

**Deliberation of the State Budget
Bill (RUU APBN)
and Border Issues at the DPR:
A Current Study on Access to
Information and Public
Participation**

June 2012

Deliberation of the State Budget Bill (RUU APBN) and Border
Issues at the Indonesian House of Representatives (DPR):
A Current Study on Access to Information and Public Participation

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List of Acronyms and Abbreviations

ADB	:	<i>Bank Pembangunan Asia/ Asian Development Bank</i>
Alutsista	:	<i>Alat utama sistem persenjataan/ Primary defense weapon system</i>
APBN	:	<i>Anggaran Pendapatan dan Belanja Negara/ State Budget</i>
ARG	:	<i>Anggaran Responsif Gender/ Gender Responsive Budgeting</i>
Banggar	:	<i>Badan Anggaran/ Budget Committee</i>
Bappeda	:	<i>Badan Perencanaan Pembangunan Daerah/ Regional Development Planning Agency</i>
Bappenas	:	<i>Badan Perencanaan Pembangunan Nasional/ National Development Planning Agency</i>
BBM	:	<i>Bahan Bakar Minyak/ Fuel</i>
BNPP	:	<i>Badan Nasional Pengelolaan Perbatasan/ National Agency for Border Management</i>
BPK	:	<i>Badan Pemeriksa Keuangan/ State Audit Board</i>
BTS	:	<i>Base Transceiver Station</i>
BURT	:	<i>Badan Urusan Rumah Tangga/ House Steering Committee</i>
DAK	:	<i>Dana Alokasi Khusus/ Special Allocation Fund</i>
Dapil	:	<i>Daerah Pemilihan/ Electoral District</i>
DFID	:	<i>Department for International Development</i>
DPD	:	<i>Dewan Perwakilan Daerah/ Regional Representative Council</i>
DPID	:	<i>Dana Percepatan Infrastruktur Daerah/ Fund for Acceleration of Regional Infrastructure</i>
DPPID	:	<i>Dana Percepatan Pembangunan Infrastruktur Daerah/ Fund for Acceleration of Regional Infrastructure Development</i>
DPR	:	<i>Dewan Perwakilan Rakyat/ House of Representative</i>
DPDRD	:	<i>Dewan Perwakilan Rakyat Daerah/ Local Legislative Council</i>
DSF	:	<i>Fasilitas Dukungan Desentralisasi/ Decentralization Support Facility</i>
FEUI	:	<i>Fakultas Ekonomi Universitas Indonesia/ Faculty of Economy, University of Indonesia</i>
FGD	:	<i>Diskusi Kelompok Terarah/ Focus Group Discussion</i>
FORMAPPI	:	<i>Forum Masyarakat Peduli Parlemen Indonesia/ Forum of Concerned Society for Indonesian Parliament</i>
ICT	:	<i>Teknologi Informasi dan Komunikasi/ Information and Communications Technology</i>
Inpres	:	<i>Instruksi Presiden/ Presidential Instruction</i>
IPC	:	<i>Pusat Parlemen Indonesia/ Indonesian Parliamentary Center</i>
KADIN	:	<i>Kamar Dagang dan Industri/ Chamber of Commerce</i>
K/L	:	<i>Kementerian/Lembaga / Ministry/ Government Agencies</i>
Kemenakertrans	:	<i>Kementerian Tenaga Kerja dan Transmigrasi/ Ministry of Manpower and Transmigration</i>
Kemenkopolkham	:	<i>Kementerian Koordinator Politik, Hukum, dan Hak Asasi Manusia/ Coordinating Ministry for Politics, Law, and Human Rights</i>
KIARA	:	<i>Koalisi Rakyat untuk Keadilan Perikanan/ Fisheries Justice Coalition Indonesia</i>
KIP	:	<i>Komisi Informasi Pusat/ Central Information Commission</i>
KIP	:	<i>Keterbukaan Informasi Publik/ Public Information Transparency</i>
KKN	:	<i>Korupsi, Kolusi, Nepotisme/ Corruption, Collusion, Nepotism</i>
Kunker	:	<i>Kunjungan Kerja/ Working Visit</i>
KPDT	:	<i>Kementerian Percepatan Daerah Tertinggal/ Ministry of Accelerated Development of Disadvantaged Region</i>
LSM	:	<i>Lembaga Swadaya Masyarakat/ NGO: Non-Governmental Organization</i>
MD3	:	<i>MPR (People's Consultative Assembly), DPR (House of Representative), DPD</i>

		(Regional Representative Council) and DPRD (Local Legislative Council)
Meneg PPN	:	<i>Menteri Negara Perencanaan Pembangunan Nasional/ State Minister for National Development Planning</i>
MoU	:	<i>Nota Kesepahaman/ Memorandum of Understanding</i>
MPR	:	<i>Majelis Permusyawaratan Rakyat/ People's Consultative Assembly</i>
MTI	:	<i>Masyarakat Transparansi Indonesia/ Indonesian Society for Transparency</i>
Musrenbang	:	Musyawarah Perencanaan Pembangunan (Multi-stakeholder consultation meeting for development planning)
OMS	:	<i>Organisasi Masyarakat Sipil/ CSO: Civil Society Organization</i>
ORI	:	<i>Ombudsman Republik Indonesia/ Ombudsman of Republic of Indonesia</i>
P3DI	:	<i>Pusat Pengkajian dan Pengolahan Data dan Informasi (Center for Research, Data & Information Management)</i>
PAN	:	<i>Partai Amanat Nasional/ National Mandate Party</i>
Pangdam	:	<i>Panglima Daerah Militer/ Regional Military Commander</i>
Panggar	:	<i>Panitia Anggaran/ Budget Committee</i>
Panja	:	<i>Panitia Kerja/ Working Committee</i>
Pansus	:	<i>Panitia Khusus/ Special Committee</i>
PDIP	:	<i>Partai Demokrasi Indonesia Perjuangan/ Indonesian Democratic Party of Struggle</i>
Permendagri	:	<i>Peraturan Menteri Dalam Negeri/ Regulation of Ministry of Home Affairs</i>
PP	:	<i>Peraturan Pemerintah/ Government Regulation</i>
PPID	:	<i>Pejabat Pengelola Informasi dan Dokumentasi/ Information and Documentation Officer</i>
PUG	:	<i>Pengarusutamaan Gender/ Gender Mainstreaming</i>
RAPBN	:	<i>Rancangan Anggaran Pendapatan dan Belanja Negara/ Proposed State Budget</i>
RDP	:	<i>Rapat Dengar Pendapat/ Hearing</i>
RDPU	:	<i>Rapat Dengar Pendapat Umum/ Public Hearing</i>
RI	:	<i>Republik Indonesia/ Republic of Indonesia</i>
RKA-KL	:	<i>Rencana Kerja dan Anggaran Kementerian/Lembaga/ Ministry/ Agency Work Plan and Budget</i>
RKP	:	<i>Rencana Kerja Pemerintah/ Government Work Plan</i>
RKPD	:	<i>Rencana Kerja Pemerintah Daerah/ Local Government Work Plan</i>
RPJM	:	<i>Rencana Pembangunan Jangka Menengah/ Mid-term Development Plan</i>
RPJP	:	<i>Rencana Pembangunan Jangka Panjang/ Long-term Development Plan</i>
RUU	:	<i>Rancangan Undang-Undang/ Bill</i>
SDM	:	<i>Sumber Daya Manusia/ Human Resources</i>
Sekjen	:	<i>Sekretaris Jenderal/ Secretary General</i>
Seknas FITRA	:	Sekretariat Nasional Forum Indonesia untuk Transparansi Anggaran
Setjen	:	<i>Sekretariat Jenderal/ Secretariat General</i>
SK	:	<i>Surat Keputusan/ Decree</i>
SOP	:	<i>Standar Prosedur Operasional/ Standard Operating Procedure</i>
TII	:	<i>Institut Indonesia, Pusat Penelitian Kebijakan Publik/ The Indonesian Institute, Center for Public Policy Research</i>
TKI	:	<i>Tenaga Kerja Indonesia/ Indonesian Worker</i>
TNI	:	<i>Tentara Nasional Indonesia/ Indonesian Armed Forces</i>
UNDP	:	<i>Badan PBB untuk Program Pembangunan/ United Nations Development Programme</i>
UU	:	<i>Undang-Undang/ Law</i>
UU KIP	:	<i>Undang-Undang Keterbukaan Informasi Publik/ Law on Public Information Transparency</i>
WNI	:	<i>Warga Negara Indonesia/ Indonesian Citizens</i>
WRI	:	<i>Institut Penelitian Perempuan/ Women Research Institute</i>

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Deliberation of the State Budget Bill (RUU APBN) and Border Issue at the House of Representative (DPR):

A Current Study on Access to Information and Public Participation

The Indonesian Institute

Center for Public Policy Research

ABSTRACT

At the Indonesian House of Representatives (DPR), there is an absence of public involvement in the deliberation of the State Budget Bill (RUU APBN) and Government Ministry/ Agency Work Plan and Budget (RKA-KL) even though the existing official regulation allows such situation. This became the background issue of this research.

This research is aimed to explore, present issues and provide inputs to members of the DPR in considering policy choices to improve public information accessibility during the deliberation process of the RUU APBN in the DPR. To focus on the issue, this research takes a case study concerning the border issues with the consideration that this issue is often subjected to instant, partial, and unsustainable treatment by the policy makers.

In general, this research is based on the premise that the DPR as people's representatives should uphold their representation functions in conducting other functions. The existing DPR working system and mechanism should also put the principle of good governance, including transparency, accountability, and public participation into practice.

The findings of this research showed that access to public information and public participation in the deliberation process of RUU APBN conducted by the government and DPR are still very limited. The attention of the government and DPR regarding border areas, especially in women and other marginalized groups is limited. Information about the State Budget itself is difficult to obtain.

DPR very rarely conducted a Public Hearing with the public or elements of the public in connection with the deliberation of the State Budget Bill. Up to the present, DPR only discussed the Proposed State Budget (RAPBN) that has been formulated by the Government, which had received inputs from the public through the Meetings for Development Planning (Musrenbang). This process within DPR is conducted with the assumption that inputs from the community have been completed in the Musrenbang forum.

Considering the limitations of this research, initial recommendations to reduce the problems on the deliberation process of the State Budget Bill in the DPR are as follows: (i) Increase public access to participate in the process of RUU APBN Deliberation at the DPR; (ii) Increase human resources capacity at the DPR for public information services and for supporting the functions of DPR; (iii) Review the laws and regulations concerning the DPR's budgeting function; and (iv) Increase the awareness of the DPR concerning the interest of women and other marginalized groups in border territories.

SECTION ONE

INTRODUCTION

1. Background

The State Budget (APBN) is a legal product, but its deliberation process tends to differ with other legal products or policies. Some of the meetings also tend to be closed meetings. This condition is highly susceptible at the DPR to the possibility of misuse of authority by state apparatus.

Meanwhile, other legal products frequently involve the public in Public Hearings (RDPU). Nevertheless, in the case of the RUU APBN (State Budget Bill,) there has been almost no RDPU. Although RDPUs have been conducted, those were only conducted upon the demand of the public and it is a formal meeting in nature without the certainty that their inputs would be discussed in the closed deliberation meetings of the RUU APBN.

During the RUU APBN deliberation process at DPR's Commissions, the Work Plans and Budgets for Ministry/ Agency (RKA-KL) partners of the relevant commissions are discussed. Likewise, this process does not involve the public. However, the Commissions at the DPR have done open discussion on RKA-KL so that the public can oversee the process.

However, the decision of whether the meeting could be done openly or in the closed meetings may only be made by the chairman of the meeting. The chairman of the meeting however is required to obtain the agreement from the meeting's participants (coming from the government and Commission members) on whether the meeting should be conducted openly or within closed doors. Therefore, the public can only know the schedule of DPR's meeting in the DPR RI's website without being able to know long beforehand whether the meeting is going to be open or closed. This minimizes the opportunity for the public to be able to follow the meetings of DPR RI's Commissions with the Ministry/Agencies.

It is true that not all working meetings can be conducted openly, because several discussions are considered as state secrets by the Commissions, such as discussions on the procurements of primary defense weapon system (*alutsista*), including the information on the amount and types, which cannot be accessed by the public.

The deliberation of RAPBN from the Commission shall be continued at the DPR Budget Committee (*Banggar DPR*). The discussion process at *Banggar* is mandated to be merely a synchronization process from the discussion at the Commissions, and most of the time is not open to public and even the minutes of the meeting cannot be accessed by the public. Thus, it is highly important to deal with this problem, remembering that the State Budget being discussed is aimed for the people's prosperity, meanwhile, the people/public themselves do not have access toward the information on the RAPBN and could not use their rights to participate.

This issue is equally important, especially amidst the numerous critics toward DPR's performance. DPR continues to receive negative critics because they tend to keep the information regarding several policies in connection with the use of APBN from the public. For example: the reluctance of the Secretary General of the DPR to provide

details of the meeting room renovation budget for the Budget Committee (*Badan Anggaran*).¹ This indirectly corroborates the assumption that the more secretive a public institution in providing information to the public, the higher the potential of abuse of authority by such state apparatus.

This issue is also important to assess the condition of public participation at present in the policy process, especially as reflected by civil society organizations (CSOs) in connection with the budgeting process. It is equally important to consider how CSOs voice their concerns and share their findings, and recommends them through a communication channel in the DPR.

Based on those identified problems, The Indonesian Institute, Center for Public Policy Research (TII) strives to conduct a policy research within a four month period to explore the present issues and provide inputs for members of the DPR to consider the policy choices in improving accessibility of public information in the APBN deliberation process at the DPR.

In order to be focused, this research takes a case study related to the border issue, which is up to now deeply connected to the issues being processed by Commission I of DPR RI from its political and defense aspects, and Commission II of DPR RI from its welfare aspect. This issue is chosen because it is deemed to be interesting and challenging, considering the concerns that policy makers often treat this issue by way of instantly, partially, and unsustainably, especially amidst the elitist and closed budgeting process in the DPR.

TII also deemed it important to respond to this issue due to its multi-dimensional problems, not only as seen from the defense and security aspects, and sovereignty, but also from the welfare aspect considering that Indonesian border areas are very rich in natural resources. However, if not managed using the right policy approach, those resources could be transferred to outside parties.

In general, this research is based on the premise that the DPR as the people's representatives must uphold the their representation functions/mandate in conducting other functions. The existing system and work mechanism in the House of Representatives (DPR) must also practice the good governance principles, including transparency, public participation, and accountability.

2. Research Objective

To provide initial recommendations to increase access to information and public participation in the discussion of the RUU APBN (State Budget Bill) at the DPR (House of Representatives).

3. Research Questions

There are 4 (four) main questions that would be answered in this research, namely:

- (1) How does DPR discuss the State Budget Bill (RUU APBN)?

¹"Keengganan, Rp20 miliar, and Korupsi Partai" ("Reluctance, Rp. 20 billions, and the Parties' Corruption"), accessed from <http://bengkulu.antaranews.com/berita/876/keengganan-rp20-miliar-and-korupsi-partai>.

- (2) What initiative is currently being used to increase public access toward public information in the discussion of the RUU APBN at the DPR?
- (3) What are the alternative solutions to increase public access in the discussions of the RUU APBN at the DPR?
- (4) Specifically, how is the process and dynamics of discussions of the RUU APBN at the DPR in its connection with the awareness on the interests of women and other marginalized groups in the border areas?

4. Research Methodology

4.1 Research Approach

This research utilized a qualitative approach defined as research procedure which produced descriptive data in the form of written words or verbally from the observable persons and behaviors, and the observation of the study objects must be holistic or comprehensive. The use of qualitative method is expected to yield numerous in-depth information and data.

4.2 Data Collection

4.2.1 Literature Study

This research was begun by conducting a literature review from a number of documents and policies in connection with public information access in the deliberation process of the State Budget in the House of Representatives.

4.2.2 In-depth Interviews

For this research, interviews were also conducted to several key informants representing elements of the DPR, the Government, NGOs and Mass Media.

4.2.3 Focus Group Discussions

In order to explore, enhance and broaden the data collected in the previous stage, this study also conducted a focus group discussion (FGD).

FGD was conducted once and involved resource persons representing members of the DPR, the Government, experts from the DPR, academics, NGOs, research institutions, media representatives, and the Central Information Commission (KIP).

4.3 Data Analysis

Analysis was conducted on interview notes or transcripts of in-depth interviews, minutes of and also transcripts from the FGD, as well as on various secondary data documents (literatures) collected during the research.

The collected data was analyzed descriptively and using a gap analysis. First, comparing the policy norms and theoretical basis with its field practice based on research findings from the FGD process and in-depth interviews. Second, looking at the gap between “what should be” and field practice.

4.4 Validation & Relevance Methods

4.4.1 Peer Reviews

Examination of **data validity and quality** of this research used the **peer review**. Peer reviews were conducted by two experts possessing the expertise in accordance with the objective of this research [Thomas A. Legowo, Ph.D and Jaleswari Pramodhawardani, M.Hum) Both experts reviewed at the initial findings result stage and at the final findings result stage for finalization of policy research report and policy recommendation.

4.4.2 Meetings with DPR Members

Examination of the **relevance and significance** of the topic and results of this research were done by meetings with five members of the DPR representing target audience of this research, among others, the Members of Commission I and II at the DPR and Members of the Budget Committee of the DPR. Meetings were conducted twice, through courtesy meetings at the beginning of literature review results and at the final findings stage.

4.5 Research Benefits

- (1) Availability of initial recommendations that can be used by Members of the DPR to increase access to information and public participation in discussions of the RUU APBN at the DPR (House of Representatives).
- (2) Availability of a study on the current condition of access to information and public participation in the discussions of the RUU APBN at the DPR and recommendations that can be used by Members of the DPR, the Government, NGOs, Academics, Media to increase the public participation in the discussions of the RUU APBN.

4.6 Research Limitations

- (1) **Limitations to generalization of data and findings.** The scope of research problems as discussed is focused on public information access and public participation related to discussions of the RUU APBN at the DPR, and therefore there are limitations that could not be fully generalized on other processes at the DPR.
- (2) **Data collecting method** which is mostly sourced from literature reviews for its secondary data, and in-depth interview, as well as FGD for its primary data, but it was not accompanied by direct observation to the budget discussion process in the DPR, such as during the budget discussion meetings in the Commission or Budget Committee because the research was conducted outside of the budget discussion period, or direct observation to the border areas that became a sample case in this research, leading to the limitation on empirical evidence.
- (3) **Research Duration**, which only lasted for 4 (four) months became the time

limitation in exploring more data and findings in the field, as well as the analysis.

- (4) **Complexity of the problems** covering several major issues, such as the deliberation of State Budget Bill; Transparency of Public Information; management of border areas which covers not only security and defense issues, but also community welfare; and the issue of public participation and women groups and other marginalized groups in the border areas. The complexity of issues in the topic of this research became a limitation in exploring deeper for all those issues being discussed.

4.7 Research Implementation

4.7.1 Research Phases

Research implementation has passed through the stages of literature study, initial hearings, first peer review, in-depth interview, focus group discussion (FGD), and second peer review, preparation for final draft of the report, courtesy meeting, and public discussion, up to the final text of policy research report and text of final policy brief was made.

Literature study and first peer review had been conducted in December 2011. Then Initial Hearings were conducted through courtesy meetings with five Members of the DPR RI on 15-16 December, 2011. Primary data collection through a series of in-depth interviews was conducted on 26 December, 2011 to 20 January, 2012. Meanwhile, FGD was conducted on 18 January, 2012.

An Initial Findings Report from the results of literature study and initial hearings has been produced and was later discussed during the first peer review on 20 and 22 December 2011. Following the initial finding report, "Preliminary Policy Research Report" and "Preliminary Policy Brief" reports were produced, which already incorporated the findings of the in-depth interviews and FGD.

Data from in-depth interviews was gathered from 11 key resource persons consisting of Members of Commissions I and II of the DPR, Members of the Budget Committee, Faction Leaders, Media (KOMPAS), NGOs (IPC, FITRA, KIARA), and the Government (Ministry of Defense and BNPP/National Border Management Agency Secretary). Inputs from FGD were gathered from 10 FGD participants from Commissions II and XI (financial affairs) of the DPR, BNPP, Academics and Research Institutions (FEUI and LIPI), Media (GATRA Magazine), and NGOs (Masyarakat Transparansi Indonesia/Indonesian Transparency Community and FORMAPPI).

This "Policy Research Report" is the result of this policy research. Previously, the final draft of this report had been put through a second peer review process on 8 February, 2012 and presented through a courtesy meeting to the DPR, and presented and commented by representatives of the Central Information Commission and the Main Secretariat of the National Border Management Agency in a public discussion (The Indonesian Forum, Series No. 15) on 8 March, 2012. Aside from this Policy Research Report, the research team has also compiled a Policy Brief text, as a compliment to the policy research report.

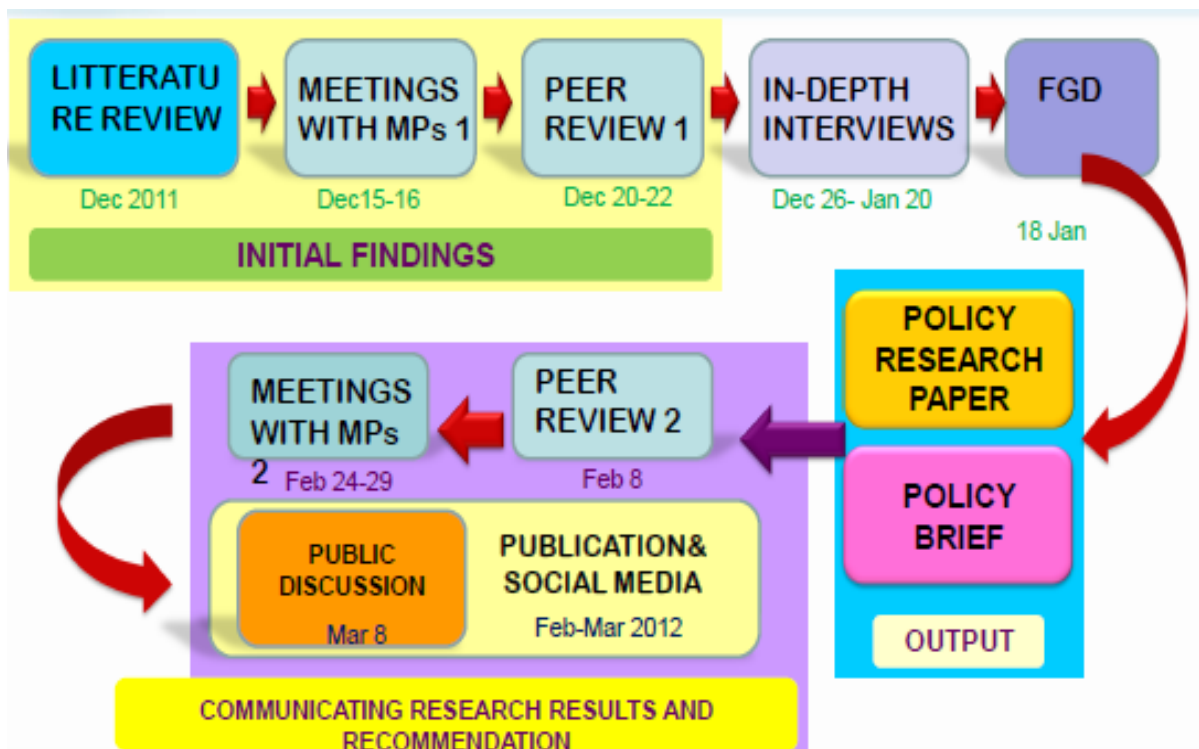
The Policy Research Report and the Policy Brief is available in Bahasa Indonesia or English (soft copy) and downloadable at www.theindonesianinstitute.com.

The publicized printed version is available in *Bahasa Indonesia* and in the English language.

4.7.2 Research Method and Flow

The whole series of research method and flow from data collection, data processing up to presentation of research findings, as well as its publication can be seen in the following Chart.

Chart 1. Research Method and Flow



SECTION TWO

RESEARCH FINDINGS AND ANALYSIS

1. Policy Framework

1.1 The Formulation, Deliberation and Enactment Processes of the APBN

1.1.1 The APBN Formulation Process at the Government: *Musrenbang* & RKA-K/L

In its policy framework, the preparation, deliberation and enactment processes of the State Budget (APBN) are tasks carried out by the Government as an executive function and by the DPR as a legislative function. The policy framework here is generally in the forms of planning, programming, and budgeting processes for the national development plan in certain periods.

1.1.1.1 *Musrenbang* (Multi-stakeholder Consultation Meeting for Development Planning)

On the executive side, the part of this preparation, planning and budgeting processes begins with the *Musrenbang* (multi-stakeholder consultation meeting for development planning) mechanism. Its legal platform is Law Number 25 of 2004 on the National Development Planning System. While its technical implementation, among others, is regulated in Joint Circular Letter of the Minister of Home Affairs and State Minister for National Development Planning/Chairperson of the National Development Planning Agency (Bappenas) Number 0259/M.PPN/I/2005 and 050/166Sj on Technical Guide for the Implementation of *Musrenbang*.

Based on the technical guide of the implementation, *Musrenbang* will start from the village level, then goes to the subdistrict level, to the District and City level, to the Provincial and National level. In the National *Musrenbang*, the final result is synchronization and finishing touch of the Ministry/Agencies' activity plans, funding priority of the State Budget Plan, and final draft of the Government Work Plan (RKP) to be discussed in the Cabinet Meeting. All Ministers/ Heads of State Agencies, Governor and Head of Provincial Regional Development Planning Agency (Bappeda) participate in this National level *Musrenbang*.

Aside from *Musrenbang* which is applicable in general, there are initiatives in the form of special *Musrenbangs*. An example is a Women's *Musrenbang*, which is especially held for the female members of the public.² There is also a Border *Musrenbang*, which is conducted specially in the border areas.³ These special

²The Indonesian Institute, "Kebijakan Desentralisasi and Partisipasi Perempuan dalam Pengambilan Keputusan di Tingkat Kabupaten/Kota and Desa/Kelurahan", Research Report for Oxfam GB, 2011. The Women *Musrenbang* is a local initiative which is still debatable as to its legality, since there is no legal base. The Regency/City which has already conducted *Musrenbangs* are among others Makassar City (2008 and 2010) and Jombang Regency.

³Sutrisno, Main Secretary with the National Border Management Agency in the "The Indonesian Forum" Discussion, 8 March, 2012.

Musrenbangs are generally based on the need for additional forums, which specifically accommodate participation and inputs from special groups. However, its general weakness is the lack of a certain legal base for those special Musrenbangs, therefore the results of those special Musrenbangs are usually difficult and unclear in forms of public policy product, including in budget preparation.

1.1.1.2 Ministry/ Agency Work Plan and Budget (RKA-K/L)

Result of the discussion in the Cabinet Meeting related to the Government Work Plan (RKP) budgeting is the drafting of the Government Work Plan and its Budget Plan (RKA-K/L). Based on this, the Government prepares the Proposed State Budget (RAPBN) to be discussed and then approved as a the State Budget Law by the DPR. The materials for preparing the RAPBN came from discussion of the Ministry Work Plan and Budget (RKA-K/L). The regulations concerning such matter are the Government Regulation Number 90 of 2010 on Formulation of Ministry Work Plan and Budget.

This Government Regulation Number 90 of 2010 states that the Government formulates the State Budget every year to perform its government function in order to achieve the objective of a welfare state (Article 2 paragraph 1). The RAPBN consists of the state income budget, state procurement budget, and finance. The formulation of RAPBN is coordinated by the Minister of Finance as the manager of state finances (Article 3). RAPBN is formulated based on RKA-K/L (Article 3 paragraph 6). RKA-K/L is compiled for each Budget Unit. The Minister/Agencies' Chairperson as Budget Users must compile RKA-K/L for the Budget Unit under him/her (Article 4).

The DPR will discuss the RKA-K/L of each ministry/institution as an initial discussion of the RAPBN, wherein this discussion is focused on consultation of New Initiative proposal. The New Initiative here refers to the additional proposal of work plan other than what has been listed (Article 10 of Government Regulation Number 90 of 2010).

1.1.2 The State Budget Discussion Process at the House of Representatives ⁴

The cyclical process of the State Budget Plan/State Budget in the House of Representatives is based on:

- (a) Law Number 17 of 2003 on State Finance;
- (b) Law Number 27 of 2009 on the MPR (People's Consultative Assembly), DPR, DPD (Regional Representative Council) and DPRD (Local Legislation Council) (MD3); and
- (c) Rules and Regulations of the DPR RI Number 1 of 2009-2014.

The formulation, deliberation and enactment of the APBN, shall be conducted in the year prior to budget implementation.

Law Number 27 of 2009 on MPR, DPR, DPD and DPRD (MD3) states that DPR possesses the necessary tools to discuss State Budget Bill, namely the commissions and Budget Committee (*Banggar*).

⁴Meaning the discussion process of the Proposed State Budget and the State Budget Bill.
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Table 1. Task of Commissions in Budgeting Area at the DPR⁵

1.	Conducts preliminary discussion regarding formulation of the proposed state budget (RAPBN) covered in its joint scope of duties with the Government;
2.	Conducts discussions and presents proposals to improve the RAPBN covered in its joint scope of duties with the Government;
3.	Discusses and decides on budget allocation for the function, program, and activities of the Ministries/Agencies overseen by of the Commission;
4.	Conducts discussion of state financial report and implementation of the State Budget including results of the BPK (State Audit Board) in connection with its scope of duties;
5.	Presents results of preliminary discussion mentioned in point (1), and results of discussion as mentioned in points (2), (3) and (4), to the Budget Committee for synchronization;
6.	Completes the synchronization result of Budget Committee based on proposal presentation of the Commission as mentioned in point 3; and
7.	Refer to the Budget Committee on the results of the discussions at the Commission level as mentioned in item (6) as the final material for enacting the APBN (State Budget).

Table 2. Main Tasks of the Budget Committee (Banggar)⁶

1	Together with the Government determines the main fiscal policies and budget priorities to be used as guidelines for each ministry/agencies in formulating their budget proposal;
2	To determine state income together with the Government based on proposals from the related commission;
3	Discusses the bill on the State Budget (APBN) together with the President who may be represented by a minister as recommended in joint meetings between the Commission and the Government regarding budget allocation for the functions, programs, and activities of the Ministry/Government Agencies concerned;
4	Synchronizes the discussion results in the Commission regarding work plan and budget of the Ministry/Institution;
5	Discusses realization and prognosis report in connection with the State Budget; and
6	Discusses the main explanations on the bill regarding accountability of State Budget implementation.

Further, it is stated in Article 2 Law Number 27 of 2009 on MD3 that “The Budget Committee only discusses budget allocations that have already been decided by the Commission.”

⁵Article 96 Law Number 27 of 2009 on MPR, DPR, DPD, and DPRD (MD3).

⁶Article 107 Law Number 27 of 2009 on MD3.

The first stage of the State Budget Discussion cycle is the **Preliminary Discussion on the State Budget Formulation**, with the following schedule:⁷

- (a) **Mid of May**, the Government presents the main fiscal policy and macro-economic framework, such as:
- Basic assumption of macro-economic (economic growth, inflation, SBI (Bank Indonesia Certificate) Interest Rate, exchange rate, oil prices, lifting of oil (production));
 - Policy in state income;
 - Policy in state expenditure; and
 - Deficit policy and its financing.
- (b) **May-June**, Joint discussion between the DPR represented by the Budget Committee of the DPR with the Government (represented by Finance Minister), State Minister/ Chairperson of the National Planning and Development Agency (Bappenas) and the Governor of Bank Indonesia. The discussion results of the Preliminary Discussion on the RAPBN Formulation becomes the basis for formulating the State Budget Bill and its Financial Note.

Several important legislations used as legal platform in connection with the formulation, discussion and determination processes of the State Budget from the process in the Government up to the process in the House of Representatives above, can be found in Table 3 below:

Table 3. Legal Platforms in connection with the Formulation, Discussion and Enactment Process of the APBN at the DPR

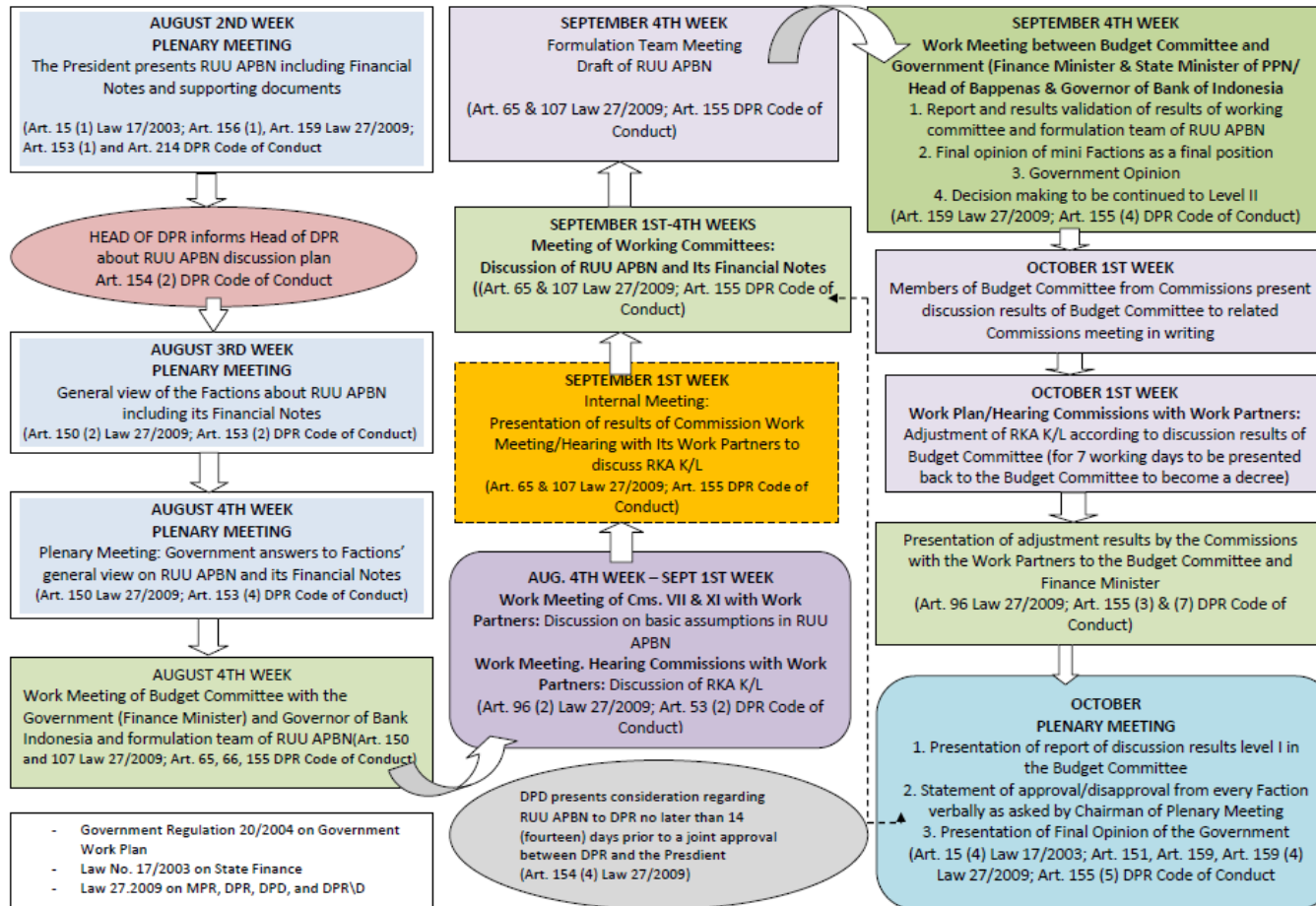
No.	Law and Regulations	Policy Substance Related to Formulation, Discussion and Determination Processes of APBN
1	Law Number 25 of 2004 on the National Development Plan System	Legal platform for the preparation process of the Government work plan document and its budget; involving the public through <i>Musrenbang</i> forum.
2	Joint Circular Letter of Minister of Home Affairs and State Minister for Chairperson of the National Development Planning Agency (Bappenas) Number 0259/M.PPN/I/2005 and 050/166SJ on Technical Guidelines for Conducting <i>Musrenbang</i>	Guidelines for Conducting <i>Musrenbang</i> , among others cover the steps, documents to be produced in a <i>Musrenbang</i> ; including the Government work plan document, Ministry Work Plan and Budget, which become the materials for formulating the State Budget Plan.
3	Government Regulation Number 90 of 2010 on the Formulation of Ministry Work Plan and Budget	Guidelines for the formulation of Ministry Work Plan and Budget, as materials for formulating the RAPBN.
4	Law Number 17 of 2003 on State Finance	Formulation of the RAPBN as proposed by the Government to be discussed later and determined together with the DPR.
5	Law Number 27 of 2009 on MPR, DPR, DPD and DPRD (MD3)	DPR possesses the necessary tools to discuss the RUU APBN, namely the Commissions and

⁷<http://www.dpr.go.id/id/Badan-Anggaran/siklus1>, downloaded on 12 January 2012.

		Budget Committee (Banggar). Budget Committee only discusses budget allocations already determined by the Commission.
6	Rules and regulations of the DPR Number 1 of 2009-2014	Discussion process cycle of the State Budget Plan/State Budget at the House of Representatives

While the process of creating the Bill on the State Budget (APBN) including the Financial Note, and its legal basis, can be seen in the next chart.

Chart 2. The Creation Process of the Bill on State Budget Including Its Financial Notes⁸



⁸<http://www.dpr.go.id/id/Badan-Anggaran/siklus1>, downloaded on 12 January 2012.

1.2 Access to Public Information and Good Governance

1.2.1 Transparency of Public Information

The rights of obtaining information is part of human rights and the Transparency of Public Information/*Keterbukaan Informasi Publik* (KIP) is a crucial characteristic of a democratic country that upholds peoples' sovereignty and thus fulfilling the task of good governance.⁹ KIP is the means of optimizing public scrutiny on the governing process of government and other public agencies and other parties related to public interests.

The public information management is one of the ways to develop the information society. The Transparency of Public Information is the responsibility of all officials of public sectors - the legislative, executive, judiciary, or other non-government organizations.¹⁰

On Law Number 14 of 2008 on Transparency of Public Information it is clearly stated that all information related to the public is open and can be accessed by all public information users.¹¹ All public information must be accessible for all public information applicants in the following ways: prompt, timely, inexpensive and concise. The principles of obtaining and usage of public information does not include information related to the public sectors that are under the exception in accordance to the law, the principle of decency and public interests.¹²

The law giving the legal assurance for the people in obtaining information from public agencies, and obliged all public agencies in Indonesia to give update information to the people and to serve the public demand on information. Based on "public agencies" definition on Article 1, Paragraph 3 Law Number 14 of 2008 on Transparency of Public Information,¹³ legislative bodies (People's Consultative Assembly/*Majelis Permusyawaratan Rakyat* (MPR), House of Representatives/*Dewan Perwakilan Rakyat* (DPR), Regional House of Representatives/*Dewan Perwakilan Rakyat Daerah* (DPRD), Regional Representative Council/*Dewan Perwakilan Rakyat Daerah* (DPD)) are included in the list of public agencies that are responsible for fulfilling public demand on information as required by Law Number 14 of 2008 on Transparency of Public Information and its implementation.

To enforce Law Number 14 of 2008 on Transparency of Public Information, the government has developed a set of rules as described below:

⁹Article 19, TIFA Foundation (Yayasan TIFA), "Research on Initial Assessment on Transparency of Public Information Report at Nusa Tenggara Timur Province" ("*Laporan Penelitian Penilaian Awal Akses Informasi Publik di Propinsi Nusa Tenggara Timur*"), Jakarta 2010, <http://www.article19.org/data/files/pdfs/publications/laporan-penelitian.pdf>, accessed on 9 December 2011, page. 5.

¹⁰*Ibid*, page. 5.

¹¹ Article 2, Point 1 Law Number 14 of 2008 on Public Information Transparency.

¹²*Ibid*, Point 4.

¹³ Public agencies defined in Law Number 14 of 2008 on Public Information Transparency are executive, legislative, judiciary and other institutions whose functions and tasks related to governance, or other non-government organization that are funded by using national/Regional government funding, or donations from the local/international society.

- (a) Republic of Indonesia Government Regulation Number 61 of 2010 on the Implementation of Law Number 14 of 2008 on Transparency of Public Information.
- (b) Regulation of Commission of Information Number 1 of 2010 on Public Information Service Standard.

There are set of obligations that must be fulfilled by public agencies (including DPR) due to Law Number 14 of 2008 and its implementations rules:

Table 4.
The Obligations of Public Agencies for
Implementing Transparency of Public Information

No	Law and Regulations	Obligations Related to Public Agencies	Legal Sanctions
1	Law Number 14 of 2008 on Transparency of Public Information	<p>a. Public agencies must build and develop information and documentation management systems efficiently and accessible (Article 7, Paragraph 3).</p> <p>b. Designating Information and Documentation Officer/<i>Pejabat Pengelola Informasi dan Dokumentasi</i> (PPID); and build and develop information service promptly, concise and fitted to the technical manual on public information service applied nationally (Article 13, Paragraphs 1a and 1b).</p>	<p>Legal sanction is stipulated on Chapter XI on Criminal Provisions on Articles 51 until 57.</p> <p>Criminal charge on this regulation is based on offenses and charged through general court. Sanction of Law for public agencies is mentioned on Article 52: "The public agencies that deliberately not providing, not giving, and/or not published public information in a set period of time, public information that are obliged to be published, public information that must be available at any given time, and/or public information that must be published in accordance of this regulations, and as result affecting negative impact on other parties will be sentenced of max.1 year prison time and/or fine of max. Rp 5.000.000 (five million Rupiah).</p>
2	Republic of Indonesia Government Regulation Number 61 of 2010 on Enforcement of Law Number 14 of 2008 on Transparency of	<p>a. Head of public agencies must designate PPID at the latest 1 year from the implementation of this Government Regulations, that is on August 2011</p> <p>b. PPID must be held by those who are competent in information and documentation management (Articles 12,13 and 21 Paragraph 1)</p> <p>c. In cases PPID has not been selected, the tasks and responsibilities of PPID can be</p>	<p>Legal sanction stipulated on Chapter V on Compensation Procedures by Government Public agencies and Imposition of Criminal Fine on Articles 16 to 20. Specified in Article 20 that "The court decision</p>

	Public Information	run by unit or task force in information, communication and/or public relations divisions.	that imposition criminal fine on government public agencies as government administration institutions does not diminish the state rights to give administrative sentences to the public agencies officials based on regulations applied.
3	Commissioner of Information Regulation Number 1 of 2010 on Public Information Service Standard	<ul style="list-style-type: none"> a. Setting rules on standard operating procedures on public information services. b. Build and develop information and documentation system to manage public information properly and efficiently. c. Designate and promote PPID to perform their tasks, responsibilities and authorities d. Setting up sufficient budget for public information service implementation based on the prevail regulations. e. Provide tools and infrastructures of public information services, including information board and information desk on every public agencies offices, as well as official website for public agencies. f. Setting up standards on public information copies request fee. g. Setting up and update periodically the list of all public information managed. h. Providing and distributing public information as regulated in this regulation. i. Providing feedbacks on objections proposed by public information applicants j. Reporting and informing reports on public information service in correspondence with this regulations and provide copies of the reports to Commissioner of Information; and k. Evaluating and supervising on public information service implementation in their agencies. 	Legal sanctions related to criminal or civil charges are not regulated in this regulation.
4	Regulation of DPR RI Number 1 of 2010 on Public Information Transparency at the DPR	<ul style="list-style-type: none"> a. Setting rules on standard operating procedures on public information services. b. Build and develop information and documentation system to manage public information properly and efficiently. c. Designate and promote PPID to perform their tasks, responsibilities and authorities d. Setting up sufficient budget for public 	Legal sanctions related to criminal or civil charges are not regulated in this regulation.

		<p>information service implementation based on the prevail regulations.</p> <ul style="list-style-type: none"> e. Provide tools and infrastructures of public information services, including information board and information desk on every public agencies offices, as well as official website for public agencies. f. Setting up standards on public information copies request fee. g. Setting up and update periodically the list of all public information managed. h. Providing and distributing public information as regulated in this regulation. i. Providing feedbacks on objections proposed by public information applicants j. Reporting and informing reports on public information service in correspondence with this regulations and provide copies of the reports to Commissioner of Information; and k. Evaluating and supervising on public information service implementation in their agencies. 	
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Issues on transparency of public information depend on the competence of public agencies in determining the types of information that is categorized as public information and those that are excluded from public information. All public agencies should accurately determine the information the public information and the excluded information, as well as which public information that need to be provided on daily, periodically and ad hoc basis so that public agencies may implement KIP effectively.

The existence of DPR Regulation Number 1 of 2010 on Public Information Transparency at the DPR raises expectation that the PPID can fulfill the rights of the people to gain information on time based on regulations related to the categories of information open for public.

1.2.2 Good Governance

Article 3 of Law Number 28 of 1999 on a Government which is Clean and Free of Corruption, Collusion and Nepotism highlighted the importance of these principles: 1) Legal certainty; 2) Orderly implementation of governing; 3) Public interest; 4) Openness; 5) Proportionality; 6) Professionalism; 7) Accountability.

Below are the description of each principles stated above:¹⁴

(1) **Legal certainty** is the principle of having based on regulations, appropriateness, and justice for each governing policies.

¹⁴ These explanations are stated on the chapter on the Explanation of the Law Number 28 of 1999.
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- (2) **Orderly implementation of governing** is a principle that has been the basis for regularity, congeniality, and stability in controlling government administrators.
- (3) **Public interest** is the principle to prioritize on public welfare in aspirational, accommodative and selective manners.
- (4) **Transparency** is the principle of being available for the people to acquire their rights of accurate, honest and non-discriminative public information on governing process whilst maintaining protection on personal human rights, community rights and confidentiality on certain state information.
- (5) **Proportionality** is the principle that accentuates expertise based on ethic codes and regulations applied.
- (6) **Professionalism** is the principle that accentuates the balance between responsibilities and rights of government administrators.
- (7) **Accountability** determines that every actions and results of government administration activities must be able to be taken accountable to the people as the highest sovereign of the state based on the law.

1.3 Public Participation in the Deliberation of RUU APBN

1.3.1 Public Participation in Planning and Budgeting (Pre-RAPBN)

In order to perform government administration functions to reach the state goals, the government develops a development program draft and its budget. The draft will then be discussed with other public agencies especially the legislative body for later to be implemented. During the process, the government implement participative development paradigm, where public participation is accommodated.

Law Number 25 of 2004 on the National Development Planning System (*Sistem Perencanaan Pembangunan Nasional*) has institutionalized Multi Stakeholder Consultation Forum/Meeting for Development Planning (*Musyawarah Perencanaan Pembangunan* (Musrenbang)) in all government levels and in long term, midterm and yearly planning whilst stressing the necessity of synchronizing 5 (five) development approaches, they are: political, participation, technocratic, bottom up and top down approaches in implementing the development planning.¹⁵

According to Law Number 25 of 2004, the drafting of development planning process and budgeting is expected to happen by absorbing the public participation and aspirations, implemented through *Musrenbang*. *Musrenbang* activities are coordinated by the Ministry of Home Affairs and the Ministry of

¹⁵Ngoedijo, Widjono, 2007, "Musrenbang as Effective Instrument in Participative Budgeting: Main Issues and Perspectives on Enhancing the Quality of Musrenbang in The Future" ("Musrenbang sebagai Instrumen Efektif dalam Penganggaran Partisipatif: Isu-isu Utama dan Perspektif Peningkatan Mutu Musrenbang di Masa Depan"), LGSP Good Governance Brief. No.2, July 2007, Jakarta: LGSP USAID.

National Development Planning/Chairperson of the National Development Planning Agency.

The Joint Circular Letter by Ministry of Home Affairs and Ministry of National Development Planning/Chairperson of the National Development Planning Agency Number 0259/M.PPN/I/2005 and 050/166/SJ on Technical Guideline for *Musrenbang* Implementation indicated that the results of the long process of *Musrenbang* up to the national level will be referred at the Government Work Plan (*Rencana Kerja Pemerintah (RKP)*) and the Proposed State Budget (*Rancangan Anggaran Pendapatan dan Belanja Negara (RAPBN)*) that will be discussed in the cabinet meetings to obtain the APBN draft proposed by the government, which will be discussed together with DPR to be enacted as APBN through the Law on APBN.¹⁶

However, regulations on the use of RKP as the basis for RAPBN formulation explicitly can only be found in the Joint Circular Letter by Ministry of Home Affairs and Ministry of National Development Planning/Chairperson of the National Development Planning Agency. For example in the Joint Circular Letter Number 0259/M.PPN/I/2005 and 050/166/SJ on Technical Guideline for *Musrenbang* Implementation, it was stated that “Government and Regional Government have an obligation to prepare RKP and Local Government’s Work Plan (*Rencana Kerja Pemerintah Daerah (RKPD)*) documents as the basis of RAPBN/Proposed Regional Government Budget (*Rancangan Anggaran dan Pendapatan dan Belanja Daerah (RAPBD)*) 2006” (Point A.1).

The certainty that RKP and RKPD should be produced through *Musrenbang* is stipulated in Point A.3 of the joint circular letter, as stated in the following paragraph: “*Musrenbang* is functioned as a forum to produce agreements among the development actors on RKP and RKPD drafts that highlights discussion to synchronize activity plans between local and government ministries/agencies/working units offices, local government and the people to achieve the national and regional development goals.”¹⁷

While on Government Regulation Number 90 of 2010 it is only stated that the Ministry’s Work Plan and Budget (*Rencana Kerja dan Anggaran Kementerian/Lembaga (RKA-K/L)*) are prepared based on Ministries/Agencies’ Working Plan, RKP, and Ministries/Agencies’ Budget Limit (Article 6 Paragraph 1). This Government Regulation no longer stated that the RKP is generated from *Musrenbang* that engage the public. Therefore the planning and budgeting process of the RKA-KL that will be used as RAPBN considerations is assumed to have accommodated people participation.

1.3.2 Public Participation in the Drafting Laws and Regulations

Law Number 12 of 2011 on Lawmaking stated important article regarding the public participation, as found in Chapter XI on Public Participation, Article 96.

¹⁶The Indonesian Institute, 2011, “Decentralization Policy and Women Participation in Decision Making on regency/township level in Indonesia” (“Kebijakan Desentralisasi dan Partisipasi Perempuan dalam Pengambilan Keputusan di Tingkat Kabupaten/Kota di Indonesia”), 2011, page. 14.

¹⁷ Joint Circular Letter No.0259/M.PPN/I/2005 and 050/166/SJ on Technical Guideline for *Musrenbang* Implementation 2005.

The article stated that the public have the rights to provide verbal or writing inputs in the process of lawmaking (Article 96 paragraph 1). This article also illustrate that the verbal or writing inputs can be delivered by the people through public hearings, working visits, socialization, seminars, workshops or discussions (Article 96 paragraph 2).

As for the people who are considered eligible to deliver their inputs are individuals or groups of people that have interests on the substance of the law and regulations draft (Article 96 paragraph 3). Act 4 further explained that to facilitate the people in giving input in verbal or writing forms, every law regulations drafts must be accessible for public viewing.

As the result, Law Number 12 of 2011 on Lawmaking added responsibilities for all public officials who are responsible for preparing law and regulations draft to provide and guarantee sufficient access for the public to be informed on the drafts that are being prepared, so that the public can participate, including in the drafting of the bill on APBN.

Box 1. Article 96 Law Number 12 of 2011 on Lawmaking

- (1) The public have the rights to give verbal or writing inputs in the process of laws and regulations drafting.
- (2) The verbal or writing inputs as stated on Paragraph 1, can be delivered through:
a). public hearings; b). Working visits; c). Information Dissemination (*sosialisasi*); and/or d). Seminars, workshops and/or discussions.
- (3) The public who are considered eligible as stated in Act 1 to deliver their inputs are individuals or groups of people that have interests on the substance of the laws and regulations draft.
- (4) To facilitate the public in giving input in verbal or writing forms as stated in Act 1, every law and regulation drafts must be accessible for public viewing.

1.3.3 Public Participation in the Deliberation of RUU APBN at the DPR

Based on the DPR General Rules Number 1 of 2009-2014, the people can deliver input in forms of verbal and/or writing to DPR in the following processes:¹⁸

- (a) The preparation and establishment of National Legislation Program (Program Legislasi Nasional (Prolegnas));
- (b) Preparation and discussions of laws and regulations drafts;
- (c) Discussion on APBN regulations drafts;
- (d) Supervision on regulations implementations; and
- (e) Supervision on government policies implementations.

Verbal and written inputs stated above are defined below:

Written input from the people can be delivered to the member and/or the head of DPR Commissions. Input related to the discussion process on APBN Bill can be delivered to the head of commissions.

¹⁸Article 208, DPR RI General Rules.

The input must mention clear identification of the sender and sent to the chairman of DPR, the head of commissions, the joint head of commissions, the head of special committee, the head of Legislation Committee, or the head of Budget Committee that are preparing and discussing the bill, as well as supervising the implementation of the law, or government policies.¹⁹

Verbal input from the public can be delivered on public hearing, meetings with the head of commissions, the joint heads of commissions, the head of special committee, the head of Legislation Committee, or the head of Budget Committee or meetings held with the presence of the heads and their staffs who are involved the preparation of the bill.²⁰ The meeting results will become the inputs for the concerned bill.

1.4 Border Territories

Law Number 43 of 2008 on State Territory stated the mandate on border territories administration. This law is also the basis for the National Border Management Agency (*Badan Nasional Pengelola Perbatasan* (BNPP)) establishment. Presidential Regulation Number 12 of 2010 on BNPP stipulated the establishment of the agency, its main tasks and functions to manage program policies, budget requirements, coordinate the implementation, evaluation and supervise the management of state border and border territories.

Border territories management policies also stated on the National Development Program (*Program Pembangunan Nasional* (Propenas)) 2000-2004 and the Long Term Development Plan (*Rencana Pembangunan Jangka Panjang* (RPJP)) 2005-2024 and the Mid Term Development Plan (*Rencana Pembangunan Jangka Menengah* (RPJM)) 2010-2014.²¹ Presidential Regulation Number 5 of 2010 on the National Mid Term Development Plan (*Rencana Pembangunan Jangka Menengah Nasional* (RPJMN)) 2010-2014 stated the directions and development of border territories as one of national development programs priority. It is also stipulated that the border territories development has a strong linkage to guarantee the integrity and sovereignty of the territory, national security and defense, and improve the welfare of the people living in the border territories.²²

From the illustration above, there are several regulations related to border territories development, as showed on the next table.

Table 5. Laws and Regulations Relevant to Border Territories Development

No.	Laws and Regulations	Related Policies Substance
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¹⁹Article 209, DPR RI General Rules.

²⁰Article 210, DPR RI General Rules.

²¹Djojosekarto, Agung, Sumarwono, Rudiarto, Suryaman, Cucu, Eveline, Rosalia (Eds), 2011, "Formulation on West Kalimantan Border Management Policy Recommendation" ("Rumusan Rekomendasi Kebijakan Pengelolaan Perbatasan di Kalimantan Barat"), Jakarta: Kemitraan bagi Pembaruan Tata Pemerintahan.

²²Mawardi, Ikhwanuddin, 2010, "National Strategic Centre Activity Development on Land Border Territorial Region as Gateways for Economic and Trade Activities with the Neighboring Countries Strategy" ("Strategi Pengembangan Pusat Kegiatan Strategis Nasional di Kawasan Perbatasan Darat sebagai Pintu Gerbang Aktivitas Ekonomi dan Perdagangan dengan Negara Tetangga"), the paper was presented on "Initiate Ideal Formation on Border Territorial and Border Region as Republic of Indonesia Front Line" Seminar (Seminar "Menggagas Format Ideal Pengelolaan Batas Wilayah dan Kawasan Perbatasan sebagai Halaman Depan NKRI") in Jakarta, 8 December 2010, <http://kawasan.bappenas.go.id/images/seminar/1.pdf>.

1	Law Number 43 of 2008 on State Territory	The legal basis of border territories management. This law also mandated the National Border Management Agency (<i>Badan Nasional Pengelola Perbatasan</i> (BNPP)) establishment.
2	Presidential Regulation Number 12 of 2010 on National Border Management Agency (Badan Nasional Pengelola Perbatasan (BNPP))	The President established the formation of BNPP to coordinate the implementation of border territories management.
3	Presidential Regulation Number 5 of 2010 on National Mid Term Development Plan (Rencana Pembangunan Jangka Menengah Nasional (RPJMN)) 2010-2014	Development of border territories as one of the priorities of national development programs.

1.4.1 Public Participation in the Management of Border Territories

Public participation in managing border territories based on Article 19 Law Number 43 of 2008 on State Territory is defined as public participation to (a) Enhance border territories development; (b) Maintain and defend the border territories.

The Article 19 Law Number 43 of 2008 also stated that the government may involve public in border territories management and its implementation is based on the prevailing regulations. In relation to other law and regulations, public participation in the planning and budgeting process concerning the management of border territories have been formally institutionalized through *Musrenbang* based on the Law Number 25 of 2004 on the National Development Planning System (*Sistem Perencanaan Pembangunan Nasional*).

Box 2. Article 19 Law Number 43 of 2008 on State Territory

- (1) Public participation in managing border territories is implemented in forms of: (a) Enhancing the border territories development; (b) Maintaining and defending the border territories.
- (2) To implement the stipulation as aimed in Paragraph (1), the government may involve public participation in border territories management.”
- (3) Public participation as stated on Paragraph (1) is implemented based on related regulations.

In the practical level, the aspirations of border communities are respected and absorbed formally through four agencies that work with BNPP as partners.²³

1. **Government Ministries/Public Agencies non-BNPP members.** On October 20th, 2011, a Memorandum of Understanding (MOU) between Ministry of Home Affairs and Ministry of National Education was made and continued with the signing of cooperation agreement between Chief Secretary of BNPP with 9 (nine) rectors of public universities.

²³Interview with Mr. Sutrisno, Chief Secretary of BNPP, 29 December 2011.

2. **Entrepreneurs/Private Companies under the Indonesian Chamber of Commerce and Industry (Kamar Dagang dan Industri (KADIN)).** The border territories management requires a substantial cost and thus, APBN cannot be relied upon as the only funding source. Therefore, there is a need to develop cooperation with KADIN. For example, KADIN mostly handles the telecommunication needs. BNPP together with the local government provide facilitation and the local government especially prepare the facility and infrastructure. Another example: at the beginning of the year, the ceremony of laying the first stone was held for dry-port construction project in cooperation with KADIN.
3. **Universities.** Considering that border territories issues need to be addressed optimally, BNPP also develop cooperation with 9 (nine) universities such as: Universitas Pertahanan, Universitas Gadjah Mada, Institut Teknologi Sepuluh November Surabaya, Institut Teknologi Bandung, Universitas Padjajaran, and universities at the border territories such as Universitas Cendrawasih, Universitas Tanjungpura, Universitas Mulawarman and Universitas Nusa Cendana. These universities are contributing, not only through ideas on how to manage the border territories, but they are directly helping BNPP to improve the public welfare in the border regions. A circular letter of BNPP had been distributed instructing that the programs implemented by the universities must emphasize on improving public welfare concretely instead of only researches. For example, Institut Teknologi Sepuluh November Surabaya has generated a flagship and appropriate technology that can be implemented at the border territories. Institut Teknologi Bandung also has developed a technology in relation to spatial plan.
4. **Non-Governmental Organization/Donor Organization.** BNPP has formed cooperation with Partnership on Governance Reform (*Kemitraan Bagi Pembaruan Tata Pemerintahan (Kemitraan)*) and Decentralization Support Facility (DSF) Program. DSF is a partnership supported by several donor organizations. The cooperation with Kemitraan has a specific form, which is to optimize partnership with the 9 (nine) universities. For year 2012, the partnership program with these nine universities will be focused to Sebatik Archipelago, Nunukan District, and East Kalimantan Province. The partnership is indeed directed to focus in one area.

1.4.2 Gender Mainstreaming in Matters Relating To Border Territories

Gender mainstreaming policies for border territories are practically the same as other territories in Indonesia. Laws and regulations on gender mainstreaming are described on the table below. Furthermore, it is also important to understand that the legal basis of gender mainstreaming is also known as the legal basis of gender equality and gender equity, which is the end-goal of this gender mainstreaming effort.

Table 6. Legal Platform for Gender Mainstreaming in Indonesia

No	Laws and Regulations	Concerning	Relevant Articles
1	The 1945 Constitution	Republic of Indonesia	Article 27 Paragraph 1 "All citizen is equal in law and governance without exception"

	of the Republic of Indonesia (Undang-Undang Dasar 1945 (UUD 1945))	Constitution	
2	Law Number 7 of 1984	Convention Ratification on Abolition of All Forms of Women Discriminations	<p>Article 2 paragraph b “(The administrator state) Enact proper regulations and their implementation, including the necessary sanctions, and forbid all forms of women discriminations”</p> <p>Article 2 paragraph c “Establish legal protection on women’s rights on the same basis with men and to provide guarantee through competent national judiciary and other government agencies, effective protection for women from discriminative actions”</p>
3	Law Number 39 of 1999	Human rights	<p>Article 49, “Women have the rights to choose, to be chosen, to be promoted in their jobs, positions, and professions, and specific protections in performing their job and profession against threats to their safety and or health in relation to women’s reproductive function is guaranteed by law”</p>
4	Presidential Instruction Number 9 of 2000	Gender Mainstreaming in National Development	<p>“...Instructs (1) Ministers; (2) Heads of Non-Department Government Agencies; (3) Chief Secretaries of Highest/High Level Agencies; (4) Indonesian National Force (Tentara Nasional Indonesia (TNI)) Commanders; (5) Chief of Police of the Republic of Indonesia; (6) Attorney General; (7) Governors; (8) Regents/Mayors to execute planning, formulation, implementation, supervision and evaluation of national development programs and policies with gender perspectives according to their tasks, functions and authorities.”</p>
5	Regulation of the Ministry of Home Affairs Number 132 of 2003	General Guideline for Gender Mainstreaming in Regional Development	<p>Article 7 paragraph 1, “All necessary funding to implement gender mainstreaming in the regions shall be borne by APBN (State Budget) and APBD (Local Budget) in each Province, District and City, at minimum 5% from the Provincial, District and City APBD”</p>

Source: Collected from various sources.²⁴

The stipulations concerning disadvantaged regions are stated in the Joint Agreement between the Ministry for Women Empowerment and Children Protection and the Ministry of Accelerated Development of Disadvantaged Regions concerning The Effective Improvement of Gender Mainstreaming and Child Protection in the Development of Disadvantaged Regions Number 009/MPP-PA/08/2010 and Number 22/M-PDT/KB/VII/2010 as follow:

Article 1 paragraph 1: Gender Mainstreaming (*Pengarusutamaan Gender* (PUG)) is a strategy built to integrate gender as one integral dimension of planning, formulation, implementation, monitoring and evaluation of national development programs and policies.

Article 1 paragraph 7: Gender Responsive Budget (*Anggaran Responsif Gender* (ARG)) is a budget that accommodates equity for women and men in acquiring access, benefits, participation in decision-making and to control resources as well as equality of chances and opportunities to benefit from the development results.

These basic regulations are relevant for disadvantaged regions. Based on the data from the Ministry of Accelerated Development of Disadvantaged Regions²⁵in 2010, there were 349 districts and 91 cities classified as disadvantaged regions, 39 among them were districts/cities located at the border territories. From the 39 districts/cities in the border territories, 38 of them have 60 outer islands.

²⁴ The table was summarized from several sources, such as 1) Noerdin, Edriana; Aripurnami, Sita; and Hodijah, Siti Nurwati, 2005, "Gender Analysis and Gender Equality Budget Workshop Modul" ("Modul Pelatihan Analilisa Gender dan Anggaran Berkeadilan Gender"), Jakarta:WRI,page.133-147;and (2) Legal Reform and Policy Division of National Commission for Violence Against Women (*Divisi Reformasi Hukum dan Kebijakan Komnas Perempuan*), 2010,"Reading Materials and Handouts. Workshop: Creating Gender Sensitivity and Women Rights in Judiciary Environment for Law Enforcers" ("*Bahan Bacaan dan Handout Pelatihan: Menumbuhkan Sensitivitas Gender dan Hak Asasi Perempuan dalam Penanganan di Lingkungan Peradilan Umum bagi Aparat Penegak Hukum*), Jakarta: Komnas Perempuan.

²⁵ Quoted from "Border Territories Development Strategy" ("Strategi Pembangunan Kawasan Perbatasan") article published on *Diplomasi* Tabloid by Drs. Krisman Manurung, MM., Associate Deputy Border Territorial Section Ministry of Accelerated Development of Disadvantaged Regions (<http://www.tabloiddiplomasi.org/component/content/article/143-diplomasi-oktober-2011/1229-strategi-pembangunan-kawasan-perbatasan.html>, accessed on 9 December 2011).

2 Conceptual Framework

2.1 Good Governance

Since early 1990's, many international organizations such as the World Bank, UNDP, ADB, DFID and many others, promote the importance of implementing good governance. They implement the principles serving as reference to measure the achievement of this good governance.

There are several principles in good governance, but the principles that are commonly used as a reference are the principles defined by UNDP. According to UNDP (1994), there are 10 principles in good governance: participation, rule of law, transparency, equality, responsiveness, strategic vision, accountability, effectiveness and efficiency, professionalism and consensus-orientated.²⁶

If compared with UNDP's version of good governance principles, there are several principles that are not included in Law Number 28 of 1999 Article 3. Amazingly, one of them is the principle of participation. However, even though the principle of participation is not mentioned explicitly in the regulation, based on the understanding, among the 7 (seven) principles contained in the regulation, the principles that open the room for public participation in governance are public interest, transparency and accountability principles.

The definition of the three principles is described in Law Number 28 of 1999 in the Explanation of Article 3, as stated below:

- (a) **Public interest principle:** prioritizing public interest in an aspirational, accommodative and selective manner.
- (b) **Transparency principle:** providing transparency for the public to exercise their rights to receive accurate, honest, non-discriminative information on governance process, whilst still provide protection on personal rights, group rights and government classified information.
- (c) **Accountability principle:** determining that each and every activities and result of governing activities must be accountable to the public as the highest holder of sovereignty based on the prevailing rules and regulations.

2.1.1 Participation

Participation – as a civil and democratic community – is a term that had been known for a very long time. However, as a concept and operational practice, it was only being discussed since 1970s when several international agencies promoted participation practices on development planning, implementation and evaluation. Since then the participation concept had developed and have various definition even though in many ways they are still convergent²⁷.

²⁶UNDP, 1994, Initiative for Change, (<http://mirror.undp.org/magnet/policy/>).

²⁷ Sahirman. 2004. "Law Structure and Policy on Public Participation in Indonesia" ("Kerangka Hukum dan Kebijakan Tentang Partisipasi Warga di Indonesia"). Bandung: The Ford Foundation page 4

Based on Gaventa and Valderama²⁸, there are three participation categories related to democratic society development practices, namely:

- (a) **Political Participation.** Involving personal or organization interaction, usually between the politic parties with the state. Therefore, political participation is often related to political democracy, representation, and indirect participation. Political participation tends to be oriented on “influencing” and “appointing people representatives” on government agencies than “active participation” and “direct participation” on governing process itself.
- (b) **Social Participation.** Organized efforts to increase supervision on resources and managing agencies in certain social conditions by various groups and movements that are set aside up to this moment in performing oversight function. Participation is considered as involvement of the public, especially those who are considered as development beneficiaries in consultation or decision-making in all stages of development cycle from needs evaluation to assessment, implementation, monitoring and evaluation.
- (c) **Public participation.** Different from political participation that emphasizes on “representation” and social participation that put participation “outside” of the government agencies, public participation emphasizes on “direct participation” in the government agencies’ decision-making and governing process. In other word, the public participation concept had diverted the participation concept, from a mere concern to the “marginal group” to various forms of public participation in policy making and decision making in various key fields that are impacting their lives. The concept of public participation also often linked to “participatory democracy, deliberative democracy or direct democracy”.

2.1.2 Accountability and Parliamentary Transparency

Parliamentary accountability is the most essential element in the institution and process that apply the principles of good governance and democracy.

The purpose of accountability in public authorities implementation, including inthe parliament are:

- (a) to control the use of authority in order to avoid the potential misuse of authority;
- (b) to ensure an efficient and effective utilization of public resources and to uphold public interest; and
- (c) to encourage and improve a continuous learning process on performance.²⁹

Based on its dimensions, accountability can be classified as:

²⁸Quoted by Sahirman. 2004. “Law Structure and Policy on Public Participation in Indonesia”(“Kerangka Hukum dan Kebijakan Tentang Partisipasi Warga di Indonesia”). Bandung: The Ford Foundation, page. 7.

²⁹ Prasadjo, Eko. “Manual Book on Parliament Transparency and Accountability”(“Buku Panduan tentang Transparansi dan Akuntabilitas Parlemen”).DPR RI Secretariat General and United Nations Development Programme (UNDP). Jakarta 2010. Page 12.

- (a) **Political accountability**, meaning the availability of methods that are used regularly and transparently to provide sanction with appreciation to each individual and institution that possess a public office position through checks and balances system between executive, legislative and judiciary agencies;
- (b) **Financial Accountability**, meaning the responsibility of each individual or institution to be accountable and to report the public resources used to implement public authority as mandated;
- (c) **Administrative Accountability**, meaning the responsibility of each individual or institution that performs public authority to create internal supervision in performing and implementing the enacted policies.³⁰

For the context of parliamentary accountability, dimensions of legal, professionalism and morality accountability need to be highlighted as well. Legal accountability reflects alignment of action and decision taken by the parliament with its authorities and powers. Mixing authorities and manipulate the authorities itself are contradicting the legal accountability.³¹

Whereas professional accountability means that the parliament as individual or institution must perform its functions based on professionalism principles. With sufficient competencies, knowledge and skills, a parliament member can actively perform his/her representative functions.³²

Moral accountability demands each parliament members to be responsible morally on every actions and political decisions they made. Avoiding corruption, collusion and nepotism, prioritizing the interest of the nation and the state above personal and group interests are the moral demands that need to be fulfilled by each parliament members.³³

Based on its types, accountabilities can be defined as four things, managerial accountability, program accountability, process accountability and outcome accountability.³⁴ Within parliamentary context, the managerial accountability demands that the use of public funding, asset and resources in performing representatives' function are done efficiently and effectively.

Therefore, parliament needs to be accountable, for these reasons:

1. **Politically**, accountability is the basic foundation for the numbers of votes that a representative and political party will receive in the next election. If a representative member can be held accountable for each function that is given to him/her by the people, the people will evaluate that the person is worthy to be elected on the next election. Accountable means that the Members of the Parliament can be held accountable for all resources they used, as well as how they performance in defending the people's aspirations.

³⁰Cheema, G. Shabbir, "Building Democratic Institutions-Governance Reform in Developing Countries", Kumarian Press, Inc, USA, 2005, page 51.

³¹Prasodjo, Eko. "Manual Book on Parliament Transparency and Accountability" ("Buku Panduan tentang Transparansi dan Akuntabilitas Parlemen"). DPR RI Sekretariat General and United Nations Development Programme (UNDP). Jakarta 2010. Page 12.

³²*Ibid.*

³³*Ibid.*

³⁴Widodo, Joko, 2001, "Good Governance. Accountability and bureaucracy control in Decentralization and Regional Autonomy Period Studies" ("Good Governance. Telaah dari Dimensi Akuntabilitas dan Kontrol Birokrasi pada Era Desentralisasi dan Otonomi Daerah"), Insan Cendekia, Surabaya, page 157.

2. **Legally**, when a representative member is being accountable, he/she will be spared from legal sanctions related to misuse of authority and will be spared from corruption criminal accusations. In the current practice, there are many members of the DPR that are subjected to corruption criminal case since they are not being accountable in performing their functions as representative members. Socially, the accountability of the representative members will be an exemplary and good learning process in creating an Indonesian nation that is constantly accountable in every mandate given. In other words, accountability that is performed by representative member will erase the corruption culture that is currently contaminating the state and government of Indonesia.³⁵

Parliamentary transparency also provides clarity on the process and procedures of authority utilization in making good and correct decisions. This will provide clarity in information and standard access for the public to participate in the political decision-making process in the parliament. Parliamentary integrity is a continuum between accountability and transparency that is synonymous with non-corrupt behavior and honesty.

Various reasons had been described to justify why the parliament must be accountable and transparent in performing its authority legitimately. This will improve trust and acceptability to the political decisions taken by the parliament. Therefore, accountability and transparency *to whom, accountable for what and how to be accountable* need to be developed.

On the institutional level, stipulations concerning parliamentary responsibilities as an institution are written in the General Rules, for example whether all meetings/assemblies can be attended by the public, whether the discussions and results of the meetings/assemblies can be accessed by the people, and whether parliament performances and financial reports can be known by the people.³⁶

On the individual level, transparency and accountability are related to the responsibility and obligation of each representative member to provide information, to absorb aspiration and to deliver the mandate that have been performed. This is commonly performed during the Working Visits, routine media communication that was done for political communication and the published stance he/she made when a problem emerged.

Furthermore, a parliament member must communicate what he/she had fighting for all this time as promised in his/her election campaign, the achievements and the challenges. Therefore, periodic activities reports in performing parliamentary functions will support each representative member to improve his/her accountability personally.

At least three things should be available in transparency, namely:

³⁵*Ibid*, page 16.

³⁶Prasodjo, Eko. "Manual Book on Parliament Transparency and Accountability" ("Buku Panduan tentang Transparansi dan Akuntabilitas Parlemen"). DPR RI Secretariat General and United Nations Development Programme (UNDP). Jakarta 2010. Page 14.

- (a) **Information Transparency:** on things that are the duties and responsibilities of the parliament, such as transparency of sessions/meetings, proceedings, planning, discussion process, lobbying by parliamentary members, up to the decisions and conclusions in the meetings;
- (b) **Availability of Access and Procedure for the People** to get the information; and
- (c) **Legal guarantee for the Implementation of People’s Rights** to get the information.³⁷

Therefore, if all information related to the duties of the parliament could be available to the people, then automatically, there would be no more items hidden by the parliament. In other words, if all the discussions, proceedings, brief reports, minutes of meeting, performance reports and financial reports of the parliament can be accessed and known by the people, then the parliament itself could automatically be held accountable for all the decisions and actions that it made.

2.2 Legislators (Parliament Members) and the Representation Function

The *Legislators* here refer to members of the parliament and in the Indonesian context, are Members of the DPR (House of Representatives), aside from the MPR (People’s Consultative Assembly), DPD (Regional Representative Council), and DPRD (Local Legislative Council). There are four fields where the legislators perform their functions, such as shown in the table below.³⁸

Table 7. Roles and Activities of Legislator

Roles	Role-related Activities
Legislative	Create regulations/policies
Supervision	Supervision of policy implementation
Financial	Discuss and approve budgets Supervise budget use
Representative	Represent constituent’s interests

However, at the same time there are some challenges faced by the legislators, such as:

- Time management;
- Technical issues. Often times the legislators have to handle or create policies which are technically not appropriate with their expertise or work experiences; and
- Conflicts of Interest. It arose because aside from the legislator represents his/her constituents, he/she also represents the political party that elected him/her, as well as represents a particular commission in the parliament.³⁹

The Representation Function. Law Number 27 of 2009 on the MPR, DPR, DPD and DPRD (MD3), Article 69 Paragraph (1) states that DPR has three functions, namely: legislative function, budgeting function, and supervision function. Article 69 Paragraph

³⁷*Ibid.*, p. 16.

³⁸Madhavan, MR. 2010. “Evidence and Research for Policy Making: Addressing the Needs of Legislators”. New Delhi: PRS Legislative Research and DFID

³⁹*Ibid.*, p. 24.

(2) states that the three functions above shall be implemented in representing the people.

Further implementation shall be regulated based on Regulation of the DPR RI Number 01/DPRRI/I/2009 on Rule and Regulations of DPR. Article 203 paragraph (2) of the regulation states that representing the people can be conducted by doing working visits. Article 204 Paragraph (1) states that working visits shall be conducted to absorb people's aspirations in the electoral districts of DPR's members.

The results of working visit are the people's aspirations as submitted to the DPR in the forms of statements, opinions, hopes, critics, inputs and advices related to duties, functions, and authorities of DPR. Aspirations can also be in the form of complaints and dissatisfactions presented to DPR RI for a problem/issue related to the supervision function in the implementation of the law, implementation of state finances and government's policies.

Article 203 Paragraph (3) states that the results of working visit as referred to Paragraph (2) may be used as materials in the working sessions, hearings, and public hearings. In this instance, it can be inferred that the representation function of the DPR members can only be realized in the discussion process of RAPBN (Proposed State Budget) in the DPR together with the government and not in the planning and formulating process of the RAPBN.

3 Gender Mainstreaming and On the Treatment of Marginalized Groups

The 1997 United Nations Economic and Social Council (ECOSOC) defined gender mainstreaming as a process of assessing the impacts/implications of every stage of development (planning/including legislation, implementation, monitoring and evaluation) to women and men, from the central government to the provincial government. In other words, this is a strategy to ensure that the concerns and experiences of women are integrated into every process of development, so that women and men can have the same benefit and that the gap would not be eternal.⁴⁰

The ultimate goal of gender mainstreaming is to achieve gender equality. The concept was later on adopted into Presidential Instruction Number 9 of 2000 on Gender Mainstreaming in Development.⁴¹

In the meantime, the marginalized group can be defined as the group experiencing one or more dimensions of exclusion, discrimination, or exploitation in social, economic, and political lives. In other words, these groups do not have a broad access to the decision makers and have little influence in development.⁴² In the Indonesian context, the marginalized groups consist of women, the poor (urban and village), workers, indigenous people, minority religious groups and so on.⁴³

⁴⁰ "Definition of Gender Mainstreaming" downloaded from

<http://www.ilo.org/public/english/bureau/gender/newsite2002/about/defin.htm>, on 29 March, 2012.

⁴¹ Complete information for this part can be found in part 1.4.2 of this policy research report on Gender Mainstreaming in the Border Areas.

⁴² Sjaifudian, Hetifah, "Kelompok Marjinal di Perkotaan: Dinamika, Tuntunan, and Organisasi", Bandung: Akatiga, <http://akatiga.org/index.php/artikeldanopini/kemiskinan/112-kelompok-marjinal-di-perkotaan-dinamika-tuntutan-and-organisasi>, downloaded on 11 November, 2011.

⁴³ Akatiga, 2010, "Kelompok Marjinal Dalam PNPB", Bandung: Akatiga and Bank Dunia, http://akatiga.org/index.php/sumberreferensi/cat_view/73-penelitian-akatiga/80-studi-kemiskinan, downloaded on 28 March, 2012.

Therefore, gender mainstreaming and other marginalized groups shall be defined as how all the stages in the development process accommodate the concerns and experiences of women and other marginalized groups, so that everybody can receive the same impacts and move toward equality (in gender and socially).

3 Implementation and Policy Analysis of the Deliberation of RUU APBN and Border Issues at the DPR: A Current Study on Access to Information and Public Participation

3.1 Deliberation Process of RUU APBN at the DPR

The Constitution of 1945 Article 23 Paragraph 2 stated that RUU APBN is proposed by the president. In this matter it is assumed that there is no initiative proposal from the DPR. The proposal then discussed together with the DPR.

Law Number 17 Year 2003 on State Finance stated that the president gives authorization to the ministers or heads of agencies as budget users to discuss RUU APBN with the DPR.

Pre-discussion on APBN RKA-KL draft detailing the organization units, functions, programs, activities and type of spending is informed by the Ministries/Agencies to the related commissions in the DPR to be discussed in the DPR's Commission Meetings.

In practice, it is felt that the DPR has limited authority in the deliberation process of enacting the bill of APBN (RUU APBN) into a law (UU APBN). RAPBN is prepared by the government, and when it is brought to DPR to be discussed, the room for DPR to revise the RAPBN is only limited to 5% part of the RAPBN. Majority of the RAPBN (approx. 95%) is considered unable to be changed by the DPR.⁴⁴ Furthermore, the room for discussion is also considered as inadequate due to the limited time provided to DPR for discussion process between the Commissions and the Commissions' partners.⁴⁵ The time provided is approximately from the 4th week of August until 1st week of September.⁴⁶

Law Number 27 of 2009 on the MPR, DPR, DPD and DPRD (MD3) stated that DPR has the tools to discuss RUU APBN, the tools are the Commissions and the Budget Committee (*Badan Anggaran (Banggar)*). The Commissions are responsible for discussing the RUU APBN with the Ministries and related Agencies to decide upon the state revenue, budget allocation and then submitting it to *Banggar* for synchronization process. After *Banggar* synchronization is done, the Commissions will revise the RAPBN and then re-submit it to the *Banggar*.

The RUU APBN discussions in the Commissions ideally must be given a bigger portion, due to the fact that the Commissions' members have better-detailed knowledge on the needs, based on the inputs provided by the partners and the working visits. The general rules on RUU APBN discussion based on Law Number 27 of 2009 (MD3) have provided bigger opportunities for discussions within the Commissions.

⁴⁴Focus Group Discussion (FGD), "The RUU APBN Discussions in DPR : Preliminary Studies on Public Information Access" ("Pembahasan RUU APBN di DPR: Studi Awal tentang Akses Informasi Publik"), 18 January 2011.

⁴⁵Interview with Hakam Naja, Vice chief of DPR Commission II from Partai Amanat Rakyat (PAN) Faction, 20 January 2011.

⁴⁶Harry Azhar Azis, "Budget Preparation Accountability" ("Akuntabilitas Penyusunan Anggaran"), Paper delivered as FGD "The RUU APBN Discussions in DPR : Preliminary Studies on Public Information Access" ("Pembahasan RUU APBN di DPR: Studi Awal tentang Akses Informasi Publik"), 18 January 2011.

*“Based on regulation, the dominant role is in the hand of the Commissions. After the budget limits are provided to the sectors in the ministries/agencies, the ministries/agencies will then work with their partners at the Commissions. They will study it one by one, this process is a part of the approval process owned by the DPR. From the Commissions the budget then submitted to the *Banggar*. *Banggar* will then finalize it. That is the mechanism.” (Ganjar Pranowo, Secretary of Partai Demokrasi Indonesia Perjuangan Faction and Vice Chief of Commission II DPR RI).*

The mechanism is different from mechanism in the previous period of the DPR rules, in which the Budget Committee (*Panitia Anggaran (Panggar)*) have the ultimate power to execute budget revisions, and even have the power to annul the working meetings results between the ministries/agencies and the DPR’s Commissions.

In relation to *Banggar*, their authorities have been limited by the Law on MD3 of 2009. The main responsibility of *Banggar* is to determine fiscal policies, state revenues and budget priorities based on the result of the meetings between the Commissions and the ministries and agencies. *Banggar* only discuss the budget allocations that are decided by the Commissions. Commissions’ members in the *Banggar* must defend the budget allocations as a result of the Commissions’ Working Meetings with the ministries/agencies. The RKA-KL results then submitted to the Minister of Finance as an input for formulating the next year’s bill on APBN. The general rule in formulating RKA-KL is stipulated in the Government Regulation Number 21 of 2004.

However, in practice, this research found several cases of discrepancy. Below is the example:

*The plan to decrease certain type of fuel subsidy and 3-kg gas subsidies was initiated on April 2012.⁴⁷ Rejection on the plan was highly publicized, not just from the public or the observers, but also from members of the DPR itself. Such as Vice Chief Commission VII for Energy issue, Effendi Simbolon and Daryanto Mardiyatmo stated that the plan had not been discussed intensively within the Commission VII. It was strongly believed that this article emerged in the discussion in *Banggar* level, thus exceeding the *Banggar* authorities defined by the Regulation Number 27 of 2009 Article 107 Paragraph 1.d and Paragraph 2 that stated *Banggar* is only authorized to synchronize discussions that had been decided at the DPR Commissions.⁴⁸*

In this case, the capacity of *Banggar* has not being maximized due to the lack of transparency and the closed sessions of the *Banggar*, whilst the public does not have access to its meetings summaries. Therefore, in this condition, there is not direct public control mechanism during the process.

3.1.1 The Issue of the DPR Representation Function, Public Aspirations in the Deliberation of the RUU APBN

There are several issues on DPR representation function in relation to public aspirations in the discussion of the RUU APBN:

1. **Representation and Budgeting.** Working visits and recess are the time when members of DPR RI have the opportunities to gather aspirations in the local level. However the problems laid on the fact that there is no follow up

⁴⁷This is stated on Article 7 Point 1 and Article 4 Law Number 22 of 2011 on APBN 2012.

⁴⁸ “Article 7 that Trapped” (“Pasal 7 yang Menjerat”), the article was published on *Kompas*, Friday, 17 February 2012, in FOKUS rubric : “Fuel Subsidy Deduction” (“Pengurangan Subsidi BBM”).

mechanism on the public aspirations. Thus, most of the members reluctant to meet their constituents directly.

On every visits, DPR members and their teams are only able to note the public aspirations without having the authority to give assistance or solutions immediately. This is due to the weak budgeting function of the DPR, as there is no room for the DPR members to be involved in proposing the needs of their electoral districts through the formal drafting channel and the APBN discussion process.

2. **Constituents or Parties Representation?** Often members of DPR sat in the Commission that is not assigned to handle the problems of their constituents. They sit in the Commission as parties' appointments. This condition diminishes the representative functions of the DPR members. For example, the Commission IV that manage issues on fishery, forestry, and agriculture. The members of the commissions, with competencies on the issues or have academic backgrounds or at minimum had been involved in organizations related to the issues, are no more than 1-2 persons. Therefore, the voices of 1-2 persons will be outnumbered by the others.⁴⁹

Furthermore, the political party, where the members come from, is also highly influential to the member in defending the public aspirations, especially the constituents from their electoral district. The success rate of the DPR members in defending their regions is determined by the 'power' that the members have. The DPR members from parties with majority seats have a higher bargaining position than parties with lesser seats. For example, on the efforts to authorize the budget for their electoral districts, members of majority parties can deliver pressure to the government by marking a star sign (*) on the budget allocations if the regions' needs are not accommodated.⁵⁰

However, before the process occurred, a DPR member must able to defend internally the aspiration within the party. Budgets allocated in APBN may not be sufficient for all regions. Therefore disputes on the budget allocations always occurred inside the party. Only DPR members with strong personal capacities may win the dispute.⁵¹

3. **Commissions and Electoral District Representation.** Even though the DPR members sit in the Commissions based on their own choices, however, due to the fact that each Commissions have different sections appointments, not all the needs of the electoral districts represented by the members can be accommodated. Even so, the discussion system of the APBN at the DPR formally does not give enough room for the members to defend the aspirations of their electoral districts in relation to budgeting.

Members of the DPR often defend the aspiration of their electoral districts informally, through personal approaches to executives, such as ministries

⁴⁹Interview with Riza Damanik, KIARA Secretariat General, 5 January 2012.

⁵⁰Courtesy meeting with Harry Azhar Azis, Vice Chief of DPR Commission XI from Golongan Karya Faction, 1 March 2012.

⁵¹Ibid.

and heads of agencies.⁵² This condition gives opportunities for the DPR members and executives representatives to have barter of interests that lead to chances of budget manipulation.

3.2 Initiatives of Public Information Transparency at the DPR

In line with the Law Number 14 of 2008 on Public Information Transparency and its implementing regulations, the DPR as one of public agency is also responsible to implement the mandate. Therefore, the Regulation of DPR RI Number 1 of 2010 on Public Information Transparency at the DPR was formulated. The regulation henceforth shall be written as the DPR KIP Regulation, ratified by the DPR Assembly Meeting on Thursday May 20th, 2010. The regulation consists of 14 Articles and 7 Chapters.

The DPR KIP Regulation mandated two related regulations, namely: standard operating service for public information, appointment of documentation and information officer (PPID), and the standard cost that shall be regulated and determined by the Secretariat General.

General principles stipulated in this DPR regulation are:

- (a) DPR KIP Regulation is one of the means to establish a transparent and accountable DPR agency, which will finally increase its credibility and public trust.
- (b) DPR KIP Regulation must be responsive and guarantee the effectiveness of the information management and provide access to the people.
- (c) The set of rules in the DPR KIP Regulation must not only be aimed to implement the Law Number 14 of 2008, but also to complete it with various identifications and breakthroughs that are directed to enforce transparency and accountability aspects.

To implement the Regulation of DPR RI Number 1 of 2010 on Public Information Transparency at the DPR, the DPR Secretariat General also generate several decrees concerning the DPR public information management:

- a) The Decree of the Secretariat General of the DPR Number 140/Sekjen/2011 on Secretariat General's Documentation and Information Management Team.
- b) The Decree of the Secretariat General of the DPR Number 141/Sekjen/2011 on Secretariat General's Information Service Team.
- c) The Decree of the Secretariat General of the DPR Number 689/Sekjen/2011 on Revision of the The Decree of the Secretariat General of the DPR 866/Sekjen/2010 on the DPR Secretariat General's PPID Appointment.
- d) The Decree of the Secretariat General of the DPR 139/Sekjen/2011 on the DPR Secretariat General's Public Information Dispute Settlement Team.⁵³

In accordance to the mandate of Law Number 14 of 2008 on Public Information Transparency and in the effort to provide optimal information service to the public, the

⁵²Interview with Taslim Chaniago, Member of DPR Commission III and Budget Committee from Partai Amanat Rakyat (PAN) Faction, 19 January 2012.

⁵³"Recapitulation of PPID Establishment Development and Internal SOP Regulation" ("Rekapitulasi Perkembangan Pembentukan PPID dan Regulasi (SOP) Internal"), <http://donokip.files.wordpress.com/2011/07/kip-rekap-ppid.pdf>, accessed on 9 December 2011.

DPR as a public agency has assigned Information and Documentation Officers (PPID) in accordance to the Decree of the Secretariat General of the DPR Number 866/Sekjen/2010 to fulfill the public demands on access to public information. The follow-up of the appointment was the establishment of the DPR's online public information service website <http://ppid.dpr.go.id/intro>.

The DPR's online public information service through the website <http://ppid.dpr.go.id/intro> is one of the means that can be used by the people in requesting public information other than the information that is already accessible in the official website: <http://www.dpr.go.id>. With the development of this online public information services, time and distance are expected to no longer become a barrier in fulfilling people's rights in gaining public information.

Looking at the current condition, a number of efforts in establishing a transparent and accountable parliament had been seen. For example, there are information on several issues available on the DPR website. Information on minutes of meeting and brief reports based on meeting period, public complaints, members profile, and other news on activities conducted by the parliament or the members can be obtained on the website. It means that, the minutes of meeting containing information on the process and discussions in the meetings can be accessed online by the public. However at this moment, the reports on the DPR/DPD and DPD financial and performance are not available on the website and cannot be accessed by the public online as an illustration on both accomplishment and usage of state budget by the parliament.⁵⁴ In the DPR website, information on the reported use of the state budget by the DPR and the DPR report performance outcomes are not yet available.⁵⁵

In providing public information service, PPID has classified types on information transparency according to the KIP regulation, which consist of the types of information that need to be provided and published periodically,⁵⁶ information that needs to be published in ad hoc terms,⁵⁷ and information that needs to be published on daily basis.⁵⁸

However, the regulation of the DPR on Public Information Transparency stated that **not all information can be accessed by everyone**. Information that cannot be provided are those that can harm the country and related to personal rights, related to position, and information that has not been managed or documented.⁵⁹ The Regulation of the DPR Number 1 of 2010 on Public Information Transparency at the DPR, Article 2 Paragraph 3 stated that there are **types of information that are excluded from public access**, namely:⁶⁰

- a. The results of DPR's meetings from closed sessions or meetings that are stated as closed meetings;

⁵⁴Prasodjo, Eko. "Manual Book on Parliament Transparency and Accountability" ("Buku Panduan tentang Transparansi dan Akuntabilitas Parlemen"), DPR RI Secretariat General and United Nations Development Programme (UNDP), Jakarta 2010, page.45.

⁵⁵ <http://www.dpr.go.id/id/>. accessed on 10 June 2012

⁵⁶ Regulation on Transparency of Public Information, Article 9.

⁵⁷ Regulation on Transparency of Public Information, Article 10.

⁵⁸ Regulation on Transparency of Public Information, Article 11.

⁵⁹ Centre on Law and Policy Studies (Pusat Studi Hukum dan Kebijakan), "Transparency of Public Information in DPR" ("Keterbukaan Informasi Publik di DPR"), article in book "Legislation : Aspiration or Transaction Working Notes on DPR Legislation Performance 2011" ("Legislasi: Aspirasi atau Transaksi Catatan Kinerja Legislasi DPR 2011"), Indonesia Centre on Law and Policy Studies (Pusat Studi Hukum dan Kebijakan Indonesia), 2012.

⁶⁰ DPR Regulation Number 1 of 2010 on Public Information Transparency in DPR, Article 2 Act 3, quoted from DPR P3DI, *Collection of Transparency of Public Information Implementation Model (Bunga Rampai Model Penyelenggaraan Keterbukaan Informasi Publik)*, DPR Secretariat General.

- b. Classified letters of the DPR;
- c. The DPR's documents or letters which substances are declared as classified based on the rules and regulation;
- d. Documents or letter received by the DPR, which substances declared as classified by the sender;
- e. Information that is declared as classified by the law;
- f. Information related to personal information of the DPR members;
- g. Information that if it is opened may reveal the content of authentic deed that is personal in nature or related to one's will;
- h. The letters or documents of the DPR Secretariat General which substance must be classified based on the law;
- i. Information categorized as classified by the law; and
- j. Information related to personal rights.

3.3 Initiatives to Improve Access to Public Information in the RUU APBN Deliberation Process

3.3.1 Access to Public Information in the Budgeting Process

Budgeting process that is done by DPR together with the government is the type of information that must be accessible to the public. However, transparency on the budgeting process is relatively low. Public have not enjoyed an ease of access to information on the RUU APBN that is discussed by the DPR and the government, because the information is not accessible through the DPR or Ministries/Agencies' websites.

Furthermore, the government documents related to planning, discussions and usage of the APBN funding are difficult to be accessed openly by the public. The data from the Central Information Commission (*Komisi Informasi Pusat*) during year 2011 showed that from 428 applications concerning public information dispute settlement, 45% of them were related to budgeting documents from RKA-KL, DIPA and goods/service proficiencies documents in almost all ministries and agencies.

This indicates that even though the Regulation on Public Information Transparency Article 9 Paragraph 2 stated that financial report, the preparation and policy-making process must be accessible to the public easily and clearly, however, its implementation is different among the state agencies.⁶¹

⁶¹ Usman Abdhali Watik, in The Indonesian Forum Series 15: Research Result Illustration on RUU APBN Discussions Policy in DPR. Preliminary Studies on Public Information Access (Case Study : RUU APBN Discussions on Border Territories Issues) (Pemaparan Hasil Penelitian Kebijakan Pembahasan RUU APBN di *Policy Research "Deliberation of the State Budget Bill (RUU APBN) at the DPR: A Current Study on Access to Information & Public Participation"*) **38**

Information technology also poses difficulties in accessing public information on the DPR budgeting process. It is still difficult to access the RAPBN up into details; this is caused by unpreparedness in providing easy information access, such as data that can be accessed through a computerized/online system. Even the DPR members stated that they have difficulties in accessing budget drafts on RABPN and BURT. Data may be available; however efforts is still needed to search where the data is located, and who are the people that can provide them.⁶²

Other difficulties occurred due to condition the budget draft data are seemingly hard to access as they are mostly available only in hard copy, and not in transferable form. Other difficulty is also related to DPR's internal tendencies in viewing the budget drafts as a complex and troublesome data and therefore, decreasing the enthusiasm of the DPR members and the public to access them. This happens because at this moment, the APBN is only seen as numbers. The APBN should be viewed not only from the number within it, but also from the policies that preceded the numbers.⁶³ This view is parallel to the idea that the RAPBN process should match the "planning-programming-budgeting" flow.⁶⁴

Box 3.

The Indonesian Institute (TII) Notes on DPR Information Transparency Access Test

On February 7th and 8th 2012, TII conducted a test on public information transparency to the DPR, namely the Budget Committee Secretariat, the DPR Commission I Secretariat, the DPR Commission II Secretariat, the DPR Secretariat General and the Center for Research and Data & Information Management (*Pusat Pengkajian dan Pengolahan Data dan Informasi (P3DI)*).

TII requested documents related to the APBN deliberation at the DPR that discuss on border territories budget, aspirations of border communities through public hearing or letters from the public to Commission I, Commission II and the Budget Committee and the recap of Public Application Letters requesting information on the APBN deliberation such as request for public hearing, hearing or requests of the RAPBN.

From five secretariats that TII contacted, only two gave responses. On **Tuesday, February 7th 2012**, on approximately 4pm, Ms. Suprihartini, the Head of DPR Commission I Secretariat contacted TII through phone related to TII's data research application that was being submitted at the same day. She advised TII to forward the documents application to Commission II, as based on her understanding that the requested document was not available in Commission I. TII representative then explained that the documents requested from Commission I was related to the border territories and thus, it corresponds to the scope of authority of Commission I, which is on security and defense issues, for example concerning the army personnel at the border territories and so forth.

She explained that the discussions related to security and defense within the Commission I are discussed in overall, general, within the big picture and not specifically on army personnel stationed on border territories. The documents could not be provided as they were generated in closed sessions and due to the nature all documents and substances that were discussed, thus the

DPR Studi Awal tentang Akses Informasi Publik (Studi kasus: Pembahasan RUU APBN Terkait Isu Perbatasan)), The Indonesian Institute, Jakarta, 8 March 2012.

⁶²Interview with Hakam Naja, Vice chief of DPR Commission II from Partai Amanat Rakyat (PAN) Faction, 20 January 2011.

⁶³Interview with Hakam Naja, Vice chief of DPR Commission II from Partai Amanat Rakyat (PAN) Faction, 20 January 2011.

⁶⁴Jaleswari Pramodawardani, FGD 18 January 2012.

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minutes of meetings could not be delivered to the public. Ms. Suprihartini also explained that in general the DPR meetings are open for the public, but it can be closed if there is an agreement between the related attendees of the meetings, such as the Commission I and the ministries/agencies partners.

On **Thursday, February 9th 2012**, on approximately 10am, Ms. Andam from DPR PPID contacted TII through telephone and requested TII to submit the Deed Letter of TII as one of the requirements for submitting a data request application to PPID. After the Deed had been sent to TII and received, MS Andam stated that the data requested by TII was in working process, or in other words the data was being communicated to the Commission and Budget Committee as the source of the data requested. PPID would inform the progress if all of the data needed has been collected, nevertheless they could not provide certainty on how long will the process be.

On February 27th 2012, PPID contacted TII to inform that the data requested was available and can be collected. The data provided are:

1. Working Meeting Conclusion between the DPR Budget Committee and the government represented by the Minister of Finance on Level I Discussion/Discussion of the Bill on Revision of Law Number 47 of 2009 concerning the Revision on APBN 2010 and Its Revision Notes, dated April 9th – May 1st, 2010.
2. Minutes of Meeting between the DPR Budget Committee and the government represented by Minister of Finance and Governor of Bank Indonesia on Level I Discussion/Discussion of the Bill on the APBN 2011 Revision. Dated July 5th 2011. The meetings material on Reports and Approvals of the result of Working Committee for Semester 1, Budget Period 2011 and Deliveries of Budget 2011.
3. Conclusion of the meeting of the DPR Budget Committee and the government, represented by the Minister of Finance and the Governor of Bank Indonesia on Level I Discussion/Discussions of the Bill on the APBN 2011. Dated August 31st-October 25th 2010.
4. Minutes of meeting between the DPR Budget Committee and the government represented by Minister of Finance and Governor of Bank Indonesia on Level I Discussion/ Discussion of the Bill on the APBN 2011 Revision. Dated July 21st. The meetings material on Reports and Approvals of the Result of Working Committee Discussions on the Revision of the RUU APBN 2011.

Meanwhile the request submitted to the DPR Secretariat General, DPR Commission II Secretariat, and Budget Committee Secretariat had not received any responses until this test report was made (Friday, March 2nd 2012).

From this access test, it showed that PPID as the agency mandated to provide data and documents requested by the public had fulfilled its tasks. However from all data requested, PPID only provided notes and/or summaries documents of APBN discussions at the Budget Committee.

Meanwhile the documents on APBN deliberation in relation to budget for border territories, aspirations of border communities through public hearing or letters delivered to Commission I, Commission II and the recapitulation of Public Letter requesting information on the APBN deliberation, request for public hearing, or requests for the APBN drafts, were not given.

PPID explained their reasons through the telephone, stating that they only have notes and/or minutes of meetings on the APBN drafts at the Budget Committee, as what had been given to TII.

3.3.1.1 The Issue of Access to Public Information in the Deliberation of RUU APBN

- 1) **Potential issues in the Regulation of the House of Representatives of the Republic of Indonesia Number 1 of 2010 on Public Information Transparency at the House of Representatives of the Republic of Indonesia.** It is found that in several articles (for example Article 4 Paragraph 1, Article 5, and Article 6 Paragraph 1), all measurements taken by the DPR or the secretariat general of DPR, must refer to or based on regulations and clauses set by the DPR and the Secretariat General of the DPR. The statement of “based on regulations and clauses set by the DPR or the secretariat general of the DPR” is not accompanied with clarity of measurements and specific corridors. It is indirectly giving discretion to the DPR or the Secretariat General of the DPR. This showed that DPR and or the Secretariat General have the authority to set regulations that potentially intensify the efficiency of KIP implementation in the DPR and secretariat general of DPR environment; however in the other hand it can also generate threats and barriers in acquiring access and service to public information.⁶⁵
- 2) **The Public Have No Formal Access to Acquire the RUU APBN.** The Government and the DPR do not provide the RUU APBN on their websites or other relevant media. The public may acquire the RUU APBN drafts, usually by informal means of personal connections with the DPR members,⁶⁶ experts in the DPR,⁶⁷ or through secretariats of specific Commissions.⁶⁸ Therefore, the public participation in the RUU APBN deliberation process as stated in Article 208-211 of the Rules and regulations of the DPR Number 1 of 2009-2014 have not been implemented well.

Members of the DPR have admitted the lack of transparency in the deliberation process of the RUU APBN. For all this time, DPR relatively closed itself and not transparent in providing information on the RUU APBN deliberation to the public. The information on the APBN deliberation should be opened to the public. Transparency is important. If the DPR exposed something that was previously closed from the public and in the future there are findings by the NGOs, this will cause a boomerang effect to the DPR.⁶⁹

Based on the regulations, there are no limitation for the people to access the RUU APBN materials that are being discussed in DPR. In the DPR Regulation Number 1 of 2010 on Public Information Transparency at DPR, **there are no regulations that exclude any RUU APBN in any periods from public access.** This regulation is consistent with the Law Number 14 of 2008 on Public Information Transparency: all information related to the state financial budget is open for the public. In relation to the information that are excluded or cannot be accessed by the public, the Rules and regulations of the

⁶⁵Rofiandri, Ronald, 2011, “Notes on DPR Regulation on Transparency of Public Information in DPR RI” (“Catatan Terhadap Peraturan DPR tentang Keterbukaan Informasi Publik di DPR RI”), <http://www.parlemen.net/privdocs/68896ed39a6ffd963b67ccfad60412b7.pdf>, accessed on 9 December 2011.

⁶⁶Interview with Yuna Farhan, FITRA Secretariat General on 9 January 2012.

⁶⁷Interview with Danardono, IPC Trainings Coordinator on 3 January 2012 and interview with Edna C. Patissina on 3 January 2012.

⁶⁸Interview with Riza Damanik, KIARA Secretariat General, 5 January 2012.

⁶⁹Interview with Susaningtyas H. Kertopati, Member of DPR Commission from Hati Nurani Rakyat (Hanura) Faction, 6 January 2012.

DPR Number 1 of 2010 stated that the information that are generated from closed and classified meetings are excluded from public information.⁷⁰

3.3.2 Public Participation in the Deliberation of RUU APBN at the DPR

In the DPR, it is assumed that the public has participated in the RAPBN deliberation process through *Musrenbang* process. As commonly known, the government conducted public consultation with the stakeholders, including the elements of society in formulating RKP as the material to develop the RAPBN through *Musrenbang* mechanism. Therefore, public participation in the RAPBN deliberation process in the forums at the DPR is practically limited or even none. If performed, public consultations at the DPR are done through consultative meetings with experts in the Commissions.⁷¹

“Budget discussions related to aspirations and public needs are done in the Commissions, while the Budget Committee have no relation with public participation. Public aspiration and participation in RAPBN deliberation are formally being done by the government through Musrenbang forums. DPR acquired the RAPBN from the government with the assumption that public aspirations and participations had been absorbed by the government through Musrenbang” (Taslim Chaniago, Member of DPR Commission III and Budget Committee from Partai Amanat Rakyat (PAN) Faction).

Meanwhile in the prevailing regulations, such as the DPR Rules and regulations Number 1 of 2009-2014, there is room for the public to participate in the RUU APBN deliberation process at the DPR. The participation among others is aimed to provide input for the RUU APBN deliberation. As regulated in Article 208 of the DPR Rules and regulations Number 1 of 2009-2014, the public can deliver inputs in forms of verbal and/or writing to DPR in the following processes:⁷²

- a. The preparation and establishment of National Legislation Program (*Program Legislasi Nasional (Prolegnas)*);
- b. Preparations and discussions of bills;
- c. Discussion on the Bill on APBN;
- d. Supervision on the implementation of law; and
- e. Supervision on the implementation of government policies.

Therefore, opportunities for the public to provide inputs in verbal and/or written forms seems to be limited in the RAPBN deliberation process. However in practice, it is unclear in what stages and how is the mechanism and its follow-ups, if the public would like to provide the inputs.

Different from the government that has *Musrenbang* mechanism, DPR does not have a massive and systematic mechanism, as well as formal mechanism to

⁷⁰Usman Abdhali Watik, in *The Indonesian Forum Series 15: Research Result Illustration on RUU APBN Discussions Policy in DPR. Preliminary Studies on Public Information Access (Case Study : RUU APBN Discussions on Border Territories Issues) (Pemaparan Hasil Penelitian Kebijakan Pembahasan RUU APBN di DPR Studi Awal tentang Akses Informasi Publik (Studi kasus: Pembahasan RUU APBN Terkait Isu Perbatasan))*, The Indonesian Institute, Jakarta, 8 March 2012.

⁷¹Interview with Taslim Chaniago, Member of DPR Commission III and Budget Committee from Partai Amanat Rakyat (PAN) Faction, 15 December 2011; Interview with Ganjar Pranowo, Vice Chief of DPR Commission II from Partai Demokrasi Indonesia Perjuangan (PDIP) Faction, 16 December 2011.

⁷² DPR General Rule Article 208.

absorb public aspiration for RAPBN discussion. It is true that the DPR Working Visits and Recess are part of the process of absorbing public aspiration. However, the processes would have lesser impact compared to Musrenbang, because on the RUU APBN process, the DPR have no rights in giving proposals because the party that prepare the RUU APBN and have all funding is the government.

Nevertheless, DPR can actually monitor the *Musrenbang* process.⁷³ However based on the experience of DPR members in monitoring the *Musrenbang* process, it showed that in the *Musrenbang* process is in fact belong to the government, DPR involvements are only limited to ceremonial functions. DPR members were invited and present in Musrenbang meeting, however they could only be present on the opening ceremony, and their participation was not substantive, as they could only deliver opening speeches, and so forth. It seems unlikely to give substantive issues since in the *Musrenbang* process, the government had prepared all the materials, for example the materials provided by National Development Planning Agency (*Badan Perencanaan Pembangunan Nasional* (Bappenas)), Local/Regional Development Planning Agency (*Badan Pembangunan Daerah*), and so forth.⁷⁴

In the forums or budget deliberation meetings at the DPR, often public may be present in the meetings if the meetings are stated as open sessions. However, the public participation here is reduced, for example, to only listening to the deliberation process by the councils.⁷⁵

“The APBN deliberation process at the DPR is only open in a sense that it is only open to be heard. The definition of openness is influential in optimizing participation. If openness is defined as only to be heard, then it is not complete. It is not the essence of openness; it is only a skin deep. Openness must trigger stakeholders to open the flow of participation. APBN needs to be discussed with the public, even though the DPR claimed to be part of the public. The formal agency is the DPR. However the public as the sole constituent in a democratic country must have access. So automatically, for all these years and today the RUU APBN discussions were done behind closed doors. Treated differently.” (Usman Abdhali Watik, Vice chief of Central Information Commission (Komisi Informasi Pusat)).

It is common that during the opened sessions at the DPR, the public only observe, listen and document the proceedings. The public present during the sessions – usually sat on the balcony above the assembly room, so there’s an anecdote calling them as “The Balcony Faction” – they could not deliver inputs or questions on the budget during the council’s meeting sessions.⁷⁶

“DPR meeting sessions are generally opened for public; it means that parties such as NGO, media, and other public can follow the proceedings. Usually they are those who are commonly known as “The Balcony Faction”, because they are allowed to participate, but sat on the assembly room’s balcony. On these open sessions, formally there are no engagements between the public sat on the balcony with the council’s members or with the proceedings. They can only observe, monitor and then document

⁷³Interview with Hanif Dhakiri, Member of DPR Commission IV dan Budget Committee from Partai Kebangkitan Bangsa (FPKB) Faction on 15 December 2011.

⁷⁴Interview with Hakam Naja, Vice chief of DPR Commission II from Partai Amanat Rakyat (PAN) Faction, 20 January 2011.

⁷⁵ Interview with Usman Abdhali Watik, Vice chief of Central Information Commission (Komisi Informasi Pusat)), 29 December 2011.

⁷⁶Interview with Danardono, Indonesian Parliamentary Center, 3 January 2012.

it in writings, audio or visual, but never given the chances to participate in the sessions such as to give questions or feedbacks.” (Danardono, Indonesian Parliamentary Center).

As being practiced in other countries’ parliaments, the public – “The Balcony Faction”- is not likely to give opinions or questions during the sessions. Ideally, the public’s inputs based on their direct observation of the DPR deliberation process should be able to be implemented and appropriately followed-up.

The public can optimize the mechanism of providing inputs in verbal and written forms to the DPR. Theoretically it is possible, as confirmed by the Article 208 of the DPR Rules and regulations Number 1 of 2009-2014. Subsequently, it is important to have a follow-up mechanism of the verbal and written inputs from the public.

Direct public participation by attending the budget deliberation sessions at the DPR also often face challenges because the decision whether a session is an open or closed session for the public is often unclear and inconsistent. Often, the public, including the media, come to the DPR but then the session is declared as a closed session. The criteria of whether a session is opened or closed often depend on the consideration of the chairman of the board.⁷⁷

“There is supposed to be a clear rule of the game from the start. It is unfair (if there is not clarity on the rules). Such as during the discussion session on the tank purchase, the session was supposed to be closed, but it was opened, even though it is already clear in the ‘satuan 3’ (note: details up to the budget posts). Sometimes we (the reporters) are based on luck, we come and then the sessions are closed...there is actually a session and meeting schedule in the DPR website...but it does not stated whether the session/meeting is opened or closed. Often when we already arrive, the sessions are closed.” (Edna C. Pattisina, Harian Kompas reporter)

There is still a question on who is “the public” in the issue of public participation. Is it the NGO, media, business people, or who is the public? Both in the open forum at the DPR as well as in the *Musrenbang* forum, the definition of who is the public is still unclear for the DPR. Even in the *Musrenbang*, which should become a room for public participation, the Government still has a bigger involvement.⁷⁸ Such tendency has made the public participation become elitist in nature.

Other than public representation issue, public participation challenge in RAPBN discussion also face limited time frame of the RAPBN discussion scheduled for DPR.⁷⁹

“Involving the public (in the RAPBN deliberation process) is unlikely. The reason is that the government should have done that during the Musrenbang process. Because the time frame (in the DPR) is only in a matter of months, there is not enough time (for the DPR) to involve the people.” (Taslim Chaniago, Member of DPR Commission III and Budget Committee from Partai Amanat Rakyat (PAN) Faction).

The limited time frame to provide enough room for public participation in the RAPBN deliberation process is caused by the current RAPBN deliberation period.

⁷⁷Interview with Edna C. Pattisina, Kompas Reporter, 3 January 2012.

⁷⁸Harry Azhar Azis at FGD “The RUU APBN Discussions in DPR : Preliminary Studies on Public Information Access”(“Pembahasan RUU APBN di DPR: Studi Awal tentang Akses Informasi Publik”), 18 January 2011.

⁷⁹Interview with Taslim Chaniago, Member of DPR Commission III and Budget Committee from Partai Amanat Rakyat (PAN) Faction, 15 December 2011.

Even though the budgeting schedule has been revised to January (previously April), but the speech on financial notes from the President is still conducted after April. As a consequence, the time frame for RAPBN deliberation at the DPR is quite limited.⁸⁰

“Within this time frame, it is not possible. If the time frame is not extended, it is not possible. There is no time for such meetings. There are only 2 or 3 weeks, less than 15 effective days. Whereas we (the Commission II) have 17 ministries/agencies partners...If the time frame is extended (the speech on financial notes is delivered before April), we can have public hearing. So if the time frame ranges from 5-6 months, we could also reach the border territories.” (Hakam Naja, Vice chief of DPR Commission II from Partai Amanat Rakyat (PAN) Faction).

The room for public participation in the RAPBN deliberation at the DPR RI is also very minimal due to the perspective that RAPBN is not the same with bills and regulation drafts. This perspective leads to different practice in deliberating the RUU APBN compared to the deliberation process of other bills, which normatively provide space for public participation⁸¹.

“As if there is a distinction that this (APBN) is not a Law. APBN should be treated as a law and if it is treated so, and then preparation, planning and its enactment must refer to the Law Number 12 of 2011 on Lawmaking (which requires the availability of academic paper as the basis of the regulation formation). The RUU APBN has never had an academic paper, which is compulsory. I don't know what is the form of the academic paper, -maybe based on my opinion it is the result of RKA-KL-, in my opinion it can be academically tested. Then, starting from this, the room for public participation can be opened.” (Jamil Mubarok, Coordinator of Indonesian Transparency Community (Masyarakat Transparansi Indonesia)).

3.3.2.1 The Issue of Public Participation in Border Territories in the Deliberation of RUU APBN

- 1) **Specific challenges in relation to geographical and socio-economic factors faced by the border communities to be involved in the planning and budgeting process**, especially when (a) the location is relatively isolated with limited access, (b) the low socio-economic rate of the people living in the border territories, which is reflected on the high number of people living in the disadvantaged region and living in poverty, and (c) the rarity of information from the Government and DPR on the economy and development of the people living in the border territories (blank spot).⁸²

Access to public information in relation to the budget deliberation process at the DPR becomes difficult, considering the underlying challenges in the border territories as stated above. However, there are members of the DPR that had

⁸⁰Interview with Hakam Naja, Vice chief of DPR Commission II from Partai Amanat Rakyat (PAN) Faction, 20 January 2011.

⁸¹ Interview with Jamil Mubarok, Coordinator of Indonesia Transparency Community (Masyarakat Transparansi Indonesia (MTI)) on FGD “The RUU APBN Discussions in DPR: Preliminary Studies on Public Information Access” (“Pembahasan RUU APBN di DPR: Studi Awal tentang Akses Informasi Publik”), 18 January 2011.

⁸²Poetranto, Tri, 2011, “How to Deal with Border Territories Regions Problems” (“Bagaimana Mengatasi Permasalahan di Daerah Perbatasan”), <http://buletinlitbang.dephan.go.id/index.asp?vnomor=14&mnurutisi=6>, accessed on 12 December 2011.

taken initiatives to reach and to approach the people by conducting working visits to the border territories.⁸³

2) Challenges of public participation during the DPR's working visits. There are three important notes to be taken into consideration in relation to the DPR's working visits.

First, when the DPR members travelled to the border territories regions, they were guarded by security officers either from the police or the armed force. Even when the Working Committee on Border Territories from Commission II visited Tanjung Datu and Camar Bulan border territories last December 2011, the Tanjungpura Regional Military Commander accompanied them.⁸⁴ **Thus, members of the DPR are restricted in interacting and gathering information** directly from the public and sometimes the information become un-objective.

Second, other than travel mechanism issues related to protocols and so forth, in reality most of the visits were only aimed to take notes on the aspirations, the public then felt less enthusiastic to have meetings with the DPR members. This is particularly experienced by the members of Commission I who visited the border territories.⁸⁵

Third, the effectiveness of this mechanism often depends on the awareness and politic willingness of the council members since **there is no standard procedures in the DPR on how to follow up results of working visits/recess**.⁸⁶ In other words, the DPR members are giving the opportunities for the public to give inputs as many as it can both during the recess period and working visits. However, the public cannot control whether their inputs will be followed up or not.⁸⁷

For example, on the discussions of border territories issues in the Commission I, often this matter depends on the awareness of individual members: whether the regions are the regions that they represent or whether their Commission is assigned to cover border territories that are currently discussed or not.⁸⁸

However, in the case of Tanjung Datu and Camar Bulan border territories, the member of Commission I, Tubagus Hasanuddin, a member of DPR from West Java Electoral District IX, was the first party to raise suspicion that Malaysia has conducted annexation on Tanjung Datu and Camar Bulan areas to the mass media. Based on his explanation, he acquired the local-traditional map showing that the current border has differed from what the borders in the map.

⁸³Interview with Susaningtyas Nefo Handayani Kertapati, Member of DPR Commission from Hati Nurani Rakyat (Hanura) Faction, 15 December 2011.

⁸⁴Interview with Edna C. Patissina, Security and Politics Reporter, Kompas Reporter, 3 January 2012. She joined the Working Committee visits to Camar Bulan and Tanjung Datu border regions on December 2011.

⁸⁵ Interview with Susaningtyas Nefo Handayani Kertapati, Member of DPR Commission from Hati Nurani Rakyat (Hanura) Faction, 15 December 2011.

⁸⁶Interview with Danardono, IPC Trainings Coordinator on 3 January 2012

⁸⁷ "Global Integrity Report 2008" (report.globalintegrity.org).

⁸⁸Interview with Susaningtyas Nefo Handayani Kertapati, Member of DPR Commission from Hati Nurani Rakyat (Hanura) Faction, 15 December 2011.

3.3.2.2 The Issues of Women's Participation and Other Marginalized Groups in Border Territories

There are several issues related to women and other marginalized groups participation on the border territories, few of them are:

- a. The development model of the border territories is basically centralistic and based on top down policy. In other words, the lack of attention on the regional autonomy and local independency in each area has curbed the public aspirations without any channel or platform to deliver and apply the aspirations.⁸⁹
- b. Lack of commitment of the policy-makers in gender-oriented development.⁹⁰
- c. Lack of understanding on gender equality and equity.⁹¹

Starting from this point as well, participation in the development sectors is rarely found. For several cases at the border territories, women and other marginalized groups tended to be involved only to mobilize and to support the central policy and program, because the development policies applied to the border territories are basically centralistic and top down in nature.⁹²

The following is an example of how low is the women and other marginal groups' participation rate in the border territories development, due to the lack of access to various basic public services.

At the border territories between West Kalimantan and Malaysia, there are 42 Indonesian villages that have direct border territory with 44 villages in Serawak, Malaysia. In this region, **the women have difficulties in obtaining public services, specifically educations and health services** because the government's spent of control is considered which later on triggers high rate of women and children trafficking at the region.⁹³

Other example occurred in Bengkayang Regency, West Kalimatan. By 2007, **gender mainstreaming had not been implemented well as showed from the lack of percentage of women representations at the legislative and executive agencies** (less than 5%). Furthermore, the **gender equality in terms of education, health including social economy have not been achieved**, this reflects on the low rate of participation and women productivity in various number of fields that cause the lost of opportunities in improving the economy development.⁹⁴

⁸⁹Ishak, Awang Faroek, 2003, "Building Kalimantan Border Territories Regions to Maintain and Defend National Integrity" ("Membangun Wilayah Perbatasan Kalimantan Dalam Rangka Memelihara dan Mempertahankan Integritas Nasional"), Jakarta:Indomedia.

⁹⁰ Information from Plh Assistant II Development, Economy and Welfare Division of Regional Secretary Regency Government (Plh Asisten II Bidang Pembangunan, Ekonomi, dan Kesejahteraan Setda Pemkab) Sambas Chipni B, <http://www.pontianakpost.com/index.php?mib=berita.detail&id=99458>, accessed on 12 Desember 2011.

⁹¹*Ibid.*

⁹²Ishak, Awang Faroek, 2003, "Building Kalimantan Border Territories Regions to Maintain and Defend National Integrity" ("Membangun Wilayah Perbatasan Kalimantan Dalam Rangka Memelihara dan Mempertahankan Integritas Nasional"), Jakarta:Indomedia.

⁹³Sulistyo, Joko, 2008, "West Kalimantan Women Conditions. Jakarta: Women Participation Agency" ("Kondisi Perempuan Kalimantan Barat. Jakarta: Lembaga Partisipasi Perempuan"), (<http://lembagapartisipasi-perempuan.blogspot.com/2008/04/kondisi-perempuan-kalimantan-barat.html>).

⁹⁴ Central Statistic Agency/Badan Pusat Statistik (BPS) Bengkayang regency, 2007, *Bekayang Regency in Numbers 2007* (Kabupaten Bengkayang Dalam Angka 2007).

Inside of Box.4 below, there are two illustrations of women portraits in border areas that showed mis-representation of the government and how the social cultural construction treats the women.

Box 4. Women in the Border Territories: They Contribute but Powerless⁹⁵

- (1) At the western border territories, the disadvantaged conditions and the people inabilities to manage and develop their resources had encouraged the women to actively carry out economic activities to provide their families' basic needs. The jobs available for them are often unsafe for their health in general and their reproductive health. For example by becoming labors at the palm oil plantations where heavy lifting is needed or exposure to infections is possible from the pesticides used at the plantations. Their income contributions to their families are equal to the men's contribution.

- (2) At the outer islands of the border territories of this country, where uncertainties due to climate change has resulted to the diminishing fisheries resources, uncertain weather, and also the depleting natural resources due to exploration by external parties outside of their island, the rarity of clean water and so forth, the women at the border territories have to find a way to provide for their families.

Women, who are constructed by the dominant socio-culture to work in the domestic domain, are responsible for the health of other family members. Thus, they understand well how crucial clean water is to maintain the health of the entire family members. Since the women are considered as the person responsible for the task, in one of the outer islands in NTB where clean water is rare, the women are willing to go to other island, which is 2 hours away from their island, to look for clean water. This does not only jeopardize their safety, but also their own health.

Both illustrations show the women's contributions and roles at the border territories to the families' economy, health status, as well as the families' sanitation. Nevertheless, they are not yet empowered, in a sense that their actions are based on the awareness that women and men have the same tasks and functions in the domestic and public domain.

Their reasons to 'act' are based on practical reasons that their husbands or the men in the families cannot go to the sea due to the extreme weathers, fewer fishing results because the neighboring countries' fishermen with better equipments took the fishes and so forth. The other reason of their 'act' is because of their instinct that had been socially constructed that as mothers they are fully responsible to the health and domestic needs of the family.

Both illustrations are not used to generalize the condition of all border territories. However both of them provide indication on how the government is not present in the regions, does not provide basic services such as clean water, does not provide help or guarantee to the fishermen that cannot go to the sea due to the circumstances and does not provide knowledge on gender equality to the women.

⁹⁵ Interview with Riza Damanik, KIARA Secretariat General, 5 January 2012.

Furthermore, related to the gender issues, the knowledge on gender becoming a luxury, in a sense that the women in particular and the people at the border territories in general do not have the knowledge.⁹⁶

The illustration above also showed the complex challenges faced by the border communities in accessing various resources, thus, the border communities tend to prioritize the fulfillment of their basic needs first. In other words, **it can be concluded that there is nonepublic participation in the policy-making process.**

The illustration again confirmed that the public participation could not be separated from welfare issues. For example at the border territories, when the representative from the Ministry of Defense disseminated information on national defense, the people responded, “how the people can help the soldier to fight if they are hungry”.⁹⁷

In the illustration above we saw several portraits of women at the border territories, next we will see the marginalized groups at the border areas, which in this case refers to the indigenous people. As we all know, one of the important components for the people to be able to actively participate in the development is the fulfillment of rights to access public information on the development in their areas.

Their inability to access the information has hampered them from participating and moreover, their rights are taken by force. For example, when development process is implemented at the border territories, **the indigenous people that live in that regions have never been involved.** For example, in the land clearing at the border of Kalimantan -Malaysia for palm oil plantations development project, the indigenous people as the land-owner of the area had never been consulted.⁹⁸

3.4 The Issue of Budget Deliberation at the DPR regarding Border Territories

The budget discussion at the DPR regarding border territories is the focus or the case study of this research. Therefore, besides observing the deliberation process of the RUU APBN in general, TII Research Team also analyzed the process or the mechanism of budget discussions at the DPR regarding the border territories.

The budget discussions at the DPR regarding border territories issues are done through the RKA-KL discussions prepared by the ministries/agencies at the DPR. The discussions are done by two DPR Commissions; the Commission I and Commission II according to the border territories that are currently discussed.

Related to the country's borderline and the welfare of the people living at the border territories in the context of budgeting and legislation at the DPR, both issues are

⁹⁶Ramadhan Pohan in this research Forum Group Discussions 18 January 2012 in Jakarta.

⁹⁷Interview with Hakam Naja, Vice chief of DPR Commission II from Partai Amanat Rakyat (PAN) Faction, 20 January 2011.

⁹⁸ The Border Palm Oil Advocation Team/Tim Advokasi Sawit Perbatasan, 2009, “The Establishment of Palm Oil Plantations at Indonesia-Malaysia Border Regions: Racial Discrimination to the Tribal Communities” (“Pembangunan Perkebunan Sawit di Perbatasan Indonesia-Malaysia: Diskriminasi Rasial Terhadap Masyarakat Adat”), Jakarta: The Border Palm Oil Advocation Team/Tim Advokasi Sawit Perbatasan

separated. The Commission I will discuss the country's borderline issues including armament and security personnel posted in these regions (Coordinating Ministry for Political, Legal, and Security Affairs/*Menteri Koordinator Politik, Hukum dan Keamanan*(Kemenkopolkam)), and its relations with the neighboring countries (Ministry of Foreign Affairs/*Kementerian Luar Negeri* (Kemenlu)).

Then, issues related to the welfare (public services) of the people living at the border territories are discussed by Commission II with its working partners - the Ministry of Home Affairs/*Kementerian dalam Negeri* (Kemendagri) and the National Border Management Agency/*Badan Nasional Pengelolaan Perbatasan* (BNPP).

"At first the budget plan is discussed prior the implementation of Musrenbang. We (BNPP) combine the bottom up and the top down approach that involved all the related ministries on the border territories issues. Afterwards we realigned it and use it as our considerations during the National Musrenbang (Musrenbangnas), specifically at the borderline desk between the countries. At the borderline desk between the countries we meet again, but we discussed it in more detailed, especially on discussing bottom-up proposal from the regions. After we set the scale of the priorities with the ministries/agencies, then we proposed the budget according to the functions." (Sutrisno, Chief Secretary BNPP).

The border territories issues that are relevant to Commission I, for example are issues on the borderline or the needs of the TNI personnel to defend the border regions, are discussed with the government at the Ministry of Defense's RKA-KL. The requirements on the numbers of the TNI personnel, the supporting equipments to carry out their duties, such as patrol vehicles, communications devices and so forth are discussed in the RKA-KL. In this matter, the DPR can convey the public aspirations and findings acquired during the discussion from their working visits and recess.

Other example is when the Commission I visited the border of Malaysia in Kalimantan and found that there are no transmission facilities for cellular phones (Base Transceiver Station/BTS), thus the people living on the area and the army personnel who defend the border territories are using the cellular operators from the neighboring country. That finding was informed to the Ministry of Communication and Informatics (*Kementerian Komunikasi dan Informatika / Kemenkominfo*) at the RKA-KL discussions. During the discussions, DPR requested Kemenkominfo to instruct the Indonesian cellular operators to build mini BTS at the area. Responding to the needs of the armed forces who defend the area, the Commission I also requested the TNI Commander to pay attention on the matters and the TNI Commander stated that Telkomsel will install micro BTS in every TNI check points.⁹⁹

In general, Commission I had placed the border territories issues in their work priority. Specifically, Commission I promoted the improvement of welfare of the soldiers and security forces that are stationed at the border territories regions. They will not be able to live and perform their tasks well if their own welfare is not being taken care of, especially when they are dealing with the neighboring countries with high risks and facing violations everywhere, as well as the high amount of amoral temptations.¹⁰⁰

If Commission I discuss the border territory issues and its relations with security, the issues on the people's welfare are discussed in the Commission II. In discussing the people's welfare at the border territories, the Commission II's tasks have been simplified

⁹⁹ Hearing meeting between DPR Commission with the Indonesia National Force (Tentara Nasional Indonesia (TNI)) Commander and chief of BAIS, 14 October 2011.

¹⁰⁰ Interview with Susaningtyas Nefo Handayani Kertapati, Member of DPR Commission from Hati Nurani Rakyat (Hanura) Faction, 6 January 2012.

due to the presence of the Working Committee for Border Territories and its ministries/agencies partners such as Ministry of Home Affairs (*Kementerian dalam Negeri/Kemendagri*) and BNPP. BNPP as an agency assigned to coordinate other ministries/agencies involved in the development of people's welfare at the border territories, always involve 18 ministries/agencies in the budgeting and policy discussions with the Commission II.

The weakness of the budgeting process in the Commission II of the DPR is the lack of focus in discussing the issues regarding border territories. One of the factors is the fact that the position of the Chief of BNPP is held by the Minister of Home Affairs of the Republic of Indonesia. Thus, during the meetings with Commission II, the majority of the issues discussed were related to the matters pertaining to the other tasks of the Ministry of Home Affairs.

This was shown during the meeting between Commission II of the DPR and the Minister of Home Affairs as the acting Chief of BNPP on Monday, 21 November 2011.¹⁰¹ During the meeting, there were 7 issues discussed and only 1 of them related to BNPP. The issues discussed regarding BNPP was first, the unavailability of Audit Report from the State Audit Board (*Badan Pemeriksa Keuangan* (BPK)) for Semester 1 year 2011 for BNPP because BNPP was just established in 2010 and second, the realization of BNPP 2011's budget until 18 November 2011 that was directly managed by the BNPP head office and local offices in the form of administrative decentralization fund.¹⁰²

The brief report on the meeting between the DPR Commission II and the Minister of Home Affairs as the acting Chief of BNPP above showed how the discussions related to BNPP only comprised a small part of the entire meeting thus it was not discussed in detail, insubstantial. For example, when discussing the budget realization percentage, the budget allocation was not clearly explained as well as whether there are any requirements that are not included in the previous budget proposal.¹⁰³ Therefore in the meeting conclusion there was a clause stating that there would be a separate meeting between the DPR Commission II and the BNPP Secretary to discuss about additional budget to BNPP for co-administration tasks. It was not clearly stated whether the follow-up meeting is going to be open or closed for the public.

The discussions on border territories issues in the meetings between Commission II and the Ministry of Home Affairs did not discuss much further the urgent matters faced by the people at the border territories or the policy to follow up the issues. The public do not have a comprehensive understanding of the issues at border territories due to the unavailability of information on border issues as well as the work process of the DPR and its ministries/agencies partners. This may create assumptions without a proofing mechanism.

¹⁰¹ Working meeting summary related report accessed from http://www.dpr.go.id/complorgans/commission/commission2/report/K2_laporan_Lapsing_Raker_Komisi_II_DPR_RI_dengan_Mendagri_&_BNPP.pdf.

¹⁰² The 7 issues discussed were (1). Discussions on BPK RI semester 1 2011 report for Ministry of Home Affairs; (2). Realization of Ministry of Home Affairs Budget period 2011 up to 18 November 2011; (3). The implementation of Special Autonomy Papua; (4). Selection of Election Committee/Komite Pemilihan Umum (KPU) and Election Overseer Agency/Badan Pengawas Pemilihan Umum (Bawaslu) members; (5). Electronic Citizen Identification Card/Kartu Tanda Penduduk elektronik (e-KTP); (6). Legislation Program Regional Government Law Regulation Drafts, Head of Regional Election Law Regulation Draft; Village Law Regulation Draft; and (7). BNPP.

¹⁰³ Budget that are managed by BNPP directly and budget that are managed by the regional government in decentralization forms.

Other example on the lack of discussion on the special budget allocation for border territories is shown on the documents acquired by TII during the trial on access to public information where TII requested related documents on the APBN deliberation, specifically on border territories.¹⁰⁴ The weakness of such discussion mechanism is, **the needs of border territories with other regions are generalized and the budget formulation is not preceded with exploration of the problems and actual needs at the border territories. Thus, this leads to an imbalance or unsynchronized policy and its budget.**

Other important point beside the budgeting process or work meetings of Commission I and Commission II in relation to border territories is on the budget for the border territories itself. The **budget for border territories development**, aside from related departments' budget, also comes from Special Allocation Funds (*Dana Alokasi Khusus* (DAK)). DAK must be synchronized with the funds allocated in every ministries/agencies, thus the DAK planning and its budget are proposed by the related ministries/agencies and synchronized with the proposed RKA of the ministries/agencies.

DAK is rarely highlighted as it is often 'inserted' to the related ministries/agencies' budget and relatively serves as a complement, because the amount is only approximately 2% from the total state budget. In reality, the focus of the DAK allocation is still on infrastructure. It is relatively prone to potential misuse of authority such as through collusion and corruption between the officials at the ministries/agencies with those who implement the programs, in this case are the contractors.¹⁰⁵

The DAK policy itself is based on the Law Number 33 of 2004 on the Fiscal Balance Between the Central Government and the Local Government/*Perimbangan Keuangan Pusat dan Daerah* and the Government Regulation Number 55 of 2005 on Balancing Fund/*Dana Perimbangan* stated that DAK is sourced from the APBN and allocated to certain regions¹⁰⁶ with the purpose to help funding special activities that are based on region's needs and according to the national priority.

For example, one of the national priorities for 2011 are the disadvantaged regions, the forefronts areas, the outer and post conflict areas. Related to this national priority, the program developed for DAK is the infrastructure of border territories and disadvantaged regions.¹⁰⁷

Other than priorities, coordination and the integration supported by budget aspects are also needed. Therefore, it is expected that the DPR along with National Development Planning Agency (*Badan Perencanaan Pembangunan Nasional/Bappenas*) and Coordinating Ministry for Political, Legal, and Security Affairs/*Menteri Koordinator Politik, Hukum dan Keamanan* (Kemenkopolkam)) are expected to be able to synchronize the programs and the budget spread in various ministries/agencies related to border territories development.¹⁰⁸

¹⁰⁴ Detailed information on TII access trial to DPR RI is available on Box 3 of this report.

¹⁰⁵ Interview with Yuna Farhan, Secretariat General FITRA, 9 January 2012.

¹⁰⁶ Certain regions defined here are disadvantaged regions, forefronts regions and post conflict regions.

¹⁰⁷ Regional Autonomy Director, Bappenas, 2011, "Special Allocation Fund 2012: Understanding, Criteria and Ministries' Implementation" ("Dana Alokasi Khusus 2012: Pengertian, Kriteria dan Penyelenggaraan oleh Kementerian"), Jakarta: Bappenas, <http://www.tkp2e-dak.org/Dokumen/PRESENTASI/DANA%20ALOKASI%20KHUSUS%202012.PDF>, accessed on 20 January 2012.

¹⁰⁸ Interview with Colonel Hasnah Cuppa, Chief of Working Environment Sub-Directorate, State Defense Directorate, Directorate General Potential Defense, Ministry of Defense, 2 January 2012.

DPR Commission II itself only focused on allocating budget for BNPP operational, while the funding of development program in each ministries/agency related to the border management are not part of Commission II authorities.

“DPR Commission II only provide funding for BNP institution only, but the tasks of the institution is to make sector programs, its own budget, based on the ministries budget limit. But we only finance this institution. The members of BNPP are not under Commission II management. So we only provide funding for BNPP operational. One door. It’s for programming, but not executing projects.” (Ganjar Pranowo, Secretary of Partai Demokrasi Indonesia Perjuangan Faction and Vice Chief of Commission II DPR RI)¹⁰⁹.

For the 2012 budget period, BNPP receive a budget allocation of IDR 248.761.032.00 that is divided in the public services budget and the regional development budget. For public service budget, BNPP allocated budget of IDR 113.761.032 and for regional development budget BNPP allocated budget of IDR 135.000.000.000.¹¹⁰

Meanwhile the total 2012 budget period for borderline and border territories management that are spread in 18 ministries/ government agencies and 12 provincial governments reaching IDR 3,8 trillion. Most of the budget, as much as IDR 2,8 trillion will be used for infrastructure development.¹¹¹

The explanation on the RUU APBN deliberation process in relation to the border territory issues above confirmed on what had been revealed in the RUU APBN deliberation process at the DPR previously: the process is closed from public, public have no access to substantial information and the deliberation process is elitist in nature and only happen between the government and the DPR.

However, ironically even when DAK is allocated for border territories, from the budget substance for infrastructure perspective or from the deliberation process in which it is treated the same as other budget allocation, this budget is unable to fulfill its purpose to speed up the border territories development.

From the border territories’ DAK for infrastructure, we can see that there are bias or lack of understanding on the needs of border territories from the government who proposes the program as well as the DPR who discuss it with the government and then enact it, on the requirements needed by border territories regions. Infrastructure is highly needed by the community at the border territories. However it must also be accompanied with the development of its human resources. Therefore, program such as improvement of education is needed. For example by improving the capacity of teachers at the border territories; strengthening the public health by improving the numbers and quality of health care personnel; instructors on various public economy activities and also by improving the capacity of local government personnel so they can be facilitators for border territories development.¹¹²

¹⁰⁹ Interview with Ganjar Pranowo, Secretary of Partai Demokrasi Indonesia Perjuangan Faction and Vice Chief of Commission II DPR RI, 9 January 2012.

¹¹⁰ President Decree Number 32 of 2011 on Central Government Budget Detail 2012.

¹¹¹<http://www.seputar-indonesia.com/edisicetak/content/view/470592/>, “Border Territories Budget 2012 Rp.3 Trillion” (“Anggaran Perbatasan 2012 Rp 3T”), accessed on 14 March 2012.

¹¹²Manurung, Krisman, 2011 “Border Territories Development Strategy” (“Strategi Pembangunan Kawasan Perbatasan”) on *Diplomasi* tabloid Edition 143, 2011(<http://www.tabloiddiplomasi.org/component/content/article/143-diplomasi-oktober-2011/1229-strategi-pembangunan-kawasan-perbatasan.html>); and Wuryandari, Ganewati, 2010, “Implementing Integrated Border Line and Border Territories Regions Land Management on Security and Welfare Perspective (Presentation Slides)” was presented on “Initiate Ideal Formation on Border Territorial and Border Region as Republic of Indonesia Forefronts” Seminar (Seminar “Menggagas Format Ideal Policy Research “Deliberation of the State Budget Bill (RUU APBN) at the DPR: A Current Study on Access to

Furthermore, the people at the border territories regions are facing several distinct problems distinctive compared to the people in other areas. In this case, the problems can be seen in 3 levels, they are:¹¹³

- (a) **Local.** The problems faced by the border territories are isolation, backwardness, poverty, the high cost of products and services, limited infrastructure and public service means, the low quality of human resources in general, and uneven distribution of the population.
- (b) **National.** The problems of the border territories are the government policies that are not pro to the development of the border territories; the borderline areas; trafficking of Indonesian workers; lack of personnel; budget; equipments; infrastructures; as well as welfare; illegal trans-national trading; lack of access and communications means, and domestic information; illegal logging and illegal fishing by neighboring countries; and also intra-sector and intra-regional coordination that are still not optimal in dealing with the border territories management.
- (c) **International.** The problems faced by the border territories are the gap of infrastructure and equipment at the border territories compared to what the neighboring countries have, this may cause political and security defense problems; the migration of Indonesian workers to the neighboring countries because almost all sub-districts in the border territories do not have road access to the capital city of the district; low competitiveness of the local community compared to the neighboring countries.

It shows how the problems faced by the people living in the border territories have multi-dimensions and layers. In reality, the border territories of Indonesia are strategic regions in terms of economy due to its abundant natural resources,¹¹⁴ and in terms of country sovereignty because they are the frontline that directly face the neighboring countries.

Pengelolaan Batas Wilayah dan Kawasan Perbatasan sebagai Halaman Depan NKRI”) held by Bappenas in Jakarta, 8 December 2010.

¹¹³*Ibid.*

¹¹⁴ BNPP stated that there are 3 land border territories regions in Indonesia, they are borders with Malaysia, Papua New Guinea and Timor Leste, that stretched in 12 provinces, 38 regencies and 111 sub-districts, BNPP had identified 111 strategic locations with potentials to be economy centers. (Kompas, Saturday 23 December 2011). Meanwhile at the sea border territories regions, the Indonesian seas are rich and contained oil reserve, fishes and other watery resources in abundance. (Interview with Riza Damanik, KIARA Secretariat General, 5 January 2012).

4 Initial Policy Recommendations

Based on findings and analysis of this research, The Indonesian Institute (TII) proposed several policy recommendations. The recommendations were prepared by taking into consideration their applicability level, from the most practical to the most ideal and considered controversial ones. Policy recommendations in connection with the topic and case study of this research is deemed to be applicable in the DPR considering that the RUU APBN deliberation process is similar to all issues, including the border issue.

In order to provide a more optimal space for access to public information and the community involvement in the public policy process in connection with the RUU APBN deliberation at the DPR, including in increasing awareness on women issues and other marginalized groups in the border territories, the following are the initial policy recommendations based on the findings of this research:

4.1 Increase Public Access to Participate in the Process of the RUU APBN Deliberation at the DPR

4.1.1 Short-term Recommendations:

- (1) **Optimize the media and the existing means to facilitate access to public information at the DPR.** Empower the DPR's operations supporting units, especially the Public Relations Function in the DPR's Secretariat General and the PPID (Information and Documentation Officer) at the DPR, which can provide and guarantee access to public information, especially in connection with the RUU APBN deliberation at the DPR. Empowerment shall include human resources' skills in managing information and data; as well as mastery of public information materials, including the implementation of the SOP on access to public information, and the implementation of public information norms which are already regulated in the Law on Transparency of Public Information (KIP).
- (2) **Develop information system to organizedata and document on theRUU APBN deliberation process.** Data and documents that have been organized, aside from being utilized by DPR members, can also be published directly through a number of public media tools owned by the DPR, especially DPR RI and PPID DPR RI's websites.

4.1.2 Medium-term Recommendations:

- (1) **Develop personal media of DPR members as an alternative media and means to facilitate the access to public information regarding RUU APBN deliberation.** In order to support the availability of access to public information, especially concerning the RAPBN, the DPR members can also develop a personal media in the form of print media, online media, and/or social media. On one side, this method can show the personal awareness of DPR member in supporting its representation function to their constituents. On the other hand, this method can also be the alternative solution for the availability and assurance of access to public information to the public, aside from the official media and public information from the DPR's supplementary instrument, which should have been ready to perform the task in ensuring public information transparency.

4.1.3 Long-term Recommendations:

- (1) **Review the proposal on the follow-up mechanism of community aspirations collected by the DPR as a result of *Kunker* (Working Visit) during Recess time.** In *Kunkers*, especially in this case the Commission I DPR may conduct specific visits to the border territories in order to collect information and obtain the aspirations of the community living in the border territories. The results of such working visit are the communities' aspirations, which shall be used as materials in meetings, hearings, and public hearings in discussing the existing problems in that area, including in discussing the RUU APBN together with the government.

Results of work visits and recess will be helpful in discussing the legislation, budgeting and monitoring if the visit and recess are conducted during the legislation, budgeting and monitoring processes in connection with the issue. As an example, in the discussion of RKA-KL of the Defense Ministry, members of Commission I conducted a specific visit to Camar Bulan border area to survey the preparedness of the armies' personnel in guarding the border areas. If there are aspirations from the personnel, such as the lack of means like the communication equipment, then the Commission I presented those findings in the Working Meeting (*Raker*) with the Defense Ministry and asked the Defense Ministry to provide communication equipment for the Army's personnel at the border territories.

With a limited budget authority owned by the DPR, all findings during working visits and recess by the members can only be conveyed to the government as inputs and advices, in this case the Ministry/Agency acting as its partner. With the absence of DPR's authority in channeling budgets to the regions especially the selected region, then inputs provided to the government can only be accommodated in the RUU APBN process in the following year, without any certainty on whether the inputs and advice would be followed up. Therefore, there is a need for an integrated response and follow-up mechanism between the DPR and the Secretary General on the inputs, objections, and proposals from the public regarding RUU APBN deliberation at the DPR.

- (2) **Assess which platform aside from *Musrenbang* that enables the community to participate in the RUU APBN deliberation process at the DPR.**

The enactment of RUU APBN into APBN, as the Law on State Budget, can be seen in the legislation process context, or the bill deliberation. A proposal to provide a space for the public to provide inputs in the RUU APBN deliberation process needs to be assessed, for example there is the Public Hearing (RDPU) similar to the deliberation of other bills at the DPR.

The public participation forum for RUU APBN deliberation can be done first with a political process, whereby the DPR/the Government announces its stages to the public. In this way, the community will know the stages and schedule, and thus, the relevant elements of the public who share interest in the issues shall be able to participate.

In practice, these stages have actually been announced and can be seen in the DPR website and in other sources. The real problem is: whether it is necessary to involve the public who has their own interest in the RUU APBN deliberation process, where the RUU APBN proposal itself, which was submitted by President, has gone through various stages of *Musrenbang* and Bappenas's assessment?

There is a concern that if the RUU APBN, which has already passed through the assessment of the Government together with the Bappenas as adjusted with the capability of the state finances and the Government's long term plan, would be discussed again with the public, this would mean going back to zero.

The key to this question actually exists on the criticism of the performance of the representation function of the DPR members. If the representation function is already ideal, then why the people have to be involved in the deliberation process at the DPR? Haven't the needs and aspirations of the people already been represented by members of the DPR who represent them through their *Dapil* (Electoral District)?

4.2 Increase the Human Resources Capacity at the DPR for Public Information Services and for Supporting the Functions of the DPR

4.2.1 Short-term Recommendations

- (1) Strengthening the front-liner in public information service at the DPR, namely the information officers in the PPID.** Structurally, it is already sufficient in the DPR. But the problem is the capacity of human resources as PPIDs (Information and Documentation Officers), and capacity building for PPID management. Aside from that, the daily duties as civil servants should be separated from the special duties to serve public information as PPID.

So the main focus is not on structural strengthening, but the capacity of the officers. Moreover, the works of PPID in the DPR would also be optimal if followed by a good understanding of the importance of public information and good political will, especially from the Leaders of DPR and the Secretary General of DPR. Therefore left by itself, this structure will work if those running it received enough supports and possess sufficient capacity.

4.2.2 Medium-term Recommendations

- (1) Increase the capacity of DPR members in understanding the process of APBN formulation and deliberation**

In our observation, not all DPR members, especially those who are newly elected, understand the APBN and its process comprehensively. There is a need for briefing/ training regarding procedure, deliberation and enactment of the APBN for the members of the DPR. Briefings can be conducted by the Factions or the Secretariat of DPR RI. The more this briefings/trainings are conducted, the better it is since the budgeting process is complicated and requires special skills.

There is also a need for briefing/ training regarding Public Information Transparency for the DPR members. Aside from understanding the rights of the public on information based on the prevailing law and regulations, the DPR members RI especially the leaders of Commissions and Committees should also understand and able to determine which information should be open and which should really be closed to public. Therefore, incidents where the leaders of Commissions and Committees decided for a closed session for information that should be accessible to public could be avoided.

4.2.3 Long-term Recommendations

- (1) **Develop capacity building program for the Budget Committee at the DPR** and its supporting system, including human resources/secretariat/personnel supporting the work of the Budget Committee at the DPR, in their abilities in analyzing budget data to support the performance of the DPR in upholding the people's aspirations and in conducting their representation function, especially in the RUU APBN deliberation process.
- (2) **Create an agenda for the establishment of parliament budget office.** The working format of this parliament budget office will be similar to the supporting system in building the capacity of DPR members in performing their budgeting functions. It is assumed that the daily work model and roles would be similar with mini "Bappenas (National Development Planning Agency)" for the DPR. This institution shall have members consist of experts in the field of state finances. The function of this institution is to criticize the RUU APBN and create some sort of a problem inventory. Prior to the discussion with the Government, the result of this budget office will be discussed with the people's representatives.

4.3 Review the Laws and Regulations Concerning the DPR's Budgeting Function

4.3.1 Medium-term Recommendations

- (1) **Review the Regulation of the DPR Number 1 of 2010 on Transparency of Public Information at the DPR, especially Article 4 Paragraph (1), Article 5, and Article 6 Paragraph (1).** This is important so that the discretion of the leaders of the DPR and the Secretariat General of the DPR would not be focused to hamper access and services of public information in the DPR.

4.3.2 Long-term Recommendations

- (1) **Review the budgeting function of the DPR through improvements in the mechanisms of recommendation, deliberation, and enactment of the APBN by the Government together with the the DPR as mentioned in Article 23 of the 1945 Constitution and Article 15 Paragraph 3 of Law Number 17 of 2003 on State Finance.**

Article 23 of the 1945 Constitution strictly states that the President is the one to present APBN to the DPR. In other words, there is no initiative right by the DPR in the formulation of APBN. DPR members only conduct discussion on APBN together with the Government. However, there is almost no room for joint planning and formulation of the budget according to the needs of its constituents.

Aside from that, the DPR's Budgeting Function actually also provide a room for optimizing the representation function, as guided by Article 15 Paragraph 3 Law Number 17 of 2003 on State Finance. This is also made possible and would not receive significant objections, as long as it does not cause an increase in budget deficit and is inline with the budget logics, as well as relevant to the people's aspirations.

Therefore, there is a need to review the budgeting function of the DPR. This is because legally and factually, the program planning and formulation are conducted by the Government. The DPR only discusses and provides approval or rejection.

(2) Review the Law Number 27 of 2009 on MD3 to improve the representation function and synergy between the works of the DPR with the DPRD and DPD, in connection with the *musrenbang* mechanism and the RUU APBN deliberation process.

DPR discusses the RAPBN submitted by the Government with the assumption that what was proposed by the Government has accommodated the people's aspirations through the *Musrenbang* mechanism. The RAPBN presented to the DPR by the Government is in fact the results of Work Plan and Budget of the Ministries/Agencies. The DPR can actually monitor how far the RAPBN is inline with the people's aspiration as absorbed in *Musrenbang* forums.

For that, an assessment regarding the interconnection between the DPR and the DPRD, and between the DPD and the *Musrenbang* mechanism is needed, especially in connection with the representation function in following-up people's aspirations.

Therefore one of the main problems is the representation function, particularly in the follow-up mechanism of the aspirations. Second issue is the authority of DPR in conducting planning and programming in the formulation of RAPBN is almost zero. DPR can only review and therefore, it cannot perform its representation function in the RUU APBN deliberation process, especially in connection with planning and programming.

4.4 Increase the Awareness of the DPR Concerning the Interests of Women and other Marginalized Groups in Border Territories

4.4.1 Short-term Recommendations

(1) DPR puts more emphasis in optimizing its monitoring function on the development process. For example, when BNPP (the National Border Management Agency) proposed its program and budget, DPR must ensure that there is an involvement of the Ministry of Women Empowerment and Child Protection (KPP&PA), having a vision of accelerating the achievement of gender equality and protection for children. Although the Inpres (Presidential Instruction) Number 9 of 2000 did not touch the legislative domain, but actually with its responsibility to perform monitoring, the DPR could play its role in mainstreaming gender in development.

(2) DPR can use their Working Visits (*Kunker*) to increase more awareness concerning the border communities. With a note that the timing of *Kunker* shall be scheduled to be concurrent with the implementation of special *Musrenbang* for the border areas while they map the involved stakeholders (by also taking into consideration women and other marginalized groups and then analyze it).

The result of this analysis will then expected to be able to help DPR in mapping the dominant or marginalized stakeholders, potentials and the needs of each stakeholder, and what the reality is in the field. In this manner, it is important for

the DPR to compare field data with data presented by the Government to them, including budget issues and related program.

Only the completeness of this data can be used by DPR during work meeting with the Government in order to provide a view in accordance with the actual field condition. Therefore, DPR conducts three functions at the same time, monitoring, representation, and budgeting functions.

- (3) **Empowering the border communities, including women and other marginalized groups into economic or social activities.** The authority and responsibility to conduct this comes from the Government, this is in order to increase the role and participation of community in the policy process, including the budgeting process in border areas realistically. This is especially true with the implementation of the Regulation of the Ministry of Home Affairs Number 15 of 2008 on General Guidelines of the Implementation of Gender Mainstreaming in Regional Development.

4.4.2 Medium-term Recommendations

- (1) **Increase and develop the institutions of regional government and communities, including the customary institutions.** This will really help the development process and policy process, including the participatory and on-target budgeting process, as well as empowering the border areas.¹¹⁵
- (2) **Increase the sensitivity and capacity of the DPR members, experts and secretariat staff concerning the importance of gender mainstreaming and the implementation of gender budgeting in the DPR.** This is important, aside from sufficient understanding in connection with border areas, so that the resulting policy is in accordance with the context and needs of border community.

The proportion of women as council member which is less than 20 percent of the total number of DPR members at present, created a concern that the support to women and other marginalized groups is getting smaller.

In the midst of that situation, capacity building becomes important in accelerating the understanding of the importance of gender equality and sensitivity toward other marginalized groups in every legislation process and to directly implement it at the practical stage, including ensuring the implementation of gender budgeting in RUU APBN, which also covers the budget for border areas and communities.

¹¹⁵Hargo, Dody Usodo, 2008, "Meningkatkan Kesejahteraan Masyarakat Indonesia Diwilayah Perbatasan Kalimantan Untuk Kepentingan Pertahanan Negara (Increasing Indonesian Community Welfare in the Kalimantan Border Areas In the Interest of National Defense)", uploaded from <http://www.kodam-mulawarman.mil.id/content/view/55/65/> on 23 July, 2008.

4.4.3 Long-term Recommendations

- (1) **Accelerating the issuance of the Law on Gender Equality.** One of the weak spots in the Presidential Instruction Number 9 of 2000 on Gender Mainstreaming in the Development is that that policy is only directed toward the executive domain. While the judicative and legislative are not covered.

Therefore, the Bill on Gender Equality, which was submitted to *Prolegnas* (National Legislation Program) of 2012 and having a vision for gender mainstreaming in all domains (executive, judicative, and legislative) should be supported. This is important in creating gender equality, and also a sensitivity toward issues related to other marginalized groups, in all policy processes (planning, implementation, and monitoring the policy), including within the budgeting process.

4.5 Recommendations for Further Assessments

Aside from the above recommendation items, from the findings of this research also arise several important issues that can be recommended, but due to the limitation both from methodology as well as from complexity of the issues, these issues are yet to be completely discussed in this research. Therefore, further assessments are highly expected in order to explore further and more clearly as to the following things:

- 4.5.1 Proposal for the establishment of a Parliamentary Budget Office (PBO). Further assessment regarding the needs to establish this PBO since it refers to the Congressional Budget Office in the United States, the existence of this institution is needed because the Congress and Senate have the rights of initiative in formulating the national budget.

In connection with the DPR, which does not have the rights of initiative, the existence of PBO can be used to assess the RAPBN after being submitted by the Government. Results of this PBO examination would later become a material for members of the DPR in each Commission in the joint discussion process with the Government.

- 4.5.2 Proposal for synchronization of working visit and recess of the DPR with the implementation of *musrenbang*. This requires further assessment, especially through a direct study to the border areas. This is to find out whether with the implementation of working visit and recess of the DPR that is concurrent with *musrenbang* schedule in the region, including at the border territories, would be able to optimize the process of public participation and access to public information for the formulation and deliberation of the RAPBN concerning the border territories.
- 4.5.3 Proposal to study the strengths and weaknesses of the operational supporting system in the DPR, involving the preparedness of supporting human resources in the DPR, especially in connection with the practice of public information transparency (KIP) and the required capacity building program.

CONCLUSION

From the result of this research, we can see that there are still gaps in the deliberation process of the State Budget Bill (RUU APBN) to its enactment into a Law (UU APBN), particularly if it is assessed from the context of public information transparency implementation. These gaps also become clearer if assessed in the context of DPR's representation function.

The research result also shows several indications of low public participation and awareness on the interest of women and other marginalized groups in the border territories issues, as well as challenges in accessing public information in the RUU APBN deliberation process at the DPR. This problem becomes more complex in the discussion on access to public information among the border communities.

In the policy framework level, the public access and public information transparency are already guaranteed. In the conceptual level, the good governance principle also requires an access to public information for transparency and accountability in the state administration, including in the state budget deliberation process.

However, in the implementation level, this research found that the deliberation of RUU APBN, once the RAPBN from the Government reached the deliberation process by the DPR, it became inaccessible and tend to be elitist in nature. Practically, there is no room for public participation. Meanwhile, DPR with its representation function has a responsibility to accommodate the people's aspirations, for example those that are absorbed during work visits to the constituents' areas.

A transparent budgeting process, one that can be accessed by the constituents, in the case of this research are the border communities, still encounter many gaps between the policy, conceptual and implementation level. These gaps among others are caused by obstacles faced by the public in accessing the RAPBN; unavailability of public participation forum in the RUU APBN deliberation process; different perception among the public officials including the DPR, on the limitation of public information particularly related to the deliberation of RUU APBN, and follow-up mechanism of the public aspirations absorbed by members of the DPR through work visits during recess period.

The findings of this research were analysed further through information exploration and analysis from different stakeholders, among others are members of the DPR, the Government (Ministry/Agency), media and other relevant stakeholders. Hopefully, the research may contribute policy recommendations to improve the process of deliberation of the State Budget Bill (RUU APBN) at the DPR by ensuring more public access to information as well as public participation.

Aside from the time limitation, as well as limitation of qualitative research scope, analysis of the issues in the deliberation process of RUU APBN at the DPR, and the preliminary study conducted, as well as proposed policy recommendations are still important as preliminary inputs for DPR to improve its representation function and its performance in conducting budgeting function.

Nevertheless, the policy recommendations will rely on the good willingness and political will of the DPR and its all level to conduct changes together and improve their worsening image. There should be an awareness from the DPR that their performance is linked to the inputs from the public as well as elements of public and that DPR really do

need the inputs to ensure that their performance are relevant and fulfilling the public aspirations.

Furthermore, aside from the benefit of the research result, through the proposed preliminary study and recommendations submitted, the limitation of this research can be followed-up through a more in-depth and focused research. Further research is recommended to explore and analyse the following things: recommendation for the establishment of Parliamentary Budget Office (PBO); recommendation to synchronize workingvisits and recess time of the DPR with the implementation of *musrenbang*, particularly through a direct study to the border territories; as well as recommendation to assess the DPR's supporting system, including the readiness of human resources in the DPR to support the work especially in the context of practicing public information transparency.

Further research is needed, remembering considerations on several limitation of this research that was conducted in the last four months: (1) In relation to the research period, which was not in line with the schedule of the RUU APBN deliberation in the DPR, thus there is no direct observation to the process; (2) No direct study to the border territories to follow the *musrenbang* process and explore further the issues and real needs of border communities, especially the needs of women and other marginalized groups, due to limitation of time and resources to support this initial research.

The policy recommendations submitted by TII in this initial research give an important message and highlight the importance of follow-ups, not only from the side of the DPR, representing members of the DPR and its all level, but the DPR as an institution, including also the Secretariat General of the DPR as the operational supporting system of DPR. For that, DPR has to consider and follow-up policy recommendations from various aspects, not only technical and logistical aspects but also legal and substantive aspects.

Therefore, the DPR could give a relevant meaning to a substantive democracy, including improving its performance in representing the public interest and makingbetter public policies.

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Perspective of Security and Prosperity (Presentation Slide)). Conveyed in the Seminar “Menggagas Format Ideal Pengelolaan Batas Wilayah Negara dan Kawasan Perbatasan Sebagai Halaman Depan NKRI” (Initiating Ideal Format for Management of State Border and Boder Territories as the Front Line of NKRI),conducted by Bappenas on 8 December 2010 in Jakarta.

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Interviews

Interview with Ganjar Pranowo, Vice Chief of DPR Commission II from Partai Demokrasi Indonesia Perjuangan (PDIP) Faction on 16 December 2011.

Interview with Ganjar Pranowo, Secretary of Partai Demokrasi Indonesia Perjuangan Faction and Vice Chief of Commission II DPR RI on 9 January 2012.

Interview with Hanif Dhakiri, Member of DPR Commission IV dan Budget Committee from Partai Kebangkitan Bangsa (PKB) Faction on 15 December 2011.

Interview with Taslim Chaniago, Member of DPR Commission III and Budget Committee from Partai Amanat Rakyat (PAN) Faction on 15 December 2011.

Interview with Susaningtyas Nefo Handayani Kertapati, Member of DPR Commission I from Hati Nurani Rakyat (Hanura) Faction on 15 December 2011.

Interview with Susaningtyas Nefo Handayani Kertapati, Member of DPR Commission I from Hati Nurani Rakyat (Hanura) Faction on 6 January 2012.

Interview with Usman Abdhali Watik, Vice Chief of Central Information Commission on 29 December 2011.

Interview with Yuna Farhan, General Secretary FITRA on 9 January 2012.

Interview with Riza Damanik, General Secretary KIARA on 5 January 2012.

Interview with Edna C. Patissina, Security and Politics Reporter KOMPAS on 3 January 2012, who participated in the group of Panja Perbatasan (Working Committee for Border Territories) to Camar Bulan and Tanjung Datu December 2011.

Interview with Hakam Naja, Vice Chief of DPR Commission II from Partai Amanat Rakyat (PAN) Faction, 20 January 2012.

Interview with Danardono Siradjudin, Training Coordinator for Indonesian Parliamentary Center (IPC) on 3 January 2012.

Interview with Kolonel Hasnah Cuppa, Chief of Working Environment Sub-Directorate , State Defense Directorate, Directorate General Potential Defense, Ministry of Defense, 2 January 2012.

Focus Group Discussion(FGD) TII, “Pembahasan RUU APBN di DPR: Studi Awal tentang Akses Informasi Publik” (Deliberation of RUU APBN in DPR: Preliminary Study on Public Access to Information) on 18 January 2011.

ATTACHMENTS

List of Resource Persons in Meetings, Interviews and FGDs

1. INITIAL CONSULTATION MEETINGS (15-16 December 2011)

No.	NAME	INSTITUTION	POSITION	DATE OF INTERVIEW
1	Taslim Chaniago, S.Si	DPR RI	Member of DPR Commission III and Budget Committee from Partai Amanat Rakyat (PAN) Faction	15 December 2011
2	Susaningtyas Nefo Handayani Kertapati	DPR RI	Member of DPR Commission I from Hati Nurani Rakyat (Hanura) Faction	15 December 2011
3	M. Hanif Dhakiri	DPR RI	Member of DPR Commission X dan Budget Committee from Partai Kebangkitan Bangsa (PKB) Faction	15 December 2011
4	TB. Hasanuddin SE, MM	DPR RI	Vice Chief of Commission I DPR, from PDIP Faction	16 December 2011
5	Ganjar Pranowo	DPR RI	Vice Chief of DPR Commission II from PDIP Faction	16 December 2011

2. IN-DEPTH INTERVIEWS (26 December 2011 - 20 January 2012)

No.	NAME	INSTITUTION	POSITION	DATE OF INTERVIEW
1	Susaningtyas Nefo Handayani Kertapati	DPR RI	Member of DPR Commission I from Hati Nurani Rakyat (Hanura) Faction	6 January 2012
2	Ganjar Pranowo	DPR	Secretary of PDIP Faction; Vice Chief of Commission II	9 January 2012
3	Taslim Chaniago, S.Si	DPR RI	Member of DPR Commission III and Budget Committee	19 January 2012
4	Hakam Naja	DPR	Vice Chief of Commission II DPR RI, from PAN Faction	20 January 2012
5	Sutrisno	Government (Institution)	Main Secretary of National Agency for Border Management (BNPP)	29 December 2011
6	Kol. Laut (K/W) Hasnah Cuppa	Government (Ministry)	Chief of Working Environment Sub-Directorate, State Defense Directorate, Directorate General Potential Defense, Ministry of Defense RI	2 January 2012
7	Usman	State	Vice Chief of Central	29 December 2011

	Abdhali Watik	Commission	Information Commission	
8	Danardono S.	NGO	Koordinator for Training Division Indonesian Parliamentary Center (IPC)	3 January 2012
9	Riza Damanik	NGO	General Secretary KIARA	5 January 2012
10	Yuna Farhan	NGO	General Secretary Seknas FITRA	9 January 2012
11	Edna C. Pattisina	Media	Politics-Defense Reporter, KOMPAS daily	3 January 2012

3. FOCUS GROUP DISCUSSIONS (18 January 2012)

No.	NAME	INSTITUTION	NAME OF INSTITUTION	POSITION
1	Ramadhan Pohan	DPR RI	Commission II dan Working Committee for Border Areas DPR RI	Member of Partai Demokrat Faction
2	Harry Azhar Azis	DPR RI	Commission XI DPR RI	Vice Chief From Golkar Party Faction
3	Lucky Hendarta	Government	National Agency for Border Management (BNPP)	Head of Planning Division
4	Usman Abdhali Watik	State Commission	Central Information Commission (KIP)	Vice Chief
5	Jaleswari Pramodhawardani	Academics	LIPI	Senior Researcher
6	Ninasapti Triaswati	Academics	Faculty of Economy, Universitas Indonesia	Senior Lecturer
7	Irwan Andri Atmanto	Media	GATRA magazine	Reporter
8	Thomas A. Legowo	NGO	FORMAPPI	Senior Researcher
9	Jamil Mubarok	NGO	Masyarakat Transparansi Indonesia (MTI)	Coordinator
10	Ridaya Laodengkowe (Fasilitator FGD)	NGO	Publish What You Pay	Coordinator

4. COURTESY MEETINGS (22 February – 2 March 2012)

No.	NAME	INSTITUTION	NAME OF INSTITUTION	POSITION
1	TB. Hasanuddin SE, MM	DPR RI	Commission I DPR RI	Vice Chief of Commission I PDIP Faction
2	Harry Azhar Azis	DPR RI	Commission XI DPR RI	Vice Chief from Golkar Party

				Faction
3	Susaningtyas Nefo Handayani Kertapati	DPR RI	Commission I DPR RI	Member of Commission I DPR RI, from Hanura Faction
4	Hakam Naja	DPR RI	Commission II DPR RI	Vice Chief of Commission II, from PAN Faction

Research Team

Adinda Tenriangke Muchtar –Program Director. *Team Leader*



Born in Jakarta on 31 May 1978. Adinda Tenriangke Muchtar is the the Program Director of The Indonesian Institute, Center for Public Policy Research(TII). Adinda is also a Political Analyst (Democracy, Governance and Regional Autonomy Reform) in TII. The focus of the research is good governance, especially in relation to legislative and regional autonomy; local conflict and terrorism; as well as international assessment, which link the national and international policy and issue. Furthermore, Adinda is the First Indonesian Sumitro Fellow year 2007. Adinda also gained a Bachelor of Social Science Degree from the International Relation Department – FISIP UI in 2001 and completed her Masters’ Degree (Master of International Studies) in the Department of Government and International Relations, the University of Sydney in 2003 with the scholarship from Australian Development Scholarship (ADS) AusAID.

Beforehand, Adinda worked in the National Democratic Institute for International Affairs (NDI) Indonesia as a Program Assistant (2002) before acting as a Program Officer for Legislative Strengthening Program in 2004. She was also involved in Civic Society Organizations (CSO) Program in NDI as a Program Assistant during the program of Election Promotion and Monitoring 2004. Adinda is a member of Asia Europe Foundation University Alumni Network (ASEFUAN), an organization established since year 2002. Aside from being a resource person in talk shows in TV and radio, Adinda was also trusted to become a moderator and facilitator in several public discussion as well as workshops, both organized by TII or other institutions. Since February 2009, Adinda become a part-time Lecturer in the International Relation Program, University of Paramadina, and teaches subject on Diplomacy Practice and Non-State Actors in International Relations.

Benni Inayatullah –Researcher on Politics– *Researcher*



Born in Payakumbuh, 25 Desember 1980. Benni is a researcher in politics (Democracy, Governance Reform and Regional Autonomy) in The Indonesian Institute. The second child of a farmer family is currently trying to sharpen its analysis skill in politics and social issues. The focus of his research is Political Party, Bureaucracy Reform and Social Changes.

Benni completed his Bachelor of Political Science in the Faculty of Social and Political Science, International Relations Department, University of Muhammadiyah, Yogyakarta in 2003. Benni had worked in the Amien Rais Center (2003-2004) and became the Program Staff in Maarif Institute (2004-2005). The articles written by Benni on politics and social issues have been published in several local and national media.

Endang Srihadi – Researcher in Social Issues The Indonesian Institute. *Researcher*



Born in Bogor, 28 March 1976. Endang is a researcher for Social Policy and Gender Issues in The Indonesian Institute. The Focus of his research is social development policies that are related to the effort to eradicate poverty and empower community. Endang earned a Bachelor of Social Science Degree in the Department of Social Welfare Science FISIP University of Indonesia (UI) in 2002. Endang previously was active as a researcher in the Laboratory of Social Welfare Science, FISIP UI (2000-2004). He has been involved in a number of social research projects for themes such as social policies, community empowerment, illegal drugs issues, child worker and poverty eradication issues. In the last 2006, he became a member of research team “Quality Care Assessment of Children’s Home”, which was conducted by the Social Department of RI, UNICEF and Save the Children.

Antonius Wiwan Koban – Researcher in Social Issues The Indonesian Institute. *Researcher*



Born in Jakarta, 10 April 1974, went through primary and elementary education in Jakarta. The Bachelor of Psychology Degree was earned from the Faculty of Psychology, Universitas Katolik Indonesia Atmajaya, Jakarta (1995-2002) with the interest on social psychology and social cognition learning behavior. Currently, Antonius Wiwan Koban is acting as a researcher in the field of social policies, gender, and development in The Indonesian Institute, Center for Public Policy Research. Previously, Antonius Wiwan Koban had worked as content analyzer in PT Insight Market Research, Jakarta; later on he worked as teaching team for the subject on Research Method in the Faculty of Psychology in Unika Atma Jaya (2003-2005), research assistant in the research on child workers, gender equality in education and child and women trafficking in the Center of Research and Community Development (*Pusat Kajian dan Pengembangan Masyarakat* (PKPM)) Universitas Katolik Indonesia Atmajaya, Jakarta (1999-2005), and freelance researcher in PKPM Atmajaya on issues related to education, gender, maternal health, and child workers for research and program from Save The Children, UNESCO, UNFPA, WorldBank.

Lola Amelia – Researcher in Social Issues The Indonesian Institute. *Researcher*



Born in Bukittinggi, West Sumatera 4 July 1981. Lola Amelia is a researcher in the field of social policies and gender in The Indonesian Institute, Center For Public Policy Research. Lola went through primary and elementary education in Bukittinggi. She earned a Bachelor of Literature Degree from Universitas Padjajaran, Bandung for French Literature. Lola had worked as a facilitator in KaIL, a non-profit organization in Bandung which focuses on capacity building for youth activist. Later on, Lola moved to Jakarta and worked as a staff for research and development division in Urban Poor Consortium (UPC), an NGO that advocates urban poverty issues. Here, Lola was involved in a number of research on urban poverty and also became the head of training program for poor urban community. Lola was also involved in various joint research; International Catholic Migration Commission (ICMC) – Makassar, BAPPENAS, UNDP, Institute for Ecosoc Rights & World Vision Indonesia (WVI), OXFAM GB, and others. Issues that interest Lola are poverty (urban and rural), gender and migrant workers.

Profil Institusi



The Indonesian Institute (TII) is a Center for Public Policy Research which was officially established since 21 October, 2004 by a group of young and dynamic activists and intellectuals. **TII** is an independent, nonpartisan, and non-profit institution having its main funding source from grants and dotations from foundations, corporations, and individuals.

TII aims to become the center for major researches in Indonesia for issues regarding public policy and committed to contribute to debates on public policy and to improve the quality of the creation and results of public policy in the new democratic situation in Indonesia.

TII's mission is to conduct researches that are reliable, independent, and non-partisan, and to channel the researches results to policy makers, the business world, and civilians in order to improve the quality of public policy in Indonesia. **TII** also has the mission to educate the community in policy issues that affect their livelihoods. In other words, **TII** is in a position to support the process of democratization and public policy reform, as well as taking an important and active role in that process.

The scope of the researches and public policy studies conducted by **TII** covers the fields of economics, social, and politics. The main activity conducted in order to reach the vision and mission of **TII** among others are researches, surveys, trainings, working group facilitation, public discussions, public educations, editorial writings (**TII** expression), publications of weekly analysis (*Wacana*), monthly studies (*Update Indonesia*, in Bahasa Indonesia and English) and annual studies (*Indonesia Report*), and public discussion forum (*The Indonesian Forum*).

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Discussion of State Budget Bill and Border Issues in the Indonesian House of Representatives: Latest Study on the Access to Information and Public participation

Discussion of State Budget Bill in the Indonesian House of Representatives is public information in the normative manner. However, access to public information in that matter is still limited. This is also reflected in the discussion of State Budget Bill in connection with the border issues, which up to now is being handled instantly, partially, and with no follow-up.

Border-related budget discussion and determination, which does not answer the real needs of the border community, are connected to the reality about geographical condition of the border and the limited information access of the border community in the policy process. This is exacerbated with the limited community participation, especially the marginalized groups along the border areas in the budgeting process in the House of Representatives.

Based on the research, The Indonesian Institute (TII) proposed several policy recommendations, by considering the time period, the possibility level of its application, from the most practical to the most ideal, and considered as controversial. The policy recommendation related to the topic and case study of this research is deemed to be applicable in the House of Representatives, considering that the discussion process of the State Budget Bill as conducted up to the present applies generally to all issues, including the border issue.



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