INDONESIAN
CIVIL SOCIETY 2006

A Long Journey
To A Civil Society

CIVICUS Civil Society Index Report for the
Republic of Indonesia

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YAPPIKA

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TABLE OF CONTENTS

FOREWORD

Since its establishment in 1991, Yappika has focused its attention on strengthening the organisations within the civil society arena. It emphasizes values, principles and internal governance mending, as well as capacity building in contribution to the democratization process in Indonesia. Yappika also develops the expertise to build nonprofit sector accountability. In 2002, Yappika implemented the Civil Society Index measurement, a tool developed by CIVICUS, as a method aimed at building the accountability of civil society organisations. The first national-scale CSI, which was conducted four years after the new order fell, resulted in knowledge about civil society's status in the beginning of the democracy transition era, as well as precious material for reflection for the involved CSOs.

With financial resources from ACCESS – Indonesia Australia Partnership, Yappika implemented a national scale CSI for the second time. The activities were conducted in 2005-2006, when Indonesia was experiencing the new phase called democracatic consolidation. There are some key questions we are eager to answer through the second CSI. Was the 2002 civil society reflection able to bring about a civil society movement in its wake? How far does the success of CSOs in influencing public policy and upholding state responsibility to overcome social problems reach nowadays? How might the positive role of civil society be enhanced in order to change the situation in Indonesia? In 2005, Yappika utilized various standard research methods developed by CIVICUS and adopted them based on Indonesia's condition in order to obtain more comprehensive data. In executing CSI, Yappika also received assistance and support from a National Advisory Group (NAG), a group consisting of 16 civil society figures from diverse backgrounds.

This publication reflects the situation of Indonesian civil society in 2006. It contains comprehensive CSI measurement results and a recommendation list as well as an action agenda developed by NAG and National Workshop participants. I hope this publication can be useful for all of us.

Lili Hasanuddin
Executive Director of Yappika

ACKNOWLEDGEMENTS

TABLES AND FIGURES

Tables

Figures

EXECUTIVE SUMMARY

After eight years of reform, the road towards a strong civil society is (still) long.

This summary presents the key findings and underlines several important implications for the future agenda of the Civil Society Index (CSI) project in Indonesia, a project implemented by YAPPIKA, a civil society alliance for democracy.

For almost a year, from October 2005 to August 2006, information and input on the state of civil society in Indonesia was collected from civil society leaders, civil servants, members of regional parliaments, members of the public, experts and researchers for the compilation of the CSI. Data were collected from a variety of primary sources, including community surveys, regional stakeholders' surveys, media reviews, fact-finding and case studies, as well as from secondary sources. This information was then presented in the form of a comprehensive framework of 74 indicators.

The National Advisory Group, which consists of 16 civil society leaders and other key stakeholders, then discussed and analysed this information to give a score for each of the 74 indicators. This assessment can be visually presented in the form of the Civil Society Diamond tool, shown below.

FIGURE 1: Indonesia Civil Society Diamond, 2006
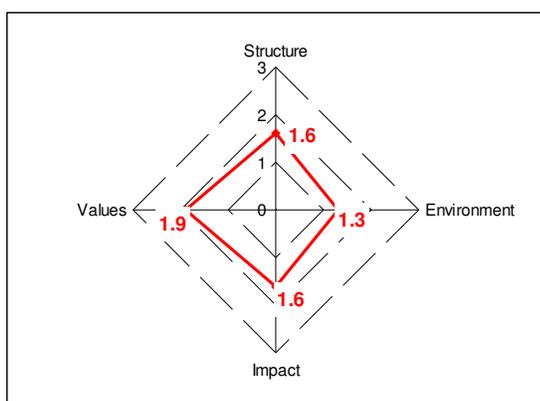
Indonesia's CSI, presented here for the first time, has given us new insight into Indonesian civil society, some of which challenges beliefs previously held by CSO leaders.

The diamond diagram shown here provides a visual representation of the current state of civil society in Indonesia. The diamond indicates that there is a comparable degree of weakness in three of the four dimensions – environment, structure, and impact, and that there is a long way to go before reaching the ideal (a score of 3). The score for the **values** dimension, which is close to two, suggests that Indonesian civil society has been reasonably successful in practicing and promoting the values to which it adheres.

Presented here is a summary of the key findings:

1. The Indonesian people are philanthropic and participate in organisations.

The Indonesian people can truly be counted among those who care for others, offering assistance in the form of money, goods and labour. Four out of five Indonesians have contributed, monetary or in-kind, and have helped other members of society. These monetary

6

contributions, however, do not add up to a significant amount because most Indonesians are not well off. More than half of Indonesia's people have at one time been members of a civil society organisation, and one in three has been a member of more than one such organisation.

2. Civil society's resources are extremely limited.

Most Indonesian CSOs are faced with the problem of having limited financial, human, technical and infrastructural resources. Most CSOs do not yet have adequate self-supporting and sustainable resources, and as a result are unable to achieve their stated goals effectively. CSOs also lack the ability to attract, form cadres of, and maintain the human resources they need for their organisations to function effectively. Membership fees have been unpaid by the members of membership-based organisations. Indonesian NGOs are dependent on foreign aid. Funds from the Indonesian public, financial assistance from government, and financial contributions from the private sector amount to only a small sum.

3. There exists an unfavourable external environment.

Although Indonesia's people enjoy political rights and other basic freedoms, many other factors are not conducive to the growth of a healthy and strong civil society. Indonesia is marked by weakness in rule of law. Trust of the legal system is still low in Indonesia, and many people do not believe that the courts are independent and free from political manipulation and bribery. Indonesia remains the most corrupt country in the world, and that has an effect on the culture and values of society. In addition, one in four Indonesians lives below the poverty line and several regions have suffered the violence of ethnic and religious conflict.

4. State-civil society relations: How best to promote dialogue and cooperation?

Although the era of reform has been in swing for the past eight years, state-civil society relations continue to be marked by mutual suspicion. The state is still perceived as an adversary by the civil society and many of civil society's tactics are confrontational and hardnosed. There is little in the way of genuine dialogue, or support and cooperation, between the state and civil society.

5. There are no tax incentives for CSOs as not-for-profit organisations.

The tax system in Indonesia does not make a clear demarcation between not-for-profit organisations and business entities. No tax exemptions exist for not-for-profit organisations working solely for the public good. In addition, there are no tax deductions for individuals or organisations that donate to social, religious or humanitarian activities.

6. Private sector indifference to CSOs persists.

Although some national conglomerates and multinationals do support or run community development programmes as part of their corporate social responsibility, the general feeling among CSOs is that the private sector is completely indifferent to CSOs. The feeling among advocacy NGOs is that private companies are not transparent and that they cause damage to the environment.

7. Intolerant groups use violence and discrimination.

Most of Indonesian civil society adheres to and actively promotes the values of democracy, tolerance, transparency, non-violence, gender equality, poverty reduction, and environmental

sustainability. Nevertheless, the results of community surveys show that within civil society there are certain groups that use violence, promote intolerance, and discriminate against women.

8. **A lack of public trust in NGOs and labour unions persists.**

Indonesian people have a high level of trust in religious social organisations. More than eighty percent of Indonesian people say that religious organisations (NU, Muhammadiyah, church organisations, and other religious organisations) are institutions worthy of a high level of trust. P trust in NGOs and labour unions, however, is low. Only 37% of Indonesian people trust NGOs and just 30% trust labour unions. This said, in Indonesia, NGOs and labour unions are still very much an urban phenomenon, with which the majority of the rural population has little experience. When asked how much they trust NGOs, thirty-five percent of Indonesians said they did not know, or they did not answer the question; forty percent either said they did not know how much they trusted labour unions or did not answer the question.

9. **Civil society is not transparent and is not corruption-free.**

The information that CSOs give the public about what they do and the resources they have – including the mechanisms for accessing this information – is still very limited. Very few Indonesian CSOs make financial information public. Such secrecy – intended or otherwise – is the "norm". Information about sources of funds, budgets, wages, administration costs, and any information showing the relationship between the allocation of resources and the organisation's mission is not generally available, even though information about budgets and sources of funds should be public, clear and easily accessible. Indonesian CSOs suffer from a deficit of information about financial transparency. Corruption is to be found in CSOs, although on a lesser scale and less widespread than in the government bureaucracy.

10. **Indonesian CSOs have played an active and successful role in promoting democracy and human rights and empowering citizens.**

Indonesian CSOs have played an active and successful role in influencing public policy in the areas of democracy building, protecting human rights and empowering citizens. By contrast, CSOs have been active, but have not been particularly successful, in influencing in the areas of public budget policy, making the private sector more accountable, creating jobs and meeting the needs of marginal groups.

These findings indicate that Indonesian civil society does have certain strengths: citizens are philanthropic and active members of organisations, there is good communication and cooperation among CSOs, citizens enjoy political freedoms and rights, civil society is relatively autonomous from the state and has been successful in promoting democracy and human rights and in empowering citizens. The challenges facing civil society, however, are considerable. This study found that CSO resources are very limited, and that CSOs are very weak in the areas of accountability and transparency. Neither are they free from corruption. In addition, there is much room for improvement in relations between CSOs and the state and CSOs and the private sector, and there is a low level of public trust in NGOs and trade unions.

It is the opinion of the author that there is a close mutual relationship between each of the three weak dimensions – environment, structure, and impact. Indonesia's economic condition, which

is exacerbated by a high rate of poverty, is reflected in civil society's lack of resources. This lack of resources is the reason that civil society is not always successful in fulfilling the needs of poor people and other marginal groups.

It is also interesting to comment on the values dimension, which was given the highest score by the NAG. This may give the impression that we as stakeholders tend to place a higher value on the values that civil society adheres to, practices and fights for. This is based on the idea of civil society as civilized society that works for the public good and therefore automatically adopts positive civic values. However, if "strong" civil society values are not values upheld by the society, including the government, civil society will have little space in which to influence societal structure. Civil society, particularly NGOs, have for a long time now been built up on foreign aid, to the extent that their values and goals are inappropriate to their domestic base, including the people and government. Therefore, it can perhaps be understood why civil society, especially NGOs, which are known as the pioneers of reform and democracy, are also frequently branded as tools of foreign propaganda. Due to differences in values, and the urban nature of NGOs and trade unions, Indonesian people in general are not familiar with these organisations and as a result, public trust in them is low.

Improving the dimensions of environment, structure, and impact, then, is key to the future growth of civil society. Attention needs to be given to how to generate domestic resources, from members, the public, government and the private sector, for example, to strengthen the resources and capacity of civil society. Efforts to eradicate corruption, improve law enforcement, and reform the state bureaucracy must be intensified to create a more effective state and a bureaucracy that properly performs its public service function. Public trust in civil society, in particular NGOs and trade unions, must be nurtured. This will happen if Indonesian civil society is better able to address the interests of marginal social groups, including labourers, and is able to make an effective contribution towards fulfilling citizens' basic needs. CSOs should also step up their monitoring of the behaviour of private companies to make them more accountable and transparent in their activities and to ensure that they perform their social responsibilities.

Although the past eight years are perceived as "the era of the rise of civil society in Indonesia", it seems that there is still a long way to go before we achieve the ideal. In addition, Indonesian CSOs need to work out a joint agenda and strategy to achieve that goal. Let us hope they can do that!

INTRODUCTION

This report displays assessment results that pertain to the condition of civil society in Indonesia, implementing an assessment tool developed by CIVICUS[1]. The assessment tool will herein after be referred to as the Civil Society Index (CSI).

CSI is a research project designed to assess civil society conditions in various countries throughout the world. As an international comparison initiated in more than 50 countries, CSI is aimed at establishing a society where the development and governance of civil society are acknowledged, respected and fulfilled. CSI also aimed at enlightening the civil society in order to perform such a role. Other goals include (1) to provide valuable information on civil society; and (2) to enhance stakeholders' commitment in strengthening civil society.

The CSI project in Indonesia is organised by YAPPIKA (Civil Society Alliance for Democracy), financially supported by ACCESS (Australian Community Development and Civil Society Strengthening Scheme)/AusAid and Partnership Program for Development/CIDA. The project began in October 2005 and continued until June 2006. In order to initiate the project, YAPPIKA established a National Index Team (NIT), which consisted of three members. A National Coordinator, responsible for coordinating and managing the entire project, led the NIT. The National Coordinator is assisted by one researcher who is responsible for the collection and display of secondary data such as the media review, fact-finding, the community survey, the regional stakeholder survey and the organisation of a national workshop. The researcher receives support from a team of research resource persons/assistants. In order to write the country report and conduct analysis and data display, the team is supported by a person with considerable extended and in-depth understanding of civil society's issues.

The team receives guidance and support from the *National Advisory Group (NAG)*, a group of 16 people from various elements of the civil society itself. These members include representatives from religious groups, grassroots organisations, female movement groups, student body groups, grant-making organisations, advocacy NGOs, development NGOs, research institution/think tanks, as well as several other stakeholders such as academicians, media members and members of parliament), who have a good understanding of civil society issues.

NAG held series of meeting in order to: (1) review the *Overview Report;* (2) discuss project methodology; (3) discuss the concept and definition of civil society; and (4) conduct a social forces analysis. NAG also will also (5) provide scores for the 74 indicators listed in the Draft Country Report in accordance with guidelines provided by CIVICUS.

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[1]CIVICUS is an international alliance located in Johannesburg, South Africa. Its membership comprises of CSOs, donor organisations, and individuals who put their attention to the development of civil society in various countries. Nowadays, CIVICUS has more than 1,000 members coming from more than 100 nations. CIVICUS has worked for more than a decade in strengthtening citizen and civil society throughout the world, especially in areas where democratic participation and civil liberty are in danger. CIVICUS programs are as follow: (i) Civil Society Index Programme, (ii) The Legitimacy and Transparency Program, (iii) Civil Society Watch Program, (iv) The Millennium Development Goals Program, dan (v) Civil Society Knowledge Development Program.

One heated debate in particular occurred among NAG's members upon formulating the definition of civil society. One of the points of controversy was the inclusion of society's groups organising activities contradictory to civic values. For example, organisations applying coercive measures in order to accomplish their goals or organisations perpetuating discrimination on the basis of religion, ethnic and other issues. Eventually, it was agreed by all to accept the definition proposed by CIVICUS with a scope limited to CIVICUS' research and operations of research. NAG also agreed to use the 74 indicators, divided into 25 subdimensions and 4 dimensions as analysis tools. This is agreed in order to position Indonesia's CSI as an internationally comparable project.

The structure of the publication is as follows:

Part I "Methodology", provides information on the brief history of CSI and its conceptual framework along with the methodology applied for this research.

Part II "Civil Society Context in Indonesia", gives a brief description of the development and the concept of civil society in Indonesia. This part also explains the application of the civil society concept in Indonesia and civil society mapping.

Part III "Analysis of Civil Society", is divided into four parts: structure, environment, values and impact. These structures are the four dimensions of CSI. This part begins with the scores given by NAG for each indicator, subdimension or dimension.

Part IV comprising the "Weaknesses and Strengths of Civil Society in Indonesia and Recommendations for the Future", spans from the summary of ideas, arguments, and opinions forwarded at the National Workshop on Civil Society Index.

Part V presents the "Civil Society Diamond" and proposes some interpretations of the report's implications towards Indonesia's overall civil society.

I THE CSI PROJECT AND METHODOLOGY

1. PROJECT BACKGROUND

The concept of Civil Society Index was conceived in 1997, when international Non Governmental Organisation CIVICUS, a World Alliance for Citizen Participation, published the *New Civic Atlas* including civil society profiles from 60 countries in the world (CIVICUS 1997). In order to enhance the comparability and quality of information from the *New Civic Atlas*, CIVICUS thus decided to start developing a comprehensive assessment tool for civil society, referred as the Civil Society Index (Heinrich/Naidoo, 2001; Holloway, 2001). In 1999, Helmut Anheier, then a Director for Centre Civil Society at London School of Economics, played a significant role in developing the CSI concept. (Anheier, 2004). The concept was tested in fourteen countries at the pilot stage from 2000 to 2002. Following the completion of the pilot stage, the approaches employed in the project were comprehensively evaluated and perfected. Since 2003, the project has been expanded to almost sixty countries (Refer to Table I.1.1)

Table I.1.1: Countries participating in the CSI implementation phase 2003-2005[2]

1	Argentina	*18*	Germany	*36*	Orissa (India)
2	Armenia	*19*	Ghana	*37*	Palestine
3	Azerbaijan	*20*	Greece*	*38*	Poland
4	Bolivia	*21*	Guatemala	*39*	Romania
5	Bulgaria	*22*	Honduras	*40*	Russia*
6	Burkina Faso	*23*	Hong Kong (VR China)	*41*	Scotland
7	Chile*	*24*	Indonesia	*42*	Serbia
8	China	*25*	Italy	*43*	Sierra Leone
9	Costa Rica	*26*	Jamaica	*44*	Slovenia
10	Croatia	*27*	Lebanon	*45*	South Korea
11	Cyprus[3]	*28*	Macedonia	*46*	Taiwan*
12	Czech Republic	*29*	Mauritius	*47*	Togo*
13	East Timor	*30*	Mongolia	*48*	Turkey
14	Ecuador	*31*	Montenegro*	*49*	Uganda
15	Egypt	*32*	Nepal	*50*	Ukraine
16	Fiji	*33*	Netherlands*	*51*	Uruguay
17	Georgia*	*34*	Nigeria	*52*	Vietnam*
		35	Northern Ireland	*53*	Wales*

* Represents the ten countries implementing the CSI-SAT.

As a civil society alliance for democracy, YAPPIKA is focused on strengthening civil society in Indonesia. This is evidenced by measuring CSI for the second time in 2006. The first measurement was conducted in 2002. YAPPIKA's involvement in the CSI project in Indonesia is in accordance with its mission, i.e. the promotion of the enforcement of human rights and people's sovereignty, popular-based social and economic transformation that is fair, independent and equitable, and eradication of all kinds of discrimination based on religion, ideology,

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[2] This list encompasses independent countries as well as other territories in which the CSI has been conducted, as of August 2006.

[3] The CSI assessment was carried out in parallel in the northern and southern parts of Cyprus due to the de facto division of the island. However the CSI findings were published in a single report as a symbolic gesture for a unified Cyprus.

ethnicity, race and gender through policy advocacy, capacity building of civil society organisations and public campaign. CSI is an act of research that is innovative, since it does not only produce comprehensive information on civil society but is also oriented at strengthening civil society in meeting its strategic roles. The implementation of CSI is important to civil society in Indonesia, particularly since the political situation in Indonesia is undergoing transition. It is aimed at finding out if civil society is contributing positively to the transition, the extent of CSO's success in influencing public policies and encouraging state responsibility to overcome the current social problems, whether civil society empowers the public and meets the basic needs of marginalized communities, and how to improve the positive roles played by civil society amidst the changing situation in Indonesia. It is also aimed at determining if the reflection on civil society conducted in 2002 has shaped the civil society movement since.

The time consumed to prepare the CSI project was considerably long. It began with the presence of two of YAPPIKA's staff at the workshop training for National Coordinators in Johannesburg in 2004. It was followed with fund raising efforts to implement the project. On 18 October 2005 the project was implemented with funding support from ACCESS, and the first NAG meeting was held on 14-15 December 2005.

2. PROJECT APPROACH

CSI employs a comprehensive approach to implement the project, which is a combination of various research methodologies. The core of CSI lies in a broad understanding of civil society and it displays a comprehensive process of project implementation. To evaluate the condition of civil society in a particular country, CSI examines four key dimensions of civil society, namely structure, external environment, values, and impact to the general public. Each dimension consists of a number of sub dimensions, divided into individual indicators. The indicators are set based on CSI data gathering, which includes secondary sources, household surveys, a regional stakeholder survey, a media review, and a number of case studies. The indicator also takes into account an evaluation made by NAG. The findings of the research, along with the score are then discussed in a workshop with key stakeholders, assigned to identify strengths and weaknesses and to provide recommendations on key priority actions for strengthening civil society. The approaches adopted by CSI project, the conceptual framework, research methodologies and assessment will be detailed in this section.

2.1 Conceptual Framework

CIVICUS defines civil society as an arena, outside family, state and market, whereby people are grouped together in order to achieve common interest *(CIVICUS, 2003).* Notwithstanding that civil society is a complicated concept, CIVICUS realized that any definition selected will always incite debates and potential controversy. Since CSI does not pretend to be an academic project, the definition of civil society derived from social and political science concepts was given without providing comprehensive theoretical interpretations. However, due to the requirements of writing the report, part II will briefly discuss the concept of civil society and its development in Indonesia.

Arena, from the definition above, is defined as an avenue in the society where individuals meet, gather, discuss and debate in order to influence the development of society in the broader sense. The arena stresses the importance of civil society participation in a broadening public space

where various interests and values of the society meet. It also holds a broader meaning, which does not limit the civil society into merely formally established organisations. However, it also covers groups or informal networking within the society.

Family is a nuclear family. In particular, it is directed at private area or domestic domain. However, it is understandable that not all activities within the family are a private matter. For example, domestic violence will always remain within public's domain.

State is differentiated from civil society since it is an organisation having the legal monopoly of power to control every member of society through laws and regulations. The power includes the authority to use coercive measures.

Market or "private sector" is another space in the society where members of society gather in order to make a living, gain profits and wealth through production process or exchange of goods and services, etc. Due to its profit motive, market is excluded from civil society's definition.

Grouping is the main source of civil society, which relies on its ability to establish interaction and interrelation between one another. Meanwhile, *common interest* is broadly defined as a promoted value, need, identity, norm or other aspiration.

FIGURE I.2.1: Civil Society Diamond Tool

CSI uses 74 indicators in order to determine the health level of civil society in a particular country. Each indicator will measure every aspect considered important to the civil society's situation. These 74 indicators will then be grouped into 25 subdimensions and 4 main groups of dimensions. The four dimensions are structure, external environment, values and impact, explained as follows:
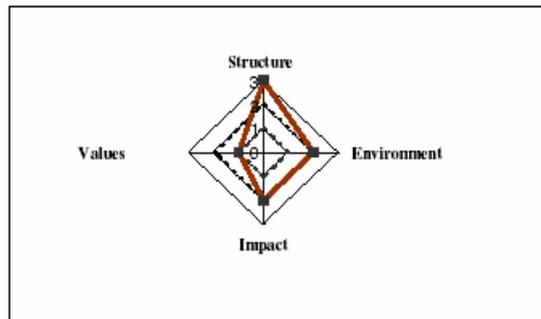
- ■ *The structure* analysis is intended to examine the actors, the characteristics of the actors and relations between the actors inside the civil society arena. This dimension consists of 6 subdimensions and 21 indicators.   *Source: Anheier, 2004*

- ■ The *external environment* will look at various external factors that influence or contribute to the stronger development of civil society or the opposite. Such factors comprise political, institutional, social, cultural and economical environment. This dimension is divided into 7 subdimensions and 23 indicators.

- ■ *Value* dimension focuses on the principles and values believed, practiced and promoted by civil society. This dimension consists of 7 subdimensions and 14 indicators.

■ *Impact* dimension measures civil society conditions and its impact to the lives of the citizens and society as a whole. This dimension consists of 5 subdimensions and 16 indicators.

The scoring results are given to the four dimensions, and will graphically determine what is known as the Civil Society Diamond.

2.2   Project Methodology

For CSI study in Indonesia, almost all data collection methods are implemented according to CIVICUS' suggestions. The result is information that comprehensively describes civil society in Indonesia. The data collection methods comprise of:

◆ *Community survey*. A survey, which is methodologically considered to represent the current Indonesian population. The method takes 799 respondents as samples. The respondents are comprised of 400 females and 399 males who were selected based on multistage random sampling combined with stratified random sampling. Respondents were spread over 200 neighbourhoods from 15 provinces in Indonesia.[4]

◆ *Regional Stakeholder Survey (RSS).* As many as 186 respondents represented actors from various civil society organisations and other stakeholders from areas in six selected provinces and were interviewed during the period of February-March 2006. The six provinces are: Jakarta, South East of Sulawesi, East Java, Nusa Tenggara Barat, East Borneo, and Banten. Each of the provinces was selected and represented these following criteria: "central", "periphery", "urban", "rural", "rich" and "poor".[5]

Community surveys and RSS are conducted by *Lembaga Penelitian, Pendidikan dan Penerangan Ekonomi dan Sosial (LP3ES)*, the Institute of Economic and Social Research, Education and Information, a research institution recently initiated quantitative based researches, in February-March 2006. The RSS is supplemented with other data collected from regional stakeholders' consultations held by YAPPIKA in 2002 during the CSI pilot phase.

◆ *Media Review*. Nine national mass media (5 newspapers, 2 televisions, 2 radios) were monitored and analysed based on their news contents for three months (1 December 2005 up until 28 February 2006). The content analysis focuses on the news in relation with the role of civil society actors in promoting issues and values coinciding the issues of civil society.[6]

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[4]The detailed explanation on the community survey methodology can be found in the survey report on community knowledge, attitude and behavior on Civil Society Organisation (*Laporan Hasil Survai Pengetahuan, Sikap dan Perilaku Komunitas terhadap Organisasi Masyarakat Sipil (CSO)*), conducted by LP3ES in association with YAPPIKA (Aliansi Masyarakat Sipil untuk Demokrasi), March 2006.

[5]The details on regional Stakeholder Survey (RSS) can be found in the Survey Report on the Stakeholders' Awareness, Attitude, and Behaviour towards CSO, *Laporan Hasil Survai Pengetahuan, Sikap dan Perilaku Stakeholders terhadap Organisasi Masyarakat Sipil* (CSO)*,* conducted by LP3ES in association with YAPPIKA (Aliansi Masyarakat Sipil untuk Demokrasi), March 2006.

[6] The nine mass media are as follow: 5 newspapers –> Kompas, Suara Pembaharuan, Koran Tempo, Republika dan Suara Rakyat Merdeka; 2 televisions → SCTV and Metro TV; and 2 radios → RRI and Radio 68 H. these

- *Fact-finding Research.* This research comprises of several studies. The first is Civil Society's Policy Impact Studies to examine the impact of civil society activities towards policy reform. The studies focus on three main issues: human rights, social dimensions and budgeting. For human rights cases, the study examine the case of activities conducted by The Advocacy Network of Elimination of Violence Against Women or *Jaringan Advokasi Kebijakan Penghapusan Kekerasan Terhadap Perempuan* (Jangka PKTP) which consists of 92 CSOs from all over Indonesia. Jangka PKTP managed to urge Indonesia's parliament to enact law no. 23 of 2004 on Domestic Violence.[7] For social aspect, the case selection was based on CSO's effort to include the minimum of 20% national budget allocation to the Law No. 20 Year 2003 on National Education, community participation in the Law No. 10 Year 2004 on the legislation formulation and Lebak District Local Ordinance No. 6 Year 2004 on transparency and participation.[8] On budgeting, the case selected was based on the CSO role in promoting participatory budget planning and allocation through joint decree made by Minister of Home Affairs and state minister on national planning and development/BAPPENAS on development planning meeting or *Musrenbang*.[9] The second study is the Corporate Social Responsibility study (CSR), made to examine the concept and implementation of CSR in Indonesia.[10] The third is an unpublished data study in a form of information on civil society and legal analysis of CSO registration process in Indonesia, which are not broadly published.

- *Civil Society Mapping Exercise.* Three meetings (in total, more than 15 hours effective time for all sessions) were conducted by National Advisory Group (NAG) to identify and discuss relations between civil society actors and other social powerhouses within the overall Indonesia's society, as well as the relations among the influential civil society groups/organisations. The mapping's output is found in Section II.3.

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methodology and analysis on media content can be found in the Report on Content analysis towards the publication on civil society organzation role in advocating public issues Research Report on Content Analysis of News Coverage on CSO's Role in Advocating Public Issues./*Laporan Penelitian Analisis Isi terhadap Pemberitaan Peranan Organisasi Masyarakat Sipil dalam Advokasi Isu-Isu Publik.*

[7]See Fransisca Fitri, *Civil Society Policy Impact Studies Report: Case Studies of Law 23 Year 2004 on Eradication of Domestic Violence,* 2006

[8]See Wawan Ichwanuddin and Aditya Perdana, *Civil Society Policy Impact Studies Report: Case Studies on 20% Budget Allocation in the National Education Law No. 20/2003, Citizen Participation in Law on Formulation of Laws and Regulations No. 10/2004 and the Lebak District ordinance No. 6/2004 on transparency and participation* 2006

[9]See Wawan Ichwanuddin, *Civil Society Policy Impact Studies Report: Case Studies of Joint Decree between Minister for Home Affairs and the State Minister for National Development Planning/Head of National Development Planning Agency Number 0259/M.PPN/I/2005 and 050/166/SJ on development planning meeting,* 2006.

[10]See Nana Suharna, *Corporate Social Responsibility Study Report,* 2006.

2.3. Project Outputs

The main output of the CSI project is a Civil Society Diamond for the Republic of Indonesia. Other output includes:

- o A comprehensive report on the status of civil society.
- o A list of recommendations and action plans developed by the NAG and participants of National Workshop, aimed to strengthen civil society.
- o Press release on key findings.
- o Consultation with about 80 stakeholders around the country discussing status of civil society in general at the national level and specifically in their respective areas.
- o Five reports on research related to the project, three of which will be printed as a book.

II   CIVIL SOCIETY IN INDONESIA

1. HISTORICAL OVERVIEW OF CIVIL SOCIETY

The concept of civil society began to gain its popularity in Indonesia at the beginning of the 1990s. However, the beginnings of civil society activity, marked by the establishment of organised and relatively independent community groups, can be traced back to the time of Dutch colonialism in the beginning of the 20th century. In connection with Dutch policies on political liberalization and modernization of its colonies, hundreds of community-based organisations for education, social issues, religion, economics and even politics blossomed in Indonesia with various goals but all in pursuit of the common goal of gaining independence from the Dutch.[11] This development continued into the early stage of independence in early 1950s when several mass organisations of professionals such as labourers, youths, students, journalists, artists and others tried to affiliate themselves with political parties.

The reign of the Suharto era, which enjoyed the backing of military forces for more than 32 years (1966-1998), resulted in a setback for Indonesia's civil society development. The Suharto's presidency, known as the New Order era, was in fact a bureaucratic-authoritarian regime (*Negara Otoriter Birokrasi/NOB*). NOB was intended as a political system in which the state comes out as the dominant political force that is capable not only of controlling its own supporting factions but is also capable of marginalizing its opposition within the society. NOB was designed to exert strict control over civil society, as in an authoritarian country the life of civil society will always be controlled in order to prevent people from being actively involved in the political realm. The involvement of people in politics is considered a nuisance to the political stability and an obstacle to the national economic growth. Several mechanisms were used to control the society, such as obstruction and prohibition of civil liberties (freedom of association and freedom of expression) and the development of a corporate state ideology (Ibrahim, 2002).

This ideology of corporate state primarily correlates with organisation's life where state governs civil society's organisation through interest representative system initiated and acknowledged by the state. The representative's unit is functionally divided based on specific categories such as one labour union, one journalists' association, one youth organisation and etc. These units must have the government's approval and submit themselves to the government's control. Alternative

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[11]Two of the socio-religious organisations conceived in the colonialisation era are still greatly influential today are *Nahdlatul Ulama (NU)* and *Muhammadiyah*. NU was founded K.H. Hasyim Azhari in 1926. Recently NU has approximately 10 institutions carrying out NU specific programmes such as: education, health services, economic empowerment of the people, agricultural development, legal education and legal aid provision, human rights development, and others.. NU also has autonomous bodies related to specific community groups such as youth, students, university students, graduates, labour unions, women, and others. NU's tens of millions of members also manage education in at least 5,000 elementary, secondary & religious educational institutions, including tens of universities and academies/institutions of higher learning.
Muhammadiyah was founded by K.H. Achmad Dahlan in 1912. Muhammadiyah currently is recognised as a socio-religious organisation working in education, health, and people's economy. Similar to NU, Muhammadiyah has tens of millions of members; it manages more than 5,000 elementary and secondary educational institutions and at least 100 universities and academies/institutions of higher learning. Muhammadiyah also has autonomous bodies organising youth, students, university students, women, and others.

organisations for these units were prohibited. The government created impediments to these alternative organisations and, where necessary dissolved the organisations by coercive measures.

In the beginning of 1970s, the same time when the new order started to rule in Indonesia, the nongovernmental organisations (NGO) also started to flourish with more accommodating relations with the government. Although the government, with the support of international funds, managed to maintain high economic growth (7-8% per year), the prevalence of poverty combined with lack of participation from the community has provided avenues for the NGOs to participate in social and economic development. These NGOs were categorized as the development NGOs and have various concentrations and activities. Their programs covered activities such as clean water and sanitation, basic education and non-formal education, development of small-scale industry and handicrafts, joint entrepreneurship, microcredit, cooperation and other programs.

In the 1980s, several NGOs for environmental management and preservation emerged. During this period, the NGOs working on advocacy started to play a significant role in the society. These NGOs conducted advocacy activities for environmental problems such as waste and pollution, the result of rapid development and industrialization combined with rapid population growth.

In the 1990s, in line with the growing involvement in human rights issues and human rights protection and also global democratization, several NGOs whose activities cover human rights advocacy and democracy were established in Indonesia. These NGOs seek the restoration of people's civil and political rights, and work to end human rights violations committed by government and to request political democratization. The advocacy was also conducted to deal with the violations of the people's social and economical rights related to land, natural resources, cultural rights, women's rights, gender equality and others.

During this period, other civil society components such as mass organisations, labour unions and professional organisations did not play a significant role within the society.

In mid 1997, Indonesia suffered a serious economic and monetary crisis that led to a massive increase in the number of poor and unemployed, especially in urban areas.[12] This situation prompted massive demonstrations by Indonesian students in Jakarta and other major cities, which had the support of NGOs and academics, and culminated in the fall of President Soeharto in May 1998. The fall of this authoritarian regime was followed by democratic transition in Indonesia. This event initiated a great deal of transformation within the Indonesia's society, especially the rapid development of the civil society. CSOs have shown a significant increase in numbers. This period is known as the reform era and also known as the resurrection of the Indonesian civil society.

With the freedom to associate, assemble and express opinions for the people, the civil society sector has grown at a very rapid pace. The CSOs, whether new or old, compete with one another to be heard by the people.

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[12]In less than one year, the exchange rate of the rupiah plummeted from Rp 2,250 to Rp 15,000 to the US dollar.

Some illustrations of CSO growth are described below:

- The number of NGOs, which are the most visible and vocal components of CSO, has increased greatly. In the new order era, there were only several thousands NGOs in Indonesia. This number has multiplied in the recent period.
- In the new order era, there was only one labour union acknowledged, and it was highly controlled by the government. Nowadays there are 40 labour unions at the national level, not less than 300 labour organisations at the local level and more than 10,000 labour unions at the company level (Sari, 2002: 164).
- New Independent mass communication media such as newspaper, magazines and tabloid have growing very rapidly. There are hundreds of newly established newspapers, magazines, and tabloids, which span from capital cities like Jakarta to the cities in the provinces and deliver independent news.
- Social religious organisations, intellectuals and scholars' communities, student movements, research institutions, study groups and think tanks have also experienced significant development.

Even though the civil society has grown very rapidly, it is clear that living in a repressive regime leaves a considerable impact and long lasting impression on the various elements of civil society. For more than 3 decades, the civil society was treated as part of problem and not the solution. The civil society's sole purpose of existence is to be controlled and not to be heard or treated as partners. As a result, in 1998 when it aspired to contribute to democracy and good governance, CSO needed to reconsider its strategy and reposition itself in order to respond to the ever-changing challenges and opportunities. The process is still ongoing. (Antlov et al, 2005).

The greater, dominant role played by NGO compared to other civil society organisations is related not only to Indonesia's historical context, but also to the general phenomenon that occurred globally in the world. As explained by Michael Edwards (Edwards, 2000: 9): "*If civil society were an iceberg, then NGOs would be among the more noticeable of the peaks above waterline, leaving the great bulk of community groups, informal associations, and social networks silently but not passively below*".

In many parts of their activities, NGOs also keep ties with other civil society organisations and provide support by becoming the connective tissue to bind the civil society's components together. The fact that the availability of data and information in Indonesia are concentrated in NGOs' roles and activities rather than the CSO has also explained why there is a propensity for the analysis of civil society to lean more on the NGOs.

2. OVERVIEW OF THE CONCEPT OF CIVIL SOCIETY

Since the development of the civil society concept in Indonesia in the beginning of 1990s, there are two competing approaches. The first one focuses on civil society's vertical aspect, mainly focused on society's autonomy from the state and is highly related to politics (Sujatmiko, 2003). This concept is mainly supported by NGOs opposing the government. These NGOs saw the civil society as a striving arena in order to develop a strong and independent civil society as the means to achieve democratization. Civil society is defined as a concept of independent society's

presence and at some level is able to advance and to limit government's intervention into the created avenues for its activities. The NGOs raised the civil society discourse in Indonesia in order to identify and build citizens' capacity for advocating democracy and human rights in the face of the New Order opposition.

The second conceptualization highlights the horizontal aspect of culture, i.e. relations between individuals and groups. It stresses civility aspects of civil society and because it is identical with the concept of civilized society in Indonesia known as *masyarakat madani* (Madjid, 1999; Baso, 2002). The term *masyarakat madani* was introduced by Dr. Nurcholish Madjid, a famous progressive Indonesian Moslem thinker. He stated that *masyarakat madani* is a civilized society (in Arabic, *madaniyyah*) derived from the concept of civil society in Prophet Mohammed's time (early VII century) with Medina as the centre of activities. In this view, *masyarakat madani* is the kind of society that respects and perpetuates the principles of tolerance and pluralism. The pluralism here means that there is sincere willingness to accept the fact of pluralism in a positive manner. By this, it will enrich the development and diversity of the nation's culture through dynamic and various cross-cultural interactions. Similarly, tolerance relates to the willingness to accept differences on various perspectives and social behaviours.

In the relations between civil society and the state, the followers of the *masyarakat madani* concept adopt a very "soft" approach. Although civil society is acknowledged as the main component of pro-democracy movement, the government is still perceived to be the crucial factor for democratization and the structure of democracy cannot be built without the state's power. In fact, the interconnection between the government and the civil society is often defined in a cooperative framework rather than one based on conflict. This happens because the demise of the government's legitimacy will lead to potential fragmentation within the civil society. The civil society has no meaning without a strong state.

Following the end of Soeharto's authoritarian regime and a few years into reform era, the development showed that there is consensus among the civil society components, seeing the concept of civil society as the combination of the vertical and horizontal aspects. The society is not merely considered as the arena or space that filled with voluntary, organised and government-independent society groups, but they are also characterized by their tolerance, respect towards each other and the pluralism within them. This concept is very relevant with the social condition of Indonesia as a vast archipelagic state, which consists of various ethnicities and religions. Therefore, the conditions require a serious attention from the government, especially the issue of reintegration. The political reform in Indonesia, however, despite the fact that it has transformed Indonesia into democracy, also caused a number of horizontal conflicts and violence in several regions.

These civil society organisations, which consist of organised groups and networks situated outside the family, state and market, interact with each other to promote common interests, including the public interest in broader sense. As a collective entity covering all organisations, groups, and organised networking outside the family, the CSO category is very diverse.

CSO types in this study

There seems to be a consensus from experts and observers that a *political party* not be included as a CSO category. This reflects the views of the participants as expressed in the first NAG meeting. A political party is considered to be the "future government" or "government on hold". The political party is also viewed as an organisation that is located in the society's infrastructure and at the same time can be found inside the government. This can be seen from the presence of political party representation in the parliament and through the expression executive power.

However, there is still debate within the CSO groups as to whether or not a political party can be included inside the CSO category. At the workshops intended for constructing the status of the civil society held in 6 areas in 2002, the Java-Bali, Jabotabek, and Sumatra areas put the political party into the state's sector. The rationale was that the political parties have continuously devoted themselves to contests for state's power. On the other hand, Kalimantan, Nusa Tenggara and Sulawesi-Papua considered political parties as the part of civil society on the reason that they are distinguished from state's institutions (executive, judicial and legislative).

CSO is also defined as the third sector (after state/government and market/business sector/private sector). By this, the private sector is not included within the civil society's category. CSO is also defined as a nonprofit sector. In this context, several experts include cooperatives inside the nonprofit sector. The experts believe that cooperatives are not designed to seek profit or maximize profit; they are only concerned with delivering the best service to their members (Soedjono, 2002). However, there are some who still consider cooperatives as business units, inherently designed to seek profits (Suryaningati, 2003).

The NAG meeting, eventually, decided to exclude political parties and include cooperatives within the civil society category. As a whole, NAG concluded 19 forms of groups/organisations that can be included within the civil society. They are included in Table II.2.1 below.

Table II.2.1: Types of CSOs included in the study

1. Farmer and fisherman group/organisation	11. Sports organisations
2. Business entity organisation	12. Youth and students organisation
3. Professional organisation (such as doctor, teacher, engineer, accountant, and others)	13. Women's organisation/groups
4. Worker and labour union	14. Advocating NGO's (Human Rights, democracy, watchdog organisations)
5. Community neighbourhood/village representative institution/Village council	15. Development NGOs (work in community service and development)
6. Religious based activities such as *majelis taklim, paroki,* etc	16. Organisation based on ethnicity and tradition
7. Arts and culture organisation (arts, music, theatre, film, etc)	17. Organisation on wildlife protection or conservation
8. Cooperatives, business cooperatives, joint business group, loans and savings groups, and others	18. Social religion organisation (*NU, Muhammadyah, Hizbut Tahrir*, other organisations under the order of church and other religions)
9. Foundation on health sector (foundation for parentless children, disable people, orphanage, etc)	19. Hobby organisation (mountain climbing club, philatelist club etc)
10. Educational groups such as school committee, parents' students association, etc	

Source: the first NAG meeting, 2005

3. MAPPING CIVIL SOCIETY

The mapping of civil society is intended to obtain a description or "map" of actors that have influence on social change in Indonesia. In particular, the mapping is set in order to: (a) identify and discuss the relations between civil society actors and other civil society actors in the society as a whole; and (b) identify and discuss the relations between influential civil society groups within the society. Based on the toolkit set by CIVICUS, this map is expected to be concluded through brainstorming and short discussion (approximately 2 hours) between NAG's members on the "social forces analysis" using a Venn diagram.

At first, it did not seem easy for NAG's members to discuss and agree on creating a map of influential social forces in the changing society of Indonesia. They were all too aware of the fact that Indonesia, one of the world's largest nations with a population of more than 220 million, had for the past few years been testing its wings as "the world's third largest democracy" after more than three decades under an authoritarian regime. Moreover, Indonesia consists of 17,000 big and small islands that are inhabited by people of various ethnicities, with different religious and linguistic backgrounds. In Indonesia, there are also vast differences in social, economic and education levels. This also includes political awareness. This description is briefly explained and become the national motto in the national symbol known as "unity in diversity".[13]

After three meetings, NAG agreed to create a definition and identify the existing social forces and offers tool kits to determine the varying influence of the social forces.

Within the social forces, according to NAG, are all the actors that are highly influential in transforming the society in politics, economy and culture. These social forces exert their influence through means such as: arms power, political power, lobbying, mass force/pressure, money, dogma and teaching, intellectual power, or influence of public opinion. In influencing public opinion, NAG underlines that the role of mass media is very important, especially television. NAG noted not less than 20 social forces that brought changes within the Indonesia's society. This started with the educational institutions, intellectual leaders (scholars/experts), government bureaucracy including the president's office, NGOs, political parties, the military, people's organisation, mass organisations, religious institutions, armed militia, conglomerates, parliament, courts, professional organisations, research institutions and think tanks and international institutions such as World Bank and IMF.

NAG then offerered a method to map the influence of such forces. Firstly, the elements that construct such social forces are examined. What is the ideology? What is the orientation of activities? How is the leadership determined? How big is the organisation and its network? How is the membership determined? Who are the stakeholders? Secondly, the scope of the activities of these social forces are examined. Are they involved in public awareness/education, people mobilisation, policy formulation/reform, or all three? Thirdly, the orientation of the actors of the social force is examined. Is it limited/closed? Or is it wide/open? Is it oriented in economy, society, politics, or all? Is the orientation ideological or nonideological? Finally, its coverage is examined. Is coverage nationwide or less extensive? Based on this analysis, then, the forces can

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[13]The slogan is found on the wings of the *Garuda*, the national symbol of the Republic of Indonesia, which in Sanskrit translates to "*Bhinneka tunggal ika*".

be mapped based on their influence. The description of the determinant factors behind social forces can be seen as follow:

FIGURE II.3.1: Determinant Factors behind Social Forces
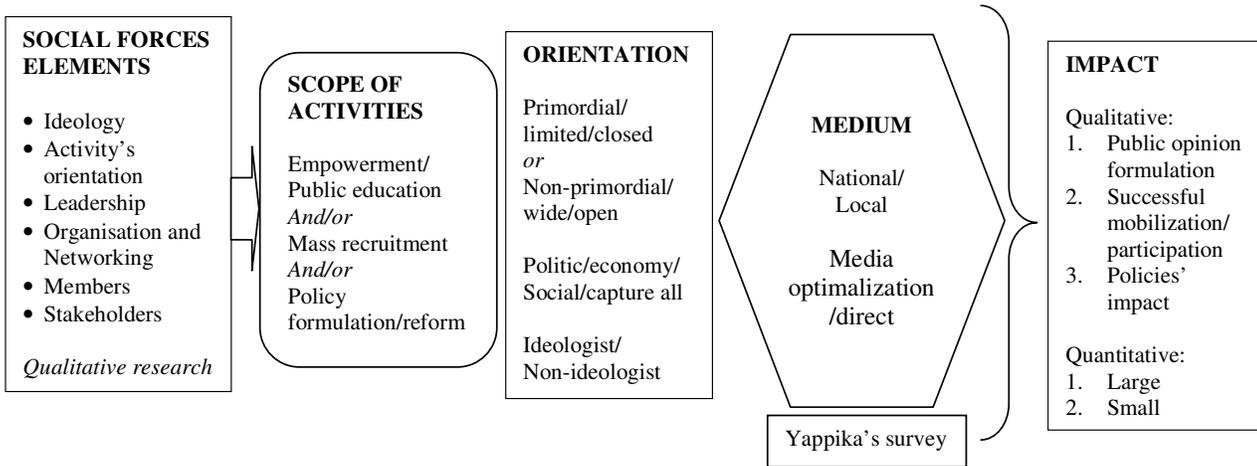
Source: the third NAG meeting, 2006.

Based on the toolkits explained above, analysis on Indonesia's social forces is carried out and displayed in two main circle diagrams: (1) influential social forces map within Indonesia's society, and (2) map of influential organisations/forces within the civil society itself.

In the first map, the innermost circle represents the four most influential forces in Indonesia, they are: executive, legislative, political parties and socio-religious organisations. The further these forces are situated from the centre, the less influential they are in the society.

FIGURE II.3.2: Social Forces Map
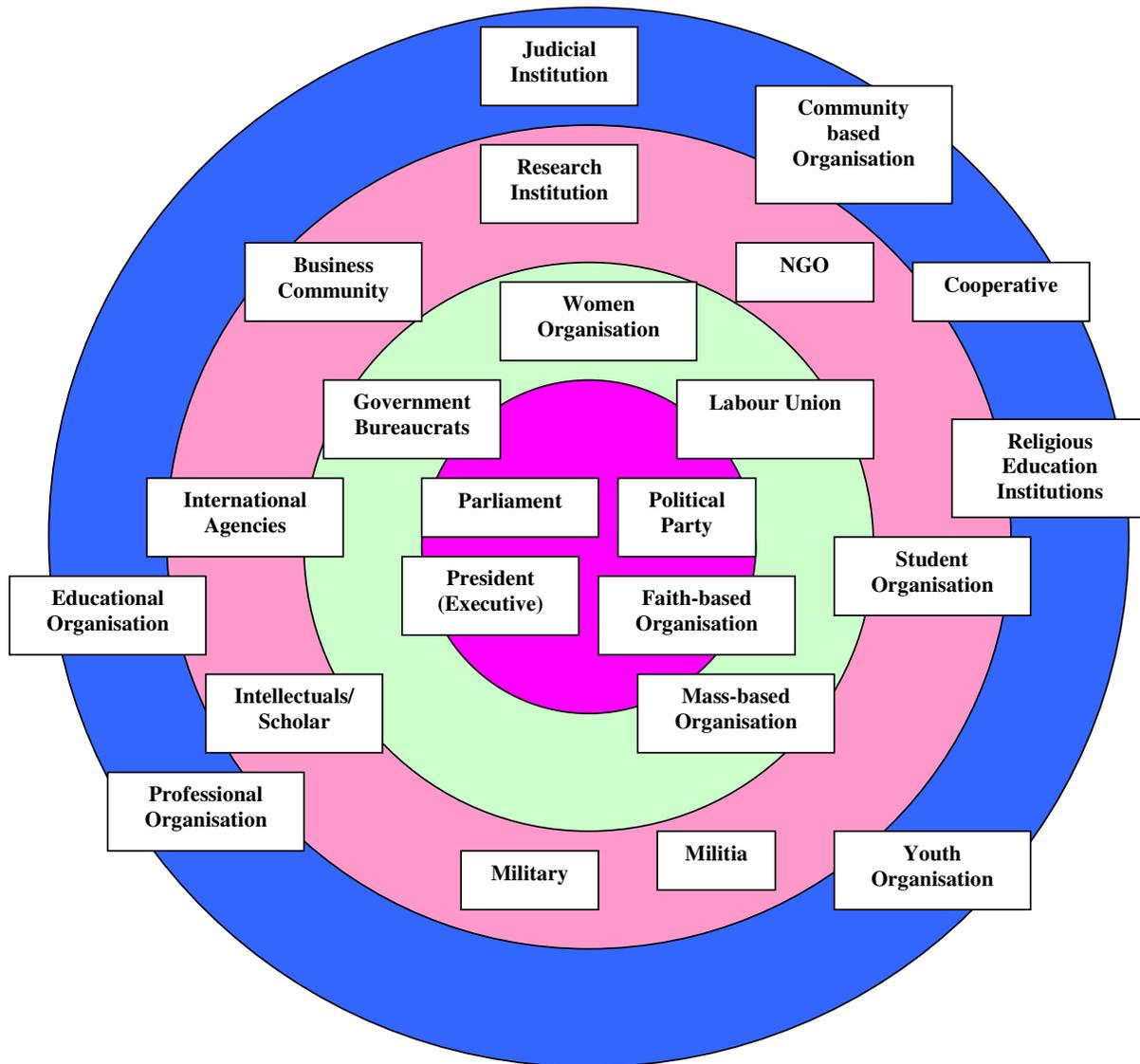
The two circle diagrams each consist of four concentric circles, which from the centre out are coloured purple, green, pink and blue. The further the social forces are from the centre, the less influential they are. Therefore, the social forces in the innermost circle (purple) are the most influential and those in the outermost circle (blue), the least influential.

After the end of Soeharto's authoritarian regime, Indonesia returned to a system of multi-party representative democracy. This means that the President is no longer the sole centre of power; instead, power is now shared. The marked increase in the role of parliament is evidence of this. Opposition forces in parliament are sufficiently substantial to create checks and balances. Political parties are an important social force because they decide who will be nominated as members of national and regional parliament and they have the power to recall members of parliament. Nevertheless, the President remains a very influential institution because he or she is the one who sets the state/public policies that will affect people's day-to-day lives. As head of state and government, the President has the support of the bureaucracy and the military, has close links with the business community, and has the support of international organisations such as the World Bank and the IMF. The most influential of the civil society organisations are the faith-based organisations, owing to the influence their teachings have in society and their large numbers of followers, who can be mobilised as necessary to achieve their goals. Nahdhatul Ulama and Muhammadiyah, two socio-religious Islamic organisations, claim to have ten million members. Labour unions and women's organisations are influential forces too because they are able to influence public policy. In early 2006, for example, mass demonstrations by workers succeeded in postponing debate of the Employment Bill, which if implemented would have been detrimental to workers. Judicial institutions are not seen as particularly influential because they are considered highly corrupt and unable to uphold rule of law

In analysing the forces within the civil society, there are five indicators used for this purpose: (1) The impact of activities, (2) Availability of financial resources, (3) Size of memberships, (4) International relations link, and (5) The influence towards the public policy making. Based on these five indicators, the innermost circle represents the five most influential civil society forces/organisations in Indonesia. These five forces are referred to as *"the heart of civil society"*. These five organisations are: socio-religion organisation, labour union, women's movement, environmental organisation and other NGOs which work in advocating sector. These five organisations are very influential because they have proved successful in influencing public policy through their advocacy and by mobilising the people in opposition to public policies. They have close ties to each other and have collaborated on several issues.

An interesting fact is that religious organisations are considerably influential in civil society. This conclusion derives from the fact that forces of religious dogma and doctrine combined with massive grassroots forces and also supported by mainstream media does indeed have a very big influence on Indonesian society.

FIGURE II.3.3: Civil Society Map

III ANALYSIS OF CIVIL SOCIETY

1. STRUCTURE

The structure dimension describes and analyses civil society's size, strength, spirit and energy in relation with human resources, organisation and economy. The scores given to the structure are the average from the sum of the six subdimensions that are attached to it. They are: (1) Breadth of citizen participation, (2) Depth of citizen participation, (3) Diversity of civil society participation, (4) Level of organisation, (5) Inter-relations, and (6) Resources.

FIGURE III.1.1: Subdimension scores in Structure Dimension
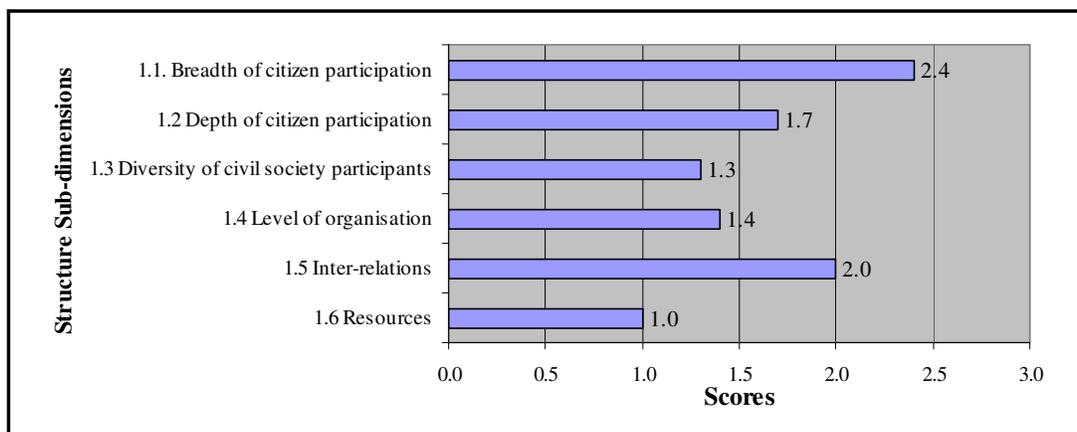
1.1 The Breadth of Citizen Participation

This subdimension analyses the breadth of people's participation in its many forms. There are five indicators to measure the subdimension. They are non-partisan political action, charitable giving, CSO membership, volunteering and collective community action. The scores for each indicator are given in Table III.1.1 below.

Table III.1.1: Indicators assessing the breadth of citizen participation

Ref #	Indicators	Score
1.1.1	Non-partisan political action	1
1.1.2	Charitable giving	3
1.1.3	CSO membership	2
1.1.4	Volunteering	3
1.1.5	Collective community action	3

1.1.1 Non-partisan political action. Indonesian people, especially those living in the urban area, have been very active in expressing their opinion since the beginning of the reform era in 1999. Almost everyday television, radio and newspapers relay news regarding public statements expressed by society groups with various intentions and purposes. The activities range from demonstrations against or in support of government policy, influencing the law making process in the national or local parliament and the conveying of aspirations pertaining to the interests of the people. These non-partisan political actions are conducted through visits to government

28

buildings, public hearings with legislative institutions, the expression of opinions on the radio and rallying in the streets.

For the whole of Indonesia, however, the community survey, conducted by LP3ES and specially intended for the purpose of this IMS, found that within the latest five years: 13% of Indonesian people have at least once written an opinion letter or sent text messages to newspapers, televisions or radio in order to voice their opinion, or else have signed a petition or taken part in a demonstration. For those who took the latter actions, 10% have done it once and 3% more than once.

1.1.2 Charitable giving. Giving has become an integral part of Indonesian culture. It is highly motivated by Islamic teachings, believed by more than 80% of 220 million Indonesia people. Indonesia is also noted as the biggest Moslem population in the world. The Islam teaching orders its followers to pay *zakat (*donation to the poor) annually at the very least. If a Moslem manages to make income and wealth to certain level, he/she must pay *zakat* with the amount of 2.5% of the net income or salary within a year. *Zakat* then will be distributed to several types of people in the society who fall within the category of poor or economically disadvantaged. The *zakat* can be given through the government institution designed to manage and channel the funds, or by the initiative of the community itself or even directly given to the poor or the economically disadvantaged. Apart from *zakat*, Moslems are also encouraged to give charity on a voluntary basis in a form of *infak* and *sadaqah,* without taking into account the level of their income. Other religions such as Christian, Catholic, Hindu and Buddhism also encourage their followers to give to others.

The same community survey also reveals that most Indonesians (78%) have given charity in the form of money and goods. Another survey, conducted in 2000 with urban respondents, shows that 96% of respondents have given charity to others individually or organisationally.[14] The charity is mainly given to the religious activities (84%). Meanwhile, giving to other CSOs is also high: 39% of respondents have given charity to the social service organisations, 30% for educational organisations and 5% to the health organisations.

1.1.3 CSO membership. Community survey 2006 reveals that 57% of Indonesians have become a member of at least one civil society organisation. Furthermore, one out of three Indonesians (32%) belongs to more than one CSO. Indonesians mainly live in groups, in a small and less informal community strongly correlated with their social, economic and religious reality. The results of this survey show that membership in modern organisations such as professional organisations, NGOs, and sports organisations is low (see Figure III.1.2.)

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[14] Survey conducted by PIRAC (Public Interest Research and Advocacy Center), a national NGO situated in Jakarta. The research conducted from 17 up until 2 November 2000 to 2,500 respondents living in 11 cities throughout Indonesia. The report was published on behalf of PIRAC in a form of book with the title: *Giving and Fund Raising in Indonesia: Investing in Ourselves* (Manila: Asian Development Bank, 2002).

FIGURE III.1.2: Membership of a sample of Civil Society Organisations
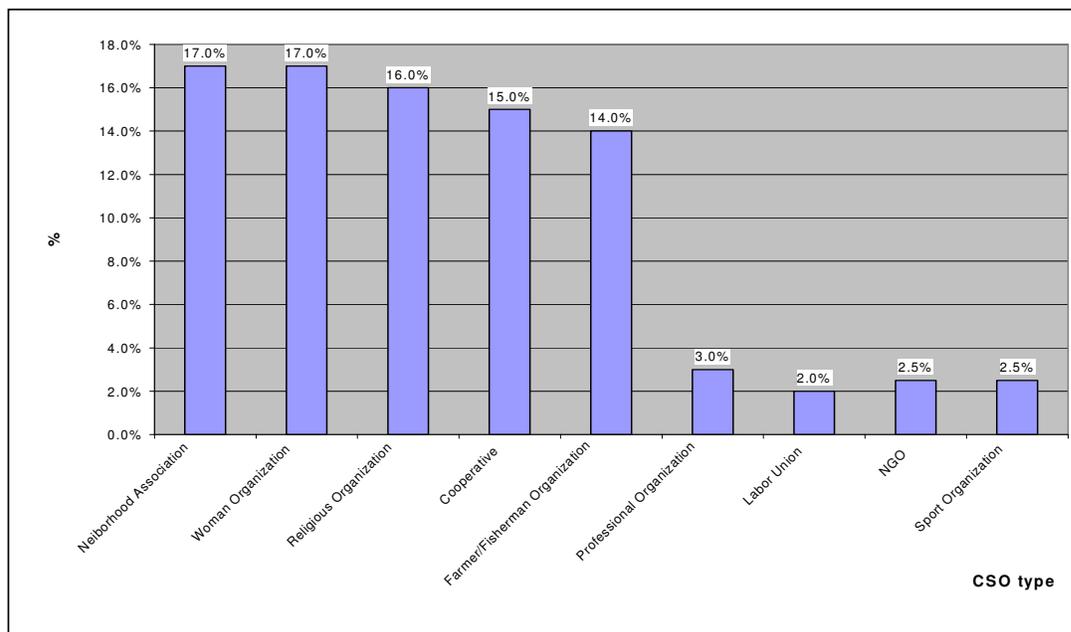
Source: Community Survey, 2006.

1.1.4 Volunteering. Survey 2006 shows that 84% participate in voluntary activities within their community, without expecting any returns. Some examples of activities helping others without pay are: taking neighbours in labour to the hospital, building irrigation channels together, building mosques, constructing a neighbour's house, helping neighbours in need, and others.

1.1.5 Collective community action. The community is defined as a group of people at the community neighbourhood level and at most at the village level. Community survey 2006 found that for the past one year 87% of respondents have participated in neighbourhood meetings and discussed issues arising in the lives of their community. Forty percent said that they always attended the meeting, 40% attended several times and 7% only came once. There is still a high level of participation among Indonesian citizens in activities in the community requiring them to work together (*gotong royong*). Eighty-seven percent of Indonesians stated that they joined several community activities at least one within the year, described as: 46% stated that they always attended, 36% attended several times, and only 5% joined once.

1.2 The Depth of Citizen Participation

This subdimension will examine the depth of people's participation within civil society in Indonesia. There are three indicators used to measure such participation; they are charitable giving, volunteering and CSO membership. Table III.1.2 displays the score given by NAG for each indicator.

Table III.1.2: Indicators assessing the depth of citizen participation

Ref #	Indicators	Score
1.2.1	Charitable giving	1
1.2.2	Volunteering	2
1.2.3	CSO membership	2

1.2.1   Charitable giving. Community survey 2006 reveals that the amount of charity giving in average reached Rp 100,000 (USD 11) per year. With the Indonesian GDP estimated at USD 970 (data for 2002) per year, the donations amounts to 1.1% of a person's income measured by average GDP.

1.2.2   Volunteering. The same survey reveals that the time given by Indonesians for voluntary works reached an average of 10 hours per month.

1.2.3 CSO membership. The survey shows that more than half of Indonesia's people have become member of a CSO (57%). Twenty-five percent became a member of a single organisation and the rest have become a member of more than one organisation (32%). Twenty-five percent were members of one organisation and the remaining 32% were members of more than one organisation. Of this figure, 17% have been members of more than 3 organisations, 7% have been members of more than 4 organisations, 4% have been members of 5 organisations, and more than 4% have been members of more than 5 organisations (see Figure III.1.3).

FIGURE III.1.3: Membership of Civil Society Organisations
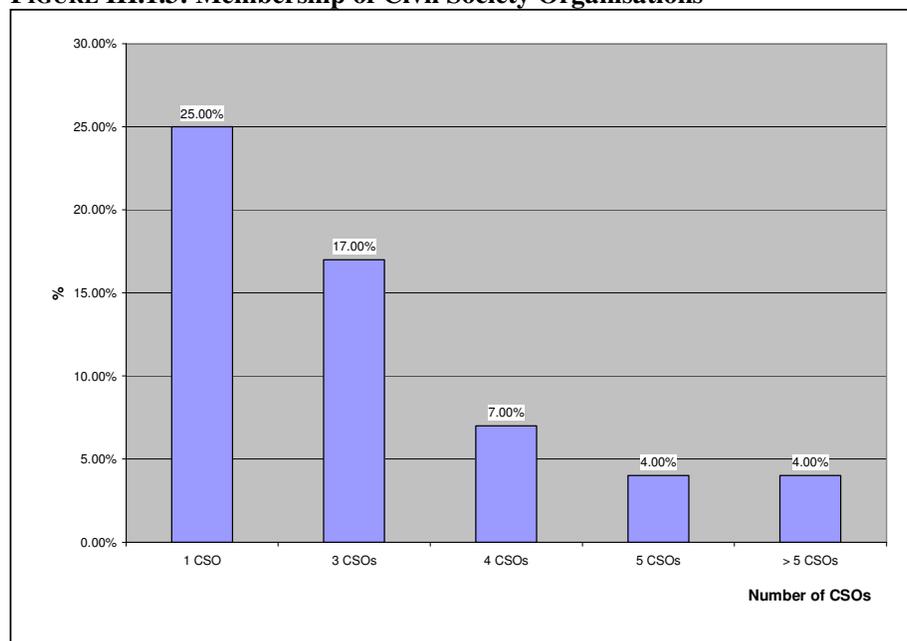
Source: Community Survey, 2006

1.3 Diversity of Civil Society Participants

This subdimension analyses the extent of equal participation of all social groups in civil society. Are there groups that dominate, or groups that are excluded? For this purpose there are three indicators used, (1) CSO membership, (2) CSO leadership, and (3) distribution of CSO. Table III.1.3 displays the score by NAG for each indicator.

Table III.1.3: Indicators assessing diversity of civil society participants

Ref #	Indicators	Score
1.3.1	CSO membership	2
1.3.2	CSO leadership	1
1.3.3	Distribution of CSOs	1

1.3.1 *CSO membership.* In order to evaluate the representation of social groups within CSO membership, CIVICUS suggests examining the following five social groups: women, rural community, ethic/language minority, religious minority and the poor. These groups are commonly considered as socially inferior groups. This issue is an attempt to examine the groups through Regional Stakeholder Survey (RSS) 2006 which found that generally these groups have sufficient representation in CSO membership, as shown in the following table:

Table III.1.4: Representation of social groups among CSO members

	Absent/ excluded	Severely under-represented	Somewhat under-represented	Equitably represented	DK
Women	6	23	20	50	1
Rural Population	11	33	25	25	6
Ethnic Minorities	14	28	23	25	10
Religious Minorities	20	22	16	35	7
Poor People	18	30	21	22	9
Elite	8	10	9	66	7

The results of the survey indicate that the most privileged social groups are most equitably represented among CSO members, followed by women and religious minorities. In contrast, rural populations, ethnic minorities, and poor people are under represented.

1.3.2 *CSO leadership.* The situation will be different if these socially inferior groups' representation is observed from the point of CSO leadership. RSS 2006 revealed that the elite in social and economic status still dominate CSO leadership, while minority groups are under represented, as the table below shows:

Table III.1.5: Representation of social groups among CSO leadership

	Absent/ excluded	Severely under-represented	Somewhat under-represented	Equitably represented	DK
Women	7	33	31	26	3
Rural Population	14	37	26	17	6
Ethnic Minorities	18	31	18	21	12
Religious Minorities	20	25	23	22	10
Poor People	27	37	16	13	7
Elite	6	5	6	73	10

Although actively involved in CSOs, women are under represented among CSO leadership. Only in women's organisations do they tend to hold positions as decision makers.

1.3.3 Distribution of CSOs. CSOs, in particular NGOs, are a phenomenon of the urban society. Approximately 70% of NGOs run their activities in urban areas, especially in the island of Java[15] (Antlov, 2005). RSS 2006 reveals that respondents believe that most of the CSOs are situated in big cities or urban areas (55%); meanwhile 22% stated that CSO exist in most part of the region except in remote areas and 20% stated that CSO exist in all part of the region including remote areas.

1.4   Level of Organisation

This subdimension elaborates and analyses the extent of civil society organisation and the kind of facilities available to support CSO' development and advancement. There are five issues used as indicators, they are: (1) existence of umbrella bodies; (2) effectiveness of umbrella organisations; (3) self-regulation; (4) support infrastructure; (5) international linkages. The score given to each indicator can be seen in the table below:

Table III.1.6: Indicators assessing level of organisation

Ref #	Indicators	Score
1.4.1	Existence of umbrella bodies	1
1.4.2	Effectiveness of umbrella organisations	2
1.4.3	Self-regulation	2
1.4.4	Support infrastructure	1
1.4.5	International linkages	1

1.4.1 Existence of umbrella bodies. CSOs that base themselves on membership, such as labour union, religious organisations or professional organisations (journalists, doctors, accountants, lawyers, etc.), are generally organised vertically. It is normal to establish umbrella bodies that span from the national and provincial levels down to the district level. In the New Order era, the government only acknowledged one organisation in each category, in order to promote the interests of its members. The organisations had to be represented from the national to the district level. For example, there can only be one labour union, one journalists' association, one lawyers' organisation. This restriction is intended to allow better government control over such

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[15]CIDA website on Human Rights, Democracy and Governance in Asia: an Overview

organisations' activities. In line with the democratization process in Indonesia, a number of new organisations sharing similar lines of work are beginning to flourish.

In the New Order, the advocacy and development NGOs always avoided the establishment of umbrella or main bodies at the national level or local level. They feared that this would lead to their being co-opted by the government. The NGOs tend to establish horizontal networking with loose attachment based on common interest and issues. This networking comes under various labels such as: alliance, coalition, forum, consortium and network.. However, in the recent years, there have been several NGOs' umbrella organisations formed to promote their common goals. One very prominent umbrella organisation in Indonesia is the Indonesian Environmental Forum *(WALHI-Wahana Lingkungan Hidup Indonesia)*.

RSS revealed that most of the respondents think there are only a minority of CSOs who are members of any umbrella organisation, federation or networking (36%) or even a small minority (28%). Only 16% stated that majority of CSOs are members of umbrella organisations, while 20% of respondents did not provide an answer.

1.4.2 Effectiveness of umbrella organisations. One of the primary roles that the umbrella organisation played in the reform era was to promote, advocate, defend and extend the civil and political rights that they attained through advocacy in order to influence the policy making process. For example, the umbrella organisation for labour unions will promote issues regarding workers' protections in the case of unfair dismissal, increasing minimum wages and rights to strike. The umbrella for journalists' organisations will promote the enactment of democratic broadcasting law (radio, TV), the law on the protection of the media and journalists, and the law on freedom of information.

The NGOs actively establish various coalitions at the national level in order to influence public policy making so it shall take into account the good governance principles. They are: advocacy networking for the elimination of violence against women, NGOs coalition for the law on foundation, NGOs coalition for the freedom of information, working group for law on state defence, NGOs coalition for participatory law making process, NGOs coalition on the new constitution. These kinds of coalitions also existed in several provinces in Indonesia.

However, lack of experiences and skills, especially in lobbying and negotiation, the absence of good relations with politicians, and weaknesses in forming public opinion have prevented such a coalition from gaining the maximum result.

The RSS result supported the above statement. Only 13% of respondents stated that the umbrella organisation/federation/networking is working effectively in general in order to achieve the main purposes of the organisation. *Most of the respondents (55%) said that the role of umbrella organisations is in between effective and ineffective (42%) and generally effective (13%). A total of 28% of respondents believed that umbrella organisations are generally ineffective (22%) and absolutely ineffective (6%)*; while 17% of respondents answered do not know or did not provide any answer.

1.4.3 Self-regulation.[16] There are two forms of self-regulations: the first is the effort made by any CSO to regulate itself, its staff and employees. This regulation is usually referred to as internal written regulations for operational purposes or commonly known as standard operational procedures (SOP). Second, the regulations or norms formulated by the CSO community/umbrella organisation, federation/network and others. These regulations become the guidelines on good practices that lead to the formation of standards for good governance in the CSO. The standards, for example, can be in the form of basic philosophies and principles implemented when carrying out activities, communicating with external parties such as government and donor agencies, or implementing principles of accountability and transparency. These norms are also referred to as the code of ethics or code of conduct. A number of professional associations in Indonesia have their own code of ethics.

In the last few years, especially in 2002, several NGOs took the initiative to form and practice a code of ethics and establish an umbrella organisation. This initiative leads to the formulation of a written code of ethics agreed to and signed by 252 NGOs. The code of ethics mainly governs the issues related to the integrity, accountability, transparency, independence, anti violence, gender equality, financial management (including the responsibility towards beneficiaries, government, and donor institutions), among NGOs and the general public. The challenge ahead that needs to be addressed by NGOs who accepted the code of ethics is how to implement it consistently within each organisation and impose penalties for those who violate them. It is important to prevent the code of ethics being regarded as merely a written code.

RSS confirms this situation. Forty-nine percent of respondents stated that there are efforts from the CSO to construct self-regulation mechanisms. Some (25%) others believe that the self-regulation mechanism has existed with a limited impact. Only 9% of respondents who think that self-regulation mechanism or code of ethics has functioned effectively, while 7% stated that there are no efforts at all made to build self-regulation mechanism.

1.4.4   Support infrastructure. The support infrastructure for civil society provides services and support towards the CSO capacity building, such as: information services, data centres, resource centres, technical assistance, or fund raising. These types of organisations are still very few in Indonesia. However there are several organisations titled Civil Society Resource Organisation (CSRO) (Ibrahim, 2000) whose roles are to mobilize resources inside and outside Indonesia and channel them to the CSOs in a form of grants or other financial mechanisms. Among the most prominent CSROs/grant making organisations in Indonesia are the Biodiversity Foundation (Yayasan Kehati), which helps hundreds of small NGOs and CBOs working in environmental protection and biodiversity, and YAPPIKA (Civil Society Alliance for Democracy), which supports dozens of NGOs that run democratic local governance programmes in several districts in Indonesia. In this CSRO, there are several organisations known as the grant making organisations or organisations that work in the capacity building efforts or umbrella organisations providing assistance to its affiliated or member organisations. According to the survey conducted in 2000, not less than 25 organisations fall under the CSRO category. The number is small compared to the number of CSOs in Indonesia, which number in the thousands.

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[16]Refer to Rustam Ibrahim et al., "Governance, Organizational Effectiveness and the Nonprofit Sector: Country Report (Indonesia)", paper presented on the APPC conference in Makati City, Philippines, 5-7 September, 2003.

RSS 2006 revealed the respondents perceived that the infrastructure for CSO capacity building is still very limited. Seventy percent of respondents believed that the existences of infrastructure support and capacity building for CSO are still limited (61%) or even none (9%). Only 1% who stated that the infrastructure is available for CSO to develop well and 19% stated that such CSRO has just started to develop in Indonesia.

1.4.5 International linkages. Several Indonesian CSOs have actively participated in becoming the member of international linkages and participated in the global events. WALHI (*Wahana Lingkungan Hidup Indonesia*) or the Indonesian Environmental Forum, which is a coalition of dozens of NGOs that works in the management and advocacy of environment, is a member of the Friends of the Earth International (FoEI). WALHI and several other NGOs are also becomes the member of ICAN (International Climate Change Action Network, Environmental Law Alliance Worldwide and SEA-CAN (South East Asia Climate Action Network). ICEL becomes the member of Asia Pacific, Center for Environmental Law, etc. Women's solidarity, which works in the effort to defend women's rights, becomes the member of GAATW (Global Alliance Against Trafficking Women) and Asia Pacific Women Law Development. Several NGOs working in the agriculture sector became the members of International Federation on Organic Agriculture Movement, Asia Pacific Pesticide Action Network (Ibrahim, 2003).

A number of Indonesian CSO also participated in international conferences held by United Nations such as: Rio Earth Summit (1992), Cairo's International Conference on Population and Development (1994), Beijing's Fourth World Conference on Women (1995), Johannesburg Earth Summit (2002). In Johannesburg Summit, Indonesia's delegates joined into a coalition called IPF (Indonesia People Forum). These coalitions comprise CSO such as workers, farmers, women, indigenous community, urban poor, youth, fishermen, advocacy NGO, etc. In this Earth Summit, IPF participated in formal meetings to create a foundation for a formal declaration that eventually evolved into an international treaty.

RSS revealed that 33% of respondents stated that there are still few Indonesian CSOs that are members of international networking. While 14% of respondents stated that several CSO that they know well have become the members of International network. Aside from that, 36% of respondents stated that the CSO with which they are well acquainted still do not participate in international CSO events, and 25% stated that several CSOs that they know well have attended CSO meetings/activities. Based on respondents perception it can be concluded that the international relations/ties of Indonesian CSOs is still dominated by CSOs based in Jakarta and a number of other major cities, and that number is small compared to the number of CSOs in Indonesia which totals thousands.

1.5 Inter-Relations within Civil Society

This subdimension analyses the relations between actors in Indonesian civil society. There are two indicators used, they are communication and cooperation between CSO. The table below displays the score for each indicator.

Table III.1.7: Indicators assessing inter-relations within civil society

Ref #	Indicators	Score
1.5.1	Communications	2
1.5.2	Cooperation	2

1.5.1   Communications. More than half of respondents (52%) in RSS 2006 believed that information exchange between CSOs in Indonesia runs quite well or moderately well (44%) and significantly well (8%). Meanwhile, the remaining 43% stated that the communication between CSOs is still limited (32%) or even very limited (11%). Information exchange between CSOs, particularly among NGOs takes place through newsletters, websites or mailing lists. Communication within the NGO community is quite good because many NGOs work on very similar issues, so it is crucial that they exchange information.

1.5.2 Cooperation. Indonesian CSOs are known to have the ability to build cooperation through various network/alliance/coalition/consortium/forum/association for certain issues that share common attention. There are many collaborations that have been established. One of the most important is INFID (International NGO Forum for Indonesia Development), a coalition between NGOs in Indonesia and International NGOs in conducting advocacy against the adverse impact of international development aid for Indonesia. Anti-Debt Coalition demands the international world cease granting new loans for Indonesia and write off several parts of the previous loan, particularly the ones that has been corrupted by the past government.

For environmental, forestry and natural resources issues, there are various collaborative efforts, such as KPSHK (Consortium of Community Forest Management System), Forest Watch Indonesia, Social Forestry Communication Forum, AMAN (Alliance of Indonesia Traditional Communities), Konphalindo or National Consortium for Indonesia Forest and Natural Resources Sustainability (Ibrahim, 2002).

For various issues regarding women's issues, several NGOs joined women's movements such as Women Solidarity, Indonesian Women Coalition and Women Association for Development of Small-scale Businesses (ASPPUK).

Indonesian CSOs also joined several coalitions to influence the process and content of the proposed policy making standing orders in parliament. They are NGOs coalition for draft law on Foundations, Draft law on New Constitution, Public Participation in the Law on Legal Drafting Agriculture reform and NGOs coalition for the freedom to access public information (Rochman, 2002).

These effort are mostly initiated at the national and provincial level and are mostly made within the NGOs. Cooperation amongst other CSOs is limited. RSS respondents stated that cooperation between CSOs is still very limited (29%) or limited (26%). Only 8% of respondents stated that the cooperation already exists to a considerable extent, while the other 16% of respondents stated that cooperation does not exist at all.

Cooperation between CSOs is largely a phenomenon found in Jakarta and a number of other major cities in Indonesia. As exhibited from the results of 2006 RSS, respondents coming from other provinces in Indonesia believed that cooperation between CSOs is *extremely low* or is something *occasional*. The statement is made by respectively 29% and 26%. Only 8% of respondents stated that the cooperation is *numerous,* whereas 16% believed that such cooperation is *non-existent.*

Although the existence of solid coalitions is felt to be a phenomenon limited only to Jakarta and other major cities, in the past few years the formation of national coalition networks has begun. These networks of CSOs from different provinces are generally involved in national policy advocacy.

1.6   Civil Society Resources

There are three indicators used to analyse resources available for Indonesian CSO, they are: financial resources, human resources and technological/infrastructural resources.

Table III.1.8: Indicators assessing civil society resources

Ref #	Indicators	Score
1.6.1	Financial resources	1
1.6.2	Human resources	2
1.6.3	Technological and infrastructural resources	1

1.6.1 Financial resources. In general, the organisations that fall into the category of non-membership based CSOs (such as NGOs working in the advocacy sector, service delivery, community development and civic/watchdog organisations) are very dependent on foreign funding sources. This is different from the mass-based/membership organisations (such as religious organisations, labour unions, cooperatives, professional organisation, etc) which obtain their funding mostly from membership fees and business activities. A survey conducted of 25 Civil Society Resource Organisations or CSRO found that 65% of their funding comes from foreign sources. Meanwhile the national source of funds (35%) comprises: business activities (11%), endowment fund (6%), company fund (6%), individual donation (5%), others (5%), and only 2% come from the government (Ibrahim, 2002). Other surveys on peace building organisations found that of the 380 CSO who responded, 61 (16%) stated that they are being funded totally by international donors, 109 (28%) stated that they are being funded partially by international donors and only 9 (2%) obtain funding from the government (Faqih, 2002).

According to a World Bank consultant: *"financial sustainability, commonly identified by CSOs themselves as the most serious issue they face. It would appear a virtual certainty that the pace of civil society growth cannot be matched, in the medium and long-terms, by availability of funds"* (McCarthy, 2001). This statement is also supported by the survey which states that the funding constitutes largest missing requirement for CSOs which was stated by 89% of surveyed organisation, other than training (87%), peace building skills (83%), organisational management (71%) and 75% for broader international contacts to enhance the network and public campaign in the international arena (Faqih, 2003).

Consultation with the stakeholders conducted in 2002 revealed that in general, CSO has not fully gained adequate independent resources yet (organisational, human, technology, financial) thus has not been able to reach its purpose effectively. Most of CSO also has not raised sustainable financial resources, thus it is lacked the ability in middle and long term planning. CSO is also lacking in ability to attract, recruit and maintain the personnel (human resources) required for organisations to function effectively (Suryaningati, 2003).

However, the above illustration differs with the result of RSS 2006. As many as 38% of respondents believed that the founding sources for their organisation are adequate and 29%

stated that it is relatively adequate. Another 33% of respondents said that they have a lack of or extremely poor financial resources at their organisation. This may be a result of respondents' unwillingness to disclose the weaknesses of their organisations.

1.6.2   Human resources. From an NGO directory (Ahmad, 2002) containing profiles of 445 NGOs spread throughout Indonesia, it is revealed that most of Indonesian NGOs have the staff number *(permanent and part-time)* of less than 10 people (52%), between 10-20 people (35%), 21-50 people (9,5%), 51-100 (3%) and 0,5% are above 100 people.

From RSS 2006 it is indicated that majority of respondents (90%) believed that the availability of human resources in their organisation is sufficient (53%) and relatively sufficient (37%) to achieve the desired results. Only 10% stated that availability of human resources is poor or not available at all.

The results of the RSS show only a slight difference between the percentage of CSOs that have adequate human resources (53%) and those that do not have adequate human resources (47%). For this reason, the NAG feels that, on average, CSOs do not have adequate human resources to achieve their goals. Ongoing problems include: human resource regeneration; the emergence of organisations in regions of conflict that are lacking in capacity and do little more than wait around for aid for IDPs; geographical conditions so challenging as to affect the capacity building process; and dependency on foreign funding.

1.6.3   Technological and infrastructural resources. Respondents in RSS 2006 also perceived that availability of technological and infrastructural resources is sufficient (37%) and relatively sufficient (32%). Only 27% believed that technological and infrastructural resources are poorly available to them or not available at all.

CONCLUSION

The key findings in the structure dimension described above suggest that Indonesian citizens care about others and actively participate in community action. Around four out of five Indonesians have made monetary or in-kind contributions and have done unpaid voluntary work in their communities. However, these monetary contributions do not add up to a significant amount because most Indonesians are poor. Eighty-seven percent of Indonesian adults have participated in citizens meetings to discuss issues in their communities, and more than half have been members of a civil society organisation. However, the leadership of civil society organisations continues to be dominated by those categorised as "elite" or the most privileged groups in terms of economic status and education.

Indonesian CSOs are faced with the problem of having limited financial, human, technical and infrastructure resources. Most CSOs do not yet have adequate self-supporting and sustainable resources, and as a result are unable to achieve their stated goals effectively. CSOs also lack the ability to attract, mobilise and maintain the resources they need for their organisations to function effectively. Indonesian NGOs are dependent on foreign aid. Funds from the Indonesian public, financial assistance from government, and financial contributions from the private sector amount to only a small sum.

2. ENVIRONMENT

This part elaborates and analyses the overall political, social, economic, cultural and legal environment where civil society prevails and functions. The score for external environment dimension will be based on the total of each score from seven subdimensions, they are: political context, basic freedom and rights, socio-economic context, socio-cultural context, legal environment, state-civil society relations; and private sector-civil society relation.

FIGURE III.2.1: Subdimension scores in Environment Dimension
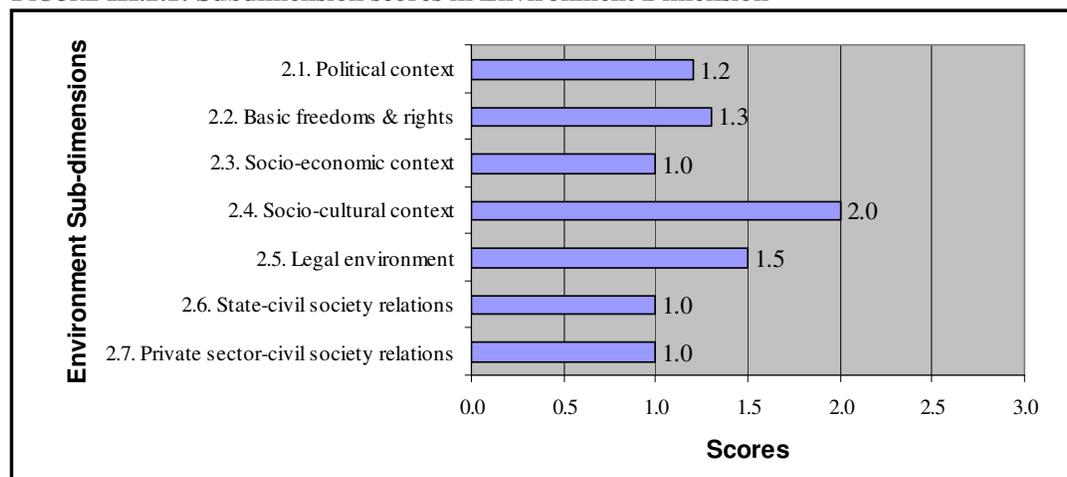
2.1 Political Context

This subdimension analyses the political situation in Indonesia and its impact on civil society. The table below gives scores for each indicator applied to measure political context.

Table III.2.1: Indicators assessing political context

Ref #	Indicators	Score
2.1.1	Political rights	2
2.1.2	Political competition	2
2.1.3	Rule of law	0
2.1.4	Corruption	0
2.1.5	State effectiveness	1
2.1.6	Decentralisation	2

2.1.1 Political rights. Nowadays, Indonesian citizens can freely elect their representatives in the National or Local legislatures (parliament). They also free to elect the local head of government. Indonesian citizens also have the freedom of association, freedom of assembly and express their opinion. The International Freedom House organisation (2006) rated Indonesia "2" for political rights whereby rating scale of 1 represent the most free country and 7 represent the most not free country. The country that has rating between 1.0-2.5 is considered as free country. Freedom House uses various of concepts to be measured, they are: free and fair elections for offices with effective power, freedom of political organisations, significant oppositions, freedom from domination by powerful groups, and autonomy of political inclusion of minority groups.

2.1.2 Political competition. Nowadays, the Indonesian citizens are fundamentally able to alter their government democratically through competitive general election. In 2004, the Indonesian citizens not only elected their representatives in parliament, but also elected their president and vice president directly. The 2004 general election was thought to be more democratic than the 1999 general election. The parliament also abolished the military involvement as members of parliament who were appointed by the government and not elected by the people. Furthermore the reform also gives way for the regional representatives' council (DPD) to be directly elected and take their seats in the national parliament (4 people for each province)

The first round of General Election was held at April 5, 2004. This general election was intended to elect members of parliament in national, provincial and district level. The election was participated by 24 political parties. Based on the new law on General election (Law No. 12 of 2003), the general election managed to give seven political parties the *electoral threshold* (3% minimum of the total voters) in order to participate in the next general election in 2009. The more fundamental change happened in the way Indonesia people elected their head of state. Based on the Law No. 23 of 2003, the people of Indonesia directly votes for their president and vice president, a separate election from the legislative general election. This is the first time in Indonesia's political history that the people have the chance to directly elect their own president. The political parties managing to gain more than 3% of the votes in the General Election receive funding support from the government, the amount proportionate to the votes gathered.

The seven political parties that came out on top in the 2004 elections can be grouped into three schools of thought: Islamic, nationalist, and developmentalist.[17] In practice, however, with the exception of several Islamic parties, most of the parties are more pragmatic than ideological. The largest political party is *Partai Golkar* (Functional Group Party), which won 22% of the vote. Developmentalism forms the ideological basis of this party, which is a legacy of the Soeharto government. During the new order era, Golkar had complete control of parliament for almost thirty years. Taking second place in the 2004 election with 19% of the vote *Partai Demokrasi Indonesia Perjuangan* (Indonesian Democratic Struggle Party), which has nationalism as its ideological basis. Both Islamic traditionalist and Islamic reformist parties are represented among the four main Islamic parties. These four parties are *Partai Persatuan Pembangunan* (The United Development Party), *Partai Kebangkitan Bangsa* (The Nation Reform Party), *Partai Amanat Nasional* (The National Mandate Party) and *Partai Keadilan Sejahtera* (The Welfare and Justice Party).

The Presidential election, organised in two rounds of elections (5 July and 20 September 2004), was determined by the observers and international election monitors to be democratic, free, honest and fair. Despite several administrative and technical problems such as the delay of ballot

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[17]Herberth Feith & Lance Castles dua ahli ilmu politik dari Australia yang ahli tentang Indonesia dalam bukunya *Indonesian Political Thinking 1945-1965*, membedakan lima aliran pemikiran partai-partai politik pada masa itu: Nasionalisme Radikal, Tradisionalisme Jawa, Islam, Sosialisme Demokratis dan Komunisme. Pada masa pemerintahan Soeharto 1966-1998 ideologi-ideologi ini mengalami kemerosotan. Dengan ditumpasnya PKI, misalnya, pemikiran mengenai komunisme menghilang dari wacana publik. Pada masa Soeharto sangat menonjol adalah ideologi developmentalist-integralis yang memprioritaskan pembangunan ekonomi dengan mengkaitkannya dengan stabilitas, keamanan dan keserasian sosial (Feith & Castles, 1988). Setiap upaya untuk melihat aliran pemikiran partai politik selalu merujuk kepada pembagian ini.

paper and box distribution, this election managed to deliver new leadership for Indonesia under the presidency of President Susilo Bambang Yudhoyono (SBY) and vice president Jusuf Kalla. The ticket defeated the former president, a powerful figure at the time, Megawati Soekarnoputri, in a landslide victory (61% against 39%).

Another important reform is the local election for head of local government in provincial, district or city level, which also held directly (*Pilkada*). Local government election, which based on the Law No. 32 of 2004 replacing the Law No. 22 of 1999, is expected to create democratization at local level. Local government elections were initiated in 2005 and have resulted in the election of eight governors and more than 170 major official or heads of district throughout Indonesia's provinces.

The local elections are organised based on multi party system, and went competitive. Each party or party coalition obtaining 15% or more of the votes in the 2004 election has the right to nominate candidates for local government leaders. However, the system has been criticised because there is no room for candidates outside of political parties' recommendation to run for an office. The uncertainty in regulation and strict legal penalties had opened room for massive money politic activities from the process of selecting the candidates up until the Election Day by promising money or goods to lure the voters. Local government elections are also marked with many cases of conflict and violent actions in order to influence the local general election commission/*Komisi Pemilihan Umum Daerah* (KPUD) decision and also the court's ruling over such cases. These actions are mainly taken by the losing candidates who have already lost a large amount of money in the election.

2.1.3 *Rule of law.* Indonesia, in reform era, is marked with weakness in the rule of law. The law enforcement in Indonesia is still lacking. There is lack of citizens' trust towards the fair and equal application of law. There is also no trust from the people that the court is independent and free from the influence of money and politics. There is also a very low perception that there is an equal treatment before the law and conviction of all corruptors (Suryaningati, 2003).

A survey conducted by Transparency International (TI) Indonesia 2004 showed that the courts were the worst institution in terms of performing their function, the police came second in that regards. Respondents on the survey stated that the judiciary and the police should be prioritised in terms of reform to improve law enforcement. This indicates that the biggest hope from the respondents in combating corruption largely depends on law enforcement.

World Bank Governance Data, which compiles information from various resources, put the rule of law rating index point for Indonesia in 2004 at -0.91. The scale for this is between –2.50 to 2.50; with -2.50 shows that the country has the worst law enforcement rating on law enforcement while 2.50 indicates that the country has good performance in dealing with corruption problem. This means that Indonesia's rating is only better than 20.8% of all participating countries.

2.1.4 Corruption. According to the Transparency International (TI) Corruption Perception Index (2004), Indonesia is noted as one of the most corrupt nations in the world. TI puts Indonesia in rank 133 (along with Angola, Congo, Georgia, Tajikistan, Turkmenistan) from 145 available ranks. There has been no significant change in the perception on corruption in Indonesia within

the last decade. Indonesia's corruption perception index (IPK) in 2002 and 2003 was at 1.9 and in 2004 reached 2.0 on a scale of 0-10 with 0 representing the most corrupt and 10 the least corrupt.

In 2003, TI surveyed the types of corruption that existed in Indonesia. They include misappropriation of state funds, bribery and extortion practices, money politics and business collusion. According to respondents, pertaining the perception on misappropriation of state funds, the most corrupted sector is perceived to relate to the procurement of goods and services for construction site, public works, military equipment and other government supplies on goods and services. For bribery and extortions, the largest corruption takes place in the police force, court, tax and customs department, and licensing. Corruption is also committed by politicians (parliament members) and by businesses practicing collusion. Meanwhile in Indonesia's corruption perception index 2004, a survey was conducted towards 1305 multinational and local enterprises and revealed the fact that the judicial system was the worst in its performance (3.67), followed by the police (3.79) and customs office (3.93).

Another TI survey[18], revealed the fact that 8 out of 10 Indonesians believed that corruption is highly influential in the political life, while 6 out of 10 believed that corruption is very influential in shaping culture and the values in the society. The survey also revealed the fact that 1 out of 3 Indonesian stated if they had a "magic wand" to cast off corruption then the first institution to clean is the court system (32.8%) followed by political parties (16.3%) and police department (10.2%). Indonesians also believe that corruption has influenced several aspects of their lives.

Although Indonesia has enacted the law on the Clean and Independence of state Governance Practices from Corruption, Collusion and Nepotism (Law No. 28 of 1999), the Indonesians are still sceptical in witnessing the fight against corruption launched by the government. However, referring to the survey, Indonesians are very optimistic in looking forward to the future. They believe that the corruption will decline in three years to come. Of all respondents, 54.7% think that the rate of corruption will plummet, 25.9% believe that the corruption level will remain the same and 17.8% think that the corruption level will increase in the near future.

Under the SBY presidency, there is slight improvement in the effort on combating corruption with the examination on several big cases by the court. The cases are corruption in the General Election Commission, Corruption case on hajj funding in Ministry of religion, credit transfer case in Mandiri Bank, corruption on social security fund for workers (JAMSOSTEK), etc. However, it seems that the Corruption Eradication Commission and the prosecutors are still very selective in deciding which cases will be brought to court.

2.1.5 State effectiveness. In the reform era, many people believed that the country still does not function effectively. Civil society considers that the government is unable to run its functions according to the people's will and is unable to uphold the law fairly and effectively. The government is also regarded as unable to fulfil the citizens' essential needs and the bureaucracy has yet to implement government policy effectively (Suryaningati, 2003). The state of public services is deplorable. In education services, the school dropout rate is high: out of 650,000

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[18]*The Transparency International Global Corruption Barometer: A 2002 Pilot Survey of International Attitudes, Expectations and Priorities on Corruption,*Published on July 2003.

primary school pupils, 500,000 do not go on to secondary school. At the junior secondary level, 100,000 pupils drop out, and at the senior secondary level, 45,000 pupils drop out.[19] On the other hand, the state in the reform era is perceived as able to deliver civil and political rights to its citizens. World Bank Governance Data Sheet, which compiles information from various sources, put the effectiveness of government for Indonesia in 2004 at -0.36 (in a -2.50-2.50 scale). This means that Indonesia's rating is better than that of 40.9% of all countries.

2.1.6 Decentralisation. In 1999, government enacted Law No. 22 of 1999 on Local Governance and Law No. 25 of 1999 on Balanced Financial Relations between central and local government. Since then, Indonesia has undergone rapid decentralization program and referred as the decentralization big bang. Within a one year period beginning 2001, this program decentralized many public responsibilities to the local government, doubled local expenditure in the state budget, transferred two-thirds of the centralized civil services to the local level, and delegated more than 16,000 services facilities to local government. The central government also grants the local government the rights to manage its own resources and share the income from such resources.[20]

Based on Law Number 25 (1999) there are several local government revenues generated from the state budget (APBN). These are 1) the General Budget Allocation (DAU), which is at least 25% of domestic revenue, 2) the local government's share of land and property taxes, fees for acquisition of land and property, and revenue from natural resources, and 3) the Special Budget Allocation (DAK) given to certain regions to finance their special needs. In addition, there is the Special Autonomy Budget provided to Aceh and Papua.

With the new law taking into effect, the expenditure portion for the regions sharply increased from an average of 15% in the 1990-s to 17% in 2001 and 31% in 2002. It is estimated that in the future the portion will continue to increase up to approximately 40-45%.[21]

2.2   Basic Freedom and Rights

There are three indicators used to analyse the level of citizen's freedom and rights, whether guaranteed by the law or in the practice. Scores that are given to each indicator can be seen below.

Table III.2.2: Indicators assessing basic freedom and rights

Ref #	Indicators	Score
2.2.1	Civil liberties	2
2.2.2	Information rights	1
2.2.3	Press freedom	1

2.2.1 Civil liberties. The era of reform has brought fundamental political changes in the form of political liberalization and democratization. In a very short time the citizen's basic freedom, which are freedom to associate, assemble, and to express opinion, including freedom of press are

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[19] Ministry of National Education data quoted by *Kompas*, 10 October 2005.
[20] See *Decentralizing Indonesia, World Bank Regional Public Expenditure Review Overview Report,* Report No. 26191-IND, 2003.
[21] *Ibid.*

granted. Second Amendment of the Constitution in August 2000 has listed several articles related to human rights such as civil and political rights as well as social and economical rights. In April 2006, Indonesia ratified an international convention on civil and political rights.

Changes within the scope of civil liberties have been well captured by the *World Governance Survey* conducted in 2002. The survey was conducted to 35 respondents (experts) with diverse professional backgrounds such as bureaucracy and military, business, NGO, politician, scholar, journalist, et cetera. Compared with the Soeharto era, there have been substantial changes in the extent to which freedom of expression and freedom of assembly are guaranteed, as shown in the table below:

Table III.2.3: Extent to which Freedom of Expression is guaranteed (1997 and 2002)

	1997		2002	
	Total	%	Total	%
Very low	17	49%	0	0
Low	17	48%	0	0
Moderate	1	3%	4	12%
High	0	0	18	51%
Very high	0	0	13	37%
Total	35	100	35	100

Source: World Governance Survey, 2002.

Table III.2.4: Extent to which Freedom of Assembly is guaranteed (1997 and 2002)

	1997		2002	
	Total	%	Total	%
Very low	12	34%	0	0
Low	19	54%	1	3%
Moderate	4	12%	2	6%
High	0	0	18	51%
Very high	0	0	14	40%
Total	35	100	35	100

Source: World Governance Survey, 2002.

This result shows that in terms of civil liberties within these previous five years, Indonesia shows a very significant change. Five years ago 92% of respondents stated that freedom of expression and freedom of association and assembly were (very) low. In contrast, currently 90% of respondents perceive it at a (very) high level.

Meanwhile the Freedom House Index (FHI) year 2006 gave a mark of 3 for civil liberties in Indonesia based on scale 1 to 7 with 1 representing the most free and 7 representing the least free. With the rating of 3, FHI includes Indonesia within the category of partly free where, although freedom of association and assembly are acknowledged, there are other indicators used such as freedom of religion, freedom to conduct business, equality in law, and others, where there are certain problems. For example, in Indonesia, there are cases whereby minorities find it difficult to practice their religion. This is evidenced by the fact that *Jemaah Ahmaddiyah* followers have encountered violence from particular community groups and that government protection is lacking, since their faith is perceived to contradict the dogma of Islam.

2.2.2 Information rights. The second Amendment of the Indonesia Constitution, implemented on August 18, 2000 stated, "Every citizen has the rights to seek, obtain, own, keep, process, and delivers information with any means available." Nevertheless, in practice it is still difficult to access information from state and government institutions. Recently the Bill of Law on Freedom of Information is formulated by a number of Indonesian parliamentary members, but it has not been clear yet on when that bill is going to be assessed and implemented.

On the other hand, civil society currently is very concerned with the existence of Bill of Law on State Secrecy that is going to be proposed by the government to the parliament. That bill is considered to have many regulations that potentially violate and obstruct public access on information. Several regulations are also considered to give room for misuse by the government officials.[22]

2.2.3 Press freedom. According to the Freedom House Indexes (FHI) year 2005   Indonesia received a mark of 58 based on scale 1 to 100 where 1-30 includes the category of free, 31-60 "partly free" and 61-100 "not free". Based on this figure press freedom in Indonesia is going at a worsening trend. The rank is a decline compared to that in 2002 (53), 2003 (56), and 2004 (55). There are still other factors determining the level of Indonesian press freedom, such as the limitation in information access, intimidation from state apparatus and other groups of society, the influence of capital in press freedom and others.

2.3   Socio-economic Context

There are eight variables used to analyse the socio-economic context in Indonesia and its impact towards civil society. Question given for each indicator is whether that situation *exists (yes)* or *does not exist (no).* Those indicators attempt to find the answers whether socio-economic context of Indonesia is adequate for the development of civil society. The more those factors prevail, the more negative the impacts are toward the development of civil society. Those eight indicators are: poverty, civil war, severe ethnic or religious conflict, severe economic crisis, severe social crisis, severe socio-economic inequities, illiteracy and lack of IT infrastructure.

Written below is score given by NAG for those socio-economic context.

Table III.2.5: Indicators assessing socio-economic context

Ref #	Indicators	Score
2.3.1	Socio-economic context	1

2.3.1 Socio economic context. Eight variables were examined.
1) Poverty. The level of poverty in Indonesia is still quite high. Human Development Report 2005 issued by UNDP revealed that according to the data in year 2003, 52.4% or more than 110 millions of citizens still live with the income of 2 US Dollar or less per day. While 27.1% of citizen still live under the poverty line, which means they earn 1 US dollar a day or less.

2) Civil war. Before the signing of peace agreement (*Memorandum* of *Understanding)* between the Republic of Indonesia Government and Aceh Liberation Movement (GAM) in August 15, 2005, there had been an armed conflict in Aceh (the most western part of Indonesia) occurring

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[22]*Kompas,* April 28, 2006, page, 5

for more than 30 years. With the existence of MoU in form of the withdrawal of thousands of non-regular soldiers from Aceh and the disarmament of GAM, the peaceful recovery of Aceh starts to materialise. Armed conflicts considerably exist in small parts of Republic of Indonesia, namely Aceh and Papua.

3) Severe ethnic or religious conflict. For the last few years, it can be considered that there have not been any extra-ordinary ethnic and religious conflicts in Indonesia. But in several regions, there had been some ethnic and religious based conflicts that resulted in thousands of casualties in Maluku, Poso (Central Sulawesi), Sampit (Central Kalimantan) and Sambas (Western Kalimantan).

4) Severe economic crisis. Indonesia had a severe economy and financial crisis in the mid of 1997 until the mid of 1998. At that time, the exchange value of Rupiah to US dollars kept decreasing from Rp 2,250 per 1 US Dollar in the mid of 1997 to reach Rp 17,000 per 1 US Dollar in June 1998. This crisis has had a serious impact on the livelihood of most Indonesian citizens, particularly in the decline of income and the increase of poverty, as well as the rise of foreign debts. Indonesia still has not recovered fully, although the exchange value of Rupiah to US dollars stays around Rp 9,000. Indonesia is known for its significantly high level of debt, both foreign and domestic. According to *World Bank Global Development Finance 2005*, in year 2002 the public debts for foreign party reached 68% of the GDP. Even so, according to the criteria of CIVICUS, Indonesia is not within the state of severe economic crisis (level of debt exceeds 100% of GDP).

5) Severe social crisis. At the end of 2004, an earthquake followed by the wave of Tsunami struck the Province of NAD and Northern Sumatera. In estimation, around 125.000 people (more than 0.05% of Indonesian citizen) died. In March 2005, a heavy earthquake also struck the Islands of Nias (Northern Sumatera) that resulted in hundreds of casualties. Indonesia in the last several years is also marked with the spread dengue fever epidemic, natural disaster such as flood, earthquake, et cetera. But it is also difficult to say that Indonesia is in a serious state of social crisis.

6) Severe socio-economic inequities. According to Human Development Report 2005 issued by UNDP, Gini Index of Indonesia in year 2002 is 34.3. This number is still below 40.0 to be categorized as a country that has a high socio-economic disparity.

7) Illiteracy. The level of illiteracy in Indonesia is considered low. The level of illiteracy for citizen in age of 15 and above in year 2003 is 12.1% (far below the number of 40% used to measure severe level of illiteracy).

8) Lack of IT infrastructure. According to HDR 2005 for year 2003, every 38 from 1,000 of Indonesian citizen have access to the Internet. This number is above the 5 per thousand people used as an indicator to categorize a country as lacking access to Internet-based communication.

It can be concluded, then, that Indonesia's socio-economic environment is not yet conducive to the growth of a healthy and strong civil society. Indonesia continues to be dogged by pervasive poverty, wide income disparity, and massive foreign debt.

2.4 Socio-cultural Context

This subdimension analyses the norms and behaviour in the society considered conducive or obstructive to the development of civil society. There are three indicators used to measure, which are trust, tolerance and public spiritedness. The table below presents scores given by NAG for each indicator.

Table III.2.6: Indicators assessing socio-cultural context

Ref #	Indicators	Score
2.4.1	Trust	2
2.4.2	Tolerance	1
2.4.3	Public spiritedness	3

2.4.1 Trust. Community survey 2006 revealed that the level of trust in Indonesian citizen toward others is moderately high. A total of 39% of Indonesian citizens believed that almost everyone can be trusted, 42% thought that they are not too concerned/cautious in relating with others, and 19% are either not aware or did not provide any answer to the question.

2.4.2 Tolerance. This indicator examines the extent of tolerance within Indonesian society. In social life, Indonesian citizens are less tolerant toward the homosexual or HIV/AIDS infected part of society (Community survey, 2006), as shown in the table below:

**Table III.2.7: The Extent of Tolerance within Indonesian Society
(Societal groups that respondents would not want as neighbours)**

Group	%
Homosexuals	70%
People with HIV/AIDS	67%
People of a different religion	34%
Foreigners	30%
People a different ethnicity	24%

Table III.2.8: Tolerance Index of Indonesian citizens

Value	N	%
0.00	72	12.3
1.00	37	6.3
2.00	226	38.5
3.00	96	16.4
4.00	65	11.1
5.00	87	14.8
6.00	1	0.2
8.00	2	0.3
13.00	1	0.2

N=587, *Source: Community Survey*

Based on the above tolerance index set by CIVICUS, majority of respondents are in the category of index 3 or above (43%), index 2 (39%), and index 1 (19%). In the CIVICUS index, a score of one indicates a high level of tolerance, and a score of three indicates the lowest level. Therefore, Indonesia's score of 2.23 indicates a rather low level of social tolerance.

2.4.3 Public spiritedness. The public spiritedness indicator examines to what extent do citizens have the tendency to violate various norms of public interest, as in cheating on the amount of tax payment if there is a chance, claiming/asking for government subsidy although not qualified, or avoiding to pay public transportation. Community survey 2006 shows that in general, Indonesian citizens think that several negative behaviour that are self-centred and contradicting with public spiritedness are unjustifiable. About four out of five respondents said that claiming for government subsidy although not qualified (80%) or avoiding the payment of public transportation fares (90%) or cheating on the amount of tax payment (91%) is never justifiable behaviour. The tendency to reject those negative behaviours is reflected in the index guidance of public spiritedness arranged by CIVICUS. Most responds of Indonesian respondents are in the position of 2.67 or above (92%). This index shows that if the tendency is in the position of 2.5 or above, it means that the public spiritedness is positive.

2.5 Legal Environment

This subdimension measures the extent of law in Indonesia in endorsing or impeding the development of civil society. There are four indicators used in measuring the legal environment, as in the following table:

Table III.2.9: Indicators assessing legal environment

Ref #	Indicators	Score
2.5.1	CSO registration	2
2.5.2	Allowable advocacy activities	2
2.5.3	Tax exemption	1
2.5.4	Tax benefits for philanthropy	1

2.5.1 CSO registration. In relation with the CSO registration, there are several forms of legal entity in Indonesia. For most CSOs, there are two types of legal entities, foundations and associations.

A foundation, whose existence as a legal entity has been acknowledged since the Dutch colonial era (1870), is a non-membership organisation. On August 6, 2001, the Indonesian Government applied Law No. 16 of 2001 on Foundation which later was changed by law No. 28 of 2004, which has been in effect since October 6, 2005. According to the regulation, the founding of foundation is officiated with a Notarial Act and gains the status of legal entity after that founding act is officially signed by the Minister of Justice and Human Rights. Endorsement is given in 30 days timeline started from the date of submission of a full application. In the endorsement process, the Minister can ask for consideration from a government institution that has a relation with the foundation's activity. On that base, the government then gives or declines the endorsement in 14 days at the latest started from the date of the related institution respond is accepted. In case of decline in the consideration, endorsement is given or declined in 30 days at the latest started from the date of the consideration application is given to the related institution. The Minister can decline the application of endorsement as long the application is not in line with the requirement of the regulation and its implementation regulation and the Minister is obliged to give a written respond attached with the reasoning to the applicant. Nowadays CSOs with a foundation legal entity gradually starts to adapt its budget according to the new regulations and apply for endorsement from the Minister of Justice and Human Rights.

Another form of legal entity from CSO is Association that is a membership-based organisation. There are two types of association. An association is acknowledged by *Staatsblad 1870/64* as a legal entity and an ordinary association like *paguyuban* and others are not legal entities. Association gains the status of legal entity after the decision given by the Minister of Justice.

Nowadays in Indonesia, various groups of society also can operate without registration particularly as a way that enables society to enforce and protect their legitimate collective interests and aspirations in a peaceful mean and in line with the applied regulation. In addition, their rights to participate effectively in every decision-making are enforced and protected. Even so, because of their status as non-legal or informal entities, their role in public services is very limited, including in making agreements and raising foreign funding.

In fact, Law No. 8 of 1985, designed by Soeharto regime in order to regulate the activity of CSOs, is still applied in Indonesia. In the Government regulation on the Implementation of the Law No. 8 of 1985, stated that each societal organisation is obliged to submit a written form of announcement on its conception to the Government. Societal organisation that does not announce its existence in written form can be disbanded by the Government. Although the Law No. 8 of 1985 is still a positive law, but it is no longer effective in regulating community organisations, because it has lost its power whether in the basis of judicial, sociological or philosophical effectiveness, to support the constitutional amendment demanded by reform, to attain democratic society based on the rule of law (Mahendra, 2005). In practice, the government tends to disregard articles that were designed to control the activities of CSOs. To date there have been no prosecutions for violation of these stipulations.

Labour union/worker union. The Law No. 21 of 2000 is applied for labour union/worker union. This regulation states that each worker has a right to form and become a member of a worker union formed by a minimum of 10 persons. Worker union can form a federation of worker union that consists of at least 5 unions; and each federation has a right to form a confederation that consists of at least 3 federations of union.

Worker union, federation and confederation of worker union formed have to provide written announcement to the Ministry of Manpower responsible for workers. The announcement has to enlist the names of founding member, budget and names of the executive board. The authorized government institution is obliged to register and give the proof registration number to worker union that has fulfilled the requirement in 21 days at the latest started from the date of the announcement given. The government can suspend the registration process for worker union that has not fulfilled the requirement by giving the reasoning in written form to the related worker union in 14 days at the latest started from the date of the announcement given.

Cooperatives. The law No. 25 (Year 1992) on cooperatives applies to cooperatives' registration. The regulation stated that a cooperative gains the status of legal institution after its founding act is officially signed by the Government, in this matter the minister in cooperatives. To gain the endorsement, the founders have to put forward a written application and endorsement of founding acts, to be provided at most three months after the endorsement application is submitted.

In relation to the registration process and procedure, CSO raises the concern that the process to gain endorsement is complicated and is longer than the scheduled timeline in the regulation, particularly because of the corrupted bureaucracy in Indonesia.

However, RSS 2006 reveals that, in general, respondents view the CSO registration process in Indonesia as relatively good. A majority of respondents believed that registration is quick (54%), simple (60%), and affordable (65%), is in compliance with legal terms (77%) and is consistently applied (59%).

Table III.2.10: CSO Registration Index

	N	*%*
0.00	3	2.5
1.00	6	4.9
2.00	14	11.5
3.00	10	8.2
4.00	35	28.7
5.00	54	44.3
Total	**122**	*100.0*

Source: Stakeholder survey

Based on a CSO registration index developed by CIVICUS – i.e. by compiling all "yes" answers in each aspect of appraisal – as illustrated in the above table, 73% of respondents believed that CSO registration process in Indonesia meets at least 4 out of 5 aspects appraised.

2.5.2 Allowable advocacy activities. In general, CSOs in Indonesia can be considered as free to conduct advocacy and to criticise the government. Other than the NGO that conducts advocacy in human rights and environmental protection, in the last several years there has been an establishment of watchdog organisations that focus on supervising state institutions' activities. Some examples are Indonesian Corruption Watch, Government Watch, Parliament Watch, Judicial Watch, Police Watch, Monopoly Watch, Election Watch, Government Budget Watch, and others. To conduct advocacy with mass rallying such as demonstration, there has been a regulation on expressing statements in public, which was issued in 1999, requiring each organisation to submit its plans to the police department 24 hours at the latest before the event begins**.** Data from RSS 2006 indicates that more than half of respondents (54%) stated that prevailing laws and regulations are not impediments to public advocacy efforts. If there are any restrictions, it is considered reasonable (23%). However, the state is perceived as occasionally (34%) or frequently (27%) intervening in civil society activities. As an example, in some cases research activities and programme activities may be carried out only with written approval from local government.

2.5.3   Tax exemption. The existing taxation system in Indonesia currently, as regulated in the Law No. 10 of 1994 and the Law No. 17 of 2000 on Income Tax, does not differentiate between the non-profit sector (Foundation) and a business entity. In terms of taxation for example, Foundation is seen as an institution also as a business entity that has the same rights and obligations with other institutions and business entities (Soebakir, 1996). The Law governs

income tax incurred to the foundation, applicable and non-applicable taxes. The inexistence of nonprofit organisations within Indonesia's Legal System is a result of the unclear concept of nonprofit works in CSOs daily practices. Many Indonesian CSOs share any surpluses among their board and executives.

The Law No. 16 of 2001 as amended by the Law No. 28 of 2004 on Foundation also regulates nonprofit organisations. In this law, a foundation is defined as a legal entity that comprises wealth that can be distinguished and intended for the social, religious and humanity sectors. The output of the activities from the foundation cannot be divided and given to the caretaker, board or supervisor of the foundation. Even the foundation's wealth in a form of money or goods cannot be transferred or directly distributed to the caretaker, board and supervisor. The caretaker, board and supervisor must be the people that may work voluntarily without fixed salary, wage or paycheck.

On 31 August 2005, the government proposed five Bills on Taxation to the parliament (DPR). Although the drafts have regulated several issues regarding tax reduction and exemption, they are still considered inadequate. Among other concerns noted is that the draft laws do not recognize the principles of nonprofit organisations as organisations exempted from corporate revenue taxes, nor are there provisions regulating tax deductions for individuals or entities providing donations to nonprofit organisations. In line with this, national NGOs and corporate foundations that joined in the Philanthropy Development Initiatives/*Prakarsa Pengembangan Filantropi* (PPF) have taken the initiative in advocating several requirements that govern tax exemptions for the nonprofit sector and tax deductions for individuals and foundations that give aid to social, humanitarian and religious activities.

One of the important aspects of the taxation bill is the acknowledgement of the nonprofit sector in Indonesia, in a form of legal based foundation and association that operates simply to devote itself in public interest such as social, religion and humanity sectors. For such organisations, the government needs to give tax-exempt status, as is already done in many countries.

The Law No. 10 of 1994 and the Law No. 17 of 2000 govern CSOs income that is not the object of taxation. They are (1) aid or donation (2) endowments given by any individual or foundation from a national or international entity to CSOs that operate in social spheres, education and religion, (3) dividends or profit gained from shares in the business entity and (4) aid and donation from the government. Exemption is also applied to land and buildings, (Law No. 12 of 1994),; land or buildings for use in religious activities, or social, health, education and national culture activities and not intended for profit gain are exempted from taxation.

However, as explained in detail above, the existing regulations on taxations are considered inadequate in supporting the work of CSOs in Indonesia.

2.5.4 Tax benefits for philanthropy. There is no single law or regulation that comprehensively governs tax exemptions for individuals or companies that contribute to philanthropic activities. For example, The Law No. 17 of 2000 stated that endowment is not the object of taxation, however such exclusion does not make the donors eligible for tax exemption.

There are several exclusions given by the government. The donors can have tax incentives when they perform *zakat* (a mandatory in Islamic teaching). According to the Law No. 38 of 1999 on *zakat* management, the amount of *zakat* paid is deductible from the already paid income tax. However, the implementation of this regulation is still unclear since there is no implementation of the rule enacted by the government.

The same problem applied when the minister of finance issued a letter No. 609/PMK.03/2004 on 28 December 2004 that gave tax reductions for Tsunami victims in Aceh and North Sumatra. Again, the implementation of the rule remains vague. The weakness of this regulation lies in its implementation, mainly because procedures for obtaining this tax reduction are unclear.

2.6 State-civil Society Relations

Within the subdimension of relations between state and civil society, there are measurements in its form and quality. The table below reveals four indicators used to measure it.

Table III.2.11: Indicators assessing state-civil society relations

Ref #	Indicators	Score
2.6.1	Autonomy of CSOs	2
2.6.2	Dialogue between CSOs and the State	1
2.6.3	Cooperation/support	0

2.6.1 Autonomy of CSOs. The process of democratization that has occurred since 1998 has brought changes to the relations between the government and CSOs. In general, the government no longer sees CSOs as being anti-government or as being an opposing power, and the government therefore no longer supervises and intervenes in the activities of CSOs. Some parts of the government, such as the ministry of home affairs, the ministry of social affairs, the ministry for women's empowerment, and the national commission on human rights, even hold that the existence of CSOs is a basic freedom for citizens, and a form of society's initiative toward solving their problems and providing social control of the government (Tulung, 2002). Within CSOs themselves, there is a perception that CSOs are able to appear and function independently, free from government intervention (Suryaningati, 2003).

The results of the RSS reveal that the state tends to intervene in CSO activities (see Table III.2.12). According to 33.7% of the respondents, the state sometimes intervenes in CSO activities, and 27.2% of respondents said it sometimes did. Only 17.4% of respondents felt that the state rarely intervened in CSO activities, and just 8.7% said it never intervened.

Table III.2.12: Extent of State intervention in CSO activities

	n	%
Not at all	16	8.7
Rarely	32	17.4
Sometimes	62	33.7
Frequently	50	27.2
DK	24	13.0
Total	184	100.0

Source: RSS, 2006

During the new order era, state interference in CSO activities was most common among CSOs with umbrella mandates. Examples are the Chamber of Commerce and Industry (*Kadin*), the Indonesian Teachers Association (*PGRI*), and the Indonesian Notary Association. Today, state intervention continues in much the same vein as before. Evidence of this is the use of articles in the criminal code concerning defamation of character, specifically articles 310 and 311 about defamation as well as articles 134 and 136, concerning defamation of character and the head of state.[23]

2.6.2 Dialogue between CSOs and State. The era of democratization has also opened room for relations between the government and CSOs. The government sees the necessity in sharing the new roles between the stakeholders (government, private sector and CSOs) by providing opportunities for independent social initiatives and encouraging public participation in government programs. Some part of the government is also starting to see that CSOs are a government's partner in implementing development programs.

However, in general, state-civil society relations can still be considered as marked with suspicion and an untrusting climate. Numerous CSOs tactics in lobbying are still confrontational, not based on true attempts to compromise. Many government responsibilities –budgeting, formulation, legislative works, the drafting of new regulations and laws, constitutional and general election issues—are highly criticised by civil society, which demands public participation in the decision-making process (McCarthy, 2002).

This situation is somewhat better at the local level. In year 1999 the government issued two regulations on decentralization that give broader autonomy to the local government in managing the government's administrations, including the financial sharing between central and local. Those regulations also gave a chance to CSOs to be involved in building democratic local governance through dialogues with the local government. According to UNDP, although CSOs are quite developed, challenges they encounter in terms of policy keep them relatively weak. The first study of *Indonesia Rapid Decentralizations Assessment (IRDA)* held by Asia Foundation in 2002 concludes there is an openness that encourages CSO participation in decision-making at the local level. On the other hand, the response from government is very limited.

RSS 2006 confirms that the dialogue between state and CSOs is still limited. This was stated by more than half (55% of respondents). Meanwhile 37% of respondents thought that the dialogue between state and civil society had run well (31%), even intensive (7%). Mass media (newspaper, television and radio) exposes enough dialogue between state and CSOs. From 113 news items covering the context of state-civil society relations, 77 news items were related to state-CSOs dialogues.

Although the era of reform has been in swing for the past eight years, state-civil society relations continue to be marked by mutual suspicion and confrontation, with little in the way of seeking compromise through lobbying and negotiation, for example.

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[23] Taken from a study on the politics of registering CSOs, "*Organisasi Masyarakat Sipil: Pembentukan, Pelarangan dan Intervensi Negara*", written by Patra M. Zein for the Civil Society Index Program, January 2006.

2.6.3 Cooperation/support. In Indonesia, there are very few funds allocated in national or local budgets to support CSO's programs. Even so, in response to the pressure from donor institutions assisting Indonesia, the government gave room for CSOs to engage in various development programs, particularly related to poverty reduction. Several NGOs working on society development and services gained contracts from government projects, particularly those coming from foreign aid.

On the other hand, from the point of view of CSOs funding, the amount of funds coming from the government is not significant compared to other funding sources. Surveys among NGOs that are moving in peace building for example, found that only 9 (2%) of 380 organisations surveyed claimed to receive funding from the government (Faqih, 2002). Another survey in Civil Society Resources Organisations (CSROs) found that by analysing the composition of funding sources that they gained, only 1.75% was coming from the government (Ibrahim, 2000: 11). The NGOs themselves think that there is still too little State support for CSOs for its operational cooperation, funding and access to government contracts (Suryaningati, 2003).

2.7 Private Sector-civil Society Relations

This subdimension elaborates and measures the characteristics and qualities of private sector-civil society relations. There are three indicators used, which are: (1) private sector attitude; (2) corporate social responsibility*;* and (3) corporate philanthropy. For these three indicators, NAG has given scores as the table below.

Table III.2.13: Indicators assessing private sector-civil society relations

Ref #	Indicators	Score
2.7.1	Private sector attitude to civil society	1
2.7.2	Corporate social responsibility	1
2.7.3	Corporate philanthropy	1

2.7.1   Private sector attitude. In the past (under the new order regime), the private sector tended to view CSO activities with suspicion or indifference. Some sections of the private sector shied away from working with NGOs for fear that the government would not approve. On the other hand, NGOs felt that the private sector, especially large conglomerates had grown because of government's facilitation through corruption and collusion and that they damaged the environment and did little to respect the rights of workers.

Today, most CSOs feel that there is no significant change in the relationship between the private sector and the CSOs. The advocacy NGOs, mainly, perceive that companies lack transparency and continue destroying the environment. Moreover, the ways certain companies engage in their relationships with NGOs have created divisions within the NGOs. This mainly happened because of the aid given by the mining companies and other natural exploitation companies to the CSOs located at the company site. This aid is being criticised by other NGOs since the companies have destroyed the environment. Several NGOs even keep an eye towards the domination and market role by taking actions such as boycotts, class actions against companies taking advantage of society, and monitoring of the stock market (Suryaningati, 2003).

RSS 2006 supports the above analysis. The majority of respondents (60%) believed that the private sector is indifferent to CSO, 30% believes that the private sector in general is supportive,

3% said that the private sector is adversarial to/opponent to civil society and 7% did not know or did not answer. In the future, a transparent and sustainable dialogue with the private sector is required for building trust between these two actors.

Lately the private sector perception of CSOs seems to be changing, as several businesses are willing to talk to and cooperate with CSOs. The business entities started to acknowledge that CSOs have the competence in relations with the society. Therefore, the CSO is seen as able to promote the companies in practicing and developing corporate social responsibility. CSO is also regarded as able to promote change in companies' social approach from charitable to a community-based approach (Ibrahim, 2003). However, the private sector often criticises CSOs for their lack of professionalism in performing their role. CSO is considered to have no core competence at some points, weak internal governance, and a lack of accountability in planning, resources and finance. On the other hand, the impression of CSO as advocacy and pressure groups is very strong, so the companies always stressed on the sustainability aspect, sense of security and avoiding risk. In other words, they are still hesitant to engage the CSO.

2.7.2 Corporate social responsibility. Indonesia in the reform era is also marked with the awareness within the business community, especially big and multinational companies operating in Indonesia, that sustainable development in Indonesia can only be maintained if there is a balance between economic, social and environmental aspects. Sustainable development must be built in a framework that business can grow hand in hand with social welfare. Because of that, business needs to balance social development and environmental protection, which is often referred to as corporate social responsibility (CSR). One of the large businesses in Indonesia, for example, formulated five principles on CSR. These are: 1) To develop human resources (responsibility to the employees), 2) To protect the environment (responsibility to the surrounding), 3) To use good corporate governance, 4) To establish social cohesion and 5) To strengthen small and medium scale business and economy of the people (responsibility to the community or surrounding society). Several Multi National Companies (MNC) started to implement these principles in their business activities. For example in 1999, approximately 20 MNC and national companies established Indonesian Business Links (IBL) which has a mission to promote good business behaviours, develop business ethics standard and partnership in development (Ibrahim, 2005).

Several CSOs in Indonesia put their attention to this specific issue of CSR. PIRAC for example, published several books with the label "*seri tanggungjawab sosial perusahaan*" or CSR series. Sustainable Development Foundation/*Yayasan Pembangunan Berkelanjutan (YPB)* also has a training program for CSR. Indonesia's Chamber of Commerce (*Kamar Dagang Indonesia-KADIN*) also promotes the issue of CSR by preparing a business entities' congress to discuss business entities' responsibility towards the development of human resources. However, the general perception among stakeholders indicates that the private sector, including both large national and multinational companies in Indonesia, has not fulfilled its corporate social responsibility in a consistent manner. The concept of social responsibility that they come forward with is still at the stage of rhetoric, or else acts only as means to improve public relations. RSS 2006 revealed that more than two thirds of the respondents think that the implementation of CSR is still very limited (38%) or even not existing (30%).

2.7.3 Corporate philanthropy. The CSR implementation in Indonesia is mainly conducted in the form of corporate philanthropy given directly to the society or through CSOs/NGOs. This program is community development, which consists of activities such as community health programs, education, the construction of clean water and sanitation facilities, development of small farming and cattle breeding (productive economy), environment, emergency relief*, etc* (Ibrahim, 2005). From a survey conducted by PIRAC (Public Interest Research and Advocacy Center) in 2001, it is noted that 20 activities initiated with cooperation between companies and CSO in implementing CSR with a fund up to 10 million USD (Abidin, 2001).

The increase in companies (national and foreign) involved in the community development program has led those companies to establish the Corporate Forum for Community Development (CFCD). Today, CFCD has 75 company members which comprise the state owned company (BUMN) and national companies. CFCD has the mission of becoming the centre of multi-stakeholder networking and CSR empowerment.

Since 2003, a forum has existed to strengthen philanthropy for social development and change in Indonesia. This forum has become the meeting place for the private sector and CSOs to develop mutual understanding and increase the amount and quality of corporate philanthropy. By this, private sectors are expected not only to support community development programs, but also to promote good governance issues, social and economic justice, sustainable development, participatory democracy, peace building, conflict resolution, etc.

Despite little change in private sector attitude toward civil society, corporate social responsibility and corporate philanthropy dialogue and practices are starting to develop in Indonesia. There is also evidence of efforts to build better relations between the private sector and civil society.

CONCLUSION

In general, the environment tends not to be conducive to the development of civil society. In the political context, the 2006 CSI for Indonesia indicates several enabling factors, including the recognition of political rights and civil liberties, the existence of political competition, and the ongoing process of decentralisation. This condition has allowed CSOs to exist independently of the state/government and be free to perform advocacy and criticise government. On the other hand, factors such as pervasive and growing corruption, weak rule of law, and the ineffective role of central government, hamper the growth of civil society.

Indonesia's socio-economic climate is not yet conducive to the growth of a healthy and strong civil society. Indonesia continues to be dogged by pervasive poverty, wide income disparity, and massive foreign debt

In some cases, existing legal frameworks are not conducive to the growth of civil society. Tax laws are felt not to be supportive of Indonesian CSOs, as there are no tax exemptions for nonprofit organisations and no tax deductions for individuals or organisations that make donations to social, religious or humanitarian activities.

Although the era of reform has been in swing for the past eight years, state-civil society relations continue to be marked by mutual suspicion and confrontation, with little in the way of seeking compromise through lobbying and negotiation, for example. This explains why state support for CSOs through joint initiatives, funding and access to contracts with the government, is so limited.

Despite little change in private sector attitude toward civil society, corporate social responsibility and corporate philanthropy dialogue and practices are starting to develop in Indonesia. There is also evidence of efforts to build better relations between the private sector and civil society.

Thus, these findings suggest that improvements need to be made in Indonesia's macro-economic condition and legal frameworks, and in relations between civil society and the state and the private sector to create an environment more conducive to the development of civil society in Indonesia.

3   VALUES

This section explains and analyses values promoted and practiced by the civil society in Indonesia. There are seven subdimensions, which are used to measure these values: (1) democracy, (2) transparency, (3) tolerance, (4) non-violence, (5) gender equity, (6) poverty eradication, and (7) environmental protection.

FIGURE III.3.1: Subdimension scores in Values Dimension
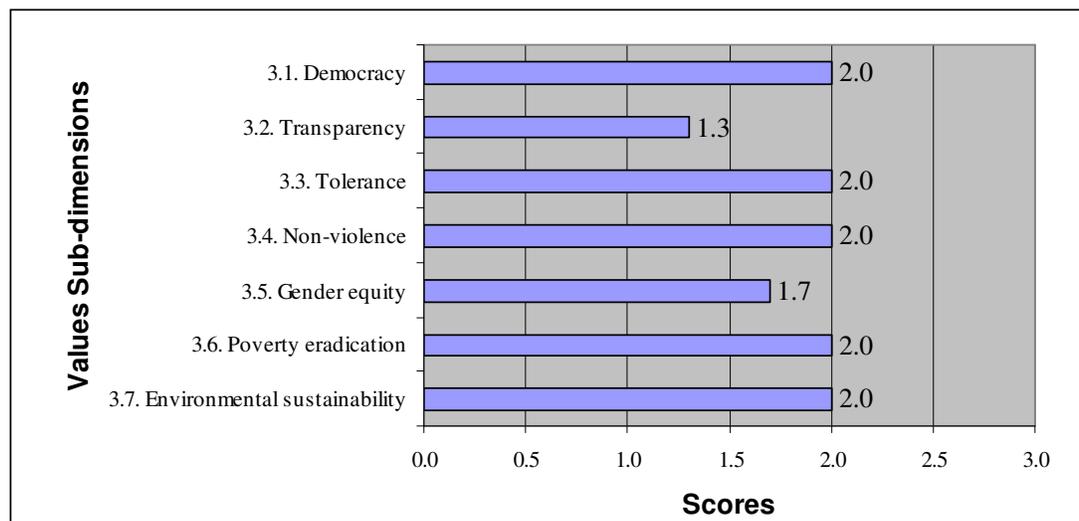
3.1 Democracy

The democracy subdimension analyses how deeply civil society actors practice democracy in the daily life of the organisation, or in its promotion of democracy. The table below shows the score given by NAG.

Table III.3.1: Indicators assessing democracy

Ref #	Indicators	Score
3.1.1	Democratic practices within CSOs	2
3.1.2	CS actions to promote democracy	2

3.1.1 Democratic practices within CSOs. To measure the democratic practices within civil society arena, leadership election in an organisation the extent of member or organisation staff influence in the decision making process must be measured.

Regional consultation initiated by YAPPIKA in 2002 revealed that in civil society, actors think that generally the CSOs have done quite well in practising democracy in their internal organisation. Some of the CSOs think that CSOs have democratic mechanisms for self-governing, selecting their leader through democratic election and are able to develop democratic management systems, and also involve members and stakeholders in many decision making

process and CSO activities (Suryaningati, 2003). This statement is supported by RSS 2006 result, 76% of respondents think that the CSO chairman is selected by CSO members, 13% stated that they are appointed and 11% stated that they are self-appointed.

On the other hand, an assessment conducted by a donor institution found that in several CSOs there has been no segregation between board and executive, in the sense that a member of the board can also become the executive that conducts the organisation's daily activities. In several CSOs, the organisation leadership is dominated by one person who usually is the founder and leader the CSO for a very long period. In this case the staff is less involved in the decision making process within the organisation (Damayanti, 2002). Other donors also see that the important aspect that needed attention and development by CSO relates to internal governance. This aspect includes the decision making process in the organisation, the division of roles among board and the executive and the accountability to the constituents (Rooney, 2002).

The survey of NGO accountability mapping carried out by LP3ES in 2005 (Ibrahim, 2005) also found some problematic results, e.g. a significant number of NGOs surveyed have not strictly defined bodies assigned to determine organisational directions and policies and those implementing them, particularly between the Board and Executive. There are 36% of NGOs where the chair of the board is also the executive director and 42% where members of the board are also staff members/employees of the NGOs. Apart from that, there are plenty of Indonesian NGOs whose boards are not active. The same survey also indicates that almost half of NGO respondents (49%) stated that board meetings are sometimes conducted when necessary or almost never taken place.

It can be concluded, then, that although civil society actors feel that in general CSOs adopt democratic practices within their organisations, in practice many of the principles of good internal governance are not used.

3.1.2 CS actions to promote democracy. Since the beginning of the 1990s (Indonesia under Soeharto's Regime), the CSOs, mainly concerned themselves with human rights advocacy, had begun demanding politic liberalization and democratization in order to restore people's civil and political rights. Advocacy also intended to solve the human rights violations cases committed by the government, including violation of social and economical rights such as land rights, natural resources rights, communal/customary rights, women rights, etc.

The ongoing wave of political reform has included four sets of amendments to the constitution, direct presidential elections, the adoption of a dual chamber parliament (with the introduction of the Regional Representatives Council), and the revision of Law 22/1999 on decentralisation by Law 32/2004. In parallel with this wave, CSOs are more active in promoting democratization at the national and grassroots levels. The effort at the national level is mainly conducted through advocacy and dialogue designed to influence the process and substance of the government's policies so that they will always be based on two fundamental principles of democracy, namely, participation and accountability. The CSOs demand that the policy making process also involve participation from groups in society. The CSOs also advance citizens' rights to obtain information, create clean and impartial government and judicial processes, etc.

To influence the policy making process, the CSOs established various coalitions to develop public campaigns such as NGOs' coalition for the new constitution and NGOs' coalition for a participatory law making process. There are a number of CSOs established in order to promote democracy, namely, Center for Electoral Reform (CETRO) and Research Institute for Democracy and Human Rights (DEMOS). During the general elections in 1999 and 2004, several organisations and CSO networks, such as University Network for Free and Fair Election (UNFREL), Independent Committee of Election Monitors (KIPP) and University Presidents' Forum, actively monitored the election process in order to ensure honest and fair proceedings.

In the local level government, several CSOs actively promote democratic local governance with various activities designed to influence the local ordinance making process and its substance so that it can be more participatory and people oriented, and can be used to monitor the local government and others.[24]

At the society level, CSOs actively provide democracy education to the people. They provide various types of education, such as civic education and political rights education in the form of voter education. This is in addition to human rights education, women's rights education and gender equity, the promotion of tolerance and pluralism, conflict resolution, etc.

A CSO survey of those working in peace building found that most surveyed CSOs (n=463) have various activities to develop democracy in government and society level (each CSO has more than one type of activity). Of those surveyed, 307 organisations (66%) conduct civil society empowerment activities, 244 organisations (52%) work in advocacy and lobby to influence government policy, 211 organisations (45%) work promoting human rights, 167 organisations (36%) promote the idea of democratization, 161 organisations (35%) promote dialogue between society and government, 129 organisations (27%) promote tolerance and pluralism, 101 organisations (21%) work in civic education, 99 organisations (21%) promote reconciliation, negotiation and mediation and 90 (19%) promote good governance (Faqih, 2003: xiii).

Regional Stakeholder Survey (RSS) 2006 found that 38% of respondents think that CSOs role in promoting democracy is adequate, 33% stated that it is limited and 8% stated that it is significant. Only 9% of respondents stated that CSOs role is not significant. One of the ways to examine the CSOs role in promoting democracy can be concluded from the CSOs public campaign. RSS 2006 found that 73% of respondents stated that they are able to name examples of campaigns made by CSOs in promoting democracy. One campaign conducted by CSOs was in the pursuit "free and fair elections" in 1999 and 2004.

These findings, which are based on survey results and other data, indicate that CSO actions to promote democracy in Indonesia are quite significant.

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[24]YAPPIKA, a civil society alliance for democracy, for instance, provide assistance to 20-30 CSO working on *democratic local governance.* Many international donor agencies provide grants to CSO working in promoting democracy

3.2 Transparency

This subdimension measures how deeply Indonesia's civil society actors practice transparent procedures and behaviours in their organisations and promote such values outside. There are three indicators used to measure the level of such participation, they are: (1) corruption within civil society, (2) financial transparency of CSOs, and (3) CS actions to promote transparency.

The table below displays the score given by NAG for each indicator.

Table III.3.2: Indicators assessing transparency

Ref #	Indicators	Score
3.2.1	Corruption within civil society	1
3.2.2	Financial transparency of CSOs	1
3.2.3	CS actions to promote transparency	2

3.2.1 Corruption within civil society. A series of annual surveys, conducted by Transparency International, showed that in the last decade Indonesia remains seen as the most corrupted country. The weak government and limited law enforcement leads to corruption behaviours further infecting Indonesia's society. Almost everyday, the newspapers, radios and televisions reveal corruption events take take place in the government, legislature, or even the courts. TI survey, in 2003, found that 55% of the Indonesian citizens believe that corruption significantly affected cultures and values of democracy.

Even with this fact, however, it is not unlikely that corruption may also occur in the CSOs. Although it happens probably not to the same extent as in the state institutions, it is still an issue. A civil society consultant from the World Bank stated that: "in a country where institutionalized KKN (the Indonesian acronym for corruption, collusion and nepotism) has become the norm, some CSOs have inevitably been drawn into the web of corruption" (McCarthy, 2002). Meanwhile, *Info Bisnis,* an economic weekly magazine published an article in 2001 with the title "NGO Businesses worth Billions" which raised suspicions that NGO's raise foreign donations just for private gain. There is also news regarding the misuse of money by several NGOs in distributing micro credit for farmers, and distributing cheap rice to the poor. However, the audit by public accountants that is the requirement from the donors has limited the tendency for corruption among the CSO, especially the ones who depend on outside funding.

The existence of corruption in civil society is acknowledged by the respondents of the RSS 2006. About 50% of respondents stated that corruption occurred often in the CSOs (31%) and even very often (19%). Twenty-three percent of respondents said corruption sometimes happened in civil society, 14% said it seldom occurred, and 12% did not know or did not answer. Corruption inside the civil society still gains its place in the mass media. The Media review conducted by YAPPIKA found 110 specific articles, which discussed the transparency within the CSO, and 4 articles highlighted the issues of corruption within the CSO. One example of corruption within civil society organisations that received widespread media coverage was misuse of aid intended for victims of the tsunami in Aceh in early 2005 by an alleged NGO 'leader'.

3.2.2 Financial transparency of CSOs. The level of transparency of an organisation is the level and quality of information it provides to the public. Hence, the proportion of CSOs that publish

their financial report as a part of financial transparency is used as an indicator for financial transparency. Very few CSOs make information on their organisations' finances available to the public.

As relates to sources of funding, very few CSOs make information on their organisations' finances available to the public. Secrecy becomes the norm whether it used deliberately or not. Moreover, the financial records are not easy to trace. Fund sources, budget, salary, administrative cost and the whole information that show the relation between resources allocation with organisation mission usually are unavailable. As mentioned by Alison Brysk "...*above all, civic groups budgets and funding sources must be public, clear, and widely accessible to all parties*" (Brysk, 2001).

One of the indicators used to measure CSO accountability and transparency as a whole is the annual report publication. A complete annual report usually consists of information on organisation vision and mission, board of directors, programs and activities, the total and funding resources along with its expenditure, and result and impact of the activities done by the organisation. Based on the survey conducted by LP3ES in 2005 (Ibrahim, 2005), only 12 (17%) of 70 NGOs write an annual report using written material or through a website. However, most of the annual reports provided to the public only contained program and activities descriptions, without mentioning the organisation's financial report.

The law No. 16 of 2001 on the Foundation replaced with the Law No. 28 of 2004 stated in article 49 that every foundation must write an annual report that at the very least contains situation, activities and financial reports at the end of the year. On the financial report, it is stated that the report must contain activities report, cash flow and notes on financial report. Article 52 stated that every foundations receiving government funding, foreign donations or funding from other sources exceeding Rp 500 million or more must publicize its annual report in Indonesia's newspaper.

It is estimated that more than a hundred NGOs in a form of foundations and have foreign financial resources of more than Rp 500 millions, however only less than ten NGOs has made their financial annual report public through the newspaper.

Based on the assessment conducted by Mercy Corps towards its local partners that operate micro finance program, it is revealed that most of the CSOs do not have transparent financial procedures on income and expenditure flow and also an accounting system that complies with the general standard of conduct. It can be said that, in general, Indonesian CSOs are still experiencing information deficit in relation with financial transparency.

In the Indonesian context, it is difficult to measure the transparency of CSOs from published financial reports alone, because the publication cost of these reports is very high. Many CSOs do not have enough funds to do this, or even to include financial statements in their annual reports. Funding agencies do not normally set aside a reserve fund for financial audits and publication of financial reports. However, donors do have financial reporting mechanisms for recipients of their funds. In addition, some donors require that a representative of the beneficiaries sign the

cooperation agreement and receipt of funds reports. In this way, financial transparency is maintained. For these reasons, the NAG gave a score of 1 for this indicator.

3.2.3 CS actions to promote transparency. Indonesia in the reform era has given room to several CSOs that put their interest in the transparency of the government and companies. They are better known as "watchdog organisations" such as Indonesian Corruption Watch (ICW), Budget Transparency Forum (FITRA), Budget Watch, Transparency Indonesia Society (MTI), Transparency International Indonesia (TII), and others. Although the numbers are not known exactly, many experts believe that no less than 50 CSOs operate in the transparency sectors and anti corruption.   INFID (The International NGO Forum on Indonesian Development) conference in 1999, for example, compiles 43 NGOs as participants signing the declaration on corruption. Transparency Indonesia Society (MTI) identifies 40 NGOs throughout Indonesia specializing on transparency and anti corruption (Holloway, 2002).

In order to establish interaction and communication between anti corruption NGOs, the Anti Corruption Movement or known as GERAK (*Gerakan Nasional Anti Korupsi*) which consists of 27 active organisations in taking anti corruption initiatives from various provinces all over Indonesia. The activities from such institutions also cover demand of transparency in government budgeting in national and local level, legal reform, independence of judiciary, etc.

The media review revealed that from 110 articles on transparency issues, 99 of them contained news on the effort of civil society in promoting transparency rather than news about internal transparency. RSS 2006 revealed 33.3% of respondents capable of recalling only one or two examples of civil society public campaigns conducted by CSOs dedicated to promoting government transparency. Another 23.7% stated that there are several examples and 9.1% stated that there are many examples. Others (27.7%) held that there are none and the rest (16.7%) stated that they did not know.

Stakeholders were divided in assessing the role of civil society to promoting government transparency. While about half regard it as either limited (37.1%) or even insignificant (13.4%), a third saw it as either moderate (27.4%) or even significant (7.5%).

A moderate level of respondents (39.9%) did not remember any examples of civil society campaigns promoting private sector transparency. Another 21.3% did not answer. The remaining 23.5% remembered only one or two examples, 10.9% remembered several examples, and only 4.4% remembered many examples. In some degree of limitation of the CSO role promoting private sector transparency, their roles are judged limited (31.4%) and even insignificant (28.1%). Nevertheless, 18.9% judge that the role is moderate; the same number stated that they did not know. Only a small part (2.7%) judges that the role is significant.

In conclusion, Indonesian CSOs are more concerned with and more active in promoting transparency in government organisations than in the private sector (large corporations).

3.3 Tolerance

The sub dimension analyses the extent of Indonesian civil society and CSO actors in practicing and promoting tolerance in their daily activities. There are two measurement indicators, i.e. tolerance within the civil society arena and CS actions to promote tolerance. Scores given by NAG for both indicators are as follows:

Table III.3.3: Indicators assessing tolerance

Ref #	Indicators	Score
3.3.1	Tolerance within the civil society arena	2
3.3.2	CS actions to promote tolerance	2

3.3.1 Tolerance within the civil society arena. In general, CSOs uphold the values of tolerance and practice them in their daily activities. The code of ethics agreed upon by 250 NGOs in 2002, for instance, firmly stated that NGO is a nonsectarian institution and shall free itself from prejudices based on diverse differences, including religion, ethnicity, race, status, sex and gender.[25] Racist, discriminatory, and intolerant behaviour is seldom found in media coverage on NGO activities. If there is any, it is minor and normally is condemned by other NGO communities. However, it is undeniable that there are forces in the civil society arena that lack tolerance, particularly of religious differences which have led to the destruction of places of worship belonging to minority religions, e.g., those belonging to Christians/Catholics or the Ahmadiyah Moslem recently. At the society level the prevalence of religious and ethnic prejudice is relatively high, as can be concluded by the extent of social violence in a number of regions in Indonesia.

Regional Stakeholder Survey (RSS) 2006 reveals that almost half of the respondents (49%) believed that forces in civil society that explicitly demonstrate racist, discriminatory tendencies, or non tolerance attitudes are not significant or limited in number. Only one fifth believed that the forces exist (16%) or are even significant (5%). It is interesting that almost one third (30%) of respondents said that they did not know or were not willing to answer to the question.

3.3.2 CSO actions to promote tolerance. A number of Indonesian NGOs name tolerance as part of their primary activities. A survey of peace building organisations (Faqih, 2002) found that 129 (27%) from 465 surveyed CSOs stated that promoting tolerance and pluralism in the community is one of the five primary activities carried out in the past two years (2000-2002). There are CSOs in Indonesia that specifically work at eradicating racial discrimination. One CSO that is concerned specifically with racial discrimination in Indonesia is the Anti Discrimination Movement (*Gandi*). The organisations raise the agenda of the significance to enact laws to combat social discrimination. There are also CSOs specifically involved in promoting interfaith cooperation in the Indonesian society.

RSS 2006 indicates that almost two third of respondents could recall examples of CSO public campaign efforts or activities aimed at promoting transparency. As many as 42% said that they were able to name one or two examples, 21% could name a few and 7% could name many examples. One of the examples frequently mentioned was the importance of improving religious

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[25]Refer to the Non Governmental Organisation Code of Ethics agreed by Jakarta NGO Alliance for the Enforcement of Code of Ethics.

tolerance in Indonesia. As many as 41% of respondents believe that CSO plays an important role in promoting the values of tolerance, 35% thought that the role is considerable and 7% considered it to be significant. Those who believed that the role is limited or insignificant amounted to 45% of respondents. Although Indonesian CSOs are quite active in promoting tolerance within society, they have yet to achieve significant results.

3.4 Non-violence

The subdimension describes and analyses the extent of application and promotion of values of nonviolence by Indonesian civil society and CSO. There are two indicators used, i.e. non-violence within the civil society arena, and CS actions to promote non-violence.

The following are scores given by NAG for both indicators.

Table III.3.4: Indicators assessing non-violence

Ref #	Indicators	Score
3.4.1	Non-violence within the civil society arena	2
3.4.2	CS actions to promote non-violence	2

3.4.1 Non-violence within the civil society arena. In general, Indonesian CSOs are known to practice and promote the principles of peaceful resolution in conveying their aspirations. One of the principles in the NGO Code of Ethics states that "in expressing opinions, and in all efforts to achieve its goals, an NGO shall not resort to violence". The use of violence by CSOs in voicing their needs is at a minimum. However, as noted in the media, there are groups in the community, such as *Forum Betawi Rempuk* (FBR) and *Front Pembela Islam* (FPI), who took the streets and then committed violent acts such as vandalising public properties or other violent means by being involved in fights/assaults against other individuals, groups, or police officers. However, in general other NGOs firmly reject and denounce the use of violence by groups in the community (Suryaningati, 2003).

RSS 2006 examines the perceptions of stakeholders on the extent of the use of violence (aggressiveness, hostility, brutality and or conflicts) by forces in civil society to express their interest. Based on that survey, 31% of respondents stated that certain violence-related groups occasionally use violence. The remaining 23% said that violence is regularly used by those groups. Only 15% of respondents said that violence is significantly used by groups with broad mass base. Whereby 18% believes that the use of violence by groups in the society is extremely rare. One of the groups with large base allegedly practicing violence is an ethnic group called *Forum Betawi Rempuk*. These groups have been criticised by civil society for their violence when they beat up NGO activists from the Urban Poor Consortium during a demonstration outside the offices of the national commission on human rights.

According to RSS 2006 results, more than two third of respondents (74%) said that there is violence which is always criticised (35%) or usually criticised (39%). So, although there are forces within civil society that use violence to achieve their goals, these forces are small and not significant.

3.4.2 CSO actions to promote non-violence. Indonesian civil society is active in preventing violence and supporting conflict resolution initiatives. The survey of 465 peace building organisations (2002) found varying activities organised by CSOs pertaining to the promotion of peace and non violence. One hundred sixty-one of the organisations facilitates dialogues between the different elements in the society, 124 conduct research and conflict analysis, 99 promote reconciliation, negotiation, and mediation, 85 provide assistance to victims suffering trauma, 59 apply peace journalism/peace strategies conveyed through media and 49 CSOs carry out community development and empowerment in conflict-torn areas/conflict areas rehabilitation.[26]

RSS 2006 provides information on this. More than two thirds of respondents (68%) stated that they could provide examples of public campaigns or CSO activities aimed to promoting anti violence of peaceful conflict resolution. A total of 38% of respondents said that they could provide one or two examples, 21% could name a number of examples and 9% could recall many. One example is the work done by *Institut Titian Perdamaian* with the Bakubae movement towards the resolution of ethnic and religious conflict and peace building in Maluku. Only 16% of respondents stated that there have been no public campaigns carried out by CSO in promoting anti violence and peaceful conflict resolution. However, stakeholders were divided in their assessment of the role of civil society in promoting non-violence. While 38% of respondents said that the role of civil society in promoting non-violence is moderate (27%) or significant (11%), almost as many (32%) said that the role is either limited or insignificant. One of the campaign themes pursued by CSOs is peaceful resolution to the ethnic and religious conflict that has occurred in several regions of Indonesia.

3.5 Gender Equity
The sub dimension analyses the extent to which Indonesian civil society is an arena for gender equity and justice. There are three indicators used to measure the sub dimension, i.e.: (1) gender equity within the civil society arena, (2) gender equitable practices within CSOs, and (3) CS actions to promote gender equity. Scores for each of the indicators is described below.

Table III.3.5: Indicators assessing gender equity

Ref #	Indicators	Score
3.5.1	Gender equity within the civil society arena	2
3.5.2	Gender equitable practices within CSOs	1
3.5.3	CS actions to promote gender equity	2

3.5.1   Gender equity within the civil society arena. The Indonesian constitution (UUD '45) and its amended provisions and ratified international conventions have recognised equality between men and women. However, in the community there are still discrepancies, particularly due to the patriarchal culture. In the Gender Development Index (GDI) in 2004, Indonesia is ranked 91 compared to the 110th ranked in HDI.

The evaluation given by stakeholders in RSS 2006 reveals that the discriminatory forces against women are limited or insignificant in numbers, as stated by 56% of respondents. Whereas respondents who believe that the forces are significant amount to 19% of respondents. Meanwhile almost half of respondents (49%) believed that actors of civil society normally or

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[26] Refer to (Faqih, 2002: xiii). Each CSO surveyed may organise more than one activities.

always denounce sexist practices. Only 33% of respondents believed that CSOs rarely or never denounce the discriminatory practices.

Despite growing discourse on gender equity and equality within civil society, in practice these values are seldom adopted because patriarchy continues to exert a strong grip in Indonesia.

3.5.2 *Gender equitable practices within CSOs*. In order to observe the equality between women and men in CSOs, CIVICUS adopts the method of evaluating the extent of women's representation in CSOs management. In general, it can be said that there is still low representation; however, there is no available data to confirm this. Another indicator is the extent of gender policies in CSOs. The 2006 community survey found that two third of respondents who are CSO members (67%) said that the CSO where they work do not have any written policies on gender equality.

3.5.3 *CS actions to promote gender equity*. Following the organisation of the Fourth World Conference on Women in Beijing in 1995, dozens of CSO were conceived by women activists who promote gender equity as their primary activities. They provide education and training on women's rights and gender equity and defend the rights of women. A number of women CSOs have also defended women on cases of violence against women including domestic violence, established women's crisis centres and carried out a number of income generating activities for women.

At the macro level CSOs took part in initiating the conception of Presidential Instruction (INPRES) No. 9/2000 on "Gender Mainstreaming" in National Development. The Presidential Instruction explains that to materialise gender equity and justice in family life, community, nation and state, a gender mainstreaming strategy needs to be incorporated into the entire process of national development (Munir, 2001). Women activists have also been successful in urging the government to establish the National Commission on Anti Violence against women (*Komnas Perempuan*). One of the most important achievements attained by the Indonesian women movement is the issuance of Law Number 23 Year 2004 on Eradicating Domestic Violence.

There has been an increasing CSO commitment to promoting gender equity in the society. Part of the programs and activities carried out by CSOs is the incorporation of "gender mainstreaming" component/approach as part of a strategy to attain gender equality and equity. Following the demands of women CSOs Law No. 12 Year 2003 on General Election stipulates that legislative nomination at all levels has to consider at least 30% of women representation. The provision increases the number of women candidates for the 2004 General Election compared to the 1999 Election.

RSS 2006 found that 34% of respondents said that the role of Indonesian CSO in promoting gender justice and equity is sufficient (27%) and even significant (7%), whereas a majority of respondents said that the role of CSO on this is still limited or even insignificant. Interestingly, as many as 61% of respondents said that they were able to name a number of examples of public campaign programs carried out by CSO in promoting gender justice and equality. This points to a lack of knowledge among stakeholders about the extent of civil society's activity in this regard,

which is understandable as efforts to promote gender equality are mainly pursued by women NGOs located in the capital and in major cities only.

3.6 Poverty Eradication

The subdimension describes and analyses the extent of civil society's efforts to promote poverty alleviation. The following is a scoring table provided by NAG for CSO activities/actions in the efforts to eradicate poverty.

Table III.3.6: Indicators assessing poverty eradication

Ref #	Indicators	Score
3.6.1	CS actions to promote poverty eradication	2

3.6.1 CS actions to promote poverty eradication. Given the widespread poverty, many NGOs are active in community based social and economic development activities. The NGOs have organised diverse activities pertaining to poverty eradication programs and other means to meet the essential needs of the poor. To name few, programs are in health services, provision of clean water and sanitation, family nutrition, small-scale industry and handicrafts, small-scale enterprise, joint enterprise and cooperatives, agriculture, fishery and farming, and others.

Following a grave economic crisis (mid 1997) the number of economically disadvantaged people living under poverty line has more than doubled. At least 27 development NGOs established a Community Recovery Programme (CRP) to carry out social safety net programs aimed at assisting the poor in urban and rural areas who suffer the impacts of the crisis. The program received financial support from the international community, channelled through UNDP. By the year 2000 the program had spent more than 30 million USD to support more than 2,000 small-scale projects conducted by NGOs/CBOs throughout Indonesia. The projects are related to three primary sectors: basic social service, food security, job-creation and income generation (Ibrahim, 2001). Outside the CRP framework there are many CSOs involved in poverty reduction programs in cooperation with the government or with the support from international donor agencies.

At the advocacy level there are at least two CSO networks that focus their concern on poverty problems faced by Indonesian citizens. They are Indonesian Working Group for Structural Poverty or *Kelompok Kerja Indonesia untuk Kemiskinan Struktural* (KIKIS) and the Anti Poverty Movement of the People of Indonesia or *Gerakan Anti Pemiskinan Rakyat Indonesia* (GAPRI). Both urge the government to apply development strategies to alleviate poverty and structural poverty faced by the Indonesian people. Joining the government and other CSOs, recently both are active in the working group to formulate Poverty Reduction Strategy Paper (PRSP).

RSS confirmed these findings. As many as 73% of respondents said that they could recall examples of public campaign efforts, programs, or CSO activities aimed at alleviating poverty. As many as 37% said that they could recall at least 1 or 2 examples, 27% could recall a number of examples, and 9% said that they could provide many examples of public campaign and poverty eradication programs organised by CSO.

However, pursuant to the vast scale of poverty in Indonesia[27] the role of CSOs in alleviating poverty is still regarded as limited. Approximately sixty percent of respondents believes (61%) that the role of CSO in alleviating poverty is still limited, as stated by 41% of respondents, and 20% even stated that their role is insignificant. Only thirty percent of respondents answered that the role of CSOs is sufficient (23%) or significant (7%).

3.7 Environmental Protection

The indicator used to analyse the subdimension is the extent of activities or acts carried out by Indonesian CSO in protecting and protecting the sustainability of environment. The following is the score provided by NAG.

Table III.3.7: Indicators assessing environmental sustainability

Ref #	Indicators	Score
3.7.1	CS actions to sustain the environment	2

3.7.1 CS actions to sustain the environment. The issues of environmental management and preservation have been Indonesian NGO concerns since the early 1980s. It can be said that the role and activities of NGO movements in environment are highly dynamic and diverse in nature. These are made possible with the enactment of Law Number 4 Year 1982 on the Main Principles of Environmental Management.[28] The laws propel the development of legal instruments on environmental management as an integral part of sustainable development with environmental sensitivity. One of the most important aspects of the law is the recognition of the role of NGOs in managing and preserving nature. With the application of the law, the number and variety of NGOs working in environment has increased in numbers, the roles they play vary, and include those described below.

The first role NGOs play in the environment is in assisting the community with environmental development programs such as community forestry, dry farming, organic farming system development, herbal medicine cultivation, lake preservation and rehabilitation of critical land, mangrove plantation, and others. In the conservation program, for instance, the assistance includes the protection of endangered animals and other biodiversity, the development of basic infrastructures such as clean water and sanitation, domestic waste, and others. The programs to utilise and conserve the environment and natural resources are normally conducted using a social and economic development approach in the community, by connecting them with the efforts to alleviate poverty through income generation programs.

Second, executing community awareness programs and building capacities to improve the quality of natural resources management by the community, which in turn will improve their independence. To raise community awareness, programs such as education, training and public campaigns on the environment are launched to improve their skills in articulating their needs.

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[27]As presented in other parts of the report, 52.4% of the Indonesian population still live under 2 Dollar income per day
[28]The laws are conceived under the auspices of Prof. Dr. Emil Salim, a prominent economist and a person close to NGOs, a former Minister for Population and Environment (1978-1983) and Minister for Development Supervision and Environment (1983-1988)

The activities may include legal education and legal aid provision for the communities to defend their environmental rights.

The third is carrying out advocacy to remind the government and the private sector of the issues of pollution, environmental destruction and the vanishing biodiversity resulting from governmental and industrial mismanagement. The role of NGO in environmental advocacy pertains to facilitating the community facing industrial pollution, providing assistance in dispute resolution between the community and industry, including bringing the pollution matter to court through class action. NGOs also carry out advocacy on public policies destroying the environment and participate in environmental policy making.

In the recent years, environmental NGO's advocacy work is aimed at urging the government to alter their policies and regulations by positioning conservation and community welfare in the discourse of development paradigm.

For sharing experience and information, building capacities and increasing the effectiveness of advocacy works, NGOs working in environment join diverse networks, both at the local and national level. There are various NGO networks for the environment, with a variety of specialisations. One of the popular environmental networks in Indonesia is the Indonesian Environmental Forum or *Wahana Lingkungan Hidup Indonesia* (WALHI). There are three NGO networks in the area of forestry. (1) Consortium of Community Forest Development or *Konsorsium Pengembangan Hutan Kemasyarakatan* (KPSHK). The network works together with the local community in developing community based forest management in using applied technologies or local wisdom to develop sustainable forestry. (2) *Forest Watch Indonesia(FWI)* is an NGO network monitoring illegal logging practices by carrying out investigation and publication of illegal logging or policy dialogues with the government. (3) The Community Forest Communication Forum or *Forum Komunikasi Kehutanan Masyarakat* (FKKM) is a multi-stakeholder forum consists of the government, universities, and NGO. The forum gathers various stakeholders to discuss and seek solutions for sustainable forestry. Then there is Anti Mining Network or *Jaringan Anti Tambang* (JATAM), which engages in advocacy work against mining activities disadvantaging the community such as the hostile acquisition of community land and pollution due to toxic waste, and others.

At the global level, Indonesian NGOs have also been involved in advocacy of environmental issues. WALHI is a member of Friends of the Earth International (FOEI), whose members from 80 nations actively campaign on sensitive issues such as the role of international financial institutions in climate change and ecological destruction, ecological debt, corporate watch, and so on. WALHI also works with Rainforest Foundation in Britain and Norway, Down to Earth in London and Greenpeace, on the rights of indigenous peoples and forest rights. On climate change, WALHI is a member of SEA-CAN (South East Asia Climate Action Network) and the international organisation, Climate Action Network. WALHI also regularly receives invitations to Global Environment Summits, such as the Earth Summits in Rio de Janeiro (1992) and Johannesburg (2002). In Johannesburg WALHI headed the delegation from IPF (Indonesian People Forum), a coalition of workers, farmers, NGOs, women, indigenous communities, urban poor, youth and students, fishers, and others. At the summit, IPF was actively involved in forums drafting international declarations and agreements.

In relation to the above description, as many as 77% of respondents in RSS 2006 said that they can provide examples of public campaigns, programs or civil society activities which are aimed at preserving nature. Thirty-nine percent were able to provide one or two examples, 25% could provide a number of examples and 13% said they were able to name many examples.

Meanwhile 43% of respondents stated that CSOs role in environmental protection is sufficient or significant. While 36% of respondents said that the role is limited, 12% of respondents said that the role of CSO in environmental protection is not significant. In the Indonesian context this is very understandable pursuant to the extent of environmental pollution and natural resources exploitation in Indonesia is extremely high, such as in the case of illegal logging and mining.

CONCLUSION

The score for the values dimension indicates that at a certain level, Indonesian civil society has promoted and practices positive social values such as democracy, tolerance, anti-violence, gender equity, poverty eradication and environmental sustainability.

However, the scores given by the NAG and some of the field data indicate that for some values there is a gap between CSO activities to promote these values and the practice of these values within their organisations. Most significantly, on one the hand, CSOs are busy promoting transparency in state organisations and the private sector; while on the other hand, many Indonesian CSOs do not themselves practice transparency, for example, by providing information to the public, and publishing financial reports, annual reports and so on. Likewise, while CSOs are active in promoting democracy, many CSOs to not practice democracy and the principles of good internal governance within their own organisations.

It is important to note that promotion of gender equity by women's activists and NGOs have been quite successful. Evidence of this success includes the 1999 amendment to the Indonesian constitution recognising equal rights for men and women, ratification of several international conventions, the introduction of presidential instruction No. 9/2000 on gender mainstreaming in all processes of national development, and the emergence of the national commission against violence against women (*Komisi Nasional Anti Kekerasan terhadap Perempuan – Komnas Perempuan*). Despite growing discourse on gender equity and equality within civil society, adoption of these values within CSOs is still limited. There are few women in managerial and leadership positions within CSOs.

The lack of transparency of CSOs is a serious weakness that must be addressed in the midst of growing demand for transparency of state institutions. Transparency will increase public trust in CSOs.

4   IMPACT

This section describes and analyses the extent of activeness and success of the Indonesian civil society in fulfilling its essential functions. The impact dimension has the following five sub dimensions: (1) influencing public policy; (2) holding state and private corporation accountable; (3) empowering citizens, and (4) meeting social needs. Based on the analysis, NAG then provided a score for each of the sub dimensions, as illustrated in the graphics.

FIGURE III.4.1: Subdimension scores in Impact Dimension
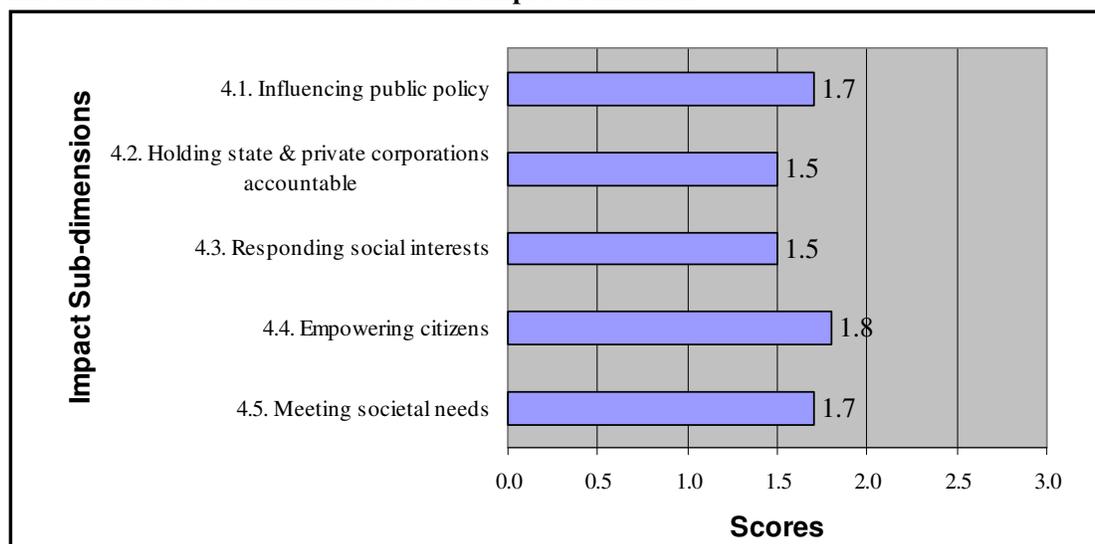
4.1 Influencing Public Policy
The sub dimension analyses and evaluates the level of Indonesian civil society's activeness and success in influencing public policies. There are three indicators used as presented in the Table below.

Table III.4.1: Indicators evaluating influencing public policy

Ref #	Indicators	Score
4.1.1	Influencing public policy: human rights	2
4.1.2	Influencing public policy: social	2
4.1.3	Influencing public policy: national budgeting	1

The CSOs in Indonesia --NGOs working in advocacy or community development, labour unions, religious organisations, professional women's movement, and others– are recognised as active in influencing policies both at the national and local level, so that these policies are based on the public interest. The efforts are carried out in varying forms of advocacy and policy dialogue such as seminars and workshops, public campaigns and information dissemination, lobbying, public hearing with the parliament, including providing pressures by taking to the streets and protests. CSO pays attention to a broad range of issues. Pertaining to human rights, for instance, ranging

from constitutional reform, civil and citizen's political rights, workers' and women's rights; particularly in managing and preserving the environment and natural resources, citizen participation in decision making processes, and others.

The CSO has carried out advocacy, both individually and together in the form of coalition and alliance to increase effectiveness in influencing policy changes. Labour movements, for instance are active in influencing the process of formulation of changes of laws and regulations related to manpower to ensure freedom of association in joining labour unions, rights to strike, decent minimum wages, and others. Journalist organisations are active in demanding the formulation of laws on freedom of access to information; women's movement demands the creation of anti domestic violence laws. The NGO coalition urged the formation of an independent constitutional commission, laws on foundation that do not limit freedom of association, laws on natural resources management/preservation, and others. A number of NGOs have been active in monitoring and proposing new policies in the budget formulation process at the national and local level. They have demanded the application of the principles of transparency and accountability in formulating and managing the budget, public participation in budget formulation, and the increase of public budget allocation. At the local level, various NGO coalitions are also active in demanding the importance of public participation in decision-making processes to attain democratic local governance.

In order to evaluate the extent of civil society's impact on change to social policies, YAPPIKA carried out Policy Impact Studies on three selected issues in the areas of social policy, human rights and budgeting. For social policy, the case selected is the role of CSO in advocating the twenty percent budget allocation regulated in Law Number 20 Year 2003 on National Education, Public Participation in Law Number 10 Year 2004 on Law and Regulation Making, and Lebak District Ordinance Number 6 Year 2004 on Transparency and Participation. For human rights cases, the impact of the Advocacy Network of Eradication of Violence Against Women or *Jaringan Advokasi Kebijakan Penghapusan Kekerasan Terhadap Perempuan* (Jangka PKTP) is selected, as it is successful in urging the Indonesian parliament to enact Law Number 23 Year 2004 on Eradication of Domestic Violence. Of cases pertaining to budgeting, the case selected pertains to the role of CSOs in demanding participatory planning and budget formulation with the issuance of a joint decree between the Minister of Home Affairs and the Minister of National Development Planning/Head of BAPPENAS on Deliberative Forum for Development Planning or *Musrenbang*. A comprehensive report from the study can be obtained from the appendices.

4.1.1 Influencing public policy: human rights policy. For human rights cases YAPPIKA analysed case studies on advocacy and campaign efforts on Law Number 23/2004 on the Eradication of Domestic Violence. The activities are carried out by the Anti Domestic Violence Network (*Jaringan Anti Kekerasan Rumahtangga* (Jangkar)) founded in 1998 and which then merged into the Advocacy Network on Anti Violence Against Women Policies (*Jaringan Advokasi Kebijakan Penghapusan Kekerasan Terhadap Perempuan* (Jangka PKTP)). The network supported by 92 CSOs has initiated advocacy efforts on the importance of laws against domestic violence against women. Jangka PKTP then assisted the government in formulating draft law, lobbying and carrying out public campaigns. The advocacy and public campaign efforts were time consuming, as both takes more than six years; from raising the issue of domestic violence,

formulating the initial draft, public outreach and consultation, revising draft bills to the enactment of Law Number 23/2004 on 22 September 2004 by President Megawati. The impact of enacting the law is that domestic violence is now recognised as a punishable crime, and the law provides protection and means to prevent domestic violence. The law also expands the scope of domesticity so that it is not limited to core families, but instead includes people related by marriage, by birth, by adoption and by trust in a household as well as by people who share breastfeeding mothers or by a domestic worker permanently staying with the household. Other types of domestic violence other than physical violence are also recognised; such as psychological violence, sexual violence, and economic violence, and the admission of marital rape as a punishable law.

Indonesian CSO's activity in raising human rights issues is regarded by many as being relatively good-natured. RSS 2006 found that 36% of responding stakeholders believed that CSO is active, 34% believes it is relatively/considerably active and even 9% said very active. Only 14% of respondents stated that CSOs are not active. With respect to impact, a total of 54% of respondents stated that CSOs are relatively successful in influencing public policies on human rights, whereas 10% of respondents stated that CSOs are successful (7%) and extremely successful (3%) in influencing public policies on human rights protection. Only 21% of respondents stated that CSOs have not been successful in influencing public policies in the area of human rights.

4.1.2 Influencing social policy. As stated above, YAPPIKA selects the impact of CSOs roles on the three social policy cases, i.e.: advocate national education budget allocation of 20%; public participation in law making at the national level; and ordinance making in the District of Lebak on transparency and participation. The CSOs demand urging the government to enforce the 20% State Budget allocation for education annually is based on the Constitution, UUD '45 Article 31 Section (2) stipulating state commitment and responsibility in allocating a minimum of 20% for education. However, Law Number 20/2003 on National Education stipulates that the 20% government mandatory allocation will materialise gradually due to a limited national budget. A number of CSOs gathered in the Education Coalition responded on various issues pertaining to national education in general and the implementation of Law Number 20/2003 specifically, such as in the area of curriculum, teachers' welfare, education budget, and others. The Education Coalition advocacy is carried out by attempting to influence the political elites at the government and legislatures, and mobilising teachers in advancing their rights and interests. The Education Coalition advocacy has more or less resulted in the commitment to raise the education budget every year. Among the education community there is an increasing spirit to fight for their demands and interests. This is indicated by the application of judicial review to the Constitutional Court to declare legal provisions allowing less than 20% allocation for education as contradictory to the Constitution. The Judicial review is requested by the Teachers Association of the Republic of Indonesia or *Parsatuan Guru Republik Indonesia* (PGRI) and the Union of Indonesian Education Graduates or *Ikatan Sarjana Pendidikan Indonesia* (ISPI) is granted by the Constitutional Court. The government is ordered to fulfil its constitutional mandate by allocating a minimum of 20% to fund education.

Regional Stakeholder Survey (RSS) 2006 has provided adequate affirmation on the civil society's active engagement in influencing social policies. More than eighty percent (81%)

respondents believed that Indonesian CSOs is considerably active (48%), active (26%) and even very active (7%) in influencing social policy issues in Indonesia. Meanwhile almost three-fifth (59%) believed that CSOs is considerably successful in influencing state social policies, 8.6% said that CSOs is successful and 2.2% answered CSOs is very successful in influencing public policies. Only 11% of respondents said that CSOs have failed in influencing social policies.

4.1.3. Influencing public policy: national budgeting policy. The national budgeting process in Indonesia, which is known as the State Income and Expenditure Budget Plan, is not transparent. Each year, technical departments submit their budgets to the ministry of finance for consolidation, and the government, in this case the President, then submits this document to parliament for approval. Budget discussions in parliament are in many cases conducted behind closed doors. CSOs do very little indeed in the way of influencing the budgeting process, either through meetings with parliament or with government. Criticism of the budgeting process is sometimes voiced in the press. In Indonesia, there is an organisation called the Budget Transparency Forum (*Forum Transparensi Anggaran*), which consists of several local NGOs. But these NGOs work at the district/municipality level. These organisations perform advocacy on the need for bottom-up, participatory district budgeting processes.

Regarding impact on the budgeting process, YAPPIKA had made case studies analysing the formulation of a joint decree (*Surat Edaran Bersama*) of the Minister of Home Affairs and the Minister for National Development Planning/Head of the National Development Planning Agency on deliberative forum for development planning (*Musrenbang*). Referring to the fundamental weakness pertaining the absence of provisions on citizens' participation in development planning and budgeting, particularly at the grass root level, the Forum of Citizen Participation Development (*Forum Pengembangan Partisipasi Masyarakat*-FPPM) advocates for revising the technical guidance to organise *Musrenbang*. *Musrenbang* is selected as it acts as a primary means for citizens to articulate and negotiate their interests in development. FPPM, conceived in September 1999, is a cooperation arena for various parties to develop concepts, strategies, and methods to increase citizen participation.

The idea to formulate a decree was financially and technically supported by international organisations such as GTZ, Perform and local donor agencies such as TIFA Foundation, and has received support from the government, i.e. the Directorate General of Regional Development, Ministry of Home Affairs. Case studies reveal that from the aspects of *substance, procedures, and structures,* the joint decree on deliberative forum for development planning (*Musrenbang*) is viewed as containing significant changes compared to the previous letter. There are a number of breakthroughs contained in the decree. *Firstly,* the substance of the decree directly links planning with budgeting. *Second,* the agreement resulted from *Musrenbang* is not limited to programs or activities but also the selection of representatives (delegates) to represent the community in the meetings at the next level. *Third,* from the point of view of procedures the decree regulates a number of provisions allowing greater avenues of citizen participation. However, in practice there are many changes to the organisation of *Musrenbang*.

RSS 2006 unfolds the perception that CSO activities' impact in influencing public policies in the budgeting area is lower compared to human rights issues. Sixty-six percent of respondents

answered that CSOs is considerably active/active/very active in issues pertaining budgeting at the national level (APBN) and local level (APBD). However, the impact of the efforts is relatively low. While as many as 50% of respondents said that CSOs rather successful/successful, a significant minority of 31% said that CSOs has failed in influencing government budgetary decisions.

4.2 Holding the State and Private Corporations Accountable

The sub dimension analyses the extent to which Indonesian civil society is active and successful in holding the state and the private sector accountable. Table III.4.2 provides the Score given to NAG for the sub dimension

Table III.4.2: Indicators assessing holding state and corporations accountable

Ref #	Indicators	Score
4.2.1	Holding state accountable	2
4.2.2	Holding private corporations accountable	1

4.2.1 Holding state accountable. The fall of the Soeharto regime and the ensuing democratization process in Indonesia led to the emergence of a discourse on good governance, accountability and transparency of public institutions. NGOs that were active in monitoring the activities of state and other political institutions emerged and became known as "watchdog" organisations. Starting with the heavy involvement of NGOs in the 1999 election, nowadays almost all aspects of state institutions are being watched by NGOs. The Indonesian public recognizes various organisations such as Indonesian Corruption Watch (ICW), Parliament/Legislative Watch (DPR-Watch), Government Watch (GOWA), Police Watch (PolWatch), and Budget Transparency Forum (FITRA).

To engage more effectively in promoting just public policies, Indonesian NGOs have also grouped themselves in a number of coalitions to carry out advocacy to change, influence and/or draft new laws. Examples of such coalitions are the NGO Coalition for the Foundation Law, the NGO Coalition for the Public Freedom to Information Law, the NGO Coalition for a New Constitution, and the NGO Coalition for the Participatory Law-Making Bill. However, alliance building among Indonesian NGOs has so far never reached the level of a nation-wide coalition, such as in many other countries (Antlov, 2005).

CSO's activeness in the efforts to hold the state more accountable is well recognised by stakeholders as evidenced in the RSS 2006. Almost two thirds of respondents believed that CSOs is rather active (43%), 20% said fully active and 4% said that CSOs is very active. Only 21% of respondents said that CSOs are not active, and the remaining 12% said that they did not know. However when inquired about the civil society's success in holding the state more accountable, the percentage is lower. Only half of respondents (52%) believed that CSO is considerably successful (43%) or successful (7%), while 29% reiterated that CSOs has failed and 19% did not know or declined to answer. A stakeholders' consultation held in 2002 (Soeryaningati, 2003) also admitted that civil society plays a role in demanding government accountability. However it is also recognised that the civil society's bargaining position in the decision making process is

still low, due mainly to a lack of capacity in lobbying and negotiation, thus the efforts carried out to protect civil society still lack success.

4.2.2. Holding private corporations accountable. CSOs have not been very active in demanding corporate disclosure and accountability, with the exception of CSOs working on environmental issues who are active in monitoring the environmental effects of industrials companies (particularly mining and forestry industries).

In Indonesia for instance, *Wahana Lingkungan Hidup Indonesia* (WALHI) or Indonesian Environmental Forum recently has been active in monitoring illegal logging practices. In addition, *Jaringan Anti Tambang* (JATAM) or Anti Mining Network specifically monitors and provides information to the community on mining activities in Indonesia and the environmental degradations resulted from them. CSOs working on environment on a number of occasions have brought corporate environmental polluters to court through *class action* and/or assist communities' victims of pollution and defend them against the company. However, it is evident that the efforts have not been successful. In general CSO's perception of companies have not changed much. Companies are still perceived as ignorant of the community's interests and only act towards their own goals. They lack transparency, and cause environmental destruction. A number of workshops to formulate civil society index in Indonesia in 2002 concluded that the level of accountability of the private sector is still low. The private sector has not paid sufficient attention to issues that correspond to corporate accountability, transparency nor has it responded to the social, economic, or environmental issues faced by the community (Suryaningati, 2003).

However, this seems to be slowly changing, since amongst the corporate associations there is an increasing awareness and appliance of good corporate governance. The Indonesian Chambers of Commerce and Trade (KADIN) for instance since 1999 has promoted the concept of good corporate governance and apply clean, transparent and professional principles as ideals to be developed. In the same year, about twenty multinational companies operating in Indonesia have begun initiatives called Indonesian Business Links (IBL). IBL is aimed at developing high standards of business ethics with a mission of promoting good corporate behaviour and development partnership by transferring expertise and skills to small-scale local companies.

Stakeholders' evaluation on the level of civil society's active engagement in urging private enterprises to be more accountable is lower compared to that against the state. Less than half of respondents (48%) believed that the civil society is sufficiently active/active/very active in holding private corporations accountable. Whereas 31% of respondents stated that CSO is not at all active in the efforts to hold private companies accountable and 21% answered that they were not aware of refused to answer the question. Compared to the active engagement level, the success rate of civil society in influencing private enterprises to be more accountable is even lower. As low as 36% of respondents mentioned that CSOs have failed to demanding the private sector become accountable. Those who answered that the civil society is relatively/considerably successful are only 4%, whereas 30% said they did not know or declined to answer the question presented to them.

4.3 Responding to Social Interests

In this subdimension there are two indicators used to analyse the extent to which civil society actors are responsive towards the needs of the community. This includes responsiveness and public trust. Table III.4.3 provides the score given by the NAG for each of the indicators.

Table III.4.3: Indicators assessing responding to social interests

Ref #	Indicators	Score
4.3.1	Responsiveness	2
4.3.2	Public trust	1

4.3.1 Responsiveness. In general, it can be said that civil society is responsive and active in promoting the interests of marginalised groups in society and are making efforts to facilitate and empower the community groups (Suryaningati, 2003). Referring to the major challenges that Indonesia faces as a developing nation i.e. poverty, illiteracy, and diseases; many NGOs put their attention and focus their activities to various areas which include programs to meet the needs of the ordinary citizens. A number of NGOs are active in advocating and facilitating people whose rights are violated, such as in the cases of human rights violations, environmental and natural resources pollution, violation of customary rights, and others.

However, it is recognised that CSOs have not been able to reach the marginalised social groups and have not been able to answer effectively the problems of social welfare and of meeting the essential needs of citizens. (Suryaningati, 2003). Even though many CSOs are focusing their attention to the issue, Indonesia's vast size has prevented the efforts to become highly effective and beneficial.

4.3.2 Public trust. In order to examine the extent of Indonesian CSO's responsiveness towards the vital and immediate needs of the community, the level of public trust in civil society is used. At the micro level, a World Bank survey on poor rural and urban communities in Indonesia in the Year 2001 showed that, for the poor living in the cities, most trusted organisations are the *RT/RW* (community neighbourhood*)* followed by the government and the private sector. For the rural communities, the most trusted institutions are community neighbourhood and government officials at village level. The survey also discovered that the poor no longer perceive NGO as an important institution. This illustrates that due to the size of Indonesia and the high rate of poverty, only very few of the poor have been reached by programs administered by NGOs for the poor.

Table III.4.4: Extent of public trust in selected organisations/institutions

	Very trusted/ Trusted (%)	Somewhat trusted/ Not trusted (%)	Net Margin
Armed forces	75	20	55
Central government	74	24	50
President	75	20	55
Faith-based org.	84	6	78
Television	59	37	22
Police	55	41	14
Press	43	45	(-2)
NGOs	38	27	11
Labour unions	30	29	1
Political parties	28	56	(-28)
Major companies	24	43	(-19)

The results of the 2006 community survey shown above indicate that the organisations/institutions most trusted by the Indonesian public are faith-based organisations (such as Nahdlatul Ulama (NU), Muhammadiyah, church-based organisations and the like), followed by the president, the armed forces, central government and television. Public trust in NGOs and labour unions in Indonesia is low, though greater than trust in political parties, which are trusted by only 27% of respondents.

The survey results also suggest that Indonesian people have little experience of NGOs and labour unions, which are still very much an urban phenomenon. Evidence of this is the percentage of Indonesians who said they did not know or did not answer the question when asked how much they trusted NGOs (35%) and labour unions (41%).

In reference to trust of faith-based organisations, the same result have found on survey by Environic International conducted five years ago (January/February 2001). The survey stated that the most trusted CSO in Indonesia was faith-based organisations.

4.4 Empowering Citizens

The sub dimension evaluates and analyse the level of activity and success of civil society organisations (CSO) in empowering Indonesian citizens, particularly in assisting those categorised as marginalised groups in making decisions that will influence their lives. Table III.4.5 provides a summary of scores provided by NAG on the seven indicators used.

Table III.4.5: Indicators assessing empowering citizens

Ref #	Indicators	Score
4.4.1	Informing/educating citizen	2
4.4.2	Building capacity for collective action	2
4.4.3	Empowering marginalised people	2
4.4.4	Empowering women	2
4.4.5	Building social capital	2
4.4.6	Supporting livelihoods	1

4.4.1   Informing/educating citizens. CSOs in Indonesia in general are playing an active role in providing information and education to citizens on issues relating to their lives. A survey of 465 peace-building organisations (Faqih, 2002) found various activities relevant to civic education. Among many are promotion and education pertaining to human rights and democracy, education on gender and rights of women, promotion and education on interfaith and inter ethnic tolerance and pluralism, anti violence campaign and conflict resolution, legal education, education on consumer rights, and others. Before the 1999 election, a number of CSO had been active in providing voter education pertaining citizens' political rights in the General Election. The survey conducted by the Asia Foundation on Indonesian voters in Year 2003 concluded that voter's education program had been effective as there has been an increasing citizens understanding on elements of democracy. It is said that *"there are significant signs of progress evident in the survey"*, however due to the vast geographical and population size of Indonesia, "*Most Indonesians are still not well versed in democracy*" (Meisburger, 2003).

RSS 2006 finds that almost three quarters (74%) respondents perceived that Indonesian CSOs are relatively active (55%), active (17%) and extremely active (2%) in carrying out activities to disseminate information or to educate the public. Only 18% believed that CSO is not active at all. Similar evaluation on CSO' success in providing information or civic education is also given in the survey. Fifty-four percent of respondents believed that Indonesian CSO is sufficiently/relatively successful, whereas 10% stated that it is successful and 0.5% said that CSO is very successful.

Meanwhile the results of the 2006 community survey revealed that 64% of respondents remembered the provision of information dissemination/public education by a CSO in their community. Also the results of workshops/regional consultations to formulate Indonesian civil society index in Year 2002 supported the statement that civil society has played an active role in providing information and civic education on various public issues on social, culture, politics, economy, law, and religion (Suryaningati, 2003). On the other hand, the participants of the 2002 workshop believed that CSOs are not very effective in providing public education, as they are not supported with adequate resources.

4.4.2   Building capacity for collective action. CSO is also sufficiently active in building community's capacities for joint activities at the grassroots level. Among many programs provided to community groups are activities in management, such as financial management trainings, organisational management trainings, management trainings for farmer's organisation, and others.

Majority of respondents in RSS 2006 believed that the civil society is considerably active in building the capacities of local communities More than half of respondents stated that CSOs are relatively/considerably active in building local capacities (51%). Whereas 13% said active 2% said very active. Only 18% of respondents said that CSOs are not active, and the remaining 16% said they did not know. The 2006 community survey supported the opinion. As many as 40% of respondents were able to recall CSO programs aimed at building capacities of the community. Similar evaluation is also provided by RSS 2006 on the success rate of civil society in building the capacities of local communities. More than half (51%) respondents said that CSO is relatively/sufficiently successful, 10% said successful and 0.5% said very successful.

Meanwhile, a series of regional consultations that were part of the 2002 CSI programme concluded that civil society is unable to act independently in building the capacity of local communities due to a lack of resources (Suryaningati, 2003).

4.4.3 Empowering marginalised people. A number of CSOs, most of them categorised as NGOs working in the provision of services/development/empowerment of communities and advocacy area have made empowerment of marginalised people the main goal of their programmes to be achieved by lending expertise and resources. Facilitated by CSOs, a number of NGOs have grown and developed to mobilise resources and share in decision making relevant to their interests at the local and national level. These organisations take the form of cooperatives, indigenous community organisations, farmers' organisations, environmentalist groups, and others. The 2006 community survey corroborates this, with almost half of respondents (48%) stating that they could recall and given examples of CSO community service/empowerment programmes that targeted poor people. At the national level, empowerment of marginal communities is done through advocacy work and influencing public policy.

Again, while bearing in mind Indonesia's vast geographical expanse, stakeholder consultations in 2002 concluded that the ability of CSOs to reach marginalised people was lacking (Suryaningati, 2003).

4.4.4 Empowering women. CSOs in Indonesia are relatively active in empowering women especially women's CSOs and women's movement organizations, engaged in at least four activities. (1) CSO community development programs aimed to improve the economic livelihood of economically disadvantaged women; (2) Women's CSOs carried out advocacy for women victims of state policies, such as the reproductive rights of women in family planning programs, and violations of women's economic rights such as the sending of women migrant workers abroad. (3) Women CSOs established legal aid institutes to defend cases of violence and discrimination against women, either domestic or state-committed. (4) Women's CSOs established a crisis centre by providing facilitation and education to women victims of sex-related violence.

Women CSOs are also active in providing education on gender equality and justice to women. The women empowerment programs are also supported by donors that generally include gender mainstreaming in all of their assistance programs. This is done through integrating gender sensitivity in the programs to ensure that both women and men will obtain equal positive benefits in the sense: equal access to resources, participation and control in decision-making and equal benefit in program implementation.

The activities carried out by the CSOs have resulted in significant improvements in the life of community. It is indicated by the results of advocacy work by women CSO, i.e. the formation of National Commission on Anti Violence Against Women (*Komnas Perempuan*) in the Year 1999 and the issuance of Presidential Instruction No.9/2000 on Gender Mainstreaming in National Development. The Presidential Instruction indicates the importance of materialising gender equality and justice in the family, nation, and state and the importance of gender mainstreaming strategy in each process of the development. Following the demands of Indonesian Women Coalition (*Koalisi Perempuan Indonesia*-KPI) Law No. 12 Year 2003 includes provision

requiring at least 30% of women representation in the list of candidates presented by political parties contesting for membership of the legislatures in the 2004 General Election.

One of the most important achievements attained by Indonesian women's movement is the enactment of Law Number 23 Year 2004 on Eradicating Domestic Violence.

At a micro level, 2006 community survey found that 20% of respondents could name CSO programs aimed at empowering women, and 57% from them stated that they had participated in them. Whereas RSS 2006 reveals that a total of 61% of respondents said that they could recall one or two public campaign programs carried out by CSOs to promote gender equality (37%), 19% could recall few and 5% could recall many. Only 22% stated that they could not provide examples and 17% said did not know. On CSO's success in promoting gender equality, 35% said that the success is limited, 27% said moderate and only 6% said significant. A total of 16% of respondents said that CSO's success is insignificant or they said that they did not know. It can be concluded that Indonesian NGOs are active in programmes to empower women and promote gender equity, but they have yet to achieve any significant results.

4.4.5 Building social capital. Comparing the trust level among CSO members with non-CSO members, one can examine civil society's contribution to social capital production. The 2006 community survey reveals that the trust level of CSO members is slightly higher than for those who are not members, (41% compared to 35%). From these figures it can be concluded that Indonesian CSO has been only slightly successful in improving social capital in the community.

4.4.6 Supporting livelihoods. Indonesian CSOs are considered active in promoting/creating jobs and income generating activities. Among the many activities carried out by CSOs are building joint venture groups and small scaled economic activities. Examples would be in small-scaled industry and handcrafts, savings and loan groups, and other productive ventures. However given the vast size of Indonesia, and the limited number of CSOs, the programs of Indonesian CSOs have not been able to reach majority of people in Indonesia. The 2006 community survey reveals that only 24% of respondents are able to recall CSO programs aimed at improving the community livelihoods.

4.5 Meeting Social Needs

The sub dimension evaluates the extent of active involvement and success of the Indonesian civil society in meeting social needs, particularly the poor and other marginalised groups. There are three indicators used to measure the dimension, i.e.; (1) lobbying for state service provision; (2) meeting needs directly; and (3) meeting needs of marginalised groups. Table III.4.6 provides score given to NAG for each of the indicators.

Table III.4.6: Indicators assessing meeting social needs

Ref #	Indicators	Score
4.5.1	Lobbying for state service provision	2
4.5.2	Meeting needs directly	2
4.5.3	Meeting needs of marginalised groups	1

4.5.1 Lobbying for state service provision. The discourse developed in the last few years is the importance of dividing the role between the state, market and the civil society. The CSOs in

particular urge that the domineering role of the state as the primary actor in development in the past, should now take the role of facilitator. Part of the government officials have also considered the need for new division of role between the stakeholders (government, private sector, CSO) by providing avenues for independent community initiatives and promoting active participation of the groups in government programs. With the increasing capacities of the community in resolving their own problems, the community is likely to become increasingly democratic, dynamic, and strong (Tulung, 2002). In other words, people in the government believes that CSOs are organisations committed to side with the community, are independent, and function to oversee the government and provide alternatives to government policies. CSO is also regarded as a government partner in implementing programs and it is one of many stakeholders in development. Even though such perceptions for few are considered rhetoric and have not been a real commitment formulated in government policies, it indicates the change of government perception towards the existence and role of CSO.

Indonesian CSOs are considered rather active in urging the government to improve the provision of public services. Among its many efforts, CSO urges the mandatory application of minimum standards for public services, particularly in health and education. RSS 2006 reveals that approximately 44% of respondents recalled that CSOs has lobbied the government for the provision/improvement of public services. A total of 41% said they could not recall and 15% said that they did not know.

4.5.2 Meeting needs directly. In general, Indonesian CSOs, particularly those categorised as development NGOs, have placed the fulfilment of the people's essential needs as their primary programs. The CSOs have provided their expertise and resources for various programs starting from the provision of clean water and sanitation, basic health services and non formal education, provision of funds for micro credits, seeds for farming and agriculture, environmental management program, provision of simple technologies for agriculture, farming, waste management, and others.

The 2006 community survey has indicated that half of the respondents (50%) stated that they could recall CSO programs aimed at meeting their essential needs. Approximately 60% of respondents from stakeholders in RSS 2006 stated that some CSOs have had public services programs; while 25% said none and 15% did not know. The 2006 RSS also found that CSOs tend not to play much of a role in meeting people's needs, with 45% of respondents stating that they their role was limited and 33% of respondents stating they played a moderate role in meeting people's needs. Five percent said they had a significant role, 13% said their role was not significant, and 4% did not know or did not answer. These survey findings suggest that CSOs have had limited success in meeting people's needs directly.

4.5.3 Meeting needs of marginalised groups. In general, it is acknowledged by donor countries that CSO has a number of strengths in providing services to marginalised groups. The CSO is regarded as more effective and efficient compared to the government, particularly in using funds. CSO is also viewed as alternative institutions that have the necessary capacity to provide public services and at the same time act as controlling institution against those in power. Services provided by CSO are not only limited to community development programs but also

development of social and political infrastructures in the form of advocacies for the interest of the people.

However it is recognised that CSOs, due to its limited funds, has local scope in its activities and its scale is relatively small compared to government who is able to implement development programs nationwide in a larger scale. This leads to the fact that many Indonesians are not aware or not familiar with the programs carried out by CSOs, as illustrated in the 2006 community survey. Most community members (73%) stated that government agencies provide better services to the poor compared to NGOs. Hence majority of Indonesian citizens also believe that the institutions that they can depend to assist the community in need is the government (70%), and only 8% believes that NGOs has better ability to provide assistance than the government.

NAG discussed this issue at the scoring meeting. They said that government assistance does have a wider reach than CSO assistance. One example is Direct Cash Assistance, which is a direct subsidy for poor people intended to mitigate the impact of fuel price rises. But Direct Cash Assistance is not effective for its beneficiaries firstly, because the amounts are small and are given directly only for 3 months, which means that the beneficiaries immediately use up the money for necessities or other pressing needs. Secondly, the way that this assistance has been disbursed has given rise to unforeseen damage and injury. Thirdly, there are no accurate data to determine entitlement to this assistance, and as a result it is misdirected. Although CSO assistance is narrower in reach than that of mass government assistance, the impact on the self-reliance of the beneficiaries is taken into account, too.

CONCLUSION

The results of the 2006 CSI indicate that, in general, Indonesian CSOs take an active part in performing various essential functions, but their impact has been limited. There are three main arguments posited to explain this. First, Indonesia is such a vast country that it would be impossible for CSO programmes to reach the entire nation. Second, the financial resources of CSOs are limited. Thirdly, the bargaining power of civil society vis-à-vis the government in decision-making processes is weak, mainly due to a lack of capacity in lobbying and negotiation, and the rocky relations between CSOs, the government and the private sector.

CSOs recognise their inability to reach marginalised groups, their inability to respond to social welfare problems and meet the people's basic needs, their lack of success in building the capacity of local communities, and their other shortcomings. The main reason for this is perceived to be their lack of resources. CSOs are only able to organise local, small-scale activities, whereas government is able to run large-scale, national development programmes. As a result, few Indonesian people have benefited from or are familiar with CSO programmes. This also explains why people say that government institutions provide better services to poor people than NGOs do. As a result, the majority of Indonesians also believe that the institution best equipped to assist disaster-struck communities is government.

The low level of public trust in CSOs compared with public trust in the government (with the exception of trust in faith-based organisations and community neighbourhood organisations,

which is quite high), coupled with the fact that Indonesians in general have little experience of CSOs, hampers the growth of a strong civil society.

Indonesian CSOs are active in influencing public policy and urging the government to improve public service delivery. But due to their lack of lobbying and negotiating skills and the poor relations between government and CSOs, the impact of these actions is limited.

These findings suggest that if CSOs wish to maximise the impact of their presence, their resources and skills need to be improved, and more positive and constructive relations need to be built with government and the private sector.

IV STRENGTHS AND WEAKNESSES OF INDONESIAN CIVIL SOCIETY

This section presents a summary of the main outcomes from the two-day National Seminar held on 7th and 8th of June 2006. Around 80 participants from CSOs in 17 provinces [29] across Indonesia, academics, government organisations, the media, and several donor organisations, took part in this seminar. Following a presentation of the results of the CSI project, the seminar participants were invited to identify the strengths and weaknesses of civil society in the Republic of Indonesia, and offer recommendations for strengthening civil society. For the purposes of this exercise, the participants were divided into four small groups, and each group discussed one of the four dimensions of the CSI: structure, environment, values and impact.

Discussions at the national seminar and at NAG meetings demonstrated the capacity of civil society representatives to analyse the external environmental factors affecting the growth of civil society, yet at the same time to be able to make an honest and open assessment of themselves and of the behaviour and activities of civil society as a whole. It is interesting to note that at both the NAG meetings and the national seminar the emphasis of discussion was not on the strengths of civil society. Instead, the participants seemed to be more interested in discussing in detail the weaknesses of CSOs.

Before presenting the main strengths and weaknesses of CSOs as discussed and identified at the national seminar, we must first look at the seminar participants' (most of whom were from NGOs from several provinces and districts of Indonesia) first impressions of the results of the CSI project, particularly the scores given by the NAG. A good many participants questioned, or at least commented on, the scores given by the NAG. Some regional participants tended to use the dichotomies of "central" and "regional", "urban" and "rural", "east" and "west" to demonstrate that some parts of Indonesia are more developed and others less developed. Although in general the participants felt that the methodology adopted by the CSI programme was fairly valid and that the scores for Indonesia on a national level were acceptable, some noted that the results of the CSI might not be wholly appropriate to portray the state of Indonesian civil society in certain provinces or areas.

Comments made by several participants suggested giving higher scores in some sub-dimensions and lower scores in others. For example, one participant felt that organisations that used violence and were intolerant should not be categorised as CSOs, in which case the values dimension score would be higher. Another participant pointed out that while a high score should be given for political rights and civil freedoms in urban areas, for certain regions the score should be lower, for example where citizens are prevented from exercising their right to vote in local elections.

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[29]Indonesia is made up of 33 provinces

STRENGTHS

⬦ *There is a high level of charitable giving and volunteer work by Indonesian people* Evidence of this is the contributions made by Indonesian people to Indonesian television, radio and newspaper appeals in the wake of the tsunamis, earthquakes, and other natural disasters that occurred throughout 2005 and 2006.

⬦ *Indonesian CSOs are growing rapidly in number.* Although no accurate data are available, in general it is recognised that over the past eight years, the number of Indonesian CSOs has multiplied and their activities have become increasingly diverse.

⬦ *Indonesian CSOs enjoy civil liberties and use them well,* for example in exercising freedom of expression, freedom of association, and freedom of assembly.

⬦ *Indonesian CSOs are committed to promoting the values of strengthening democracy and protection of human rights, and this strong commitment has an impact.* Solidarity and action to promote democracy and human rights have been long established among Indonesian CSOs. They participate actively and have successfully influenced state policy on promoting democracy, protecting human rights.

⬦ *Indonesian CSOs are committed to poverty eradication as a value.* Indonesian CSOs are concerned with and are active in running programmes for poor people and other marginal groups. Indonesian CSOs also participate actively in advocacy aimed at dismantling structures that are the cause of poverty in Indonesia.

⬦ *Indonesian CSOs have long been committed to environmental sustainability as a value and this commitment has had an impact.* The role of CSOs in environmental management and conservation since the early 1980s has been recognised by the government. Indonesian CSOs run a variety of environmental development and public awareness programmes, and also are also involved in advocacy work related to pollution of the environment by government and the private sector, and in influencing public policy on management of the environment and natural resources.

WEAKNESSES

⬦ *Lack of accountability and transparency.* Evidence of this weakness in accountability and transparency is the limited information available to the public on the activities, and in particular the finances and resources, of CSOs. Very few Indonesian CSOs publish annual reports (activity and financial reports) that can be accessed by the public; and an even smaller number have their financial reports audited by a public accountant. This is mainly due to a lack of the capacity and skills, and the willingness, to do so. The most commonly cited reason for not publishing annual reports or having financial reports audited by a public accountant is lack of funds.

⬦ *Limited financial resources.* Indonesian CSOs, in particular NGOs, are highly dependent on foreign donors, while local resources from the public, government, and private sector are very limited. The question of organisational sustainability has long been a topic of discussion for CSOs, but a solution has yet to be found.

- *Poor quality of human resources.* Experienced, educated and skilled professionals are not particularly interested in working for CSOs because of the low level of compensation and the lack of job security. Many NGO activists eventually become consultants, working in international organisations or the private sector, become politicians, or become civil servants (for the pension security).

- *The position of CSOs vis-à-vis the government is weak.* The lack of solidarity and cooperation among CSOs in pursuing issues and taking collective action against the government, and their lack of lobbying and negotiating skills, cause CSOs in many cases to be undervalued and unsuccessful in influencing government.

- *The lack of autonomy that CSOs have in deciding programme themes.* Many CSO programmes are a compromise with the interests and concerns of donors. As a result, the programmes run by CSOs are not wholly based on people's needs.

- *Indonesian people have little knowledge of NGOs and public trust in NGOs is low.*

- *Gender equity practices are limited.* Most CSOs do not adopt gender mainstreaming in their organisational policies. Participation of women in decision-making is very low. Strategic positions within organisations are largely held by men.

V   RECOMMENDATIONS

This section presents the recommendations made by the national seminar participants. These recommendations, which are addressed both to civil society and to the government, are made on the basis of the strengths and weaknesses described above. The two key recommendations are for diversification of resources to improve the financial resources of CSOs, and for improved accountability and transparency. These two factors are perceived as vital for the sustainability of civil society organisations. The action agendas below are intended to boost the credibility and sustainability of civil society.

- **Build the capacity of CSOs, particularly in the regions.** This would involve, among other things, awareness raising and increasing expertise though critical education and training. For example in organisational management, leadership, fund raising, legal drafting, good governance, transparency and accountability mechanisms for CSOs, and building negotiating and lobbying skills, and social analysis skills. Established CSOs in Jakarta could assist by distributing information (books, documents, etc), and transferring knowledge by providing training. Building the capacity of CSOs is not something that can be done alone; it must involve all stakeholders.

- **Diversify financial resources to support the sustainability of civil society organisations.** CSOs/NGOs should not only depend on financial support from foreign donors, but also need to increase domestic resources by creating their own business activities, increasing membership fees, and doing fundraising activities. Participants at the national seminar agreed that CSOs could mobilise funds from government and the private sector, but the focus must be on maintaining the independence of CSOs and this money must be used wholly for the public interest. The government, for example, could be asked to make contracts with CSOs for public service programmes and provision of basic needs.

- **Build the professionalism of CSOs.** The sustainability of CSOs also depends on having an educated, experienced and highly dedicated pool of human resources. These professional human resources can be retained only if they are given competitive compensation, including benefits. It is recommended that donor organisations that support CSOs do not place too low a value on CSO staff in the honorariums that they offer.

- **Build learning networks among CSOs.** So far, CSO networks have been built only among CSOs that are involved in the same activities and do advocacy on common issues (environment, gender, democracy, and so on). Cross-sector networks based on region (province) should be established in the form of umbrella organisations.

- **Develop a database** regarding the expertise of CSO activists for facilitation/consultation to strengthen CSOs.

- **Build public trust in CSOs.** This could by done by improving accountability and transparency in CSOs and by developing a joint code of ethics for CSOs. Among others, programme concepts should be based on the real needs of people. Citizen participation in designing and implementing programmes and a continual flow of information on CSO

activities will promote a better understanding of programme orientation from the public interest perspective. Make sure that issues and interests pursued by CSOs are public interests. The joint code of ethics should incorporate universal principles of accountability and provide a guideline of common values adopted and promoted by the CSO community.

- Increase the watchdog role of CSOs and build watchdog organisations in regions where none exist, and empower local CSOs to taken on this role. Watchdog organisations play a vital role in campaigns to promote rule of law, corruption eradication, bureaucratic reform, and reorientation of the bureaucracy of development towards services and fulfilling basic rights.

- Intensify campaigns to promote the adoption of gender mainstreaming and gender equity within CSOs.

The following recommendations concern CSO cooperation with government and/or the private sector.

- CSOs should play a more active role in promoting and monitoring implementation of the Millennium Development Goals (MDGs) and economic, social and cultural rights, by observing their progress from year to year, against measurable indicators, towards achieving targets by 2015. For MDGs and economic, social and cultural rights to be realised in practice, their implementation must adopt a local approach suited to the local characteristics of the individual regions of Indonesia. There must be public access to information related to the implementation of MDGs and economic, social and cultural rights. Planning and implementation of MDGs at the local level must involve civil society stakeholders, empower communities, promote the creation of active communities and strengthen organisation at the community level. In addition, the planning should promote the holding of meetings between stakeholders in order to make joint evaluations and give feedback on ways to improve the implementation of MDGs and economic, social and cultural rights, from year to year.

- CSOs should promote the implementation of social security systems. Therefore, the government should accelerate implementation of existing laws. CSOs should also promote a change in the orientation of development towards a rights-based approach, which must be incorporated into public policy.

- Adoption of corporate social responsibility and corporate philanthropy should not only be about promoting public relations but should be of real benefit to society, especially to communities living in the vicinity of these corporations. Corporations should provide education and social and economic strengthening for communities, and protect the environment. Government must impose sanctions on companies that neglect their corporate social responsibilities.

- Carry out advocacy on income tax exemption for not-for-profit organisations involve in social, religious and humanitarian activities, and tax reductions for individuals and corporations that contribute to the not-for-profit sector.

- Transparency is not negotiable where the public sector is concerned. A national alliance for transparency should be formed to carry out media campaigns and build the pro-transparency movement.

One recommendation was directed to donor organisations.

- In supporting programmes run by CSOs, donor organisations should allocate funds for improving the quality of the accounting systems and financial reporting of CSOs through training in financial accounting for the not-for-profit sector and implementation of financial audits by public accountants.

VI   CONCLUSION

The diamond diagram that provides a visual representation of the current state of civil society in Indonesia indicates significant progress in the values dimension. The diamond indicates that there is a comparable degree of weakness in three of the four dimensions – environment, structure, and impact, and that there is a long way to go before reaching the ideal (a score of 3). This can be explained by the fact that process of democratisation, known as the "era of reform", which began eight years ago, has restored citizens' political and civil rights, leading to the appearance of thousands of new CSOs promoting a myriad of values. However, the so-called era of reform, which is also known as the "era of the rise of civil society" has been happening in an environment that is not wholly conducive to the growth of healthy civil society.

FIGURE VI.1.1: Civil Society Diamond in Indonesia
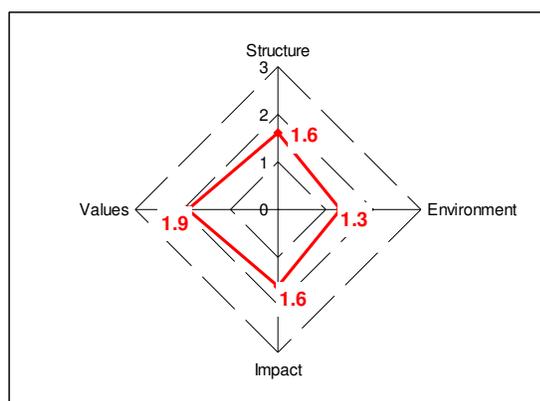
The process of democratisation in Indonesia has been going on in the midst of a serious economic and monetary crisis marked by growing poverty and unemployment, ethnic and religious conflict, ineffective state rule following the change of government, pervasive and growing corruption, and poor relations between CSOs and the state and the private sector.

It is the opinion of the author that there is a close mutual relationship between each of the three weak dimensions – environment, structure, and impact. Indonesia's economic condition, which is exacerbated by a high rate of poverty, means that the resources that citizens can provide are limited. This is reflected in civil society's lack of financial, human resource, technical and infrastructure resources. Most CSOs do not yet have adequate self-supporting and sustainable resources, and as a result are unable to achieve their stated goals effectively. CSOs also lack the ability to attract, mobilise and maintain the human resources they need for their organisations to function effectively. Just as the Indonesian government is still largely dependent on foreign loans to finance Indonesian development, so Indonesian civil society, especially NGOs involved in advocacy and community development, are dependent on support from foreign donor organisations.

Because of this lack of resources, CSOs are unable to maximise their impact in meeting people's needs, especially the needs of the poor and other marginalised groups, and in creating employment. Although many CSOs target these marginalised groups, given the Indonesia's vast geographical expanse, CSOs are unable to reach all these marginalised groups and are unable to offer a significant contribution in response to social welfare problems and meeting people's basic needs.

It is also interesting to comment on the values dimension, which was given the highest score by the NAG. This may give the impression that we as stakeholders tend to place a higher value on

93

the values that civil society adheres to, practices and fights for. This is based on the idea of civil society as civilized society that works for the public good and therefore automatically adopts positive civic values. But if "strong" civil society values are not upheld by the society, including the government, civil society will have little space in which to influence societal structure. Civil society, particularly NGOs, have for a long time now been built up on foreign aid, to the extent that their values and goals are inappropriate to their domestic base, including the people and government. So, it can perhaps be understood why civil society, especially NGOs, which are known as the pioneers of reform and democracy, are also frequently branded as tools of foreign propaganda. Due to differences in values, and the urban nature of NGOs and trade unions, Indonesian people in general are not familiar with these organisations and as a result, public trust in them is low.

Yet, for the future, Indonesian CSOs do have a number of strengths: communication and cooperation among CSOs is good, they enjoy various political rights and freedoms, are relatively autonomous vis-à-vis the state, and have had some success in promoting democracy and human rights, empowerment of citizens, poverty eradication and environmental sustainability. On the other hand, civil society faces some tough challenges from within. This study found that CSO resources are very limited, and that CSOs are very weak in the areas of accountability and transparency. CSOs are not free from corruption. CSO relations with the state, and, to an even greater extent, the private sector, are poor. Public trust in CSOs and labour unions is low, too

Improving the dimensions of environment, structure, and impact, then, is key to the future growth of civil society. Attention needs to be given to how to generate domestic resources, from members, the public, government and the private sector, for example, to strengthen the resources and capacity of civil society. Efforts to eradicate corruption, improve law enforcement, and reform the state bureaucracy must be intensified to create a more effective state and a bureaucracy that properly performs its public service function. The campaign for tax incentives for philanthropic activities also needs to be intensified. Public trust in civil society, in particular NGOs and trade unions, must be nurtured. This will happen if Indonesian civil society is better able to address the interests of marginal social groups, including labour, and is able to make an effective contribution towards fulfilling citizens' basic needs. CSOs also need to step up their campaigns to promote pluralism, tolerance, anti-violence, and eradication of discrimination against women. CSOs should also step up their monitoring of the behaviour of private companies to make them more accountable and transparent in their activities and to ensure that they perform their social responsibilities.

In conclusion, although Indonesian civil society has made fairly significant headway, it would appear that there is still a long way to go before we achieve the ideal: the creation of a healthy and strong civil society. Indonesian CSOs need to work out a joint agenda and strategy to achieve that goal. Good luck!

LIST OF ANNEXES

ANNEX 1 – List of National Advisory Group members
ANNEX 2 – Review of CSI Research Method
ANNEX 3 – Policy Impact Studies
ANNEX 4 – Corporate Social Responsibility Study
ANNEX 5 – Media Analysis – "Report on Civil Society on the Media"
ANNEX 6 – The CSI Scoring Matrix

ANNEX 1 – List of National Advisory Group members

No.	Name	Institution
1.	Nana Mintarti	Independent Community Division - Dompet Dhuafa
2.	Ruth Indiah Rahayu	Jaringan Kerja Budaya (Cultural Working Network)
3.	Patra M. Zein	Yayasan Lembaga Bantuan Hukum Indonesia (Indonesian Legal Aid Foundation)
4.	Lucky Djani	Indonesian Corruption Watch
5.	J. Kristiadi	CSIS (Center for Social and International Studies)
6.	Sahat Tarida Saragih	Front Pemuda dan Pelajar Indonesia (Indonesian Youth and Student Front)
7.	Emil Kleden	Aliansi Masyarakat Adat (Indigenous Community Alliance)
8.	Titi Hartini	PKM-Program Pemulihan Keberdayaan Masyarakat (Community Empower Recovery Program)
9.	Rm. Sandiawan	Jaringan Relawan Kemanusiaan (Humanity Volunteer Network)
10.	Gino Latief	Yayasan Mitra Mandiri
11.	Eep Syaefullah Fattah	University of Indonesia
12.	Meuthia Ghanie Rochman	University of Indonesia
13.	Eva K. Sundari	House of Representative member
14.	Maria Hartiningsih	Kompas (Newspaper)
15.	Dewi Suralaga	Hivos
16.	Johnly Purba	ACCESS (Australian Community Development and Civil Society Strengthening Scheme)

ANNEX 2 – Review of CSI Research Method

Research on Civil Society Index in Indonesia was conducted with research tools as follows:

Primary Research

The Primary Research completed consisted of 4 components as follows:
1. Community survey
2. Stakeholder survey
3. Media review
4. Fact finding studies

1. Community survey

The Institute of Research, Education and Social Economic Information (LP3ES) has conducted community survey in February and March 2006. The sampling method used in this survey is probability sampling. This method was used in order that the result of the survey might represent the opinion of adults in the society in nation-wide.

The sampling method for adults in society was multistage random sampling combined with stratified random sampling.

The steps of sampling method are as follows:

First, all provinces were stratified into five groups. The stratification was based on social and cultural behavioural similarity between one province and another in the same strata.

Second, selecting provinces in the existed strata. Total of the provinces that selected in this survey are 15 provinces from 32 provinces. The entire of provinces which has been chosen in every stratum adjusted with the proportion of inhabitants.

Third, selecting several villages in every selected province. Total of the selected villages in a province in accordance with the total of its inhabitants. The province that has more inhabitants would have more villages selected.

Fourth, selecting two units of neighbourhood association randomly in every village selected. As a note, accredited member association as a stage of administration between village and neighbourhood association was not considered as a stage in process of selecting respondents.

Fifth, selecting four head of households randomly on every neighbourhood association selected based on the list of which is existed in neighbourhood association.

Sixth, selecting one of head of households as a respondent. As a note, selecting member of household as a respondent was using kish grid as an instrument. By using this instrument, it was

possible to have proportional quota between female and male respondents, moreover the age variation of respondents is preserved.

Below are the totals of respondents from every province:

No	Provinces	Total of population (thousand)	Total of respondents	Total of villages /kelurahan
1	North Sumatra	12.123	55	7
2	Riau	5.712	33	4
3	South Sumatra	6.628	40	5
4	Banten	9.129	50	6
5	DKI Jakarta	8.750	46	6
6	West Java	38.611	120	15
7	Central Java	32.543	120	15
8	DI Yogyakarta	3.223	32	4
9	East Java	36.482	119	15
10	Bali	3.397	32	4
11	West Nusa Tenggara	4.084	32	4
12	South Kalimantan	3.227	32	4
13	East Kalimantan	2.766	24	3
14	South Sulawesi	8.369	40	5
15	South East Sulawesi	1.923	24	3
	Total	176.967	799	100

The socio demographic profile of respondents as follows:

The religion of respondents:
Most of respondents are Muslim (90.7%), followed with Hindu (4%), Protestant (2.8%), Catholic (1.5%), Buddhist (0.8%) and others (0.1%).

Economic Condition of the respondents:
Most of respondents (73.9%) came from low class, their income are less than or equal to Rp 800.000. Only small part of respondents (20.7%) came from middle class, their income are more than Rp 800.000.

	N	%
< Rp 400.000,-	337	42.3
Rp 400.001 s/d Rp 600.000	171	21.5
Rp 600.001 s/d Rp 800.000	81	10.2
Rp 800.001 s/d Rp 1.250.000	69	8.7
Rp 1.250.001 s/d Rp 1.750.000	61	7.7
Rp 1.750.001 s/d Rp 2.250.000	13	1.6
> Rp 2.250.000	22	2.8
no answer available	43	5.4
Total	797	100.0

The language of respondents:
Most of respondents (81,5%) speak their local languages compared to respondents who speak Bahasa Indonesia (16,2%) in daily life.
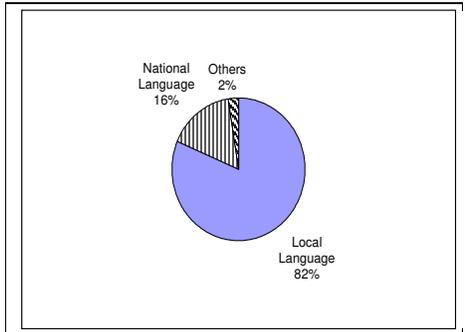
N = 798

Gender:
Half of respondents are male (50.1%), and rest of the respondents are female (49.9%).

2. Stakeholder survey

The survey conducted by interviewing 186 respondents. In general, the respondents divided in two categories: the official of civil society organisations and those who were not, among them were government apparatus (local, regional, national), academician, researcher, journalist, donor organisation and private sector (corporate).

The quota in each category of respondents was taken in such way, hence the characteristic of respondents became various. The quota represented the diversity of age, sex, and status in organisation or place where respondents have activities.

This survey was conducted in 6 provinces. Each province represented certain characteristic. Those provinces and characteristic as follows:

No	Province	Characteristic
1	DKI Jakarta	Central
2	South East Sulawesi	Periphery
3	East Java	Urban
4	West Nusa Tenggara	Rural
5	East Kalimantan	Rich Area
6	Banten	Poor Area

The table above shows that those provinces represented areas with characteristics that are diametric one to another. With those characteristics, this survey is expected to reflect diverse opinion from different background.

The Profiles of Respondents are as follows:

The Location of Organisation's Activities
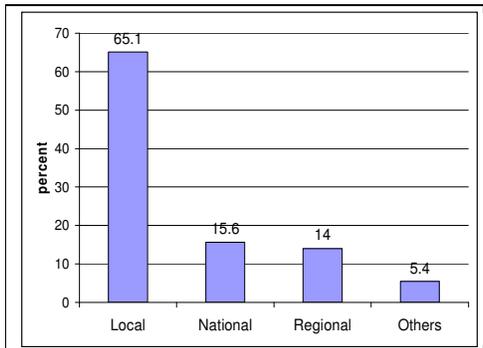
Question: What is the primary level of work of your institution?

Most of respondent identified the location of their organisation activities or their activities at local (65,1%) while national 15,6% and regional 14%.

Professional Background

	N	%
CSO	60	32.4
Government	50	27.0
corporate sector	29	15.7
researcher/journalist	14	7.6
marginal involvement with CS	10	5.4
Others	22	11.9
Total	185	100.0

Question: Please select the category that best describes the work you are doing

The respondents of this survey consisted of various professional background. The most common profession is activist of CSO (32,4%), government (27%), corporate sector (15,7%) and researcher/journalist (7,6%).

Type of Community

	N	%
village/rural area	32	17.2
small town	28	15.1
urban area/town	105	56.5
metropolitan area/city	21	11.3
Total	186	100.0

Question: In what kind of community do you live?

A large amount of respondents identified themselves live in urban area/town (56, 5%), village/rural area (17, 2%), small town (15, 1%) and metropolitan area (11, 3%).

The Gender of Respondent.
In this survey, the number of male respondents is more than the number of female respondents. The total of male respondent is 64% while female respondent is 36%.

The Language of Respondent.
The majority of respondents (79%) speak Bahasa Indonesia (national language) as their daily language while the rest of respondents speak local language 21%.

The Religion of Respondent.
Most of respondents are Muslim (93%), followed with Catholic (3,2%), Protestant (3,2%) and Hindu (0,5%).

Monthly Household Expenditure

	N	%
< Rp. 400.000	3	1.6
Rp. 400.001 s/d Rp. 600.000	15	8.1
Rp. 600.001 s/d Rp 800.000	15	8.1
Rp. 800.001 s/d Rp. 1.250.000	30	16.1
Rp. 1.250.001 s/d Rp. 1.750.000	28	15.1
Rp. 1.750.001 s/d Rp. 2.250.000	32	17.2
> Rp. 2.250.000	55	29.6
no answer available	8	4.3
Total	186	100.0

Question: We would like to know in what group your monthly household expenditure is?

The majority of respondents spent more than Rp 800.000. According to Central Statistic Bureau (BPS) poverty category, most of respondent are not poor.

Education Level

	N	%
Elementary level/drop out	4	2.2
Junior High School Graduate	10	5.4
High School Graduate	62	33.5
University Graduate	109	58.9
Total	185	100.0

The table above shows that majority of respondents are university graduate (above high school)

Age

	N	%
< 21	6	3.2
21-30	51	27.6
31-40	47	25.4
41-50	52	28.1
51-60	24	13.0
61+	5	2.7
Total	185	100.0

According to age category, it seemed like the age of respondents in this survey were spreading from 21 years old to 60 years old.

3. Media review

Agus Sudibyo (media analysis consultant) along with his team, which consists of nine personnel, has conducted the media review. Analysis mass media substance conducted from 1 December 2005 to 28 February 2006 (90 days), while analysis to electronic media substance conducted from 1 to 28 February 2006.

The media that have been reviewed are as follows: printed media (news paper), there were five newspapers, they are: *Kompas, Suara Pembaruan, Koran Tempo, Republika* and *Rakyat Merdeka*. These news papers was selected as research samples because there was necessity in this research to observe mass media news release fact with: (1) high circulation and good quality, (2) high circulation and low quality, (3) low circulation, medium quality, (4) high circulation, medium quality, and (5) low circulation, average quality. All media that have been reviewed are national media that are printed in Jakarta. Media reviewed was conducted seven days a week. The types of items that have been reviewed are news, feature, editorial, opinion, interview and letter from readers.

There were four electronic media which are: SCTV and Metro TV (television), RRI and Radio 68 H (radio). SCTV and Metro TV were selected because these stations have various and good regular news program as well as RRI and Radio 68 H. Electronic media reviewed was conducted in seven days a week, except for Radio 68H only six days a week without Saturday, three bulletins every day.

The news that have been reviewed consisted: (1) Civil society based on CIVICUS definition that is arena out side of the state, the market and the family, where people associate to advance common interests; (2) Civil Society Organisation (CSO) that existed in Indonesia (see **Table II.2.1**). The news that contained name of CSO actor also included in media reviewed, in form of direct quoting as a speaker or indirect quoting or merely as a participant in an activity. .

The matters that recorded in coding sheet in every news item are: (1) general data such as news title, page lay out, column et cetera; (2) news characteristic for example type of news, summary, focus, type of CSO et cetera; (3) indicators in four dimension of civil society; (5) indicator description within news; positive, negative or neutral.

The total of news items referring to CSO is 3447. The total news in five printed media is 3052 (88.5%) and in four electronic media is 395 (11.5%). Thus, in five printed media, 34 news about CSO on average could be found every day while in those four electronic media, 14 news on average every day. The total of articles and letter from readers which were written by the actors of CSO is 325 in media review period.

4. Fact Finding

Four (4) fact finding studies which done in IMS Indonesia, are:
- Human rights study: Advocacy and Campaign of Law Number 23 year 2004 on Elimination of Domestic Violence.
- Public policy study: (1) Budget Allocation 20% in Law Number 20 year 2003 on National Education System, (2) Law Number 10 year 2004 on Formulation of Laws and Regulation, (3) Local Government Regulation Number 6 year 2004 on Lebak Province Participation and Transparency.
- Budgeting study: Joint Circulation Letter by Minister of State Affairs and Minister of National Planning Development/Head of Bappenas Number 0259/M.PPN/I/2005 and 050/166/SJ.
- Corporate Social Responsibility study: Concept and Act of Corporate Social Responsibility in Society, Study on four (4) companies.

For fact finding results in detail see Annex 3.

ANNEX 3 – Policy Impact Studies

These policy impact studies are case studies, aiming to observe civil society impact on public policy in relation to human rights, social issues and budgeting.

Case Study: Advocacy and Campaign on Law No. 23/2004 on Eradicating Domestic Violence

Fransisca Fitri[30]

Introduction

Our social cultural condition appears to encourage violence against women. In Indonesia's strong patriarchal culture women are subordinated, and, as the weaker party are more likely to be the target of violence by the stronger party. The interpretation of religious teachings, too, is often influenced by this patriarchal culture, putting women in an even more unfavourable position. This condition is exacerbated by the tradition of not speaking out when faced with the problem of domestic violence, because exposing it is taboo, and this prevents people from talking about it in public, even to their next-door neighbour. The woman, then, is faced with two kinds of discrimination of justice, one from the public and the other from her own family.

According to LBH APIK (Legal Aid Institution Women Association for Justice) Jakarta records, reported cases of domestic violence are on the increase (See **Table A3.1**). Likewise, Komnas Perempuan (Women's National Commission) records show a significant increase in the incidence of domestic violence against women reported between 2001 and 2005 (See table 1). Aziz Hoesein, former fifth deputy on the role of NGOs at the Ministry for the Empowerment of Women, said, "P.O. Box 10000 owned by the Ministry for the Empowerment of Women receives a large number of reports on violence inflicted by husbands or boyfriends, but most are reports of violence by family members".

Besides the adverse social-cultural condition, the substance of law, the legal culture, and the legal structure do not favour the victim.[31] Formulations in the existing legislation are discriminatory and not effective in providing legal access and justice for the victim.[1] This has to do with the fact that the criminal code does not recognise sexual violence between husband and wife; it recognises only forced sexual relations with a woman who is not the man's wife (article 258, Criminal Code). It is because of these legal rules that violence is interpreted to refer only to physical violence, whereas in fact violence against women, particularly in the home, also includes sexual, emotional and economic violence. These are strong reasons for groups working closely with and supporting victims to begin drafting regulations to change these conditions.

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[30] YAPPIKA's researcher
[31] Ratna Batara Munti in *Suara Apik*, Issue 28/2005, *Lahirnya Penghapusan Kekerasan dalam Rumah Tangga (PKdRT)*

Findings

Profile of the Advocacy Network for the Eradication of Violence Against Women (Jangka PKTP)

The birth of the network for the eradication of domestic violence came out of the role of LBH-APIK Jakarta in its advocacy and campaign to eradicate domestic violence. The consultation organised by LBH-APIK discussed issues identified from cases of domestic violence they had handled. The meeting, which was attended by law enforcers (police, judges, prosecutors, and lawyers), decision makers (Department of Justice, BPHN, State Secretariat, and Department for Religious Affairs), women activists, religious groups, victims, and the mass media, agreed on the need to draft Anti Domestic Violence Law. This workshop was also the first stage in the formation of a network for the eradication of domestic violence.

Members of this network are women's groups working to support victims of violence. LBH-APIK is the secretariat of the network. Network membership is fluid, open to all, not formal but more coordinative in nature. This network was formerly called Jangkar – Jaringan Anti Kekerasan Rumah Tangga (1998-1999), and was made up of several NGOs and women's organisations: LBH-APIK Jakarta, Rifka An-Nisa, Kalyanamitra, Mitra Perempuan, Fatayat and Muslimat NU, Gembala Baik, Savy Amira, SpeAK, LBH-Jakarta and Derapwarasari. Later this network spread to other provinces, from Sumatera to East Nusa Tenggara, ultimately merging to become Jaringan Advokasi Kebijakan Penghapusan Kekerasan Terhadap Perempuan. Membership increased to 92 NGOs/mass organisations and individuals concerned about the problem of violence against women.

Jangkar had two working teams, a policy design team and a socialization team. The policy design team worked to revise draft laws and prepare position papers on the background and importance of an anti-domestic violence bill. The socialization team had the job of socialising the bill in the regions[32]. Jangka PKTP is divided into three working teams, the core team, whose job is to maintain the substance and function as the design team; the campaign team; and the lobby team. The network also has also assigned one person, Rita S. Kalibonso of Mitra Perempuan, as assistant to the government.

The Absence of an Adequate Legal Umbrella for Cases of Domestic Violence

The concept of the eradication of domestic violence law is based on experience, such as the experiences of women victims of violence in the domestic arena, household, or family, who have been subjected not only to physical violence but also other forms of violence, such as emotional, sexual, and economic. However, legal handling of the cases met with difficulties because the legal system did not provide adequate protection and services for victims of violence.

The prevailing legal rules for the handling of cases of domestic violence were the KUHP (Criminal Code), RKUHP (Draft Criminal Code), and KUHAP (Code of Criminal Justice). There are, however, weaknesses in these three legal rules:[3]
- KUHP and RKUHP do not recognize the term domestic violence.

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[32] For more details of the Jangkar working team, see LBH-APIK document for RDPU, 2002, *Pentingnya RUU Anti KDRT*.

- KUHP and RKUHP are limited in their regulation of the scope of domestic violence, as follows:
  - Article 356 of KUHP and Article 487 of RKHUP regulate abuse, which is limited to physical violence.
  - The Anti-Domestic Violence Bill added new principles to the criminal code which thus far had not been accommodated in the KUHP and RKUHP, namely, the principles of gender equity and equality, anti-discrimination, and protection for the victim.
  - Article 475 RKUHP regulates murder, a matter of general nature and which was again limited to physical violence.
  - Article 423-429 regulated rape and obscene acts. These articles did not fully accommodate the types of sexual violence referred to in Anti-Domestic Violence Law Draft:
    - The article on rape excludes wives as rape victims and does not accommodate acts other than intercourse, penis penetration and the use of objects, such as parts of the body other than the penis, or acts of non-penetration, such as putting the penis against the woman's vagina without consent, as forms of rape.
    - Another article regulated obscene acts, not sexual harassment. Although some types of sexual harassment are referred to in this article, because the term sexual harassment was not accommodated in the KUHP and RKUHP, this article did not cover all types of sexual harassment. Obscene act was defined as a violation of public norms or sense of decency, not as a violation of the integrity of a person's body.
  - Article 442 of the RKUHP rendered punishable by law those who neglected persons to whom by law they were required to support, care for, and protect. Even so, this article regulated just one aspect of the definition of economic violence contained in the Anti-Domestic Violence Bill.
  - Article 465 on abduction and Article 470 on deprivation of freedom of the individual were seen to accommodate emotional violence as defined in the Bill. In reality the two articles regulated only two types of acts (abduction and deprivation of freedom), whereas the Bill's definition of emotional violence in is wider in scope, because it focuses on the emotional consequences, rather than the acts themselves, which can be many and varied.[33]
- KUHP, RKUHP, and KUHAP did not recognize the scope of the term 'domestic' established by the Bill. The term used in the KUHAP, for instance, was "*keluarga batih*" (dependents), whereas in the Anti-Domestic Violence RUU it had a wider meaning.
- KUHP and RKUHP did not provide for any penalty other than prison sentence, which may present a dilemma for the victim.
- KUHP and RKUHP did not regulate the rights of the victim, emergency services for the victim, or compensation.
- KUHP did not yet provide a mechanism which facilitated the victim's access to protection. The social system likewise closed its eyes to the victims of domestic violence.

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[33] See LBK-APIK document for RDPU, 2002

These regulations were very general in nature. They did not take into consideration the difficulties victims have accessing legal protection, and completely disregarded the patriarchal cultural context and the existence of gender based violence in social relations between members of society.

Reforms Proposed by the Anti-Domestic Violence Bill, Controversial Articles
When first drafted, the law on eradication of domestic violence was called the anti-domestic violence bill. The title of the law reflects the intention to eradicate all types of domestic violence; to provide not only protection against domestic violence, but prevention, too. There were important breakthroughs written it its articles aimed at overcoming the weaknesses of legal rules concerning the handling of cases of domestic violence. Several crucial matters proposals were made:

1. The law aimed not only to protect victims but also provided for prevention and correction in the context of eradicating all types of violence, in particular domestic violence.
2. A change in the concept of 'domestic' to include not only members of a household, but also the relationships within it, such as between employer and household help, and family relationships arising from marriage, religion, and customary law (adat). The definition of 'domestic' would also include relations between courting and engaged couples and relations between former partners / ex-husbands and wives.
3. Types of violence would include not only physical but also emotional, economic, and sexual violence, including forced normal or abnormal sexual relations in marital relationships.
4. Regulating the state and society's responsibility to protect victims and prevent the occurrence of domestic violence.
5. The law emphasised the need for new laws on the material and legal obligations of the state, in particular concerning the role of law enforcers (prosecutors, police, and judges).
6. A guarantee of victim's rights.
7. Priority evidence in cases of domestic violence based on the victim's testimony accompanied by one piece of evidence.
8. Recognition of the state's responsibility to provide compensation for the victim (in the context of guaranteeing social welfare for citizens).
9. Penalties for perpetrators, including alternative penalties to imprisonment and fines.
10. Establishment of a minimum penalty.

The Advocacy and Campaign Process
Drafting of the Anti-Domestic Violence Bill
The advocacy and campaign conducted by the network lasted for eight years, from the raising of the issue of domestic violence and preparation of the first draft to the bill being passed by parliament on September 14, 2004, and ratified by President Megawati on September 22, 2004. The initial idea for a special law on domestic violence grew from the success of the advocacy of LBH-APIK Jakarta which resulted in a case of domestic violence being brought to court, in 1997. The court ruled in favour of the defendant, although the result was only a suspended sentence for the perpetrator. The lessons learned from this were the starting point for wider discussion of domestic violence.

The drafting of the bill began in 1998-2000. Members of the drafting team were Tumbu Saraswati (APIK), Endah Triwijati (WCC Savy Amira Surabaya), Apong Herlina (LBH Jakarta), Rita Serena Kalibonso (Mitra Perempuan), Irawati Harsono (Derap Warapsari), and Ratna Batara Munti (LBH-APIK Jakarta). In 2001 – 2002, the composition of the team changed when Jangka merged to become Jangka PKTP. The new team involved more civil society sectors and those outside the civil society. Members of this new team were Ratna Batara Munti and Vonny Reyneta (LBH-APIK Jakarta), Dewi Novirianti (Komnas Perempuan), Sri Mumpuni (LBH Jakarta), Ummu Hilmy (FH Unibraw), Syarifah Sabaroedin (lecturer in criminology at UI), Kristi Purwandari (lecturer in psychology, UI), Wiharti (Puan Amal Hayati), Theresia Erni (SIKAP), and Rosnalelli (support worker). Intensive socialization of the bill was carried out in various regions. Public consultation was conducted at least in 27 regions, including Medan, Padang, Riau, Palembang, Yogya, Surabaya, Manado, Pontianak, Mataram, Makassar, Samarinda and Kupang. At that time the LBH-APIK also had a Month of Domestic Violence Complaints in 17 provinces, promoted through posters and by radio to gather complaints about cases of domestic violence.

After the drafting, socialisation and revision processes, the bill was finally presented to parliament through Commission VII in 2002. In parliament public sessions and seminars were held to discuss this document. Then at a plenary session in May 2003, the Anti-Domestic Violence bill was officially adopted by parliament. The lobby of parliament continued, even more intensively. Lobby included inviting commission members (Commission VII) to seminars/workshops held in regions.

However, the way for discussion was not smooth, because the presidential mandate for discussion did not immediately come down. President Megawati said that society was not ready for such a law. Members of the network and Komnas Perempuan present at that time immediately presented data on cases of domestic violence reported to them, and provided data on victim treatment centres in several hospitals, one of which was Panti Rapih, Yogya. Lobby of the government continued through the Ministry for the Empowerment of Women, which at that time had a five-year action plan to eradicate violence against women (RAN KTP). In the midst of tough lobbying for a presidential mandate, Jangka PKTP organised a 1,000-umbrella protest, through mass mobilization of women. The crowd marched from the Hotel Indonesia roundabout to the Presidential palace, calling for the immediate issue of the presidential mandate. In this action, as well as support from civil society, Jaringan also got support of the Body Shop, a company dealing in beauty products that is also concerned with social issues. Similar actions were organised in other cities, such as Mataram, Manado, and Yogya. Thanks to these actions, the presidential mandate was finally issued. The Government appointed the Ministry for the Empowerment of Women as leading sector for discussions.

Test of Resilience for the Network During Parliamentary Discussions
The discussions in the House took up even more energy. The discussions lasted less than one month, starting from August 22, 2004. Commission members rejected several of the crucial articles which constituted legal breakthroughs. These articles concerned the scope of the definition of 'domestic', the forms/types of domestic violence that constituted marital rape, the legal procedure for presenting evidence, and the roles of the government apparatus. The

government presented an alternative bill cutting out all the crucial issues, arguing that all the proposals made in the Bill were already regulated in the KUHP/KUHAP.

The network continued to lobby government. One of its media was to utilise meeting forums (information coordination forums) held at the residence of the Minister for Empowerment of Women while the Bill was being discussed by parliament. This forum in its journey was quite effective in bridging differences in opinion between women's groups and the government (state minister for the empowerment of women)[34]. Even though this forum was successful in bridging differences, the discussions in parliament proved very tough. There was much opposition. For instance the Ministry of Justice and Human Rights tended to be legalistic and hold only to KUHP/KUHAP. Meanwhile the members of the commission had a very poor understanding of a bill that was the commission's initiative. To address this, the network continuously monitored the developments in the discussion at every session, provided material to commission members, held press conferences, and met with faction leaders. Strategic moves made by the network were to provide lobby materials, such as argumentation for crucial articles, data on domestic violence from support NGOs, and materials on the importance of this bill, and to encourage continuous discussion.

The network continued with this lobby during the closed discussions in a hotel room. They had to wait for a commission member to come out of the room to go to the toilet. A stream of text messages was sent to commission members urging them to preserve crucial articles. The opposition to the crucial articles, from for example the reform faction and PBB, continued right up until the final discussion. The Indonesian Ulemas Council also circulated a letter opposing in writing the concept of marital rape and emphasising the suspect's confession as a condition of case evidence.

Besides intensive lobby, the network also held press conferences at the parliament building by enlisting the support of the Chair of Commission VII, DR. Surya Chandra. Prof. Harkristuti Harkrisnowo was asked to write in the media and lobby the media to raise certain issues related to the bill being advocated. During the final plenary session, the network continued to send text messages to commission members, in particular to those who were very vocal in influencing the forum, asking them to discuss substance that was still lacking. Eventually, this session passed several of the key proposals, such as the article on marital rape. Almost all factions in the House agreed on the substance of the bill; the reform faction was alone in giving conditional approval of the bill.

Policy Impacts
Substantive
The passing of this law made domestic violence a crime punishable by law. This law provides protection for victims of violence, and for the prevention of domestic violence. It expands the scope of the definition of 'domestic' to include not only dependents but also persons related by marriage, blood relations, siblings, adopted children or foster children living permanently in the household, and live-in household help. It recognises of other types of domestic violence besides physical violence, such as emotional violence, sexual violence, and economic violence,

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[34] Ratna Batara Munti in *Suara Apik*, Issue 28/2005, *Lahirnya Penghapusan Kekerasan dalam Rumah Tangga (PKdRT)*

recognises marital rape as a crime punishable by law, and expands the definition of sexual violence to include forced abnormal sexual intercourse.

There was some concern that the substance of this law would cause domestic rifts. But these concerns are mitigated by Article 4d, which states that that one of the objectives of this law as to preserve harmonious and peaceful domestic unity.

Procedural

In terms of procedure, this law establishes a number of basic changes in proving a case: a complaint may only be filed on the basis of the victim's testimony and evidence; there are regulations concerning the mechanism for the court protection of the victim by placing a restriction order on the perpetrator; a case may be reported at the victim's place of residence or at the scene of the crime; the victim is gets support from a social worker and legal aid at every stage of the investigation; and there are fundamental changes in the roles of law enforcers (police, lawyers, social workers, medical staff, and support volunteers) with respect to the victim.

The passing of this law has effected a change in the legal processing of cases of violence against women at the police station, the public prosecutor's, the district court, and religious court.[35] Today, these law enforcement agencies adopt the legal processes provided by the eradication of domestic violence law, as well as the KUHP, Child Protection Law, and Marriage Law. According to Komnas Perempuan data, 65% of cases of domestic violence reported in 2005 were related to divorce cases being processed by the religious court. The jurisdiction of the eradication of domestic violence law, however, does not extend to the religious court. Another legal vacuum is the absence of government regulations for articles related to coordination between institutions providing rehabilitation services for victims.[36]

Hospitals functioning as service providers have are also applying the Law by providing integrated services; although some have yet to go beyond the level of providing information to victims, leaving legal decisions up to the victim.

There were several breakthroughs related to regional regulations issued in 2005. The Bengkulu Selatan district, for example, issued a decree on the formation of an integrated team for managing women and child victims of violence. The province of Jawa Timur issues a regulation (9/2005) concerning Implementation of Protection for Women and Child Victims of Violence. And eight districts in Jawa Tengah are currently drafting local policy on the management of violence against women and children. In Bengkulu Utara district, in the village of Sido Urip in Argamakmur district, a village regulation has been issued on legal protection for victims of violence, and a decree of the village head addresses channels for resolving cases of violence in the village.

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[35] These data were obtained by Komnas Perempuan through questionnaires sent to 48 Police RPK in 14 provinces, 27 public prosecutors in 27 provinces, 31 district courts in 17 provinces, and 44 religious courts in 20 provinces. 2005 Annual Report on Violence Against Women, Komnas Perempuan, 2006.
[36] Komnas HAM data obtained from the integrated service centres of 6 hospitals in 2005. One of the many hospitals with such centres is Bhayangkara Hospital. 2005 Annual Report on Violence Against Women, Komnas Perempuan, 2006.

The results of the Komnas Perempuan survey show that the sources and allocation of funds for handling cases of domestic violence vary from institution to institution. The public prosecutor routinely allocates funds to handle cases of violence against women. The religious court routinely allocates funds, too, but there are also efforts to find other sources of funds. Hospitals, besides allocating their own funds, also got funds from regional government, donors, and personal contributions. Although some, such as Bengkulu Selatan district and the municipality of Surabaya, allocate local government budget for handling cases, they are few and far between. The national budget allocation is far from adequate, making it difficult to deal with cases in the manner prescribed by law.

Structural
This law requires government to socialize its substance and supporting regulations to government institutions involved in the handling of cases of domestic. The government is also required to socialize the substance of this law and its supporting regulations to all levels of government, from provincial government to village government. At the policy level, coordination is also necessary at the regional government level in the implementation of the Law down to the local level.

Service providers have started to make available facilities to provide services to victims, such as special service rooms at police stations and integrated service centres at hospitals. These spaces have facilities such as counselling rooms, medical examination rooms, dedicated phone lines for complaints, and safe houses. Medical teams, legal teams, counselling teams, and gender sensitive staff are also available. Changes in structure have also occurred as a result of the need for a criminal court system that integrates police, prosecutor, judge, judicial institution and lawyer in handling cases of domestic violence. A change in the structure of education for law enforcement officers is also expected, with gender perspective education being included.

This law also encourages public participation, and even requires people to take preventive action, provide protection, give first aid, and aid in the process of applying for protection. People therefore have the responsibility to monitor the implementation of this law, because they are the ones in the victims' immediate environment.

Sensitising
Article 15 is reinforces the obligation that people help prevent the occurrence of domestic violence and provide protection to victims. The impact on people's behaviour is apparent from the increasing number of cases of domestic violence reported to women's organisation, district courts, religious courts, special services rooms, hospitals, and the public prosecutor's office. In 2005, according to Komnas Perempuan data, out of a total of 20,391 cases of violence, 16,615 (82%) were cases of domestic violence; the remainder being cases of violence in the community, state violence, and others (See **Table A3.2**). Most complaints (74%) were made by the victims themselves, followed by witnesses (13%), by telephone and through referrals (6% each), and by mail (1%). The number of complaints received by Komnas Perempuan doubled from 211 cases (2004) to 592 cases (2005). The increase in number of complaints of domestic violence cases is an indicator of a heightened public awareness of domestic violence as a criminal act punishable by law.

111

Conclusion

There was a legal vacuum in the handling of domestic violence in Indonesia. The legal code applicable in the past was the KUHP, which had several weaknesses when applied in cases of domestic violence. People were not involved and were not required to take action to prevent the occurrence of domestic violence in their environment. On the basis of their observations and experiences, women groups offering support to victims began drafting and socialising a bill, giving birth to a network called Jangkar, which later became Jangka PKTP.

There is little doubt as to the success of Jangka PKTP as a civil society group in advocating the law on the eradication of domestic violence. Despite some legal shortcomings/vacuums in this law, the substance of this law is fairly comprehensive and operational. All that is now needed is a government regulation (PP) on coordination between providers of rehabilitation services for victims. The resulting legal reforms, such as the acceptance of the victim's testimony plus one piece of evidence, have been very progressive. This law is pro-victim legislation.

Table A3.1: Number of Cases of Domestic Violence[37]

Type of Case	1998	1999	2000	2001	2001
Physical violence	33	52	69	82	86
Emotional violence	119	122	174	76	250
Economic violence	58	58	85	16	135
Sexual violence	3	15	1	0	7
Rape	1	10	0	0	0
Sexual harassment	2	5	1	0	0
Broken engagement	0	0	3	14	5
Dating violence	0	0	0	0	7
Child abuse	0	0	0	0	1

Table A3.2: Number of Reported Cases of Violence Against Women[38]

Year	Number of Cases of Violence Against Women
2001	3,169
2002	5,163
2003	7,787
2004	14,020
2005	20,391

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[37] Cases of domestic violence recorded by LBH-APIK Jakarta, taken from the LBH-APIK Jakarta website.

[38] Cases of violence against women recorded by Komnas Perempuan partners. Data taken from the 2005 Report on Violence Against Women, Komnas Perempuan, 2006.

Case Study: the Twenty Percent Budget Allocation in the Law on the National Education System (No. 20/2003), Public Participation in the Law on Legal Drafting (No. 10/2004), and Regional Regulation concerning Transparency and Public Participation in Lebak District (No. 6/2004)

Wawan Ichwanuddin[39] and Aditya Perdana[40]

Introduction

Two laws and one regional regulation were studied to analyse the role of civil society organisations (CSOs) in public policy making processes. These three laws are expected to adequately illustrate the role of CSOs in the making of public policy on social issues, at the national and local levels. The cases examined for the purposes of this study are the role of CSOs in influencing the minimum 20% budget allocation for education prescribed by Law No. 20/2003 on the National Education System, in the drafting of Law No. 10/2004 on legal drafting, and in the drafting of Regional Regulation 6/2004 on transparency and public participation in the administration of government and development management in Lebak district.

This study attempted to analyse the following: (1) factors underlying the emergence of policy making ideas; (2) policy making processes and the role of CSOs in these processes; (3) networks built and strategies adopted by CSOs in influencing policy; and (4) impacts arising from policy decisions.

Background

The birth of the National Education System Law was, for the most part, motivated by a strong desire on the part of parliament and the government to democratise education. The education system had to be changed to reflect the social and political changes in Indonesia, and towards raising the quality of education to global standard. This law makes changes to curriculum, educational diversification, educational funding standards, and the autonomy of higher education institutes. One aspect that drew the attention of parliament and the government was the desire to reduce the responsibility of government in the education sector. This would mean sharing the responsibility with the public in the context of raising the quality of national education. To do this, adequate funding would be needed. Here, the Law says that the state must allocate a minimum of 20% of the national budget to education, as required by Article 31 paragraph (2) of the 1945 Constitution. The government, as set forth in Law No. 20/2003, has requested that this 20% allocation be phased in, bearing in mind national budget constraints.

Drafting of legislation, besides having a sound juridical basis, should be also based on empirical studies and engage the people it concerns in policy making. Legislation is therefore needed which establishes guidelines for legal drafting that clarify how these components can be fulfilled. As this is the message contained in the 1945 Constitution (Article 22A), parliament (33 MPs) took the initiative to propose a bill on procedure for legal drafting. Civil society groups realised the space for public participation in policy making was still very limited. This awareness came from reflection on the policy advocacy experiences of CSOs, which identified one of the causes of the failure of CSO advocacy as the lack of space for public participation in policy making

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[40] YAPPIKA's researcher

processes. This had to do with the lack of a legal guarantee of public participation. There was, therefore, a need for new legislation that guaranteed public participation.

This guarantee was seen as important because thus far public representation in policy making in the system of representative democracy was found to be biased. The legislative body as people's representative was often incapable of grasping and channelling the interests and needs of those they represented. In practice, MPs, who have political party affiliations, represent not only the interests of the public, but also the interests of the party and one or more groups. For this reason, real and direct public participation in policy making processes was essential. Legal guarantee of public participation was also important in view of the continued loyalty to the old paradigm that placed policy making processes solely in the hands of the representative bodies.

The limited space for public participation is apparent from the stipulations and practices in policy making thus far. There are several stages in legal drafting in Indonesia: (1) drafting a national legislation programme; (2) drafting of a bill; (3) drafting of the law in parliament; (4) proposing the bill to parliament; and (5) discussion of the bill in parliament. Looking at these five stages of legal drafting, it can be concluded that space for participation is very limited. First, there is ambiguity, for example, concerning the involvement of public representatives in the consultation stage and in the drafting of academic papers. Second, public participation is optional, very much dependent on the wish of the policy maker. This happened, for example, in the drafting of bills and public hearings. Third, at some stages the public is assigned no active role, because they were positioned merely as recipients of information, for example when bills are proposed before parliament.

Also, there have been no clear regulations concerning responsibility of law makers to provide information to the public concerning the drafting of new regulations in progress. Another problem has been the time span for making of laws. Experience indicates that it may take a very short or a very long time, depending on who proposed the law and what interests were involved in the making of the law.

From these two processes of law making, one could see the desire for democratic deepening. In the making of Law on Legal Drafting, deepening was achieved through efforts to expand the space for public participation in public policy making. In the making of the Law on the National Education System, on the other hand, there was a desire to clarify the state's (government's) commitment and responsibility to implementing better quality education that is accessible to all citizens, in realisation of citizen's human rights and constitutional rights.

The desire to expand public participation in the administration of government was also a key underlying factor in the efforts by CSOs to lobby for the drafting of Regional Regulation of Lebak Regency No. 6/2004 on Public Participation and Transparency. The idea of drafting a district regulation on transparency and public participation came out of the CSOs awareness that basic problem in implementation of good governance in Lebak Regency was lack of transparency and public participation. Even today, access to public information and public participation in planning, implementation, and evaluation of public policy is still limited.

Since the fall of the New Order there have several pieces of legislation, not least the amendments to the 1945 Constitution, regulating the people's right to participate and have access to public information. In practice, implementation of this transparency and participation was hindered by the weaknesses in regulations implementing these rights. The public's right to participate in planning, implementation, and evaluation of public policy were not accompanied by regulations clarifying mechanisms and procedures. When requesting information from a public institution, one typical excuse would be that that the document requested was confidential. This may be related to the fact the bill on free access to public information was still being discussed.

The Network Built by CSOs
The Educational Coalition was first formed when the Government was criticised for its intention to conduct National Examinations in 2003. At that time, there was argument over the National Examinations because of its rigid pass marks, set in an effort to raise the standard of education in Indonesia. The coalition considered National Examinations to be in contravention of the law on the national education system as far as local content curriculum and leeway for teachers' in evaluation were concerned.

The Education Coalition realised that they were not involved in monitoring the formation of the law on the National Education System. But on the implementation of this law, the coalition took a critical stance, and not only of the National Examinations. The fact that the National Standards body so frequently changed education curriculum also drew criticism from the Coalition. It was also critical of the newly introduced law on teachers and lecturers, in an effort to draw attention to and implement improvements in the education sector. Meanwhile, in its work, the Educational Coalition was responding to everything related to education, from examinations, curriculum, and teacher's welfare, to the education budget and corruption in education. Advocacy carried out by the Coalition involved influencing the political elite in the legislative body and in government. Today, consolidating the power of the teachers to motivate them to unionise and fight for their rights and interests, is the main work of the coalition, in response to weaknesses at the base and roots of the movement and resistance.

The Educational Coalition consists of several institutions, among others, Indonesian Corruption Watch, FGII (Federasi Guru Independen Indonesia, the Indonesia's Independent Teacher Federation), YLKI (Lembaga Konsumen Indonesia, Indonesia's Consumer Institution), LBH Jakarta (Legal Aid Institution), KKSK (Kelompok Kajian Studi Kultural, Cultural Study Analysis Group), KELIP, and IIER. Of late, the coalition's presence in the executive body and the legislative body has been noticed, because the coalition has managed to build discourse and networks on education issues, at the national and regional levels. What's more, its presence is supported by educational specialists as assistant in debates with government or parliament.

Membership in the Coalition for Participatory Policy Making is open to civil social organisations and individuals concerned about the issue of public participation. This coalition has a membership of 170 organisations and individuals, including academics. There several CSOs joined the coalition, including: Bina Desa, Walhi, PSHK, YAPPIKA, KRHN, Imparsial, Jatam, YLBHI, TII and others. Among the regional organisations involved in the network are Pusbikk Lampung, Kopel Sulsel, Totalitas Sumber, Sanres NTT, and others. Universities involved in the

Coalition include Hasanuddin University, Andalas University, University of Indonesia, Mulawarman University, and others. The organisation holding the position of secretariat of the Coalition, which was formed in 2002, has been changed twice on the decision of the national consultation. YAPPIKA was secretariat from 2002 - 2005, and YLBHI from 2005 - 2008.

So, of the coalitions established to influence these two laws, the network built by the Coalition for Participatory Policy Making comprises both individuals and academics, and has network members in the regions. In terms of organisation, this coalition also has a division of tasks. There were three teams within the coalition: (1) the substance team, whose job is to analyse and criticise, and come up with alternatives to the bill on participatory policy making; (2) the lobby team, which approaches and influences policy makers; and (3) the campaign team, which socialises the concepts of and prepares publications on public participation, with support from coalition members in the regions. To do this work, the coalition received support from several donor institutions, like the Asia Foundation, AusAid, Ford Foundation, NDI CSSP, and YAPPIKA.

At the local level, there were important findings from the network established to lobby for the district regulation on transparency and public participation in Lebak district. **First**, the role of the external sector. The forming of a multi-stakeholder forum and the work done by this forum were much influenced by the active role of the district facilitator of P2TPD, a joint programme between the World Bank and the National Development Planning Agency, Bappenas. The P2TPD district facilitator supported the entire process, from the implementation of routine meetings and public consultations, to the preparation and implementation of work agendas, and the preparation of the draft district regulation. Here, the P2TPD facilitator facilitated stakeholders in Lebak in articulating and aggregating their awareness and aspirations into a public policy.

Second, there was non-CSO involvement in the network. Even though, according to the official figures of the district development planning agency, Bappeda, the multi-stakeholder forum had 17 members, membership of this forum was actually fluid. There was no permanent membership, because any Lebak stakeholders were allowed to participate in the forum's meetings. Because of the fluid nature of the forum's membership, the members attending forum meetings always varied in number.

Besides involving student organisations (like Ikatan Mahasiswa Lebak/Imala, Keluarga Mahasiswa Lebak/Kumala, KNPI), mass organisations (like NU, Muhammadiyah through Aisyiyah, Forum Silaturahmi Pondok Pesantren/FSPP), NGOs (like LSPB), professional organisations (like the Regional Chamber of Commerce), this forum has always involved representatives from local parliament and the executive. Local parliament was represented by Sanuji Pentamarta of the PKS (Social Justice Party), K. Wawan Gunawan of the PPP (Development Union Party), and Yahya Pancanada of the PDIP (Indonesia Democratic Party in Struggle), and representing the executive were Asda I (Regional Assisstant), Robert Chandra of the regional development planning agency, Dian Edwin from the legal affairs section.

As well as the support from the district head, the involvement of representatives of government and parliament in the stakeholder forum undeniably had a part in the establishment of the district regulation on public participation and transparency. Their role was to bridge civil society and the

government/public institutions. This was also an example of the fact that collaboration between civil society and the government is not impossible and not necessarily negative. This model of collaboration proved more effective in persuading a civil society agenda to become public policy.

Processes and Strategies Used by the CSOs

The birth of the law on participatory policy making took three long years. There were several agendas pursued by the Coalition, including, building a broad network, lobbying policy makers, and campaigning issues to win public support. After the meeting at Cisarua in 2002 – 2004, the Coalition had cells in the regions which would have the job of supporting the socialization of the bill by organising public hearings. Dissemination of issues was also carried out through articles in the mass media written by Coalition members and mass media coverage of the activities and issues the Coalition was working on.

The regions of the Coalition were in Java, Jakarta, Sumatera, Kalimantan, Bali and NTB (West Nusa Tenggara), Maluku and NTT (Wast Nusa Tenggara), and Papua. As a whole the network covered 26 provinces. The networks built were not only of CSOs, but also individuals and academic institutions. This support from academic circles had a weight of its own, in the form of scientific argumentation of the proposals pursued by the Coalition. There were three teams within the coalition: (1) the substance team, whose job is to analyse and criticise, and come up with alternatives to the bill on participatory policy making; (2) the lobby team, which approaches and influences policy makers; and (3) the campaign team, which socialises the concepts of and prepares publications on public participation, with support from coalition members in the regions.

The strategies of network building, lobbying policy makers, and campaigning issues to win public support were also adopted by the Education Coalition, in particular by teachers and parents. In addition, Coalition members were actively involved in building discourse by writing in the mass media and taking an active role in education forums and discussions. On the whole, the strategies adopted helped the Coalition to achieve its goals. The significance of activity and critical attitude of the Coalition was apparent from its ability to influence emerging discourse on education and build a network that had a significant influence on legislative and executive groups. The establishment of the district regulation on transparency and public participation in Lebak district was a long process, too. Multi-stakeholder forum meetings were first held in November 2002, but is wasn't until June 2004 that the district regulation was passed.

A rough draft of the draft district regulation, containing the substance of the issues to be addressed was prepared by Agus Sutisna et al. This was then edited by the head of Lebak district legal affairs section with the assistance of the head of the legislation sub-section. This was done to ensure that the draft met the criteria for a legal document. This draft, prepared by the multi-stakeholder forum and edited by district legal affairs section, was then discussed at two public consultations.

The first public consultation was convened by the executive, in this case the regional development planning agency, Bappeda. The meeting, which was held in the district government's Open Room, was attended by a large number of people. As well as issuing

invitations to institutions, the district government made an open invitation using banners and announcements on local radio (RDKL). In this public consultation there were not many proposals for revisions to the draft, which was presented by the government, with representatives of the multi-stakeholder forum (FMS) acting as resource persons.

The second consultation was organised by local parliament, in this case the district government Special Committee headed by Sanuji Pentamarta. This two-day public consultation also attracted a large number of people. The first day was devoted to discussion of the substance of the draft regulation in general, and on the second day the individuals articles of the draf were discussed. In general, there was no open opposition during the public consultation on the substance of the draft regulation.

Several key strategies were adopted by the multi-stakeholders forum to promote the proposal for a district regulation on transparency and public participation. **First**, there was division of tasks among the forum members. At forum meetings, division of tasks and strategies were discussed. The academics were asked to prepare an academic paper and a rough draft of the draft regulation; the government representatives were asked to make efforts to convince the government of the importance of this regulation; the representatives of local parliament were asked to make efforts to consolidate support in the legislative body; and other elements of civil society elements were asked to draft a strategic plan for poverty alleviation.

Second, there were networks built that involved not only CSOs. From outset, efforts to push for adoption of the district regulation involved a variety of stakeholders. Members of the multi-stakeholder forum came not only from COs or CSOs, but also from government and local parliament. This did much to help efforts to disseminate and consolidate support from policy makers for the proposed district regulation.

Third, the use of the mass media. Public campaign involved making public information announcements on radio and putting up banners in strategic places. In addition, several members of the forum communicated the importance of transparency and participation through local mass media. A relatively close relationship with newspaper reporters enabled media publication to go unobstructed.

Fourth, lobbying of policy makers, in this case local parliament and the district head. Several members of the multi-stakeholder forum enjoyed a good relationship with the district head, newly elected in 2004. They worked to convince the district head of the importance of this district regulation, both for the development of Lebak district as a whole and for the 'interests' of the district head. They managed to convince the district head that this regulation was in keeping with the vision and mission he promoted during the election campaign, and would have a positive political impact by creating a positive image of the government's commitment to good governance. This lobby brought positive results. The district head became the first public official to openly disseminate the proposed regulation to the public. In local parliament, the proposal met with no significant opposition. The occassional objections raised concerned only specific parts of the draft, not its substance; at least that was the impression from open statements made by members of local parliament during public consultations.

Policy Impacts

Substantively, the efforts by CSOs to pursue the 20% minimum budget allocation stipulated in the law on the national education system, and the law on participatory policy making brought about important changes. The stipulation on the budget was accompanied by other substantial changes established by the new law on the national education system, among others, concerning changes in curriculum, improving and raising educational standards, and improving educational management. And the law on participatory policy contains clear provisions establishing a guarantee of the right to public participation in policy making.

Structurally, the law on participatory policy making did away with the institutionalisation of policy making. The authority for public policy making was no longer the monopoly of the legislative body and the executive body. Now, the general public could participate, too. So, political institutions such as the political parties, executive body, legislative body, the judiciary, and societal groups have the equal right to participate in policy making. The law on the national education system, on the other hand, brought about no significant structural changes, since the government structure and the bureaucratic relationship with the legislative body remained in place. The authority for management of education still lies with the Ministry of National education, and the education budget is still coordinated with the Ministry of Finance and the National Planning Board. Supervision by the legislative body is in the hands of Commission X on Education.

In terms of procedure, the law on the National Education System brought changes and adjustments in education budgeting. The government's commitment to an annual increase in educational funds gave it the opportunity to design and manage programmes to fit the budget. The law on participatory policy making made the legal procedures and mechanisms more open to members of the public to put forward proposals and criticism of bills and draft regulations being prepared by the legislative and executive bodies.

In society, people were motivated to mobilise and monitor the performance of government, in particular the Ministry of Education. At least, this was apparent from the calls for a Constitutional Court review of the 20% education budget allocation by PGRI (Indonesian Teachers Association) and ISPI. Meanwhile, teachers in several regions like Mataram, had protested again salary cuts without clear explanation from local government. The law on participatory policy making motivated community groups to get involved in policy making. This was apparent from the initiatives of several NGOs to criticise and influence policy at the national and regional levels. Participatory drafting of local government policy in several regions was also supported and encouraged NGOs, as was participation in local parliament procedures.

At the local level, CSO participation in public policy also resulted in important changes. There were several breakthroughs resulting from the drafting of the regulation on transparency and public participation in Lebak district. In terms of substance, this district regulation established the rights and responsibilities of the public and public bodies with regard to public information and participation in public policy. This regulation also establishes mechanisms and procedures, and makes space for public participation in implementation of transparency and participation. This is an important breakthrough in the context of the implementation and regulation of good governance in Indonesia, which was still weak. Even at national level, there is no guarantee and

regulation of the implementation of transparency and participation. The Lebak district regulation was one of the first in Indonesia and could become a model for other regions in institutionalising transparency and participation in governance.

In terms of structure, this district regulation required the formation of a Transparency and Participation Commission, which functions as monitor, supervisor, facilitator, and mediator in the application of district regulations. This Commission was not formed until 6 months after the deadline for its formation stipulated by the district regulation (which was within six months of the passing of the regulation). This delay was related to political processes at local level, namely, a change of district head and activities in the run up to the 2004 general election. After its inauguration, the Commission put on the agenda three work programmes for 2006: socialization, internal consolidation, and optimalization.

In terms of procedure, as well as establishing the rights and responsibilities with regard to transparency and participation, the district regulation also established the implementing mechanisms. There is a mechanism for public grievances concerning obstruction by a public body of person's right to access to information and participation. In addition, there was a comparatively high level of public participation in the drafting of this regulation, in multi-stakeholder meetings and public consultations on the proposed regulation.

This district regulation was also one of the few accompanied by an academic paper and involving the general public through open public consultation. One of the obstacles faced in implementing fully the procedures for drafting of district regulations is budget constraints. The typical cry has been that preparing academic papers and organising public hearings are difficult on a limited budget. So, the district regulation on transparency and public participation may well set a positive precedent for public participation in the drafting of district regulations.

Once the regulation was ratified and the Transparency and Participation Commission began work, an increase in public awareness and support for transparency and participation in governance was apparent. This was indicated by the number of complaints from the public received by the Commission following socialisation in 23 districts and several governmental institutions. There were even complaints coming in the day after socialisation in a district.

Case Study: Joint Circular Letter of the Minister of Home Affairs and the State Minister for National Development Planning/Chair of the National Development Planning Agency Number 0259/m.ppn/i/2005 dan 050/166/sj on Development Planning Forums

Wawan Ichwanuddin[41]

Introduction

The process of decentralisation as part of the adoption of regional autonomy has given regional governments more authority in planning and managing development in their regions. This process should bring the state (government) closer to the people. Relations between the state and the people should, then, have more positive impacts, including the removal of barriers in policy making, an increase in public acceptance of government decisions, and the creation of collective action and collaboration. Decentralisation is also seen as a way of discouraging irregularities and improving the quality of public services. However, Omar Azfar notes that decentralisation does not automatically improve the performance of regional governments. He argues that the success of decentralisation in raising the quality of governance depends on public participation in policy making.[42]

Analysis of legislation in Indonesia reveals that there are few provisions on public participation. Especially provisions concerning the actors involved, the decision making processes, the media and institutions for participation, the authority of decisions made, and stipulations on implementing public participation.[43] Provisions on public participation still focus only on rights, principles and goals of government

It was these underlying weaknesses in regulations on public participation in planning and budgeting that motivated FPPM (People Participation Development Forum) to pursue reform of the technical guidelines for implementing planning forums. The goal of these proposed reforms was the creation of planning and budgeting that genuinely accommodated public interests and needs.

Why planning forums? Pursuant to Law 25/2004 on the National Development Planning System and Law 32/2004 on Regional Governments, there are two key activities that will determine the quality of planning documents: preparation of the first draft of the proposed planning document, and planning forums. The former is a technocratic activity; the latter a participatory activity.[44]

Planning forums are the main media for people to articulate, aggregate and negotiate their interests, and choose alternatives. For budgeting, the media available to the public is the drafting of the budget plans of regional work units. Space for participation at these levels allows for the preparation of integrated development planning and budgeting that accommodates public interests and needs.

Findings

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[41] ibid., p xxx
[42] Suhirman, *Kerangka Hukum dan Kebijakan tentang Partisipasi Warga di Indonesia* (Working Paper for Independent Research Report), Bandung, 2004, p 21.
[43] *Ibid.*, p 7.
[44] Suhirman, *Kerangka Hukum danKelembagaan untuk Perencanaan dan Penganggaran Daerah di Indonesia: Peluang dan Tantangan untuk Partisipasi Publik* (Working Paper, tt.), p 12.

Legal Basis for Public Participation
There are at least five reasons why public policy processes, including planning and budgeting, should be participatory. *First*, in a representative democracy there is a tendency towards democracy being pirated by the elite. Elected people's representatives often fail to fully represent the interests of those they are representing. In this case, direct public participation functions as motivator for deepening democracy. *Second*, in a highly complex society, optimal utilization of public resources can be achieved only through open and fair social processes. *Third*, public participation enhances the sense of public ownership of government, thus avoiding or solving a crisis of government legitimacy. *Fourth*, public participation can improve the performance of government administration. *Fifth*, open and fair space is a media for political education for civil society in determining in public policy.[45]

Because of bias, public participation in the past was unable to create these conditions. Participation was commonly referred to as "*peran serta masyakarat*" or "involvement of people", more a government instrument to mobilise local resources to promote development programmes. Also, the government made it an instrument to control organisations.

During the period of reform, efforts were made to change this. Law 32/2004, for example, says that public participation can be used:
  1. to accelerate the realisation of public well-being;
  2. to create a sense of ownership in government;
  3. to guarantee openness, accountability, and public interest
  4. to identify the aspirations of the people;
  5. as a media for aggregating and mobilising funds.
Regarding public participation in planning and budgeting in the regions, the following are several key laws regulating this matter: Law 17/2003 on State Finances; Law 25/2004 on the National Development Planning System; Law 32/2004 on Regional Governments; and Law 33/2004 on Fiscal Balance between Central Government and the Regional Governments.

The Drafting of the Joint Circular Letter
The first step taken to push the proposal for changes in the way planning forums are implemented was to form a small team. This team then prepared the first draft. Preparation of this first draft made reference to the initial proposal prepared by FPPM. This initial proposal was discussed in focus group discussions involving FPPM, representatives of the Directorate General for Regional Development in the Ministry of Home Affairs, Perform, GTZ and CIDA. After completing the initial draft, it was discussed at various national and regional meetings.

First, preparatory meeting. At this meeting, the directorate general of regional development invited relevant institutions at the national level, including the national development planning agency, to discuss the draft in a focus group discussion. *Second,* first national meeting, which involved government and CSOs from the regions. *Third*, regional meetings held in four locations in Java, Sumatra, Sulawesi and NTB-NTT. These meetings were attended by local and regional CSOs. *Fourth*, a second national meeting, at which papers were prepared.

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[45] *Ibid.*, pp 21-24.

The process took around four months in all, from September 2004 to the issue of the joint circular letter in January 2005. Throughout the process, the directorate general of regional development was very open to proposals for changes, as were regional government representatives attending the meetings. At the regional meetings, there was no opposition to the idea of strengthening public participation. Any objections that were raised came only from regional work units in some regions.

These meetings were dynamic. Public participation in regional work unit forums was welcomed by the regions. Also, a great deal of feedback was gathered to enrich the preliminary draft prepared by the drafting team. As an example, representatives of Bima district emphasised the importance of integrated planning and budgeting. There was also response to a proposal to have representation of poor groups in sub-district/wards delegations accommodated in the preliminary draft. Because of the difficulties envisaged in implementing this proposal, it was later dropped.

Concerning participants, the preliminary draft proposed a mechanism involving participants registering with a committee. This was intended to give people the opportunity to participate even if they did not hold a position in a wards or sub-district institution. Several regions commented that experience in several regions shows that people still lack enthusiasm about and understanding of participation, and so if this proposal were to be adopted, it may be that no one would register. So, a middle path would be to adopt a mechanism of invitations and registration.

The Network
As well as FPPM, the proposed joint circular letter also had the support of GTZ, Perform and the directorate general of regional development in the ministry of home affairs. GTZ and Perform are foreign donor programmes providing technical assistance to the government. Both have their secretariats in the directorate general of regional development in the ministry of home affairs. This facilitates direct coordination with the ministry, because meetings can be easily arranged. Perform provides in-kind funding support for the directorate general of regional development and Perform target regions. FPPM had Rp 400 million in back up from TIFA. The directorate general of regional development was responsible for invitations, and the individual regional government were responsible for accommodation and transport for their delegations.

Several GTZ and Perform consultants were also members of the FPPM steering committee, such as Susmant (GTZ SfDM) and Muhammad Najib (Perform Project). This intersection facilitated the network, especially in terms of communication of information and coordination, for example of the use of meeting rooms.

The relationship between FPPM and GTZ and Perform is mutually beneficial. Because of their position as providers of technical assistance to government, GTZ and Perform are not free to be radical in their criticism or comments to government. For this reason, both tend to take a supporting position. This 'shortcoming' was filled by FPPM, whose position as a CSO gave it more leeway.[46]

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[46] Strategic issues pursued by FPPM (2004-2005): 1) participatory planning and budgeting; 2) participatory natural resources management; 3) public participation in political institutions; 4) planning space for participation; 5) public services; 6) participation of women and marginal groups. Between 1999 and 2003 the focus was on villages.

The core team that prepared the original draft was made up of people from FPPM. Almost all organisation committee and steering committee in FPPM were involved in the process of pressing for the joint circular letter. The FPPM proposal was based on the experiences of forums, evaluation, and literature. FPPM activists have studied participatory planning in Brazil and the Philippines.

Breakthroughs from the Joint Circular Letter
The joint circular letter brought several breakthroughs. *First*, in substance, this joint circular letter makes a direct link between planning and budgeting. In the past, there was a gap between the planning and budgeting systems, with planning being spatial in nature and budgeting being a sectoral activity, carried out by regional work units. This affected planning outputs. That regional budgets do not reflect local aspirations has been a common complaint in the past.

The joint circular letter also contains a clearer definition of representation. Planning forums are public forums, in which there is clear-cut division between participants and resource persons. Representatives of district and municipal government are positioned as resource persons with no voting rights.

Second, institutional impacts. This joint circular letter says that planning forums decide not only on proposed programmes or activities, but also on the delegation that will represent the local people the next planning meeting. The have the task of 'fighting for' adoption of these proposed programmes or activities at the next level. The delegation consists of three to five people, who fulfil the criteria for the composition of wards and district delegations. One of these criteria is that there must be women's representation. In substance, this joint circular letter is pro women's representation.

Third, in terms of procedure, this joint circular letter establishes several provisions allowing for greater public participation. As an example, the joint circular letter says that the public must be informed of a planning forum at least seven days beforehand. Also, participants are not only those invited to represent RT/RW or other institutions in the wards/sub-district, but also individuals that have registered themselves. In addition, planning forums are now held much earlier in the year, starting in January.

The joint circular letter gives access to people to participate in regional work unit forums. Thus, it states that public participation is not limited to wards/sub-district planning forums, but that the public has the right to participate in regional work unit forums, through representation by a delegation chosen by the wards/sub-district planning forum. Access to these regional work unit forums is important, because as well as setting sector activity priorities, these forums also discuss budget allocations. In the past, the public had no access to these forums.

Planning Forums in Depok Municipality: A Case Study of Implementation of the Joint Circular Letter
FPPM acknowledges that it has not undertaken research or in-depth evaluation of the implementation and impacts of the adoption of this joint circular letter. FPPM hopes that

government will this, and at the same time revise any weaknesses it identifies. FPPM recognises that the joint circular letter itself has its weaknesses. As an example, the provision requiring that the public be informed of a planning forum at least 7 days beforehand. The letter makes no mention of what sanctions will be imposed for failing to do this. However, this joint circular letter is still being used without any revisions, and has not been replaced by a government regulation, legislation of higher standing.

As a case study of implementation of the joint circular letter, following are the findings obtained from implementation of planning forums at the wards and sub-district levels and from regional work unit forums in Depok municipality in early 2006.

Most of the resource persons interviewed recognised that there had been changes since this joint circular letter came into force. *First*, in terms of time. The planning and budgeting process for the coming year begins in the January of the current year. More time is available for people to make proposals and for revising plans. Wards planning forums were held in January and sub-district planning forums in February.

Second, there has been a significant improvement in transparency (information). Clearer information lets people understand the reason why not all proposals can be accommodated is that needs far outstrip capacity. According to Bappeda, to accommodate all of last year's proposals would have cost Rp 1.5 trillion, but the Depok budget is less than half that amount. And that includes routine expenditure such as wages and so on.

There were three main issues raised by the public: poverty, traffic jams, and garbage. The public was informed that in Depok municipality there are around 63 bottlenecks, so it is not possible to deal with them all at once. From this, the people understood that the bottlenecks in their area were not dealt with because there were other more important or strategic priorities that had to be dealt with first.

They also realised that the city administration has a policy of not using the city budget to fund activities below Rp 50 million. The municipal government expected these activities to be financed by local communities or by using wards funds. The people were also informed of the city's policy to prioritise activities that involve more than one ward. Development activities that impact on more than one ward are given priority over activities that impact on only one ward.

Third, the regional work unit forums are more open to public participation. Unfortunately, CSO monitoring reports indicate that delegations from several sub-districts did not attend the forums. This is important, bearing in mind that it is here the cutting of proposals made by the public begins. If a sub-district delegation fails to turn up, who will pursue the proposals mandated by the sub-district planning forum?

Several weaknesses were identified in implementation of planning forums in Depok municipality. *First*, some resource persons felt that there had been no fundamental change in the implementation of planning forums at the sub-district and wards level, in comparison with the significant changes in the legislation. There is a tendency to position planning forums as a mere

formality. This may be because there has yet to be a change in the perception of the public and government of public participation as nothing but an event.

Second, some organisers of planning forums felt the budget from Bappeda for implementing the forums was insufficient. What's more, the funds were disbursed after forums were held. This budget allocation is not sufficient for intensive socialisation or to promote greater public participation.

Third, resource persons from regional work units did not participate fully in planning forums, when in fact they should be more active in monitoring these forums so that they are able to design programmes that meet people's needs and aspirations. If this monitoring were properly performed, complaints from the public about the gap between proposals made by the public and the programmes formulated by the city could be minimised.

Fourth, socialisation of the implementation of planning forums is inadequate, which in practice means that perceptions differ. For example the regional work units' perception of the regional work unit forums. Some continue to regard these as forums for presenting programme plans, so people's aspirations presented by the delegations are not accommodated. Sub-districts get information about upcoming planning forums at meetings convened by Bappeda.

The sub-districts, wards and the public did not read the actual joint circular letter, but learned of it from guidelines and manuals prepared by Bappeda. As a result, there are some provisions of which they are not aware. The lack of socialisation meant that the public were not fully aware of their rights to participate in local planning and budgeting. Judging from the planning forums in wards and sub-districts of Depok municipality monitored by NGOs, it can be concluded that the mechanism of voluntary registration of planning forum participants is not operating effectively.

Fifth, there are no regulations concerning planning mechanisms at the level below wards. It was found that some RT (neigborhood association) prepared proposals when the wards planning forum was underway. *Sixth*, the lack of evaluation of the previous year's programme implementation, despite this being required by the joint circular letter. *Seventh*, public announcement of planning forums was often made less than seven days beforehand, although the joint circular letter requires that this be done at least seven days beforehand.

The proposers realised from the start that the changes established in the joint circular letter would not automatically solve all the problems. Even when the letter was being drafted, obstacles were envisaged in the implementation of this new law on planning forums, including:
   1. The time constraint. The joint circular letter was issued in January 2005, even though preparation of the first draft budgets for 2006 had already started that month.
   2. The perception that public participation is an event. If they have participated in planning forums, villages/wards/sub-districts and the public feel that they 'done' their participation. Government has more or less the same perception.
   3. A gap between proposed programmes/activities from the public and local budget capacity.
   4. The capacity of CSOs and government in motivating support for the joint circular letter.

These 'concerns' were based on past planning and budgeting experiences. A study done by GTZ (2003) while supporting participatory planning and budgeting processes in Bima, Alor and Sumba Timur districts, indicates that participatory planning and budgeting practices continue to face some constraints, as follows:[47]

1. The number of programmes proposed in participatory planning processes exceeds budget estimates, and for this reason many proposed programmes are not funded.
2. Programmes proposed in participatory planning are micro programmes. There is no conversion of micro programmes into more strategic proposals.
3. Planning processes focus on technical activities, i.e. the filling in of forms. As a result, there is no substantive discussion among participants.
4. Many local government agencies do not participate in sub-district planning forums.
5. Because they do not attend sub-district planning forums, sectors tend to base their annual planning and budgeting on top-down work plans of local government agencies.
6. Information, monitoring and evaluation at the community level do not function. This is due to a lack of instruments and the political will to undertake this process.
7. As a result, only around 20-25% of public spending is attributed to proposals processed through participatory planning.

CONCLUSION
The proposed change in technical guidelines for implementation of planning forums came out of concerns about the fundamental weaknesses of regulations concerning public participation in planning and budgeting. The aim of the proposal initiated by FPPM was to realise planning and budgeting processes that genuinely accommodated public interests and needs. This proposal then won support from GTZ, Perform, and the directorate general of regional development in the ministry of home affairs.

One factor in the success of the network was the interaction between network members. Several GTZ and Perform consultants are also members of the FPPM steering committee, including Susmanto (GTZ SfDM) and Muhammad Najib (Perform Project). This facilitated the network in the exchange of information and coordination. The relationship between FPPM and GTZ and Perform was mutually beneficial. FPPM focused on substance, while GTZ and Perform provided support, including funding support. The first draft was prepared by a small team and then presented at national and regional meetings.

The joint circular letter brought several breakthroughs. *First*, in substance, this joint circular letter makes a direct link between planning and budgeting. The joint circular letter also contains a clearer definition of representation. Planning forums are public forums, in which there is clear-cut division between participants and resource persons.
Second, planning forums decide not only on proposed programmes or activities, but also on the delegation that will represent the local people the next planning meeting. *Third*, in terms of procedure, this joint circular letter establishes several provisions allowing for greater public participation, including earlier scheduling of planning forums, announcement of the date of the planning forum, and public access to regional work unit forums through elected delegations.

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[47] As quoted in Suhirman, *Kerangka Hukum dan Kebijakan..., op cit.*, p 30.

Based on study of its content and evaluation of resource persons in terms of substance, procedure and structure, the joint circular letter on planning forums has brought very significant changes for the better. However, in practice, implementation of these changes is obstructed by the entrenched ideas of the public and of government. This is a major obstacle to realising participatory planning and budgeting.

ANNEX 4 – Corporate Social Responsibility Study

Overview of the Research Unit

This research takes five foundations as the unit of research that will explore the degree of corporate responsibility within these foundations. One foundation, Unilever, did not respond to this research.

a. **Coca Cola Foundation Indonesia (CCFI)**

Coca Cola Foundation Indonesia (CCFI) was established by PT. Coca Cola Indonesia and PT. Coca Cola Bottling Indonesia on 8th August 2000. CCFI's vision is to raise the quality of education and human resources in Indonesia in the interests of social welfare and community development.

CCFI's goal is to help provide learning opportunities for Indonesian children and youth to enable them to become broad-minded and productive citizens. In achieving its goal, CCFI develops programmes with a focus on education that is relevant to local needs, empowering and sustainable, through a series of programmes to facilitate alternative learning facilities that accommodate the education needs of both children in school and children who have dropped out of school.

To achieve this goal, CCFI adopts a three-pronged strategy of facilities, materials and skills. Development of facilities – in this case libraries as learning centres – is core to the implementation of the other programmes, because they provide children a wealth of learning opportunities. CCFI programmes include: *a)* Community Learning Centre (CLC) programme, launched in 2000 to develop and strengthen libraries as learning centres for local communities by providing information and knowledge services and activities for children and young people; *b)* Children's story writing competitions, as a way of exploring potentials and preparing budding authors to write quality children's book. This programme received a 2003 Asian Corporate Social Responsibility award at the 2003 Asian CSR Awards, as runner up in the support for education category; *c)* Development of the handbook "*Perpustakaan Untuk Kita Semua*" ("Libraries for All"), which was published by UNESCO and distributed to libraries throughout Indonesia; *d)* Coca-Cola Micro Enterprise Development Programme, launched in July 2003, which consists of two main elements – technical assistance and support for micro enterprises, which receive full support from Coca-Cola for one year *e)* Support programmes such as digital divide, environmental and HIV/AIDS programmes.

b. **Yayasan Sampoerna (Sampoerna Foundation)**

Yayasan Sampoerna was established on March 1, 2001 as a non-profit organisation dedicated to the interests of the Indonesian people.

Aiming to raise the quality of education in Indonesia, Yayasan Sampoerna has provided scholarships to top students to enable them to continue their studies to a higher level. In keeping with its vision, the programme implemented by Yayasan Sampoerna is not just a scholarship programme, it also ensures that those who receive scholarships are individuals of integrity with a high degree of professionalism, who, it is hoped, will become this country's future leaders. Yayasan Sampoerna has awarded scholarships to 18,000 school pupils and

students throughout Indonesia, with full support from one of its largest donors, PT. HM Sampoerna, which contributes 2% of its net profit annually to the foundation.

C. **Yayasan Dharma Bhakti Astra (Dharma Bhakti Astra Foundation)**

Yayasan Dharma Bhakti Astra (YDBA) was established by PT Astra International in 1980 in realisation of Astra's commitment to and participation in programmes to strengthen small and medium enterprises and cooperatives, based on a government-launched national partnership programme, Astra's vision of "Prosperity for All", and the Astra philosophy of "Being of Benefit to Nation and State".

On this basis, Astra developed an integrated programme called the Astra Partnership Programme. The aim of this programme is to grow self-sufficient, modern, and strong small and medium enterprises and cooperatives, and to forge business partnerships between Astra units and small and medium enterprises and cooperatives. In implementing this programme, YDPA and companies in the Astra Group provide guidance, education and training in production, marketing, management and finance to small and medium enterprises and cooperatives throughout Indonesia.

D. **Yayasan Manulife Peduli (Manulife Peduli Foundation)**

Established in 1998, Yayasan Manulife Peduli or Manulife Care Foundation (MCF), which is under the coordination of the Marketing & Corporate Communications Department, has made contributions to society in the form of financial assistance and supply of volunteers in health and child education, aid for victims of natural disasters, provision of loans through credit groups and so on.

Yayasan Manulife's programmes include: a) Scholarship programme for target primary schools SDN Simpenan Manulife & SDN Pondok Tisuk, Sukabumi. MCF has awarded annual scholarships to 100 top performing pupils from poor families at these two schools. Following the tsunami, Manulife also developed two schools in Aceh, which are currently under construction. b) Foster Parents Programme: In collaboration with GN-OTA (National Foster Parents Programme), MCF runs a fundraising programme to help pay education costs by fostering around 200 pupils in deprived areas of Jakarta Utara and Bekasi. c) Public health support programme: annual blood donation activities, incidental activities, including provision of vitamins and weighing of more than 300 babies. D) Micro-credit programme: in collaboration with Private Enterprise Participation (PEP) and IWAPI, provides microcredit to women owners of small enterprises in several areas of Indonesia, including Jakarta, Jawa Barat, Surabaya and Semarang. This programme, which has been running since 2001, has extended credit of CAD$ 60,000.

Findings

A. Foundation structure and programmes

The field findings showed that most of the foundations have a fairly high degree of independence, which is evident from: **first**, the systems of accountability adopted by these foundations, which incorporate a form of evaluation by the company concerned. Each of the

foundations also has to make regular – annual and periodic – accountability reports to the company. Based on these accountability reports, the company will perform a series of evaluations of the foundation's management performance, to ascertain whether targets, based on the vision and mission of the foundation, have been achieved.

Second, policy decisions about the direction of the foundation: we found that the companies intervened very little in the decision making of the foundations. The greater degree of intervention by the company, the less independent a foundation is, and as a result the programmes run by the foundation tend to be in the interests of the company rather than oriented towards providing services to meet public needs. From data gathered in the field, it can be concluded that all the foundations have public service oriented programmes. But, further examination reveals that in addition programmes geared to providing services and raising the quality of people's lives, the foundations also run charitable and incidental programmes.

Third, the structure of the foundations within the companies. The position of the foundation within the company gave us an indication of the level of intervention by the company in the foundation and the degree of independence of the foundation. Of the four foundations researched, only two were an integral part of the corporate structure, one being under the public relations division and the other under the corporate communications division of the companies concerned. The other two foundations were independent of the corporate structure, and as legal entities in their own right were subsequently more independent and self-sufficient.

Fourth, The types of programmes run by the foundations. An increasing proportion of the foundations' programmes and activities are charitable or incidental, rather than being geared towards empowerment or change in society. This means that the majority of these foundations' activities or programmes are run in the interests of the company, with the aim of raising their corporate image in the eyes of the public.

Fifth, the location of the foundations. Sharing premises with the company could compromise the independence of the foundation. Foundations that have a greater degree of independence generally have their own offices in a separate location from the company, closer to the people they work with. Corporate intervention is higher in foundations that are located close to the company offices, or are a part of the corporate management structure.

B. The effect of tax on philanthropic activities

Field findings showed that the foundations perceived four reasons for income tax incentives for foundations or companies that undertake social/philanthropic activities. **First,** the foundations or companies perceive these tax deductions as crucial, and cite Law 38/1999 on management of charitable contributions, which states that income tax deductions will be given to individuals that make charitable contributions through charitable organisations officially appointed by government.

Second, in view of the above, for the private sector, the tax deductions received by those who have made charitable donations or undertaken philanthropic activities will mitigate the company's dual burden. It is perceived that having the opportunity to manage their own social

funds in the form of tax incentives will increase the participation of the company or foundation in the provision of social services to the public.

Third, some companies feel that making direct contributions to philanthropic activities is of far greater direct benefit to the public, especially to those genuinely in need, than handing over the money to the government in the form of taxes. **Fourth**, companies are concerned that the taxes they are required to pay to the state are not used wholly in the public interest.

C. Private Sector Support for CSOs

Field findings indicate a fairly high degree of CSO participation in the programmes run by corporate foundations. Not only are they involved in the implementation of activities and programmes, the companies and the foundations also involve CSOs from the planning through evaluation phases of the programmes/activities, and, in the case of several foundations, the ideas for developing the social activities/programmes they run came from CSOs, through mechanisms developed by the individual foundations.

According to the foundation managers, this policy was developed by the foundation as apart of the foundation's commitment to public participation in implementation of programmes/activities, to ensure that they are not simply the object of the activity, but the subject too. By involving the public in developing and planning activities, the programme/activity is expected to have more of a direct impact on the public, which is also indicated by a high level of public participation in programme implementation.

For reasons of accountability, the direct involvement of the public through CSOs is perceived by foundation managers as ensuring a high degree of public accountability in programme implementation, because the programmes/activities are not top down and policy on programme implementation is made and implemented entirely by the public.

D. CSO activities in promoting corporate accountability

Accountability is often equated with "integrity and openness", or a duty to be accountable or answerable to those entitled for the performance and conduct of an individual/legal entity/leadership of an organisation.[48]

With regard to the accountability of a corporate foundation, which is simply a legal entity in the form of a foundation, Law 16/2001 clearly establishes the rules for accountability as regards the organisational structure and division of power, system of remuneration and financing strategies, and the accountability of a non-profit organisation set up as a foundation. But within an organisation, accountability has much to do with the organisational structure of the organisation itself, which is exclusive to the organisation concerned and not for public consumption.

These two aspects are clearly in conflict, especially in the case of a corporate foundation, which is bound by a "duty to answer" to the public through a mechanism of democratic

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[48] Abidin, Hamid dkk., Kritik dan Otokritik LSM, *Membongkar kejujuran dan Keterbukaan LSM di Indonesia,* p. 56

accountability[49]. The result is a game of cat and mouse, in which democratic accountability is used as the benchmark for public accountability.[50]

This is the case with most foundations and corporate foundations: the accountability of most extends only to making financial and programme reports, but fails to touch on the matter of legitimacy, which encompasses participation, consultation, and evaluation and the process of democratisation within a foundation or corporate foundation.

The publication of annual reports and brief overviews of social activities and discussion of standard matters such as finances, programmes, and sources and uses of funds, along with vision and mission statements, by foundations on their websites has become the benchmark of public accountability.

As regards the role of CSOs, a cold war is being waged between the CSOs and the company or corporate foundation, in which the criticism of CSOs of corporate accountability is seen as a threat to the stability of relations between the two parties. Many CSOs also feel bound by the social assistance provided by the company or corporate foundation, and as a result most of them simply accept whatever kind of accountability the company or corporate foundation chooses to provide.

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[49] ibid, p 34
[50] ibid, p 37

ANNEX 5 – Media Analysis – "Report on Civil Society on the Media"

Introduction

Printed media reviewed conducted in a period started from 1 December 2005 to 28 February 2006 (90 days) and electronic media reviewed in a period started from 1 to 28 February 2006. There were five printed media that have been reviewed: *Kompas, Suara Pembaruan, Koran Tempo, Republika* and *Rakyat Merdeka* and four electronic media (television and radio): *SCTV* and *Metro TV, RRI* and *Radio 68H.*

Finding

FIGURE A5.1: Items on civil society on mass media

Quantity: The total items which has CSO news as its source was 3447. The total items in five mass media was 3052 (88.5%) and in four electronic media was 395 (11.5%). Thus, in five mass media, 34 items about CSO on average could be found every day while in those four electronic media, 14 items on average every day. The total of articles and letter from readers which were written by the actors of CSO was 325 in period of media review.

Source: CSI Media Review Indonesia, 2006

The Type of CSO: There were 17 type of CSO which contained in media mass items. The coverage about CSO was in form of direct or indirect quoting as news resource or merely as a participant in an activity. The majority of CSO that has been covered was advocacy NGO (851 times), followed by professional organisation (692 times) and religious organisation (446 items). The high coverage of advocacy NGO may related with the period of monitoring and celebration of one year of Tsunami in Nanggroe Aceh Darussalam Province, the spreading of porn action and pornography issues, the conflict of using residence house as a worship place. Within this period, there were a lot of CSO activities and comments addressed to act upon the slow reconstruction and rehabilitation and various national political conditions.

Social movement 150
CSO networks/federations/support organisations 173
Grant-making foundation 62
Recreation and sport organisations 324
Culture and arts CSOs 13
Environmental NGOs 131
Ethnic/traditional associations 68
Community based organisations, self-help groups 28
Professional organisations 692
Marginalised groups 30
Student and youth associations 252
Women organisations 19
Think thank 294
Development NGOs 102
Advocacy NGOs 85?
Labour Unions 70
Faith-based organisations 446

0   100   200   300   400   500   600   700   800   9

Source: IMS Media Review Indonesia, 2006

The Description by Mass Media:
The most common form of item which contained CSO was in form of news. The most frequent news about CSO was in form of hardnews or straightnews both in mass media and electronic media. The media tend to put in front the actuality aspect rather than the problem exploration aspect when quoting CSO news' resource. The appearance of CSO news' resource prone to be presented in form of "talking journalism." In media presentation, CSO often present as a party that is reacted to Government policies, or involved in long debate with government officials therefore a fact needed to be evaluated. There were two possibilities: *first*, CSO always presents with statements, nor data or comprehensive analysis; *second*, CSO has presented with data or comprehensive analysis but the media only quoted some part of it in order to adjust with the format of media coverage which is hardnews or straightnews.

Feature 5.3: Frequency of type of items on mass media

News 3255
Feature 161
Interview 31

Conclusion: There were some aspects that explained the high coverage of CSO in media. First, since 1998 we have entered the era of freedom of press. The freedom of press institutionalization reached its peak on Law Number 40 year 1999 on Press. Thus, the era of state control to press has ended and media is open to all elements of society involvement. Second, media coverage is the most effective space namely as public space or space between politic. This happened because the public space non media was not developed or unable to create public pressure effect as media mass succeeded. Third, the groups of civil society were very depending on media coverage for campaigning their agendas as well as criticising and pressuring authorities. There were few alternative ways for CSO to campaign their reform agendas.

ANNEX 6 – The CSI Scoring Matrix

1. STRUCTURE

Indicator	DESCRIPTION	Score 0	Score 1	Score 2	Score 3
1.1. Breadth of citizen participation	**How widespread is citizen involvement in civil society? What proportion of citizens engage in civil society activities?**				
1.1.1. Non-partisan political action	What percentage of people have ever undertaken any form of non-partisan political action (e.g. written a letter to a newspaper, signed a petition, attended a demonstration)?	A very small minority (less than 10%).	A minority (10% to 30%).	A significant proportion (31% to 65%).	A large majority (more than 65%).
1.1.2 Charitable giving	What percentage of people donate to charity on a regular basis?	A very small minority (less than 10%).	A minority (10% to 30%).	A significant proportion (31% to 65%).	A large majority (more than 65%).
1.1.3 CSO membership	What percentage of people belong to at least one CSO?	A small minority (less than 30%).	A minority (30% to 50%).	A majority (51% to 65%).	A large majority (more than 65%).
1.1.4 Volunteering	What percentage of people undertake volunteer work on a regular basis (at least once a year)?	A very small minority (less than 10%).	A small minority (10% to 30%).	A minority (31% to 50%).	A majority (more than 50%).
1.1.5 Collective community action	What percentage of people have participated in a collective community action within the last year (e.g. attended a community meeting, participated in a community-organised event or a collective effort to solve a community problem)?	A small minority (less than 30%).	A minority (30% -50%)	A majority (51% to 65%).	A large majority (more than 65%)
1.2. Depth of citizen participation	**How deep/meaningful is citizen participation in CS? How frequently/extensively do people engage in CS activities?**				
1 2.1 Charitable giving	How much (i.e. what percentage of personal income) do people who give to charity on a regular basis donate, on average, per year?	Less than 1%	1% to 2%	2.1% to 3%	More than 3%
1.2.2 Volunteering	How many hours per month, on average, do volunteers devote to volunteer work?	Less than 2 hours	2 to 5 hours	5.1 to 8 hours	More than 8 hours.
1.2.3 CSO membership	What percentage of CSO members belong to more than one CSO?	A small minority (less than 30%)	A minority (30% to 50%)	A majority (51% to 65%)	A large majority (more than 65%)

Indicator	DESCRIPTION	Score 0	Score 1	Score 2	Score 3
1.3. Diversity of civil society participants	**How diverse/representative is the civil society arena? Do all social groups participate equitably in civil society? Are any groups dominant or excluded?**				
1.3.1 CSO membership	To what extent do CSOs represent all significant social groups (e.g. women, rural dwellers, poor people, and minorities)?	Significant social groups are absent / excluded from CSOs.	Significant social groups are largely absent from CSOs	Significant social groups are under-represented in CSOs.	CSOs equitably represent all social groups. No group is noticeably under-represented.
1.3.2 CSO leadership	To what extent is there diversity in CSO leadership? To what extent does CSO leadership represent all significant social groups (e.g. women, rural dwellers, poor people, and minorities)?	Significant social groups are absent / excluded from CSO leadership roles.	Significant social groups are largely absent from CSO leadership roles	Significant social groups are under-represented in CSO leadership roles.	CSO leadership equitably represents all social groups. No group is noticeably under-represented.
1.3.3 Distribution of CSOs	How are CSOs distributed throughout the country?	CSOs are highly concentrated in the major urban centres.	CSOs are largely concentrated in urban areas.	CSOs are present in all but the most remote areas of the country.	CSOs are present in all areas of the country.
1.4. Level of organisation	**How well-organised is civil society? What kind of infrastructure exists for civil society?**				
1.4.1 Existence of CSO umbrella bodies	What percentage of CSOs belong to a federation or umbrella body of related organisations?	A small minority (less than 30%)	A minority (30% to 50%)	A majority (51% to 70%)	A large majority (more than 70%)
1.4.2 Effectiveness of CSO umbrella bodies	How effective do CSO stakeholders judge existing federations or umbrella bodies to be in achieving their defined goals?	Completely ineffective (or non-existent).	Largely ineffective.	Somewhat effective.	Effective.
1.4.3 Self-regulation	Are there efforts among CSOs to self-regulate? How effective and enforceable are existing self-regulatory mechanisms? What percentage of CSOs abide by a collective code of conduct (or some other form of self-regulation)?	There are no efforts among CSOs to self-regulate.	Preliminary efforts have been to self-regulate but only a small minority of CSOs are involved and impact is extremely limited.	Some mechanisms for CSO self-regulation are in place but only some sectors of CSOs are involved and there is no effective method of enforcement. As a result, impact is limited.	Mechanisms for CSO self-regulation are in place and function quite effectively. A discernible impact on CSO behaviour can be detected.
1.4.4 Support infrastructure	What is the level of support infrastructure for civil society? How many civil society support organisations exist in the country? Are they	There is no support infrastructure for civil society.	There is very limited infrastructure for civil society.	Support infrastructure exists for some sectors of civil society and is expanding.	There is a well-developed support infrastructure for civil society.

Indicator	DESCRIPTION	Score 0	Score 1	Score 2	Score 3
	effective?				
1.4.5 International linkages	What proportion of CSOs have international linkages (e.g. are members of international networks, participate in global events)?	Only a handful of "elite" CSOs have international linkages.	A limited number of (mainly national-level) CSOs have international linkages.	A moderate number of (mainly national-level) CSOs have international linkages.	A significant number of CSOs from different sectors and different levels (grassroots to national) have international linkages.
1.5. Inter-relations	**How strong/productive are relations among civil society actors?**				
1.5.1 Communication	What is the extent of communication between CS actors?	Very little	Limited	Moderate	Significant
1.5.2 Cooperation	How much do CS actors cooperate with each other on issues of common concern? Can examples of cross-sectoral CSO alliances/coalitions (around a specific issue or common concern) be identified?	CS actors do not cooperate with each other on issues of common concern. No examples of cross-sectoral CSO alliances/coalitions can be identified / detected.	It is very rare that CS actors cooperate with each other on issues of common concern. Very few examples of cross-sectoral CSO alliances / coalitions can be identified / detected.	CS actors on occasion cooperate with each other on issues of common concern. Some examples of cross-sectoral CSO alliances / coalitions can be identified / detected.	CS actors regularly cooperate with each other on issues of common concern. Numerous examples of cross-sectoral CSO alliances / coalitions can be identified / detected.
1.6. Resources	**To what extent do CSOs have adequate resources to achieve their goals?**				
1.6.1 Resources	How adequate is the level of financial, human and/or technological resources for CSOs? How adequate is the CS' stakeholders assess them?	On average, CSOs suffer from a serious resource problem.	On average, CSOs have inadequate resources to achieve their goals.	On average, CSOs have most of the resources they require to achieve their defined goals.	On average, CSOs have an adequate and secure resource base.
1.6.2 Capability to entrench resources	How adequate is the level of CSOs to reserve resources they require to achive their defined goals?	Very weak.	Weak.	Strong.	Very strong.

2. ENVIRONMENT

Indicator	DESCRIPTION	Score 0	Score 1	Score 2	Score 3
2.1. Political context	**What is the political situation in the country and its impact on civil society?**				
2.1.1. Political rights	How strong are the restrictions on citizens' political rights (e.g. to participate freely in political processes, elect political leaders through free and fair elections, freely organise in political parties)?	There are severe restrictions on the political rights of citizens. Citizens cannot participate in political processes.	There are some restrictions on the political rights of citizens and their participation in political processes.	Citizens are endowed with substantial political rights and meaningful opportunities for political participation. There are minor and isolated restrictions on the full freedom of citizens' political rights and their participation in political processes.	People have the full freedom and choice to exercise their political rights and meaningfully participate in political processes.
2.1.2 Political competition	What are the main characteristics of the party system in terms of number of parties, ideological spectrum, institutionalisation and party competition?	Single party system.	Small number of parties based on personalism, clientelism or appealing to identity politics.	Multiple parties, but weakly institutionalised and / or lacking ideological distinction	Robust, multi-party competition with well-institutionalised and ideologically diverse parties.
2.1.3. Rule of law	To what extent is the rule of law entrenched in the country?	There is general disregard for the law by citizens and the state.	There is low confidence in and frequent violations of the law by citizens and the state.	There is a moderate level of confidence in the law. Violations of the law by citizens and the state are not uncommon.	Society is governed by fair and predictable rules, which are generally abided by.
2.1.4. Corruption	What is the level of perceived corruption in the public sector?	High	Substantial	Moderate	Low
2.1.5. State effectiveness	To what extent is the state able to fulfil its defined functions?	The state bureaucracy has collapsed or is entirely ineffective (e.g. due to political, economic or social crisis).	The capacity of the state bureaucracy is extremely limited.	State bureaucracy is functional but perceived as incompetent and / or non-responsive.	State bureaucracy is fully functional and perceived to work in the public's interests.
2.1.6. Decentrali-sation	To what extent is government expenditure devolved to sub-national authorities?	Sub-national share of government expenditure is less than 20.0%.	Sub-national share of government expenditure is between 20.0% and 34.9%.	Sub-national share of government expenditure is between 35.0% than 49.9%.	Sub-national share of government expenditure is more than 49.9%.
2.2. Basic freedoms & rights	**To what extent are basic freedoms ensured by law and in practice?**				
2.2.1. Civil liberties	To what extent are civil liberties (e.g. freedom of expression, association, assembly) ensured by law and in practice?	Civil liberties are systematically violated.	There are frequent violations of civil liberties.	There are isolated or occasional violations of civil liberties.	Civil liberties are fully ensured by law and in practice.
2.2.2. Information	To what extent is public	No laws	Citizen access	Legislation regarding	Government

Indicator	DESCRIPTION	Score 0	Score 1	Score 2	Score 3
rights	access to information guaranteed by law? How accessible are government documents to the public?	guarantee information rights. Citizen access to government documents is extremely limited.	to government documents is limited but expanding.	public access to information is in place, but in practice, it is difficult to obtain government documents.	documents are broadly and easily accessible to the public.
2.2.3. Press freedoms	To what extent are press freedoms ensured by law and in practice*?*	Press freedoms are systematically violated.	There are frequent violations of press freedoms.	There are isolated violations of press freedoms.	Freedom of the press is fully ensured by law and in practice.
2.3. Socio-economic context	**What is the socio-economic situation in the country and its impact on civil society?**				
2.3.1. Socio-economic context	How much do socio-economic conditions in the country represent a barrier to the effective functioning of civil society? There are present the following conditions: 1. Widespread poverty (e.g. more than 40% of people live on $2 per day) 2. Civil war (armed conflict in last 5 years) 3. Severe ethnic and/or religious conflict 4. Severe economic crisis (e.g. external debt is more than GNP) 5. Severe social crisis (over last 2 years) 6. Severe socio-economic inequities (Gini coefficient > 0.4) 7. Pervasive adult illiteracy (over 40%) 8. Lack of IT infrastructure (i.e. less than 5 hosts per 10.000 inhabitants)	Social & economic conditions represent a serious barrier to the effective functioning of civil society. More than five of the conditions are present.	Social & economic conditions significantly limit the effective functioning of civil society. Three, four or five of the conditions indicated are present.	Social & economic conditions somewhat limit the effective functioning of civil society. One or two of the conditions indicated are present.	Social & economic conditions do not represent a barrier to the effective functioning of civil society. None of the conditions indicated is present.
2.4. Socio-cultural context	**To what extent are socio-cultural norms and attitudes conducive or detrimental to civil society?**				
2.4.1. Trust	How much do members of society trust one another?	Relationships among members of society are characterised by mistrust (e.g. less than 10% of people score	There is widespread mistrust among members of society. (e.g. 10% to 30% of people score on the WVS trust	There is a moderate level of trust among members of society. (e.g. 31% to 50% of people score on the WVS trust indicator).	There is a high level of trust among members of society (e.g. more than 50% of people score on the WVS trust indicator).

141

Indicator	DESCRIPTION	Score 0	Score 1	Score 2	Score 3
		on the World Value Survey (WVS) trust indicator).	indicator).		
2.4.2. Tolerance	How tolerant are members of society?	Society is characterised by widespread intolerance (e.g. average score on WVS-derived tolerance indicator is 3.0 or higher).	Society is characterised by a low level of tolerance (e.g. indicator between 2.0 and 2.9).	Society is characterised by a moderate level of tolerance (e.g. indicator between 1.0 and 1.9).	Society is characterised by a high level of tolerance (e.g. indicator less than 1.0).
2.4.3. Public spiritedness	How strong is the sense of public spiritedness among members of society?	Very low level of public spiritedness in society (e.g. average score on WVS-derived public spiritedness indicator is more than 3.5)	Low level of public spiritedness (e.g. indicator between 2.6 and 3.5)	Moderate level of public spiritedness (e.g. indicator between 1.5 and 2.5)	High level of public spiritedness. (e.g. indicator less than 1.5)
2.5. Legal environment	**To what extent is the existing legal environment enabling or disabling to civil society?**				
2.5.1. CSO registration	How supportive is the CSO registration process? Is the process (1) simple, (2) quick, (3) inexpensive, (4) Following legal provisions (5) consistently applied?	The CSO registration process is not supportive at all. Four or five of the quality characteristics are absent.	The CSO registration is not very supportive Two or three quality characteristics are absent	The CSO registration process can be judged as relatively supportive. One quality characteristic is absent.	The CSO registration process is supportive. None of the quality characteristics is absent.
2.5.2. Allowable advocacy activities	To what extent are CSOs free to engage in advocacy / criticise government?	CSOs are not allowed to engage in advocacy or criticise the government.	There are excessive and / or vaguely defined constraints on advocacy activities.	Constraints on CSOs' advocacy activities are minimal and clearly defined, such as prohibitions on political campaigning.	CSOs are permitted to freely engage in advocacy and criticism of government.
2.5.3. Tax laws favourable to CSOs	How favourable is the tax system to CSOs? How narrow/broad is the range of CSOs that are eligible for tax exemptions, if any? How significant are these exemptions?	The tax system impedes CSOs. No tax exemption or preference of any kind is available for CSOs.	The tax system is burdensome to CSOs. Tax exemptions or preferences are available only for a narrow range of CSOs (e.g. humanitarian organisations)	The tax system contains some incentives favouring CSOs. Only a narrow range of CSOs is excluded from tax exemptions or preferences and/or. exemptions or preferences are available from some taxes and some activities.	The tax system provides favourable treatment for CSOs. Exemptions or preferences are available from a range of taxes and for a range of activities, limited

Indicator	DESCRIPTION	Score 0	Score 1	Score 2	Score 3
			or for limited sources of income (e.g., grants or donations).		only in appropriate circumstances.
2.5.4. Tax benefits for philanthropy	How broadly available are tax deductions or credits, or other tax benefits, to encourage individual and corporate giving?	No tax benefits are available (to individuals or corporations) for charitable giving.	Tax benefits are available for a very limited set of purposes or types of organisations.	Tax benefits are available for a fairly broad set of purposes or types of organisations.	Significant tax benefits are available for a broad set of purposes or types of organisations.
2.6. State-civil society relations	**What is the nature and quality of relations between civil society and the state?**				
2.6.1. Autonomy	To what extent can civil society exist and function independently of the state? To what extent are CSOs free to operate without excessive government interference? Is government oversight reasonably designed and limited to protect legitimate public interests?	The state controls civil society.	CSOs are subject to frequent unwarranted interference in their operations.	The state accepts the existence of an independent civil society but CSOs are subject to occasional unwarranted government interference.	CSOs operate freely. They are subject only to reasonable oversight linked to clear and legitimate public interests.
2.6.2. Dialogue	To what extent does the state dialogue with civil society? How inclusive and institutionalized are the terms and rules of engagement, if they exist?	There is no meaningful dialogue between civil society and the state.	The state only seeks to dialogue with a small sub-set of CSOs on an ad hoc basis.	The state dialogues with a relatively broad range of CSOs but on a largely ad hoc basis.	Mechanisms are in place to facilitate systematic dialogue between the state and a broad and diverse range of CSOs.
2.6.3 Cooperation / support	How narrow/broad is the range of CSOs that receive state resources (in the form of grants, contracts, etc.)?	The level of state resources channelled through CSOs is insignificant.	Only a very limited range of CSOs receives state resources.	A moderate range of CSOs receives state resources.	The state channels significant resources to a large range of CSOs.
2.7. Private sector-civil society relations	**What is the nature and quality of relations between civil society and the private sector?**				
2.7.1. Private sector attitude	What is the general attitude of the private sector towards civil society actors?	Generally hostile	Generally indifferent	Generally positive	Generally supportive
2.7.2 Corporate social responsibility	How developed are notions and actions of corporate social responsibility?	Major companies show no concern about the social and environmental impacts of their operations.	Major companies pay lip service to notions of corporate social responsibility. However, in their operations they frequently	Major companies are beginning to take the potential negative social and environmental impacts of their operations into account.	Major companies take effective measures to protect against negative social and environmental impacts.

Indicator	DESCRIPTION	Score 0	Score 1	Score 2	Score 3
			disregard negative social and environmental impacts.		
2.7.3. Corporate philanthropy	How narrow/broad is the range of CSOs that receive support from the private sector?	Corporate philanthropy is insignificant.	Only a very limited range of CSOs receives funding from the private sector.	A moderate range of CSOs receives funding from the private sector.	The private sector channels resources to a large range of CSOs.

3. VALUES

Indicator	DESCRIPTION	Score 0	Score 1	Score 2	Score 3
3.1. Democracy	To what extent do civil society actors practice and promote democracy?				
3.1.1 Democratic practices within CSOs	To what extent do CSOs practice internal democracy? How much control do members have over decision-making? Are leaders selected through democratic elections?	A large majority (i.e. more than 75%) of CSOs do not practice internal democracy (e.g. members have little / no control over decision-making, CSOs are characterised by patronage, nepotism).	A majority of CSOs (i.e. more than 50%) do not practice internal democracy (e.g. members have little/no control over decision-making, CSOs are characterised by patronage, nepotism).	A majority of CSOs (i.e. more than 50%) practice internal democracy (e.g. members have significant control over decision-making; leaders are selected through democratic elections).	A large majority of CSOs (i.e. more than 75%) practice internal democracy (e.g. members have significant control over decision-making; leaders are selected through democratic elections).
3.1.2 CS actions to promote democracy	How much does CS actively promote democracy at a societal level?	No active role. No CS activity of any consequence in this area can be detected.	Only a few CS activities in this area can be detected. Their visibility is low and these issues are not attributed much importance by CS as a whole.	A number of CS activities can be detected. Broad-based support and / or public visibility of such initiatives, however, are lacking.	CS is a driving force in promoting a democratic society. CS activities in this area enjoy broad-based support and/or strong public visibility.
3.2. Transparency	To what extent do civil society actors practice and promote transparency?				
3.2.1 Corruption within civil society	How widespread is corruption within CS?	Instances of corrupt behaviour within CS are very frequent.	Instances of corrupt behaviour within CS are frequent.	There are occasional instances of corrupt behaviour within CS.	Instances of corrupt behaviour within CS are very rare.
3.2.2 Financial transparency of CSOs	How many CSOs are financially transparent? What percentage of CSOs make their financial accounts publicly available?	A small minority of CSOs (less than 30%) make their financial accounts publicly available.	A minority of CSOs (30% -50%) make their financial accounts publicly available.	A small majority of CSOs (51% -65%) make their financial accounts publicly available.	A large majority of CSOs (more than 65%) make their financial accounts publicly available.
3.2.3 CS actions to promote transparency	How much does CS actively promote government and corporate transparency?	No active role. No CS activity of any consequence in this area can be detected.	Only a few CS activities in this area can be detected. Their visibility is low and these issues are not attributed much importance by CS as a whole.	A number of CS activities in this area can be detected. Broad-based support and/or public visibility of such initiatives, however, are lacking.	CS is a driving force in demanding government and corporate transparency. CS activities in this area enjoy broad-based support and / or strong public visibility.
3.3. Tolerance	To what extent do civil society actors and organisations practice and promote tolerance?				
3.3.1 Tolerance within the CS arena	To what extent is CS a tolerant arena?	CS is dominated by intolerant forces. The expression of only a narrow sub-set of views is	Significant forces within civil society do not tolerate others' views without	There are some intolerant forces within civil society, but they are isolated from civil society at	Civil society is an open arena where the expression of *all* viewpoints is actively

Indicator	DESCRIPTION	Score 0	Score 1	Score 2	Score 3
		tolerated.	encountering protest from civil society at large.	large.	encouraged. Intolerant behaviour are strongly denounced by civil society at large.
3.3.2 CS actions to promote tolerance	How much does CS actively promote tolerance at a societal level?	No active role. No CS activity of any consequence in this area can be detected.	Only a few CS activities in this area can be detected. Their visibility is low and these issues are not attributed much importance by CS as a whole.	A number of CS activities in this area can be detected. Broad-based support and/or public visibility of such initiatives, however, are lacking.	CS is a driving force in promoting a tolerant society. CS activities in this area enjoy broad-based support and / or strong public visibility.
3.4. Non-violence	**To what extent do civil society actors practice and promote non-violence?**				
3.4.1 Non-violence within the CS arena	How widespread is the use of violent means (such as damage to property or personal violence) among CS actors to express their interests in the public sphere?	Significant mass-based groups within CS use violence as the primary means of expressing their interests.	Some isolated groups within CS regularly use violence to express their interests without encountering protest from civil society at large.	Some isolated groups within CS occasionally resort to violent actions, but are broadly denounced by CS at large.	There is a high level of consensus within CS regarding the principle of non-violence. Acts of violence by CS actors are extremely rare and strongly denounced.
3.4.2 CS actions to promote non-violence and peace	How much does CS actively promote a non-violent society? For example, how much does civil society support the non-violent resolution of social conflicts and peace? Address issues of violence against women, child abuse, violence among youths etc.?	No active role. No CS activity of any consequence in this area can be detected. Some CS actions actually contribute to societal violence.	Only a few CS activities in this area can be detected. Their visibility is low and these issues are not attributed much importance by CS as a whole.	A number of CS activities in this area can be detected. Broad-based support and / or public visibility of such initiatives, however, are lacking.	CS is a driving force in promoting a non-violent society. CS actions in this area enjoy broad-based support and/or strong public visibility
3.5. Gender equity	**To what extent do civil society actors practice and promote gender equity?**				
3.5.1 Gender equity within the CS arena	To what extent is civil society a gender equitable arena?	Women are excluded from civil society leadership roles.	Women are largely absent from civil society leadership roles.	Women are under-represented in civil society leadership positions.	Women are equitably represented as leaders and members of CS.
3.5.2 Gender equitable practices within CSOs	How much do CSOs practice gender equity? What percentage of CSOs with paid employees have policies in place to ensure gender equity?	A small minority (less than 20%).	A minority (20%-50%)	A small majority (51% - 65%)	A large majority (more than 65%)

Indicator	DESCRIPTION	Score 0	Score 1	Score 2	Score 3
3.5.3 CS actions to promote gender equity	How much does CS actively promote gender equity at the societal level?	No active role. No CS activity of any consequence in this area can be detected. Some CS actions actually contribute to gender inequity.	Only a few CS activities in this area can be detected. Their visibility is low and these issues are not attributed much importance by CS as a whole.	A number of CS activities in this area can be detected. Broad-based support and / or public visibility of such initiatives, however, are lacking.	CS is a driving force in promoting a gender equitable society. CS activities in this area enjoy broad-based support and/or strong public visibility.
3.6. Poverty eradication	**To what extent do civil society actors promote poverty eradication?**				
3.6.1 CS actions to eradicate poverty	To what extent does CS actively seek to eradicate poverty?	No active role. No CS activity of any consequence in this area can be detected. Some CS actions serve to sustain existing economic inequities.	Only a few CS activities in this area can be detected. Their visibility is low and these issues are not attributed much importance by CS as a whole.	A number of CS activities in this area can be detected. Broad-based support and / or public visibility of such initiatives, however, are lacking.	CS is a driving force in the struggle to eradicate poverty. CS activities in this area enjoy broad-based support and / or strong public visibility.
3.7. Environmental sustainability	**To what extent do civil society actors practice and promote environmental sustainability?**				
3.7.1 CS actions to sustain the environment	How much does CS actively seek to sustain the environment?	No active role. No CS activity of any consequence in this area can be detected. Some CS actions serve to reinforce unsustainable practices.	Only a few CS activities in this area can be detected. Their visibility is low and these issues are not attributed much importance by CS as a whole.	A number of CS activities in this area can be detected. Broad-based support and / or public visibility of such initiatives, however, are lacking.	CS is a driving force in protecting the environment. CS activities in this area enjoy broad-based support and/or strong public visibility.

4. IMPACT

Indicator	DESCRIPTION	Score 0	Score 1	Score 2	Score 3
4.1. Influencing public policy	**How active and successful is civil society in influencing public policy?**				
4.1.1. Human Rights Policy Impact Case Studies	How active and successful is civil society in influencing public policy?	No CS activity of any consequence in this area can be detected.	CS activity in this area is very limited and there is no discernible impact.	Civil society is active in this area, but impact is limited.	Civil society plays an important role. Examples of significant success / impact can be detected.
4.1.2. Social Policy Impact Case Studies	How active and successful is civil society in influencing public policy?	No CS activity of any consequence in this area can be detected.	CS activity in this area is very limited and there is no discernible impact.	Civil society is active in this area, but impact is limited.	Civil society plays an important role. Examples of significant success / impact can be detected.
4.1.3. Civil Society's Impact on National Budgeting process Case Study	How active and successful is civil society in influencing the overall national budgeting process?	No CS activity of any consequence in this area can be detected.	CS activity in this area is very limited and focused only on specific budget components.	Civil society is active in the overall budgeting process, but impact is limited.	Civil society plays an important role in the overall budgeting process. Examples of significant success/impact can be detected.
4.2. Holding state & private corporations accountable	**How active and successful is civil society in holding the state and private corporations accountable?**				
4.2.1. Holding state accountable	How active and successful is civil society in monitoring state performance and holding the state accountable?	No CS activity of any consequence in this area can be detected.	CS activity in this area is very limited and there is no discernible impact.	Civil society is active in this area, but impact is limited.	Civil society plays an important role. Examples of significant success / impact can be detected.
4.2.2. Holding private corporations accountable	How active and successful is civil society in holding private corporations accountable?	No CS activity of any consequence in this area can be detected.	CS activity in this area is very limited and there is no discernible impact.	Civil society is active in this area, but impact is limited.	Civil society plays an important role. Examples of significant success / impact can be detected.
4.3. Responding to social interests	**How much are civil society actors responding to social interests?**				
4.3.1 Responsiveness	How effectively do civil society actors respond to priority social concerns?	Civil society actors are out of touch with the crucial concerns of the population.	There are frequent examples of crucial social concerns that did not find a voice among existing civil society actors.	There are isolated examples of crucial social concerns that did not find a voice among existing civil society actors.	Civil society actors are very effective in taking up the crucial concerns of the population.
4.3.2 Public Trust	What percentage of the population has trust in civil society actors?	A small minority (< 25%)	A large minority (25% - 50%)	A small majority (51% – 75%)	A large majority (> 75%)
4.4. Empower-ing citizens	**How active and successful is civil society in empowering citizens, especially traditionally marginalised groups, to shape decisions that affect their lives?**				

Indicator	DESCRIPTION	Score 0	Score 1	Score 2	Score 3
4.4.1 Informing/ educating citizens	How active and successful is civil society in informing and educating citizens on public issues?	No CS activity of any consequence in this area can be detected.	CS activity in this area is very limited and there is no discernible impact.	Civil society is active in this area but impact is limited.	Civil society plays an important role. Examples of significant success / impact can be detected.
4.4.2 Building capacity for collective action	How active and successful is civil society in building the capacity of people to organise themselves, mobilise resources and work together to solve common problems?	No CS activity of any consequence in this area can be detected.	CS activity in this area is very limited and there is no discernible impact.	Civil society is active in this area but impact is limited.	Civil society plays an important role. Examples of significant success / impact can be detected.
4.4.3 Empowering marginalized people	How active and successful is civil society in empowering marginalized people?	No CS activity of any consequence in this area can be detected.	CS activity in this area is very limited and there is no discernible impact.	Civil society is active in this area but impact is limited.	Civil society plays an important role. Examples of significant success / impact can be detected.
4.4.4. Empowering women	How active and successful is civil society in empowering women, i.e. to give them real choice and control over their lives?	No CS activity of any consequence in this area can be detected.	CS activity in this area is very limited and there is no discernible impact.	Civil society is active in this area, but impact is limited.	Civil society plays an important role. Examples of significant success / impact can be detected.
4.4.5. Building social capital	To what extent does civil society build social capital among its members? How do levels of trust, tolerance and public spiritedness of members of CS compare to those of non-members?	Civil society diminishes the stock of social capital in society.	Civil society does not contribute to building social capital in society.	Civil society does contribute moderately to building social capital in society.	Civil Society does contribute strongly to building social capital in society.
4.4.6 Supporting livelihoods	How active and successful is civil society in creating/supporting employment and/or income-generating opportunities (especially for poor people and women)?	No CS activity of any consequence in this area can be detected.	CS activity in this area is very limited and there is no discernible impact.	Civil society is active in this area, but impact is limited.	Civil society plays an important role. Examples of significant success/impact can be detected.
4.5. Meeting societal needs	**How active and successful is civil society in meeting societal needs, especially those of poor people and other marginalised groups?**				
4.5.1 Lobbying for state service provision	How active and successful is civil society in lobbying the government to meet pressing societal needs?	No CS activity of any consequence in this area can be detected.	CS activity in this area is very limited and there is no discernible impact.	Civil society is active in this area, but impact is limited.	Civil society plays an important role. Examples of significant success / impact can be detected.
4.5.2 Meeting	How active and	No CS activity of	CS activity in this	Civil society is	Civil society plays

149

Indicator	DESCRIPTION	Score 0	Score 1	Score 2	Score 3
pressing societal needs directly	successful is civil society in directly meeting pressing societal needs (through service delivery or the promotion of self-help initiatives)?	any consequence in this area can be detected.	area is very limited and there is no discernible impact.	active in this area, but impact is limited.	an important role. Examples of significant success / impact can be detected.
4.5.3 Meeting needs of marginalised groups	To what extent are CSOs more or less effective than the state in delivering services to marginalised groups?	CSOs are less effective than the state.	CSOs are as effective as the state.	CSOs are slightly more effective than the state.	CSOs are significantly more effective than the state.

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152

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