPR which is a creation of the post-Soeharto era.

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23 *Peraturan Tata Tertib*, Article 51(2). The new draft of the Rules says that Budget Committee Members cannot also be Members of a Commission.
It was established in 1999 as a body to facilitate the development of Bills originating from within the DPR (DPR Initiative Bills), as distinct from the Bills emanating from executive government. The Legislation Committee plays this role by:

- Assisting Members of the DPR, Commissions or Joint Commissions who are proposing DPR Initiative Bills, including drafting such Bills
- Working on the drafts of Bills submitted by bodies outside the DPR
- Holding consultations with interest groups and members of the community on draft Bills and policy issues
- Originating and completing draft Bills on the special request of the Steering Committee
- Being responsible for the DPR Rules of Procedure and Code of Ethics

The Committee is composed of 48 Members, in proportion to the size of each Fraksi. Members of the Committee cannot be from the Leadership of a Commission or be Members of the House Affairs Committee or the Committee for Inter-Parliamentary Cooperation. The Committee has a Leadership elected by the Members of the Committee and is composed of a Chair (Ketua) and three Vice Chairs (Wakil Ketua). Like other such entities in the DPR, the Leadership is characterised as being a ‘collective leadership’.

As a relatively new body within the DPR and as a body dealing with an activity which was almost unknown in the parliament of the New Order, drafting its own Bills, the Legislation Committee is still clarifying its role. The Chair of the Legislation Committee in the 1999-2004 DPR, Zein Badjeber of PPP, saw the Committee as a ‘think tank’ or a ‘kitchen’ for the improvement and development of the legislative output of the DPR, including by facilitating public consultations.

**House Affairs Committee (BURT)**

The internal affairs of the DPR are overseen by the House Affairs Committee (Badan Urusan Rumah Tangga or BURT). The tasks of the House Affairs Committee are:

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24 The new draft Rules of Procedure state that Members of the Legislation Committee should not also be Members of a Commission.

25 Interview with Zein Bedjeber, former DPR Member, Chair of Legislation Committee.
To assist the Leadership of the House in determining policies on internal affairs (including the pay, allowances and conditions for DPR Members) and overseeing the work of the Secretariat of the DPR
To assist the Leadership of the House in overseeing the creation and management of the DPR Budget
To consult with the Steering Committee on internal DPR affairs

Membership of the Committee is in proportion to the size of the Fraksi, but Members cannot also be from the Leadership of a Commission, be Members of the Legislation Committee or the Committee for Inter-Parliamentary Cooperation. The Leadership of the Committee, elected by the Members of the Committee, is composed of a Chair and three Vice Chairs and is a ‘collective leadership’.

Membership of BURT potentially confers considerable political influence because of its control over the budget, human resources and administration of the DPR. In theory it should be one of the main guiding and oversight mechanisms for the Secretary General and the various departments of the Secretariat and, potentially at least, through the Secretariat to the Fraksi. In fact, however, BURT has exercised little of its latent power to date. Management of the DPR’s resources is still carried out by the Secretary General who, in turn, operates much more under the direction of executive government, particularly the Ministry of Administrative Affairs (MenPAN), than under the guidance of internal DPR mechanisms. Members of BURT seem to be preoccupied with BURT’s role in determining Members’ payments and allowances. In fact, they repeatedly refer to the task of BURT as caring for the “welfare of DPR Members” (kesejahteraan anggota dewan).

**Ethics Committee (Badan Kehormatan)**

The Ethics Committee (Badan Kehormatan)\(^{26}\) is responsible for drawing up and overseeing the operation and enforcement of the Code of Ethics for Members of the DPR. Its powers are quite considerable, including the power to recommend to the Speaker that a particular Member should be removed from his/her seat in the DPR because of what the Committee judges to be a breach of the Code of Ethics. Since the 2004 election, the Committee has taken a highly activist interpretation of its role and was instrumental in having one Member removed from the DPR because of allegations of corruption. The Committee is also becoming the focus of lobbying from civil

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\(^{26}\) Badan Kehormatan is sometimes translated as “Honorary Committee” in a literal but misleading translation of the word kehormatan.
society organizations (CSOs) set up to monitor the activities of the DPR. The Committee recently agreed to a proposal from a number of CSOs that it should investigate certain activities of the DPR Speaker himself.  

Given its powers and its interpretation of them, the Ethnic Committee has the potential to become a highly influential body which could become a frequent centre of political controversy. It is beginning to take on the role of a quasi-judicial institution within the parliament, far beyond the capacity of similar committees in other legislatures. There is a danger that it could become an arena for confrontation between parties in the DPR seeking to use the Committee for political advantage. As an example, at the time of writing the Committee was considering whether it should call a Member to appear before it because the media has publicised that there were mobile phone camera recordings of him involved in an extramarital affair. A body with the power to enable some legislators to stand in judgement on the behaviour of other legislators is clearly liable to become perceived as partisan. Such perceptions, whether justified or not, could undermine its capacity to act as an impartial support for ethical conduct and erode internal and public confidence in the effectiveness of the Code of Ethics.

A CSO formed to scrutinise the activities of parliamentarians, Formappi, has indeed raised some of these issues. It questioned why only one DPR Member had been removed from his seat because of the work of the Ethics Committee when, according to Formappi, other Members should have been removed on similar grounds. The critique implied that the Committee should have used its powers to have more Members dismissed. The CSO did not, however, raise the issue of whether it was appropriate in principle for a parliamentary committee to have such a role and whether its apparent inconsistency was actually the result of the inevitably political nature of parliamentary activity. Formappi did not inquire into what rules of evidence the Committee used to determine the guilt of the Member concerned and why the evidence was not passed onto law enforcement authorities for a ruling on the basis of judicial procedure. The inconsistency revealed by the Formappi critique is a product of allowing a committee of parliamentarians to take on functions that should be properly performed by a court of law.

27 “BK DPR sepakat periksa Agung”, Kompas, 27 November 2006, p.3.
28 Jakarta Post, 8 December 2006.
29 Forum of Concerned Citizens for Indonesia’s Parliament
30 “House should kick out more lawmakers, say activists”, Jakarta Post, 24 July 2006.
**Committee for Inter-Parliamentary Cooperation (BKSAP)**

The Committee for Inter-Parliamentary Cooperation (*Badan Kerja Sama Antar Parlemen* or *BKSAP*) is responsible for the DPR’s relations with foreign legislatures and international parliamentary organisations. The Membership of the Committee, which is currently 50, is proportionate to the size of the Fraksi. Members cannot also be Members of the Leadership of a Commission or Members of the Legislation Committee or the Household Affairs Committee. The Committee has a ‘collective’ Leadership, elected by its Members and composed of a Chair and three Vice Chairs.

*BKSAP* is not a politically powerful body, but membership is certainly prestigious, particularly for those Members of the DPR with an international orientation or with ambitions to make a mark in international affairs. The Committee also gains a degree of political influence through its control over opportunities to travel overseas and to mix with foreign delegations.

**The legislative process in the DPR**

There are two separate processes for the deliberation and passing of Bills, according to whether they are Government Bills or DPR Initiative Bills.

**Government Bills**

Government Bills (which make up a large majority of Bills) are Bills drafted in the relevant Ministry and/or the Ministry of Law and Human Rights, usually in consultation with the State Secretariat. Such Bills are submitted to the Leadership of the DPR (*Pimpinan DPR*) with an introductory letter from the President (Presidential Mandate – *Amanat Presiden* (Ampres)). An *Ampres* states which Minister will represent the Government in discussions on the Bill with the DPR. The Bill will usually be accompanied by an explanatory note and may also have what is called an “academic document” (*naskah akademis*)\(^1\), which should, in theory at least, be a detailed survey or position paper on the matters dealt with by the Bill, including a clause by clause elucidation of the Bill’s intention.\(^2\) The ‘academic draft’ may also contain alternative wordings or definitions for key clauses: for example, the academic draft of the Bill on consumer rights had alternative definitions for the meaning of ‘consumer’.

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\(^1\) *Naskah akademis* is often translated as “academic draft” which gives the misleading impression that it is a draft of the Bill.

\(^2\) In practice the quality of “academic drafts” varies greatly, with some containing little more than a general rationale for the Bill.
The Leadership of the House passes the Bill to a Plenary Meeting where copies are distributed to all Members. The Bill is then passed to the Steering Committee (Bamus) which decides whether the Bill is to be discussed by a Commission (Komisi) or a Special Committee (Pansus) or the Legislation Committee (Baleg) and, in the first case, which Commission is to be responsible.

The Bill then passes into the First Stage (Tingkat I) which takes the form of discussions between the relevant DPR Komisi or Pansus and Government representatives. The Minister usually attends the initial meeting and is then represented by ministry officials. At the first meetings the general views of the various Fraksi are presented. This is followed by a formal Government response to the Fraksi position. The key discussion then involves a presentation by each Fraksi in the Komisi/Pansus of a List of Issues (Daftar Inventarisasi Masalah – DIM) on particular clauses or sections of the Bill which form the basis for discussions and negotiations between the Government and the Members. The formulation of the DIM and their discussion usually takes place in a Working Committee (Panja), which is essentially a subcommittee of the Komisi or Pansus appointed to deal with the Bill. The final draft of the Bill is then produced out of these deliberations and passed to Bamus to schedule the Bill’s presentation to a Plenary Meeting. It is important to note that the final draft of the Bill is not considered complete until the Government side agrees to the draft.

The Second Reading Stage (Tingkat II) is the formal acceptance and passage of the Bill through the Plenary Meeting. This takes the form of a report on the results of deliberations in the First Reading, the presentation of final views by the Fraksi and the Government’s final response and remarks.

The Leadership of the House then sends the Bill to the President for his/her signature. If, after 15 working days, the President has not signed the Bill, the Leadership of the House will send a letter requesting an explanation from the President. If the Bill is not signed by the President within 30 days of its passage through the DPR it becomes law. The President does not have a formal constitutional veto over legislation after it has been passed by the DPR although, as discussed previously, the government can effectively veto a Bill at the ministerial or official level.
**DPR Initiative Bill**

A DPR Initiative Bill can be brought to the DPR by a Commission, Joint Commission or the Legislation Committee. In all cases, the proposed Bill must be signed by at least ten Members. The proposers of the Bill may submit the Bill to the Legislation Committee for support in completing the draft. The Bill is submitted to the Leadership of the House which sends it to the next Plenary Meeting where it is distributed to all Members. The Steering Committee then determines the timing of when the proposed Bill will be submitted to another Plenary Meeting to determine whether the proposed Bill is to be accepted in principle as a DPR Initiative Bill. This involves a statement and explanation by the proposers of the Bill and the presentation by each Fraksi of its position on the Bill. The Bill may be accepted, accepted with amendments or rejected as a DPR Initiative Bill. If the Bill is accepted with amendments, the Plenary Meeting will assign a Commission, Committee or Legislation Committee to discuss and complete the Bill. The option of acceptance with amendment has not yet been exercised by a Plenary Meeting.

Once the Bill has been accepted as a DPR Bill, the Leadership of the House submits it to the President with a request that the President assign a Minister to represent the Government in deliberations on the Bill. The Steering Committee then decides whether a Commission, a Committee or the Legislation Committee is to handle the deliberations. The Bill then enters the First Reading Stage, consisting of a first statement of the Government’s views on the Bill and responses from the relevant DPR body. The discussion then revolves around the List of Issues (DIM) and is considered to be complete when both the Government and DPR sides have agreed to the draft.

The Second Reading Stage is the same as for Government Bills. The Bill is then sent to the President for signature, for whom the same rules apply as for Government Bills.

**New roles for the DPR?**

The following discussion presents a number of examples of the new ways in which the DPR has been interacting with executive government and acting as a new entrant into political competition. These cases illustrate a range of aspects of the new dynamics of the interaction between legislature and executive, including problems of the constitutional separation of powers, the increasing potential for deadlock and the growing capacity of the DPR to
intervene in executive government decision-making and to articulate the interests of particular interest groups.

**Legislation on the Batam Free Trade Zone (FTZ)**

In 2004 the DPR passed a Bill to establish a Free Trade Zone (FTZ) on the island of Batam near Singapore. The Bill had originally been drafted by the DPR in 2001, but in 2004 the Government later drafted its own version of the Bill which had certain differences from the DPR Initiative Bill, particularly regarding the extent of the duty-free area. Negotiations over these two competing Bills proceeded for some time but no solution could be reached which could allow for the “joint agreement” between the DPR and the President required by the Constitution. Many DPR Members argued that the Government was denying the constitutional right of the DPR to pass legislation and took the extraordinary step of passing the Bill without the approval of the Government. The DPR considered the Bill to be law, but the Government held to an interpretation of the Constitution that says that it is not a law until Government approval has been given.

The Batam FTZ Bill exemplified the kinds of deadlocks that could increasingly emerge in the future if the two arms of government take a contrary view on policy matters. It was significant that it was on a DPR Initiative Bill that the deadlock emerged, an indication of the determination of government ministries to hold the line on what they see as the DPR’s intrusion into the policy process. Even more importantly it is an indication of the effective veto on legislation that the Government holds because of the constitutional provision for “joint agreement” between the legislature and executive.33 Even if the DPR continues to regard the Bill as law it is inoperative because the Government will not promulgate the Bill/Law or put it into effect.

This episode also illustrated the complexity of the relationship between the parties as they are represented in the DPR and as represented in the Cabinet. This was a deadlock between the two branches of government where all the Members of a DPR Commission took a position across party lines, but one of their party counterpart Ministers in the Government opposed the position.

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33 The *Jakarta Post* opined that “perhaps it would be a good idea to consider amending the Constitution’s Article 20, which contains some ambiguity in its wording about the House’s power to draft a bill and to pass it into law.” *Jakarta Post* editorial, 21 September 2004. It is remarkable that this critically important issue usually only receives passing mention such as this.
The Members of Commission V agreed on the Bill by the normal method of consensus. The Bill went through the usual formality of passage through the plenary session where the absence of any opposition to the Bill was taken as indicating that there was an all-party consensus in support of it. The Government as a whole, however, refused to accept the Bill had been passed. Thus party representatives in the Government took up a hostile position to their fellows in the DPR. For their part, the DPR Members took a position which was determined by their loyalties to their particular Commission in the DPR.

*The government ministries Bill*

The DPR also initiated a Bill in 2003 to specify the number of Ministries that a government should have and requiring DPR approval for their creation or abolition. The Bill was highly prescriptive about what Ministers a President should appoint and the conditions under which they could be appointed. The Megawati Government opposed the Bill. Its passage inevitably became blocked, but not because the two sides were arguing their respective cases inside the DPR Special Committee but because the Government held off naming a counterpart Minister. Thus most discussion took place through the media by press release and ministerial statement. The Bill was not passed by the end of the 1999-2004 DPR and was revived in the DPR during the last part of 2006.

The DPR Special Committee has persisted with its deliberations on the Bill, despite external legal criticism about its appropriateness, and the ensuing controversy could come to be a defining issue in legislative-executive relations in Indonesia. The Bill is a clear sign of the ambition amongst some Members of the DPR to play a close directive role in the affairs of executive government. The Bill would remove a great deal of presidential discretion and arguably intrudes into the prerogatives of executive government. It is not surprising that the Bill has been met with opposition in executive government circles, both in the Megawati and Yudhyono administrations. It could be seen as a somewhat heavy-handed attempt by the DPR to determine the structure of executive government and it will be instructive to observe how the Government decides to deal with it. A deadlock over the issue will once again reveal the President’s effective veto over legislation. The Government may openly refuse to reach “joint agreement” with the

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DPR or might respond with traditional techniques such as not attending meetings and other methods of delay.

The Anti-pornography Bill, sharia & secularism

The introduction into the DPR of a Bill against pornography and “porno-actions” (Anti Pornography dan Pornoaksi) originated from a 2001 decree of the MPR (a legal mechanism that no longer exists since the constitutional reforms), calling on the DPR to draft a Bill on the control of pornography. A bill was drafted in 2002 and accepted as a DPR Initiative Bill in 2003.

The issue became highly contentious when it was revealed that the Bill not only contained provisions on the control of pornography, but also introduced the concept of “porno-actions” or “pornographic acts”. As well as banning the production and viewing of pornographic material, the Bill would ban a vast range of other activities in public places which it deemed would “exploit sexuality”. These include “showing sensual parts of the body”, “erotic dancing or swaying”, being “naked in public”, “kissing on the lips in public” and a whole range of other body movements and displays considered to be of a sexual nature.

The Bill set off a bitter public controversy. Its supporters, mainly Islamic modernist groups and representatives from parties such PKS, PPP and PBB, considered that the Bill was vital to combat the spread of pornography and acts which were undermining the country’s morals, particularly under Western influence. Its opponents united a range of Islamic traditionalist groups, secularist groups and representatives of ethnic and religious minorities who attacked the Bill as an effort by a minority current in Indonesian society to impose its interpretation of religiously sanctioned behaviour on the rest of the country, particularly on women. Both sides have organised mass rallies throughout the country on the issue and it has even ignited rhetoric from places such as Bali, with its Hindu population, about succession from Indonesia.

35 RUU Tentang Anti Pornografi dan Pornoaksi, Article 1 (2).
36 Articles 25-33.
37 The term Islamic “modernism” is generally used to refer to more strictly doctrinal and orthodox interpretations of Islam in Indonesia. The stream is especially represented in urban areas and amongst the middle class.
38 Islamic “traditionalism” refers to looser and more syncretic interpretations of Islam and religious practices. It is strongest in rural areas, especially on the island of Java.
The controversy has touched on matters which go to the heart of the implicit compact between the various religious, ethnic, regional and cultural streams in Indonesia. Debate on the anti-pornography Bill has merged into the intense controversy stirred up by the *sharia*-influenced regulations on public behaviour that have been introduced by some local governments following the devolution of powers to the regions since 2001. Various local governors and mayors (especially in West Sumatra, West Java and South Sulawesi) have introduced regulations on the wearing of Islamic clothing, the reading of the Koran and the conduct of women in public.

The Bill is a clear example of the potential of the DPR to greatly complicate Indonesian politics, particularly from the point of view of the President. The DPR can become a forum for opinions that may not necessarily accept the interpretation of Pancasila as an official inclusive ideology that came to predominate under the New Order. Basic issues about the secular basis of the Indonesian state, ones that the President would much prefer to avoid, are re-emerging through the medium of parliament. The Government now finds itself in the position of having to adjust to a situation where it can no longer manage the political agenda in the way it did in the past. The Government’s previous monopoly over policy-making has been eliminated and elements in Indonesian society now have a capacity to stir up public debates in a way which the Government cannot control.

*Populism and Economic Nationalism*

The DPR has become a voice for particular interest groups whose voices the Government was previously in a position to ignore if it chose. As well as sensitive issues such as the role of Islam, the Government is also coming under more generalised pressure from the politicians in the DPR using the parliament to weigh into populist campaigns over issues affecting economic welfare, particularly of low-income groups, and which are intertwined with economic nationalist sentiment.

The most prominent of these have been the elimination of subsidies on oil-based products and the import of foreign rice. The reduction of subsidies on petroleum products was attacked as both increasing the cost of living for urban and rural consumers and as submitting to a policy imposed by international institutions such as the IMF. The import of rice was also seen as both undermining Indonesia’s economic self-sufficiency and reducing incomes for rice-growers. Other less prominent cases included the proposal
to allow foreign involvement in an oil and gas venture in Cepu in Central Java.

All of these issues became prominent objects of attention for DPR Members. They criticised Government policies in the media and vigorously questioned Government Ministers and officials summoned to the DPR under the auspices of Commission and Special Committee proceedings. Controversy over the policies became a major point of contention between parties in the DPR. The debates marked an important development for the proceedings of the DPR because they took place in the normally staid and ceremonial Plenary Sessions and, in an historic break with convention, could only be resolved through a majority vote, rather than the usual decision by so-called consensus (musyawarah). In 2006 there were also a couple of occasions when Plenary Sessions debated the question of whether the DPR should exercise its “right of interpellation” (hak interpelasi), that is to summon representatives of the Government to question them about other actions that had become a subject of public and media attention.

Debates such as these have created the impression of open contention between the DPR and the Government and accusations that the parliament is becoming an obstructionist institution. While it is certainly the case that the President and Ministers must take into account the likely DPR position on controversial policy decisions, many observers within and outside the DPR have questioned the actual impact of its actions. This is particularly because the DPR’s main focus has only ever been individual Government actions, never long-term policy development. One prominent Member from Commission I saw this as symptomatic of the incapacity of DPR Members to focus sustained attention on developing policy alternatives, as distinct from being noticed by the media on the passing issues of the day. In his words, Members “like to become notorious in the media” and will “raise issues loudly, but next session the issue will be forgotten”. According to him, efforts to investigate government actions through the “right of interpellation” consistently fail because the sponsors of the proposals are rarely serious about it, but merely act for the sake of form.

Legislative output: Not just a question of numbers
After the downfall of Soeharto and the historic occasion of a genuine popular vote, the DPR was the object of many, often unrealistic,
expectations. It was therefore close to inevitable that a degree of disillusionment would set it about what the parliament in the era of reformasi was able to achieve. As things have eventuated, the level of disappointment with the performance of the new DPR has been very high. One of the principle features that marked the DPR of 1999-2004 was what was widely regarded as a poor record in terms of legislative output and of the performance of Members in general. During the five-year period, the DPR passed quite a small number of Bills and a large backlog of legislation remained at the end of 2004. This problem has continued in the new DPR: in 2006, of 47 Bills scheduled, only 4 were passed. Public perceptions of inattention to duty and corrupt and self-seeking behaviour seriously tarnished the image of the DPR.

The low number of Bills passed by the DPR has become an easy target for journalistic criticism. And it is surely a matter of great concern that a legislative institution has such a poor track record in what should be its main function. It has to be said, however, that much of this criticism, by NGOs and other observers as well as in the press, is not very well informed or thought through. A great deal of attention continues to be given to sheer numbers, with little discussion about the quality of legislation or, more importantly, no analysis of the systemic problems behind the failure to churn out large numbers of laws.

The DPR itself makes it easy for lazy critics of its legislative output because of the unrealistic targets it agrees to. The legislative program is supposedly set in a document known as the Prolegnas (National Legislation Program), agreed to by representatives of the Government and the DPR at the beginning of each five-year term of the DPR and the President. Prolegnas is a rigid document which leaves little room for adapting to circumstances and is based on the unlikely assumption that it is possible to plan for the laws that will be needed five years ahead. The current Prolegnas gives no indication of the priority of the Bills and provides no guidance as to which Bills may be more technically or politically difficult to pass. Prolegnas appears to make no allowance for what previous years have shown the DPR is capable of handling and merely totals up a “wish list” from the various Ministries in the Government. Inevitably, the DPR fails to achieve this arbitrary target and therefore allows itself to become a target of stock criticism.

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This is not to say that there are not serious problems in the DPR’s capacity to produce the laws required for the government of the country. This study is motivated by an effort to identify the nature and causes of these problems: they are discussed in various parts of the paper. But the argument posited here is that some of the criticism of the DPR is unhelpful because it is simplistic and superficial, based particularly on the crude measure of numbers of laws passed in a given period. Much of this could be expected from the media, but even some NGOs and academic commentators still do not appear to have developed their thinking beyond a very rudimentary critique.

While the DPR is clearly at fault for many of the problems with the quantity and quality of legislation, it is frequently the case that as much responsibility lies with agencies of executive government. Despite the years that have now passed since the fall of the New Order in 1998, during which reform of the Indonesian state apparatus has supposedly been taking place, the senior levels of the bureaucracy remain steeped in the legal culture of the Soekarno and Soeharto regimes. For forty years Indonesian governmental practice was based on “the subordination of law to executive policy.” Legislation was created either to legitimise the arbitrary enforcement of state power or to facilitate it through deliberately obscure, declamatory and ambiguous wording and through inconsistency between different laws. Rare instances of behind-the-scenes debate in the DPR only occurred when competing interests within the ruling elite clashed. But usually the only role for the DPR was formally to pass instruments of executive power into law.

Today the great majority of Bills are still drafted within government ministries and they are still marked by the problems of unclear definitions, ambiguous wording and declarations of grand principle without grasping the task of giving meaningful effect to the principles. As an example, one electoral specialist involved in advising on the reform of political parties and electoral laws observed that it was difficult to steer government officials

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42 Media commentary is also fixated on the issue of the attendance of Members at Plenary Sessions. Even “quality” publications such as Kompas like to feature photos of half-empty Plenary Sessions, ignoring the fact that such sessions are largely ceremonial and arguably a poor use of Members’ time to attend. See for example Kompas, 24 June, 2006.

away from phrases such as “the election will be democratic” towards clear guidance for electoral administrators and political parties.44

The traditional approach to lawmaking has been to provide the necessary clarity and details in implementing regulations (peraturan pemerintah). This practice has continued since 1998. One DPR Member related his experience in discussing a bill on tariffs from the Government that would, according to him, require 44 ministerial instructions to make it functional.45 The elaboration of legislative detail in regulations is not uncommon internationally and need not be problematic in principle, but the reality in Indonesia is that it has been used as a way of maximising the discretion available to Ministers and government officials and to circumvent the role of the legislature. This is particularly the case when one of the primary functions of the regulations has been to find a way through the competing demands of contradictory laws.

Although it would be an exaggeration to say that ideas about the place of law and the process of its creation and the role of the DPR are exactly the same as during the New Order regime, the attitudes of senior government officials are still strongly influenced by the old culture. And even if official thinking is changing, DPR Members complain that procedures are the same. Government ministries still seem to regard the DPR as simply a place where executive initiatives are rubber-stamped. The DPR continues to receive drafts of Government Bills that are characterised by the problems of internal and external inconsistency, incompleteness and ambiguity mentioned above.

Worse still from the DPR Members’ point of view, the material they receive from the Government often does not allow them to deliberate on a Bill in an efficient way. When a Commission or Special Committee begins the process of discussing a Bill it usually receives nothing more than a single hard copy of the Bill. If an “academic document” for the Bill is produced it is often very belated, not comprehensive and not accompanied by the background information necessary for Members to quickly grasp the policy objectives behind the Bill. A Member of Commission VI complained that “we start from zero in our understanding of the Bill” and have to rely on the scanty information and analysis facilities in the DPR.46 Members tend to try to do background research themselves: “I just look up the internet”, as one

44 Interview with an electoral NGO, November 2005.
45 Interview with PDIP DPR Member, November 2005.
46 Interview with Members of Commission VI, November 2005.
Member put it. The Commission or Special Committee Members then have to identify the appropriate individuals and bodies to consult during their deliberations and to formulate the right questions for them. It is frequently alleged that DPR Members are ill-informed and make poor quality interventions in meetings. There is no doubt that such criticism is frequently warranted, but in many instances it needs to be set against the background of a poorly supported DPR.

There is clearly a major systemic problem with the legislative output of the DPR. It is becoming a serious obstacle to dealing effectively with the many urgent policy issues facing Indonesia. But if the Government places sufficient priority on particularly urgent Bills, it is usually possible to have them passed expeditiously. Unfortunately, the bottleneck effect created by the current situation can be readily exploited by unscrupulous DPR Members to extract financial benefit. Ministry officials are reportedly not above making special payments to Members to have high priority Bills passed. A culture is beginning to develop in the DPR where certain Members treat the passage of a Bill not as a duty performed but as a favour for which they should expect special recompense.

But this systemic problem should not be seen as a matter for the DPR alone. In any legislative system, both the legislative and executive arms of government are involved and, in the Indonesian system, the Constitution explicitly states that it is a process of “joint agreement”. Many of the obstacles to the creation of good law are the responsibility of the President, the Cabinet, Ministers and their departments. Coordination amongst the ministries is poor, as are working relationships among line ministries, the Ministry of Justice, the State Secretariat and the Cabinet Secretariat.

All these systemic weaknesses result in inconsistent messages flowing between the various agencies of the two arms of government. And the reality is that executive government is far better resourced in terms of both funds and expertise and arguably needs to take greater responsibility for assisting the processes of lawmaking in the DPR. For all the weaknesses of the DPR, it cannot be blamed for slowness in dealing with poorly drafted and inconsistent Bills that have a weak policy rationale and are presented without proper background information.

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47 Interview with PDIP DPR Member, November 2005.
Mechanisms for coordination between government ministries and the various bodies within the DPR are equally in need of urgent reform. The fact that basic procedural matters between the two branches have still not been clarified leaves the way open to frustrating delays in the passage of Bills and other business. To take an example, a Bill to regulate the legal profession was delayed because the Secretary General of the Department of Justice and Human Rights left on a haj pilgrimage at the time when he was scheduled to represent his Minister in discussions on the Bill with a DPR Commission. The Ministry named a more junior official to represent the Minister but a number of Members of the Commission objected on the grounds that there was no regulation allowing such an official to replace the Secretary General. In fact there is no regulation specifying who is capable of representing a Minister in deliberations over Bills in the DPR or indeed setting out the powers of a Ministerial representative, including whether he/she has the authority to express the government’s agreement or disagreement with a Bill or article of a Bill.48

A first step would be to improve procedures for producing and implementing Prolegnas. Currently Prolegnas provides little in the way of direction for planning and prioritisation and simply draws attention to the failures in lawmaking for which the DPR is routinely blamed. If it is to be a useful document it should be a working instrument for monitoring the progress of legislation through both arms of government and for directing remedial action to wherever the obstacles are located.

Representation and the “three functions’ of the DPR

As expressed by Article 20A of the Constitution, the DPR has three roles: a “legislation function, budget function and oversight function”,49 in other words to review and pass legislation, to review and pass the State Budget and to scrutinise the activities of executive government. The formulation did not appear in the original 1945 Constitution and was added in 2000 in the second of the four rounds of constitutional reform.

Despite the newness of its inclusion in the Constitution, however, this conception of the role of a legislature dated from before the reform era and was simply a restatement of what the DPR had been seen as doing for some

49 “Dewan Perwakilan Rakyat memiliki fungsi legislati, fungsi anggaran, dan fungsi pengawasan”, Article 20A (1).
time. There is little sign that the MPR involved itself in any questioning of the first principles of the role of a people’s representative legislature in a democracy, nor indeed whether the “three functions” form of words provided an accurate account of what a popularly-elected parliament actually does.

The critical omission from the “three functions” idea is that of representation. An elected parliament is first and foremost a representative institution, one that is conceived of as expressing the will of the people through its elected representatives. What representation actually means in practice is, of course, a matter of contention. But all views are united in seeing the articulation of the electorate’s wishes and woes as a central, if not the central, function of a democratic legislature.\(^{50}\)

This issue is not simply one of abstract grand ideals, but is symptomatic of a basic problem in the predominant view of the role of the DPR that has arguably been inherited from the New Order. Under the original text of the 1945 Constitution, the MPR was seen as the supreme state institution, exercising the sovereignty of the people. In practice this facilitated the rule of an all-powerful executive President. Under both the Soekarno and Soeharto regimes the DPR was a pliable instrument of the President. The New Order regime was ultimately based on the will of a single individual not on the rule of a body of independently enforceable law. Yet at the same time it was a highly legalistic regime that insisted on codifying its intentions even as it shamelessly flouted its own codes.

Thus although the DPR was powerless, it had the important procedural and ritual function of passing the regime’s regulations into law and conferring a spurious legitimacy upon them. For such an institution, representation meant nothing in practical political terms. The regime saw the charade of regular elections as important for its legitimacy but the contact between the people and their “representatives” ended when the flags and posters from the “festival of democracy” had been taken down. So the role of maintaining a continual line of two-way communication between constituents and representatives was never included in the DPR’s list of functions. Unfortunately, the post-Soeharto constitutional amendments did not tackle this issue and though the DPR is called a “people’s representative assembly”

\(^{50}\) Jurgen Ruland, Clemens Jurgenmeyer, Michael Nelson & Patrick Ziegenhain, Parliaments and Political Change in Asia, Institute of Southeast Asian Studies, 2005 Ch 9, 222-264.
its representative role remains undefined and even unmentioned in the Constitution.

The reality of a poor or, in some cases, non-existent record of communication with constituents continues to be a major problematic feature of the DPR. Members’ role as their electors’ representatives is still more practiced in the abstract rather than as a regular feature of their daily work. The absence of representation from the formal statement of the DPR’s functions is symptomatic of the fact that the DPR tends to represent the will of “the people” of political theory rather than actual flesh-and-blood human beings. Very few indeed of DPR Members have any kind of office or other public presence in their electoral districts. Most contact with constituents is carried out as part of highly formalised “working visits” (kunjungan kerja) when Members are supposed to hold consultations in their districts during the breaks in session periods. Some Members take the “working visits” seriously and while they are often criticised as being ritualistic they do provide some opportunity for public input. But even these are often avoided by Members, to the extent that certain NGOs and commentators have even suggested drawing up regulations to compel Members to actually conduct the visits they claim for in their allowances.

The inherited lack of genuine representation is perpetuated by aspects of the electoral law drafted for the 2004 election. Proportional representation (PR) systems are generally recognised by scholars to have a tendency to encourage the domination of party leaders in the selection of candidates and to restrict the growth of the connection between Member and constituents that is a distinguishing feature of single-member district systems. And many aspects of the version of PR used for the DPR worsen these tendencies and create incentives that encourage DPR Members to look to their party bosses rather than the electorate in order to be elected and re-elected. The “party list” system of election means that a high ranking in a party’s list of candidates is the most important determinant of prospective DPR Member’s electoral prospects. Voters do have the option of voting for an individual candidate as well as a party, but the mechanics of the vote-counting process make it almost impossible for a candidate to be elected unless he/she is high on the party list.51 The electoral system exacerbates a lack of internal party democracy.

In the DPR, Members are regarded as being the instrument of their party rather than being chosen by the voters as the individual to represent them in parliament. This is starkly shown by the fact that parties have the right to “recall” Members who fall out with the party, that is, to remove them from their seats in the DPR. This right was upheld by the Constitutional Court in September 2006, in a decision that effectively sided with the rights of parties over that of individual legislators.\(^{52}\) In other words, the party holds the seat and the individual who occupies it does so at the party’s discretion. At the time of writing, a faction in the leadership of PKB was in the process of ejecting from the DPR a number of Members from an opposing faction who had lost out in the Supreme Court ruling on which faction constituted the officially recognised central board of the party.\(^{53}\)

The “three functions” conception of the DPR is problematic in other ways because it is generally interpreted in a rigid and mechanistic way that has significant implications for the actual operation of the DPR at the political and official levels. Both DPR Members and the staff of the Secretariat speak in terms which indicate that they see the three functions as discrete and separate categories that can be put in different “boxes” in both conceptual and practical terms. The reality is, of course, that the roles of passing Bills (including the Budget) and the oversight of government are closely interlinked and are largely performed by the same organs of the DPR.

First of all, the distinction created between passing the Budget and passing laws is a false and pointless one. The Budget is a Bill like any other. Sometimes the distinction is justified (though usually it is simply accepted without thought or rationale) on the grounds that the Budget is a technical exercise. But this ignores that fact that many other Bills can be highly technical as well, though the technicalities might relate to issues not of a financial nature. The Budget is clearly an extremely important Bill, but it is a Bill all the same and no useful purpose is served by thinking of it as a separate function of a legislature. Since the Budget is drafted by executive

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\(^{52}\) The Constitutional Court justified its ruling on the grounds that “parties must be protected from pragmatic behaviour by their activists [kader] who just use political parties as a vehicle or a stepping stone to become a member of a legislative body”. The decision was not unanimous, however, being supported a majority of 5 out of 9 judges. For the first time, the Chair of the Court, Jimly Asshiddique, issued a dissenting opinion. “‘Recall’ hak parpol. Ketua MK berbeda pendapat’, Kompas, 29 September 2006, p.3.

government and then reviewed by the DPR, the DPR’s deliberations on the Bill are simultaneously of a legislative and oversight nature.

Secondly, although the distinction between the lawmaking and oversight functions of a legislature is a common and conventional one, it should be seen a conceptual rather than a functional or organisational division. All of the “three functions” are performed by the same Commissions, special committees and “supplementary organs” (alat kelengkapan) of the DPR and are formally ratified by the assembled Members of a single plenary session (as described in following sections). In other words, the same people in the same organs of the DPR simultaneously carry out the roles of the institution.

The division of work between the organs of the DPR are much more real than the largely abstract distinctions between the functions they perform. For example, the work of Commissions is allocated according to divisions in policy responsibility and the structure of executive government, not according to divisions into legislative or oversight functions. Commissions carry out both legislative and oversight duties within their respective policy areas. Special committees deal with particular issues as they arise, again in both a legislative and oversight role. Even the Budget Committee (with a special role in the formulation of the Budget) shares its work with the Commissions in their respective subject areas.

Practical administrative problems are also caused by the mechanical interpretation of the DPR’s functions. Unnecessary, self-imposed obstacles to the effectiveness of the DPR have arisen from creating an organisational structure based on the idea that the “three functions” are carried out separately. These are discussed in a later section on the deficiencies in the DPR Secretariat. Unfortunately, even informed critics of the new structure of the Secretariat are captured by the paradigm that the administration of the DPR should somehow be shaped by the putative three distinct functions of the institution.54

54 PSHK (Centre for Law & Policy Studies), Struktur DPR yang Merespon Peran dan Fungsi Lembaga Perwakilan (“DPR Structure that Responds to the Role and Function of a Representative Institution”) Jakarta, 2005. This important critical study of the new structure of the DPR points out some of the anomalies flowing from the arbitrary divisions that are necessitated by the “three functions” paradigm (including the placement of the information, research and documentation unit (PPPDI) in the Bureau of Budget & Oversight), but fails to draw the conclusion that the basic conception is at fault. The report merely proposes another structure based on the same idea.
The role of Commissions: A few steps forward?

One of the key weaknesses in the functioning of the DPR identified in the 2003 CDI report was the ineffective operation of Commissions and their misuse for corrupt purposes. Since that time, however, it has been possible to discern some progress in improving the work of Commissions. The following observations are not based on objective measures of performance but on extensive interchanges with Members and staff of the DPR. There is widespread agreement that although the meetings and deliberations of Commissions still suffer from major practical shortcomings, they are no longer open to the same level of corrupt activities that used to mar their operations.

On the issue of the procedures and workings of the Commissions, the problems of poor scheduling and loose meeting procedures remain largely untouched. The organisation of meeting schedules is chaotic, with Commission meetings frequently fixed for the same time and without apparent thought for Members’ responsibilities in other organs of the DPR. Members still find themselves running from meeting to meeting. Different types of meetings theoretically happen on specific days but in reality this often falls down. Meetings routinely begin long after their scheduled commencement time because a quorum has not been achieved. Late starts then cascade through the program of meetings like delayed train services holding up services queued behind them. The delays are furthered worsened because there are no limits on speaking times and because Members are rarely called to order for speaking off the actual subject before the meeting. This in turn means that Members tend to give little attention to what is being said and feel little compunction about wandering in and out of meetings or of attending only to sign the attendance list and then leave.

Opinions differ about whether the quality of discussions has been improved by the appointment of specialist advisers to the Commissions. Commentators in the media and individuals both outside and inside the DPR, including Members themselves, have long commented on the poor quality of the discussion, debate and questioning in most Commissions and Committees. Members’ speeches have been criticised for being ill-prepared, un-researched and ‘off-the-cuff’. When Commissions hold public hearings, the questions put to expert witnesses, Government representatives and so on reveal that many Members have made little effort to inform themselves. But some observers (although not all) argue that the provision of specialist advice has eliminated some of the worst examples of uninformed
interventions, while others stress that growing public and media scrutiny has forced Members to put more effort into the content of what they say.

There is some agreement that at least the most egregious examples of the abuse of Commission hearings for corrupt purposes have been reduced or eliminated. The previous CDI report described various instances of the use of Commission hearings to extort payments and other favours, especially from officials of state-owned corporations but also from private sector executives. As one Member described it, people would be approached privately and asked ‘we have these facts about you – shall we settle it here or in front of the Commission?’. But in the last few years a combination of stricter controls within state-owned corporations, legislation forcing both public sector officials and DPR Members to declare their wealth, the activities of the Anti-Corruption Commission (KPK) and closer observation by the media and NGOs has made it more difficult for Commissions to be used in this way. More pessimistic views consider that the centre of corruption has simply been shifted to other venues such as political party election financing, but even this analysis cannot deny that the problem has been reduced within DPR Commissions.

**Verbatim transcripts: an issue of accountability**

In all well-functioning democratic parliaments there is some system for the recording, storage and retrieval of a verbatim transcript of deliberations. The Hansard system of transcripts used in most Westminster parliaments dates from the mid-nineteenth century in Britain. Hansard was originally a private business set up to satisfy a public demand for information. This reflected the fact that transcripts are not just created because MPs want to have their words recorded but because constituents and interest groups demand to know what is being said about issues of national importance and what their representatives in parliament are doing. Without a complete and permanent record there is little incentive for Members to improve the quality of their interventions in proceedings. Verbatim transcripts are a basic instrument of the transparency and accountability of a representative legislature. They enable the electorate to see what is happening in parliament and allow parliamentarians to place matters on the public record and to monitor the activities of their fellow Members and the Government.

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55 Interview with Alvin Lie, DPR Member.
When they are made readily available, transcripts become a vital part of political debate and highly valued by Members and by interested parties outside the chamber. Internationally, transcripts have been made accessible to the public in printed copies (later bound and indexed for archival and library purposes), but parliaments are also increasingly posting transcripts on the internet where they can be easily consulted and searched.

In the DPR, however, arrangements for recording and retrieving proceedings are very poor. Formal decisions are recorded and minutes take note of each speaker and the subject matter of his/her comments, but there is no word-for-word record of debate. Meetings are taped but the tapes are virtually never transcribed and scant attention or resources are given to storage and retrieval. The tapes seem rarely, if ever, to be consulted again. Transcripts can usually only be obtained by making a special effort to get staff to retrieve the tape and have it transcribed commercially.56

There is considerable interest amongst leading Members of the DPR and amongst senior Secretariat staff in establishing a Hansard-type service. Discussions to date have, however, tended to focus on the technological aspects of such a system, with the apparent assumption that merely installing voice-recording and other technology would in itself provide a verbatim transcript service. There is a tendency to neglect the much more challenging human resource and other management issues involved, as well as the political implications of Members suddenly having their words made public.

Firstly, the technical issues involved in creating an effective Hansard-type service are quite intricate. While laypersons’ attention tends to focus on recording, it is actually a three-part system involving recording, storage and retrieval. Not only do systems for recording and transcribing need to be in place, but transcripts need to be safely and accessibly stored over the long term and they must be readily retrievable if they are to be usable. This requires effective coordination between different groups of staff, which is precisely what is severely inadequate within the current administration of the DPR. Large numbers of existing and new DPR staff would need to be trained in the technical aspects of their work, but their managers would also

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56 Commission VII appears to have made a special effort to develop a system for recording verbatim transcripts. The tapes of Commission meetings are now fully transcribed into a soft copy record and hard copies are made available to Members who request them. This is an encouraging start, but is notable for the fact that is exceptional in the DPR.
need to develop and maintain procedures to ensure there is a close working relationship between the staff and between staff and Members. At present, it seems unlikely that managerial structures and working procedures within the Secretariat would be adequate for the job.

Secondly, because verbatim transcripts are a system of accountability and a tool of political debate, there are major policy and political matters that need to be resolved before such a system could work. To be effective, a Hansard-type service has to be accepted as an authoritative record of what is actually said in a chamber and everyone within the parliament must agree to abide by its procedures and protocols. For example, if Members are given a chance to correct the draft transcript of their speeches before they are officially regarded as the final version, they must do so within a very short timeframe (24 hours in the Australian parliament) or accept the version of their words as recorded by the managers of the system. Without such deadlines, the transcript would be delayed and become worthless as an instrument for current political activity.

In the current DPR, however, it is highly likely that Members would rarely act within the turn-around time and would then later complain if the transcript recorded them as saying things that they later found embarrassing. The Secretary General would probably come under attack as a result. It is essential that all Members agree both in principle and practice to a system that imposes certain disciplines and strictures upon them and which will become a tool for their critics and foes and well as their allies.

Of particular importance is also the question of availability and access. Having accepted the principle that the transcript is to made available to the public, the DPR would have to resolve questions such as how and when the public could view the record. Would the final version be available immediately after the expiry of the deadline for corrections? Or could the public see a draft version before that? When would bound copies be available and how many would be available? How would the bound copies be distributed and at what cost? Would the transcript be posted on the internet and, if so, within what deadline? In the DPR today, information is not at all readily available and even basic material such as the draft of Bills can be difficult to obtain. The reforms necessary to provide a timely and easily retrievable verbatim transcript would entail not only major changes in parliamentary administration, but would also require some important shifts in the culture and practice of politics as it is played out in the DPR today.
The DPR Secretariat: Slow progress in reform

The work of the DPR is supported by a Secretariat, providing administrative, technical and intellectual assistance to Members and the various bodies of the DPR. It is headed by a Secretary General, assisted by a Vice Secretary General and four Deputy Secretaries General in charge of the four Bureaus of Administration, Legislation, Budget and Oversight, and Sessions and Inter-parliamentary Cooperation. The Secretariat has a total staff of around 1300 personnel, a small complement by world standards.57

The great majority of Secretariat staff are involved in the administration and physical maintenance of the DPR. The main source of intellectual and specialist expertise comes from the Centre for Research, Data Processing and Information (Pusat Pengkajian, Pengolahan Data dan Informasi or PPPDI). The Centre provides information, research and analysis to individual Members and to DPR bodies, library services, on-line services (including maintenance of the DPR website) and documentation on the deliberations of the DPR.

Despite the vast changes in the role of the DPR and its increased powers in relation to executive government, the Secretariat has been subject to only minimal reforms since 1999. There has been some increase in the budget for the Secretariat, the various Bureaus have been reshuffled into a new organisational structure and some new staff appointments have increased the number of specialist advisers and support staff, but the basic problems in the Secretariat remain. In particular, the Secretariat’s lack of independent control over its own human and financial resources and the deficiencies in its capacity to deliver a high level of information, documentation, analysis and policy advice that were identified in the 2003 CDI report on the DPR are still evident.

The DPR Secretariat was restructured two years ago, in line with accurate perceptions that existing arrangements were in need of reform. But despite the fact that it is the actual working bodies of the DPR, such as Commissions and Committees, that require the support of the Secretariat not the theoretical “three functions” (described in an earlier section of this paper), the Secretariat was restructured on the idea that “three functions” can be

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57 The Australian Parliament has almost 1500 staff to support a parliament of 226 Members. Comparative figures include 600 for 120 Members in New Zealand and 4000 for 727 Members in Japan.
administratively separated. Rather than improving the situation, the new structure simply replaced old rigidities with new ones.

For example, although support facilities such as the analysis, information, IT and documentation services (provided by the PPPDI) obviously support to all the work of the DPR, the PPPDI was arbitrarily placed under the Deputy Secretary for budget and oversight, separate from the Deputy Secretary in charge of legislation. Thus the PPPDI is placed in a Bureau which is different from the Bureau responsible for supporting the work of the DPR Commissions, even though the Commissions are the main organs requiring the analytical and information support of the PPPDI. The specialist staff in the PPPDI are also separated from staff who do very similar work of analysing audit reports from the Supreme Audit Agency (BPK) and those who support the processes of legal drafting.58

The restructuring of the Secretariat reduced some of the complexities in the lines of authority within the parliamentary administration, but it was still largely a matter of reshuffling existing units. Crucially, there was no rethinking of working procedures, internal cooperation and flows of information amongst the various bureaus and divisions. The Secretariat is still run on the rigidly hierarchical lines of the rest of the Indonesian civil service. The self-imposed divisions amongst the specialist staff mentioned above would not matter so much if they worked in close cooperation. But in the words of one senior manager in the Secretariat, “coordination is a luxury good in the bureaucracy”.59 Flows of work and information are prevented by the barriers known in management theory as “silos”. Working level staff rarely interact directly but must communicate formally through their respective superiors. Such anomalies add to the weakness in the sources of intellectual support and advice which currently plague the DPR.

A significant development in the provision of specialist support to the DPR has been the appointment of advisers for both the Commissions and Fraksi. These staff (staf ahli) are not civil servants but are individuals with an established profile in relevant areas or with connections to the parties in the Fraksi. They are selected by the Commission or Fraksi Members themselves but are paid out of the DPR Budget, usually on a part-time basis. The

59 Interview with senior staff member, DPR Secretariat, May 2006.
provision of political and policy support is in line with international parliamentary practice and is a potentially important boost to the DPR.

The DPR will not, however, make the most out of its human resources until the pervasive problems of lack of internal cooperation are overcome. The previous CDI report identified the culture of regarding information as a symbol and source of power and status as a major obstacle to the effective working of the DPR and little progress can be discerned since then. This applies not only to the lack of cooperation amongst the various divisions of Secretariat staff mentioned above, but also to relations between Secretariat staff, the advisers to the Commissions and Fraksi and DPR Members.

Members of the DPR tend to be acutely aware of their status as part of a prestigious and powerful institution and expect to be treated in a manner appropriate to their position. To a certain extent this is a predictable and unremarkable phenomenon. But when taken to extremes, its practical effect is to undermine Members’ capacity to make the best use of the support available to them. A preoccupation with status can make it difficult, for example, for a researcher in the PPPDI, most of whom are quite youthful, to assume the position of adviser and to discuss and interchange ideas with a DPR Member in terms which suggest equality.

Strictly hierarchical conceptions of the relative status of Member and staff tend to mean that interactions between the two sides are reduced to a one-way flow of orders and the expectation that the staff will produce exactly what is required on demand. Problematic relationships of this kind do not only extend to the staff of the Secretariat such as PPPDI researchers, but can also be a challenge for Commission and Fraksi advisers. A number of advisers have commented that they have found it difficult to break through the barriers of status between themselves and the Members of the Fraksi. Many are given broad, ill-defined tasks and cannot interact with Members in a way that would allow Members to clarify and refine their objectives. Yet, at the same time, leaders of the Fraksi and Commissions often jealously guard access to the adviser’s services and regard them as personal accoutrements to their higher position that should not be available to ordinary Members, except as a favour on which to trade at a later date.\(^60\)

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\(^{60}\) Interview with an adviser to a DPR Fraksi, November 2002.
The quality of output from the DPR Secretariat would benefit greatly if a more task-oriented and cooperative work culture developed within the institution. It remains the case, however, that flows of information and the effective organisation of work, especially the tasking of specialist support services, are hindered by attitudes and practices that emphasise status and hierarchy. As long as staff are regarded as inferiors it will be difficult to break down the barriers to two-way communication between service-providers and their clients. There is currently a great wastage of very scarce human resources in the DPR. Changing this is the responsibility of senior managers in the Secretariat, but little is likely to be achieved unless the Members of the DPR decide it is in their interests to cooperate.

The final area where the lack of progress in reform of the Secretariat is most evident is in the establishment of independent control of human and financial resources in the DPR. Both in terms of formal status and in practical administration, the Secretariat remains just another department of the civil service controlled by executive government. For example, the authority for the restructuring of the Secretariat in 2005 did not flow from a decision of the Leadership of the DPR but from a Presidential Regulation.\textsuperscript{61} The author has even encountered senior Secretariat staff who have spoken unguardedly but revealingly of themselves as “representatives of the government” in the DPR.

This state of affairs is perpetuated by the fact that executive government determines the DPR budget. Not only are the total funds for the DPR set by the government, but the details of how the funds are to be expended, down to the level of individual line items, are outside the control of the DPR. The Secretary General does not have the authority to create new staff positions without the agreement of the ministry in charge of the civil service, MenPAN. Recruitment, pay, promotion and other procedures in the Secretariat, as well as its managerial culture, follow those set down in the rest of the civil service. This brings with it all the weakness and rigidity that characterises the rest of the Indonesian Government, including lack of transparency and accountability in managerial decision-making. The DPR cannot recruit its own experienced specialist staff and expertise in, for example, legal drafting that does exist in government departments cannot readily be brought across to the DPR because transfers or secondments across agencies are foreign to established procedures.

\textsuperscript{61} Presidential Regulation 23/2005.
One particular effect of the Secretariat’s having to follow civil service procedure is that all new staff positions must be filled at a junior level, with the expectation that the young new entrant will be trained and gain experience within the institution and stay there for his/her entire career. Therefore, new specialist staff appointed to the information, IT, research, policy advice and legal drafting services in the DPR are not appointed at a level which is appropriate to the demands of a legislature. They may have some formal qualifications, but they are not experienced senior people. Recruitment procedures do not attract individuals with a record of achievement, with a background and networks from the outside, whether academia, the public or private sector, NGOs, politics or elsewhere.

It was for this reason that the new specialist advisers supporting the work of Commissions were not appointed as civil servants but as contract-based specialist advisers (staf ahli). This was the only way to have experienced individuals taken into the ranks of DPR staff. The downside of such an arrangement is that because responsibility for the recruitment and supervision has been given to the Leadership of each Commission, appointments are often made for reasons of patronage and political connections as well as for expertise. The quality of the selection process varies from Commission to Commission, but in all of them it is a cumbersome procedure involving plenary meetings of the Commission and bargaining amongst the various parties. Furthermore, because the individuals selected are sometimes quite senior people in their respective fields they are not fully focused on their DPR work, are often not amenable to the supervision or direction of their work and do not always have the training to relate their expertise to the needs of a parliamentary environment. It could be said that while the civil service-based research staff are too junior, the specialist advisers are sometimes actually too senior.

Because of the rigidities in the recruitment of staff and their interaction across organisational divisions identified above, no progress has been made in overcoming the poor use of the skilled human resources that do exist. The mere appointment of personnel with the function of providing certain services to the DPR will not assure that those services are what individual MPs and DPR bodies most urgently need nor that those personnel will actually deliver those services. The Secretariat still does not have a middle-management capability whose task is to ensure the closest match between the needs of the parliament and the capabilities within the Secretariat.
Current senior and middle-level Secretariat staff are generically-trained clerical personnel (*jabatan struktural* or structural staff) who have reached their current positions through seniority rather than professional qualifications and experience.

In the critical case of the PPPDI, the people appointed as its managerial heads are *jabatan struktural* while the specialist researchers, librarians, IT staff etc are of a different category (*jabatan fungsional* or functional staff) whose conditions of employment and promotion are different from the administrative structural staff. Functional staff are overseen by the Indonesian Academy of Sciences (LIPI). They are promoted not for performance in providing services to DPR Members but for the quality of their academic publications. Thus the structure of incentives is skewed towards weighty academic output driven more by personal interest than parliamentary needs. The administrators are rotated through managerial positions in PPPDI and have little role in the actual service-delivery functions carried out by the specialist staff. Few if any have experience in both management procedures and in the specialist skills of information, research, documentation and IT. Communication between the two types of staff is poor and relations are distant at best, antagonistic at worst.

The absence of a middle-management layer with professional qualifications and structural incentives to encourage a culture of client service is the main reason that levels of usage of many PPPDI services are low and knowledge about them is limited. DPR Members seem largely ignorant of what the PPPDI can do and the PPPDI appears not to be seized of this reality. The PPPDI has virtually no mechanisms to measure client usage, nor any methods to gauge client satisfaction. There is no systematic data on the match between service supply and client demand.

An orientation to client service could be encouraged amongst PPPDI professional staff if their promotional structure was reformed. The involvement of LIPI should be eliminated and the rigid distinction between specialist and administrative staff broken down. This could be one way of melding the two tasks of providing information services and of ensuring that the services are driven by parliamentary requirements. Providing a career structure to specialist staff based on performance in service delivery and offering opportunities for advancement to management positions could facilitate the creation of procedures and incentives that maximise the quality of intellectual support to the DPR.
Conclusion

The fall of the Soeharto regime in 1998 transformed the political position of the DPR and the elections of 1999 gave it real legitimacy for the first time in decades. It became a prominent political player, to the extent of bringing about the downfall of a President. The power to remove the President was taken away in the constitutional reforms of 1999-2003, but the legislative and oversight powers of the DPR were increased in other ways and the separation of powers between the two branches of government was clarified. This paper has shown that the DPR has ended the monopoly on decision-making once exercised by the President and government ministries and has become a conduit for new players in the political process.

But despite the DPR’s entry into political and policy debate through its powers to summon ministers and to give opinions on the issues of the day, it has not yet been able to use its legislative and policy review functions effectively. The difficulty of having policy transformed into legislation is emerging as a major obstacle to governance in Indonesia. This problem is, however, only partly to be blamed on the DPR. The Indonesian parliament still does not actually have the independent constitutional power to legislate. It has to work under the shadow of an effective veto by executive government and by procedural and resource constraints that are largely the result of a relationship with executive government that is a legacy of an earlier era of presidential authoritarianism. For its part, the DPR persists with internal structures and decision-making procedures that are cumbersome and are not conducive to accountability and public involvement. Recent years have been heady times in Indonesian politics, but the DPR symbolises both the grip still exercised by power-holders from the past and the potential for future change.
## Acronyms

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<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>APBN</td>
<td>Anggaran Pendapatan Belanja Negara (State Budget)</td>
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<td>BPK</td>
<td>Badan Pemeriksaan Keuangan (State Audit Board)</td>
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<tr>
<td>BKSAP</td>
<td>Badan Kerjasama Antar Parlemen (Interparliamentary Cooperation Council)</td>
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<td>CDI</td>
<td>Centre for Democratic Institutions</td>
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<td>CSO</td>
<td>Civil society organisation</td>
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<td>DIM</td>
<td>Daftar Inventaris Masalah (List of Issues)</td>
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<tr>
<td>DPD</td>
<td>Dewan Perwakilan Daerah (Regional Representative Council)</td>
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<td>DPR</td>
<td>Dewan Perwakilan Rakyat (People’s Representative Assembly)</td>
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<td>FTZ</td>
<td>Free Trade Zone</td>
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<tr>
<td>GBHN</td>
<td>Garis-Gari Besar Haluan Negara (Broad Outlines of the Direction of State Policy or Broad Outlines of National Policy)</td>
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<tr>
<td>KPU</td>
<td>Komisi Pemilihan Umum (General Elections Commission)</td>
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<td>MPR</td>
<td>Majelis Permusyawaratan Rakyat (People’s Consultative Council)</td>
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<td>PAN</td>
<td>Partai Amanat Nasional (National Mandate Party)</td>
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<td>PDIP</td>
<td>Partai Demokrasi Indonesia – Perjuangan (Democratic Party of Indonesia – Struggle)</td>
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<td>PKB</td>
<td>Partai Kebangkitan Bangsa (National Awakening Party)</td>
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<td>PKS</td>
<td>Partai Keadilan Sejahtera (Justice and Welfare Party)</td>
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<tr>
<td>PPP</td>
<td>Partai Persatuan Pembangunan (Unity and Development Party)</td>
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PPPDI  
*Pusat Penkajian Pelayanan Data dan Informasi* (Centre for Research, Data Processing and Information)

PR  
Proportional representation

Prolegnas  
*Program Legislasi Nasional* (National Legislation Program)

RI  
*Republik Indonesia* (Republic of Indonesia)
About the Author

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