

The Indonesian Update

Monthly Review on Economic, Legal, Security, Political, and Social Affairs



Main Report:
Problems around Government Regulation in Lieu of
Law (Perppu) on the Constitutional Court

Politics

- Measuring Preparedness of the 2014 Election ■
- Polemics over the 2014 Presidential Index Survey Results ■

Social

- Questioning Malnutrition on the World Food Day ■
- Realizing Women Friendly Cities ■

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FOREWORD

President Susilo Bambang Yudhoyono, through Coordinating Minister Djoko Suyanto, has announced Perppu 1 Year 2013 on the Second Amendment to Law No. 24 Year 2003 on the Constitutional Court. The Perppu that was issued after the arrest of Chief Justice has drawn pros and cons.

It is interesting to note that there are two versions of the phrase in the preamble of Perppu. The confusion about the phrase is unfortunate, as state laws should be clear and definite.

The November edition of the Indonesian Update raises a main theme on “Problems surrounding the Perppu on the Constitutional Court”. On political affairs, it talks about “Measuring the Preparedness of the 2014 Election”. On social affairs, it reviews “Questioning Malnutrition on the World Food Day”.

In addition, in this edition of the Indonesian Update, on political affairs, it discusses the title “Polemics over the 2014 Presidential Candidate Index Survey”. On social affairs, “Realizing Women Friendly City”.

The regular publication of the Indonesian Update with its actual themes is expected to help policy makers in government and business environment -- as well as academics, think tanks, and other elements of civil society, both within and outside the country, to get the actual information and contextual analysis of economic, legal, political, cultural and social developments in Indonesia, as well as to understand the public policy in Indonesia.

Happy Reading!

Problems around Government Regulation in Lieu of Law (Perppu) on the Constitutional Court

Yogyakarta has once again become a special place. On October 17, 2013, President Susilo Bambang Yudhoyono, through the Coordinating Minister Djoko Suyanto, announced one important regulation, Government Regulation in Lieu of Law (Perppu) No. 1 Year 2013 on the Second Amendment to Law Number 24 Year 2003 on the Constitutional Court.

The Perppu was issued after the arrest of Constitutional Court (MK) Chief Justice, Akil Mochtar, by the KPK created many pros and cons. President Yudhoyono had previously been summoning the heads of state agencies (except MK) to consult them on the issuance of this Perppu.

Constitutionally, the president has the authority to issue a Perppu in an urgent situation. Article 22 of the 1945 Constitution provides that with the limited authority before the president issues a Perppu there should be necessary conditions that force the issuance.

Based on this, the issuance of Perppu means that the president considered that the arrest of MK Chief by KPK was the necessary conditions. Therefore, Perppu should be established to solve the problem that occurred in such conditions.

It is interesting to observe the considerations for the issuance of Perppu. It should have been mentioned in the preamble of the Perppu conditions that forced the issuance. However, it mentions the phrase “due to the deterioration of the integrity and personality of the constitutional judge.” The phrase can be found in the preamble: Letter c of Perppu No. 1 of 2013.

The latest development in the considerations is the presence of the two versions of the phrase. The Perppu distributed by Wamenkumham, Denny Indrayana, to reporters is different from the one received by the Deputy Chief of MK. The confusion about the phrase is unfortunate. A law should actually be clear and definite.

Two Problematic Substances

The first substance regulated in this Perppu is the mechanism of selection of constitutional judges and the requirements. This provision has drastically changed the conditions set out in Law No. 24 Year 2003 and Law No. 8 Year 2011.

The new mechanism set forth in this Perppu involves an Expert Panel consisting of representatives from the Parliament, the President, MA, and KY. KY's role in this mechanism is very large, which can be seen from the number of members of the Panel of Experts from KY (four people) and the further regulation set forth in the form of KY Regulation.

The KY's involvement in the mechanism of selection of constitutional judges does not conform to the Article 24B of the 1945 Constitution and the KY Law. The KY institution was established as an effort to monitor the performance of judges in the Supreme Court, not the judges in the Constitutional Court. This is evident in the minutes of the 1945 Constitutional amendment that include the debate on the establishment of state institutions.

Moreover, the existence of the Expert Panel is also questionable because this institution seems like a mere "fictitious agency" in order to involve KY in the selection of constitution judges. Involving KY in the constitutional judge selection process is not a problem as long as it does not violate legal norms. This Perppu will only lead to new legal problems instead of resolving or improving the selection mechanism of constitutional justices.

This mechanism is much different from the provisions of Law No. 24 Year 2003 that involves the Parliament, the President, and the Supreme Court as required by Article 24C Paragraph (3) of the 1945 Constitution. The mechanism is already good, but the three institutions that make up this mechanism were elitist for not giving enough room for the public to provide inputs.

Even today, the President and the Supreme Court have not had internal rules regarding the selection mechanism of constitutional

justices in accordance with Law No. 24 Year 2003. As the old mechanism was incomplete, then a new mechanism involving other state agencies in a new kind of Selection Team was established.

Another substance that is regulated in this Perppu is the Honorary Council of the Constitutional Court (MKMK). Earlier, in the Law No. 8 Year 2011 the MKMK had been regulated, but in this Perppu, the provisions regarding this constitutional judge ethic code enforcement body are different.

First, in terms of MKMK period, previously the memberships were ad hoc, while in Perppu it is regulated that it is a permanent institution with a five-year duty period. The establishment of a permanent MKMK indirectly assumes that there are always problems in the body of the Court, especially those related to the integrity of constitutional justices.

Second, the composition of the memberships that negates the elements of MK, the Parliament, KY, and the government, replacing them with former constitutional judges, practitioners, academics, and community leaders. The elements of constitutional judges should remain there because they really know the internal conditions of the MK, who later can provide a lot of inputs and information to MKMK.

Third, the other difference is the very big role of KY in MKMK. The Perppu determines that KY plays a major role since the creation until the placement of the Secretariat General of the Secretariat MKMK. In addition, the operations of the organization use the legal instruments of KY.

It is very strange if an unclear institution has a secretariat in another agency then supervises it. It is stranger because the rules used as the basis for carrying out its functions are the regulations of other agency.

This is certainly very confusing, especially in terms of accountability, financial management, as well as personnel MKMK. KY is not authorized by the 1945 Constitution to supervise judges. The MKMK existence is a form of continuation of KY.

The provisions concerning the MKMK were apparently made to “outsmart” Article 24C of the 1945 Constitution, which does not provide a legal basis for the Judicial Commission to oversee the constitutional judges. The trick is to establish a permanent

institution that becomes a means for KY to supervise constitutional judges.

According to the laws and regulations and democracy, all state institutions are connected in a system of checks and balances. Although the executive, legislative, and judicial branches are separate, but all the three must monitor each function in order to build a better state of life.

KY's function to select and supervise supreme judge has been considered not optimal. Adding a function to form MKMK to supervise constitutional judges is certainly not a wise thing to be implemented. If the President wants to increase the authority of KY, a mechanism should be proposed through the 1945 Constitution amendment, not through Perppu.

Old provisions in Law No. 24 Year 2003 and Law No. 8 Year 2011 have not been executed perfectly, especially concerning the selection mechanism of constitutional justices. The momentum that came after the arrest of MK Chief indicated that the bribery case would not present a momentum to make new rules, as the old rules have not been implemented optimally.

Perppu as a Solution?

Perppu in essence is a legal instrument that is formed in emergency or forcing urgent conditions. The final goal for the issuance of Perppu is to solve problems in the emergency situation. In other words, the president established Perppu to solve the problems related to MK.

As a legal instrument presented to provide a solution, then Perppu should not exacerbate the situation. Perppu should provide appropriate solutions to solve a problem. Another important thing is the momentum of the Perppu. Without the momentum, the emergency regulation will not be effective.

A Perppu can be considered as a solution if it meets at least three terms. **First**, a legal Perppu does not cause problems, which are either contrary to the Constitution or laws. If this case happened then theoretically the Perppu could be evoked through a mechanisms review in the Parliament or a judicial review in the Constitutional Court.

Second, sociologically, Perppu should not be in contrary to the will and needs of the people. If it is in contrary, then there will be

pressure from civil society organizations and the media to reject it.

Third, Perppu on MK can become a political commodity ahead of the 2014 Elections. MK has a court to resolve electoral disputes, where it is vulnerable to infiltration by certain political forces to win the democratic parties.

This Perppu can be one of the openings in the infiltration attempts. Therefore, the Perppu should be politically safe, in the sense that the president must ensure that the Perppu is not used to undermine MK.

At a first glance, this Perppu arguably meets the third requirement because it is still valid. Nevertheless, the Perppu does not meet the third requirement if the implementation actually causes juridical, sociological, and political problems. In the political process at MK, the juridical existence of Perppu is still in controversy.

If the Perppu on MK is legal-theoretically unproblematic, sociologically it will get the society support, and politically it will be supported by all political forces. Accordingly, Law No. 12 Year 2011 on Perppu can be passed by the Parliament into law.

However, if the three conditions are not met then there are several scenarios that may happen. The **first scenario** is that the majority of factions in the DPR will reject the Perppu, and then form the law on the revocation of Perppu. **Another scenario** is that political parties will file a Perppu judicial review to MK, then the cancellation or revocation will be conducted by MK.

The President's step to issue the Perppu should be appreciated as an attempt to solve the problems that occur in the body of MK. However, a Perppu should not cause more problems, whether they are juridical, sociological, or political. If such problems arise, they will exacerbate problems in the body of MK.

The Perppu on MK issued by the President is very problematic. The two substances on the selection and supervision of the Constitutional Court are considered inappropriate and can be canceled either by the Parliament or MK.

-Asrul Ibrahim Nur-

Measuring Preparedness of the 2014 Election

General Elections (Elections) are a means of democracy in order to select leaders. In view of Joseph Schumpeter (in Ubaidilah, 2000) the essence of democracy is a competitive mechanism to elect leaders through elections in order to get the voice of the people.

In other words, electoral democracy is a means to establish a system of state power based on people's sovereignty. Power won through elections is the power coming from the people and will be used according to the will of the people and in accordance with the wishes of the people.

Preparations of the 2014 Election

Direct, free, confidential, and fair elections can only be achieved if they are carried out by an election organizer that has integrity, professionalism, and accountability. But in the lead up to the 2014 Election, there are still many problems occurring. The *first* problem is the still chaotic voters' list (DPT).

The DPT determination by the General Elections Commission (KPU) has again been delayed for the second time. According to initial plans, the Commission should specify the DPT on 13 September 2013. However, the Commission's plenary meeting on Wednesday (23/10) decided to re-suspend the determination and announcement of the 2014 Election's DPT.

KPU chairman Husni Kamil Manik said the postponement was the recommendation of the Elections Supervisory Body (Bawaslu) that suspected that there was still a problem in revised DPT.

Bawaslu has been disputing the voter data, as there is a big difference between the DPT data and the voters' information data system. The number of potential voters in the DPS (Temporary Voters' List) is 187 977 268 people. In the DPT, the number of voters was reduced

to 186.842.533 and then to 186 351 165 after it was processed in the DPT Voters Data Information System (Sidalih).

The Commission explained that the difference has been caused by the improvement made by the central KPU. There was improvement because there were invalid data, such as double voters, dead voters, and invisible voters. The DPT determination will be conducted within two weeks to review the entire DPT established at the local level.

Bawaslu chairman Muhammad stated that the delay had also been caused by the still problematic main population numbers (NIKs). This could lead to the potential existence of fictitious voters in the 2014 Election. Therefore, Bawaslu asked the Commission to review the data no later than November 4.

The source of the DPT problem is demographic data inaccuracies in the problematic Elections Voters Population Potential Data (DP4) received by the Commission from the Ministry of Home Affairs.

The Commission stated that there were approximately 190 million voters if referring to data from DP4. However, from these data, 14.1 million people are between the ages of 10 and 20 years, and 0.03 per cent of whom are residents aged 10 years and below whom were included in DP4.

There are also people who do not have electronic identity cards (KTP). Of 190 million registered voters in DP4, about 44 million of them still use manual ID cards.

The *second* problem is the logistics. The Commission said that the preparations of election supplies would be disrupted if the determination of DPT was postponed for the third time. Currently, the DPT has been postponed twice on the recommendation from Bawaslu that it was problematic because a lot of invalid data, as stated by the Commissioner of the Commission Ferry Kurnia Rizkiyansyah.

Ferry explained that the procurement of election supplies such as ballot paper, ink, boxes, voting booths, and CI form according to the law should refer to the DPT. From the DPT, the election logistics will be known. For logistical preparations, the Commission will ensure the procurement of logistics for the 2014 Election will be decentralized to the district and provincial KPUs.

The decentralized logistic procurement is intended to minimize irregularities and to achieve efficiency and effectiveness. However, what must be considered in the procurement of logistics for the 2014 Election is the tight control over the budget and the appointment of the providers of goods and services. This step is to avoid any illegal arrangements in the the 2014 Election logistics procurement.

The illegal arrangements are often done as mark-ups of the uses of the budget, as well as collusion arrangements with the service providers and goods. Some of the tender winners are actually blacklisted companies.

The banning of blacklisted companies in the bidding process of the procurement of election supplies is stipulated in Presidential Decree No. 54 Year 2010 on the Procurement of Goods and Services, as well as the Presidential Regulation No. 80 Year 2003 on Procurement of Goods and Services.

The logistic budget for the 2014 General Election is estimated at a level of 20.53 percent of the total budget of the Commission of Rp 3.24 trillion. The budget will be used for data management, procurement, and auction items. The Central Elections Commission has set a maximum budget cap for each specification of logistic area where the Commission does not carry out an auction process.

Election Commissioner Arief Budiman said that the Central Elections Commission realized that if there was difference in price and shipping cost in each region, they should not exceed the budget cap index. Seeing this condition, it is necessary to have coordination between the Central Elections Commission and the Regional Elections Commissions in both district and provincial electoral logistics procurement processes.

The budget of the logistic division consists of Rp 1.2 trillion, or 7.59 percent of the total budget of the Central Elections Commission, a total of Rp 374 billion, or 2.6 percent of the total budget of the Provincial Elections Commission, and Rp 1.5 trillion or 10.45 percent of the total budget for City Regency.

The Commission's logistic budget in 2013 was Rp 800 billion, or 10 percent of the total budget of the Commission in 2013 of Rp 8.1 trillion. The budget was allocated for the procurement and auction of boxes and voting booths.

Learning from the previous elections, there were logistical issues

leading to a bottleneck in the elections. The problem was the late delivery of ballots and voting booths, ballot shortages, and damage to the voting booths. Given the geographical conditions and the vast Indonesia still lacks of infrastructure, in the 2014 Election similar problems will reappear.

Recommendations

DPT and logistical issues are very important parts in the 2014 Election. The experience of the 2009 Election could be a lesson learned. The weak professionalism and integrity of the election management have given rise to the problems in DPT and distribution logistics.

The emergence of these issues has resulted in the violation of constitutional rights of the people. The violation of the constitutional rights of the people will undermine the administration of the 2014 Election.

Therefore, taking into account the time in organizing the agendas of the 2014 Election, the Commission needs to do some proper steps. *First*, the Commission together with the Ministry of Home Affairs and Bawaslu should accelerate data synchronization.

Second, the Commission in collaboration with the Government should encourage the active participation of the public in registering and reporting irregularities and violations in voters' data collection. *Third*, the Commission should improve the coordination between the election organizers, participants, media, and civil society groups to improve the supervision of each stage in the establishment of the list of voters.

Fourth, the Commission should strengthen the cooperation with the TNI / police in the distribution of logistics in the 2014 Election. *Fifth*, the Commission should tighten the selection of logistic procurement auctions in the lead-up to the 2014 Election and ensure transparent and accountable processes.

Sixth, the Commission and civil society groups should improve the oversight of logistic procurement auctions for the 2014 Election. These steps must be taken in an effort to realize the implementation of professional, credible, and accountable elections.

Direct, free, confidential, and fair elections can only be achieved if they are carried out by an election organizer that has integrity, professionalism, and accountability.

- Arfianto Purbolaksono-

Polemics over the 2014 Presidential Index Survey Results

The Indonesian Survey Circle (LSI) released the results of its 2014 Election Candidate Survey results: Real Candidates Versus Discourse (20/10). The survey was conducted using the multistage random sampling method and included 1,200 respondents. The survey was held from 12 September to 5 October 2013 using a questionnaire instrument with face-to-face interviews.

From the survey results, Golkar was placed in the first place with 20.4 percent of the vote, followed by PDI-P (18.7 percent) and Democrats (9.8 percent) that were in second and third positions.

This time, the LSI survey also introduced the 2014 candidate index. The candidate index starts from the assumption that the high electable candidate that does not automatically become a real candidate, because he or she must be supported by a coalition of parties that meets at least 25% of the vote nationwide election or 20% of the seats in parliament.

The 2014 Presidential Candidate Index that was developed by LSI includes three variables. *First*, the candidate is nominated by a coalition of the three largest parties in the parliamentary elections. *Second*, he or she wins a party structural convention. *Third*, he or she is officially nominated by a party.

The combination of these three variables will bring real and discourse presidential candidates. The LSI's 2014 Candidate Index's results show that Bakrie (Golkar Party and its coalition), Megawati (PDIP and coalition), and the winner of the Democratic convention are the real candidates.

There have been responses to the results of this survey. Many people, who have been criticizing the LSI survey, said that the survey only benefitted the Golkar Party and Bakrie. Gerindra Secretary General Ahmad Muzani said that the LSI survey's results saying Prabowo and Jokowi were merely discourse candidates could not be justified.

According to Ahmad Muzani, the results of the survey are a contradictory opinion that will make the game unfair. Therefore, he requested that the pollsters make standards in conducting a survey on a political party or a candidate. In line with the statement of Ahmad Muzani, the Deputy Secretary General of Democratic Party of Struggle, Hasto Kristiyanto, questioned LSI results that there was no effect of the popularity of Jokowi on PDI-P. Hasto also questioned the methods of the survey conducted by LSI.

There is further allegation that the survey was specially ordered by the Golkar Party, because LSI is one of political consultants of the Golkar Party. The allegation the LSI survey only benefits the Golkar Party has been denied by Golkar politician Ade Komaruddin.

Ade stated that the LSI survey results were relevant as they included candidates from the top three political parties, not only one. Because the basic assumption was that political parties got 20 percent of the vote, the results became legitimate. Ade also admitted that LSI is one of the Golkar Party's political consultants.

According to the surveyors, the survey did not follow the wishes of the party funding the survey. The survey should remain obedient to the rules of science. The *first* sampling represented all areas of the sample. It is an objective guideline to see the accuracy of the survey. *Second*, the questions presented were not led towards a particular opinion.

Third, survey agencies should be open about the margin of error, because it suggests the possibility of an error that occurred in sampling and the predictive power of the results of the survey. These three rules are expected to assess the results of the survey objectively.

Surveying the Issues of the 2014 Election

It is inevitable that elections bring a new industry: the political consulting and surveying services. The existence of pollsters and political consultants is a response to the direct election system in Indonesia

Denny JA (2007) says that there is empty space created in this era of direct elections. *First*, there is a lot of science to help understand the voter behavior through surveys. *Second*, there are strategies to help the party and leaders change the electoral to support them. For example, there are strategies to make unpopular candidates very popular and then elected in direct elections.

Political consultants give advice on how to respond to the voters' aspirations and expectations based on the accurate results of

research. Later, surveys have become the basis of the image building strategies to make the characters more in tune with the hopes and aspirations of the majority of voters.

The rise of pollsters and consultants for political parties or presidential candidates has resulted in increased political dynamics ahead of the the 2014 Election. The results of the surveys have been also discussed in the mass media and in public conversations. Many people who make surveys have been interviewed as resource persons. On the other hand, some of the results of the surveys are also dubious.

Political communication analyst Tjipta Lesmana said that the pollsters ahead of the 2014 Election will be divided. Tjipta also said that prior to the elections some pollsters often produced surveys; for example, in the form of false survey results that favored the funder of the surveys. This is where the strength of the survey results lie; namely, the formation and conveyance of public opinions.

German political scientist Elizabeth Noelle-Neumann in *Spiral Theory of Silence* (1991) says that if the individuals feel that they need to support the opinion, then they will tend to communicate the opinion to others.

The opinion that has developed in the community will affect other voters' preference. The voter preference will ultimately influence voting behavior. Ramlan Surbakti (1997) said that voting behavior was the voting activities by individuals that are closely related to decision-making activities to choose or not to choose (to vote or not to vote) in an election.

In this case and in my opinion, there will be survey institutions mushrooming the lead-up to the 2014 Election, as they are believed to be tools to increase the popularity of political parties or candidates. The survey results would mostly be the interests of funders and ignore scientific principles that would mislead the public ahead of the 2014 Election.

Therefore, it is normal that the LSI survey results have made Golkar's political opponents disappointed. As the time is getting closer to the elections, the results of these types of surveys will become less effective to lead public opinion, as well as changing the swing voters or undecided registered voters.

JPPR National Coordinator M Afifuddin states that the General Elections Commission (KPU) and the Elections Board of Supervisors (Bawaslu) should make clear all the rules on elections, parties and legislative candidates. Because survey results could benefit certain

political parties and candidates, surveys could be categorized as campaigns to increase popularity and electability.

KPU commissioner Sigit Pamungkas said that the Commission could not take any action in relation to the results of the surveys. The Commission only has the authority to ensure the surveys have clear methods in accordance with Article 246 of Law No. 8 Year 2012. It says that the poll is a form of community participation in the elections, so there should be no partiality to favor or disfavor election participants.

Sigit also revealed that regulation on community participation is being arranged. But, the arrangements are not much different from those in the Law. Pollsters should publish survey methods, survey implementation dates, funding sources, and all things related to pollsters' ethics.

Recommendations

Responding to polemics over surveys prior to the 2014 Election, the author believes that surveys should be seen as part of normal politics of a democratic system.

Therefore, the *first* step that can be taken is that mass media, civil society groups, and academics should improve political literacy of the public through political education that provides impartial information and explanations to the voters; for example, through public discussions and discussion groups in the community, disseminating opinions, and information through the mass media.

Second, we should urge the Commission and the Election Supervisory Body to put sanction on and to announce pollsters that do not publish survey methods, survey implementation dates, funding sources, and all matters related to conducting the survey.

Third, we should urge the Indonesian Association of Public Opinion Research (AROPI) and the Association of Indonesian Public Opinion Surveys (PERSEPI) to optimize the functions and roles of their survey ethics committees so that they can control their members to be more disciplined in maintaining survey professionalism.

These measures are expected to provide the knowledge and critical behavior in the community. People will be educated enough to make choices that suit their aspirations.

- Arfianto Purbolaksono-

The existence of pollsters and consultants for political parties and presidential candidates has resulted in increased political dynamics ahead of the the 2014 Election.

Questioning Malnutrition on the World Food Day

October 16 is globally commemorated as the World Food Day (HPS). That date coincides with the establishment of the United Nations (UN) agency that focuses on the issues of food; namely, the Food and Agriculture Organization (FAO).

The HPS theme this year from the UN is “Sustainable Food Systems for Food Security and Nutrition “. The goal to pursue is an increased understanding and awareness of the government, communities and other stakeholders on the need to provide the sufficient amount of high quality, nutritional food for all the people of Indonesia.

According to the Minister of Health of the Republic of Indonesia, the malnutrition rate amongst Indonesian infants is still high at a level of 17.9 percent. The number of severely malnourished children in Indonesia is at an estimated level of eight million children. Meanwhile, there are 165 million children around the world.

The large number of malnourished children is no surprise if we look at history, as the issue of malnutrition has long existed in Indonesia. With less than two years before the end of the Millennium Development Goals (MDGs) in 2015 whose one of its goals is to reduce the malnutrition rate down to 15 percent, the above high figure makes us pessimistic that the MDG target for the reduction of malnutrition can be achieved.

Factors that Cause Malnutrition

The question that has arisen is why the malnutrition problem still cannot be overcome in Indonesia? There are several aspects that have caused this situation.

First, the policy aspect. The government has a low commitment in spending the budget to overcome the nutritional problem. Although Law Number 36 Year 2009 on Health regulates that the health sector

will at least get five percent of the national budget and 10 percent of the regional budget, this has not been realised.

The budget for the health sector in many regions has been used for operations and infrastructure. In 2013, it is only 1.9 per cent of the total budget and 0.4 percent of the Gross Domestic Product (GDP) of Indonesia. These figures are well below the health expenditure figures in other countries, such as Thailand (2.7 percent), Malaysia (1.9 percent) and the Philippines (1.3 percent).

In more detail, the allocation of funds for the prevention of maternal mortality as part of the activities related to nutrition is only 0.06 percent of the total health budget (WRI, 2011).

There is also the overlapping problem between government policies, as occurred in North Central Timor (TTU), East Nusa Tenggara (NTT). On the one hand, the Regional Investment Board has granted many manganese mining permits in the area, which has resulted in more than one hundred mining permits (ITB, 2008).

According to the Regional Environmental Impact Management Agency (Environmental Impact) of TTU District, the manganese mining projects, with a variety of hazardous wastes, have polluted water sources and conservation. This has led to the scarcity of clean water in TTU and has caused malnutrition amongst children under five and pregnant and lactating mothers in TTU.

Another policy aspect is the national food policy. There should be sufficient food for all Indonesian people, which is easy to obtain and is available at all times. This is what is often referred to as food security of an area or a country.

A crucial issue related to the quantity of food in a country is the policy to import food due to lack of stock in the country (such as beef) and because the food products are nonexistent in Indonesia (such as wheat).

The beef demand in 2013, according to the Ministry of Agriculture, is 549.7 thousand tons. Of that total, 474.4 thousand tons will be met by the domestic cattle population, while the remaining demand of approximately 80 thousand tons (14.6 percent) will be imported.

For other food commodities, the Central Statistics Agency (BPS) data show that rice imports during January-June 2013, amounted to a level of 239 thousand tons. Meanwhile, corn imports into Indonesia for the same period reached a level of 1.3 million tons.

Similarly, imports of soybean reached a level of 826 thousand tons. Imports of wheat flour touched a level of 82 501 tons. In addition, salt imports in the January- June 2013 period amounted to a level of 923

thousand tons.

Second, the family economic aspect. Malnutrition commonly occurs in poor families. The latest data of poor people show that the poverty rate in Indonesia is at a level of 11.3 percent, or 28 million people (BPS, 2013). They are not able to meet the basic needs of their families such as the fulfillment of nutritious food, primary education, adequate health services and healthy housing.

Thus, the failure to meet all the basic needs has caused poor people to be vulnerable to malnutrition. Poor education has made them not aware because they do not the importance of healthy living.

Conclusions and Recommendations

Malnutrition, especially for children under five and pregnant women, has raises serious concerns because it would affect the development of the toddlers and the babies itself. In the long-term, this will affect the quality of the man himself and, more broadly affect the development of a country.

Based on the above explanations re the nutrition-related issues, it should be noted that the problem of malnutrition does not concern health issues. The other issues are also a matter of public interests, such as the nutrition, agriculture sectors and also other developments, such as education, infrastructure and so on.

Therefore, paying attention to the specific nutritional issues and the wider food should be a priority of development of a country, including Indonesia.

In the Indonesian context, in addition to the evaluation of various sources of food import policy as described above, an increase in the quality of an important local food source is also done, so that the nutritional needs of people are met.

It is necessary to ensure that people get the food that provides all the nutrients that they need to develop their full potential, to improve the lives of private individuals and also the lives of the nation.

To make sure that this will be monitored, budget allocation of sectors related to poor nutrition, such as health, agriculture, education, infrastructure, and so on in order to ensure targeted and sufficient amount.

In this case, the roles of research centers or even the food sector Research and Development Center of the ministries are also needed here. For example, finding new crops that are good in nutritional value and but are easily available in Indonesia or finding a way of processing food of high nutritional value existing in the community. A lot of raw

material is used to make new food more attractive to children so that they want to consume it. An example is the types of vegetables.

Related to the role of the various parties in the handling of the problem of malnutrition, international donors have long played a role in Indonesia. For example at the provincial level, since 2004 there have been 20 international institutions that channel funds to solve poor nutrition, with the handling per year in total could reach a level of 119 billion yen (Ecosoc, 2006). Aid is channeled divided into various activities, such as sanitation and water treatment, vitamins aid, health services, medications, and so forth.

In addition, the important role of civil society present at this stage. At the community level, it is important that there is a community effort independently and helplessly, so the students can perform educational activities aim to provide better understanding of the importance of good nutrition for all.

There are several models run by the Serapin Foundation in West Sumba, NTT. With this model, the handling of malnutrition is implemented in a group of women with education-based community self-reliance. With this approach, the handling of malnutrition is implemented in integrated manner, with the group education programs addressing education and health nutrition-including local food processing, economic development, and other skills.

In the end, it can be seen that the problem of malnutrition is multidimensional problems. The handling has to be done in a holistic manner in all relevant sectors and at every level (central and regional), and involve all actors in the society (government, civil society/NGOs and the community itself).

The problem of malnutrition is multidimensional problems. The handling has to be done in a holistic manner in all relevant sectors and at every level (central and regional), and involve all actors in the society (government, civil society/NGOs and the community itself).

-Lola Amelia-

Realizing Women Friendly Cities

Komnas Perempuan noted that in the last thirteen years every day in Indonesia occurred 20 times or sexual violence overall there were 93, 960 cases, and 23.7 percent occur in public spaces . Public space here means is in the public transport, parks, highways and other public places.

Other forms of sexual violence in this case is a rape , sexual harassment, intimidation/assault Sexually including threats or attempted rape. Acts of sexual violence above constitute a violation of women's human rights. Including sexual violence to women is a manifestation of gender inequality (Puri-Director of UN Women, 2013).

Several published cases to public attention the media then join 'force' polices to act and oversee the legal process suspects. For example, the case of rape of a medical student in India, student rape by military officers in Monument Park in Jakarta some time ago, and so on.

However, in reality the majorities of sexual harassment cases are not reported and are not handled properly. Reluctance of victims to report the perpetrators because they feel ashamed and afraid of stigma that has developed in the community that the rape victims are targeted because the women themselves dress too skimpy, going home too late, and so on.

On the other hand, the impacts experienced by victims of sexual violence are very deep. Directly, sexual harassment naturally affects their physical and psychological health. And indirectly, victims of violence and fear reduces women's freedom of movement and the right to access education, employment, recreation, and can limit their participation in political life (UN Habitat, 2013).

Looking at the above data and picture about how massive and overlays impact of sexual violence experienced by women, it is right if the idea

of Women Friendly Cities realized. This idea is not new. Since Habitat II Conference in Istanbul was initiated by UN Habitat, it has been determined that the scope is not just limited to housing and settlements alone, but also to urban widely.

Global commitments which explicitly linked the importance of a safe city for women launched by UN Women, the UN agency that focuses on women's issues with the launch of the Safe Cities program Global Initiative/Global Initiative for Safe City in the year 2010. Although Indonesia is not a target of this activity, but the discourse of Safe Cities and more broadly Friendly for Women is often promoted by UN Habitat Indonesia, which at the global level UN Women official partner for this activity.

That is, when the number of sexual violence is also high in Indonesia, as in the data in the beginning, then realizing the Women Friendly Cities with their own resources and funds has become imperative without waiting for outside help. It is as part of the government's responsibility to protect the rights of its citizens, especially women, to a sense of security.

For Indonesia itself, there is no initiation to realize the Women Friendly Cities, although the Child Friendly Cities already initiated (Ministry of Coordinator of Citizen Welfare, 2013). Nevertheless, there have been several initiatives to make women comfortable in public space; for example, the provision of special carriages in Commuterline for women, the separation of female and male passengers in the Trans Jakarta, the provision of special space for nursing mothers in shopping malls, and so on.

The question then is, what is the prerequisite of a city to be said to be safe (especially) for women? There are several interrelated dimensions that must be owned by a city if you like it to be a safe city for women. There are several initiatives that have been developed in several countries as well as the initiation by UN Women in this regard. The government can take the good practices and adapt them to the Indonesian context.

Principles and Good Practices of Women Friendly Cities

The basic principle of the Women Friendly Cities is how a city is built inclusively for all citizens: women and men, rich and poor, civil society, and the private sector so that all citizens can work, socialize and actualize themselves.

In other words, urban development should be directed to development that can anticipate the surge in population, poverty, security issues especially for women and children, and persons with disabilities and

other social problems, especially an end to cases of sexual violence against women in the public sphere (Firman, 2013).

Another principle in preparing this Women Friendly City concept, the government survivor cases involve violence against women, the victims' families, people from all walks of life and also the involvement of men in the formulation of the concept of Safe City Women.

The draft is expected to be a participatory binding commitment of all elements of the city. Thus, when entering the implementation process, the parties' involvement will keep each other interested and alert.

Once the basic principles related to how well Women Friendly Cities are prepared, there are technical issues that urban setting should also be enforced. Learning from the City of Seoul in South Korea which is internationally recognized as one of the Women Friendly Cities (Ministry of Coordinator of Citizen Welfare, 2013), the following steps should be applied to the Women Friendly Cities.

First, to make the city comfortable, safe or can be said to be women-friendly, the facilities that should be made are, for example, construction of toilets suitable for the needs of women both in number and trimmings; special parking space for women, convenience strollers, as well as sufficient parking lot lighting to avoid crime. In terms of transportation such as the train or bus, it needs the different height handrails and stairways.

Second, in addition to making facilities and building a friendly women city, there should also be services of the city government for women so that women can feel more secure and comfortable during their stay and activities in the city.

Services should be delivered are: the health care center (physical and psychological) to women with low prices; optimal protection for women who become victims of violence; providing a special place for babies and nursing mothers in public places such as shopping, terminal, office administration; the establishment of child care centers in the office areas so that working women are not worried to leave their children at home, so the quality of their work has become better.

If we look at the Seoul experience and reflect the present conditions of the big cities in Indonesia such as Jakarta, it is clear that Jakarta still cannot be categorized as a women-friendly city. *First*, there is no specific policy by the government that shows the importance of making the city safe and comfortable for women.

Second, the urban infrastructure is also not friendly to women; for example, transportation. Metromini or Kopaja have drivers who do not care about passengers as can be seen from the reckless driving, and the

dropping off passengers on the Transjakarta bus' separators.

Also, street lighting is still not considered especially in densely populated settlements, leaving them vulnerable to violence against women occurs. An example was the case of the journalist who experienced violence in a dark alley in a scout camping area.

The violence cases against women that have occurred as a result of the not yet comfortable and safe of Jakarta have actually occurred in other cities in Indonesia. What should be borne in mind is that building a women friendly city does not mean that you create privileges for women.

This should be seen as a way to accelerate gender equality between women and men. As mentioned above earlier that violence against women is as a form of gender inequality. And gender inequality has been created by the stigma, labeling and subordination experienced by women in the public and also private domains.

Therefore, there is an urgency to realize the Women Friendly Cities, as a concrete implementation of the government's commitment at the central and local levels to mainstream gender in development programs.

The basic principles of the Women Friendly Cities are how the cities are built to be inclusive of all citizens: women and men, rich and poor, civil society, private sector so that everyone can work, socialize and actualize themselves.

-Lola Amelia-

 THE **INDONESIAN INSTITUTE**
CENTER FOR PUBLIC POLICY RESEARCH

The Indonesian Institute (TII) is a Center for Public Policy Research which was officially established since 21 October, 2004 by a group of young and dynamic activists and intellectuals. **TII** is an independent, nonpartisan, and non-profit institution having its main funding source from grants and donations from foundations, corporations, and individuals.

TII aims to become the center for major researches in Indonesia for issues regarding public policy and committed to contribute to debates on public policy and to improve the quality of the creation and results of public policy in the new democratic situation in Indonesia.

TII's mission is to conduct researches that are reliable, independent, and nonpartisan, and to channel the researches results to policy makers, the business world, and civilians in order to improve the quality of public policy in Indonesia. **TII** also has the mission to educate the community in policy issues that affect their livelihoods. In other words, **TII** is in a position to support the process of democratization and public policy reform, as well as taking an important and active role in that process.

The scope of the researches and public policy studies conducted by **TII** covers the fields of economics, social, and politics. The main activity conducted in order to reach the vision and mission of **TII** among others are researches, surveys, trainings, working group facilitation, public discussions, public educations, editorial writings (**TII** expression), publications of weekly analysis (*Wacana*), monthly studies (*Update Indonesia*, in Bahasa Indonesia and English) and annual studies (*Indonesia Report*), and public discussion forum (*The Indonesian Forum*).

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POLITICAL RESEARCH

The consolidating democracy needs direction and guidance in order to realise a strong national political system. In addition, decentralization as part of democratization has created room for more issues in the development of political system in Indonesia. Therefore, political analysis are present for the government, political parties, the business sector and professionals, academics, non-governmental organizations, donors, and civil society to answer recent political issues.

TII's Political Research Division provides policy analyses and recommendations in order to produce strategic policies to consolidate democracy and to achieve good governance at the central and local levels. Types of political research offered by TII are: **(1) Public Policy Analyses, (2) Media Monitoring, (3) Mapping & Positioning Research, (4) Needs Assessment Research, (5) Survey Indicators.**

RESEARCH ON THE SOCIAL AFFAIRS

Social development needs policy foundations that come from independent and accurate research. Social analysis is a need for the government, the businesspeople, academia, professionals, NGOs, and civil society to improve social development. The Social Research Division is present to offer recommendations to produce efficient and effective policies, steps, and programs on education, health, population, environment, women and children.

Social research that **TII** offers: **(1) Social Policy Analysis; (2) Explorative Research; (3) Mapping & Positioning Research; (4) Need Assessment Research; (5) Program Evaluation Research; and (5) Indicator Survey.**

RESEARCH ON LEGAL AFFAIRS

According to stipulations in Law No. 12 Year 2011 on the Formulation of Laws and Regulations, every bill which will be discussed by the legislative and the executive must be complemented with academic paper. Therefore, comprehensive research is very important and needed in making a qualified academic paper. With qualified academic papers, the bills will have strong academic foundation.

TII can offer and undertake normative and legal research related to harmonization and synchronization of laws and regulations, especially in making academic papers and bills. In addition, the research will be conducted with sociological, anthropological, and political approaches in order to produce a more comprehensive academic papers and bills. It is expected that with such a process, the laws and regulations will be produced through such a participatory process, which involves the making of academic papers and bills to also go through process, such as focus group discussion (FGD) which will involve stakeholders related to the laws and regulations that will be discussed.

RESEARCH ON ECONOMIC AFFAIRS

The economy tends to be used as an indicator of the success of the government as a policy-maker. Limited resources have often caused the government to face obstacles in implementing economic policies that will optimally benefit the people. The increase in the quality of the people's critical thinking has forced the government to conduct comprehensive studies in every decision-making process. In fact, the studies will not be stopped when the policy is already in place. Studies will be continued until the policy evaluation process.

The TII Economic Research Division is present for those who are interested in the conditions of the economy. The results of the research are intended to assist policy-makers, regulators, and donor agencies in making decisions. The research that TII offers: **(1) Economic Policy Analysis; (2) Regional and Sectoral Prospects; and (3) Program Evaluation.**

Project or Program Evaluation

One of the activities that have been conducted and offered by TII is a qualitative evaluation on a project or a program of a non-governmental organization or a government agency. Evaluation activities that are offered by TII are a mid-term evaluation and a final evaluation.

As we may already know, evaluation is one of the important stages in the implementation of a project or a program. A mid-term evaluation is intended to see and analyze challenges, lessons learned during the project or the program, and to give recommendations on the implementation of the project or the program. Meanwhile, a final evaluation will be useful to see and analyze the achievements and lessons learned to ensure that all the projects or the program's goals are achieved at the end of the project or program.

THE INDONESIAN FORUM

The Indonesian Forum is a monthly discussion activity on actual issues in the political, economic, social, legal, cultural, defense, and environmental fields. TII organizes these forums as media for competent resource persons, stakeholders, policymakers, civil society activists, academicians, and the media to meet and have discussion.

Themes that have been raised were the ones that have caught public attention, such as migrant workers, social conflicts, domestic politics, and local direct elections. The main consideration in picking a theme is sociological and political reality and the context of the relevant public policy at the time that the Indonesian Forum is delivered.

It is expected that the public can get the big picture of a particular event as the Indonesian Forum also presents relevant resource persons.

Since its inception, the Indonesian Institute is very aware of the passion of the public to get discussions that are not only rich in substance but also well formatted, which support balanced ideas exchanges ideas and the equal involvement of the different elements of the society.

The discussions, which are designed to only invite a limited number of participants, do not only feature idea exchanges but also regularly offer policy briefs (policy recommendations) to relevant policymakers and also summaries to the participants, especially the media people and the resource persons at the end of each discussion. Therefore, the discussions will not end without solutions.

LOCAL COUNCIL TRAINING

The roles and functions of local councils in monitoring local governments are very important. They need to ensure that participative and democratic policies will be espoused. Members of provincial and regent local councils are required to have strong capacity to understand democratization matters, regional autonomy, legislative techniques, budgeting, local Politics, and political marketing. Thus, it is important to empower members of local councils.

In order for local councils to be able to response every problem that will come out as a result of any policy implemented by the central government or local governments, the Indonesian Institute invites the leaderships and members of local councils to undergo training to improve their capacity.

WORKING GROUP

The Indonesian Institute believes that a good public policy process can be held with some engagement and empowerment of the stakeholders. The Indonesian Institute takes a role as one of mediator agencies to facilitate some forums in which the Government, Council Members, Private Sectors, NGOs and Academicians can meet in interactive forums. The Indonesian Institute provides facilitation on working groups and public advocacy.

The Indonesian Institute takes the role of mediator and facilitator in order to encourage the synergy of public policy work between the stakeholders and policy makers and also to have a synergy with funding agencies (donors).

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