

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

POLICY SUMMARY

- Increase public access to participate in the process of the RUU APBN deliberation at the DPR
- Increase human resources capacity at the DPR for public information services
- Review the laws and regulations concerning the DPR's budgeting functions
- Increase the awareness of the DPR concerning the interests of women and other marginalized groups in border territories

PROBLEMS

The deliberation of the RUU APBN at the DPR normatively is considered as public information. However, public access in that matter is still limited. This is also reflected in the deliberation of the RUU APBN regarding border issues, which has been handled instantly, partially, and unsustainably.

There are two main reasons why the budget for border territories did not address the real needs of border communities. First, due to the geographical condition of the border areas and second, the lack of access of the border communities to information on the policy process. Moreover, the public participation is still limited, especially the participation of women and other marginalized groups in the budgeting process at the DPR.

Based on the research results, The Indonesian Institute (TII) proposed several policy recommendations, taking into account the time-frame, the feasibility, from the most practical to the most ideal, and those considered controversial. These policy recommendations are deemed to be applicable for the DPR, considering that the RUU APBN deliberation process is equally valid for all issues, including the border issues.

BACKGROUND

The State Budget (APBN) is a legal product, however its deliberation process is different from other policy products. Its deliberation process tends to be non-transparent with no public hearings (RDPU), and it is difficult for the people to access the Proposed State Budget (RAPBN). Public hearings can only be conducted upon the public request. However, there is no assurance that the proposals will be discussed in the deliberation process of RUU APBN by the DPR.

Access to public information and public participation are minimal, especially on budget issues concerning the border territories, which also concerns the issue of welfare and national defense in the border territories.

The RUU APBN deliberation process at the Commission level in the DPR generally discusses the Work Plan and Budget Plan of Ministries/Agencies (RKA-KL) together with partners of the related Commissions. Similarly, this process does not involve the public. Although there is an open session for RKA-KL discussion by the Commission where the public may attend, but not all working meetings can be declared as open session, since there are discussions that are classified as state secrets, such as discussions on the purchase of primary defense weapon system (*alutsista*) including the amount and type.

Nevertheless, the RUU APBN deliberation process in the Budget Committee at the DPR (Banggar DPR) tends to only synchronize the discussions at the Commissions level. Most of these deliberation processes are closed and even the minutes of meetings are not publicly accessible.

This is very important to be addressed, considering that the currently discussed APBN is aimed for public welfare. However, the public themselves have no access to information concerning the RUU APBN and could not exercise their rights to participate. This issue is also very important, especially amidst the many criticisms concerning the DPR's performance as well as the monitoring of corruption cases involving the DPR.

PROBLEM ANALYSIS

The preliminary study on access to public information concerning the RUU APBN deliberation at the DPR, with the case study on the RUU APBN deliberation concerning the border issues, as conducted by TII, found the following issues:

Limited public participation in the RUU APBN deliberation process between the Government and the DPR

First, public have no formal access to the RUU APBN.

Second, public hearings (RDPU) on the RUU APBN have never been conducted, partly due to the limited time for the DPR to resolve the RUU APBN deliberation.

The representation and budgeting functions of the DPR concerning the people's aspirations in the RUU APBN deliberation

First, the absence of a follow-up mechanism for the people's aspirations obtained by the DPR during working visits and recess, and poor budgeting function caused no room for Members of the DPR to set the budget to accommodate the needs of their electoral districts in the deliberation process of the RUU APBN.

Second, DPR's representation function is weakened due to their dependence on the strengths and influences of the political party; assignment of political party; and internal competition within the political party. *Third*, the deliberation system at the DPR does not provide enough room for members of the DPR to advocate for its electoral district's aspirations in relation to the budgeting process.

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In education sector, TII actively participates in public advocacy, opinion and editorial writings (*Wacana TII*), monthly assessment (*Update Indonesia*) and yearly (*Indonesia Report*), and discussion (*The Indonesian Forum*).

TII is committed to contribute to public policy debates and improve the quality of public policy formulations and results in the new democracy situation in Indonesia.

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Access to Public Information in the deliberation of the RUU APBN

First, potential issue in the DPR Regulation Number 1 of 2010 on Public information Transparency at the DPR, which always refers to stipulations set by the DPR and its Secretariat General.

The authority of the DPR and the Secretariat General in creating regulations at the DPR on one hand can improve public information transparency, but on the other hand it can also hamper access to public information.

Second, sufficient space and access to public participation are not available. Sessions are held in closed doors and public have no access to information concerning the substances/documents being discussed nor to minutes of meetings based on the reason that the information is part of the state's classified information.

On border-related issues, there are issues of participation of the border communities, especially women and the marginalized groups

First, there are geographic and socio-economic barriers, as well as politics, such as the isolated locations, low socio-economic conditions, lack of information from the Government and the DPR on the economy and development of the border territories.

Second, border territories development model tends to be centralized and top down and lacking of emphasizes on regional autonomy and self-reliance. Furthermore, there is a lack of understanding and commitment of policy makers in implementing development that is gender-oriented and sensitive to the interest and needs of the marginalized groups.

Third, lack of effectiveness of the DPR's working visit to the border areas, due to the protocols which hamper direct interaction between members of the council and the border communities; lack of community's enthusiasm because the results of the working visits simply end in notes on community's aspirations; and that working visits depend heavily on the political will of each Member of the DPR.

POLICY RECOMMENDATIONS

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

Short-term Recommendations:

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

Medium-term Recommendations:

- **Develop personal media of DPR members as an alternative media and means to facilitate the access to public information regarding the RUU APBN deliberation.** In order to support the availability of access to public information, especially concerning the RAPBN, the DPR Members can also develop a personal media in the form of print media, online media, and/or social media.

Long-term Recommendations:

- **Review the proposal on the follow-up mechanism of community aspirations collected by the DPR as a result of Kunker (Working Visit) during Recess time.** Results of working visits and recess will be helpful in discussing the legislation, budgeting and monitoring if the visits and recess are conducted during the legislation, budgeting and monitoring processes in connection with the issue.

With a limited budget authority owned by the DPR, all findings during working visits and recess by the Members can only be conveyed to the government as inputs and advices, in this case the Ministry/Agency acting as its partner. Therefore, there is a need for an integrated response and follow-up mechanism between the DPR and the Secretary General on the inputs, objections, and proposals from the public regarding RUU APBN deliberation at the DPR.

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

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

2. Increase the Human Resource Capacity at the DPR for Public Information Services and for Supporting the Functions of the DPR

Short-term Recommendations:

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

Further, the works of the PPID at the DPR would also be optimal if followed by a good understanding of the importance of public information and good political will, especially from the Leaders of DPR and the Secretary General of DPR. Therefore left by itself, this structure will work if those running it received enough supports and possess sufficient capacity.

Medium-term Recommendations:

- **Increase the capacity of DPR members in understanding the process of APBN formulation and deliberation.** It is understandable that not all Members of the DPR, especially those who are newly elected, understand the APBN and its process comprehensively as well as public information transparency. There is a need for intensive and scheduled briefing/ training regarding the procedures, deliberations and enactments of the APBN for the Members of the DPR. There is also a need for an intensive and scheduled provisioning/training on the procedure, discussions of and ratification of the APBN for the DPR's Members. Briefings can be conducted by the Factions or the Secretariat of DPR RI.

Long-term Recommendations:

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

3. Review the Laws and Regulations Concerning the DPR's Budgeting Functions

Medium-term Recommendation

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

Long-term Recommendations:

- Review the budgeting function of the DPR through improvements in the mechanisms of recommendation, deliberation, and enactment of the APBN by the Government together with the the DPR as mentioned in Article 23 of the 1945 Constitution and Article 15 Paragraph 3 of Law Number 17 of 2003 on State Finance.
- Review the Law Number 27 of 2009 on MD3 to improve the representation function and synergy between the works of the DPR with the DPRD and DPD, in connection with the *musrenbang* mechanism and the RUU APBN deliberation process.

5. Recommendations for Further Assessments

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

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

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

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

Short-term Recommendations:

- The DPR can use their Working Visits (*Kunker*) to increase more awareness concerning the border communities. With a note that the timing of *Kunker* shall be scheduled to be concurrent with the implementation of special *Musrenbang* for the border areas, by also taking into account the interests of women in the border area. Results of the working visits will become the data and analysis during working sessions with the Government so that DPR can present an appropriate view according to condition in the field.
- Empower the border communities, including women and other marginalized groups into economic or social activities. This should be the main approach in order to increase the role and participation of community in the policy process, including the budgeting process in border areas realistically. This is especially true with the implementation of the Regulation of the Ministry of Home Affairs Number 15 of 2008 on General Guidelines of the Implementation of Gender Mainstreaming in Regional Development.

Medium-term Recommendations:

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

Long-term Recommendations:

- Accelerate the issuance of the Law on Gender Equality. One of the weaknesses in the Presidential Instruction Number 9 of 2000 on Gender Mainstreaming in the Development is that that policy is only directed toward the executive domain. While the judicative and legislative are not covered. Therefore, the Bill on Gender Equality, which was submitted to *Prolegnas* (National Legislation Program) of 2012 and having a vision for gender mainstreaming in all domains (executive, judicative, and legislative) should be supported.