

Struggling to Change: The Indonesian Parliament in an Era of Reformasi

A report on the structure and operation of the Dewan Perwakilan Rakyat (DPR)

Summary

This study was commissioned by CDI as a contribution to developing international understanding of the Indonesian parliament. The study was initiated against a background of growing criticism within Indonesia of the performance of the DPR and of the conduct of many of its Members and an awareness amongst the international community that little was known about how the DPR functions as an institution. The objectives were to survey issues arising from the internal operation of the DPR, the nature of its processes of deliberation and debate and the reasons for apparent public disillusionment in the parliamentary process. The aim was also to make an assessment of the strengths and weaknesses of the support DPR Members receive from the DPR Secretariat and to suggest priorities for international assistance.

During two visits to Indonesia in August and September 2002, the author conducted extensive interviews with MPs and staff of the DPR Secretariat, political commentators and observers of parliamentary affairs, activists in NGOs and political organisations, together with consultations with representatives of international government and non-government agencies in Indonesia. This fieldwork built on the author's existing knowledge base obtained during three years residence in Jakarta as an analyst and development consultant.

The report produced as a result of the study provides a comprehensive description of the role, composition and structure of the DPR. It sets out the political balance between the various parties represented in the assembly and the process of producing legislation, discusses the position of the legislature in Indonesia's changing constitutional arrangements and analyses the respective roles of the bodies that execute the functions of the DPR, at both the political and administrative levels.

The report concludes that the key decision-making bodies within the DPR are the Leadership of the House and the Steering Committee, where leading representatives of all the main parties in DPR meet and collectively determine the conduct and direction of the parliament's proceedings. The daily work of the DPR in producing legislation and scrutinising executive government is conducted within its nine specialised Commissions, with the proceedings of Plenary Meetings being largely ceremonial.

A key problem that has emerged for the new democratic parliament, particularly in public perceptions, has been the growing backlog of unpassed legislation. Of the 70 Bills deliberated by the DPR in 2001-2002, only 23 were passed. The Commissions and Special Committees with the responsibility to deliberate on this legislation have been become dominated by the activities of scrutinising executive government activities. Two major reasons for the neglect of the legislative process have been put

forward by observers: that the intellectual and technical advice available to MPs is insufficient for them to deal with the complex issues involved and that parliamentary resources are corruptly diverted by many MPs.

The report details examples of the way in which powers and resources of the DPR are misused by some MPs for personal gain. Hearings of DPR Commissions are utilised as a way to extract direct payments or business concessions from government agencies, state-owned corporations and private companies. Visits to constituencies become an excuse to cultivate lucrative connections and to court lavish receptions. Such behaviour not only violates ethical standards but distorts the priorities of parliamentary work, diverting time and attention away from legitimate activities such as the legislative process.

There is a paucity of intellectual support available to MPs, but the problem is exacerbated by the poor use of what is currently available. Current recruitment, pay and promotion procedures do not allow the best quality staff to be appointed and do not create the appropriate incentives for staff to develop an ethos of client service. Management structures do not facilitate the best match between the needs of MPs and the capacities of the Secretariat. In addition, much capability is wasted through practices created by a culture of hierarchical relations between MPs and parliamentary officers where access to information and human resources is seen as a symbol of prestige and influence rather than a means to achieve practical results.

Relations between executive government and the DPR are still marked by the dominance of the presidency created during the New Order. The Government is far more experienced and better resourced for the tasks of law-making and policy implementation and tends to overawe most MPs. The DPR's budget is the same as that of the rubber-stamp institution of the Soeharto era, and its finances and administrative procedures are still determined by executive government. The shift in power to the parliament since the end of Soeharto regime obscures a deeper reality of continuing relative weakness.

For each individual MP, there is a struggle between conflicting incentives. Upon their election, MPs are offered free-flowing opportunities for personal enrichment but confront multiple obstacles to the development of the DPR as an independent institution. Such a combination of inducements and barriers maximises the pressures to accept the status quo and to play the established game. The business of attending Commission hearings to question Government officials or to discuss the relative merits of candidates for state offices requires only the ability to make the appropriate speech. The slow and unrewarding (in all senses) work of studying a piece of legislation clause by clause needs knowledge and specialist back-up, all of which is difficult to obtain. The strongest incentives are thus to boost ones profile by posturing in public hearings rather than to attempt to build a reputation by developing law and policy.

The report concludes that "consensus" decision-making (*mufakat*) mandated by the Rules of Procedure of the DPR, combined with the dominating influence of the collective leadership of the DPR, tends to stifle opportunities for genuine debate and to perpetuate the New Order legacy of a parliament run for the benefit of its Members rather than for creating good laws and enforcing accountability. Consensus decision-

making discourages dissent and the collective leadership of all the DPR's bodies (including Commissions, Special Committees and the Steering Committee) encourages the powerful elements in each party to divide up the spoils of office between them rather than to engage in a genuine contest over policy and politics. The Indonesian parliament lacks the strong sense of government and opposition that encourages the scrutiny of executive government and creates opportunities for public influence over the legislative and policy-making process.

It may be the case, however, that the recent constitutional reforms will create new political incentives to delineate government and opposition parties within the DPR and break down the single closed circle of party elites. Direct popular election of the President will probably mean that the Cabinet will be composed of a single majority party or coalition, rather than all the parties in the DPR as at present. The party of a losing presidential candidate may thus be forced into taking up an oppositional role and perhaps to form a coalition with other minority parties.

The other pressure which will challenge elitist control and abuse of the DPR is the growing strength of the free media and civil society in Indonesia. Political education and participation was systematically suppressed under the New Order regime, but NGOs, advocacy groups, labour unions and other elements of civil society, together with independent publishers and broadcasters, have gradually begun to assert themselves in recent years. The Indonesian electorate is still relatively unsophisticated, but it can be expected to become more demanding of those who would claim to be its representatives.

The DPR is part of the solution and part of the problem for Indonesian democracy: it is a key instrument for bringing about political change and a place where government can be held accountable and where its policy decisions can be deliberated upon. But it retains much of the legacy of a past authoritarian order and has, in many ways, become a new conduit for old-style politics of patronage amongst the same powerful groups, rather than a means to increase popular participation. The changes of the last few years have given shape to the formal institutions of democracy, with free elections, a separation of powers between executive and legislature and a free media and civil society. But real accountability of government to the legislature and the people is still in its infancy, with democratic institutions providing few checks on personalised power relations amongst a privileged elite intent on defending its special position.

The report concludes with some discussion of priorities which might guide international donors in their assistance to the DPR. It suggests that opportunities to influence the political character of the DPR and its Members are limited and largely in the hands of the Indonesian people themselves. The most productive assistance would be to boost the administrative and intellectual support capabilities within the DPR. Key areas include the information and research capacity, legislative drafting and records of DPR proceedings. A more ambitious priority would be to assist the restructuring of the DPR Secretariat. This would include freeing managerial structures and procedures from executive government control and creating a new cadre of professional managers who could better align the use of existing resources with the parliament's needs.