

Handbook on Parliamentary Work

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FOREWORD

Secretary General of the House of Representatives of the Republic of Indonesia

The members of the House of Representatives of the Republic of Indonesia (DPR RI) of the 2009-2014 period are the people's representatives elected by the third general election after the Democratic Reform, the advent of democracy in Indonesia. Compared to previous post-Reform elections, we may say that the 2009 election has gone through a more mature democratization process.

The positive development of democracy in Indonesia intensifies the people's demand on their representatives in the DPR to improve their work performance and quality compared to previous periods. In truth the demand must also take account of the fact that the majority of the people's representatives of this period is new to the DPR. They would need relatively more time to study and comprehend their tasks and authorities in performing their functions as the people's representatives.

In addition, it is necessary to immediately familiarize DPR members of this current period with their role, function, tasks, and authorities, because the recently issued Law No. 27/2009 on the People's Consultative Assembly, House of Representatives, House of Regional Representatives, and Regional House of Representatives has changed several regulations on the system and procedures of representative institutions in Indonesia.

We understand that in order to improve work performance, DPR members need to increase their knowledge and understanding of their main tasks and functions according to new developments, including new adjustments to existing laws. To help increase such knowledge and understanding, the General Secretariat of DPR is cooperating with Parliamentary Support Programme of UNDP to compose eight handbooks for DPR members.

To optimally realize the hopes and intentions of this book, we have composed this book: (1) based on regulations according to Law No. 27/2009 on the People's Consultative Assembly, House of Representatives, House of Regional Representatives, and Regional House of Representatives, which is currently the main foundation for the system and procedures of representative institutions in Indonesia; (2) with the goal to fill practical needs; (3) complete with best practices in Indonesia or in other countries.

It is our hope this book will have significant positive impact on the work performance of the DPR.

Secretary General DPR RI,

Dra. Hj. Nining Indra Shaleh, M.Si.

PREFACE

UNDP Parliamentary Support Programme

On this occasion, the United Nations Development Programme (UNDP) would like to congratulate the new members of the House of Representatives (DPR) of the Republic of Indonesia, 2009-2014. We wish you success in your public endeavours. We would like to take this moment to express our gratitude to the Secretariat General of the DPR RI, the Australian Agency for International Development, and The Asia Foundation for their unwavering support in the development of these handbooks. Finally, we also would like to thank the authors themselves for generously sharing their expertise and experience.

Becoming a member of parliament is a great honor, but it also entails great responsibility. Certainly, the House Members are expected to not only listen to the people, but also represent them and respond to their needs in a timely and effective manner. The UNDP Parliamentary Support Programme gives its full support to the Secretariat of DPR RI and all the House Members in the representation of their constituents.

The Handbook on Parliamentary Work is written to support the work of the DPR members, particularly in their activities in the House or within their constituency. The book illustrates the main roles of a member such as representation, legislation, and budgeting. As an addition, the book also describes the ideal practices necessary towards building a more democratic parliament. The book is expected to help the members to fulfill their promises, by helping outlining their specific duties and their contribution to a more effective, accountable, and transparent parliament.

The success of parliamentary democracy in Indonesia depends much on the work of its members. For that reason, the public will have a great interest in overseeing the members' work in parliament. To support the effectiveness of the members' work, this handbook describes best practices from various democratic countries. The UNDP Parliamentary Support Programme is also continuously supporting the work of members with the necessary knowledge and technical assistance.

We hope that members will find this handbook useful, and will refer to it regularly as a source of information in carrying out their duties. We have compiled complicated and complex issues into a simple and easy-to-read format. We wish all the members the best of luck in all their future work.

Yours sincerely,

UNDP Parliamentary Support Programme

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List of Abbreviations and Acronyms

ANRI:	<i>Arsip Nasional RI/Indonesian National Archives</i>
APBN:	<i>Anggaran Pendapatan dan Belanja Negara/National Budget</i>
BAKOSURTANAL:	<i>Badan Koordinasi Survei dan Pemetaan Nasional/National Coordinating Agency for Surveys and Mapping</i>
Bamus:	<i>Badan Musyawarah/Deliberation Council</i>
BAPETAN:	<i>Badan Pengawas Tenaga Nuklir/Nuclear Energy Regulatory Agency</i>
BATAN:	<i>Badan Tenaga Nuklir/ Nuclear Energy Agency</i>
BI:	<i>Bank Indonesia/Central Bank of Indonesia</i>
BIN:	<i>Badan Intelijen Negara/ State Intelligence Agency</i>
BKKBN:	<i>Badan Koordinasi Keluarga Berencana Nasional/National Coordinating Agency for Family Planning</i>
BKN:	<i>Badan Kepegawaian Negara/National Civil Service Agency</i>
BKPM:	<i>Badan Koordinasi Penanaman Modal/Investment Coordinating Board</i>
BMG:	<i>Badan Meteorologi dan Geofisika/Meteorological and Geophysical Agency</i>
BP Budpar:	<i>Badan Pengembangan Kebudayaan dan Pariwisata/Agency for Development of Culture and Tourism</i>
BPH Migas:	<i>Badan Pengatur Hilir Minyak dan Gas Bumi/Downstream Oil and Gas Regulatory Agency</i>
BPK:	<i>Badan Pemeriksa Keuangan/Supreme Audit Agency</i>
BPKN:	<i>Badan Perlindungan Konsumen Nasional/National Consumer Protection Agency</i>
BPKP:	<i>Badan Pengawas Keuangan dan Pembangunan/Finance and Development Supervisory Agency</i>
BP MIGAS:	<i>Badan Pelaksana Kegiatan Usaha Hulu Minyak dan Gas Bumi/Implementing Body for Upstream Oil and Gas Business Activities</i>
BPN:	<i>Badan Pertanahan Nasional/ National Land Agency</i>
BPS:	<i>Badan Pusat Statistik/ Central Statistics Agency</i>
BPOM:	<i>Badan Pengawas Obat dan Makanan/ Food and Drug Regulatory Agency</i>
BPPT:	<i>Badan Pengkajian dan Penerapan Teknologi/Agency for the Research and Application of Technology</i>
BSN:	<i>Badan Standarisasi Nasional/National Standardization Agency</i>
Bulog:	<i>Badan Urusan Logistik/Central Logistics Agency</i>
Depag:	<i>Departemen Agama/ Ministry of Religious Affairs</i>

Depdagri:	<i>Departemen Dalam Negeri/</i> Ministry of Home Affairs
Depdiknas:	<i>Departemen Pendidikan Nasional/</i> Ministry of National Education
Depdag:	<i>Departemen Perdagangan/</i> Ministry of Trade
Deperin:	<i>Departemen Perindustrian/</i> Ministry of Industry
Dep ESDM:	<i>Departemen Energi dan Sumber Daya Mineral/</i> Ministry of Energy and Mineral Resources
Dephan:	<i>Departemen Pertahanan/</i> Ministry of Defense
Dephub:	<i>Departemen Perhubungan/</i> Ministry of Transportation
DephukHAM:	<i>Departemen Hukum dan Hak Asasi Manusia/</i> Ministry of Law and Human Rights
Dephut:	<i>Departemen Kehutanan/</i> Ministry of Forestry
Depkes:	<i>Departemen Kesehatan/</i> Ministry of Health
Depkeu:	<i>Departemen Keuangan/</i> Ministry of Finance
Deplu:	<i>Departemen Luar Negeri/</i> Ministry of Foreign Affairs
Depnakertrans:	<i>Departemen Tenaga Kerja dan Transmigrasi/</i> Ministry of Manpower and Transmigration
Depsos:	<i>Departemen Sosial/</i> Ministry of Social Services
Deptan:	<i>Departemen Pertanian/</i> Ministry of Agriculture
DKP:	<i>Departemen Kelautan dan Perikanan/</i> Ministry of Maritime Affairs and Fisheries
DMN:	<i>Dewan Maritim Nasional/</i> National Maritime Council
DPD:	<i>Dewan Perwakilan Daerah/</i> House of Regional Representatives
DPR:	<i>Dewan Perwakilan Rakyat/</i> House of Representatives
DPRD:	<i>Dewan Perwakilan Rakyat Daerah/</i> Regional House of Representatives
DPR-GR:	<i>Dewan Perwakilan Rakyat Gotong Royong/</i> Indonesian House of Representatives 1960-1972 (literally House of Representatives of Mutual Assistance)
DPRS:	<i>Dewan Perwakilan Rakyat Sementara/</i> Provisional House of Representatives
DPT:	<i>Daftar Pemilih Tetap/</i> Official List of Voters
DRN:	<i>Dewan Riset Nasional/</i> National Research Council
Kejagung:	<i>Kejaksaan Agung/</i> Office of the Attorney General
Keppres:	<i>Keputusan Presiden/</i> Presidential Decree
KHN:	<i>Komisi Hukum Nasional/</i> National Law Commission
KKN:	<i>Korupsi, Kolusi dan Nepotisme/</i> Corruption, Collusion and Nepotism

List of Abbreviations and Acronyms

KMB:	<i>Konferensi Meja Bundar/</i> Round Table Conference
KNIP:	<i>Komite Nasional Indonesia Pusat/</i> Indonesian Central National Committee
KNP:	<i>Komite Nasional Pusat/</i> Central National Committee
KON:	<i>Komisi Ombudsman Nasional/</i> National Ombudsman Commission
KPAI:	<i>Komisi Perlindungan Anak Indonesia/</i> Indonesian Child Protection Commission
KPI:	<i>Komisi Penyiaran Indonesia/</i> Indonesian Broadcasting Commission
KPK:	<i>Komisi Pemberantasan Korupsi/</i> Corruption Eradication Commission
KPU:	<i>Komisi Pemilihan Umum/</i> General Election Commission
KPPU:	<i>Komisi Pengawas Persaingan Usaha/</i> Business Competition Supervisory Agency
LAN:	<i>Lembaga Administrasi Negara/</i> National Institute of Public Administration
LAPAN:	<i>Lembaga Penerbangan dan Antariksa Nasional/</i> National Aeronautics and Space Agency
Lemhanas:	<i>Lembaga Ketahanan Nasional/</i> National Defense Institute
LEMSANEG:	<i>Lembaga Sandi Negara/</i> National Coding Institute
LIN:	<i>Lembaga Informasi Nasional/</i> National Information Institute
LIPI:	<i>Lembaga Ilmu Pengetahuan Indonesia/</i> Indonesian Institute of Sciences
LKBB:	<i>Lembaga Keuangan Bukan Bank/</i> Non-Bank Financial Institutions
LKBN Antara:	<i>Lembaga Kantor Berita Nasional Antara/</i> Antara National News Agency
MA:	<i>Mahkamah Agung/</i> Supreme Court
Menbudpar:	<i>Menteri Kebudayaan dan Pariwisata/</i> State Minister of Culture and Tourism
Meneg BUMN:	<i>Menteri Negara BUMN/</i> State Minister for State-Owned Enterprises
Meneg LH:	<i>Menteri Negara Lingkungan Hidup/</i> State Minister for the Environment
Meneg PAN:	<i>Menteri Negara Pendayagunaan Aparatur Negara/</i> State Minister for Administrative Reforms (now Meneg PAN&RB, State Minister for Administrative and Bureaucratic Reforms)
Meneg Ristek:	<i>Menteri Negara Riset dan Teknologi/</i> State Minister for Research and Technology
Menkominfo:	<i>Menteri Negara Komunikasi dan Informatika/</i> State Minister of Information and Communication
Menkop UKM:	<i>Menteri Negara Koperasi dan UKM/</i> State Minister for Cooperatives and Small and Medium Enterprises

Menneg PDT:	<i>Menteri Negara Pembangunan Daerah Tertinggal/State Minister for the Development of Disadvantaged Regions</i>
Menneg PP:	<i>Menteri Negara Pemberdayaan Perempuan/ State Minister for Women Empowerment (now State Minister for Women Empowerment and Child Protection)</i>
Menpera:	<i>Menteri Negara Perumahan Rakyat/ State Minister for Public Housing</i>
Menpora:	<i>Menteri Negara Pemuda dan Olahraga/State Minister for Youth and Sports Affairs</i>
Mensekneg:	<i>Menteri Sekretaris Negara/Minister of State Secretary</i>
MK:	<i>Mahkamah Konstitusi/Constitutional Court</i>
MPR:	<i>Majelis Permusyawaratan Rakyat/ People's Consultative Assembly</i>
MPRS:	<i>Majelis Permusyawaratan Rakyat Sementara/ Provisional People's Consultative Assembly</i>
NKRI:	<i>Negara Kesatuan Republik Indonesia/Unitary State of the Republic of Indonesia</i>
ORBA:	<i>Orde Baru/New Order</i>
Panja:	<i>Panitia Kerja/Working Committee</i>
Pansus:	<i>Panitia Khusus/Special Committee</i>
Parpol:	<i>Partai politik/ Political party</i>
PBB:	<i>Perserikatan Bangsa-Bangsa/United Nations</i>
Pemilu:	<i>Pemilihan Umum/General Election</i>
Perpres:	<i>Peraturan Presiden/Presidential Regulation</i>
Perpusnas:	<i>Perpustakaan Nasional/National Library</i>
PKI:	<i>Partai Komunis Indonesia/Indonesian Communist Party</i>
PNS:	<i>Pegawai Negeri Sipil/Civil Servant</i>
POLRI:	<i>Kepolisian Republik Indonesia/ Indonesian National Police</i>
Prolegnas:	<i>Program Legislasi Nasional/National Legislation Program</i>
PU:	<i>Departemen Pekerjaan Umum/ Ministry of Public Works</i>
RAPBN:	<i>Rancangan Anggaran Pendapatan dan Belanja Negara/Draft National Budget</i>
Renstra:	<i>Rencana Strategis/Strategic Plan</i>
RIS:	<i>Republik Indonesia Serikat/United Republic of Indonesia</i>
RUU:	<i>Rancangan Undang-Undang/Draft Law,Bill</i>

List of Abbreviations and Acronyms

Sekab:	<i>Sekretaris Kabinet/Cabinet Secretary</i>
Setjen BPK RI:	<i>Sekretariat Jenderal Badan Pemeriksa Keuangan Republik Indonesia/</i> General Secretariat of the Supreme Audit Agency
Setjen MA:	<i>Sekretariat Jenderal Mahkamah Agung/General Secretariat of the</i> Supreme Court
Setjen MK:	<i>Sekretariat Jenderal Mahkamah Konstitusi/General Secretariat of the</i> Constitutional Court
Susduk:	<i>Susunan dan Kedudukan/ Composition and Status</i>
Tatib:	<i>Tata Tertib/ Standing Orders</i>
TNI:	<i>Tentara Nasional Indonesia/ Indonesian National Military</i>
UU DS:	<i>Undang-Undang Dasar Sementara/ Provisional Constitution</i>
UUD 1945:	<i>Undang-Undang Dasar 1945/1945 Constitution</i>
Wantanas:	<i>Dewan Ketahanan Nasional/National Defense Council</i>

Objectives and Structure of this Handbook

Objectives of this Handbook

This book has been prepared to provide preliminary information for the members of the House of Representatives (DPR) to perform their duties. It provides particulars and guidance on the working mechanism of DPR members and Parliament members. Through this book, it is hoped that DPR members and Parliament members can optimize their roles as representatives of the people and holders of the people's mandate.

Users of this Handbook

This book is aimed primarily at the members of the DPR.

Structure of this Handbook

This book comprises several chapters, organized in a systematic way. First, is a chapter describing Indonesia's system of government after the amendments to the 1945 Constitution. Next, is a chapter on the relationships between state institutions, especially between the DPR and other state institutions, including the President, the DPD, the MA, the MK, the BPK and BI.

After that, there is a chapter discussing the systems and working mechanisms of the DPR. The discussion starts with the status, function and tasks of the DPR, and the roles of DPR party groups; and it ends with the DPR's membership and its House bodies. Subsequently, it will focus on the roles of the DPR.

Finally, the last chapter will cover the General Secretariat of the DPR as a supporting system for this state institution.



CHAPTER I

System of Government of the Republic of Indonesia

After Amendments to the 1945 Constitution

The amendments to the 1945 Constitution (UUD 1945) that were made in 1999 through 2002 have given the DPR a strong position, particularly in terms of greater authority and a larger number of members relative to its functions of producing legislation and conveying the people's aspirations.

When the 1945 Constitution was first amended in 1999, the DPR became the main focus of attention. The 1945 Constitution, before the amendments, gave tremendous power to the executive branch. Therefore, one of the targets of the first amendment at that time was to create a better balance in political relations. To balance power, the amendment grants greater authority to the legislative branch, especially in terms of performing their legislative functions, as well as other authorities.

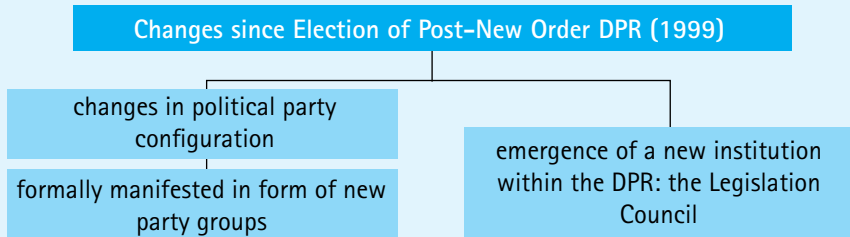
Table 1

Several Stipulations in the 1945 Constitution	
Before Amendment	After Amendment
Authority to create laws is in the hands of the President (1945 Constitution Article 5 Section (1)).	Authority to create laws is in the hands of the DPR (1945 Constitution Article 5 Section (1); Article 20, and Article 21).
The authority to grant clemency and rehabilitation is entirely in the hands of the President.	The President's authority to grant clemency and rehabilitation requires the consent of the DPR (1945 Constitution Article 14).

Since these constitutional amendments, the DPR has undergone gradual changes. Many things have been improved since the first post-New Order DPR members were elected in 1999.

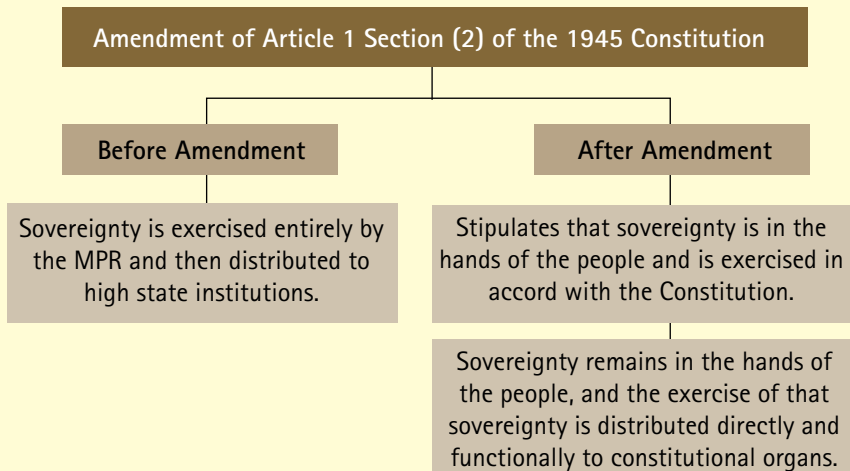
The reaffirmation of the presidential system of government is stipulated in the amendment to Article 1 Section (2) of the 1945 Constitution of the Republic of Indonesia

Figure 1



Nevertheless, the governmental system of Indonesia emphasizes a presidential system of government.

Figure 2



Composition of the MPR membership, which previously consisted of DPR members plus delegates of the regions and functional groups, was also changed: it now consists of DPR members and the members of the House of Regional Representatives (DPD), a new institution formed as a result of the amendment to the 1945 Constitution of the Republic of Indonesia. The MPR's authority to issue Resolutions was also invalidated.

The tasks of the MPR are now limited to amending the Constitution, dismissing the President through due process, and electing a new Vice President in the event that the existing Vice President replaces the President during his/her term of office.

Article 6A Section (1) of the 1945 Constitution stipulates that the President and Vice President are elected as a pair directly by the people. This direct election of the President and Vice President gives them much stronger legitimacy; thus, this provision strengthens the presidential system of government.

Another characteristic of the presidential system of government is the fixed term of office for the President and Vice President. Article 7 of the amended 1945 Constitution stipulates that the President and Vice President shall hold office for a term of five years and thereafter can be reelected to the same positions for only one further term. Under the provisions of Article 7A, the elected President and Vice President cannot be removed during their term of office unless they violate the specific points of law set forth in the 1945 Constitution, and only through constitutional procedure (as per Articles 7A and 7B).

Furthermore, Article 7C of the amended 1945 Constitution also confirms that the President cannot freeze and/or dissolve the DPR. The article ensures political balance: the DPR cannot dismiss the President except based on the provisions of Articles 7A and 7B, and based on the provisions of Article 7C, the President cannot freeze the DPR. This provision to protect the existence of the DPR as one of the state institutions reflects the sovereignty of the people and confirms the equal status of the President and the DPR, both of which receive their legitimacy directly from the people.

Relations between State Institutions

The relationships between state institutions, according to the 1945 Constitution, are as follows:

Relations between the DPR and the President

The constitutional domain or authorities of the legislative institution include the legislative function, the budgeting function, and the oversight function. These functions are set forth in Article 20A of the 1945 Constitution.

One of the most fundamental amendments to the Constitution concerns the framework of relations, domains or duties, and functions of the executive (President) and of the legislature (DPR).

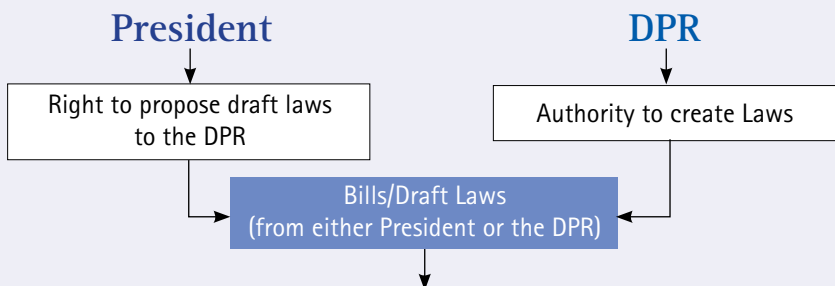
Figure 3
Authority to Create Laws



The amendments to the 1945 Constitution have shifted the authority to create Laws from the executive branch to the legislative branch.

This shift in authority to create laws represents a constitutional step to place the functions of state institutions properly in line with their respective areas of duty.

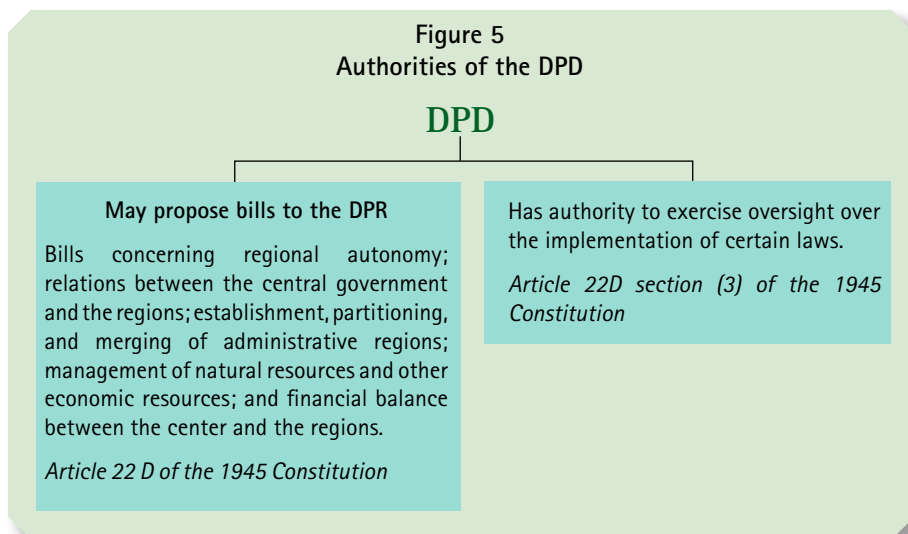
Figure 4
Creation of Laws following Amendments to the 1945 Constitution



Similarly, several authorities that were previously the prerogative of the President now require the consent of, or at least consideration and consultation from, the legislative branch. However, the construction of power relations between the executive and the legislature resulting from the amendments to the 1945 Constitution is not intended to shift greater power to the legislature ("legislative heavy"), but rather to establish a governmental arrangement based on a system and mechanism of checks and balances between the branches of power.

Relations between the DPR and the DPD

The amended 1945 Constitution also revised the composition of the MPR membership, which previously comprised of DPR members plus delegates from the regions and functional groups; it now comprises members of the DPR and members of the House of Regional Representatives (DPD).



However, although the DPD has the authority to propose bills in certain sectors, it may not propose these directly to the President.

Relations between the DPR and the Supreme Court (MA) and the Constitutional Court (MK)

Authorities of the Constitutional Court (MK):

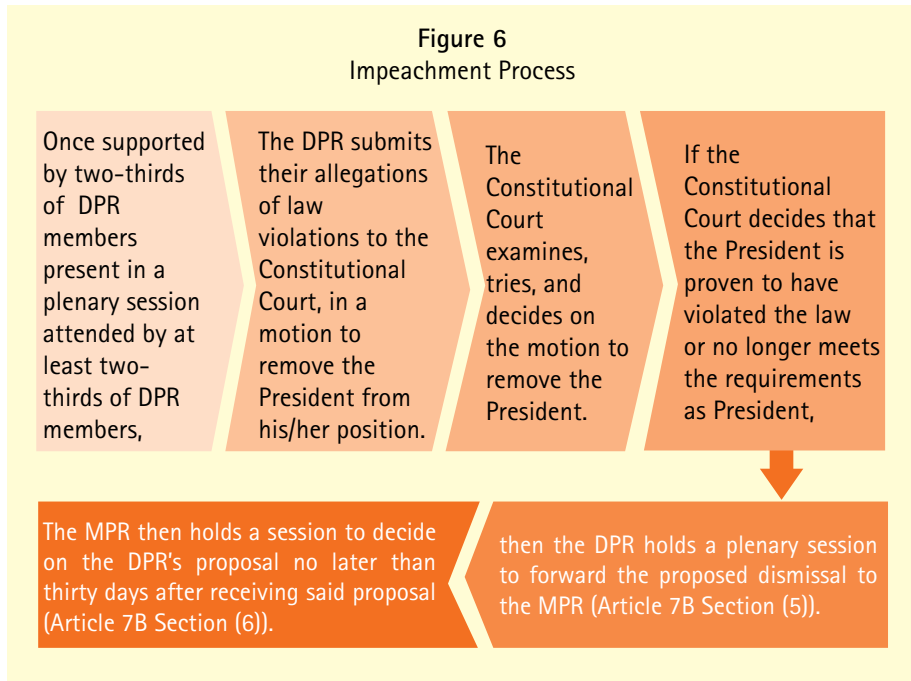
- to try at the lowest and highest levels and to make final decisions on the review of legislation against the Constitution
- to settle disputes regarding the authority of state institutions whose authority is granted by the Constitution
- to decide on the dissolution of political parties, and to settle disputes relating to election results

Based on the above authorities of the Constitutional Court, bills that have received joint approval of the DPR and the President to become Laws may be submitted to judicial review by the Constitutional Court at the request of certain parties. A Law may be disputed by elements of society that would be disadvantaged if the Law were implemented, or by elements of society who consider that the Law conflicts with higher legal norms, for example by violating the 1945 Constitution.

The Constitutional Court is also obligated to adjudicate on considerations from the DPR regarding allegations of misconduct by the President and/or Vice President in regard to the Constitution (in an impeachment process). Because of this authority of the MK, the MPR can no longer act alone in dismissing the President. The MPR may dismiss the President and/or Vice President during their term of office on the advice of the DPR (Article 7A of the 1945 Constitution). However, this will depend greatly on the verdict of the Constitutional Court, because Article 7B Section (1) states that the DPR may submit a proposal to the MPR to dismiss the President and/or Vice President only after first submitting a request to the Constitutional Court to decide on the DPR's opinion that the President and/or Vice President has violated the law.

The Constitutional Court will determine whether the President and/or Vice President has indeed violated the law by engaging in treason, corruption, bribery, other serious crimes, or disgraceful conduct; the Constitutional Court will also determine on opinions that the President and/or Vice President no longer fulfills the requirements as President and/or Vice President (Article 7B Section (1), and Article 24C Section (1) of the 1945 Constitution).

Figure 6
Impeachment Process



The authority to review regulations below legislation (laws) against legislation is delegated to the Supreme Court.

The existence of an authority to review laws and regulations, both by the Constitutional Court and the Supreme Court, is a new provision of the amended 1945 Constitution. This authority is intended to create checks and balances between the President and the DPR in the legislative domain.

Relations between the DPR and the Supreme Audit Agency (BPK)

The amended 1945 Constitution also provides a strong legal basis and detailed regulation regarding the Supreme Audit Agency (BPK) as an independent and autonomous agency and as the state institution with the function of auditing the management and accountability of state finances. In order to strengthen its status, authority, and independence as a state institution, its members are selected by the DPR, by taking into consideration the advice of the DPD, and approved by the President.

Pursuant to Article 23E of the 1945 Constitution, the findings of BPK audits are submitted to the DPR, the DPD, and the DPRD in accord with their authorities. Based on this provision, the DPR may hold Consultation Meetings regarding BPK audit findings and may request audits in certain cases.

Relations between the DPR and the Indonesian Central Bank (BI)

The provision regarding the central bank (in this case, Bank of Indonesia, or BI) is a new provision of the 1945 Constitution (Article 23D). The provision on the central bank is intended to provide a clear legal basis and status for the central bank as an essential institution of the State, specifically in regulating and exercising the functions of monetary policy.

In the constitutional system, BI as an independent state institution is not on the same level as the high state institutions, such as the DPR, the BPK, and the Supreme Court. The status of BI also differs from that of cabinet ministries, because BI is outside the structure of the government.

This special status is necessary so that BI can perform its role and function as the Monetary Authority more effectively and efficiently.

Notwithstanding its status as an independent state institution, in performing its tasks BI has working and coordination relationships with the DPR, the BPK, the Government, and other parties.

In its relations with the DPR and the President, at the start of each budget year, BI provides written information on its evaluation of the implementation of monetary policy and its plans for future monetary policy. Specifically to the DPR, BI reports on its tasks and authorities on each quarter and at any time when requested by the DPR. In addition, BI submits its planned and realized annual budget to the Government and the DPR. In its relations with the BPK, BI is required to submit annual financial statements to the BPK.



CHAPTER II

Working System and Mechanism of the DPR

History of the DPR

The history of the Indonesian parliament begins during the Dutch East Indies era with the *Volksraad* (People's Council), which operated from 1918 until 1942, when Japan invaded Indonesia. All members of the *Volksraad* were appointed by the Dutch East Indies Government, whose Governor General at the time was Mr. Graaf van Limburg Stirum. Moderate nationalists such as Moh. Husni Thamrin and Soetardjo Kartohadikoesumo were willing to make strategic use of the *Volksraad* as a way to achieve the ideals of an independent Indonesia through parliamentary means (Marbun; 1992, 9-22).

In reality, the *Volksraad* functioned mostly as an advisor to the Governor General and not as a proper legislative institution, particularly since not all members of the *Volksraad* were elected; some were appointed by the Governor General. When Japan invaded Indonesia in March 1942, the *Volksraad* was automatically dissolved, and the Japanese quickly focused the people's concentration toward winning the Greater East Asia War (Miriam Budiardjo; 1994, 125-130).

“Until the People’s Consultative Assembly, the House of Representatives, and the Supreme Advisory Council have been established pursuant to this Constitution, all powers shall be exercised by the President with the assistance of a National Committee.”

Following the proclamation of independence on August 17, 1945, Article IV of the Transitional Provisions of the 1945 Constitution stipulated that:

From then on, functions of the DPR according to the 1945 Constitution were “temporarily” exercised by the Central National Committee (KNP) or Central Indonesian National Committee (KNIP). This continued until December 27, 1949.

In the early period of independence, the Central National Committee (KNIP) was established by Article 4 of the Transitional Provisions of the 1945 Constitution, as the predecessor to a legislative body in Indonesia. As things developed, as a consequence of accepting the results of the Round Table Conference (KMB), the form of the state was changed from the Unitary State of the Republic of Indonesia (NKRI) to a federation under the name of the United Republic of Indonesia (RIS); its legislature was divided into two houses, the Senate and the House of Representatives (DPR). On August 15, 1950, the DPR and Senate of RIS approved the Provisional Constitution of the NKRI (UUDS NKRI, Law No. 7/1950, State Gazette No. 56/1950). This Provisional Constitution stipulated the establishment of a Provisional DPR (DPRS), which could be dissolved by the President if he considered the DPRS no longer represented the will of the people.

The next change occurred in 1955, when the DPR was elected with 272 members. In 1959, President Soekarno dissolved the Constitutional Assembly (*Konstituante*) and declared that Indonesia was returning to the 1945 Constitution, through the Presidential Decree of July 5, 1959. Through Presidential Decision No. 3/1960, the President dissolved the DPR, and then through Presidential Decision No. 4/1960 he established the DPR-*Gotong Royong* (DPR-GR) with 283 members, all appointed by the President through Presidential Decree No. 156/1960. After the September 30 incident, the DPR-GR suspended 62 of its members from the Indonesian Communist Party (PKI) and its associated mass organizations. Afterward, based on MPRS Resolution No. XX/MPRS/1966, which was followed by Law No. 10/1966, the Indonesian Communist Party (PKI) and all its mass organizations were dissolved.

The House of Representatives of the Republic of Indonesia (DPR-RI) assumed its present form after the first general election held under the New Order regime in 1971. In anticipation of the 1971 election, the Government and the DPR-GR completed Law No. 15/1969 on General Elections, and Law No. 16/1969 on Composition and Status of the MPR, DPR and DPRD. This latter Law also influenced the organizational composition of the General Secretariat of the DPR.

It was very evident at the time that the DPR was under the complete control of the executive. The DPR was merely a rubber stamp for the Government, approving nearly all policies set by the Government. The excessive power of the president was halting the process of democratization in the framework of the state. The DPR as a legislative institution is expected to exercise a function of checks and balances, but in practice it was made merely an accessory in the constitutional structure, whose only purpose was to strengthen the position of the president, then General Soeharto.

The DPR of the 1999–2004 period was the first DPR elected during the “reform” era. After Soeharto’s resignation on May 21, 1998 and his replacement by Vice President Bacharuddin Jusuf Habibie, the public continued to press for immediate general elections. The election was held on June 7, 1999, less than 13 months after Habibie took power. This election was preceded by the revision of several Laws in the political sector, including the Law on Political Parties, the Law on General Elections, and the Law on Composition and Status of the MPR, DPR, and DPRD—all with the aim of achieving a more democratic election system.

Forty-eight political parties took part in the 1999 election, signaling a return to a multi-party system like the one that prevailed between 1945 and 1973. In the next election, in 2004, 24 parties took part. The 2004 election also included the first direct Presidential election in the history of the Republic of Indonesia. The DPR elected through the 2004 legislative election consisted of eleven party groups: in order from the largest to the smallest, these were F-Golkar, F-PDIP, F-PPP, F-*Partai Demokrat*, F-PAN, F-KB, F-PKS, F-*Bintang Reformasi*, F-PDS and F-*Bintang Pelopor Demokrasi*; this last was a combination of *Partai Bulan Bintang* (PBB), *Partai Persatuan Demokrasi Kebangsaan* (PPDK), *Partai Penegak Demokrasi Indonesia* (PPDI), *Partai Nasional Indonesia* (PNI) *Marhaenis*, and *Partai Pelopor*.

Although the Laws on Elections, Political Parties, and Composition and Status had been revised, the governmental system and arrangements were still much the same, in accordance with the prevailing constitution, i.e. the 1945 Constitution.

Controversies and Historic Events Surrounding the Work of the DPR Elected in 1999

First, for the first time, a head of state was removed by the DPR. Based on an alleged corruption case in the Central Logistics Agency (Bulog), the serving President, Abdurrahman Wahid, was removed by the MPR at the request of the DPR. The legal basis for this was the MPR Resolution No. III/MPR/1978 on the Status and Working Relationships between the Highest State Institution and/or among High State Institutions. Abdurrahman Wahid was then replaced by the serving Vice President, Megawati Soekarnoputri.

Second, the DPR elected in 1999, as part of the MPR, amended the 1945 Constitution no less than four times – in 1999 (first amendment), 2000 (second), 2001 (third), and 2002 (fourth). Even though the results of these amendments are still deemed far from ideal, several important changes have occurred. With regard to state institutions, the significant changes include the establishment of the House of Regional Representatives (DPD), direct presidential elections, and the Constitutional Court.

Third, in terms of the number of Laws produced, the DPR of the 1999-2004 period was the most productive in the history of the DPR in Indonesia. During these five years, 175 Bills were passed; in the previous period, 1992-1997, only 70 bills were passed, and in the transitional period, 1997-1999, only 72 bills were passed.

Figure 7

Controversies and Historic Events
Surrounding the Work of the DPR Elected
in 1999

First time a head
of state was
removed by the
DPR

The DPR elected in
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The DPR of the
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175 bills into Laws

The next Legislative and Presidential Elections were held in 2009; the legislative election was held on April 9, 2009. The legal bases for the 2009 elections were Law No. 10/2008 on the Election of the Members of the DPR, DPD, and DPRD, and Law No. 42/2008 on the Election of the President and Vice President. Law No. 10/2008 was a legislative product derived from the refinement of the previous General Elections Law, i.e. Law No.12/2003. The improvements shown by Law No. 10/2008 include provision of a freer space for the public to choose its representatives in parliament.

To elect members of the DPR and DPRD, the 2009 election utilized an open proportional voting system.

In principle, the electoral system used in the 2009 election was more democratic. The change of system was based on the need to improve the level of representation and on the geopolitical conditions of Indonesia. With the intention to improve the 2009 electoral system, the Constitutional Court passed a verdict that revoked the provisions of Article 214 of the General Elections Law on determination of elected candidates. In its verdict, the Constitutional Court declared that the members of the DPR and DPRD should be elected based on the highest number of votes. Thus, the people's votes were the most essential element for the election of candidates as the people's representatives in the DPR or DPRD.

The basis for counting votes used by the General Election Commission (KPU) to determine the number of DPR seats won by each political party is the number of valid votes received nationwide for each party.

Another new regulation, aimed at achieving a simpler multi-party system in a straightforward manner, is the parliamentary threshold of 2.5% of overall valid votes cast nationwide. The reasoning behind this was to ensure that not all political parties that took part in the election would be able to place representatives in the DPR, thereby allowing the parliament to perform its functions more effectively. Nevertheless, all political parties that took part in this election are still entitled to participate in the next election.

The work of the DPR of the 2004–2009 period was basically a continuation of that of the DPR of the 1999–2004 period. There are a number of changes that are worth

mentioning here. One relates to membership. Unlike the previous period, which had members from twenty-two parties and nine party groups, the DPR of the 2004–2009 period consisted of only sixteen political parties that had won seats in the election, which grouped into ten party groups. In addition, the number of DPR members for this period was increased to 550 from the previous 500. It is important to

**Beginning of DPR Membership Term
> most members were new faces**

The membership of the DPR later underwent a few changes, because some of the party groups in the DPR recalled certain members and replaced them with other members from the same party groups; this is known as Interim Replacement (*Penggantian Antar Waktu/PAW*).

This recall of members does not alter the overall composition of membership by party groups.

note that starting from this period, the DPR no longer included a TNI/POLRI (Military/Police) Group whose members were appointed rather than elected. The DPR of the 2004–2009 period had 550 members from sixteen parties that had won the election, as the parliamentary threshold was not yet in effect. From these parties, ten party groups were eventually formed. To form a party group, a political party was required to have won at least thirteen seats. Parties that did not win enough seats in the DPR to meet this minimum requirement had to join with other parties to form a party group.

Table 2

Parties Winning the 2004 Election		
Political Party	Seats in the DPR	Percentage
<i>Partai Golongan Karya</i>	127	23.1%
<i>Partai Demokrasi Indonesia Perjuangan</i>	109	19.8%
<i>Partai Persatuan Pembangunan</i>	58	10.5%
<i>Partai Demokrat</i>	56	10.2%
<i>Partai Amanat Nasional</i>	53	9.6%
<i>Partai Kebangkitan Bangsa</i>	52	9.5%
<i>Partai Keadilan Sejahtera</i>	45	8.2%
<i>Partai Bintang Reformasi</i>	14	2.5%
<i>Partai Damai Sejahtera</i>	13	2.4%
<i>Partai Bulan Bintang</i>	11	2.0%
<i>Partai Persatuan Demokrasi Kebangsaan</i>	4	0.7%

<i>Partai Pelopor</i>	3	0.5%
<i>Partai Karya Peduli Bangsa</i>	2	0.4%
<i>Partai Keadilan dan Persatuan Indonesia</i>	1	0.2%
<i>Partai Penegak Demokrasi Indonesia</i>	1	0.2%
<i>PNI Marhaen</i>	1	0.2%
TOTAL	550	100.0%

In carrying out its duties, the DPR forms several House bodies, including Standing Committees and Special Committees (Pansus), each of which has its own tasks and work sector. The work produced by the House bodies is then presented before, decided on, and authorized by a Plenary Session of the DPR as decisions, resolutions, and Laws in the name of the entire DPR.

The composition and membership of the Standing Committees are determined in a Plenary Session at the start of the DPR's term of duty, and at the start of each Meeting Year; the composition and membership of the Committees must ensure a balanced and equitable distribution of members from all party groups. During the 2004-2009 period, there were eleven Standing Committees in the DPR, as decided by a Plenary Session on October 15, 2004. The session also determined each Committee's task allocation and work counterparts.

The Committees' task divisions and work counterparts for the five-year period can be illustrated as follows:

Table 3

Task Divisions and Work Counterparts of DPR Committees		
Committee	Sector	Counterparts
I	<ul style="list-style-type: none"> • Defense • Foreign Affairs • Informatics 	<ul style="list-style-type: none"> • Department of Defense (Dephan) • Department of Foreign Affairs (Deplu) • Indonesian National Military (TNI) • State Minister for Information and Communication (Menkominfo) • National Defense Council (Wantanas) • State Intelligence Agency (BIN) • State Coding Institute (LEMSANEG) • State Information Institute (LIN) • Antara National News Agency (LKBN Antara) • National Defense Institute (Lemhanas) • Indonesian Broadcasting Commission (KPI)

Committee	Sector	Counterparts
II	<ul style="list-style-type: none"> • Internal Governance • Regional Autonomy • State Apparatus • Agrarian Affairs 	<ul style="list-style-type: none"> • Ministry of Home Affairs (Depdagri) • State Minister for State Administrative Reform (Meneg PAN) • Minister of State Secretary (Mensekneg) • Cabinet Secretary (Sekab) • National Institute of Public Administration (LAN) • National Civil Service Agency (BKN) • National Land Agency (BPN) • National Archives (ANRI) • General Election Commission (KPU)
III	<ul style="list-style-type: none"> • Law and Legislation • Human Rights • Security 	<ul style="list-style-type: none"> • Ministry of Law and Human Rights (DephukHAM) • Office of the Attorney General (Kejakgung) • Indonesian National Police (Polri) • Corruption Eradication Commission (KPK) • National Ombudsman Commission (KON) • National Law Commission (KHN) • General Secretariat of the Supreme Court (MA) • General Secretariat of the Constitutional Court (MK)
IV	<ul style="list-style-type: none"> • Agriculture • Plantations • Forestry • Maritime Affairs • Fisheries • Food 	<ul style="list-style-type: none"> • Ministry of Law and Human Rights (DephukHAM) • Office of the Attorney General (Kejakgung) • Indonesian National Police (Polri) • Corruption Eradication Commission (KPK) • National Ombudsman Commission (KON) • National Law Commission (KHN) • General Secretariat of the Supreme Court (MA) • General Secretariat of the Constitutional Court (MK)
V	<ul style="list-style-type: none"> • Transportation • Telecommunication • Public Works • Public Housing • Development of Rural & Disadvantaged Regions 	<ul style="list-style-type: none"> • Ministry of Public Works (PU) • Ministry of Transportation (Dephub) • State Minister for Public Housing (Menpera) • State Minister for the Development of Disadvantaged Regions (Menneg PDT) • Meteorological and Geophysical Agency (BMG)

Committee	Sector	Counterparts
VI	<ul style="list-style-type: none"> • Trade • Industry • Investment • Cooperatives, Small and Medium Enterprises, and State Owned Enterprises 	<ul style="list-style-type: none"> • Ministry of Industry (Deperin) • Ministry of Trade (Deperdag) • State Minister for Cooperatives and Small and Medium Enterprises (Menkop UKM) • State Minister for State Owned Enterprises (Meneg BUMN) • Investment Coordinating Board (BKPM) • National Standardization Agency (BSN) • National Consumer Protection Agency (BPKN) • Business Competition Supervisory Commission (KPPU)
VII	<ul style="list-style-type: none"> • Energy and Mineral Resources • Research and Technology • Environment 	<ul style="list-style-type: none"> • Department of Energy and Mineral Resources (Departemen ESDM) • State Minister for the Environment (Meneg LH) • State Minister for Research and Technology (Meneg Ristek) • Agency for Study and Application of Technology (BPPT) • National Research Council (DRN) • Indonesian Institute of Sciences (LIPI) • Nuclear Energy Agency (BATAN) • Nuclear Energy Regulatory Agency (BAPETAN) • National Coordinating Agency for Surveys and Mapping (BAKORSUTANAL) • National Aeronautics and Space Institute (LAPAN) • Regulatory Agency for Downstream Oil and Gas Activities (BPH Migas) • Implementing Body for Upstream Oil and Gas Activities (BP Migas)
VIII	<ul style="list-style-type: none"> • Religious Affairs • Social Services and Empowerment of Women 	<ul style="list-style-type: none"> • Ministry of Social Services (Depsos) • Ministry of Religious Affairs (Depag) • State Minister for Women Empowerment (Meneg PP) • Indonesian Child Protection Commission (KPAI)
IX	<ul style="list-style-type: none"> • Population • Health • Manpower and Transmigration 	<ul style="list-style-type: none"> • Ministry of Health (Depkes) • Ministry of Manpower and Transmigration (Depnakertrans) • National Coordinating Agency for Family Planning (BKKBN) • Food and Drug Regulatory Agency (BPOM)

Committee	Sector	Counterparts
X	<ul style="list-style-type: none"> • Education • Youth and Sports • Tourism • Arts and Culture 	<ul style="list-style-type: none"> • Ministry of National Education (Depdiknas) • Minister for Culture and Tourism (Menbudpar) • State Minister for Youth and Sports Affairs (Menpora) • National Library (Perpusnas) • Agency for Development of Culture and Tourism (BP Budpar)
XI	<ul style="list-style-type: none"> • Finance • National Development Planning • Banking and Non-Bank Financial Institutions 	<ul style="list-style-type: none"> • Department of Finance (Depkeu) • State Minister for Development Planning/ Head of National Agency for Development Planning (BAPPENAS) • Bank Indonesia (BI) • Non-Bank Financial Institutions (LKBB) • Finance and Development Supervisory Agency (BPKP) • Central Statistics Agency (BPS) • Secretariat General of the Supreme Audit Agency (BPK)

In carrying out their main tasks and functions,
the House bodies of the DPR work in accordance
with the DPR Standing Orders.

With regard to the exercise of its legislative function during the 2004–2009 term, the DPR completed deliberation of 166 Draft Laws/Bills (*Rancangan Undang-Undang, RUU*) to be ratified as Laws (*Undang-undang*), out of the 284 Laws originally planned in the five-year National Legislation Program (*Program Legislasi Nasional, Prolegnas*). The public felt that several of the Laws that were passed have direct impact on their lives as citizens. One Law worthy of mention from this period is Law No. 12/2006 on Citizenship. Many consider this legal product quite revolutionary, as it abolishes racial and gender discrimination, particularly because the definition of “native Indonesian” (*bangsa Indonesia asli*) includes all persons who are Indonesian citizens from birth and also because the Law gives Indonesian women who marry foreigners the option to maintain their Indonesian citizenship.

The results of the legislation program during this five-year term are reflected in the following Table:

Table 4
National Legislation Program (Prolegnas), 2005–2009

Year	Priority Bills	Ratified	Percentage
2005	55	14	25.45%
2006	45	39	86.67%
2007	80	40	50%
2008	79	61	77.22%
2009	76	12*	
Total	335	166	

*as of June 23, 2009. Source: Legislation Council (Baleg)

In line with the results of the consultation between the DPR Leadership and the leaderships of Party Groups, Standing Committees, and Special Committees on August 31, 2009, it is hoped that 22 more bills will be completed in the final Meeting Period of the DPR of 2004–2009.

In exercising its oversight tasks, both the DPR as an institution and its individual members have certain rights. Among the rights of the DPR in connection with its oversight tasks are the Right of Interpellation, the Right of Inquiry, and the Right to Declare an Opinion. These rights are implemented by holding working meetings with the Government. One instance of the use of these parliamentary rights was the interpellation regarding Presidential Regulation No. 36/2005 on Procurement of Land for Constructions for Public Interest, and regarding the Government's support for UN Resolution No. 1747 on the expansion of sanctions against Iran. The DPR also sought to use its right of inquiry to investigate the case of rice imports and the corruption scandal of *Bank Mandiri's* non-performing loans. These two proposals were stalled halfway and were rejected as DPR inquiries. The right of inquiry was also used for the *Pertamina* oil tanker sale case and for an investigation of the Official List of Voters (DPT) for the 2009 election. As well as exercising these rights, the DPR also approved and appointed a number of public officials through the "fit and proper test" mechanism, which is also within the realm of the DPR's oversight function.

During the period 2005–2009, several proposals by DPR members to use the interpellation and inquiry rights made it to DPR Plenary Sessions. Below are some of the more prominent ones:

Table 5

Use of the Right of Inquiry (<i>Hak Angket</i>)		
Date	Case	Description
March 22, 2005	Issue of the Government's policy to raise fuel prices	The first fuel price inquiry was proposed on March 22, 2005, following the Government's decision to raise fuel prices by 29% (February 28, 2005), but was rejected. The second fuel price inquiry was on January 24, 2006 after the Government again raised fuel prices by 128% (October 1, 2005). When the Government raised fuel prices by another 28.7% (May 24, 2008), it was again followed by a proposal to exercise the DPR's right of inquiry on June 3, 2008.
March 24, 2005	Case of sale of Pertamina tankers	Twenty-three DPR members from ten party groups proposed to use the right of inquiry to investigate the sale of two Very Large Crude Carrier (VLCC) oil tankers owned by <i>Pertamina</i> in 2004 during the administration of President Megawati Soekarnoputri. Two parties supporting the Susilo Bambang Yudhoyono-Jusuf Kalla administration, <i>Partai Golkar</i> and <i>Partai Demokrat</i> , were the main proponents of this inquiry through their party groups in DPR.
May 19, 2005	Case of non-performing loan scandal at Bank Mandiri	Eighty-eight DPR members from ten party groups submitted a proposal to exercise the right of inquiry to disclose or urge the disclosure of the non-performing loan case at <i>Bank Mandiri</i> . The proposing party groups included PAN, PPP, PDIP, PDS, PBR, and <i>Bintang Pelopor Demokrasi</i> .
May 31, 2005	Auction of illegal sugar	In the Plenary Session, the proposal to exercise the right of inquiry on the illegal sugar auction was rejected. Party groups rejecting the proposal were F-PG, F-PD, F-PPS, F-BPD, F-PPP, and F-PBR; those in favor were F-PDIP, F-KB, and F-PDS; abstaining: F-PAN

Date	Case	Description
January 24, 2006	Issue of rice import policy	A number of DPR members proposed to investigate and question the Government regarding rice imports by using the rights of inquiry and interpellation. However, this proposal was rejected at a Plenary Session, as it was not supported by the majority of DPR members. Of the 452 members, 184 opposed the use of both inquiry and interpellation rights, 151 supported the use of inquiry right, and 107 supported the use of interpellation right. This forced the supporters of the proposal, which was instigated by F-PDIP and F-PKS members, to accept defeat.
May 26, 2009	Issue of violation of citizens' constitutional rights (Inquiry on DPT)	The confusion regarding the Official List of Voters (<i>Daftar Pemilih Tetap/DPT</i>) for the 2009 Legislative Election led to a vote on the use of the Right of Inquiry. 129 members approved the right of inquiry, 73 opposed, and one abstained. (Only 203 of the 550 DPR members took part in this vote.) The party groups in favor were <i>Partai Golkar</i> , PDIP, PPP and PAN; the party groups opposed were <i>Partai Demokrat</i> , PKS and PDS; PKB was split into three: sixteen in favor, one against, and one abstaining.

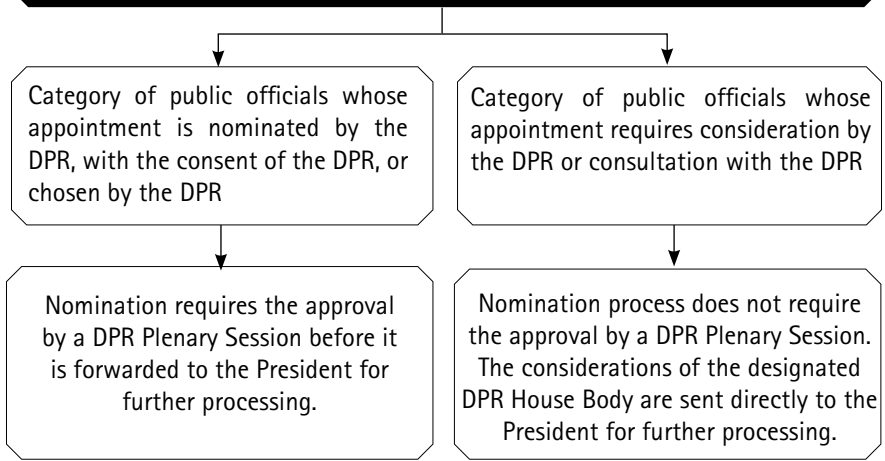
Table 6

Use of the Right of Interpellation (<i>Hak Interpelasi</i>)	
Case	Description
Government's Policy on Rice Imports	Rejected by Plenary Session
Government's Approval for UN Security Council Resolution No. 1747	
Resolution of the Lapindo Mud Flow Case in Brantas, Sidoarjo	

In performing its function in overseeing current government policies, the DPR may nominate public officials and other government officials. In principle, the DPR performs its function in overseeing government policies by submitting proposals, giving or denying consents, providing considerations in consultation, and providing opinions.

Figure 8

Two Categories of DPR's Role in the Process of Appointing Public Officials



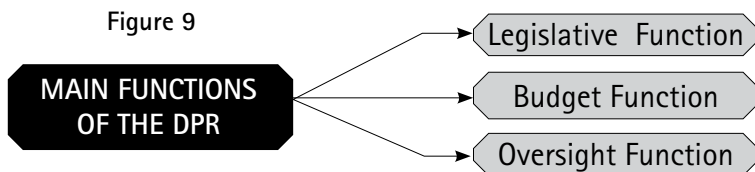
In performing its budgeting tasks, each year the DPR holds Preliminary Discussions with the Government and Bank of Indonesia in order to formulate the Draft National Budget (*Rancangan Anggaran Pendapatan dan Belanja Negara/RAPBN*). The deliberation and finalization of the National Budget (APBN) is preceded by the submission of the National Budget Bill together with the financial notes by the President. In addition, the DPR also holds discussions on the Semester I Realization Report and the prognosis for the National Budget for the next six months.

Status, Functions, Tasks, and Rights of the DPR

The status, functions and tasks of the DPR are crucial to governance.

Before it was amended, the 1945 Constitution did not explicitly state the functions and tasks of the DPR. Only with the second amendment did Article 20A Section (1) state that the DPR has three main functions: legislative, budgeting, and oversight functions. These functions were reaffirmed by Law No. 27/2009 on the MPR, DPR, DPD and DPRD, Article 69, wherein the three functions of the DPR are executed in the context of its role as the people's representatives.

Figure 9



The Legislative Function

The 1945 Constitution Article 20 Section (1) states that

“The DPR has the authority to create Laws.”

This authority is clarified in Article 21, which states that

“DPR members have the right to propose Bills.”

In Law No. 27/2009, the legislative function is set forth in Article 70 Section (1), which confirms that the legislative function is exercised as a realization of the DPR’s role as holder of the authority to create Laws.

The requirements to make such proposals are set forth by the DPR’s Standing Orders. The legislative function also includes the understanding that the DPR also has the task to deliberate and approve or reject Bills proposed or drafted by the President or the DPD, with the stipulation that the Bills proposed by the DPD are only those relating to regional autonomy; relations between the central and local governments; creation, partitioning, or merger of administrative regions; management of natural resources and other economic resources; and financial balance between the central and the regions.

The Budgeting Function

The legal basis for this function is Article 70 Section (2) of Law No. 27/2009. The DPR’s budgeting function is exercised to:

deliberate and approve or reject the Bill on the National Budget proposed by the President.

Regarding the Draft National Budget proposed by the President, the DPR has the right to approve or reject it. This right is stipulated in the 1945 Constitution, Article 23 Section (3), which states:

“If the DPR does not approve the Draft National Budget proposed by the President, the Government shall adopt the National Budget of the preceding year.”

The Oversight Function

In Law No. 27/2009, this function is set forth in Article 70 Section (3).

The oversight function of the DPR is exercised by overseeing the implementation of Laws and the National Budget.

The DPR’s oversight function also implies that certain actions of the President must receive the consent or consideration of the DPR.

For example, Article 11 Section (1) and (2) of the 1945 Constitution state that “The President, with the approval of the DPR, may declare war, make peace, and conclude treaties with other nations,” The President also needs the approval of the DPR to make other international agreements.

In addition, in appointing ambassadors to other countries and accepting ambassadors from other countries, the DPR also has the right to offer its considerations to the President. Article 14 Section (2) states, *“The President shall grant amnesties and pardons with attention to the advice of the DPR.”*

The DPR’s oversight function is reaffirmed in the matter of granting certain authority in the process of appointment of public officials. The DPR even has the authority to propose removal of the President during his term of office, pursuant to the 1945 Constitution.

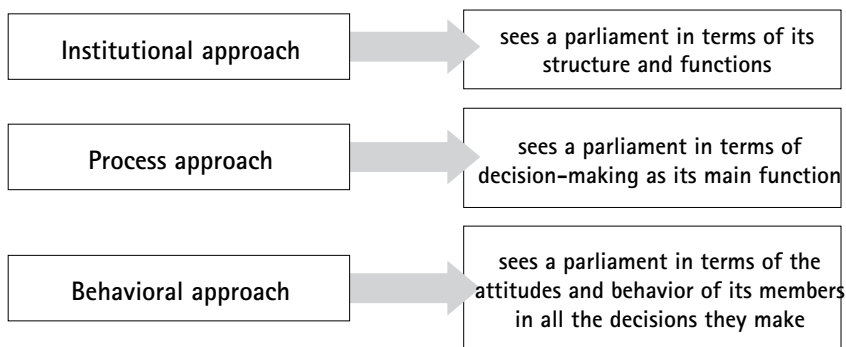
The legal basis for the 2009 Legislative Election embodied strong intentions to improve the functions and roles of the legislative institutions, both in representing the people and in channeling their aspirations, based on the principles described by Imawan (2005), which include the principles of **accountability, representativeness, fairness, equal rights of voters, and locality**. Therefore, the DPR must work hard to continue improving the performance of its functions and roles, and to exercise them with higher responsibility.

The basic principle of political representation theory has a long history, almost as long as the history of democracy itself. The concept of political representation is a consequence of the realization that democracy can no longer be conducted in a direct form as it was in ancient Athens, or according to Rousseau's concept of democracy, which also refers to the ancient Greeks, but with some changes: democracy through direct participation of all citizens, in which the government that represented them was an "elected aristocracy," because the system of the small Greek poleis is not viable for a large country.

In theoretical terms, Alfred de Grazia states that representation can be defined as a relationship between two parties, the representatives and those who are represented, whereby the representatives have the authority to undertake various actions in connection with the agreement they have made with the represented.

As they develop, studies on political representation become closely related to research on legislative bodies, commonly known as parliaments. The diverse approaches or orientations of research on legislative bodies have undergone changes over time; there are several stages of approaches in political science. Research is conducted following a series of steps and from certain approaches according to the orientation of the interests of political scientists; they may use an institutional approach, a process approach, and lastly, a behavioral approach.

Figure 10
Orientations of Research on Legislative Bodies



A political party is a national organization that is formed by a group of Indonesian citizens on the basis of common desires and ideals to struggle for and to defend the interests of the society, the nation and the state, and to maintain the integrity of the Unitary State of the Republic of Indonesia based on the 1945 Constitution of the Republic of Indonesia.

The definition of representative government in politics (political theory) is a government that represents citizens in exercising their power to manage living together in society. The overall process of this exercise of power is overseen by a group of persons to whom power has been trusted, who are known as the people's representatives. In performing its oversight function, the people's representatives, as overseers of the government, can be assisted by various rights that remain in the hands of the people, such as the rights

to express opinions, to obtain justice, and so on, which are conveyed through their representatives.

The individuals who are elected as DPR members from among the candidates put forward by the political parties have the obligations to work and struggle in the DPR to determine various public policies. The goals and direction of their work will naturally be in line with the platforms and programs of their respective parties, which are informed by the people's aspirations. For this reason, the political parties constitute a "portrait" of the community. Political parties are formed autonomously by, from, and for the people.

**DPR members are representatives of the people,
not merely representatives of their political parties.**

The view that DPR members are merely representatives of political parties is simply a conclusion based on the temporary state of relations between the people, political parties, and the DPR. This view does not depart from the sociological aspect of the actual relations between these three elements as an inseparable unity. The people, the parties, and the DPR can be differentiated from one another, but are in fact inseparable. Thus, the DPR comprises representatives of the people, and not of political parties. Candidates for DPR members are selected and nominated by political parties, but these candidates are elected by their constituents – the people – in each electoral district.

DPR members must:

1. Read and digest the DPR Strategic Plan (Renstra) produced by the Household Affairs Committee (*Badan Urusan Rumah Tangga*, BURT) for the period 2004–2009 to obtain an overview of DPR's programs. In this way, DPR members can study which areas need to be prioritized in further efforts to upgrade programs to improve the public welfare.
2. Read and study the DPR's performance report for the period 2004–2009, so that the new DPR members can build on and continue the works of their predecessors without obstacles.
3. Develop new strategies to better effectuate pro-people programs.

Law No. 27/2009, Chapter III Article 79 Letter (i), states that one obligation of DPR members is to absorb and collect the aspirations of their constituents through periodic working visits. The people's aspirations and complaints must be accommodated and followed up, as per Article 79 Letter (j). Article 79 Letter (k) which states that DPR members must be morally and politically accountable to the constituents in their electoral districts.

One example of relatively good implementation of the representation function of the parliament can be found in Thailand, particularly in the provision of broader space for the people to participate in and provide inputs on the formulation of policies. In Thailand, the Parliamentary Committee has formulated an ideal of fulfillment of the rights of every citizen to participate in public affairs, the right to elect and to be elected, and equal rights to access public services – these rights are referred to as *"the core of democratic government based on the consent of the people."*

Thailand uses the model of fulfillment of "the people's right to participate" in the process of amending the constitution, which is referred to as a constitutional amendment from the grass roots. It must be emphasized that this examination of how the Thai parliament exercises its representative function is not intended to suggest that the Thai system can be considered one of the "best practices;" rather, it is only an examination of a system that has been formulated, which may serve as comparative material for studying the Indonesian system.

Ideals of public participation in Thailand as elucidated by the Parliamentary Committee:

- Direct participation by citizens in the conduct of public affairs can be realized when they hold positions as members of parliament or serve in the government. In parallel, citizens can also participate directly in public affairs when they vote or amend the constitution or decide on issues of public affairs through a referendum process or other electoral processes. Furthermore, citizens can participate directly through popular assemblies and grassroots community organizations.
- Citizens can also participate in the conduct of public affairs through public debates and dialogues with their elected representatives or through the capacity of their own organizations. In this context, *“strong and effective community organizations”* are needed.
- The rights and opportunities of every citizen to gain access to public services include affirmative actions to ensure equality of access to all public services.

Apart from constitutional amendments, Thailand's several other experiences in conducting public consultations are worthy of discussion. One of them occurred on October 14, 1974 when there were major demonstrations against the City Planning Act. The impact can still be felt today. The Bangkok Metropolitan Administration (BMA) was established to evaluate Bangkok's city planning. The Bangkok City Plan, complete with maps showing intended land use, is published in several newspapers in order to elicit written comments from residents domiciled in Bangkok. The BMA also provides an open forum for Bangkok residents to express their opinions and arguments.

Returning to the DPR, apart from the internal factors that lead to failure to achieve the target for completion of legislation, experience indicates that external factors also play a role. Obstacles to productivity in deliberation of bills can also be caused by the President's lateness in appointing Ministers who will represent the Government in the discussions. Although the DPR has the power to produce Laws, essentially this "authority" is also held by the President. The legal basis is the 1945 Constitution Article 20 Section (2), which stipulates that every bill shall be deliberated by the DPR and the President to obtain joint approval. If the bill does not obtain joint approval, it may not be submitted again during the same DPR meeting period.

Regarding transparency in the deliberation of bills, until Law No. 27/2009 was ratified, problems generally occurred when the bill was taken to the Working Committee (Panja) Meeting. Although the opportunity is open for the people to provide input in the process of deliberation of a bill through Public Hearings (RPDU), public participation is impeded when the deliberation reached the Working Committee Meeting, as this is a closed meeting. These closed Working Committee Meetings deny the people information regarding the final stage of deliberation of bills.

However, under the provisions of Law No. 27/2009, in principle all DPR meetings are now open, so that DPR members may bring their Expert Staff to the Working Committee Meetings, and NGOs and the people can obtain the information to which they are entitled.

A further analysis of the DPR's budgeting function:

To improve the performance of the DPR's budgeting function, several things require attention:

1. The National Budget (APBN) must address the public's needs.
2. The mechanism for drafting the APBN must be effective, and DPR members must fully understand the cycle and mechanism for formulating the APBN.
3. Follow-up actions by DPR Standing Committees and House bodies on the findings of audits by the Supreme Audit Agency (BPK) need to be more effective.

The National Budget (APBN) must address the public's needs.

The DPR must have a clear budget policy. The APBN must comply with constitutional provisions and provide an adequate proportion for each of the people's needs. The DPR must perform a strict and detailed crosscheck on the state budget and its allocations so that the scale of priorities in drafting the National Budget becomes clearer. DPR members must also consider which items will have direct impact on public welfare.

The APBN formulation mechanism must be effective, and DPR members must fully understand the cycle and mechanism for formulating the APBN.

Dissemination of information to DPR members on the APBN formulation cycle and mechanism that have been agreed upon by the DPR and the Government and that have been approved by the DPR Deliberation Council (Bamus) must be further improved. There is one problem: the deliberation results of the Work Plans and Budgets between the various Standing Committees and the State Ministries/Institutions are conveyed to the Budget Committee, and then deliberated in closed Working Committee (Panja) Meetings. Sometimes the Budget Committee and the Government fail to reach an agreement, and the closed Working Committee Meetings ultimately mean that the citizens cannot receive sufficient information regarding the final deliberation of bills, including the the National Budget Bill.

Dissemination of information on the cycle and mechanism for formulating the APBN is essential for the DPR to perform its budgeting function.

Regulations on the cycle for formulating the National Budget are stated in Law No. 27/2009 Article 156, which delineates that in exercising its budgeting function, the DPR conducts the following activities:

- Preliminary discussion with the Government and Bank of Indonesia in order to formulate the Draft National Budget (RAPBN)
- Deliberation and establishment of the APBN, preceded by Financial Notes from the President
- Deliberation on:
 - The report on realization in the first semester and prognosis for the next six months
 - The adjustment of the APBN to developments and/or changes, in the context of drafting estimation of changes for the APBN for the budget year concerned, in the event of:
 - Macroeconomic developments that are not in line with the assumptions used in the APBN

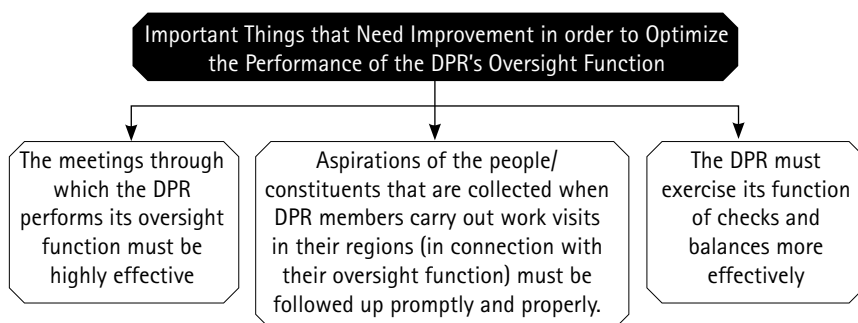
- Changes in the basic elements of fiscal policy
- Situations that cause a need to shift the budget between organizational units, between activities, and between types of expenditures, and/or
- Situations which require that the remaining balance from the previous year be used to finance the budget of the current year
- Deliberation and establishment of the Bill on Revision of the Law on the APBN
- Deliberation and establishment of the Bill on accountability for implementation of the APBN

Follow-up actions by DPR Standing Committees and House Bodies on the findings of audits by the Supreme Audit Agency (BPK) need to be more effective.

DPR Standing Committees and other House Bodies must specifically schedule deliberations to follow up on the findings of BPK audits, and there needs to be a consensus on the procedure for the BPK to submit their findings. The BPK must include a summary in the form of an Audit Findings Report (LHP), which is submitted to the DPR so that DPR members do not experience difficulties in their deliberations.

What about the DPR's Oversight Function?

Figure 11



The meetings through which the DPR performs its oversight function must be highly effective

Meetings related to the DPR's oversight function require thorough planning and preparation. One aspect that is often overlooked is the management of meetings. DPR members, especially the chairperson of the meeting, must have the ability to run meetings smoothly. The chairperson of the meeting must be able to steer the meeting so that all questions from DPR members remain focused on the oversight issues being discussed. To support this, DPR members must equip themselves with sufficient data and prepare their questions as well as possible.

Aspirations of the people/constituents that are collected when DPR members carry out work visits in their regions (in connection with their oversight function) must be followed up promptly and properly.

Findings from the field must be immediately followed up through Working Meetings, and DPR members must be able to pressure the Government to respond positively to the results of their work visits.

The DPR must exercise the function of checks and balances more effectively

To achieve this, the DPR needs to have sufficient supporting funds to perform its oversight duties and functions professionally. A budget strategy needs to be created that ensures sufficient resources and access to information and data for the DPR, and reduces its budgetary dependence on the Government.

Roles of the DPR Party Groups

DPR party groups are not House bodies. Nevertheless, according to DPR's Standing Orders, it is clear that party groups play a very important role.

"A Study on the DPR's Standing Orders" published by the DPR General Secretariat's Center for Research, Data, and Information (2008):

1. adequate budget must be provided for party groups.
2. party groups may set requirements for all execution of DPR functions
3. special time must be provided for party groups to hold meetings.

Tasks of the Party Groups:

1. To coordinate members' activities in performing the tasks and authorities of the DPR
2. To enhance members' capability, discipline, and work effectivity in performing their duties in all DPR activities

*Article 17 Section (1) and (2),
DPR Standing Orders*

Party groups are autonomous and formed to optimize the performance of the DPR's functions, tasks, and authorities, as well as the exercise of DPR members' rights and obligations. In accordance with Law No. 27/2009 Article 80, to achieve the goals above, party groups must evaluate its members' work performance and report it to the public. A party group may be formed by any political party that gained enough votes to meet the threshold and won the required number of seats in the DPR.

DPR Membership

Inauguration

DPR members are inaugurated in October.

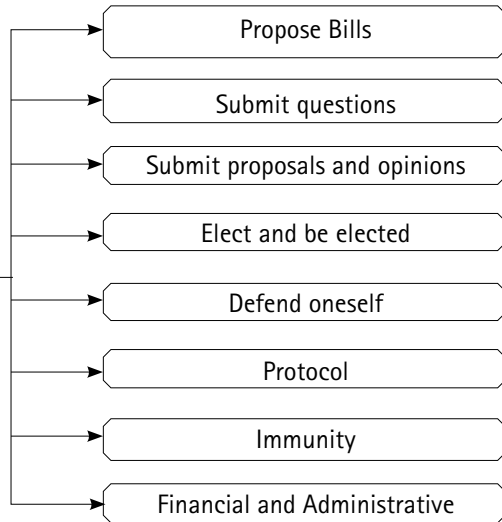
Tasks of DPR Members (Rights and Obligations)

DPR members' tasks are related to the DPR's functions. Each DPR member has rights relating to the legislative, budgeting, and oversight functions. Equally important, each DPR member has the duty to accommodate and follow-up on the people's aspirations and complaints.

Pursuant to Article 77 of Law No. 27/2009, in performing its tasks and exercising its authorities, the DPR has the right of interpellation, the right of inquiry, and the right to declare opinions.

Figure 12

**The Rights of
DPR Members**
Article 78 of Law
No. 27/2009



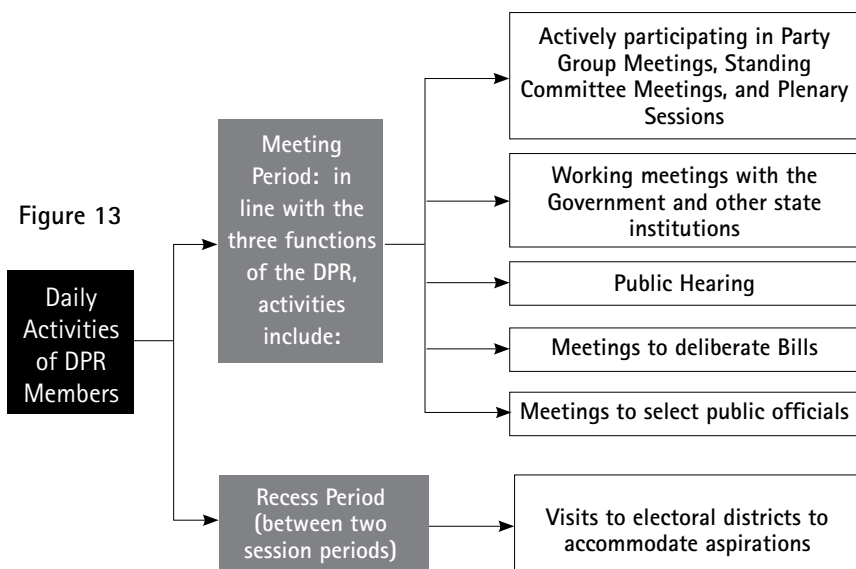
The obligations of DPR members:

1. To firmly uphold and practice *Pancasila*;
2. To implement the 1945 Constitution of the Republic of Indonesia and to abide by all laws and regulations;
3. To defend and maintain national harmony and the integrity of the Unitary State of the Republic of Indonesia;
4. To place the interests of the state before personal or group interests;
5. To struggle to improve the people's welfare;
6. To abide by the principles of democracy in the conduct of governance;
7. To comply with the Standing Orders and the Code of Ethics;
8. To maintain ethics and standards in working relationships with other institutions;

9. To absorb and collect the aspirations of constituents through periodic work visits;
10. To accommodate and follow up on the people's aspirations and complaints;
11. To be morally and politically accountable to the constituents in their electoral districts.

The above rules must be fully grasped by every DPR member, so that members can absorb and act on the aspirations and complaints of the people/constituents in accordance with the prevailing procedures and standards. In this way, DPR members' accountability can be clearly measured.

In exercising these rights and obligations, the day-to-day duties of DPR members can be illustrated generally in the following diagram:



DPR House Bodies

The DPR Leadership

The DPR Leadership is a DPR House body that comprises a unitary leadership of a collective nature.

Duties of the DPR Leadership

- to chair sessions and summarize the results to facilitate decision-making;
- to formulate a working agenda for the DPR Leadership;
- to coordinate efforts to synergize implementation of DPR house bodies' activity agendas and programs;
- to serve as spokespersons for the DPR;
- to implement and publicize DPR's decisions;
- to represent the DPR in its relations with other state institutions;
- to consult with the President and leaderships of other state institutions in line with DPR's decisions;
- to represent the DPR in a court of law;
- to implement DPR decisions relating to imposition of sanctions on or rehabilitation of members in accordance with the provisions of laws and regulations;
- to draft the DPR budget plan together with the Household Affairs Committee (BURT), to be ratified in a Plenary Session.
- to submit reports on the DPR's work performance in Plenary Sessions specifically held for that purpose.

Law No. 27/2009 Article 132 Section (1) states that the DPR Chairperson also serves as the Chairperson of the Household Affairs Committee (BURT). The DPR Leadership is accountable to the DPR in the performance of its duties.

The DPR Leadership, in performing its duties, may:
(Article 84 Section (1))

- a. Determine the policy on inter-parliamentary cooperation based on the results of the meetings of the Committee for Inter-Parliamentary Cooperation, and report this policy to the Deliberation Council (Bamus);
- b. Coordinate the execution of the tasks of the Standing Committees and other DPR House bodies;
- c. Consult with the Leaderships of Party Groups if considered necessary;
- d. Oversee the performance of duties and obligations by the Secretary General, with the assistance of the Household Affairs Committee (BURT);
- e. Attend meetings of the other DPR House bodies if deemed necessary;
- f. Provide considerations on behalf of the DPR regarding certain issues or the nominations of persons for certain positions in accordance with the provisions of laws and regulations, after consulting with the Leaderships of Party Groups and the Leaderships of the Standing Committees concerned;
- g. Hold DPR Leadership Meetings at least once a month in order to carry out its duties;
- h. Form Teams on behalf of the DPR for certain urgent problems that require immediate attention, after consulting with the Leaderships of Party Groups and the Leaderships of the Standing Committees concerned.

The DPR Leadership has duties related to the DPR's own internal matters, including chairing Plenary Sessions; meetings of the Deliberation Council; joint meetings of the Standing Committees; and coordination meetings with the Supreme Audit Agency (BPK), Coordinating Ministers, other Cabinet Ministers, and Heads of Agencies.

To follow-up on the decisions of the DPR/Deliberation Council/Standing Committees/ Consultation Meetings and other input, the DPR Leadership routinely holds meetings to process, study, and set policies, and then act on it.

In performing these activities, the Chairperson and the Deputy Chairpersons, together or separately in accordance with their respective duties, lead sessions/consultation meetings, receive delegations from the people, receive guests/Delegations from friendly nations, and receive Heads of State/Heads of Government/Chairperson and Members of Parliament of friendly nations. As a DPR House body, in external relations, the DPR Leadership represents the DPR as an institution, particularly in matters of protocol. In international relations, this is realized, for example, in form of communication, both oral and written, with the Leaderships of Parliaments of friendly nations.

Likewise, in sending DPR Goodwill Delegations, one of the members of the DPR Leadership always leads such delegations. Conversely, when receiving visits from parliamentary delegations of other states, the DPR Leadership always welcomes and entertains them on behalf of the DPR. The DPR Leadership also receives the Heads of Foreign Diplomatic Missions in Indonesia, both for introductions in the beginning of their term of duty and farewells at the end of their term of duty, as well as for other discussions.

Through these mutual visits by DPR delegations and parliamentary delegations from friendly nations, bilateral cooperation between the two nations and states can be created, since bilateral relations are forged not only through the Government or private channels, but also through parliamentary channels. In fact, given the current situation in which developed countries more and more vehemently promote issues of human rights, the environment, and democratization, diplomacy through parliamentary channels is felt to be increasingly important. When the DPR speaks, it means that the people are speaking; and when the people speak, the nuances will be different from when the government speaks. Apart from these activities, the DPR Leadership also takes part in various other international activities such as the AIPO (ASEAN Inter-Parliament Organization) General Sessions, IPU (Inter Parliamentary Union) Conferences, WTO (World Trade Organization) Sessions, and goodwill visits to parliaments of friendly nations.

One task that needs improvement is the Leadership's role as spokespersons for the DPR. In every DPR meeting, the Leadership should regularly issue press releases to journalists, so that the people can have access to up-to-date and accurate information on DPR meetings, and the DPR can be accountable for its accuracy.

As material for comparison, there are three common models for the role of the parliamentary leadership: the Westminster model, the United States Congress model, and the French Bureau model. The examples that we will examine first are the parliaments of

the United Kingdom, Canada, India, and Israel. In these four countries, the Chairperson of the Parliament is given the task of regulating the flow of debate and maintaining order in the House. This neutral status of the Parliament Chairperson is proven by the fact that the Chairman's right to vote is limited, either by rule or by custom, to casting a deciding vote in the case of a tie. (An exception is that in Israel, the Chairperson of Parliament has the right to make decisions on other important issues.) The Parliament Chairperson also does not participate in debates during parliamentary sessions. The Chairperson generally manages all functions of the legislature, from debates to administrative matters, either directly by chairing the Committee whose duty it is to exercise these functions or indirectly through the Secretary General.

In the United States Congress model, the Speaker of the House is not only an impartial umpire, but also controls the legislative agenda. The Speaker's authority to appoint Committee members is a decisive component of the Speaker's powers. In the French Bureau model, the Chairperson of Parliament is the leader of a collective that manages all aspects of the legislature. The Chairperson directly controls plenary debates. Unusually, the Chairperson is not neutral, but may also participate in debates in plenary sessions.

Returning to the DPR Leadership, one matter that deserves serious attention is that of accountability.

Of all DPR House bodies, only the DPR Leadership is required to present its accountability in the Plenary Session.

In this regard, a regulation needs to be produced which requires that all DPR House bodies are required to present their accountability in the DPR Plenary Session, and not just the DPR Leadership.

DPR Standing Committees

Formation

At present, there are eleven DPR Standing Committees, each with a specific range of duties. Regarding the formation of Standing Committees, when party groups appoint Standing Committee members, they should take into consideration the members' experience and expertise. This is so that in performing their duties, each member can do his or her best in exercising the DPR's functions in his or her particular area of expertise.

The Standing Committees are the House bodies that can be considered as “spearheads” in the deliberation of bills, and the Committees are also the place where Laws are produced.

The Standing Committees are the permanent House bodies of the DPR.

According to the DPR Standing Orders Article 35, the composition and membership of the Standing Committees shall be determined based on a balanced and equitable distribution of members from each party group at the start of the DPR's term of duty and at the start of each Meeting Year.

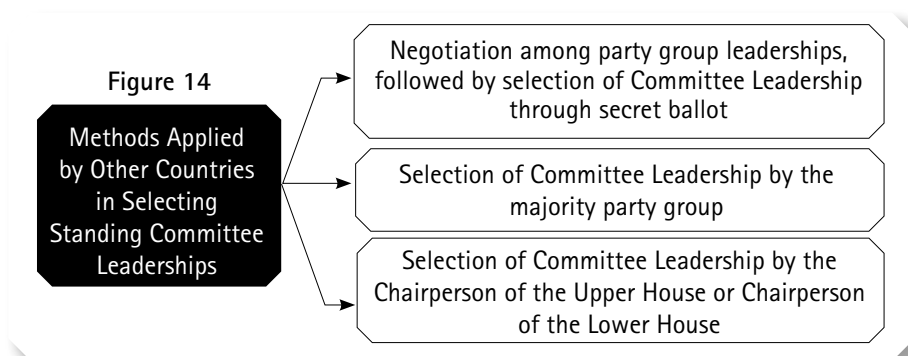
The reason for establishing Standing Committees in a legislature, specifically the DPR, is to ensure the effective performance of the DPR's duties. The number of Standing Committees, government counterparts of each Standing Committee, and scope of duties of each Standing Committee are stipulated through a DPR Decree, which took into consideration the situation of government institutions, cabinet ministries and non-ministry departments, and the secretariats of state institutions. DPR Members will be assigned to a Standing Committee that focuses on issues and matters that best fit their expertise or knowledge.

Article 36 of the DPR Standing Orders states that the Leaderships of Standing Committees are elected from and by the members of the Standing Committees, based on the principles of proportionality and deliberation to achieve consensus. The allocation of duties for each Leadership of the Standing Committees is determined by the Leadership itself, based on the functions of the Committee. It should also be mentioned here that the members of a Standing Committee Leadership may not concurrently serve as members of Leaderships of other DPR House bodies.

The DPR Standing Committee Leaderships are selected by members of each Standing Committee. The book “Study of the DPR Standing Orders” (DPR General Secretariat's Center for Research, Data, and Information, 2008: 126) states that the members of the DPR Standing Committee Leaderships are selected in the same manner as those of the National Congress of South Africa. Its Parliamentary Standing Orders Article 91 Section (1) Letter (a) states: “A Standing Committee must choose one of its members as Chairperson of the Committee.” The same method is also employed in Norway; the Norwegian Parliamentary Standing Orders Article 16 states: “Immediately after a

Standing Committee is formed, each Committee member shall vote for a Chairperson, a Deputy Chairperson, and a Secretary."

The advantage of selecting the Committee Leadership from and by the Committees members themselves is that the aspirations of the Committee members receive attention; consequently, it is certain that the Committee Leadership will receive better support from the Committee members. The disadvantage of this method is that political realities may not be reflected in the selection of the Leadership.



Negotiation among party group leaderships, followed by selection of Committee Leadership through secret ballot

This practice is found in the Romanian Parliament and in the European Union Parliament. The advantage of this method is that the political reality is reflected in the composition of the Committee Leadership; the disadvantage is that the Committee Leadership may not have full support of the members.

Selection of Committee Leadership by the majority party group

This is the method used by the US Congress. The advantage is that the process is quick and the political reality is reflected. The disadvantage is that it mostly reflects the interests of the majority party group.

Selection of Committee Leadership by the Chairperson of the Upper House or the Chairperson of the Lower House

This method is applied in the Indian *Lok Sabha* Parliament. The advantage is that the selection is quick and the political reality is reflected. The disadvantage is that the Committee Leadership tends to have inadequate support from the Committee members.

The DPR Standing Committees have long been formed in correspondence to ministries created by the President. This practice differs, for example, from the Philippines', where the parliamentary committees are formed based on specific issues. Because it corresponds to ministries, the number of DPR Committees may vary according to the number of cabinet ministries. It has also happened that the number of DPR Committees was adjusted to the number of seats held by a party to form a party group. For example, in 1997 when *Partai Demokrasi Indonesia* (PDI) received only ten seats, the number of DPR Committees was reduced from ten to nine.

It should also be noted that there is currently a proposal to increase the number of Standing Committees. This is based on the present situation in which each Committee seems to have too broad a scope of duties. As a result, the functions of the DPR are not executed as well as they could be in each of the sectors. Each Standing Committee automatically has numerous work counterparts (from the Government). It has been proposed, therefore, that each Committee should have a smaller scope of duties and fewer counterparts; the logical consequence is a larger number of Committees.

Tasks of the Standing Committees

The roles of the Standing Committees in producing legislation are to conduct preparation, drafting, deliberation, and revision of Bills that are within their scope of duties.

Tasks of the Standing Committees in the budgeting function:

- a) to hold Preliminary Discussion regarding the formulation of the Draft National Budget within the Committee's scope of duties, together with the Government;
- b) to deliberate and submit proposals to improve the Draft National Budget within the Committee's scope of duties, together with the Government;
- c) to deliberate and determine budget allocations for programs, projects, or activities of the Ministries/State Institutions that are the Committee's working counterparts;

- d) to deliberate on the state's financial statements and the implementation of the National Budget, including on the findings of BPK audits, as related to the Committee's scope of duties;
- e) to forward the results of the Preliminary Discussion mentioned in letter (a) and the results of the deliberations mentioned in letter (b), letter (c) and letter (d) to the Budget Committee for synchronization;
- f) to review the results of the Budget Committee's synchronization mentioned in letter (e);
- g) to submit the results of the Committee's deliberations mentioned in letter (f) to the Budget Committee to be used as final material for determining the National Budget.

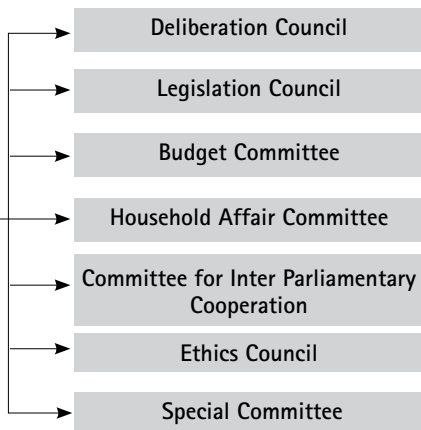
The roles of the Standing Committees in producing legislation are to conduct preparation, drafting, deliberation, and revision of Bills that are within their scope of duties.

The tasks of the Standing Committees in the oversight function are:

1. to oversee the implementation of Laws, including the implementation of the National Budget and the associated implementing regulations that are within the Committee's scope of duties;
2. to discuss and act on the findings of the Supreme Audit Agency as related to the Committee's scope of duties;
3. to oversee Government policies; and
4. to discuss and follow up on proposals from the DPD.

Figure 15

The House Bodies of
the DPR, in addition to
Standing Committees



In addition, pursuant to Law No. 27/2009, which was ratified in an Extraordinary Plenary Session on July 20, 2009, a new permanent House body has been formed: the State Financial Accountability Body (*Badan Akuntabilitas Keuangan Negara/BAKN*). The provisions for this new body are set forth in Article 110.

According to Law No. 27/2009 Article 113, the tasks of BAKN are:

- To conduct reviews of BPK audit findings submitted to the DPR
- To submit the results of said reviews to DPR Standing Committees
- To act on the results of the Standing Committees' deliberations of BPK audit findings upon the request of the Committees
- To provide input to BPK with regard to annual audit work plans, obstacles to audits, and presentation and quality of reports

Furthermore, the Budget Committee (*Panitia Anggaran*) has been reorganized (and renamed *Badan Anggaran*). The establishment of this new Budget Committee was based on a desire to have sufficient time for budget deliberations in the DPR. Currently, the DPR receives the Financial Notes from the President each August, and the Budget Committee only has around two months to produce its decisions. Thus, the Budget Committee has only from August to October each year to do its work.

Budget deliberation using such a system is deemed ineffective. Every February, the preliminary discussions are held, together with discussions of the accountability for the preceding year's budget. Only in May the basic elements of fiscal policy and the assumptions for the coming year's APBN are discussed. Thus, the core active period for the Budget Committee to formulate the APBN is only from August through October. By establishing the new Budget Committee, it is hoped that it will create a more sensible timeframe in order to realize better deliberation process to determine the National Budget.



CHAPTER III

Roles of the DPR

The Role of the DPR in the Democratization Process

In democratization processes, the DPR constantly strives to ensure that democracy in Indonesia does not reverse direction and regress toward the revival of a regime with authoritarian values and character, and to guard the developing democracy against the traps of "westernization" whereby the essential spirit and identity of the nation would gradually erode and become nothing more than liberalism.

As once stated by the DPR Chairperson for the 2004–2009 period, Agung Laksono, political democracy and economic democracy cannot be allowed to grow simply as "free market democracy." Democracy must not be allowed to benefit only certain groups, such that in various spheres of competition, the strong win out while other elements of society become marginalized within the realm of democracy itself. Therefore, political democracy and economic democracy, as conceived by the founding fathers Soekarno and Hatta, must proceed hand in hand and must be inspired by the values of social justice for all the people of Indonesia.

The democracy promoted by the DPR is a democracy inspired by humanitarian values and dignity; such a democracy is a system that organizes this nation in order to achieve and realize the goals of living together as a community, a nation, and a state, with proper governance as mandated in the Preamble of the 1945 Constitution.

Over the past five years (2004–2009), the DPR has been trying, and will continue to try in the future, to conduct political reforms that are inseparable from economic, social and legal reforms. However, while we may have progress in political democratization, we may not find any progress in economic policy-making; this depends on the holder of political power.

Therefore, the DPR must continue to conduct reforms toward the building of a proper democratic civilization. To this end, an effective mechanism is needed to perform its legislative function (creating legislation), in addition to its budgeting and oversight functions, which are the DPR's other constitutional duties.

The Role of the DPR in Corruption Eradication

In the effort to prevent corruption, the DPR has played its role through revisions of various laws and regulations that have been discussed with the Government. The DPR has also produced several laws, including the revisions of the Law on Corruption Eradication and the Law on the Management of State Finances.

The DPR has also considered the concept of more active public participation in supporting corruption eradication through several important instruments that have been created. These instruments include those set forth in the provisions of laws that encourage the public to be proactive in reporting corruption or serving as witnesses in court. In this context, the existence of the Law on Freedom of Access to Public Information and the Law on Witness and Victim Protection are important. Those laws allow persons who have experienced or been the victims of crimes, such as corruption, to come forward and reveal such crimes.

Another effort worthy of note in completing the regulations to prevent and eradicate corruption is the effort to revise the Criminal Code (KUHP). There are many proposals to include many regulations in the draft of the revised KUHP, among others the reversal of the burden of proof in corruption cases.

Prevention of corruption within the DPR itself is conducted through the establishment of the Ethics Council, which has the duty of enforcing the DPR's Code of Ethics. The tasks of the Ethics Council include conducting investigations and verification of complaints against members, such as alleged violations of oaths/promises, alleged violation of the Code of Ethics, and/or alleged failure to carry out their obligations as DPR members.

The Role of the DPR in Conflict Resolution

One of the DPR's efforts in conflict resolution is producing legislation that reduces or prevents conflicts within society, such as those caused by social or cultural jealousy. The Law on Elimination of Racial and Ethnic Discrimination is one clear fruit of this effort. This Law guarantees equality of potential, dignity, and rights for every person in accordance with human rights, in the state of Indonesia, which is based on *Pancasila*. Essentially, all persons are equal before God in terms of their rights, dignity, status, and obligations. The fact that humans have been created in different racial and ethnic groups is the absolute prerogative of God. A person cannot choose to be born as a member of a particular race or ethnic group. Racial and ethnic differences do not mean

Apart from establishing the Ethics Council, the DPR's other efforts to prevent corruption are:

- Disseminating information on the tasks and functions of the Ethics Council;
- Disseminating information to members and the general public on the DPR's Code of Ethics;
- Formulating direction and policies for activities and budget management
- Summoning, conducting investigations, performing verification, and imposing sanctions on DPR members or DPR General Secretariat employees who violate regulations
- Following up on violations by recommending sanctions through authorized institutions
- Monitoring activities performed by DPR members and DPR General Secretariat employees
- Setting work targets as benchmarks for the performance of the DPR and the General Secretariat

differences in the rights and obligations of the different racial or ethnic groups in the society and state of Indonesia.

Indonesia is a nation blessed with tremendous biological, geographical, sociological and cultural diversity. The plural nature of Indonesia's society is very noticeable, not just in terms of race or religion but also in terms of ethnic groups. The multidimensional character of Indonesian society, in terms of culture, religion, race ethnicity, etc., creates tremendous potential for conflict.

Pancasila, as the nation's philosophy and life perspective, is a legal basis that firmly upholds human values and dignity, as reflected in the second principle, a just and civilized humanity. The 1945 Constitution of the Republic of Indonesia guarantees protection of all citizens' basic human rights. Indonesia is also a country that firmly upholds human rights, as it has ratified the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, through Law No. 29/1999.

The DPR not only plays a role in domestic conflict resolution, but also strongly condemns acts that violate humanitarian values in the international community. When Israel engaged in frenzied attacks in early 2009, the DPR, represented by its Chairman Agung Laksono, presented a declaration of position in a DPR Plenary Session regarding Israel's aggression in the Gaza Strip. This declaration was:

- Urging Israel to stop its attacks and immediately withdraw its troops from the Gaza Strip;
- Urging Israel to immediately undertake a ceasefire with the Palestinian side and to open up access for humanitarian aid, especially food and medicine;
- Through the Indonesian Government, urging the UN Security Council to issue a new and stronger resolution to stop Israel's aggression against Palestine;
- Urging the UN to immediately hold an emergency session of the General Assembly to establish peacekeeping troops for the conflict region;
- Urging the United States, the European Union, and countries of the Middle East to urge inter-parliamentary cooperation institutions to use their influence to stop Israel's aggression against Palestine, which is clearly a crime against humanity;
- Urging the International Criminal Court to try the aggressors and designate them as humanitarian criminals;
- Supporting Palestine's right to independence and sovereignty with territorial integrity, and encouraging the Palestinian people to unite in their struggle so that their national ideals can immediately be realized;
- Urging the Government of Indonesia to continue playing an active role in assisting efforts to resolve the Israel-Palestine conflict.

The DPR's conflict resolution efforts in the international context are an implementation of the ideals of the struggle of the Indonesian nation as set forth in the Preamble to the 1945 Constitution: to contribute to the establishment of a world order based on freedom, abiding peace, and social justice.



CHAPTER IV

Supporting System (The General Secretariat of the DPR)

The DPR General Secretariat is a supporting element for the DPR. Pursuant to Presidential Regulation No. 23/2005, the DPR General Secretariat is a governmental apparatus, which in carrying out its duties and functions is under and directly accountable to the DPR Leadership.

In supporting the DPR in executing its tasks and functions, in accordance with the DPR Standing Orders for 2005, the **DPR General Secretariat** has the following duties:

- a. Providing technical, administrative, and expert assistance to the DPR;
- b. Implementing internal policies set by the DPR Leadership, including those involving the welfare of DPR Members and of General Secretariat employees;
- c. Assisting the DPR Household Affairs Committee in synchronizing the formulation of the DPR's draft budget, which derives from the proposals of all DPR House bodies, with the following provisions:
 - 1) The results of the synchronization of formulation of the draft budget, before being forwarded to the DPR Leadership, shall first be presented to the DPR Household Affairs Committee for examination and improvement;
 - 2) In the further process of finalizing the draft budget, the General Secretariat shall assist the DPR Household Affairs Committee and the DPR Budget Committee to set the budget ceiling;
- d. Assisting Members, Standing Committees, Joint-Committees, and the Legislation Council in preparing technical papers and preliminary drafts for Bills;
- e. Providing explanations and data needed by the DPR Household Affairs Committee;
- f. Performing other duties as assigned by the DPR Leadership; and
- g. Submitting a written report to the DPR Leadership at the start of each Meeting Year on the General Secretariat's work performance in the preceding Meeting Year, with copies provided to the DPR Deliberation Council and the DPR Household Affairs Committee.

In performing these duties, according to Presidential Regulation No. 23/2005, the DPR General Secretariat has the following functions:

- a. Coordinating and directing the performance of duties of the organizational units within the DPR General Secretariat;
- b. Providing technical, administrative and expert support for the DPR in performing its legislative, budgeting, and oversight functions;
- c. Guiding, managing, and implementing plans on personnel matters, finance, facilities, and internal affairs within the DPR.

To provide this technical, administrative and expert support, the DPR General Secretariat has an organizational structure comprising four Deputies, which are:

- a. Deputy for Legislation, with the tasks of providing technical, administrative and expert support in the area of legislation, with aim to strengthen the DPR in performing its duties and functions in the legislative sector.
- b. Deputy for Budgeting and Oversight, with the tasks of providing technical, administrative and expert support in the areas of budgeting and oversight, with aim to strengthen the DPR in performing its budgeting and oversight duties and functions.
- c. Deputy for Sessions and Inter-parliamentary Cooperation, with the tasks of providing and promoting technical and administrative support in regard to meetings/sessions and inter-parliamentary cooperation, with aim to facilitate the execution of DPR sessions/meetings and to assist the relations between the DPR and the national and international community.
- d. Deputy for Administration, with the tasks of handling planning and management of personnel matters, finance, matters of facilities, and DPR internal affairs, with the purpose of providing personnel, facility and infrastructure support to the DPR.

Administrative Support

The DPR General Secretariat staff (who has civil servants status), which provide administrative support for DPR activities, are far more numerous than the functional staff, who provide expert support. It is interesting to note that these administrative staff must also have adequate understanding of the intricacies of DPR affairs.

The Standing Committee staff, for example, particularly those responsible for producing minutes or brief reports of meetings, must possess intelligence, broad knowledge, and the ability to process and work with words and write a report. They must also be able to prepare these brief reports in quite a short time, particularly as there is now a rule that stipulates that minutes must be completed and submitted to the Committee Leadership for signature no longer than one day after a meeting is concluded.

Because the Committee staff interact directly every day with DPR Members in the Committee, they must be prepared to answer the Members' questions, which are often about matters of substance. Therefore, the staff who are placed to work for the DPR Committees must be people with genuinely reliable competence; the principle of "the right person in the right place" must be applied.

Recognizing this, the Study Team for Improving the DPR's Performance has made several recommendations to upgrade the competence of the DPR General Secretariat administrative staff, by providing education and training that are definitely in line with the staff's needs and competence. For example, the Committee staff need more intensive training and education in preparing draft summaries of meetings, brief reports, meeting notes, and minutes of meetings. This implies that guidelines need to be established for selecting candidates for this education and training program, taking into foremost consideration the staff's competence and work performance. In addition, more scholarships to higher education are needed for staff or employees with strong performance who are needed by the DPR General Secretariat.

Expert Support

One reason why the quality, and quantity, of legislation produced by the DPR in a certain period of time remains below par, is that the DPR still has too few functional staff – expert staff, researchers, and legislative drafters – to assist the execution of the legislative function.

As an illustration, in 2006, a report by the Study Team for Improving the DPR's Performance found that there is a significant gap between the number of DPR General Secretariat administrative staff and functional staff. Of the 1,362 civil servants in the DPR General Secretariat, 1,002 were administrative staff, and only 360 were functional staff, distributed among several work sectors. They were supported by twelve expert staff in several work units, such as the bureaus under the Deputy for Legislation, the bureaus under the Deputy for Budgeting and Oversight, and the bureaus under the Deputy for Administration.

It is truly regrettable that the number of functional staff is not in line with the number of DPR Members and the amount of work the staff has to do. The functional staff are indeed critical in providing expert support for the DPR in performing its substantive duties. Currently (2009), the DPR General Secretariat has fewer than thirty-five researchers (with functional staff/civil servant status). They are placed in their respective sectors of expertise: Domestic Politics, Public Policy, Law, International Relations, and Public Welfare.

In drafting bills, they are assigned to assist DPR Members or DPR House bodies, especially the Standing Committees. However, because there are so few of them relative to the number of bills that need to be deliberated and completed, often one researcher has to work on more than one bill. Indeed, it often happens that one researcher is providing assistance on five or six bills at the same time. As might be imagined, none of these bills receives the researcher's full attention, and therefore the results are not as good as they could be. For the future, efforts are under way to remedy this situation. The number of researchers needs to be increased, ideally to fifty.

The most recent Guidelines for the recruitment of Expert Personnel stipulate that in principle the recruitment of Expert Personnel to the DPR shall be proposed by the Members, for both expert support and administrative/technical support. The recruitment of Expert Personnel to DPR party groups shall be proposed by the party groups. Recruitment of Expert Personnel to DPR House bodies shall be done openly through the DPR website.

(Source: Guidelines for Recruitment of Expert Personnel for and Assistants to DPR Members. DPR, 2009, Jakarta)

Apart from the civil servants who are permanent employees of the DPR, pursuant to Law No. 22/2003 Article 100 and the DPR Standing Orders Article 217 Section (1), the DPR may appoint a number of experts according to needs. These are expert personnel who are recruited on one-year contracts, with their remuneration coming from the National Budget.

Their recruitment is left to the respective DPR House bodies, with different requirements from the normal civil servant requirement mechanism. Although these contracted experts are under the coordination of the DPR Secretary General, in the performance of their day-to-day duties they follow the instructions of the Leadership of the Standing Committees, other House bodies, or party groups. Therefore, the mechanism for accountability and for submitting their work remains unclear. It is also undeniable that many of them only work at certain times and do not work actively to support the performance of the DPR House bodies.

The general requirements for prospective Expert Staff include the following:

- Age between 23 and 55 years.
- Postgraduate education.
- Minimum GPA of 2.75 for graduates of Indonesian state universities, or 3.00 for graduates of Indonesian private universities.
- English ability: minimum TOEFL score of 450 (500 for expert staff in Inter-parliamentary Cooperation Body (BKSAP)).

The specific requirements for prospective Expert Staff include the following:

- Substantial capability to analyze particular problems in line with the work areas of DPR Members, House bodies, or party groups.
- Ability to identify, understand, and examine developing issues in connection with the DPR's duties.
- Ability to provide considerations on particular policies related to the DPR's duties and functions.

Law No. 27/2009 Article 392 Section (2) states that to ensure the smooth execution of the DPR's duties and authorities, a functional/expert body needs to be formed; the conditions of its formation are to be stipulated through a DPR regulation following consultation with the Government. Section (3) states that this body shall be accountable functionally to the DPR and administratively to the DPR General Secretariat. The creation of this body was inspired by studies of other countries' parliaments, for example, the United States with its Congressional Budget Office (CBO). With the existence of a body that provides expert support, it is expected that the parliament can have adequate substantial support.

To get a picture on the significance of a research institution in supporting the work of the parliament, we can examine the experience of parliaments in several other countries. The Malaysian Parliament, for example, has a Data Source Center that provides reference material on parliamentary matters, including information, research, and knowledge needed by the parliament. The Data Source Center holds several collections, including legislation, parliamentary documents, journals, and an online database. Other services it provides include photocopying, lending of materials, Internet, and the parliament's website.

The library, research, reference, documentation and information services of the Indian Parliament (*Lok Sabha*) provide well-organized and up-to-date information, available daily, in the forms of reference and research. This enables the members to participate effectively in debates. This service also prepares background notes, information bulletins, research notes, and summaries of investigations. Editorial and translation services are also available, for example for the synopses of debates in the *Lok Sabha*, committee reports, and work processes in the parliament. Similarly, the Singapore Parliament has reports on every word spoken in the Parliament, in both committee meetings and preparatory meetings, recorded by a team from the Official Reporting Department.

The Canadian Parliament's Library Research Unit provides analysis, interpretation, and clarification in the forms of consultations and research papers. This unit also provides staff for the parliamentary committees in studying issues and legislation. The Canadian Parliament Library actively provides information packets, such as brochures and fact sheets; manages tours and visits to the Parliament; and provides educational programs services. The Parliament Library also provides comprehensive information,

together with documentation, as well as research and analysis services. Various types of research are supported by the staff, which consists of lawyers, economists, and specialists in governmental affairs and social policy.

The Research Unit of the South African Parliament provides very comprehensive services, such as summaries and analyses of bills; policy analysis and studies; comparative research; statistical information and analysis; budget analysis; background information for speeches; assistance for public hearing reports; information on constituents; and research support for study visits as well as national and international conferences. These services are provided upon request from clients. The Unit also performs research proactively, from individual analysis on current issues to larger projects.

The Japanese Parliament (*Diet*) has a Legislative Research and Reference Department with a staff of nearly 150 and is a Diet house body. As in Japan, the New Zealand Parliament has a library that provides reference and research services. Its reference librarians provide specialized services in sectors such as health, law, and education. The library also provides individual services to members who want regular, up-to-date information on specific issues (PROFILE service). The library also has a collection of international documents on governmental and parliamentary affairs, which are also available to the public, though the other library services are not provided to the public.

Therefore, there is no reason why the DPR General Secretariat should not develop its own research unit. There are increased expectations on the scholarly profession to help improve the work and image of the DPR, therefore the General Secretariat's Center for Research, Data, and Information (P3DI) must foster a proper scholarly organization, paying heed to a Code of Ethics and professionalism. Only a strong scholarly organization can provide the studies and scholarly information that could benefit the DPR in exercising its duties and functions. In this regard, the role of the P3DI is crucial.

The DPR's legislative roles and functions can only be performed optimally with the support of a professional team with specific competence in legislative drafting. This supporting team is called the legislative drafters. The legislative drafters have critical roles and duties in the process of creating Bills; this is closely related to the General Secretariat's duties in providing technical, administrative, and expert support to the DPR (DPR Regulation No. 15/DPR/I/2004-2005 Article 217 Letter (a)). The drafters occupy a critical and strategic position due to their physical and intellectual participation in

assisting the creation of bills. The tasks and functions of the legislative drafters are to elaborate and set forth the intentions of DPR Members in draft bills – everything from the title and the considerations and the legal basis sections to the main body of the bill, in the form of norms and articles, as well as the accompanying explanations.

The legislative drafters are civil servants who are granted duties, responsibilities, authorities, and full rights by the authorized officials to perform the activities of preparing drafts of legislation and/or other legal instruments for government agencies. Thus, the basic duty of the legislative drafters is to prepare, perform, and complete all their technical/functional activities in accordance with the DPR's plans for legislation production. The scope of the legislative drafters' activities includes various activities in the legislative drafting sector and other matters related to legislation.

Among the efforts to provide expert support for the DPR in its legislative function, one is the recruitment of legislative drafters to assist DPR Members in the process of drafting legislation. The requirements to work as a drafter present a real challenge and opportunity for personal development to those civil servants who chose this position. This includes expanding the perspective of the drafters, both in the scope of technical mastery of content (material) and with regard to the ability to capture the essence of the dynamic social and political developments in society. The drafters play an important role in the process of creating legislation; it is even fair to say that the quality of legislation is largely determined by the quality and professionalism of the drafters.

Because the DPR is the "producer" of legislation, the legislative drafters of the DPR obviously play a far greater role than drafters of other agencies, in the effort to improve the quality of the Laws produced. The passage of a Law has a tremendous impact on various aspects of life. For example, if a Law on the creation of a new administrative region is passed, this will clearly affect the social life of the local community concerned, requires a large budget to establish the new local government and a considerable budget to build facilities and infrastructure. Most worrisome, in several cases this has led to conflict and fighting between ethnic groups or between residents to determine the region's boundaries or the provincial capital. Clearly, many matters need to be carefully considered before ratifying any legal product.



Each Law that is passed is the result of teamwork between DPR Members, the Government, and the Expert Support Team, which comprises researchers, expert personnel, and legislative drafters. The legislative drafters are an important support element in the process of formulating Laws.

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