

# Public Consultation and Civil Society Role in Policy Making in Indonesia

Frenky Simanjuntak

Presented in

Third Conference of The Arab Anti-Corruption and  
Integrity Network

# 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**