Public Consultation and Civil Society Role in Policy Making in Indonesia

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Indonesia in Context

• Fourth most populous country (population: 237 millions)
• Declared independence on 1945
• Unitary presidential constitutional republic
• New Order Era: governed by highly corrupt, centralized, militaristic regime for 32 years (1966-1998) under former President Soeharto
• Public participation in policy making is non-existent
• Civil society organizations and the media were oppressed
Reform Movement 1998

• People’s power triggered by economic crisis in 1997
• Reform movement was spearheaded by student activists and civil society organizations
• Soeharto resigned from his position on 98, but never been tried and convicted of his crime
New Order Era
- Centralized government
- Highly corrupt
- Controlled media
- No access for public communication
- No participation of public in policy making

Reform Agenda
- Decentralization
- Anti corruption
- Freedom of the press
- Freedom of Information Act
- Public consultation process
Legislation

• Since the reform, legislative process required public consultation

• During the process of legislation, both government and the parliament must conduct public hearing

• Government or parliament will invite civil society representatives to gather input on their draft of legislation

• Civil society can also initiate public consultation, offering review and/or alternate draft of law
Freedom of Information Act

- Law No 14/2008 on Access to Public Information
- Product of a reform movement
- Civil society advocate the law since 1998
- The law ensure public to have access of information from public institutions, which include government institution (legislative, judicative and executive), and NGO
Decentralization

• The Law 22/1999 on Local Government required public consultation in the development of local budget
• Public consultation were conducted in village, sub regencies, and regencies level
• Recommendation goes up to the policy making level
• To ensure that the budget will be used effectively for the benefit of the people
Corruption Eradication Commission (KPK)

- Founded in 2003
- Member of the commission were selected by the parliament from the candidate chosen by selection committee of the president
- Have special authority to conduct investigation, wire tapping and apprehension
- Most trusted by the public to fight corruption
- Recent head of the commission is from CSO background
After more than a decade

- Freedom of the press
- Economy (macro) is going strong
- Free & democratic election

BUT

- Poverty level is still high
- HDI dropped this year
- CPI score still very low: 3.0 this year
- TI Global Corruption Barometer: police, political party, parliament and judiciary system is highly corrupt
- Many widely publicized, high level corruption, unsolved
What happen?

- Formal approach
- Depend too much from adopted “good governance” model
- Ticking the box mentality
- Weak parliament → parliament members represent political party, not the constituent
- 30 years legacy of corrupt bureaucracy
- Decentralized corruption
- Political corruption
- “Corruptors fight back”
  - KPK is constantly attacked by the police and parliament
What can be done

Civil society perspective

• Deliberative democracy
  – Lesson learned from Brazil, India, Bangladesh
  – Organized community powerful enough to force the government to conduct public consultation
  – Can work in local government level (in Indonesia)

• Strong cross-sector civil society coalition
  – Lesson learned from coalition of NGO for Freedom of Information, Publish What You Pay-Indonesia
Government Perspective

• Change the mindset: not only consultation, but participation

• Set up the whole strategy of policy making with civil society, from the beginning

• Civil society role basically:
  – To evaluate and monitor the process
  – To ensure that the outcome benefits the people
  – To ensure the process is not just “ticking the boxes”

• Recent initiative: EITI, Open Government Partnership
Conclusion:
- Public participation, not just consultation
- Strong cross sector coalition of civil society
- Formally recognized role of civil society
- Proper mechanism; with monitoring and evaluation system