



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

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

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Introduction

Indonesia today is in the throes of political change of historic proportions. In the course of Indonesian history, this period will be seen as of equal significance to the struggle for independence in the 1940s and the upheavals of the mid-1960s which established the New Order regime under former President Soeharto. After three decades of authoritarian rule, the collapse of the Soeharto regime in May 1998 unleashed a new combination of political forces, began a new era of political openness and debate and has opened the way for the reform of the country's political institutions.

The parliament of Indonesia, the Dewan Perwakilan Rakyat (DPR) or People's Representative Council, has been both one of the objects and subjects of these developments. With the abandonment of parliamentary democracy and the imposition of "Guided Democracy" by President Soekarno in 1958 and, especially during the New Order, the DPR was a docile institution that rubber-stamped the decisions of the all-powerful President. DPR members played little or no part in the movement for *reformasi* that developed in the second half of the 1990s and the parliament remained a place where cronies and time-servers could be rewarded or side-lined and where a ritualised pretence of democracy could be played out.

Yet, at the same time, the regime's perceived need to maintain an elaborate façade of elections and parliamentary representation was an eloquent statement of the key role that parliaments play as legitimising institutions. In Western countries, despite the serious decline in public respect for members of legislatures and for political leaders in general, parliaments and parliamentary elections are still seen as the centrepiece of democracy. Many people continue to perceive parliament as being somehow the place where the politicians "run the country". However jaundiced the view may have become, parliaments are still seen as being at the heart of the democratic ideal. Although Soeharto's control over the Indonesian state was hardly questioned, he still saw the utility of elections to the DPR as a device to declare to the country, the world and perhaps to himself, that his government was a legitimate representative of the people's will.

During the ritual of parliamentary elections held six times during the New Order¹, great efforts were made to ensure that people participated in the so-called "festival of democracy", while at the same time the regime created a regulatory framework that guaranteed an overwhelming victory to the official party, Golkar. All government employees were automatically made members of Golkar and procedures were put in place to ensure that they voted for the party and induced others in the community to do likewise.

Despite the foregone outcomes of DPR elections under Soeharto, most literature suggests that people were not generally reluctant to participate. The number of voters who were attracted to the *golongan putih* (white group) option of abstaining from the vote by returning an empty ballot paper was never great.² Even the manipulated process of these elections could occasionally give expression to real popular feeling. Support for the Islamic United Development Party (PPP) dropped by half when the Islamic organisation Nahdlatul Ulama (NU) withdrew from the party. In the 1997 elections, opposition to the

¹ In 1971, 1977, 1982, 1987, 1992 and 1997.

² According to Damien Kingsbury, *The Politics of Indonesia*, Oxford, 1998, p.70, the partisans of the Golongan Putih movement claimed that up to ten per cent of the electorate supported their tactic, by either not voting or by returning a blank ballot paper.

forcible government takeover of the PDI in 1996 cut the party's vote to 3 per cent, from 15 per cent in the previous election.

It was significant that in the final days of the regime in 1998, the occupation of the grounds and roof of the DPR building became the ultimate target of the student-led anti-Soeharto movement. In terms of real power, the building was an empty shell, but it became a symbol of broad aspirations to fill the institutions of Indonesian government with genuine popular sovereignty. And at the very end, the public call by DPR Speaker Harmoko, on 18 May 1998, for Soeharto to resign, was one of the final signals for the closure of an era.

The exuberance at the DPR building when Soeharto resigned on 21 May was tempered somewhat when Soeharto handed over power to his minion Habibie, a move clearly designed to preserve as much of the old order as possible. But it was evident that Habibie's only political option, apart from imposition of military rule, was to move quickly to parliamentary elections and through them, to a popularly elected President. Of the three main demands of the reform movement - popular elections, the removal or reduction of the political role of the military and a call to account for Soeharto and his family - the first was seen both domestically and internationally as non-negotiable and as a tool for achieving the other two.

Great expectations were thus invested in the DPR elections of June 1999. The hopes and demands of diverse social groups in Indonesia, particularly as articulated by the movement(s) for *reformasi*, rested to a large extent on the renewal of the DPR and the presidency. The reality, however, is that the former of these two key institutions of government and the object of this study, the DPR, is not a neutral vessel that can simply be filled with new democratic content. The DPR is still dealing with the legacy of a past when it was moulded by the interests of a regime whose intentions were anything but democratic. Indonesia's legislature has only just begun to adapt itself to the demands of new political configurations. It is an arena of contention and struggle between competing conceptions of Indonesia's future, but it is currently weighted against those who would use it for reforming purposes.

Most of the leading figures in the DPR today were members of the legislature during Soeharto's time, or were active in other institutions that supported or, at least, cooperated with the New Order. The Ketua (Chair or Speaker) of the DPR, Akbar Tandjung, was a prominent figure in Golkar for many years. The three largest parties, PDIP, Golkar and PPP, were the three government-sanctioned parties during the New Order. At least in terms of its composition, the DPR has hardly begun the process of inducting a new generation of leaders into Indonesian politics.

In more purely institutional terms, the administrative and intellectual support structure for the DPR, the Secretariat, is still almost completely unreformed. The leading officials in the Secretariat are the same individuals who controlled the functioning of the DPR under the New Order. Although it might be argued that this could be seen as reflecting well on the professional and apolitical character of the bureaucracy, the more fundamental problem is that the systems for recruiting, remunerating, promoting and managing the human resources of the Secretariat are unchanged. An organisational flow-chart of the Secretariat today could be superimposed on one of five years ago. And an issue of particular significance is that although the DPR is now an activist institution with a major role to play in Indonesia's political life, it continues to be supported by a

Secretariat that receives about the same level of funding as did the rubber-stamp parliament of old.

But the problems confronting the DPR, in both their political and institutional forms, cannot be considered in isolation from the unreformed nature of the Indonesian state apparatus as a whole. The general attitude within executive government is that the DPR is a subordinate branch of government, reflected in the unequal resources at the disposal of the two branches in matters such as legislative drafting. The stranglehold of the executive government bureaucracy over the finances, staffing and management procedures of the DPR Secretariat means that the restructuring of support services for the DPR is very difficult to achieve without civil service reform as a whole. Furthermore, the judiciary, which must interpret and enforce laws as well as provide a check on abuses of power, is in such urgent need of fundamental reform in Indonesia that the work of the legislature will always be incomplete without it. Finally, all institutions of government in Indonesia remain under the shadow of the ambiguous and sometimes threatening political role of the military.

Weighed in against (and amongst) all the factors that are arguably hindering the progress of Indonesia's political transition are the new individuals, organisations, corporate interests and social groups that crowded onto the political stage in Indonesia after 1998 and which had been jostling for a role for some time before. Foremost amongst the new players in the DPR are, of course, the new political parties and the old ones as they have been forced to remake themselves by the fact that Indonesians now have a genuine vote. The parties are themselves arenas of competition and, in complex and contradictory ways, articulate the interests of different elements in Indonesian society, many of which were previously without any effective voice.

But alongside the expression of interests mediated through political parties in the DPR, the parliament is now subject to pressure in various forms from NGOs and advocacy groups, religious organisations, business interests, labour unions and so on who make up the amorphous entity usually called civil society. The freeing of the media since 1998 has accompanied a general growth of interest in public affairs and the early tentative efforts of a small constituency challenging traditional deference to authority and demanding accountability and the provision of good services from government. Somewhat to the trepidation of many Members of the DPR, the people, both as voters and as members of interest groups, now have a little more capacity to observe and comment critically on the activities of those claiming to be their representatives.

This is not to say that there is a simple binary opposition between the forces of the old and the new within the DPR. Rather, the parliament is now a place where many contending forces are played out, whereas under the old regime it was little more than a tool for the imposition of presidential decisions and the legitimation of power without accountability. The DPR is now open to public pressure and scrutiny in an unprecedented way and the forces of the old order no longer have the field completely to themselves. Along with the person of the President, the DPR has become the object of a great many expectations for political change and renewal and for a simple improvement in life.

It would be easy to see many of these expectations as naive and doomed to disappointment. Indeed, the tarnishing of the new penny of the democratic DPR began very soon after its inauguration in October 1999. When President Abdurrahman Wahid accused the DPR of being 'like a kindergarten' in November 1999, he may not have

stirred universal agreement, but there was growing public feeling that the parliament's antagonistic relations with the President, culminating in the successful effort to unseat him, was self-interested and irresponsible or even a coup by old anti-reform elements. Even after the return to stability following the installation of Megawati Sukarnoputri as President in July 2001, the DPR came under adverse public attention for the quality of its decision-making in matters such as the selection of candidates for various government agencies like the Human Rights Commission (KomnasHAM).³ There has been an increasing volume of criticism of the performance of the DPR in its key function of legislating. The media publicised the fact that the DPR had managed to pass only 23 of the 70 legislative bills that had been submitted to it in the 2002 session, and criticism turned to derision when some Members claimed that they needed higher allowances for passing each bill.⁴ This could only add to a spreading perception that DPR Members are venal and corrupt, neglecting their proper duties while expending their energies on expanding their wealth and privileges.

The DPR is thus a focus for idealism and disillusionment, a symbol of achievement for the movement for *reformasi*, a focus for hopes for the future. But it also illustrates the obstacles to democratic participation and why the heady enthusiasm of the early post-Soeharto period has evaporated in the heat of political reality. The DPR is part of the solution and part of the problem: 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 exclusive circles 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 Role, Composition and Structure of the DPR

According to the 1945 Constitution of the Republic of Indonesia, the DPR has three roles: to create legislation, to examine and pass the State Budget and to scrutinise the activities of executive government. Because the Constitution provides for a presidential system of government, the executive is not formed out of the DPR, but is elected separately.

Until the four amendments to the Constitution, a process 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). 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 largely 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 separation of powers between the legislature and executive was blurred. This ambiguity was of no

³ *Jakarta Post*, 19 June 2002; 28 June 2002; 15 July 2002.

⁴ *Jakarta Post*, 22 July 2002.

concern during the Soeharto years, because both the MPR and DPR were rubber stamps, but it became critically important after 1998. The MPR's power to elect and depose the President created a potentially unstable quasi-parliamentary system because the President was forced to maintain majority support in the DPR to keep his/her government in power. It was President Abdurrahman Wahid's conflict with the DPR that led to his overthrow in 2001 through the mechanism of a Special Session of the MPR.

Since the amendments to the Constitution, however, the power of the MPR has been vastly reduced.⁵ It no longer has the power to appoint the President who will, from the next election in 2004, be chosen by direct popular election. The MPR's role will then be to swear in the new President and Vice President. It retains the power to impeach the President, but this can only be done if the President is charged with infringement of the law not, as was previously the case, on the basis of political or policy differences. This new arrangement makes it impossible for a President to be removed from office in the way in which President Abdurrahman Wahid was deposed in July 2001. The MPR will also no longer have the power to set down the GBHN, thus ending its quasi-legislative role. This gives a clear mandate to the DPR as the sole central government legislative body.

Since the commencement, in 2000, of the process of devolution of powers from the central government in Jakarta to regional governments at the provincial, district (*kabupaten*) and local/municipal (*kacamatan/kotamadya*) levels, the DPR is still clarifying its legislative role in areas such as education and health. The DPR will retain a pivotal position in these areas, however, because decentralisation has not changed the character of the Republic of Indonesia as a unitary, not a federal, state. The central government still controls the major part of state revenue and regulations passed by regional assemblies must be compatible with central government legislation.

Composition of the DPR

Since the June 1999 elections and the convening of a new DPR in October 1999, the DPR has been composed of 500 Members (*Anggota*), 462 of whom are elected and 38 appointed from the armed forces (*Tentara Nasional Indonesia – TNI*) and the police (*Polisi Republic Indonesia – POLRI*). This is the last parliament in which the military and police will have representation. After the 2004 election, all Members of the the DPR will be elected.

The parties represented in the DPR are as follows:

Party	No of seats
Indonesian Democratic Party – Struggle (PDI-P)	153
Golkar Party	120
United Development Party (PPP)	58
National Awakening Party (PKB)	51
National Mandate Party (PAN)	34
Crescent Star Party (PBB)	13
Justice Party (PK)	7
Democratic Love the Nation Party (PDKB)	5

⁵ Andrew Ellis, *Indonesia's New State Institutions: The Constitution Completed, Now for the Detail*, National Democratic Institute, Jakarta, 2002.

Nadhlatul Ummah Party	5
Justice and Unity Party (PKP)	4
Indonesian Democratic Party (PDI)	2
Unity in Diversity Party	1
Democratic Catholic Party	1
People's Sovereignty Party	1
Unity Party	1
Indonesian United Islamic Party	1
Indonesian National Party – Marhaen Mass	1
Indonesian National Party – Marhaen Front	1
Indonesian Masyumi Islamic Party (Masyumi)	1
Muslim Community Awakening Party	1
Independence Vanguard Party	1
TNI/POLRI	38

Factions (Fraksi)

The DPR is dominated by the five big parties (PDIP, Golkar, PPP, PKB and PAN), but political divisions are institutionalised in a system of Factions (*Fraksi*) which consolidate the smaller parties into groupings of parties which should be composed of at least ten Members. There are nine factions:

Faction	No of Members
PDIP	153
Golkar	120
PPP	58
PKB	55
Reform	41
PBB	13
Indonesian National Unity (KKI)	12
Perserikatan Daulatul Ummah (PDU)	9
TNI/POLRI	38

The Factions, rather than the parties, are the basic organisational unit through which the DPR is considered to operate by the Rules of Procedure of the DPR.⁶ For the four largest parties and PBB, party and faction are the same, but the Reform Faction is composed of PAN and the Justice Party (PK). The other two elected Factions are made up of the remaining minor parties. The military and police representatives have their own Faction. Each Faction is represented in proportion to its numbers in each of the powerful Commissions, Standing Committees, Special Committees and Working Committees, as well as other influential DPR bodies, explained below. The significance of the minor Factions' participation in these bodies will be explored later in the Report.

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 are not calendar years but are determined by the Annual

⁶ Peraturan Tata Tertib Dewan Perwakilan Rakyat Republik Indonesia, Sekretariat Jenderal DPR RI, Jakarta, 2001. (henceforth *Peraturan Tata Tertib*)

Sessions (*Sidang Tahunan*) of the MPR. Generally, the Session Years have run from October to October. The five-year term of the previous DPR was shortened by the calling of a Special Session (*Sidang Istimewa*) of the MPR in 1999, following the resignation of President Soeharto and the holding of elections.

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. Thus the only times all Members of the parliament 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 such as Commissions and Special Committees, explained below.

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. Only if there is continuing disagreement between Members should decisions be taken by a majority vote.⁷ The Rules of Procedure also state that decisions made at any meeting in the DPR, whether by consensus or by voting, are 'binding on all concerned parties' (*mengikat semua pihak terkait*).⁸

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 four Vice Speakers (*Wakil Ketua*). The Rules of Procedure state that they are drawn from the five largest Factions in the DPR: Akbar Tandjung of Golkar is the Speaker and the four Vice Speakers are Soetardjo Soejogoeritno of PDIP, Tosari Widjaja of PPP, Muhaimin Iskander of PKB and A.M. Fatwa of Reform.

The Leadership is characterised in the Rules of Procedure as being a 'collective leadership' (*bersifat kolektif*).⁹ 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 all the main views in 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'.

⁷ Peraturan Tata Tertib, Chapter 23, Articles 187-197.

⁸ Peraturan Tata Tertib, Article 190.

⁹ Peraturan Tata Tertib, Article 18.

Steering Committee (Bamus)

The broad agenda of the DPR is decided by the Steering Committee¹⁰ (*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 Factions. The Committee is generally regarded as a forum where the leading members of each Faction 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 Factions, 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'.¹¹

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 leadership', with the inference that its views are a collective statement of the views of the Members of the Committee as a whole.

The limits 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 *Bamus*'.¹² 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 to investigate the alleged involvement of 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

¹⁰ *Badan Musyawarah* is more literally translated as 'Consultative' or 'Deliberative Council', 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.

¹¹ Interview with Alvin Lie, DPR Member.

¹² Interview with Alvin Lie, DPR Member.

matter to lose its political momentum and for the President to decide that she did not wish to proceed on the matter.¹³

Commissions (Komisi)

The nine Commissions¹⁴ 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 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 in detail 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 9 Commissions, defined according to their subject area and the executive government bodies they oversee:

Commission I	Foreign Affairs, Defence and Information
Commission II	Home Affairs, Law, Human Rights and State Apparatuses
Commission III	Agriculture, Forestry, Maritime and Fisheries
Commission IV	Transport, Communications and Regional Infrastructure
Commission V	Industry, Trade and Cooperatives
Commission VI	Religious Affairs, Education, Culture and Tourism
Commission VII	Health, Social Affairs, Women's Affairs and Population
Commission VIII	Energy, Mineral Resources, Technology and Environment
Commission IX	Finance, Banking and Development Planning

¹³ *Jakarta Post*, 24 November 2001.

¹⁴ 'Komisi' is sometimes translated as 'Committee', but the author has used the other common translation 'Commission', partly because it is a more direct and literal translation and partly as a means to distinguish the Commissions from the *Panitia* (with different roles and composition), which are more appropriately translated as 'Committees'.

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 V 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 respective membership of each of the Commissions is decided at the beginning of the five-year term of the DPR and is determined in proportion to the size of the Factions. This means that each Faction should have approximately one-ninth of their number represented on each Commission with, for example, PDIP having around 17 Members per Commission and the two smallest Factions having one Member in each Commission. This is part of the reason why the minimum size for a Faction is 10 Members. 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 IX'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 is those that are most susceptible to corruption, collusion and nepotism (*KKN*). This could either be seen as an opportunity to ensure that the DPR performs its function of upholding government accountability or as an opportunity to indulge in the corrupt activity itself. Commission III, for example, covers forestry, where official complicity in lucrative illegal logging is reported to be rampant.¹⁵ 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

¹⁵ C.P. Colfer & I.A.P. Resosudarmo. (eds.) *Which Way Forward. People, Forests, and Policymaking in Indonesia*. Washington, D.C., 2002, Resources for the Future. There are regular reports on this issue in *Tempo*. See for example, 28 October 2002, pp.77-88; 2 December 2002, p. 34.

Commissions have coverage of matters such as transport and communications, state-owned corporations, education, health 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 with each Faction.¹⁶ Members of the Committee cannot, however, be part of the Leadership of a Commission.

Special Committees (Pansus)

Special Committees (*Panitia Khusus* or *Pansus*) have basically 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. A small survey of Bills under discussion in the most recent session of the DPR indicates that more than half of those were passed to a Special Committee rather than to a Commission. A Special Committee to consider a Bill will be composed of representatives of the Commissions deemed by the Steering Committee to be concerned with the subject matter of the Bill. The Members are nominated by the Factions and are in proportion to Faction size. A Joint Commission (*Komisi Gabungan*) has the same function as a Special Committee, but is composed of all the members of two or more Commissions.

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 Factions. 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. A prominent example was the formation of a Special Committee in 2000 and 2001 to inquire into alleged corrupt activities by former President Abdurrahman Wahid. The Special Committee became one of the most prominent ways in which the parliamentary opponents of the then President were able to apply political pressure against him, eventually leading to his replacement as President. As has already been mentioned, for several months in 2002 the DPR Steering Committee

¹⁶ *Peraturan Tata Tertib*, Article 51(2).

was considering whether to form a Special Committee to investigate allegations of corruption against the Speaker, Akbar Tandjung.

Legislation Council (Baleg)

The Legislation Council (*Badan Legislasi* or *Baleg*) is the only body within the current structure of the DPR which is a creation of the post-Soeharto era. 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 Council 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 Council is composed of 48 Members, in proportion to the size of each Faction. Members of the Council cannot be from the Leadership of a Commission or be Members of the House Affairs Council or the Council for Inter-Parliamentary Cooperation. The Council has a Leadership is elected by the Members of the Council 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 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 Council is still clarifying its role. Currently, the Council only involves itself in those DPR Initiative Bills where it is requested to do so by individual Members or DPR bodies connected with the development of the Bill. There is no stipulation that a DPR Initiative Bill must pass through the Legislation Council.

The current Chair of the Legislation Council, Zein Badjeber of PPP, sees the Council as a 'think tank' or a 'kitchen' for the improvement and development of the legislative output of the DPR. He stresses the role of the Council in facilitating public consultations to strengthen the quality of DPR Initiative Bills. His long-term vision for the Council is as the entry point for all draft legislation that is to be submitted to the DPR, whether originating from the Government or from within the DPR.¹⁷

House Affairs Council (BURT)

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

- To assist the Leadership of the House in determining policies on internal affairs and overseeing the work of the Secretariat of the DPR

¹⁷ Interview with Zein Bedjeber, DPR Member, Chair of Legislation Council.

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

Membership of BURT does not confer great political power or a role in the public policy process, but its control over the material resources of the DPR provides a certain degree of influence. The Council's oversight of the DPR Budget and the work of the Secretariat also gives its Members influence over the allocation of resources to respective departments of the Secretariat and, potentially at least, through the Secretariat to the Factions.

Council for Inter-Parliamentary Cooperation (BKSAP)

The Council 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 Council, which is currently 50, is proportionate to the size of the Factions. Members cannot also be Members of the Leadership of a Commission or Members of the Legislation Council or the Household Affairs Council. The Council has a 'collective' Leadership, elected by its Members and composed of a Chair and three Vice Chairs.

Like the House Affairs Council, *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 Council 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

A Government Bill is submitted to the Leadership of the House with an introductory letter from the President. It will usually be accompanied by an explanatory note and may also have what is called an 'academic draft', which should, in theory at least, be a detailed survey of the matters dealt with by the Bill and a clause by clause elucidation of the Bill's intention.¹⁸ The 'academic draft' may also contain alternative wording for different clauses: for example, the academic draft of the Bill on consumer rights had alternative definitions for the meaning of 'consumer'. The Presidential letter also states which Minister will represent the Government in discussions on the Bill.

¹⁸ 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 which decides whether the Bill is to be discussed by a Commission or a Special Committee or the Legislation Council and, in the first case, which Commission is to be responsible. The Legislation Council's authority to deliberate on a Bill is a newly acquired power and has not yet been exercised.

The Bill then passes into the First Reading Stage (*Tingkat I*) which is described by the Rules of Procedure as a discussion between the Government and the relevant DPR Commission or Committee. At the first meetings of the Commission or Committee the general views of the various Factions are presented. This is followed by a formal Government response to the Factions' position. The critical discussion then involves a presentation by Members of the Commission/Committee 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 final draft of the Bill is then produced out of these deliberations and passed to the Steering Committee to schedule the Bill's presentation to a Plenary Meeting.

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 Factions 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 veto over legislation.

DPR Initiative Bill

A DPR Initiative Bill can be brought to the DPR by a Commission or Joint Commission or, if requested by the Steering Committee, the Legislation Council. 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 Council 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 of the Factions' positions. 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 Council 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 Council 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*) submitted by the Members of the Commission/Committee.

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.

The DPR Secretariat

The work of the DPR is supported by a Secretariat, which is a single organisational unit providing administrative, technical and intellectual assistance to Members and the various bodies in the institution of the DPR. It is headed by a Secretary General. The Secretary General is assisted by a Vice Secretary General and two Assistant Secretaries General. The two Assistant Secretaries are responsible for Legal Affairs and Supervisory Affairs respectively. The Vice Secretary General manages the various bureaux responsible for human, financial and physical resources within the DPR building and for intellectual and administrative support to the parliament's different bodies. The latter function includes support to the Plenary, the Leadership of the House, the various Councils, Commissions and Committees, as well as to individual Members. The Secretariat has a total staff of 1280 personnel. By world standards this is a small service.¹⁹

The main source of intellectual and specialist expertise comes from the Centre for Research and Information Services (*Pusat Pengkajian dan Pelayanan Informasi* or *PPPI*). The Centre provides information, research and analysis to individual Members and to DPR bodies, library resources, on-line services (including maintaining the DPR website) and documentation on the work of the DPR. The research and analysis section of the *PPPI* is staffed with 39 researchers, grouped into five subject areas: Home Affairs, International Affairs, Social Welfare, Economics and Law. The Library has a staff of 15, four of whom are professional librarians.

More recently, allocations have been made in the DPR Budget to allow for the appointment of specialist staff for the Commissions and for the Budget Committee. Each Commission is now able to appoint three such staff and the Budget Committee has been allocated funds for 20 staff, in addition to their administrative support staff. The Factions have also been provided with funds to appoint a total of 23 specialist staff, divided between the Factions on a proportionate basis.

The Legislative Output of the Reformasi DPR

The discussion above has already suggested that 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 in about what the parliament in the era of *reformasi* was able to achieve. As things have eventuated, however, the level of disappointment with the performance of the new DPR has been very high. After barely three years of operation the DPR has fallen very far in the estimation of the politically informed public. What has been the performance of the DPR as measured by its law-making achievements and the quality of its scrutiny of executive government?

¹⁹ The Australian Parliament has almost 1500 staff to support a parliament of 226 Members. Comparative figures include 600 for 120 Members in New Zealand, 4000 for 727 Members in Japan,

As mentioned above, in the most recent session year, Year III of 2001-2002, the DPR deliberated on 70 Bills. Of these, only 23 were passed. In addition to the 70 Bills that were formally included on the list of Bills discussed by the DPR, there were at least 16 other proposed Bills that had not even reached the stage of discussion. In other words, they had not yet been placed on the agenda of the Steering Committee for assignment to a Commission, Committee or Legislation Council. Some of these latter Bills were not new. The Bill to provide a legislative basis for the National Ombudsman's Commission (NOC), for example, had been submitted to the DPR by the NOC in August 2000, in accordance with the Presidential Decree which had created the Commission in 1999.

On closer scrutiny the record of the DPR in the passage of legislation appeared even less impressive. Of the 23 Bills passed, 10 were Bills to create new districts (*kabupaten*) and municipalities (*kota*), one of the levels of regional government that have been given new and increased powers with the process of decentralisation of government since 1999. These Bills follow a formula and largely differ only in the name of the particular district or city involved.

Perhaps more disturbing was the fact that only one of the Bills passed, the Bill to create special autonomy for the province of Papua, was a DPR Initiative Bill. With this one exception, the only Bills able to gain passage through the DPR were Bills conceived and drafted by executive government. In Session Year II (2000-2001), there were 58 Bills passed, but 25 were Bills to create new districts and municipalities.

The Role and (Mis)use of Commissions

At the centre of the problems with the lack of quantity and quality of output from the DPR is the conduct of the meetings and hearings of the Commissions and Special Committees, the bodies which are the engine room of the parliament's work. First of all, although each Commission has over 60 Members and Special Committees are of similar size, it is rarely the case that more than a dozen Members are present at any meeting. If this were so because Members were systematically rostered by their Factions it might not be an issue, but the reality appears to be far more haphazard. Meetings routinely begin long after their scheduled commencement time because a quorum has not been achieved. Even if there is a quorum, Members frequently arrive at a meeting only to sign the attendance register and then leave. It is also common knowledge that Secretariat officials regularly take the attendance register to Members' offices for them to sign, both to allow the Members' presence to be recorded and to enable him/her to receive the allowance payable for the particular meeting.

A recurring problem for Members is that meeting commitments frequently clash and they find themselves running from meeting to meeting. This is often because meetings are scheduled at the same time, but it also happens because meetings run over time because of late starts due to delays in getting a quorum. Multiple agendas are, of course, a common problem for legislators across the world, but the Members of the Indonesian parliament give the impression of having particular problems with being able to prioritise their affairs or to have them prioritised by their party organisation. Some parties have a better reputation in this regard than others, with the Reform Faction being amongst the best and PDIP generally being regarded as the worst.

Commentators in the media and individuals both outside and inside the DPR, including Members themselves, often comment on the poor quality of the discussion, debate and

questioning in most Commissions and Committees. In a large proportion of cases, Members' speeches appear to be ill-prepared, un-researched and 'off-the-cuff'. Equally, when Commissions hold public hearings the questions that are put to expert witnesses, Government representative and so on reveal that many Members have little knowledge of the issue in question and have made little effort to educate themselves.

Representatives of several international and local NGOs who, on a number of occasions, met with the Special Committees and Factions examining new electoral laws, observed that most of the MPs did not appear to understand the issues involved, even though the content of the Bills could fundamentally reshape their activities as politicians. For example, the MPs' comments revealed that they had little appreciation of the details of different electoral systems (such as proportional representation and single-member constituencies) and their impact on the nature of parliamentary representation. One NGO representative was particularly concerned that each time the NGO went to a meeting they would hand over written materials the Members had asked for, but at subsequent meetings it was clear that most Members had not read it. At each meeting Members would raise the same questions and ask for the same explanations and be given the same literature.²⁰

In another instance, a Commission called a natural resources company to appear before a hearing to be questioned about a threatened strike at one of their plants. It eventuated, however, that the hearing did not take place until after the labour dispute had been settled. Nevertheless, Members of the Commission proceeded to ask questions as if the strike was still in progress, apparently having made no effort to inform themselves of events, even though the dispute had received prominent media coverage. Even if the strike had not been settled, the Members' lack of basic research would have meant that their questioning would not have penetrated to the substance of the issues involved.²¹

In the case of the mining dispute, there are strong suggestions that the main motivation for calling the company to the Commission hearing was to extract immediate cash or to be placed in positions where regular benefits would flow. There are many reports that the work of DPR Commissions and Committees is regularly corrupted by the abuse of parliamentary powers for venal motives. One Member related the example of a public sector agency which had been publicly accused of corruptly misusing its funds. Representatives of the agency had been called to appear before the Member's Commission. The night before the hearing, however, the CEO of the agency held a dinner for all the members of a leading party who were Members of the Commission. At the dinner, the Member (from another party) alleges, each Member received from 10 to 15 million rupiah (\$A2-3,000) and the party leaders received 50 to 75 million rupiah (\$A10-15,000). At the Commission hearing, the Members of the party involved vigorously defended the agency under investigation, including intervening to give answers to the questions put to the agency's representatives. The meeting degenerated to verbal abuse of the Member who had raised the issue and was persisting with questioning, even to the extent of challenging him to a fist fight.²²

State-owned corporations are particularly vulnerable to corrupt behaviour by DPR Members because executives of these undertakings are government officials. Some DPR Members are wont to use their Commission's responsibility for a particular area of policy

²⁰ Interview with NGO working on Electoral Reform (CETRO).

²¹ Interview with a development consultant.

²² Interview with Alvin Lie, DPR Member.

to threaten state companies within that portfolio that they will be called to public hearings.²³ As one critical Member revealed it, company officials will be approached and told: 'we have these facts about you – shall we settle it here or in front of the Commission?'.²⁴ This process can lead to competition for the spoils between Members of different Commissions who argue that they rightfully have coverage for a particular company. Garuda Airlines for example, could be summoned by Commission V by virtue of that Commission's responsibility for state-owned corporations, but it could also be called before Commission IV as part of the transport industry portfolio. Of course, the vulnerability of state-owned corporations to what amounts to extortion is magnified by the reputation for systemic corruption within public sector enterprises themselves.

DPR Members have also been accused, both by outside observers and by MPs themselves, of taking particular advantage of official parliamentary visits for personal gain. During recess periods MPs are provided with funds to visit their constituencies and places of relevance to their work in Commissions. On many occasions, however, MPs allegedly expect their hosts to pay their fares and expenses and entertain them on a lavish scale, while still taking the official allowances provided by the DPR. Moreover, the visits are reportedly often used to extract various kinds of payments or business concessions in return for promises of special influence or merely for protection from harassment from the authorities.

Not only does the abuse of parliamentary powers obviously violate the norms of ethical behaviour, but it distorts the priorities of the Commissions and interferes with their legitimate activities. A number of Members observed that the quality of discussion and questioning at meetings where corrupt motives were apparent was particularly low. The pretence of investigation is maintained, but little or no effort is made to disguise the fact that there is no interest in issues of any substance. The illegitimate use of Commission meetings wastes precious time and diverts resources into private rent-seeking that has no public benefit. One Member observed that the schedule of his Commission's meetings could be seen cluttered with questionable hearings. For example, he noticed that a hearing had been called to question a particular manufacturing company. The Member says that he questioned Secretariat staff about why an individual company had been called, rather than the industry association. He alleges that the staff replied that at a previous visit to the company concerned, certain Members of the Commission had been dissatisfied with the standard of their reception. Thus it appeared that a personal vendetta was being waged, at the cost of the Commission's time and Secretariat resources.

The Need for Information, Analysis and Advice

While an unwillingness to read and the degenerating effects of corruption adversely affect the calibre of some Members' role in DPR work, the most upright and conscientious of Members still often feel that they cannot keep up with what is expected of them. The problem of parliamentarians being unable to cope with the complexity of issues on which they are expected to make informed decisions is, of course, hardly an exclusively Indonesian problem. The intellectual demands made on legislators is a

²³ Interview with Indira Damayanti Sugondo, DPR Member.

²⁴ Interview with Alvin Lie, DPR Member.

recurring topic of the literature on parliamentary institutions.²⁵ The special problem for DPR Members, however, is that the support they have to call upon is very limited.

Necessary intellectual support means background and specialist information, but often more crucially, it means sifting and systematic explanation of a mass of material. Critically, it also entails the provision of analysis that is impartial and disinterested. One Member described how the Bill on broadcasting had been under consideration in the DPR for two years but still seemed no closer to completion because Commission hearings had consisted of 'listening to each group of experts' brought to the Commission, with Members ending up feeling confused at the mass of technicalities and the passing parade of contradictory views.²⁶ A number of Members ruefully observed that experts and government officials argued whatever they were paid to argue. In the course of deliberations on Bills or in inquiries into current issues, there is no shortage of advice and argument from vested interests, but DPR Members are lacking in analysis which can screen and interpret without attempting to advance a particular agenda or interest.

A survey of Australian parliamentarians indicated that the sources of intellectual support most highly regarded by Members of the Australian Parliament were, in close order, their own personal staff, the Parliamentary Library, the Parliamentary Research Service, the Hansard record of proceedings and the staff of Committees.²⁷ On the assumption that Members of the DPR would have similar needs, a short description of the support available to the DPR shows that there are deficiencies in all these five areas.

In the case of personal staff, the sole provision for Members of the DPR is one or two clerical staff from the pool of Secretariat personnel. The quality of such staff is so poorly regarded, however, that some Members employ office staff out of their own personal income. As one Member explained: 'if I ask for something important done, the answer is always "sir, that's not my job", but if I want to open my car door, everyone is rushing'.²⁸ The supply of staff for Members is coordinated by a small secretariat for each Faction, a unit that also provides general administrative support for its respective Faction.

There are no funds available from the budget of either the DPR or executive government for the appointment of personal research staff. As mentioned before, funds are now allocated for the appointment of 15 specialist/expert staff (*staf ahli*) for all the Factions, with the number being divided according to size of the Factions. These staff are not allocated to individual Members but are employed as a pool of expertise by each of the respective Factions as a whole. In this case, the staff are not part of the Secretariat. Both the method of recruitment and the manner of their supervision is the responsibility of each Faction.²⁹

²⁵ Anthony Barker & Michael Rush, *The Member of Parliament and His Information*, London, 1970. David Lovell, *The Sausage Makers?: Parliamentarians as Legislators*, Political Studies Fellow Monograph No. 1, Australian Parliamentary Library, Canberra, 1994, pp. 81-85. Colin Shephard, 'The Members' Need for Information', in Dermot Englefield, *Workings of Westminster*, Aldershot, 1991, pp.25-30. June Verrier, *The Future of Parliamentary Research Services: To Lead or to Follow?*, Australian Parliamentary Library, Canberra, 1995, pp. 5-7.

²⁶ Interview with Alvin Lie, DPR Member.

²⁷ Lovell, *op. cit.*, p.84.

²⁸ Interview with Alvin Lie, DPR Member.

²⁹ These staff are allocated to Fractions as follows: PDIP 4, Golkar 3, PPP 2, PKB 1, Reform 1, TNI/Polri 1, PBB 1, KKI 1, PDU 1.

The DPR Library (a section of the PPPI) is inadequate for the needs of a parliament in an information-rich world. It has a small staff, the majority of whom are administrative staff rather than professional librarians and information specialists. It has a small collection of some 70,000 titles (some of which are old Dutch language books) and a limited range of journals, periodicals and newspapers. There is no access to external databases and the electronic media are not monitored. The Library provides few services apart from lending books and serials and providing a reading area. Staff undertake searches for Members on Indonesian legislation relevant to a particular subject and the Library produces a three-monthly publication listing recent acquisitions. The Library also holds bound copies of the daily newspaper clippings compiled by the research section of the PPPI.

The research section of the PPPI is, as mentioned above, the best developed centre of intellectual support in the DPR. The researchers are an important pool of specialised knowledge, with most either possessing or working towards post-graduate qualifications. They provide written analysis on current issues for individual DPR Members, including the full text of speeches for Commissions and other DPR bodies, questions for Members of Commissions to put to government and non-government representatives during Commission hearings, briefings for international meetings and a quarterly journal with papers on domestic and international issues.

Duties such as these are normally the responsibility of a parliamentary research service. But the absence of other centres of expertise in the DPR has meant that the research section of the PPPI has been recruited into other areas that divert research staff into work that does not maximise the best use of specialist expertise and which threatens to overstretch available resources. Much of the researchers' time is now taken with simply supplying information material, as distinct from analysis, a job which would be more efficiently undertaken by specialised subject librarians. This could also be said about the compilation of daily newspaper clippings. Similarly, the lack of well-educated advisers for office-holding Members of the DPR, such as the Leadership of the House and Leaderships of the Commissions, has meant that some researchers have become de facto staff for these individuals, writing speeches for them in their various ceremonial and other capacities.

Most seriously of all, as the number of DPR Initiative Bills has continued to grow since the formation of a new democratic parliament, the research section of the PPPI has become, in a fairly haphazard way, a de facto legislative drafting unit for the DPR. The research section is not formally responsible for drafting all DPR Initiative Bills, but many Bills have actually been drafted in the PPPI and some PPPI researchers are now spending a great deal of their time attached to the teams assisting the Legislation Council, Commissions or Committees who are drafting Bills, often working with outside institutions such as universities, NGOs etc, who have been commissioned to submit the first draft.

Regarding Hansard records, given the quality of much of the debate in Commission and Committee meetings, it is perhaps not surprising that arrangements for recording the proceedings are very poor. Formal decisions of meetings are recorded and the minutes take note of each speaker and the subject matter of his/her comments, but there is no verbatim record of debate. Meetings are taped but the tapes are never transcribed and scant attention or resources are given to storage and retrieval. The tapes seem rarely, if ever, to be consulted again. An accessible verbatim record of sessions is a key element of a parliament's accountability to the public, but this seems to be effectively absent from

the DPR. Not only are such records important as a weapon against corruption or any other abuse of power, but legislators should also be held firm to commitments they make or political positions they adopt. At the very least, without a complete and permanent record there is little incentive for Members to improve the quality of their interventions in proceedings.

The support provided for Committees and Commissions in the DPR is inadequate for the key functions of law-making and oversight which takes place in these parliamentary organs. Until recently, the only staff to assist the Commissions and Special Committees were administrative and clerical staff to serve routine organisational and physical needs. In recognition of the growing demands for advice and intellectual support, each Commission now has funding to appoint three advisers. Responsibility for the recruitment and supervision of these staff has been given to the Leadership of each Commission. Although the funds for recruitment have been allocated for the last two years, not all Commissions have yet finalised the appointment of their staff.

In addition to the five areas of support discussed above, the growing number of Bills originating in the DPR makes the development of a legislative drafting capacity an urgent priority. As already mentioned, much of the burden for this task has been falling on the research section of the PPPI, a unit which was not established to be a legislative drafting organisation, whose skills in this area are limited and whose wider responsibilities already leave it potentially overburdened.

A start has been made in tackling this weakness with the appointment of two legislative drafters attached to the staff of the Assistant Secretary responsible for Legislative matters. In accordance with usual recruitment methods in the Indonesian civil service, however, new appointments are made at the most junior level with the assumption that experience will be gathered through a long period of service in the same agency. In the opinion of the Secretary General of the DPR Secretariat, the demands for legislative drafting are such that the DPR should have 50 experienced drafters, not two junior graduates. The Secretary General, however, does not have authority over new appointments to the Secretariat and can only recruit new staff with the agreement of the government ministry that controls civil service personnel. Current government policy is for a freeze on the appointment of new staff because of the fiscal problems that Indonesia has experienced since the economic crisis beginning in 1997.

The senior management of the Secretariat is directing attention towards strengthening human resources in the Secretariat, but a key underlying deficiency which appears to be largely ignored is the weakness of capability to manage the existing intellectual resources most effectively. 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. One of the most obvious challenges facing the Secretariat is to build up a middle-management capability whose task is to ensure the closest match between the needs of the parliament and the capabilities within the Secretariat. As has been pointed out, however, the Secretary-General does not have the power to make new appointments without the agreement of the Manpower Agency.

A striking example of the need for strengthening of middle management can be found in the case of the PPPI. The staff of the PPPI (researchers, librarians and other information personnel) represent an important asset for the DPR, but serious questions must be raised about how effectively this asset is used. Extensive discussions with both PPPI staff

and DPR Members reveals that communication between client and service-provider is poor. Levels of usage of the PPPI's services are low and knowledge about what it can actually provide is very limited. The lack of a client-service ethos is illustrated by the fact that the PPPI 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, but observation by an outside party leads quickly to an impression of mutual misunderstanding between the two sides. DPR Members seem largely ignorant of what the PPPI can do and the PPPI appears not to be seized of this reality.

A major part of the problem stems from the absence of a layer of personnel within the PPPI charged with thinking strategically about ways to manage and improve the quality of information and analysis provided by the PPPI. The quality of the PPPI's service could be greatly strengthened if there was a well-resourced middle management between the professional staff and the officials at the top of the PPPI hierarchy. Such staff would be responsible for matters such as:

- Ways to ascertain clients needs;
- Continuous measurement of client satisfaction;
- Client education, including information about services provided and ways to get access to them;
- Monitoring of the quality of output from PPPI staff;
- Improving and adjusting the form and quality of PPPI publications;
- Developing new ways and forms of meeting client needs, whether print documents, electronic services, one-on-one briefings, seminars, up-dates on items of interest, etc.

It would be important that at least some of these middle management staff have experience in both management procedures and in the specialist skills of information and research provision.

An orientation to client service could also be encouraged amongst PPPI professional staff if their promotional structure was reformed. At present, researchers in the PPPI are classified as functional (*jabatan fungsional*) (specialist or technical) personnel rather than structural (*jabatan struktural*) (administrative), meaning that their career advancement is overseen by outside bodies (in this case, 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 and other publications. Thus the structure of incentives for researchers is skewed towards weighty academic output driven more by personal interest than parliamentary needs.

Breaking down the rigid distinction between specialist and administrative staff could be one way of melding the two tasks of producing information and research and of ensuring that the production is driven by parliamentary requirements. Providing a career structure to researchers and librarians based on performance in service delivery and offering opportunities for advancement to management positions could facilitate the creation of structures that maximise the quality of intellectual support to the DPR.

A Two-way Flow: Information, Power and Status

The above discussion has focused on the paucity of information, advice and other intellectual support for parliamentarians in the DPR and suggested that this is a major contributor to the poor quality of many Members' participation in the work of the DPR.

On the other hand, however, there is evidence that the problem can be seen from another perspective as being at least partly the result of the attitude and approach that Members often have to the services available to them and to the people that provide them.

Members of the DPR tend to be acutely aware of the status of their position as part of a prestigious and powerful institution and expect to be treated in a manner appropriate to their position. While, in one sense, this is a predictable and unremarkable phenomenon, from a practical point of view it can actually undermine Members' capacity to make the best use of the support that is available to them. A preoccupation with status can make it difficult, for example, for a researcher in the PPPI, 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, particularly to suggest approaches which might challenge the Members' existing position.

Strictly hierarchical conceptions of the relative status of Member and advisers tend to mean that interactions between the two parties are reduced to a one-way flow of orders and the expectation that the latter will produce exactly what is required on demand. In these circumstances, the Member is highly unlikely to think carefully about what he/she actually needs and to formulate requests for information or advice in a way that would allow service providers to tailor the form and content of their response to a particular purpose. The result is likely to be a mass of unprocessed information that may be irrelevant to the Member's requirements or beyond his/her capacity to assimilate. This in turn is liable to perpetuate perceptions about the limited value of what can be provided by Secretariat staff and to further break down communication between the two sides.

Problematic relationships of this kind do not only extend to the staff of the Secretariat such as PPPI researchers, but can also be a challenge for party political advisers. One of the advisers funded through the recently established provision for specialist advice to the Factions, himself a fairly senior academic and public figure in his own right, commented that he found it extremely difficult to break through the barriers of status between himself and the Members of the Faction. This meant that he was repeatedly given broad, ill-defined tasks and could not interact with Members in a way that would allow him to clarify and refine their objectives. Yet, at the same time, leaders of the Faction jealously guarded access to the adviser's services and regarded them as personal accoutrements to their higher position that should not be available to ordinary Members of the Faction, except as a favour on which to trade at a later date.³⁰

The tendency to see resources not as practical means to an end but as an acquisition to enhance prestige and influence also seems likely to have an impact on the effectiveness of the advisers to the Commissions. As mentioned above, the recruitment and supervision of these staff has been left to the Leaderships of the respective Commissions. Senior officials of the Secretariat contend that this has resulted in the appointment of individuals for reasons of political, personal and family connections, to the detriment of competence. In some cases, however, the staff appointments have not been made at all, many months after the allocation of funds, apparently because the Faction Leaderships in question have not seen the task as sufficiently important or urgent. This is despite the fact that the Leaders of Commissions regularly complain of the lack of support for their activities.³¹

³⁰ Interview with staff member of a DPR Faction,

³¹ Interview with senior staff, DPR Secretariat.

The issue of hierarchy has already shown itself in the limited interactions between the Commission advisers and the researchers in the PPPI. Because the Commission advisers are direct outside appointees, receiving higher salaries than Secretariat staff, there are suggestions that relations between them and PPPI researchers are not very productive. There is again the tendency for PPPI staff to receive poorly framed requests for assistance and a sense that Secretariat staff are regarded as subordinates to whom one can pass on jobs for completion rather than an independent source of advice and analysis.

The quality of output from the DPR Secretariat would benefit greatly if a more task-oriented and cooperative work culture developed within the institution. At this stage, however, 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 (and regard each other in a similar way) 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, in many ways, the responsibility of the senior managers of the Secretariat (an issue discussed below), but little is likely to be achieved unless the Members of the DPR decide it is in their interests to cooperate.

In conclusion, it could be said that the work of the DPR is hindered by a combination of elements: the limited competence and participation of DPR Members, their sometimes mixed motivations for being parliamentarians, the paucity of support for their work and the poor use of the resources that are at their disposal. These issues cannot be understood, however, without placing them in the context of wider connections, including the relationship with executive government, the constitutional framework within which the Indonesian parliament exists, as well as the legacy of authoritarianism and how it still manifests itself in decision-making the within the DPR today.

Executive and Legislature: Achieving Independence

A major part of the life of the DPR since its recreation as a democratic institution has been stormy relations with executive government. Mention has already been made of President Wahid's accusation that the DPR was 'like a kindergarten'. The tussle between Wahid and the DPR dominated parliamentary activities for several months in 2000 and for most of the first half of 2001. This confrontation was symptomatic of the fact that basic constitutional questions such as the relationship between the arms of government had still not been resolved, but were merely put on hold during the long years of authoritarianism. The 1959 decision by Soekarno to reimpose the 1945 Constitution of Indonesia was part of his effort to eliminate the influence of parliament and maximise Presidential control. This also served the interests of President Soeharto after his seizure of power in 1965-66. Presidential dominance of the Indonesian polity was the key feature of the New Order.

There has, of course, been a major shift in the relative power of the two arms of government since the fall of Soeharto and the 1999 elections. The shift of power has, however, been very uneven and contradictory. The DPR has been able to mount highly publicised shows of authority, through exercising the right of interpellation, by unseating President Wahid via the MPR, through nominating candidates for bodies such as the National Commission on Human Rights and by questioning Government representatives

in DPR Commission hearings. But, as has already been discussed above, the DPR has performed poorly on the more basic function of legislating, especially in producing legislation independently of executive government. Government Bills are still almost the only ones that actually get passed. Its oversight functions have been sullied with a reputation for corruption and it has backed down in the face of Government pressure over key issues such as the inquiries into corruption in Bulog and the killings of students during demonstrations in 1998 and 2000 (the Trisakti and Semanggi killings). Although the DPR exists within a presidential system of government, where the separation of powers tends to create a relatively strong and independent legislature, the DPR has not been able to fulfil this potential. There is a paradox of a legislature that can at times appear to be very powerful, but which mostly remains overshadowed by the executive.

A search for explanations for this situation inevitably returns to the question of resources. The lack of intellectual and technical support for the DPR has already been highlighted. But this must also be understood in relative terms: not only are the resources available to the DPR limited, but they are especially poor when seen in comparison with those at the disposal of the Government. The wealth of advice available to Cabinet Ministers, for example, stands in obvious contrast to that of their counterparts in the Leadership of the DPR who, apart from one government-funded adviser, must support any other personal advisers out of their own pocket. In the area of legislative drafting, each government department has its own legal section and the Department of Law and Human Rights has an entire agency devoted to the drafting of Government Bills. The DPR, on the other hand, has to draw on personnel who have few of the necessary skills and experience and who are being pressed into service for a job which takes time from their other duties. The DPR leaves the drafting of many of its Bills to outside parties, many of whom have a vested material or policy interest in the legislation concerned. The National Ombudsman's Commission, for example, produced the first draft of the Bill to provide a legislative basis for itself. An environmental NGO produced the draft of a recent Bill on environmental issues.

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. It has already been mentioned that the Secretary General does not have the authority to create new staff positions without the agreement of the manpower ministry. The DPR Secretariat is regarded as just another government agency, with its recruitment, pay, promotion and other procedures, as well as its managerial culture, following 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 experienced specialist staff because all recruitment must be at the base level, with the expectation that an entire career will be spent in the one agency. The expertise in, for example, legal drafting that does exist in government departments cannot be brought across to strengthen the DPR because transfers or secondments across agencies are foreign to established procedures.

Just as the DPR as an institution is locked into procedures and habits created by, and intended to perpetuate, the dominance of executive government, many DPR Members as individuals have been inculcated by a political culture of subservience to the Government which will take time and effort to overcome. While top-level Government officials seem to approach the tasks of law-making and policy implementation with the confidence of long practice and established tradition, DPR Members (outside the special circles of

Cabinet Members and the Leadership of the House), are struggling to pioneer new territories of decision-making. The absence of supporting information and advice can only strengthen a tendency to be overawed.

The low level of respect accorded to parliamentarians today stands in stark contrast to the brief period of parliamentary democracy in the 1950s when, according to Feith's classic study, the government honoured the 'respected position of parliament' and 'Cabinet members were meticulous in the attention they gave to parliamentary questions, interpellations, and criticisms'.³² Fealy argues that the earlier 'sense of mutual respect and agreed delineation of functions has been lost' and that parliaments attempts to assert itself within the Indonesian political system have been met with 'rising hostility between the executive and parliament'.³³

As has been argued, many of the apparent exercises in scrutinising government in forums such as Commission hearings are ritualistic displays to cover a corrupt transfer of state resources. And executive government representatives do not simply passively accept this corruption, but actively promote it. The most potent way in which the Government can maintain compliance and curb excessive activism within the DPR is the ancient but effective tool of bribery. A great deal of the Commissions' time is taken by rent-seeking activities and there is evidence that the transfer of resources is so routine that representatives of government agencies, especially 'wet' ones, will offer 'envelopes' to Members of the DPR without even being asked.³⁴ One dissident DPR Member saw these processes as a mere continuation of the collusion between the executive and the DPR that was a feature of the New Order.³⁵ During the New Order, the sanctioned political parties participated in make-believe elections and passed legislation according to the President's orders in return for personal wealth and/or special opportunities to become wealthy and influential. A close observation of the DPR gives the impression that this culture has yet to be eliminated from the DPR.

A Struggle of Conflicting Incentives

Upon their election, DPR Members 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 on DPR Members to accept the status quo and to play the established game. Commentators in the media, NGOs and academia have increasingly observed that Members devote an excess of time and effort into being seen to scrutinise the Government rather than performing as law-makers. 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, however, needs knowledge and specialist back-up, all of which is difficult to obtain. All the 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.

³² Herbert Feith, *The Decline of Constitutional Democracy in Indonesia*, Cornell UP, 1962, p. 320.

³³ Greg Fealy, "Parties and Parliament: Serving Whose Interests", in G. Lloyd & S. Smith (eds.), *Indonesia Today: Challenges of History*, ISEAS, Singapore, 2001, p. 109.

³⁴ DPR Member, Indira Damayanti Sugondo, in particular cited representatives of IBRA in this regard.

³⁵ Interview with Indira Damayanti Sugondo.

The picture which emerges from this view is one where corruption can be understood as a mechanism by which the supremacy of the executive over the legislature is maintained. On the one hand, when bribery is offered to institutions weakened by systematic under-resourcing, a system of incentives is created which encourages the members of that institution to accept corruptly-gained resources as a recompense for impotence.³⁶ Once the bribes have been accepted, the threat of exposure or prosecution exercises a strong and lasting discipline. In the case of the DPR, after only three years of operation, a reputation for corruption has undermined the legitimacy and credibility of most statements and political stances adopted by the DPR. Perhaps the knowledge of their own corruption also undermines some Members' confidence in their capacity to actually make a policy contribution.

To put the situation in simple terms, there is a tussle going on within the DPR between those who, in response to a conviction for reform, see a democratic parliament as an instrument for change and those for whom a newly empowered parliament is merely a more fertile field for wealth and aggrandisement by a barely changed power elite. In this view, public pressures for participation are either the new rationale for the DPR or are just a secondary influence to be accommodated by ritualised debate or, perhaps, by an expansion of the circles of privilege. This is not to say that there are just two factions or groupings within the DPR, but rather that competing pressures operate simultaneously, sometimes with the same individuals acting from motives of both idealism and opportunism. As argued above, however, prevailing incentives encourage acceptance of established practices, weigh against personal integrity and make practical public policy outcomes difficult to achieve. Existing reality makes the DPR more a place to exercise power and accumulate wealth than to address national issues.

A recent prominent example of the way that challenges are sometimes raised against existing practices in the DPR, and also the manner in which they are met, can be seen in the petition, signed by 61 DPR Members (mostly from PDIP, but also from other parties) in August 2002, calling on Speaker Akbar Tanjung to step aside because of his conviction on charges of corruption. The petitioners' objective was to have the matter raised in a Plenary Meeting, but because of the difficulty of getting such an issue onto the Plenary agenda they sent the petition to the Leadership of the House in the form of a letter. The Speaker, however, used a technical ambiguity in the Rules of Procedure to prevent the letter from being read in the Plenary Meeting or being distributed to the Members in the Plenary. Although the affair received considerable publicity and probably embarrassed the Speaker, the discussion of an urgent and fundamental question of parliamentary ethics and practice was quashed by a blatant manipulation of procedural formalities.

Consensus Decision-making and Elite Control

Under the dictatorship of President Soeharto there was, of course, no voting in the Plenary Meetings or any other meetings of the DPR. The justification given for this was that decisions were made by 'deliberation to reach consensus' (*musyawarah untuk mencapai mufaka*), a notion introduced into the affairs of the national government under President

³⁶ See R.E. Elson, *Suharto: A Political Biography*, Cambridge, 2001, pp. 186-88, 194-201, 222-23, 250-52, for a discussion of the political role of patrimonialism and corruption in the New Order. Elson notes that Suharto himself never indulged in a particularly luxurious lifestyle, but saw the political efficacy of tying his political associates to him through his control of patronage.

Soekarno and continued by Soeharto. Consensus was said to be a continuation of the traditions of decision-making in the rural Javanese world.³⁷ According to Kingsbury:

consensus in this context is not defined by the open airing of differences of opinion, but is marked by conformity to group norms, with an emphasis placed on the observation, absorption and imitation of the behaviour of one's seniors. ...what constituted consensus was not general agreement on an issue as a consequence of discussion, but rather consensus based on anticipation of a required code of behaviour.³⁸

In Bouchier's words, the 'Indonesian state was depicted as a village writ large'.³⁹

Despite the collapse of authoritarian rule and an end to the open suppression of debate, the traditions of consensus decision-making remain strong in the DPR. It has already been mentioned that the Rules of Procedure give official status to 'deliberation to reach consensus' and virtually all decisions in every part of the DPR, from a Plenary Meeting to a meeting of a working committee within a Commission, are made without a vote taking place. The advocates of consensus argue that consensus is part of an inherently Indonesian way of decision-making, ensuring that all parties are satisfied with a decision and that minority parties are not made to feel excluded or vanquished.

In practice, however, consensus decision-making has a number of undesirable consequences, some practical and some political. The first of these is that it exacerbates delay in the passage of legislation through Commissions by making agreement on each article of a Bill very slow to achieve. If there is a difference of opinion, the minority side tends to continue arguing its case long after there is any chance of convincing the other side. Only when it is utterly certain that it would not win a vote does the minority side concede and submit to the consensus view. This side-effect of consensus were made very evident to the public during the MPR Annual Session in August 2002 when most of designated days of debate were exhausted in the discussion of symbolically important but non-substantive issues and deliberation on the actual questions at hand was crammed into a final session that had to be extended into an extra day. A common observation became that the MPR was practicing 'consensus by exhaustion'. In the case of the MPR, with its limited session times, the meeting was forced to come to a decision, but within the DPR itself the easiest option is usually to delay a decision until the next parliamentary session.

One of the political effects of this phenomenon is, of course, that every party has an effective veto and can easily use delaying tactics for political ends. Mention has already been made of the example of the Steering Committee meetings where the question of whether to form a Special Committee to consider the allegations of corruption against Akbar Tanjung was repeatedly delayed in a successful effort to quash the proposal.

More seriously, it is argued here that the use of consensus in combination with the concept of collective leadership of DPR bodies (and of the DPR Leadership as a whole) has the tendency to perpetuate the dominance of the top leaders of the parties and to marginalise ordinary Members. Because the leaderships of the various DPR bodies represent the four or five main Fractions in the parliament, their meetings tend to become the definite statement of the position of the particular body on any given

³⁷ David Reeve, *Golkar of Indonesia: An Alternative to the Party System*, Oxford, 1985, p. 136.

³⁸ Damien Kingsbury, *The Politics of Indonesia*, Oxford, 2002, p. 43.

³⁹ David Bouchier, in Lloyd & Smith, op. cit., p. 118.

question, to which ordinary members are expected to conform for the sake of achieving consensual agreement.

During the New Order, a non-official but extremely decisive institution in the DPR was the 'half-chamber' or 'quarter-chamber' (*setengah/seperempat kamar*), when government representatives and the leaders of the government-sponsored Fractions (the military and Golkar) would meet in a separate closed meeting at any time when a contentious or sensitive issue had to be resolved. This was the key mechanism through which the will of executive government was transmitted to the leading players in the parliament and the decision imposed on the rest of the chamber. According to Datta, 'key decisions were almost never taken during formal sessions'.⁴⁰

The DPR today is still dominated by a culture of this kind. Whenever a deadlock in debate appears, the leading members of the body (eg. Commission or Special Committee) will go into a separate closed meeting and return with a formula for resolution to the whole meeting. This then creates heavy pressure on the ordinary participants in the meeting to accept what has been handed down from the leaders in order to avoid forcing the issue to a vote. Although the form of this institution has changed since the fall of Soeharto, the nature of the process, in Datta's words, 'reveals a striking, and disturbing, continuity with New Order style'.⁴¹

Issues such as this are not, of course, unique to the DPR. As Ellis argues:

There is a balance in any representative assembly between the right of business managers to get their business through and the right of members to express dissent and concern and ensure that this process is not easy or a rubber stamp. This balance is determined not only by the formal provisions of Standing Orders but by the accepted traditions of members' behaviour.⁴²

Lobbying, informal meetings and backroom deals are a recognised reality of parliamentary life throughout the world. But when closed, exclusionary processes become the dominant, or even the sole, way in which decisions are made, the openings for participation by ordinary Members, with any likely effect, become very small or non-existent. Moreover, access to parliamentary processes by all except the most powerful members of the public are ruled out.

The tendency towards centralised, elite-dominated and opaque decision-making is further reinforced by the institution of making decisions 'binding on all concerned parties' in DPR meetings at all levels. As mentioned above, this practice is institutionalised by its inclusion in the Rules of Procedure. It has the effect of intensifying the conformist pressures created by consensus decision-making. Members are expected to follow the direction of their own Fraction leaders, to accept agreements between the combined 'collective leadership' of the particular DPR body, not to dissent from the purported universal agreement of consensus and then to be bound by these decisions. In these circumstances it is extremely difficult to register disagreement or protest against a final decision. The possibility of having a dissenting vote recorded is also ruled out by the absence of voting.

⁴⁰ Indraneel Datta, *Parliamentary Politics in Soeharto's Indonesia 1987-1998*, unpublished Ph.D. thesis, School of Oriental & African Studies, University of London, 2002, p. 29.

⁴¹ Datta, op. cit., p. 29n.

⁴² Ellis, op. cit., p. 27.

The domination of decision-making by party leaderships and the marginalisation of rank and file DPR Members may go part of the way to explaining the low levels of participation in the work of the DPR by many MPs. If there is little opportunity to actually influence the course of debate and the final decision on any question, there is little incentive for ordinary MPs to participate in meetings whose outcome has already been determined. Many Members may also feel that there is little point in researching the topic under discussion and preparing well-informed, high-quality interventions. On the contrary, the main incentive is to be content with using one's position for personal enrichment and to leave high political and policy issues to the party leaders.

The relationship between party leaders and ordinary MPs described here replicates, at a lower level, a key feature of relations between the DPR and the government under the New Order when the parliament was filled with individuals who would accept political impotence in return for a share of the spoils of office. Once again, the continuation of culture and practices from the New Order strengthening the forces that would keep the DPR as a place to *membagi rezeki* 'divide up the good fortune' amongst a small group of insiders, rather than allow it to grow into an institution for legislative development and popular representation.

This discussion should not be taken as a blanket assertion that consensus decision-making is always necessarily undemocratic and that, by extension, its elimination and the introduction of voting would automatically democratise the DPR. There are too many examples of political institutions throughout the world where the formality of voting has been manipulated by authoritarian elites to think that the mere introduction of voting would, by itself, fundamentally change the Indonesian parliament. Moreover, there is a genuine and deeply-held conviction amongst many Indonesians that *musyawarah* and *mufakat* are special Indonesian ways to achieve good decisions. These traditions may indeed have a place in a reformed DPR. Nevertheless, formal procedures cannot be considered in isolation from the wider institutions around them and the historical circumstances from which they developed. And the reality is that consensus decision-making, as it has been used by Indonesian governments since the 1950s, has been one of the instruments for creating rule from above and for enforcing conformity and acquiescence. Its continued prevalence in the post-*reformasi* DPR can be seen as one of the obstacles to democratisation in Indonesia.

Government, Opposition and Direct Presidential Election

The internal power relationships explored above and their impact on the quality of democratic representation in the DPR can also be viewed from the perspective of the lack of any developed sense of government and opposition in the DPR. The concept of a "loyal opposition", a party or parties critical of the government and a potential alternative government, but which accepts the legitimacy of the existing government, is a central part of democratic governance. It provides real choice to the electorate and is a key element of the accountability of government.

In the DPR, however, there is little or no clear definition between those MPs who are members of the governing party or its supporters and those who are part of an opposition that might one day form a government. Even though the PDIP, as the largest party and the party of the President, sees itself as having some sort of specially important status, it does not present itself as the party of the Government or the Administration. In the DPR, the unspoken assumption seems to be that being an MP entitles each individual

Member and his/her party to a share of power, to the right to participate in governmental decision-making and to gain access to the privileges, connections and perquisites of office. To be in parliament means getting “a piece of the action”.

The dearth of clear government and non-government distinctions inhibits the emergence of consistent patterns of political argument, where government parties defend an articulated set of policy principles and opposition parties argue for an alternative. In the DPR, parties and individual MPs feel little pressure to mount a coherent rationale for a distinctive government approach to policy issues because there are no voices criticising the government in a logically consistent way, as distinct from ad hoc criticism on an issue-to-issue basis. For example, Members of the PDIP feel free to attack particular government actions, especially if taken by a non-PDIP Minister, but they still hold to the view that the Presidency and thus the government is somehow “theirs”. Yet, equally, the smaller parties will mount criticisms of the government, but at the same time refrain from consistent opposition because their parties are part of the Cabinet. Each party has its own particular fiefdom within the range of government portfolios, along with the resources of the respective executive government department that comes with it. Thus there is the odd paradox that every party sees itself as part of government, yet no-one feels responsible, or is held accountable, for the government’s overall policy directions.

Within the DPR itself, one manifestation of the lack of a government and opposition and the kind of debate it tends to foster is that some of the more important divisions that do occur in the parliament take the form of divisions between Commissions rather than party divisions. There have been controversies between Commissions about who should deal with a particular Bill, because the responsibility for a Bill not only brings kudos and political influence, it usually also brings opportunities for connections, concessions and kick-backs. In these cases, the Members of the respective Commissions have acted together, regardless of party loyalties. Such phenomena highlight the mutually reinforcing nature of the absence of an organised opposition and a legislature dominated by a culture of dividing the spoils of office rather than policy debate, decision-making and the enforcement of accountability.

This situation is, once again, a major part of the legacy of the New Order. The elaborate façade of parties, elections and parliamentary representation during the New Order was designed, in part at least, to co-opt elements of a political elite into providing a basis of support for the regime. The pay-off for participation in the fiction of New Order democracy was to be close to the centres of patronage. As a leader of PPP during the 1980s, at that time one of the three officially-sanctioned parties, expressed it: “our purpose in an election is not to take control of government but to participate in it”.⁴³

As with so many other features, this aspect of the culture of authoritarian rule has continued over into the post-Soeharto era. But, as suggested above, these practices are perpetuated by the rules that govern the functioning of the current parliament, even though the rules, in a formal sense, were rewritten after the collapse of the New Order. The “collective leadership” of the DPR at all levels, the use of consensus decision-making, the binding of participants to collective decisions, the controlling influence of the Steering Committee and the informal practices of “half-chamber” meetings and other

⁴³ PPP General Secretary, Mardinsyah, *Far Eastern Economic Review*, 20 November 1986, cited by Ulf Sundhaussen, “The Inner Contradiction of the Suharto Regime: a starting point for a withdrawal to the barracks”, in David Bouchier & John Legge, *Democracy in Indonesia: 1950s and 1990s*, Clayton, 1994, p. 274.

back-room deals, all tend to stifle individual dissent and impose a conformist acquiescence to direction from above.

Nevertheless, despite the perpetuation of a New Order culture in the DPR by current institutions and practices, the recent amendments to the 1945 Constitution, especially the provision for the direct election of the President, are likely to challenge the existing order within the DPR and promote the development of a formalised opposition. The current reality of a Government composed of every important party in the DPR is a product of the fact that the President is effectively elected by the parliament, through the instrument of the MPR. Since no party has a majority in the DPR, nor could any one party maintain a lasting majority coalition, President Wahid and Megawati both gave Cabinet positions to every significant party in parliament. As argued above, this perpetuates and strengthens the inherited traditions of the DPR as an exclusive club whose members' various interests are assuaged by a system of deals and understandings.

Direct popular election of the President, however, as mandated by the recent constitutional reforms, will disconnect the President from the DPR, eliminate the need to maintain a majority in the legislature and give the President his/her own mandate and legitimacy. The proposed system will lead to the election of a President with majority popular support because it provides for a second run-off between the two highest vote-winning candidates if no single candidate obtains a majority in the first round.⁴⁴ By guaranteeing a clear majoritarian victory, the new system will obviate the necessity for the winning candidate to bring all parties into his/her Cabinet and, in any case, the losing candidate(s) would probably not want to be part of his/her rival's administration. The party of a losing candidate is likely to feel a motivation to take up an opposition role and perhaps to form a coalition with other losing parties.

It is not possible to predict with certainty that the above scenario will actually emerge, but it is reasonable to argue that the new constitutional and electoral arrangements will create different political incentives from those that prevail today. Those incentives are more likely to lead to the development of an organised opposition. At the parliamentary level, the emergence of a genuine opposition would help break down the self-perpetuating exclusiveness of membership of the DPR. Ideally, it will at least create new incentives for the members of governing parties to defend the administration's policies and account for official actions and for opposition members to subject the government to scrutiny and accountability.

Outside Pressures, the Media, the Electorate and Civil Society

In addition to the new forces potentially opened up by the recent constitutional and electoral reforms, the tendency for the DPR to continue acting as it did under the New Order is also being challenged by the fact that Indonesian public life has been radically changed since 1998. Despite resistance to change from within state institutions, the reality of a free media and an increasingly assertive civil society means that bodies such as the DPR can no longer ignore public pressure in the way they did in the past.

The most obvious new outside pressure that can potentially force a rethinking of the culture and functioning of the DPR is the media. The transformation of the Indonesian

⁴⁴ Ellis, *op. cit.*, p. 36.

media from the days of the New Order has made into one of the most lively in Southeast Asia.⁴⁵ Although the quality, reliability and professionalism of the media is often low, it provides a degree of public scrutiny that is often unsettling or even shocking for many MPs.⁴⁶

The most important example has certainly been the critical coverage of the performance of the DPR that has been growing over the last year or more. It has been pointed out above that commentators have criticised the small number of Bills that the parliament has been able to pass. But equally important has been the increasing attention to allegations of corruption amongst MPs. This reached a crescendo in the last quarter of 2002, with the revelations by a small number of dissident MPs themselves that they had been offered bribes to do the bidding of executive government officials and that corrupt payments were a regular feature of most parliamentary activities.⁴⁷ The media also played a role in exposing the activities of the Speaker of the DPR, Akbar Tanjung, leading to his conviction for improper financial dealings.

This is not to say that there are not countervailing trends that weaken the influence of the media. Probably the most important is that the public may become inured to constant exposes of nefarious activities and despair of the possibility of making change happen. Apart from a few quality publications, the majority of the Indonesian media is notoriously sensationalist and scandal-driven, with sex scandals and political scandals being just part of a never-ending saga where revelation is far more important than resolution.

Nevertheless, the media is now able to work in mutually cooperative ways with NGOs, advocacy groups, labour organisations and so on to influence the course of debate in the DPR and to expose the shortcomings of the parliament and the nefarious activities of some of its Members. This is now even being supported by the efforts of new official bodies set up to promote government accountability. The Commission to Audit the Wealth of State Officials (KPKPN), for example, though a small and under-funded agency⁴⁸, has successfully combined the evidence-gathering work of NGOs and members of the public with media exposure to throw embarrassing light on the unaccounted-for wealth of many public figures, including Members of the DPR.

The response of the DPR to these new forces has been mixed, but must become more sophisticated if it is to cope with the burgeoning demands of Indonesian society in an time of democratisation and political education. On the positive side, there are some signs of change in the way the DPR operates. A public relations and media unit has been established and the public complaints and petitions division of the DPR Secretariat has been strengthened. The DPR has now established a website that has fairly good and regularly updated content, but the quality and range of what can be read and downloaded varies greatly. Commission II also maintains its own website, but this is poorly maintained and has very limited content.

⁴⁵ Louise Williams & Roland Rich (eds.), *Losing Control: Freedom of the Press in Asia*, Canberra, 2000.

⁴⁶ Sarwar Latief & Stephen Sherlock, "Fighting Corruption in Indonesia: Obstacles to Developing Investigative Journalism", Singapore Institute of International Affairs, 2003. Krishna Sen & David Hill, *Media, Culture and Politics in Indonesia*, OUP, 2000.

⁴⁷ *Tempo*, 1 October 2002; *Jakarta Post*, 3 October 2002; *Australian Financial Review*, 5 October 2002.

⁴⁸ Stephen Sherlock, "Combating Corruption in Indonesia?: The Ombudsman and the Assets Auditing Commission", *Bulletin of Indonesian Economic Studies*, vol. 38, no. 3, pp. 367-83.

The arms of the Secretariat charged with providing access and information to the public still suffer from the shortcomings that affect the entire Secretariat: lack of resources and the poor management of what is already available. Although the DPR appears to be a little more open to providing information to the media and the public than was the case before 1998, NGOs and other interested parties still regularly report that it is extremely difficult to obtain often basic documentation about the work of the parliament. Getting a copy of important documents or being able to get access to regular flows of information still requires special connections with individual MPs or officials. A number of MPs pointed out that journalists will often approach them for basic information about parliamentary activities because official channels are slow, cumbersome or completely unhelpful.

Possibly the most positive development in opening up the DPR to the influences of the outside world has been the willingness to involve outside expertise in the drafting of DPR Initiative Bills and to increase public consultation in the deliberation on Bills generally. Universities and civil society organisations have been actively involved in drafting DPR Initiative Bills, usually producing a complete draft for consideration in the DPR.⁴⁹ As mentioned above, this reflects the lack of drafting expertise within the DPR and a dependence on outside resources for the full text of Bills could be seen as a negative feature that must be overcome as soon as possible. But necessity has forced an outward orientation on the DPR and arguably has made it more responsive to public input. The experience will also give many organisations and individuals an education in the legislative process in the DPR and contribute to the expansion of the Indonesian “political class” or “political public”⁵⁰ whose development was so effectively stifled under the Soeharto regime.

Priorities for International Donor Assistance

The DPR in the post-New Order era is struggling to cope with the task of both adapting to and leading the recovery and democratisation of the country, but doing so in conditions inherited from the past and with the resources appropriate for a rubber-stamp rather than an independent legislature. The DPR today receives the same funding and is organised and managed in basically the same way as it was when it was required to do little more than pretend to be a legislature. The people who make the decisions within the DPR, both the politicians and the officials who support them, are often the same people who controlled the parliament during the era of authoritarianism.

Promoting good governance has become a central new part of the agenda of international development assistance agencies, both bilateral and multilateral, and reflects an awareness that economic and social development is conditional on the existence of a framework of effective and accountable governmental institutions. Yet promotion of good governance is essentially a political process whose course is determined by

⁴⁹ The content of Bills has increasingly become a point of contention between the Government and the DPR. The Government has resorted to creating alternative drafts of Bills in order to counter the drafts sponsored by the DPR, thus indicating the challenge that the executive feels to its previous monopoly on drafting. This development arguably represents a more accurate reflection of the wide range of views on any given subject within Indonesian society. The Government drafted a competing Bill on Papuan autonomy when it considered that the Bill sponsored by the DPR made too many concessions to Papuan nationalism. Likewise, the Government's draft of the laws to regulate the 2004 election were created without public consultation and in competition with earlier draft supported by the DPR which involved lengthy public consultations.

⁵⁰ Feith, *op. cit.*, p.

sovereign peoples and states.⁵¹ It cannot be directed by outside forces, whatever their wishes or best intentions.

Thus international donors cannot reshape the fundamental reality of the condition of the DPR: that is something which is in the hands of the DPR itself, the Indonesian state and, ultimately, the people of Indonesia. It is not possible to substitute for the under-funding of the DPR (except in the unlikely circumstances that some foreign agency supplemented the DPR budget on a long-term basis), nor can top officials be forced to act in ways that Western management theory deems best. Least of all can donor control the outlook and behaviour of legislators themselves, who will always respond to their own political, cultural and societal mores.

Within these constraints, however, there are broad priorities for assistance in certain areas which could yield significant results:

1. With due consideration for the limits of the capacity of the DPR's own budget and organisational structure to absorb assistance, there is considerable scope for strengthening the support services provided to the DPR, both by the Secretariat and by Members' own staff.
 - Strengthen legislative drafting capability within the DPR.
 - Assist the creation of capability to provide verbatim records of proceedings in Commissions, Committees and Plenary Meetings.
 - Support a long-term restructuring of the Secretariat, with an emphasis on strengthening management capabilities to better utilise existing resources in ways that better match Secretariat outputs with the physical, administrative and intellectual needs of DPR Members.
 - Assist any efforts to reform recruitment, remuneration, promotion and other human resources management practices in the Secretariat.
 - Strengthen information and research services, both in the PPPI and in other areas of the DPR.
 - Support an examination of knowledge management and information flows within the Secretariat and between the Secretariat and DPR Members, with a view to identifying ways to maximise use of information within the DPR.
 - Assist the creation of procedures and management systems to improve the interaction between the DPR and executive government and the DPR and the public.
 - Assist improvement of budgeting, financial management and auditing procedures within the DPR.
2. There is limited scope to influence the conduct of legislators directly. But there may be value in providing training for MPs in the technical and operational aspects of

⁵¹ Lindsey & Dick, *Corruption and Good Governance: Rethinking the Governance Paradigm*, Sydney, 2002.

their work and, with less certainty, some value in attempting to influence their political and ethical outlook.⁵²

- Many of the Members of the DPR are first-time legislators and those that have experience in the DPR are operating in an entirely new democratic environment. There are therefore important opportunities to provide training for DPR Members. This could include training in areas such as:
 - Creation and consideration of legislation
 - Government oversight and accountability
 - Budgets and financial processes
 - Democratic governance and popular participation
 - Policy development
 - Parliamentary conduct and ethics
 - Constituency relations
 - Media relations, use of the media and communication strategies
 - Party organisation and management
 - Management of staff and information flows
 - International political ideas, electoral systems and constitutions
 - One particularly productive activity would also be to provide support for a re-examination and redrafting of the Rules of Procedure, starting from first principles of legislative government, rather than simply amending existing rules and institutions.
3. There may be some areas where donors could supply equipment or subsidise particular activities by DPR Members or Secretariat officials.

In general, however, the provision of physical infrastructure or hardware should only be considered in the context of management, financial and human resources capability within the DPR to effectively use and maintain such contributions in the long term. Subsidising particular roles or activities within the DPR should ideally be seen as interim assistance within an achievable schedule leading to independent operation by the DPR.

Conclusion

A huge political shift has taken place in Indonesia over the past few years, but the changes have not been revolutionary. The Soeharto presidency did not collapse in 1998 because it was overthrown by a popular uprising but because the leading power brokers realised that Soeharto had lost his grip and they were able to convince him likewise. A largely peaceful transfer of power allowed the institutions of the New Order, along with most of the individuals in the key positions of influence, to continue into the post-New Order era. Yet at the same time, there can be little doubt that the end of the New Order was supported by the mass of the Indonesian population. Most Indonesians expected that a democratic transformation would create a new way forward for the country's politics and for their own personal life.

The problem, however, is that the institutions of state in which popular expectations have been vested are barely equipped to push forward a process of democratisation and

⁵² Parliamentary Centre, *Parliamentary Accountability and Good Governance: A Parliamentarian's Handbook*, Ottawa, 2001.

to deal with the country's economic and political crises. The New Order survived by systematically enfeebling any institution that might be a potential challenge. The people were to be a "floating mass" denied any rights of participation and the elite was personally dependent on the patronage of the President. As Den Lev expressed it, "no single public institution meant to serve the population of the country works are all well, or perhaps, in some cases, at all".⁵³

The DPR is a prime example of this legacy of the Soeharto regime. The parliament has been a focus of the hopes for change and indeed, it is essential for fostering public participation and accountability. But the DPR is part of the problem as well as part of the solution. Its structures, practices and culture still operate in a way that perpetuate control by a self-serving elite and tend to exclude rather than involve the public.

Rather than being primarily a place of popular representation or an effective instrument for the creation of legislation and review of government policy, the DPR actually still works like an institution of the New Order: a place where patronage networks are built and maintained and resources are distributed to the initiated few. The poor performance of the DPR in producing urgently needed legislation and the declining public regard for its decisions and for its record of probity testify to this state of affairs.

Top-down control over critical decision-making is maintained by a nexus between the Leadership of the House, the Steering Committee and the leaderships of the Factions and their outside party leaders. This overlapping and mutually reinforcing set of structures is tied into an exclusive unit by informal agreement to divide the spoils of office, with the price for inclusion being agreement not to challenge the status quo. These bodies enforce their position by their capacity to control the agenda, both content and timing, of Plenary Meetings, Commissions and Committees, and through the discipline of their respective party machines. Such arrangements mirror the division of the Cabinet into spheres of influence for each of the major parties, but the parliament is also a separate sphere of influence with its own particular interests and internal dynamic of competition over access to power and resources.

The formal procedures by which the Leadership of the House, Steering Committee and Faction leaders maintain their informal inter-relationships is by collective leadership and the binding of all concerned parties to decisions made by consensus rather than by vote, all of which is institutionalised in the Rules of Procedure. These are then replicated at a lower level by the same informal understandings and codified Rules of Procedure for Commissions and Committees. The Commissions and Committees thus become a mechanism for farming out opportunities for influence amongst a wider circle of Members who control the respective Leaderships of these bodies. The field of play for most ordinary DPR Members then becomes the capacity to use the deliberations of the Commissions and Committees, especially public hearings with state officials, state corporations and wealthy business leaders, for the extraction of material concessions and simple bribes.

These apparently cosy arrangements are, of course, not without their challengers and have their own internal contradictions and incoherence. There are individual Members who attempt to raise the alarm about abuses of power and procedure, even within the ranks of the Steering Committee. But such Members are very aware of the limitations of

⁵³ Daniel Lev, *Conceptual Filters and Obfuscation: Misunderstanding the Politics of Change Indonesia*, Address to Herbert Feith Foundation, Melbourne, November 2002.

their capacity to make a lasting impact when they are likely to be politically and personally isolated if they consistently speak out. It is no coincidence that some of the most prominent critics are Members who have decided to resign from the DPR because of their disagreement with prevailing practices.⁵⁴ The lack of outlets for dissent, both within the DPR and within most of the parties, tends to leave dissidents with little option but to depart.

It should be said, however, that the era of *reformasi* has only just begun. The election of a new DPR in the wake of a rather ambiguous transfer of power in 1998 made it almost certain that the parliament would reflect the continuing grip on power by figures from the New Order. But the fact that the DPR is now an arena for political contest at all is an important advance whose potential should not be belittled. The space for Indonesian civil society was extremely limited under the New Order, but it did grow during the 1990s and today it is expanding in all directions. If the direct election of the President in 2004 does indeed have the effect of breaking down the closed circle of the leading elements within the DPR, there could be many more openings for public pressure on, and participation within, the Indonesian parliament.

The long process of prising open the DPR to genuine popular representation and participation is a political task that can only be achieved by Indonesians themselves. The international donor can support the effort, but its contribution, for both political and practical reasons, can only be indirect. On the other hand, international assistance could play a significant role in strengthening the capacity of the DPR Secretariat to support a democratic legislature. The current weaknesses of the DPR that have been identified by Indonesians, low legislative output, poor quality and partial oversight of the government and systemic corruption, are in part a product of deficiencies in the information and advice available to DPR Members. If the international community was able to assist in overcoming the human and managerial aspects of these problems, it would be a useful contribution indeed.

⁵⁴ Dimiyarti Hartono and Indira Damayanti Sugondo could be cited as examples.