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**THE INDONESIAN HOUSE OF REPRESENTATIVES:
THE BEHAVIOUR AND EFFECTIVENESS**

**A thesis presented in partial fulfillment of the requirements
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ABSTRACT

There is a widespread opinion that the performance of the Indonesian House of Representatives, the *Dewan Perwakilan Rakyat Indonesia*, shortened as DPR, is weak. In other words, they have not been optimum in carrying out the legislative functions they are responsible for.

In this thesis I critically assess the behaviour and effectiveness of the legislative institution, and in doing so, examine the Constitution and the Rules of Procedure to define the role and functions of DPR in the political system, breakdown the DPR structure to see its working process, and explore a bill deliberation. I conclude that DPR performances are inhibited by inadequate regulations and uncondusive political systems. However, to some extent they have experienced considerable changes.

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Chapter I. Introduction and Problem Statement

Introduction

Indonesia's development over the past 25 year has shown a tremendous growth. During those years its per capita GNP grew at 4.5% per year and raised the standard of living. The most significant achievement of Indonesia's development strategy and adjustment to the oil price crash in the 1980s has been a decline in poverty. In its 1990's Report World the Bank stated that in the past decades Indonesia had the highest annual average reduction in the incidence of poverty among all countries studied.

Indonesia has also successfully managed external debt by allocating them in productive investment and infrastructure. And the experience with the oil shocks encouraged diversification in economic activity to boost the national income.

The economic growth has successfully brought about the betterment in various fields, such as health, technology, education, and welfare. It has also caused changes in social life, attitude, and norms.

Even though a lot of progress has been achieved, some important problems remain. These include structural economic problems (protection, high level economic concentration in Java, income distribution, financial institutions), urban centered development, low awareness of long term socio-economic development in environment, the cost of development on some people, the question of people involvement, and the (left-behind) political development.

Government development policy is like a coin. It has two sides. It benefits some while making others lose. As government policy has direct impact on the people, the House as the people's representatives needs to play a significant role to empower the people; to involve them in the very beginning of policy discussion and to speak on behalf of the people.

Background

In traditional state theory, legislative, executive and judicial functions have been regarded as essential functions. This trichotomy distributes power into three distinctive levels which together form and function as the state.

Jackson (1987, p.94) writes that legislature is the most important branch of representative government. His reason is that the legislative creates the basic principles which the executives, then, has to apply in the implementation of laws and which the judiciary has to use as its frame of reference in judging and giving decisions on cases relating to these laws. His other justification is that if the people have the power and to be sovereign, their representatives should be concerned primarily with the general rules. In other words, the executives are needed to manage the country, but the legislatures could, and should, decide the rules of the games (ibid., p.1)

The importance of the legislative can also be measured by the notion that in any democratic development process, the touchstone is whether the people are involved in the process and become the subject of their own social destiny (Goulet, 1989,p.165). Parliament is seen as the institution to balance between the executive and people, hence it is a part of the democratic process. This gives the parliament a strategic

position to ensure the fulfillment of people's substantive aspirations in development policies.

The significance of parliament development is likewise stressed by Richards (1972) mentioning that a healthy parliament is an important facet of the health of political life. He believes that parliament is important because government by discussion, government by negotiation, and government by argument, is better than a model of government in which political decision making is imposed by a dominant group using the force of the state.

Padmo Wahyono (1982) in his book titled *the State of the Republic of Indonesia* states that the Indonesian system arranges that the people gives their sovereignty in the hands of the elected members in the House to set the State Guidelines together with the President. The people also delegates the House to control governmental activity.

Theories of parliament's functions are varied, but usually they stress on the themes of legislative and control functions. In Indonesia, the House of Representatives is said to have a legislative function; it creates and revises laws. It determines the state budget together with the President. It has a control function in supervising government's policy. Ideally, it should also be responsive to people's aspirations.

As Indonesia's social and economic problems have become more acute and information and ideas flow across national boundaries in ceaseless abundance, frustration with the institutions of government has increasingly directed at the House.

Apart from the above ideals, the House has received a wide range of critique on its behavior and effectiveness. Perhaps the most frequent criticisms are that the House is unable to defend the people from bad policies¹, and unable to translate the wishes of the people into workable laws and policies². As a result, groups of people have staged protests at the House buildings to show their disappointment that the House has failed to prevent government policies that made them the 'losers' of development. The most satirical criticism on House Member behavior may be the often-used term of four D's, *datang, duduk, dengkur, duit*, which means literally come, take a seat, snore and money.

For those who are in favor for the House development, the critique is understood as biased and exaggerated. They argue that with the present uncondusive political life and strong centralist government, it seems hard to give high standards for the House.

They also affirm that the public know only a little about the House working process and its activities, for example the tough deliberation in laws making and hard hearings with the Ministers. One house member mentioned that now when a Minister is invited to a public hearing by the House, he or she brings experts and heap of data to anticipate the members' questions, which in the past was thought as unnecessary³. The poorest part is, the pros debate, most people disregard the fact that final decisions are on the hands of the executives, and that the House is as a means of communication between the government and the people.

¹ Such as the increase of electricity and petrol rate, and evictions.

² The record shows that the last bill initiated by the House Member was in 1966-1971 term of office. And seven out of 22 passed.

³ From an Interview with M. D. Ibrahim, MP.

Objectives

the thesis' objective is to analyze and evaluate the effectiveness and behavior of the Indonesian House of Representatives.

Thesis Main Focus

The introduced background shows that the debate on the Indonesian House results in two major answers. One sees that the House has not performed as expected, the other one argues that the House has yet achieved some extents.

This thesis seeks to go beyond the superficial judgment, and will critically examine the performance of the House. Skene (1992) suggests that to look into the substantive issue of parliament's behavior and effectiveness it is essential to seek a deep understanding on its role and functions. Thus the objectives of the study are:

- a) examine and understand what is written i.e. the House rules of procedures, the 1945 Constitution and related laws.
- b) examine the practice of the House working process and see at what extent the House serves the functions identified in (a).

The two above objectives are inter-related, as the first part attempts to identify the House role and functions as stipulated in laws and also the convention, while the second part will give illustration by examining the practice.

It should be noted that this study is not an exhaustive examination on the House performance nor a detailed critique of Indonesia's political condition or policy analysis. This would be in effect be inappropriate considering that the house performance changes as one term of House

office has different characteristics. Rather it should be seen as an exploratory address, highlighting prominent theme in the House behaviour and effectiveness, primarily designed to clarify the ongoing debate on the House's role in Indonesia's development.

Methodology

This thesis will utilize descriptive method, that is a method to analyze a population, a set of condition, a set of mind, or evidence at present. The aim of this method is to make a description, account or explanation through systematic, factual and accurate way of looking at facts, behavior and relations of phenomenon.

Whitney (1960) defined that descriptive method is looking for facts through careful interpretation. It studies issues in society, systems, and norms including relations, attitude, thoughts, ongoing process and influences of phenomenon. Besides its strengthness, this method risks for researcher' bias and misinterpretation.

This thesis is carried out through literature; looking at documents, previous studies, journals, and newspaper clippings. Further, some interviews had been conducted with MPs, and they will be critically analyzed to serve as additional information.

Part of the thesis is to look at the legislative as an arena in which interests of various kinds play to influence decision making. Therefore, some familiar terms in politics such as power, style, interests groups, party and public opinion are employed.

The thesis , however, does not attempt to engage mainly political analysis which central task is to identify the forms and condition of the

influence. This thesis will look at the organizational characteristic of the legislature, to see its structure i.e. the legislative organs, and procedure (roles and functions), the ways in work is planned, assigned, performed, coordinated and supervised.

Thesis outline

This chapter has provided the thesis' background and problem. It reveals the theme and how this thesis will go about analyzing the issue.

A review on Indonesian socio-economic and politic condition will be considered first in chapter two to give a context for the later discussion. It will be a brief explanation on the achievement, weaknesses and also challenges of Indonesia's development. This setting is necessary to understand the culture, history and, might be, rationale of the present condition.

Chapter three will discuss parliament and development theories. Some references will made to international legislatures. Although Indonesia has a different system of legislature, but common theories are found. Therefore some comparisons will be mentioned. To identify parliament's role in development, development theories will be reviewed. This chapter together with the previous chapter will develop a framework for the analysis in the following chapters.

Chapter four investigates what the Indonesian laws said about the role and functions of parliament. The 1945 Constitution, The House Rules of Procedure, and related laws will be examined to find what is written and what it implies. The convention of some House practice will also be mentioned.

Chapter five will study one bill deliberations. The bill is on Child Trial. It is chosen because it was a salient issue which received a lot of public attention during its deliberations. In studying the deliberation process some interest groups for the subjects will be identified, and what their access to the process was, and whether the House Committees were able to provide a forum for all interest groups (how they manage the different interest groups).

The last chapter, the conclusion, will answer the question as to whether the Indonesian House is impotent, as wide critique has said, or if it has achieved effectiveness to some extents. Ending this chapter are some recommendations.

Chapter II.

REFLECTIONS ON INDONESIA'S DEVELOPMENT: some pitfalls in socioeconomic and political development

Introduction

Nowadays development has turned into a 'magic word' that every country, particularly developing country, is eager to promote. There is no set agreement on what constitutes development nor on strategies to realize it. In the 1960s modernization theory dominated the debate. It was no longer a term covered various fields such as economy, politics, social and culture. Rather it viewed development as an economic process and more narrow it meant economic growth. After decades, this narrow concept of development of economic growth, however, largely remains. Even with the challenge of other development theories, the economic development paradigm effects still influence development strategies and practice.

Whether we realize it or not, the theory of development as an economic growth, only, has limitations to see the social effects of development practice (Hill, 1996, p. 191). Development that pursues growth has brought about social issues, such as economic gap and social injustice, issues which are inherent in any development efforts in any society. Further, these exacerbate malpractice in bureaucracy and society; such as bribery, corruption, manipulation, and collusion. The socio-economic gap has also been accused as provoked unrest in society (Gatra, 20 March 97).

Endeavors to make development reflects more the everyday living condition resulted in attempts to utilize social indicators in assessing a country's performance. One of these is Human Development Index (HDI), constructed in 1990, used by the UNDP to rank countries based on three 'end products' of development, those are life expectancy at birth, knowledge measured by literacy and years of schooling, and differing purchasing power parity (Todaro, 1996, p. 65)

What, then, has the model of Indonesia's development been? Economists have praised Indonesia as one of the new economic powerhouses in Asia, impressed by its increased per capita GNP and the decrease of the poverty line. But how about the displeasing issues on the yawning economic gap or corruption? One international magazine, controversially, wrote that Indonesia is number 3 in the list of country most corrupted. Although it was later corrected, but the statement gave a signal that the level of malpractice in Indonesia is quite significant.

Is Indonesia's development, economic-growth centered? It is not according to the national policy guidelines. Indonesia's development direction is referred to the Guidelines of the State Policy (GBHN) which is formulated in every five year, since 1977, by the People's Consultative Assembly. GBHN continually puts equity as the first elemental strategy in development trilogy followed by sufficiently high economic growth and national stability. Its general policy is aimed to gear toward improving quality of people's life. Is this really happening?

And what about the political development? Repeatedly Indonesian officials stress the importance of national stability to smooth the development process. Does this mean that people cannot speak freely about their rights, choice or crucial issues, such as ethno-religious topic,

for the sake of stability? On the other hand, high ranked state officials have brought up the countless idea of 'openness', a term referred to transparency in governance.

To answer the above questions this chapter attempts to highlight present Indonesia's socio-economic and political conditions; revealing the pitfalls, which should be seen as challenges for future development directions. This essay will also show that socio-economic and political dimensions interact in complex and often unforeseen ways.

Background to economy performance

As has been mentioned before, the Indonesia's economic growth over for the last three decades is quite impressive. In the beginning of the New Order¹, in 1967, the economy was at the edge of collapse; annual rate inflation was over 600%, and unemployment was widespread. Its per capita GNP was US \$ 75, and by 1992 it increased almost ten times: US \$ 620. Other countries' experience shows that the increased number of GNP usually is followed by the decrease of agriculture contribution for GNP. Indonesia's performance also showed the same pattern. In 1967 agriculture shared 51.8% from the income while manufacturing was only 8.4%. In 1991 agriculture's contribution decreased until 18.5% while manufacture sector augmented by 20.2%.

In the first long term development period the poor facilities and infrastructure, and minimum national asset made the government concentrate on growth strategy and encouraged investment to accelerate the national economy. In macro scope, the policy was successful, taking into account that in that period the economy increased by 7% per year, higher than what was expected before as 5%. And thanks to the oil

¹ Term referred to the regime under President Soeharto.

bonanza and foreign aid, mostly channeled through IGGI (inter-government group on Indonesia), the economy in 1970's and 1980's was remarkably well.

Nevertheless, 1983 to 1993 was a low growth phase. From 1982 until 1987 the annual economic growth only reached 3.5%. This was mainly caused by external factors. These included the oil prices collapse, world recession, price fall of certain commodities because of the 'green revolution', and the tight international market.

This condition forced the government to find new alternatives to expand investment and growth. The chosen strategy was to stimulate the business sector by a number of deregulations. It became an urgent need to put forward private initiatives and to change the government's role from omnipotent player to a facilitator in a conducive business environment (Sjahrir, 1995 p.126). In general the deregulation reached its aim. The private sector could increase its contribution particularly in investment activity. A year after the tough period, in 1986, 63.9% of investment was flown by private sector, while it was only 43.2% in 1980. Non-oil export commodity, limited leading products, tended to increase the value from year to year. And for the first time in modern Indonesia history, the value of non-oil export surpassed the oil sector. The country has gradually underwent a transition from import-substitution industrialization to export-oriented industrialization.

Along with the increased income, other sectors also developed. The number of educated people increases, the annual birth rate reduces. The most obvious one is more choice for standard of livings, particularly in urban areas. Although Indonesia's performance is lagged behind the more spectacular performance of the East Asian newly industrializing

countries, or the recent record of Thailand and Malaysia, there can't be any doubt on the real steps forward that have been made (MacIntyre, 1992, p.139; Hill, 1994, p.56-60).

Besides those indicators for a better future for Indonesia's economy, below several problems are raised.

Some Pitfalls of development

- ***issue of inequity***

The relatively high growth, nonetheless, is not free from overvaluation. Since it is normally measured by GNP or GDP, it implies that when a nation has a high growth, it does not mean automatically that the wealth is enjoyed by people from all walks of life and that all its people have a decent standard of living.

The emphasize of Indonesia's development directions to achieve high economy growth, although it has managed to reduce the poverty line from 60% in 1970 to about 14% in 1993 (World Bank, 1994), has brought about salient issues including uneven distribution. This issue is so striking that it aggravates social jealousy, which some argue has provoked the unrest occurred in some regions in Indonesia currently (*Gatra*, March 29,1997). The issue often attached the racial connotation, it referred to the distance between rich Chinese and poorer indigenous Indonesians (Vatikiotis, 1993, p.172).

However, MacIntyre (*Gatra*, March 29,1997) was disagree with the notion of the widening income gap. He confirmed that the income distribution was getting better, particularly compared with countries in Latin America. What significant is, he believed, the emergence of small number of very wealthy elite. They are mostly entrepreneurs, *pribumi* (indigenous

people) and *nonpribumi* (Chinese descendent), and also state officials. Although their number is small about 1000 families and their wealth is statistically insignificant measured by macro indicator, but politically this is so apparent. It makes the perception of the widening gap become stronger.

- ***unemployment : when education program is succesful***

A World Bank Report in 1994 shows that adult illiteracy rate for Indonesia fall from about 50% to 23% in 1993. Tertiary education has also shown increasing graphic. In an interview for a magazine, MacIntyre (*Gatra*, 29 March 1997) quoted Manning's view that along with the rapid economic development, the education level has improved remarkably. However, together with the achievement, unemployment has also increased, particularly among more educated people in nonurban areas.

This phenomenon, thus, asks us to imagine that in Indonesia nonurban areas nowadays group of young educated people is growing fast. They now posses broaden mind and they are more cautious with what is happening in the society. Unfortunately, with the school degree, it is still hard for them to get a job. What happens next is growing dissapointment and frustation. In MacIntyre's word 'they have nowhere to go'. Unsurprisingly, it is detected that from this group come out those who commit crime or provoke unrest in any occasion.

- ***Issue of vested interest***

The issue of vested interest in economic policy making is also found crucial (Pabottinggi, 1995; Robison, 1988; MacIntyre, 1995). MacIntyre found that one feature of recent economic policy direction is: a quite significant influence by a political mobilization of a number of business groups to push the agenda. It is true that for present time the pressure

of business groups has had an advantageous impact on the economic policy in the short term, because it provides facilities for business activity. Yet..." in longer term it may prove to be a double-edged sword" (MacIntyre, 1995, p.155).

Robinson (ibid., p.62,66) observed that from the alliance of the business groups with politico-bureaucratic powerholders the state has provided most preferable conditions, including allocations of credit, licenses, contracts and concessions, to serve that class interests rather than for long-term economic planning.

In the view of an authoritarian state in which policy process is insulated from societal involvement, the feature above is quite peculiar. Ideas have developed that one reason why some Asian countries' industry grew rapidly is state autonomy.

- ***Issue of corruption***

Corruption is an imperishable topic of debate in Indonesia. Some big cases come out , such as the case of Pertamina, an oil state-owned enterprise, and of some giant banks in Jakarta. The high-cost economy in Indonesia is believed by many also partly caused by corruption.

Interestingly, one study by Borner et al (1995, p.60) suggests that some forms of corruption, while having potentially serious distributional effects may not be too damaging to economic activity as a whole. Further the study describes that corruption in some countries including Indonesia is 'something you can live with'. It helps to smooth and ensure the business.

Though the notion above is 'relieving', and at least there have been some notable achievements to struggle the condition- Hill (1996, p. 118) noticed that now the audit office has worked more active and so have the Parliamentary committees- yet, corruption in Indonesia cannot be simply taken for granted, it is serious and widespread. It is particularly serious in countries like Indonesia characterized by an authoritarian system, a controlled press, poorly paid civil servants and complex regulations (Hill, *ibid*). In such a condition corruption created political implications, these are disaffection of non-favored business groups, erosion of ethical bases of governance, and widespread public discontent and nepotism.

- ***democratization vs political stability and the absence of critical mass***

The essential problem of how to achieve growth and at the same time redistribute the income and arise people's participation in development and accommodate the socio-culture and political aspects, is a problem in any economy society. But in Indonesia, these have the potentials to unravel the nation. Pabottinggi (1995, p.253) concluded that these have turned into a threefold dilemma: "between economic growth and distribution, between political stability and participation, and between apparent and substantive democracy".

Looking back to the past, it is understandable that the present government aims to maintain political stability and economic growth. The previous regime by President Sukarno failed to establish a durable political system and to build the economy. As a newly born country its primary goal was to bring the condition to normalcy amidst the overwhelmed revolutionary situation and conflicts among principal leaders.

Pabotinggi (1995, p. 253-254) affirms that the failure of the Sukarno's regime was not from wrong intentions, but from wrong assumptions. Dangerously, further Pabottinggi concerns, the New Order may suffer from the same case. Its assumption that all the country needs is political stability and economic growth might be valid in the beginning of the New Order considering that the economic collapse at that time. However, this situation has for long changed. The continued power monopoly, thus, did not only decay the country's ideals, it also bears potential crisis. The social and political problems thrown up in its beginning have slowly emerged.

The effort of the state to maintain stability has caused repression in political development. Participation is allowed only when it does not touch the macro policy. Dissatisfactions which come in forms of protests and demonstrations have been countered by a combination of measures ranging from persuasion and co-optation to the use of force and heavy punishment (Pabotinggi 1995, p.250).

Such a repression is also experienced by the press, despite the fact that openness has been reiterated by the bureaucracy. To mention an example is the banning of *Tempo* magazine along with other 2 magazines in 1994. *Tempo* was renowned for its fair, detailed coverage. Nevertheless, some issues that were used to be taboo including succession and monopolies of state officials' families, are now allowed to be raised and polemized in media. In spite of that, Lev noticed that there are some other encouraging signs including the births of PTUN [high court for affairs with the state] and a National Committee for Human Rights (Komnas HAM) (*Gatra*, March 29 1997). So far, the performance of the two institutions is heartening many parties. As an example the judge of *Tempo* case won the pledge of the magazine. Although later was

defeated by higher court, this case presented a significant precedent in the history of court process against the authority in Indonesia. The Komnas HAM has also been praised for its independent activities.

Unfortunately, this change is still uncertain and is very much dependent on the government's mood.

It seems that the current status quo condition is difficult to change in short term. An argument for this is the absence of critical middle class which can act as a reliable agent of democratization. The existing small group of middle class, although continues to develop, it consists of younger generations who have enjoyed the fruit of economic progress, thus they are still dependent.

It is true that they have started to be critical toward issues such as bureaucracy incompetence and nepotism. However, the fact that they are not happy with the recent condition doesn't move them to expect any elemental change. The first reason is the critics from the so-called middle class have not developed organized political alliances with other social groups, hence they remain as the articulators of grievances rather than a viable political force. Other reason, more importantly, they have generally benefited well out of the getting better economy condition in Indonesia, and they too think that political stability is prerequisite for further economic progress (Pabottinggi, 1995, p.254; Robison, 1988, p.65)

Conclusion

The improvement in economic indicators of Indonesia has exceeded the expectations of the observers at the beginning of the New Order Period.

Social progress, while lagged behind the economic measurements, have scored relatively well.

This chapter has mentioned inequality, vested interest in (economic) policies, educated unemployment, corruption, and democratization as salient problems occur in Indonesia nowadays. In spite of the encouraging developments, they still serve as potential pitfalls of development which stand in the way of the nation to develop.

Addressing the issues, some studies (Hill, 1994, 1996; Pabottinggi, 1995, MacIntyre, 1995, Vatikia,) came out with several implications. First is the urgency to establish efforts to hold the country together. The cohesiveness and civility among the society should be promoted, it means that civilian forces, particularly Muslims, Christian and Chinese must prove their capability for constructive cooperation. For this to happen the present government needs to leave its political monopoly and establish genuine democratic institutions and practices through fair election and proper representation. With such a conducive environment, its political system is, thus, able accommodate expressions and ideas from interests of all segments of the social and economic spectrum.

Another point made is the necessity to have a clean governance which requires fairness and accountability in bureaucracy. Clean governance also means that the integrity of executive, judicial and legislative is ensured.

Finally, economic policy needs to put growth and even distribution in one package. To do so it calls for acceleration of regional development so that regional contribution to the national growth receives fair return.

The real issue now is the capability and willingness of the state to respond and adverse the circumstances. If the issues are not addressed carefully, economic will still progress, yet the broad base development sustainability is under stake.

It is evident that economy and politics in inseparable in development efforts. There is no point to ask which one we should put first since they interact each other.

However, some believe that to provide a favourable condition for sustained welfare growth we have to have strong political institutions. This means prerequisite to strengthen the executive, judicial, legislative institutions, and also people's empowerment.

The next chapter will explore legislature, that one describes as an agency where people as the target of development can speak for themselves, and its place in development.

Chapter III.

LEGISLATURE AND DEVELOPMENT

Introduction

Studies on legislature, particularly in the west, are far from scarce. However, they are still far from adequate. The studies on organization and decision making is abundant, but those on legislatures have grown isolated from them (Baaklini, 1976,p.4). Jackson (1987,p.2) also wrote that it used to be a sub-field of political science, and therefore the theories of legislatures themselves were not well developed.

Nonetheless, Richards (1972) affirmed that the study of parliament should have an important place in the study of politics. His view was that the health of Parliament is an important aspect of the health of political life. He believed that:

“..government by discussion, government by negotiation, government by argument, is better than the pattern of government in which political decisions are imposed by a dominant group using the coercive power of the State.” (1972, p.10)

Further, he argued that the unpopular image of parliament, which might cause the lack of its study, was not actually a direct result of criticism of parliament as an institution. He added that parliament itself would be strengthened if public knowledge about it was widespread. Thus wider support for parliament would be gained from wider knowledge and if the public approved what they discovered about it.

If that is the case with western experience, it can't say much about non-western parliaments. Baaklini (ibid.) regretted that there are few instances where non-western legislatures are discussed, and those

that do employ analytical tools and concepts appropriate only for analyzing western legislatures could not be utilized to get a thorough understanding of developing country legislatures. Konberg (1970) also agreed with the notion, but he felt that some of the experience of western countries with legislature might be relevant to developing countries. Thus, in analysing legislatures in developing countries it can't avoid from mentioning western legislatures for comparisons and references.

This chapter attempts to examine the development of legislature, particularly its place in social and economic development. Some key things associated with legislatures will be brought up. They are the history, political system, legislature's functions, and studies on legislature.

To start a brief historical background of the origin of parliament is presented to give a background to its further development. Then, political system is discussed, because it is assumed to be the most influential aspect in determining the legislature's importance in different countries. Thus, it needs to show the relation between the political system in one country with the legislature's development. To see the importance is to see what functions attached to it. Here traditional legislative functions will be reviewed to see what has changed and developed. Finally, the last part of this chapter will look at some of the literature on legislatures. It attempts to see what are the crucial issues on legislatures and also looks at comparative legislatures studies; what has been going on with legislatures in different countries.

The concept of people's sovereignty and the Origin of parliament

John Lock believed that the purpose of founding a state was to guard people's rights. He stated that the political system of a country should

consist of a king who had the executive power, and a parliament to make laws. This idea was later developed by Montesquie who separated power into legislative, executive and judicial, which were not supposed to be in one hand. The distribution of power was aimed to ensure people's rights. This distinction should allow freedom for parliament to form laws, judicative institution to control laws, and government to implement laws and policies. The school which is known as *trias politica* had a great impact on the modern political system. However, a pure power distribution was hardly ever found in any country. More often the three levels interact with each other.

Legislative system was developed from the relation of people and the state. This system was a form of representative democracy theory. This theory allows the implementation of people's sovereignty through a representative institution. In a modern country, member of the representative institution are elected through general election. The election is contended by political parties, the role of which is to accommodate and organize the aspiration, views and voice of a sovereign people.

The political representative institution have at least two terms which are widely used. In the European system it is called a parliament, and in States and other countries the technical term used is legislature. The distinction, thus, identifies slightly different concepts. In Europe a parliament suggests an action of talks on state affairs, while in States legislature carries a main idea of a law making body. In practice, this difference is shown by their particular political functions.

Since the birth of this political institution was in Europe, the following explanation of its history is in the European context. Originally, in England the parliament, which means 'talk' in Latin, was a

bureaucratic rather than a political institution. It consisted of kings, barons, landlords, church leaders, and chancery clerks to meet, discuss and decide upon important public matters (Miller,1960 p.7,12). Then in the 14th century, the meeting with the king was developed as a media to communicate. The chancery clerks were summoned to give the king information and advice on political and administrative affairs which would affect the future of the kingdom. Since then, such a consultation meeting gradually grew become what we call now as the English parliament.

For hundred years, these consultation meetings were carried out without questioning the legitimacy of the king to rule the country. Nevertheless, the meeting between the king and leaders had sharpened the concepts of country, council, kingdom and people.

In the 17th century the relation between the king and parliament changed drastically. The great influence of the nobility, entrepreneur and church in the economy was reflected in the parliamentary membership. The resources they possessed made them dominate the parliament. Later, the industrial revolution in the 19th century pushed a positive impact for a democratization process in the English parliament. Centers of industry including Manchester, Birmingham, and Shedder, which were previously not represented, demanded representatives in parliament. Thereafter, pluralism coloured the parliament body. Several acts of revision were then established in different times. In 1867 farmers and blue collar workers were allowed to vote, in 1918 men of 21 years and over and women above 30 years old received the right to vote. The last act was in 1970 when the age limit to vote was lowered to 18 years old. These revisions showed that social economic changes deeply affected the political transformation of parliament, and that the society welcomed adaptation to changes rather than blindly refuting old system.

Above is the experience of UK. Experiences with other countries were, of course, slightly different. The experience of UK shows that legislature underwent changes adjusting to the condition of a country.

Nowadays virtually every country has a parliamentary system and the Inter-Parliamentary Union has been established. To see how legislature differ between countries, the following section will discuss political systems which are considered to have distinctive legislatures.

Political systems and legislature development

Countries place different emphasis on their legislature structures. Packenham (1970) suggests that an important aspect in defining the legislature structure is the countries' political system. The political environment shapes and modified the development of the legislature's role and functions, and vice versa, the legislative body also influences the growing political system.

Legislatures do not emerge as political structures coinciding with the executive body. The history of classical and modern countries has always been the establishment of executive structure, which is then followed by the need to form a legislative body.

In established democracies such as in some European countries, the development of parliament (read: legislature) from traditional to what we know today as a powerful political institution took some time. In newly emerged countries the legislature was formed about the same time as the executive. In new countries the relatively recent development of a legislature system has contributed to a weak and undeveloped political legislative institution (Cipto, 1996).

A country's historical development has provided it with a unique and distinct legislature system. In some countries there is a line between legislative and executive. This is called the presidential system. It can be found in the United States of America, France and Indonesia. While in other political systems there is no such rigid division. This is known as parliamentary system. This type, which adhered to a European model, can be found in New Zealand and Australia as well as many other countries.

The prominent characteristic in each system is its membership dimension. In a presidential system the membership of parliament is separated from the executive, while in parliamentary system the membership overlaps

In parliamentary democracy the accountability of the executive or cabinet or government is to the legislature. In most working parliamentary countries this relationship is arranged in a constitutional provision that the government must retain the support of a majority of legislators, tested in a legislative motion of confidence or no confidence in the executive. This is not the case in presidential system in which the executive and legislative structure cannot topple each other.

Later development saw the legislature's processes and outputs and the relationship between executive and legislative affected by the widening of the political system. The prominent factor in the changing political system was the increased activity of the executive. The global changes in the fields of economy, social, culture, politic and international relationship forced the government to open itself widely to complicated policy demands. The continuing economical and political crisis has also turned the centralised executive power into universal.

In the context of the multi-dimensional changes there emerged organised groups in society which need direct actions of the government. Interest groups in business, for example, would tend to cooperate with the political elite in the executive rather than with politicians in parliament. This kind of collusion could result in accommodations for bills, and caused the executive to be the main bills initiator.

These changes have also demanded that the executive act actively to respond to modern challenges. With the advantages of having expertise, resources and bureaucracy capacity the executive has strengthened its position while at the same time decreasing the legislature's role.

However, many believe that particularly in strong democratic countries, legislature continues to play a central role in its respective country. According to Kornberg (1970) legislative institution have existed and become part of the public consciousness. It may absorb new functions easily in anticipation or an action to particular crisis or functional needs.

Specifically Kornberg (*ibid.*, p.30) mentioned that legislatures in western democracies "have promoted political development by channeling inter-group conflict, by giving representation to several groups in a society, by enhancing the rule of law". Further, he stated that in countries which have successfully achieved industrialisation and economic growth while maintaining free democratic institutions, we can expect to find energetic and influential legislatures which are the best outlet for public grievances.

But in regards to legislatures in developing countries there is still scepticism about their role. Pakenham wrote that, indeed, strengthening legislatures in developing countries in most cases slows the capacity for change which is often crucial for economic development :

legislatures tend to represent, all over the world, more conservative and parochial interest than executives, even in democratic politics. This seems especially to be the case in presidential, as contrasted with parliamentary, political systems. In societies that need and want change, and where political modernization may be defined as the will and capacity to cope with and generate continuing transformation, it may not make much sense to strengthen the decision-making power that is likely to resist change. (1970: 579)

However, Baaklini (1976) asks for validation for the statement above. He asserts that whether legislatures impede or facilitate modernization is a question which needs to be answered in the context of a particular society.

To narrow the debate on what role legislatures can play in social and economic development, the next section mentions the traditional functions ; lawmaking, supervising executive activity and representing public interest, and also the newly added functions such as to communicate and educate.

Legislative Functions

The functions traditionally ascribed to legislatures are: lawmaking, representing public interests, and overseeing the bureaucracy. Although most legislatures are provisioned by the legislating (lawmaking) function which is seen as the most important part the legislature can play, the extent it can be performed varies from one legislature to another.

In the United States of America, Congress has enjoyed a great part in bills initiating, although not completely dominant. The British parliament, on the other hand, only legitimizes bills proposed by the

cabinet. However, this does not necessarily mean a weak parliament, given that the cabinet was formed by the parliament. Another example, the Bundestag (German parliament), has to a similar extent a high dependency of transforming the bills proposed by the executive. This is because Germany has different parties ruling in parliament and in cabinet.

The second function of legislature is to oversee the activities of the executive. In parliamentary system as discussed earlier, the executive has to account its responsibility, which means that the legislature has the right to dissolve cabinet when the cabinet refuses the executive's accountability.

With regards to the above functions Kornberg (1970) finds that only the representative function appears to be performed in a creditable manner. Similarly, Ingram (1980) also mentioned that understanding legislature in the modern world is to perceive that it has a single most important characteristic, that of representatives in acting in the interest of the represented in a manner responsive to them.

Besides the traditional functions mentioned above, modern legislatures have adapted to several new functions. The first is that legislature can serve as training ground for future political leadership and strengthen institutional continuity. Even in the United States of America where there is separate membership between executive and legislative, the leadership in executive is not likely or necessarily from parliament background. The former presidents Ford, Kennedy and Johnson had strong backgrounds in Congress.

Legislatures often constitute the only means of administrative oversight available within the country, a function particularly valuable where the public administration is weak. They also offer the executive

the useful option of letting them originate legislative solution to more controversial problems.

The other function is the means of communication. Frequently, a ruling elite does not have the information about the effects of its policies. This isolation from the mass of people can be so wide, that the expression of public will, to which the government should respond can continue unheard.

To this extent the legislative members are representative. Legislature can carry social, political, economic and regional data and inputs back to the government. If the government wishes to give the will to listen, then legislative debates can carry on as safety-valve for political catharsis. On the other hand, legislatures can also serve to communicate government programs to the public. Hence it educates the general public regarding the significance of new policy decision.

These functions, of course, vary in the extent in each legislature. For example, in New Zealand the most prominent function of its parliament is as channel for the government to make its authority politically and socially acceptable (Skene, 1992). In the Philippines the congress has managed to carry a steady flow of bills emerging from the legislative process, representing successful resolutions of conflict (Stauffer, 1970), while in Egypt the National Assembly has little if any decision-making capacity or influence (Packenham, 1970).

Finally to see the development that has been undergone by legislatures, the last section will review some literature. It attempts to see what are the crucial issues on legislatures and also to look at comparative legislatures studies; what has been going on with legislatures in different countries.

Literature in Legislature

Packenham (1970) reviewed existing studies and have found that they varied in scope, themes, approach, orientation and emphasis depending on time, place and the intellectuals. The common categories of literature on legislatures, he explained, are included as follows:

1. setting (historical and legal-formal)
2. socio-economic background, recruitment patters, and personality attributes of legislators.
3. internal functioning
4. external functioning (relations)
5. legislative self-image and roles
6. the function of legislatures in the political system (1970: 547)

Of these categorizations, Jackson (1987) stated that in the past the legislative studies mainly used historical and legal approaches, but later it developed and discussed themes such as legislative process, behaviour and representation. More recently gender issues have also touched the field.

Most studies are about the relationship of legislatures with other parties or factors which focused on the political analysis. Not many studies have been done on the legislature detached from political tools. One approach to legislative study using organization theory was applied by Harder and Davis (1979) in describing and analysing how the Kansas legislature worked. It covered the legislative staff, the networks of communication and socialization, role of leadership, the committees, and the legislative functions focusing on organization theory explaining the dynamics of legislative operations. Although some may argue that the legislature process can not be separated from the political environment, the study, nevertheless, has a profound understanding of legislature as an institution.

The study of legislatures in developing countries generally concludes that legislatures in those countries serve only as a 'rubber stamp' to

the executive sponsored legislation. For example case studies mentioned by Packenham; Ghana, and Egypt. Ghanaian parliament was discovered to have no decision making function. It also had limited importance as an interest articulator. Egyptian National Assembly was revealed in that study to serve mostly as representative approval for what the government wanted done. The legislative contribution is symbolic and their influence is very little. While study on western legislatures usually look at legislature as the arena of power influence, for example as in Solomon's *Inside the Australian Parliament*, and Coombes and Walkland's *Parliaments and Economic Affairs*. This means that legislature is still seen as a weak institution in most developing countries, and does not do much for political development. In western it is seen as an already established institution, thus studies tend to look at how the relation between legislature and other forces, e.g. executive, interest groups, etc. shapes the political development.

Another popular theme, which is widely believed by the general public, is on the ideology of the decline of the parliament. Political scientists, explicitly or implicitly, suggested that parliaments have fallen from a golden age (Baaklini;1976, Cipto; 1995, Skene; 1992, Jackson;1987, Lees and Shaw; 1970). It is argued that parliament lost power to the executive, to political party, or to bureaucracy. Towards this allegation, some arguments were given. Richards (1972) stated that parliaments have never been stronger than they are now, and that historical writing on parliaments have misunderstood the historical role, functions, and power of parliament. Others argued that the parliaments might not able to perform the some functions, but they are able to perform other functions which are presently necessary for the working of the political system such as its informative and educative functions (Crick quoted in Baaklini: 1976).

Summary

This chapter has mentioned the history of legislature, the context where it is situated, that is the political system, the legislative functions and also discussed some crucial issues on legislature to see what part the legislatures play or can play in social and economic development.

With regard to the available capacity that attached to legislature, we can see that it allows this legislative body to play a great role in the country's development, to be a partner for executive in the government. Legislatures are often erroneously conceived as impediments to development. According to Baaklini, this misconception does not reflect the reality of legislative roles but rather to ideological or methodological biases. He suggests that to see two basic legislative roles, played in different ways. Support for a government program does not necessary imply contribution to development. Nor are legislative impediments to certain government projects necessarily harmful to development, because by preventing a poor plan, it helps to reconstruct the plan into a more adequate plan.

Chapter IV. UNDERSTANDING THE INDONESIAN LEGISLATURE WORKING PROCESS

Introduction

Skene (1992) suggests that to look into the substantive issue of parliament's behaviour and effectiveness it is essential to seek a deep understanding of its role and functions. Lack of knowledge of the real working process inside DPR, the *Dewan Perwakilan Rakyat* of the Republic of Indonesia, resulted in exaggerated criticism and unfair judgment of the House performance.

Therefore, it is essential to reveal what is written in Indonesian legal documents about the position of DPR. To start with, this chapter will examine what the Indonesian Constitution and the Rules and Procedure say about DPR. Following is a discussion on DPR structure, including the leadership, factions and committees. This chapter will also remark of some of the processes of DPR activities such as lawmaking and complaint process.

Throughout the discussion in this essay, limitations and restrictions which inhibit DPR from performing its activities will be mentioned.

The Constitutional Framework

Indonesian constitutions, Federal Republic of Indonesia's constitution, the 1950 provisional constitution, or the present 1945 Constitution provide the basic legal framework not only in the areas that are traditionally matters for a constitution, but also in the other fields. For example the 1945 constitution spells out the aim and philosophy of the nation and the social, economical and political systems to develop.

The elucidation section of the 1945 Constitution describes seven essential principles characterising the government system. These are: the state of Indonesia is based upon law; the government is based upon constitutionalism; the sovereignty of the people is held by the People's Consultative Assembly (MPR); authority and responsibility are in the hands of the president as the highest executive of the government, representative system; presidential cabinet; and the last is the parliamentary supervision of the governmental processes.

The essential requirements for a state based upon law according to Anglo-Saxon law or continental Europe traditions have been fulfilled by the 1945 constitution. The requirements are, among others: acknowledgment that the sovereignty is in the hands of the people; acknowledgment of social justice; the responsibility of the president to obey the constitution and other laws, judicial powers which are independent and free from the influence of the executive and other parties; equal position in law for all citizens, and the guarantee of their rights in society, politics and economy.

As mentioned above, the body which holds the highest authority is the People's Consultative Assembly (MPR). The membership consists of all House members plus regional and groups representatives. Thus this body is considered to be the embodiment of the Indonesian people. The assembly has powers to implement the people's sovereignty, to determine the Constitution and the broadlines of state policy, and to appoint the president and vice president. The Assembly sits at least once in every five years. However, it can have a special sitting to ask the president's accountability if the House considers that the president has transgressed the state policy and the Constitution.

The Constitution emphasizes strongly the existence, rights, duties and responsibility of DPR in the system of government. Chapter five of the elucidation mentions that:

besides the President there is the House of Representatives. The President must obtain the agreement of the House of Representatives in order to make law (*gezet*) and in order to fix the estimates of the revenues and expenditures of the State (*staatsbegroting*).

Because of this, the President must work together with the House of Representatives but the President is not responsible to the Consultatives, which means that the President's position is not dependent upon the House.

And also in chapter seven:

although the Head of State is not responsible to the House of Representatives, he is not a 'dictator', which means that his authority is not unlimited.

It has been stressed before that he is responsible to the People's Consultative Assembly. Apart from this, he must be carefully and thoroughly pay attention to the voice of the House of Representatives.

In theory, it is unimaginable that a democratic country that adheres to people's sovereignty has a weak people's representative body with little or no control of the executive. Nevertheless, in political practice as stated by Mahendra (1996, p.135) this is the case in Indonesia. It has become daily political debate that the democratic constitution stays as silent wordings.

As the Constitution contains only the basic essential matters, understanding the implementation of what is written may invite various visions. Among the forces, socio and political ones dominated the nation. The role of executive, including the bureaucrats, has been the dominant factor in defining the implementation of the statutes on state governance and law enactment. The gap between constitutional values and political reality became apparent.

During the New Order period the political stability and security approach for the continuity of economic development has been the most

apparent vision set by the government. This view, unfortunately, seems to agree with the concept of state sovereignty rather than people's sovereignty. Mahendra (ibid., p.23) asserts it is clearly implemented in the political law package which consists of five laws, i.e. the laws on political parties and functional group (Golongan Karya), on general election, on the structure and functions of MPR (People's Consultative Assembly), DPR (House of Representatives), and DPRD (regional House), on referendum, and on mass organization. Correspondingly, the operation of the law on subversion inherited from the old order regime strengthens the indication of state sovereignty.

The argument for a strong executive position was based on the fact that in the past the governments changed and toppled easily. The social and political condition of the New Order period asked for a dominant role of the government in development efforts.

Actually, the strong position of the government and the role of DPR should not contradict each other, because as stipulated by the Constitution both institutions should respectively play their role and functions.

In addition, Indonesia, like many other countries, does not implement pure trias politica concept that separate powers into legislative, judicial and executive institutions. In legislative functions, for example, President also has the right to initiate bills. Indeed, since 1967 almost all bills were proposed by the government.

The Constitutional Functions of the House of Representatives

The provision for the House to ask the Assembly for a special sitting for president's accountability indicates the crucial function of the House to

oversee the governmental processes. According to the 1945 constitution, DPR has a strong position since it cannot be dissolved by the president. Besides, all House members are concurrently members of the Assembly, the highest state organ. And although as in the presidential system the ministers of the state are not responsible to the House, they have to pay special consideration to the House voice.

Besides the supervision function, the Constitution stipulates that the House, together with the president, implements legislative function. Unlike Montesquieu's power distribution theory, the 1945 Constitution does not recognise rigid separation of executive and legislative bodies, because any law requires agreement both from the House and the president. Hence, any bill can be initiated by the government or by the House. However, in certain conditions the authority of the president to make law is greater because of emergency, for the safety of the state the President has the right to make government regulations as substitute laws (article 22).

To prevent president's despotism, the enactment of any government regulations shall be submitted to a House session. If the House approves, the regulation is enacted into law, otherwise it should be removed. The House is also entitled to supervise any product of government regulations to ensure that the regulations are not in contradiction of any regulations which hierarchically have a higher level.

Another crucial function of the House according to the Constitution is in the process of determining the State Budget. Article 23 of the constitution declares that the state budget shall be established annually by statute, which means with the House agreement. The article

elucidation describes that in fixing the budget the position of the House is "stronger than the position of the Government". Further it explains that this is a sign of "the sovereignty of the people" because fixing the expenditures concerns the right of the people to determine their own fate through the representative body.

If the House doesn't approve the budget proposal, the government shall utilize the estimates of the previous year. The House disapproval of the budget proposal theoretically can be assumed as a sign of no-confidence in government. Nevertheless, in reality, in the last three decades the House has never disapproved the budget draft. In fact, the draft discussion has always been conducted through compromises between the government and the House.

The supervision of the budget implementation is in the authority of the House. In addition, the accountability of the state finances is also investigated by an independent body called the State Finance Investigation Body (BPK) which periodically informs the House of its investigation result. In the House term of office of 1992-1997 the results were made known to the House every semester. Previously it was conducted annually.

To implement the functions as stipulated by the Constitution, DPR members and DPR as an institution are entitled to right: as prescribed in DPR Rules of Procedure as follows: the first right is interpellation, that is a right to ask questions of the President about a government policy. The second is the right of inquiry, that is the right to investigate an issue. The third right is amendment. Members of the House may pose amendments to a bill originating from the government. The amendment is posed in the third reading.

The fourth right is to express statement of views. Through this statement DPR states its standpoint on issues that come up in the development process which has great impact on the nation. This is, however, not similar to the motion of no confidence practiced by liberal democracies. The fifth right is of proposing or recommending a person to fulfill a high rank official post. The candidates are decided upon by a plenary meeting based on the consideration of the steering committee. The sixth right is to initiate a bill, and the last right is to pose questions. Here every house member either individually or collectively may raise questions of the President. Most of the rights need to be proposed by at least 20 members from at least two factions, and need to be approved by the leadership in a plenary session. Apart from the rights of the House as an institution, the members have their individual rights. These are the right to raise questions, the right of protocol, priority and financial rights.

Structure of the Dewan Perwakilan Rakyat

DPR has permanent and temporary organs to perform the daily basic activities and share the work load among them. The organs are leadership, factions and committees.

Leadership in DPR is a united collective Leadership. Currently, it consists of a speaker and four deputy speakers. The deputy speakers are chosen from the factions in the House. Among the duties of the leadership are to coordinate the duties of other DPR organs, to chair any plenary session, and to consult with the President when necessary.

Factions. A faction is a grouping of House members, reflecting the political and functional groups. At present there are four factions in

DPR, namely the Development Unity Faction (FPPP), the Development Functional group (FKP), the Indonesian Democratic Party Faction (FPDI), and the Armed Forces Faction (FABRI). The main role of the factions is to step up the work efficiency and ability of their respective members in the House. Below is a section on committee. Because committee is the place where most House activities are performed, a separate section on committee is given below.

Committee System

Lees and Shaw (1970) affirmed that if we want to see the real arena in which vital decision and deliberate interactions occur we have to look at the working of parliamentary committee. Shaw further stated that when the committees are strong, it implies a strong legislature. But he pointed out that there are potent factors influencing the role of committees; party system and executive arrangement. Thus, as a general rule the strongest committees are subject to the least party control and the weakest the most. Similarly, the committees tend to be stronger in countries with presidential rather than parliamentary executive.

Legislatures as listed in *the Parliament of the World*, mostly, employ committee systems. Legislature theory suggests committees have the potential to perform more effective work than the plenary arena, that is the full legislature. The reason for this is because numerous and complicated legislative proposals which require an expert and close scrutiny are not possible in a plenary session often consisting of 500 members or more. Second, committees develop specialisation. Skene (1990, p.2) mentions that since one committee takes charge of a policy area, it can generate legislative specialisation across a wide array of policy areas. Further they perform specialised duties, committees assist

the parent chamber, the legislature, to respond to pressures from its environment.

Kasyab (1970, p. 299) adds that committees are not only effective but also meaningful legislature organs in the way they enable Member of Parliaments to become associated with governing processes, and it provides a forum through which experienced and expert opinion may oversee and supervise the government. Committees can accommodate an atmosphere of differing views and compromises through give-and-take, and also bargains, which would not be considered in open debate, are accomplished more easily than in the House where members operate on party loyalty and are concerned with building a public image.

The Indonesian House has permanent committees, special committees, and committees which are not involved in legislative matters. Since 1971 DPR has eleven permanent committees in charge of certain areas of public policy. Generally, the structure of committees is divided to match their working partners i.e. ministries in cabinet and other bodies/institutions related to public life, for example the National Library and the National Atomic Agency. The nature and size of the committees are subject to change in response to the need and the present system.

Three complementary permanent committees that do not deal with the legislative processes are the Household Committee, with the duties, among others to set the DPR policy including the House budget and social welfare, and the Steering Committee that has to set the House annual agenda. The other committee is the Committee for Inter-parliamentary cooperation with the main task of promoting cooperation with foreign parliaments. The Indonesian House is a member of the Inter

Parliamentary Union and also of the ASEAN Inter-parliamentary Organization whose permanent secretariat is in Jakarta.

Special committees, so called *ad hoc* committees, are formed if it is deemed necessary, but remain temporary. Normally they are set up when a discussion of a bill draft is an interdepartmental matter. For example, the discussion of the draft on tax which will relate to various sectors.

The permanent committees are appointed by the House to perform duties for which the House itself may not be suited for. Except for the leadership, the speaker and vice speakers, every other House member becomes a member of one of the committees. The appointment of who sits in a committee and the replacement of a committee member is the for of the factions to decide. The composition of the committee membership is based on the equilibrium in the total membership of each faction in the House.

The permanent committees are involved in the detailed scrutiny and discussion of bills and regulations, reviewing estimates and examining the financial operations of the government, and supervising the implementation of the laws including state budget and state guidelines (article 59 rules of procedure). To implement the duties above they may carry out the hearing with the ministers as the president's assistants or with any party which the committees feel necessary to hear from. They may also receive aspirations of the people whether they come in person or by letters.

The routine work of the committees are working sessions with the government, which are normally represented by the ministers, and to

conduct public hearings with government officials representing his office or agency. In a working session the committees usually give written questions or inquiries from the input of the people or hot issues in society. When the executive responds to the questions, then it will be followed by discussion. To follow up the results, members of a committee may make a fact finding visit to a certain place to make evaluation, correction and input for the minister in charge of the matter.

As explained earlier to perform their duty and authority the House may use their rights. These are the right of interpellation, of inquiry, the right of amendment, the right of expressing statement of views, the right of proposing or recommending a person if provided by law, and the right to submit an initiative bill proposal. Apart from the rights of the House, a member has their individual rights. These are the right of raising questions, the right of protocol, priority and the financial rights.

In practice, the function to hold supervision is far from satisfying. The answers and responses from the government on questions asked are rarely adequate. Likewise, advice and input proposed to the government in a working session is felt by most members unnoticed and receives no follow up. When this happens complaints are in vain. The government is not responsible to the House. So, although the Constitution regulates that the government should carefully and thoroughly pay attention to the House voice, they have no obligation to obey it.

The essential matter lays down the fact that propositions or questions from the members in a working session are considered as personal opinion rather than the view of the House as a body. The law on the structure and position of the House (*Susduk DPR*) puts more stress on the authority of the House as an institution, not on the members

individually. Another crucial problem is within the House the power is in the hands of the factions, not in each member. Consequently, the party can also recall a member for any reason, as happened to Bambang Warih from Functional Group and Bintang Pamungkas from the United Development Party

Purposes of the committees. In order to understand what has been happening to committees, it is helpful to examine the purposes to which they have applied. Shaw as quoted by Skene identifies 5 purposes of committee that are commonly found in most legislatures. Those are legislative, financial, oversight, investigative, and housekeeping purpose. Of these factors the first four are relevant to the present discussion.

The structure of committees, Shaw suggested, is best classified according to the purposes rather than the arbitrary functions assigned to them. The Indonesian committee system is not like that. All committees are empowered to perform the four purposes, unlike Westminster where there are separate committees for bills and subject investigation. However, the Indonesian House has a specific committee to perform housekeeping duties, which we call 'the household committee'.

The legislative purpose of the committee is to examine and modify detailed aspects of legislation. The Indonesian committees are also utilized for this purpose. However, it remains strongly in the plenary chamber which means factions play a more important role in decision making. It is different from what is found in the United States of America or the Philippines where all bills are referred to committees.

Bill deliberation procedure in DPR requires 4 readings: the first reading is when the government or the initiating member explains the bill in a plenary session. The second reading is the factions views on bill, followed by the reply of the initiator, again in plenary chamber. The third reading is when the bill is discussed by a committee or joint committee or ad hoc committee. Hearings are held with the initiator. The last reading is plenary where the factions give their final view and the House takes a final decision on the bill.

Even though the plenary session is seen as the place for a more generalized consideration, the factions give fundamental views which guide their members. Hence, detailed consideration is expected in committee working sessions, but still the members have to follow their faction's directions.

Another purpose for which committees are appropriate is to deal with financial matters. There are two committees in DPR specially designated for this matter. One is the State Budget Committee dealing with budget spending, revenue raising and administration of spending program issues. This committee ranks high in term of prestige, because of the work load it spends which covers all departments and areas using state budget. The other committee is Committee Seven which deals with finance and trade affairs.

Another important purpose of committees according to Shaw, is the investigative role. This can also be found in the Indonesian committees, in certain sense. It is not like Italy, where a select committee of investigation is authorised to exercise power similar to that of a court of law. Investigation in the Indonesian committees so far is conducted in connection with oversight purpose, that is through hearings. Official

investigation undertaking has never been conducted. The rules of procedure provides the right to investigate (called the right to inquiry), but it is mentioned that the exercise of this right would be arranged in separate regulation. Nevertheless, there is no such regulation up to now.

The fourth purpose is the oversight. This purpose is explicitly stated in the Constitution and the Rules of Procedure. In practice, this supervision is far from adequate. This legislature has never had the power to 'control' the executive they have to 'oversee'. These circumstances give no meaning to DPR effectiveness. Supervision, to the extent of raising questions in hearings with ministers or state officials, normally receives no follow up.

Here is one example of what committees can do within their oversight purpose. In 1991, committee two, which is in charge of civil public administration and administration reform, made a political breakthrough (Mahendra, 1996). They invited 13 groups of people from Java, Sumatra, and Sulawesi, who had previously written letters of complaints, to come to DPR to convey their complaints in person. Mahendra, who is an MP himself, agreed that such action needs to be promoted by committees. Public hearing is actually facilitated by the committees by the Rules of Procedure. Such a dialog is effective in supervising the development process, considering that that is the people's chance to communicate what they feel, experience, and hope, directly to their representatives in the House.

Complaint Process. Processing complaints from community is one way for DPR implement its supervising function. Other ways as mentioned above are to hold hearings with the cabinet, and public hearings.

Public complaints come in many ways. Some prefer to come in group to see their representatives in the House themselves. Such public hearings are facilitated by the Rules of Procedure. This kind of dialog is effective in supervising the development process, since the people will be able to communicate directly what they feel, experience and hope to the House members. Hence, any reactions of the public towards certain policies output should be seen as feedback which needs to be articulated to the government by DPR.

Some complaints come in letters. According to the procedure, after receiving complaints, the House leadership, committees, or factions (depends on to whom a letter is addressed) will discuss the matter and formulate the response in writing and send it to related parties, or bring up the matters in working sessions with the state ministers, and public hearings. However, not all the complaints can be processed due to unclear address or unclear substance.

The frequent issues that emerge in demonstrations or in letters are: land dispute including eviction, housing, and transmigration issues; employment, including, minimum wage, job termination, and insurance; legal matters, such as corruption, crime, human rights; environment; politics; press, including banning, publication permit issues; and economy.

The further process of the complaints, that reveal the executive or bureaucratic work, often turns up to be sad story. When the House sends letters informing public complaints on certain matters or reveal the matters in working sessions with the state ministers, little or no follow up would be made. Since the House, constitutionally, has no power to press the executive, the best response the executive gives is

that they will pay careful consideration to the matters. This is how normally the government/executive would react to DPR inputs. Thus, this brings about disappointment in the people and would put the blame on the House. Most people do not understand that DPR does not have the power to solve their problems, and that DPR serves as a bridge for the people and the government. DPR only have the power to articulate and fight for the people's aspirations to the executive using the available procedure.

Apart from the fact that the complaints are valuable information for supervision function of DPR, it is also a sign of active participation of the people in development. It's no exaggeration to say that if the executive does not act responsively, DPR becomes a dull political instrument. Whereas, the Constitution affirms that the executive has to listen carefully to DPR voice and needs to support the House as people's political instrument.

Summary

This chapter has explained that the position of DPR in the Indonesian political system is strong. The Constitution statement that the DPR cannot be dissolved by the President guarantees this. In addition, DPR are equipped by at least three rights. These are oversight, legislative, or financial matters. However, there are few adequate regulations to arrange the implementation of these rights. For example there is no procedure to guide how to exercise the investigation right, whereas, this right is the most powerful tool for supervising state expenditure.

The Rules of Procedure of DPR which is aimed to give detailed arrangements for DPR working mechanism, the latest edition is published in 1992, still has some restrictions in facilitating other rights

entitled to DPR. Proposal of an initiative bill, for example, requires being forwarded by at least 20 members consisting of not just one faction. Fortunately, the Rules of Procedure are reviewed periodically, at least once in the beginning of a new term of DPR a period. This provides the chance to make revisions when needed.

DPR has contributed to improving access to power for ordinary citizens. The legislative process is now more open and publicly accessible. At least two TV channels have started to make programs on legislative work, and the state sponsored national radio continually broadcasts special interview with DPR members.

Nevertheless, whether DPR have undergone considerable changes in their functions is still in doubt. Party discipline and control still prevent the members from acting freely in the committee process. It has been an old debate whether House Members are people or party representatives. Officially they are the people's representatives, but the party determines who can sit in the House.

The need to have a strong central government to ensure continuity in development has brought about actions that weaken the legislative control. The concept of floating mass in party membership has minimized the people's participation in politics. Worse, because the minister of Home Affairs is the advisor to all political parties. Thus, their activities and leadership could be engineered by the executive.

Besides the weaknesses, there are indications that DPR acts as modifying body in a way that could not be envisaged a decade ago. Several examples of bill deliberations provide the proof. The bill on child court, for example, after tough deliberation, finally received major

alteration. The voice of interest groups and people from various walks of life were accommodated.

Furthermore, the reputation of DPR so far has been much inclined to the publicity. For example, when one member of committee seven, which deals with finance and bank matters, uncovered the issue of a big corruption scandal that later became public attention and further investigation, the public then became more aware to the committee work. This also suggest that the party control on the members is invariable. Sometimes the members are given enough independence, in other cases they are inextricably tied to their faction.

This chapter has looked at the question of parliamentary scrutiny. Its purpose was to initiate an informed debate about the role of DPR and to specify the substantive issues.

Some limitations are mentioned in this chapter. Factions control, executive influence and inadequate regulations appear to be some limitations for DPR performing its legislative activities.

To see the extent, the next chapter will discuss detailed legislative work by examining a bill deliberation.

Chapter V.

Child Trial: from Bill to Law A close look at the legislative work of the Indonesian House of Representatives

Introduction

The *Dewan Perwakilan Rakyat Indonesia* (DPR) does not spend all of its time passing laws. Lawmaking is only one function attached to the Indonesian legislature. As explained in the earlier chapter, the Constitution stipulates that DPR also engages in supervising the product of any government regulations and to establish state budget together with the government. However, bill deliberation has always been what attracts most public attention. The legislature's performance has long been measured by the ability of DPR to produce policies which are favourable to community.

Criticising DPR has been a favourite national pastime. Common sense, politicians and mass media see that DPR functions only as rubber stamp. It seems true to some extent, but much public criticism seems exaggerated and unfair.

There is in the Indonesian practice a very close correspondence between the executive powers of state, exercised by the government, and the legislative powers, exercised by DPR. This correspondence is secured by the practice that the ruling party which dominates the House is the present government. This means that the House members from *Golkar* (Functional Group) party, the ruling party, will presumably defend for any efforts from the government.

Things may not always work as smoothly as this description might imply. Government are not expected to receive critical responses in the House, but this did happen recently. It was a new record in bill deliberations in DPR that four factions agreed not to accept the draft on child court proposed by the government. Although finally the draft was not sent back to the initiator, it received a lot of revisions and elimination. From one hundred and five articles, sixty eight remain. And the name for the law has been changed from 'child court' to 'child trial'.

To give an illustration of a bill process of deliberation in DPR that particular bill is examined. The draft on child court, which was discussed by DPR from 1992-1997 term of office, was a salient issue. It invited many pros and cons. This chapter will show how DPR bargained with the government, the bill initiator, and whether DPR for this particular bill could act as a forum for interest groups.

This chapter will start with a description of the bill, followed by the theoretical framework to analyse the process. The succeeding section is the analysis and ended by conclusion.

About the bill

The bill on Child Court was introduced to the House on November 10, 1995. The procedure requires that before a bill is approved it needs four readings. The first reading for that bill, or any bill, was in an open plenary session where the initiator spoke. On this occasion it was the Ministry of Justice. In the second reading four factions; the Development Functional group (Golkar) , the Armed Forces (FABRI) , the Development Unity Party (FPPP) , and the Indonesian Democracy Party (FPDI), gave their reply.

Following the presiding second reading, that was the view of the government on the factions' replies, an *ad hoc* committee was set up to further discuss the bill. The third reading was working sessions with the government that consumed approximately 6 months, from June up to December. This was a relatively long discussion compared with other bills' deliberations. Finally the bill received the House approval on December 19, 1996.

Actually, the law on children has been waiting for a long time. The initial formulation of the draft started in 1987. Indeed the concept had been discussed in various forum since 1970. Previously, any defendant who is under age received similar treatment to adult criminals. There was no minimum age limit to appear in court. And there are other issues on child care that have not had any legal protection. The new bill was high time to fill in the lacuna. Article 26 of the draft, for example, regulated that the maximum sentence that could be given to a child criminal is half of the maximum sentence of imprisonment of an adult. The article also regulated that there is no life or death sentence for child criminals.

However, some of the substantives of the bill were controversial and had arisen public concerns. That is the issue on child civil law. The bill dealt not only with children criminal law, but also children civil law that covers civil children, custody, adoption, and juvenile delinquency (article 21 of the bill).

Public concerns, particularly from Moslems, were generated from the fact that Indonesia acknowledges two system of courts. They are Islamic court for Moslems and general court for others. Therefore, they argue,

the child civil law which was included in the bill should be taken care of by the Islamic court (established in 1989) compiled with the Islamic law, instead of by public court.

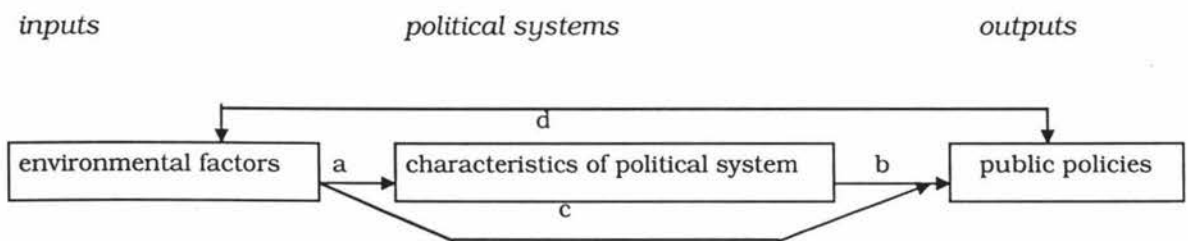
A further matter raised was the formality aspect of the bill. It was questioned why the formulation of the draft did not involve related department, i.e. the ministry of religious affairs.

Based on those issues, four factions in DPR demanded the government to withdraw the four items, they are guardianship, adoption, abandoned children, and civil children. The chairman of the working committee of the bill, Anshori Achmad, pledged that the government considered what the people say through DPR.¹

How did these things come up and how did they influence the decision making process? The following section is the theoretical framework to answer these questions.

Framework of analysis

In a work studying the structural determinants of legislative outputs, Grumm (1970) used a simplification of a process model which can be applied in this analysis:



(urbanization, industrialization,

(constitutional framework, electoral system,

(distributive,

¹ D&R, 28 December 1996, "Akhir Amandemen pasal 21", Jakarta.

According to Grumm (ibid., p.431) in this model "the environmental factors are conceived as creating or stimulating the demands that are the actual inputs to the legislative system." In the case of Indonesia other environmental factors such as religion needs to be considered. Then, the formal and informal aspects of the political system are regarded as variables. The outputs are public policies. Distributive policies mean that they would sanction the payment of public funds to individual, directly or indirectly, for example, welfare programs. They may also be redistributive, which means that the flow of money would go in the other direction from the individual to the government through taxation, fees and fines. Regulatory policies involve the control or regulation of organizations or individuals by the government or government agency.

Grumm's description of the diagram:

The pattern shown in this model; *a,b,c*, and *d*, should serve to emphasize some possible explanations of policy outcomes as well as the possibility of feedback effect (*d*) of policy on inputs. This model also hints that the linkage between environmental factors and outputs may be affected by some characteristic of the political system.

If route *c* is the main causal path, this indicates that the response of the system to a given environmental impetus is agreeing across political systems with varying structural characteristic. Or, another suggestion, that environmental factors produce variations in output that are independent of the structural characteristic of the system and that these characteristics are determined to some degree by some aspects of the

environment. In this case, the environmental factors analyzed does not directly provide the impetus for the output response but, in psychological terms, adjusts the response mechanism in such a way that the output is affected.

Another possibility is a mixed condition. In such a case, paths *a*, *b*, *c*, and *d* were all involved to roughly the same extent. This would show that the particular environmental influence was generating inputs which tended to bring about a pattern of responses or output of a particular nature. And, that the behaviour in which the system responded to these was set by a system characteristics which themselves were affected by the same environmental influence.

When all relations were in the same direction (all positive or negative), the influence of the environment on the structural characteristic of the system would produce an additional effect on output; that is the environmental factor would not only be producing pressures and demands for a particular output, but would also be helping to create the system conditions which make it easier to obtain the designated output. An illustration given by Grumm involves urbanization as the environmental factor and the system of apportionment of legislative districts as the structural factor. A high degree of urbanization in a state might generate demands for increased state financial aid to large cities, and it might also create pressures that would lead to a more equitable apportionment of the state legislature, which in turn might make it easier to pass the desired legislation.

Based on this definition, environmental factors appearing in the bill deliberation on child court hypothetically related to the responsiveness of the system will be examined. The factors include religious affairs,

education and urbanization. Then, the interpretation of process model will be given considering the input, a characteristic of the political system- the faction system- and the output.

Environmental factors: the inputs

A majority of Indonesian citizens are Moslem, approximately 80% of the population. In Indonesian politics, only over the past two decades Islam (influence) has been given a greater part in society. Now, Indonesia has been enjoying a revival of Islamic culture paralleled by explicit Islamic political activity in the New Order. Previously, many Moslem organizations were suspected as being fundamentalist and a threat to Pancasila, the national ideology. Now the healthy development of Islamic society is indicated by a new generation of educated, primarily urban-based Moslems (Ramage, 1995).

Such a condition gives more security for Moslems in larger society. And the efforts of the government to maintain that sweet relationship with Moslem society gives the Moslems a bargaining power. Educated, urban Moslems realize more now of what they can do to sustain the Islamic society. One good example of this is the termination of the national lottery following heavy pressure from Moslem organizations in most cities in Indonesia.

When the bill was publicly announced for the first time in 1995, soon after public criticism arose. Their objections were prompted by a concern of infringements or denials of Islamic justice that arose from the exercise of powers of the public court. For instance adoption shall not terminate contact between the child and the biological parents and a Moslem child shall not be adopted by parents of different religion, or about guardianship which has been included in the compilation of

Islamic law. They also objected to the authority of the public court in such matters, since it could end the relationship between parents and children from the Islamic society.

Besides the fact that the four House factions had given their concerns and considerations toward the bill, waves of Islamic organizations kept coming to the parliament buildings. Students staged protests and Moslem leaders voiced their dissatisfaction during the bill deliberations. The most notable concerns then came from the most respected Islamic leaders organization (MUI: Majelis Ulama Indonesia) that one of its functions is to give final answers on a legal interpretation.

All factions in DPR opened their office for the public aspirations. Apparently, the party which took a strong stand was the United Development Party, an Islamic party. Amazingly, *Golkar* also took similar standpoint. What is also quite surprising is that the Indonesian Democratic Party joined other factions. Historically, the party was a merger between several small parties including some Christian parties.

Ali Marsalam², the chairman of the *ad hoc* committee, affirmed that the House factions continued to listen to the public aspirations, therefore they would take all measures to alter the bill to be agreeing with the public expectations.

Below is a finding of a characteristic of the political system that is related to the responsiveness of the system.

DPR membership and Faction policy

² Kompas, 10 October 1996 "Pembahasan RUU Peradilan Anak untuk Sementara Ditangguhkan".

There are two main focus in the relation of the people and their representatives in DPR. Firstly, the DPR members are representatives of the people, therefore they shall articulate and fight for the people's voice. Secondly, there is an assumption that the representatives shall emphasize the national interest. If there is a conflict between national and local interest, priority should be given to the national one.

In the other hand, the existence of any DPR member should also be seen in relation with his or her political party. There are three factors identified in this relation: first, the DPR members shall functions in accordance with their party programs; second thing is: a party is a bridge between national and local interests, and; what adhered to a party does not always related to national interest. Thus, representation is a concept that show relations between the representatives and the represented, and there play various kinds of interests.

The legislative structure arranges that bill deliberation is the authority of DPR factions. All members of the factions are members of House committees, but they still have to act in accordance with the factions' guidelines. In the stages of lawmaking, committees are involved only in the initial stage. Further discussion with the government or the bill initiator is held by factions. Hence, the factions, which are actually the representatives of political parties in the parliament, play a determining role in a lawmaking process.

Consequently, any effort to amend or alter a bill could only be done through factions. It is through the factions that hopes of the public to have desired policies could be put. In this particular bill the fact that all factions gave considerations and rejected some parts of the bill indicates they are responsive to the inputs.

Output

After tough deliberations during the working sessions between the government and DPR, one can compare with the deliberations of marital legislation in 1973³, the government agreed to drop the items on custody and adoption. But they persisted in retaining the items on neglected children and civil children. According to the Minister of Justice, Oetojo Usman, as the government representative, those items were not related to the competence of the Islamic Jurisdiction and should not be associated with the religion adhering to a child.

Referring to that matter, finally the Supreme Court advised that the left two issues on neglected children and civil children, should also be removed from the bill. For the records, it is quite unusual. Although the Supreme Court has the right to give legal advice on a bill discussed in DPR, this is very rarely happens.

Later on, after long, tiring lobbying, even the Minister needed to discuss the matter with the President several times, the government gave in. These items were finally withdrawn. They could accept the political reasons of the House members to drop article 21. However, the Minister reaffirmed the good will of the government to include those issues. He mentioned that that would be a golden chance if all aspects of civil children can be regulated by that bill. DPR themselves hope that these aspects can be regulated by a separate legislation. Finally, the bill on child trial (the new name), approved in a plenary session in December

³ The marital legislation adopted in 1973 was quite controversial for most moslems opinioned that marital law for Moslems should be arranged by Islamic law, not by the state. The plea was not successful, the legislation is legalised anyway.

1996, contained only legislation on child criminal, just like what people wished.

Process model interpretation

From the description, we can assume that the decision making process for that particular bill was highly influenced by the environmental factors. But it should be noticed that DPR factions and the government are independent, they may or may not consider the environmental pressure.

Applying Grumm's process model, the process of child court bill deliberation is following paths *a* and *b* (see the diagram). It signifies that the response of the political system varies according to variations in certain structural characteristics of the system and that these characteristics are determined to a degree by some aspect of environment.

In this case, the environmental factor; the pressure from urban-educated Muslim societies does not directly provide an impetus for the output response. Because of the 'isolation' between the government and the mass of people, the expression of public will, to which the government should respond continued unheard. But, in psychological terms, the environmental factor altered the response mechanism, DPR, in such a way that the output is affected. Heaps of letters, groups of people coming to DPR, mass media reports, and academic discussions on that matter, were very hard to ignore.

DPR members here acted as communicators. They carried the effects of the policy back to the government. And since the government gave the will to listen, DPR carried on as safety-valve for political catharsis.

Conclusion

This chapter has described one phenomenon inside DPR buildings, that the House members including those from the ruling party gave a lot of consideration to a bill proposed by the government. Normally, changes made by DPR on bills are on words formation or technical matter, but not on the substance.

But can it be said that the House has acted as a forum for interest groups? Yes, it has to some extent for that particular bill. That the four factions listened carefully to the people aspirations and been persistent in defending their standpoint, despite of the government's plea, shows that DPR had successfully used their bargaining power and implemented their right to amend bill.

Various response addressed this case. The fact that the implementation of the bill affects Islamic society, the majority of the population, is an important notion. Nobody wants to be considered as an enemy of Islam in Indonesia nowadays. Furthermore, the mass media report was highly valuable support. Given another bill that affects the minority, it would not receive this high support.

Another comment was given considering the fact that a general election came soon following the bill's legalization, that was in May 1997. The responsiveness of the DPR factions and the willingness of the government to accommodate the aspirations of Moslem society, were assumed as a strategic campaign.

Child trial is one of many other bills that received public protests. Legislations on man power, nuclear power, small business, environment

arose dissatisfaction in society, however, little of the public aspiration were accommodated for these bills.

Therefore, it can be concluded that the responsiveness of DPR is invariable. It does not necessarily depend on the substance of a bill, sometimes it is more concerned with the invested motives of the factions.

Conclusion & Recommendation

This thesis has been concerned with providing an assessment of both: the position of the Indonesian House of Representatives (DPR) as written in the Constitution and the rules of procedure, and the practice of the DPR working process to see to what extent the House serves the functions identified in first issue.

Given often described 'weak', which broadly means that DPR doesn't have the power to represent the people's aspirations, I considered it beneficial to examine the role and functions of DPR. Firstly, because legislature is an important aspect in development. The Constitution affirms the need to have a strong government and also a strong parliament. Secondly, because there has been a general lack of knowledge on DPR working process and its activities inside the parliament buildings, and also on what actually the role and functions of DPR in laws are. However, the finding in this thesis is ultimately problematic, both in theory, and also in practice. The study highlights two major findings; firstly, that the effectiveness of DPR is not optimal because of the negligent reactions of the government in responding DPR inputs, in other words they give little concern of DPR integrity. Secondly, the DPR internal working mechanism is not adequate for DPR to implement their constitutional rights.

In terms of constitutional arrangements, development and the chosen strategy and policy are implemented by the executive after taking discussion with DPR. In addition, the Constitution also provides DPR

with functions to make laws, and to determine state budget, both together with the government, and lastly, to hold supervision toward government's policy. With this power, DPR is wanted to serve as people's representatives to ensure that the development is beneficial for the people. Nevertheless, people consider that DPR members have not been effective in carrying out their functions.

The security approach done by the executive to ensure the development continuity is one major cause why they do not really responsive to people's aspirations voiced by DPR. The legislative impediments to certain government policies are considered to be harmful to development. Whereas, prevent a poor plan can help to reconstruct into a more adequate plan.

Another reason is DPR themselves are not purely independent. There is an extent of dependency on the executive by the members of the ruling party (Golkar) which affects the whole DPR activities. The members of Golkar need to act in accordance with the faction guidelines, which mostly support the executive policy. Furthermore, other political parties can not really escape the executive influence, for example for funding and support for the parties' leadership. In a case that showed that the government listened and accommodated DPR considerations needs a very strong motive. For example in the child trial bill deliberation, Moslems majority factor is a very powerful impetus.

The flaw of DPR's lack of supported regulations does not lie in the constitutional stipulations, merely it lies in the organic laws, including the DPR's rules of procedure. Some articles which are considered preventing DPR activities need to be reviewed and removed, and if an implementation of a right is not possible because of no regulations

available, DPR should initiate to propose the law. As a record, some changes in the rules of procedure have been made by DPR for the term of 1997-2003. The right to initiate a bill by House members, for example, now requires ten members to support it instead of twenty.

Besides the needs to review the regulations and change the attitude of the executive toward the DPR integrity, other considerations to optimize the role and functions of DPR should be given to House members behaviour and the supported staff.

Considering that the implementation constitutional functions is complicated, technical and requires high expertise, the available staff for the House members, under the coordination of a secretary general, is not sufficient. While the staff performs relatively well administrative work, it lacks of expertise inputs. Particularly when we compare it to that of the executive that has vast and highly sophisticated administration machinery and staffed by experts, specialists, and highly educated civil servants.

The secretariat general of DPR has already a research department, however, the newly established institution is far from adequate. They are not ready yet, for example to perform legal drafting for bill proposals from various aspects of public life, if some members want to initiate a bill. Since the funding of the secretariat general is from the state budget, it needs the goodwill of the executive to increase the budget for the parliament to hire experts and specialist. Hence, the distance of capability of the executive and legislative won't be this immense.

Another important aspect in the House performance is the members behaviour. The DPR members need to have a strong commitment and

political parties that put them in the House. They need to accentuate the rights provided for them to carry out their legislative functions. They have moral responsibility to the people to perform as required by the law, that is to be a strong parliament which serves as the equal counterpart to the executive in development.

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