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Towards a More  
Effective  
Indonesian  
House of  
Representatives:  
**Options for Positive  
Change by  
Legislators**

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## About the National Democratic Institute for International Affairs (NDI)

The National Democratic Institute for International Affairs (NDI) is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and to promote citizen participation, openness and accountability in government.

NDI has worked in Indonesia since 1996, when it supported domestic efforts to monitor the May 1997 parliamentary elections. Current NDI programming aims to strengthen civil society and political parties; to assist the legislature in undertaking democratic reforms; to provide assistance to regional governing bodies as they implement decentralization policies; and to encourage civilian control over the military.

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# Foreword

The need for ongoing improvement and reform is present in every legislature in the world. In transitional democracies, however, the need for substantial change is often acute.

The Leadership and Secretariat General of the Indonesian House of Representatives (Dewan Perwakilan Rakyat (DPR)) have recognized the need to undertake structural reform of the legislature as one way to deal with the increased demands placed on the institution by the public and to reflect Indonesia's strengthened democratic framework. International experience has proven that to ultimately be successful, reform of the structures of the legislature should be made with the understanding and support of the members themselves. It is therefore very important that the political and professional leadership of the legislature gain a deeper appreciation of the perspectives of individual members regarding their priorities for change.

The purpose of this research is to help highlight a cross section of views of members from all fractions for the political and professional leadership of the DPR to consider when undertaking changes in the structure and procedures in the legislature. Understanding how common challenges are regulated in other legislatures is one important component to consider when deliberating change. These papers do not seek to impose solutions; rather, they provide relevant international comparisons so that with further discussion and study, Indonesians can decide on the future shape of their legislature taking into account their political, cultural and social realities.

That Indonesia's legislatures are in need of comprehensive structural and procedural reform should be no surprise. The amended constitution, a separation of executive and legislative powers, increased personal and press freedoms and the direct election of the President make these changes both desirable and necessary. The DPR was designed in a less democratic era and it can be argued that many of its structures and practices were not created to ensure that the legislature could function as an independent, constructive and critical branch of government capable of acting as an effective check on the executive.

During individual and group discussions facilitated by the National Democratic Institute for International Affairs (NDI) open to DPR members from all fractions in a variety of settings in 2003, 2004 and 2005 a number of challenges regarding the work of legislators as well as the challenges concerning the DPR processes and

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structures were raised. A broad range of concerns were identified. However, the most common challenges mentioned were the DPR Operating Budget, the DPR Support Staff, and the DPR Rules and Procedures.

In 2005, NDI undertook more in-depth discussions with legislators and DPR staff members concerning these key issues of DPR reform. The resulting research papers analyze these challenges where they occur, and examine their impact on the work of the members and the institution. The papers provide some international comparisons to contribute to the discourse on options for the DPR on possible ways to overcome the problems. Finally, suggestions are made on how to overcome impediments and implement DPR reform in the areas covered by the papers.

One of the main issues of parliamentary reform in Indonesia is how to effectively assert the DPR's autonomy in relation to the executive branch in order to ensure that it can exercise proper oversight of the government. Developing a culture of democracy is a long-term process and requires an ongoing commitment to change. It is hoped that this research project will lead to a greater understanding of the underpinnings of democratic government institutions and that it will support house members and house staff in their efforts to lead new initiatives for a comprehensive reform process within the DPR, building a modern, effective, and efficient legislature.

It is hoped that these reports can be useful to the Secretariat General, the House Leadership, individual DPR members and members of the public who share the common goals of a more professional, responsive, transparent and representative legislature.

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Deputy Country Director  
Director, Governance Programs  
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**Note: The researchers have made every attempt to use up-to-date data in the preparation of these reports. Corrections, clarifications or additions that would help improve the quality and accuracy of the papers are welcome.**

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***Options for Positive  
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***Issue: 1  
Operating Budget***

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# Issue 1

## Operating Budget

### Introduction

In recent years, Indonesia's main political institutions have become more autonomous. Anchored in the existing constitution, the Parliament has become increasingly independent of the executive branch as the autonomy between branches of government is an important democratic principle. This principle can be explicitly enumerated in constitutions or derived from a tradition of the separation of powers between the executive, legislative, and judicial branches. One indicator of an autonomous legislature is the administrative and financial authority of the body to draft its own internal rules and procedures.

The operating budget in the Indonesian House of Representatives (*Dewan Perwakilan Rakyat* or DPR) is undoubtedly one of the most vital institutional development challenges. Over the years, the process of formulating and deciding the internal budget of the house has become very complicated. The lack of transparency has increased as the number of administrative procedures and the addition of multiple agencies has increased. Today, many house members feel that they do not have enough information about the details in the operating budget and subsequently they feel left out of the overall process. They see an urgent need to change this and to become more involved in the discussion of their institution's household.

Key issues addressed in this study are: How is the operating budget of the DPR drafted today? Which players and bodies are involved in developing the operating budget? What is the legal basis for drafting the operating budget? Are procedures being implemented in an efficient way? Has the operating budget system proven to be satisfactory thus far? Are concepts of transparency and accountability adhered to in the management of the operating budget? Which factors contributed to the shortfalls in the operating budget process? How do operating budget processes in other countries compare? How could the DPR budget management system be improved through amendments of the current regulations and procedures? This research paper analyses the specific problems with the DPR internal budget and provides options for reforming the budget process and increasing transparency.

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## Taking stock of the challenges

During consultations with legislators and members of the Secretariat General's staff identified key operational budgeting challenges. The challenges identified are: The process of preparing the annual operating budget and the various parties involved. Finding the resources to support house DPR members' salaries and allowances. Ultimately, discussions regarding the performance of the DPR's effectiveness focused on the drafting of the operating budget.

The secondary data used in this study includes relevant laws, regulations and other legal products, documents issued by the DPR Secretariat General, as well as internet resources on other parliaments, research reports on institutional financing, journals, articles, and other reference materials.

### *The operating budget process*

The most frequent complaint voiced regarding the internal budget process is that the detailed operating budget of the DPR is not fully available for review by the public or by

### **Eighty-nine percent parliamentarians say that they do not know the details of the DPR operating budget.**

DPR members. It was not until the *Reformasi* era that details of the state budget (APBN) became available to the public. However, it remains difficult for

most members of parliament as well as the general public to obtain details on the internal budgets of state institutions, like parliament or other ministries. Eighty-nine percent of parliamentarians responding to the quick survey say that they do not know the details of the DPR operating budget.<sup>1</sup> 100% of respondents stated that they would like to know the full details of the operating budget. Members expressed frustration about the fact that they pass the overall state budget but do not know the details of their own institution's operating budget.

This raises a question about what role the DPR members should take in the discussion of the operating budget. Currently, the DPR Secretariat General drafts the operating budget and many members have indicated that they do not have substantial input into this process. The role of the executive remains a crucial factor because it determines the ceiling of the operating budget.

According to Article 22(1)(h) of UU 22/2003 (Susduk Law) it is the duty of the DPR Leadership "to determine the direction, general policy and strategy of DPR budget management". The house leadership then authorises the Secretariat General to prepare

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<sup>1</sup> "We Want to Know What You Think!", Informal survey conducted by the National Democratic Institute (NDI) involving 45 parliamentarians (including DPR and DPD members) from various factions, January until March 2005. A copy of the survey results is included in Appendix A

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the draft operating budget.<sup>2</sup> Next, the Bureau of Planning and Controlling (*biro perencanaan*) prepares a programme. At the same time, the Bureau of Sessions (*biro persidangan*) requests and receives material and data from each bureau and unit of the Secretariat General. This includes the secretariats of the commissions, and committees. After a discussion among the bureaus of the Secretariat General, and an evaluation of the previous year's budget implementation, a draft of the current year's operating budget is prepared and forwarded to the Secretary General. The Secretary General forwards only a brief version of the draft budget to the Leadership of the House Affairs Committee (BURT) and sends a copy of the draft to the House Leadership.

According to the existing regulations, the BURT is the only body within the DPR where members are able to directly participate in the process of creating the operating budget. The BURT is a standing body that answers to House Leadership and has a composition similar the commissions. The BURT's role and function is regulated in the Rules of Procedure in the DPR, and its responsibilities include assistance to the house leadership in determining the policy of the house. The BURT has the authority to request necessary data from the Secretariat General to fulfil its tasks of; examining and completing the draft operating budget, negotiating the budget ceiling with the Budget Committee (*Panitia Anggaran*), and supervising the implementation and management of the operating budget.<sup>3</sup> The BURT also conveys House Leadership's concerns about the overall welfare of members and staff of the House to the Secretariat General. As such the operating budget should be designed to ensure that the members of a legislature have the services and supporting structure necessary to carry out their functions professionally and efficiently. While the operating budget should include adequate personal facilities and salary, it should more importantly include adequate staffing, research and information provision and support to enable effective interaction with citizens through constituency visits and public meetings.

In the past, BURT rarely used its authority to discuss the details of the operating budget but instead focused on the personal "welfare" of the members. Currently, BURT only requests material and data from the house factions, commissions, committees and other standing bodies but the 50 BURT members could be given opportunities to provide more input into the drafting of the operating budget. Recently, information about the operating budget became more important for the individual members in their communication with the public. Discussions about potential salary increases for members, as well as concerns about certain repairs at the DPR housing complex in Kalibata, have been featured in the media. Results of the NDI quick survey, show that,

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<sup>2</sup> Chapter XXIX, Article 217(c)(2), Peraturan Tata Tertib Dewan Perwakilan Rakyat Republik Indonesia, Keputusan DPR RI Nomor 15/DPR RI//2004-2005, Sekretariat Jenderal DPR RI, 2004.

<sup>3</sup> Chapter XI, Article 50(3) and Chapter XXIX, Article 217(d), Peraturan Tata Tertib Dewan Perwakilan Rakyat Republik Indonesia.

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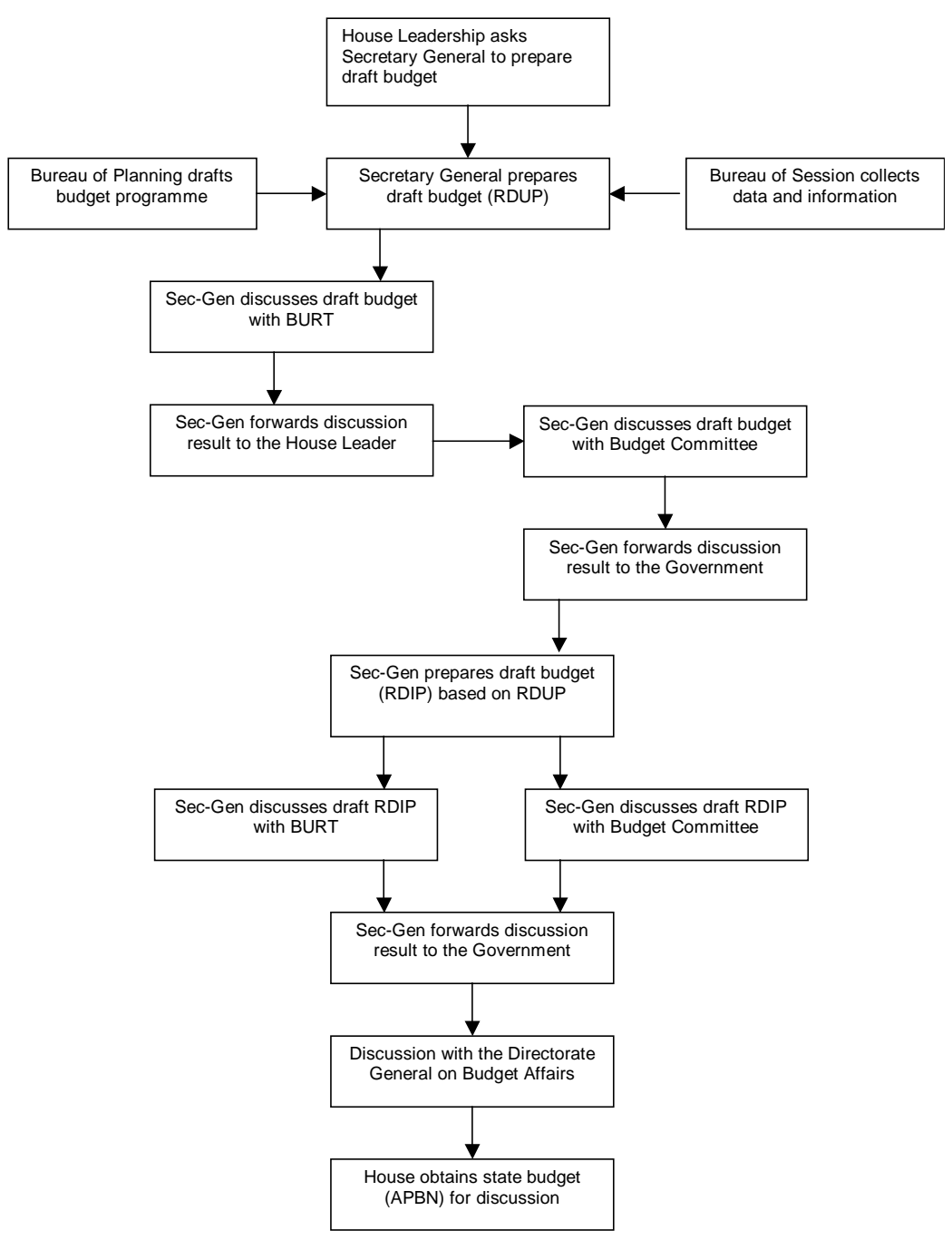
although 91% of the responding parliamentarians know their faction representative in BURT, 93% of them think that all members should have a say in the design of the operating budget.<sup>4</sup> Some feel that BURT's members have been asked for their input only on issues related to personal facilities. There has been insufficient opportunity for BURT to seek or ensure adequate work facilities or professional resources.

Upon completion of the tasks of the BURT, the draft of the operating budget is forwarded to the Budget Committee, which includes it into the overall draft state budget. The draft is then delivered to the House Leadership. The whole process is controlled by the Secretariat General which finally submits the draft budget to the Ministry of Finance.

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<sup>4</sup> See, "Kami Ingin Tahu Apa Yang Anda Inginkan", *op cit*.

**Chart 1**  
**The Operating Budget Process at the DPR**



### **Perception that the operation budget is not large enough**

The 2005 Financial Note (*Nota Keuangan*) of the Ministry of Finance allocates 653 billion rupiah of the planned 2005 state budget of 265 trillion rupiah for the House of Representatives.<sup>5</sup> This would be equivalent to 0.25% of the entire state budget. However, it is assumed by house members and observers, that the current 2005 operating budget of the DPR stands at around 450 billion rupiah and that the DPR budget accounts for 0.02% of the national budget. Since no reliable data could be established to verify this,

#### **Very little is known by the members of the parliament about the distribution and use of the internal budget.**

it makes it very difficult to determine if the overall amount of the DPR budget as a percentage of the national budget is sufficient to provide for the needs of the legislature.<sup>6</sup> It is further assumed by members of the House Affairs Committee (BURT), that 67% of the

operating budget is currently used for the salaries and supporting structure for the legislators, and that 33% are used for the services of the Secretariat General.<sup>7</sup> Yet, very little is known by the members of the 2004-2009 session of the parliament about the distribution and use of the internal budget. For example, it is unclear where the budget post on the maintenance of the parliament buildings is included or if it forms a separate budget. The Financial Note of the Ministry of Finance divides the budget allocation into nine programmes without further specification (see, Table 1).

**Table 1**  
**Planned Budget Allocation for the House of Representatives**  
**According to the Programmes of the Financial Note (RAPBN 2005)**  
**(in thousand rupiah)**

<b>Programme</b>	<b>IDR</b>
Perfecting and Strengthening the Political Institution	368,348,815
Improving International Cooperation	9,058,853
Structuring the Institution and Governance	14,694,457
Human Resource Management of the State Apparatus	3,327,388
Improvement of the Means and Infrastructure of the State Apparatus	129,556,430
Operation of the State Leadership and Government	85,048,806
Planning of Laws	19,428,565
Law Making	20,118,120
Development of Communication, Information and Mass Media	3,406,623
<b>Total</b>	<b>652,988,057</b>

Source: Nota Keuangan dan Rancangan Anggaran Pendapatan dan Belanja Negara (APBN) Tahun Anggaran 2005, Departemen Keuangan, Republik Indonesia, 2005, p. 137.

<sup>5</sup> Nota Keuangan dan Rancangan Anggaran Pendapatan dan Belanja Negara (APBN) Tahun Anggaran 2005, Departemen Keuangan, Republik Indonesia, 2005, pp. 136-137.

<sup>6</sup> Interviews with members of the House Affairs Committee.

<sup>7</sup> The estimated figures for the years up to 2004 were, 23% of the operating budget being was for the salaries and work of the house members, and 77% for the services of the Secretariat General.



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Moreover, members have no information about the operating budget for previous sessions of the parliament. So far, the law does not include the DPR in the list of state institutions that need to be audited by the State Audit Board (BPK). The uncertainty about the amount of the operating budget and its use, together with perception that members do not have sufficient work facilities, administrative support, expert support, and research assistance at their disposal, leads to the assumption that the operating budget is not large enough. However, a call for an increased operating budget is difficult to justify to the public if the actual amount currently available and its use is unknown. The House Affairs Committee is currently using its right to ask for details on the operating budget from the Secretariat General in an effort to gain a better understanding of the distribution of funds.

### ***Salaries and allowances for members***

The issue of salaries and allowances of legislators and other public figures is a matter of public debate in most countries and Indonesia is no exception. There are frequent discussions in the Indonesian media and among DPR members regarding the compensation and allowances offered to members. The compensation package offered to DPR members is difficult to accurately calculate as it consists of basic salary, special allowances and other variable factors. This lack of clarity has frustrated many members and has led to many critical comments in the media and among civil society representatives. Indeed, one newspaper included the salary available to members for staff as part of their compensation package<sup>8</sup>.

Everything within the scope of work of the legislators, from staffing issues to communication and travel, seems to hinge around the issue of the distribution of the internal operating budget. Due to a lack of clarity in the budget documentation available for public scrutiny, it is unclear what percentage of the operating budget is allocated to support their work, for expert services, for communication, for travel to their constituencies, and for administrative purposes, as opposed to funds for salaries, housing and other allowances. Based on Law 12/1980 on the “Financial and Administrative Rights of the Leaders and Members of Higher State Institutions”, a number of government regulations and presidential decrees have been issued since 2000 regulating the salaries (*gaji*) and allowances (*tunjangan*) for house leaders and members. According to the existing legislation, house leaders and members are considered members of higher state institutions and their salaries and allowances are regulated accordingly. However, their administrative treatment and allocation of allowances very much resembles that of the national civil service.

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<sup>8</sup> Kompas, March 9, 2005.

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Currently, government regulation PP 75/2000 sets the basic monthly salary (*gaji pokok*) for members at IDR 4,200,000.<sup>9</sup> In addition, members receive an allowance for spouses at 10% of the basic salary, or IDR 420,000, and an allowance for children at 2% for the first child (IDR 84,000) and 4% for the second child (IDR 168,000).<sup>10</sup> Additional monthly “duty” allowances (*tunjangan jabatan*) for members are regulated by presidential decree Keppres 59/2003 at IDR 9,700,000.<sup>11</sup> Further, the members receive a monthly “package” (*uang paket*) of IDR 2,000,000 as regulated by presidential decree Keppres 60/2003<sup>12</sup> and a monthly “honorary” allowance (*tunjangan kehormatan*) of IDR 3,000,000 as regulated by a Ministry of Finance Letter.<sup>13</sup> The use or specific purpose of the “duty”, “package” and “honorary” allowances are not further specified.

In addition to the salary and allowances above, the members also receive facilities and allowances as follows: a monthly rice allowance for 10 kg of rice of IDR 120,360 regulated by letters of the Directorate General of Budgeting of the Ministry of Finance<sup>14</sup>; an official residence and allowances of monthly IDR 1,750,000 for electricity and IDR 1,750,000 for telephone use<sup>15</sup>; an initial IDR 20,000,000 per term for the renovation of their official residence; and a monthly “intensive communication allowance” of IDR 4,140,000 regulated by a Ministry of Finance Letter<sup>16</sup>. The communication allowance is provided to enable DPR members to maintain contact with their constituents, however, it is included here in the remuneration package since the allowance is provided whether the member uses it for communication or not.

The legal basis for some of these allowances based on ministerial decisions and ministerial letters is very confusing and non-transparent. Letters often do not give the legal basis for valid laws or government regulations. This is even more puzzling since the new Law 10/2004 on Lawmaking does not include ministerial decisions and letters

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<sup>9</sup> Peraturan Pemerintah Republik Indonesia Nomor 75 Tahun 2000 tentang Gaji Pokok Pimpinan Lembaga Tertinggi/Tinggi Negara dan Anggota Lembaga Tinggi Negara Serta Uang kehormatan Anggota lembaga Tertinggi Negara. Lembaran Negara Republik Indonesia Tahun 2000 Nomor 10. Here, the DPR members are considered as members of higher state organisations.

<sup>10</sup> Lihat, “Kedudukan Administrasi, Hak Keuangan Pimpinan dan Anggota DPR RI”, in: *Dewan Perwakilan Rakyat Republik Indonesia, Periode 1999-2004*, Sekretariat Jenderal Dewan Perwakilan Rakyat Republik Indonesia, Jakarta, 2004, p. 15.

<sup>11</sup> Keputusan Presiden Republik Indonesia nomor 59 tahun 2003 tentang Tunjangan Jabatan bagi Pejabat Negara di Lingkungan Lembaga Tertinggi/Tinggi Negara. Here, the DPR members are considered as state officials (*Pejabat Negara*).

<sup>12</sup> Keputusan Presiden Republik Indonesia Nomor 60 Tahun 2003 tentang Uang Paket bagi Pimpinan dan Anggota Dewan Perwakilan Rakyat Republik Indonesia. From the text of the decree it is not clear if the members are considered as members of higher state institutions or state officials. However, the decree refers to Law 8/1974 (replaced by Law 43/1999) tentang Pokok-pokok Kepegawaian (Principles of Civil Service).

<sup>13</sup> Surat Menteri Keuangan Nomor S-82/MK.02/2003 tentang Penyesuaian Tunjangan Kehormatan (Honorarium) bagi Pimpinan dan Anggota DPR RI.

<sup>14</sup> SE. Dirjen Anggaran Nomor SE.150/A/2003 tentang Tunjangan Beras dalam Bentuk Natura and SE.008/WA.11/PK.03/2003 tentang Tunjangan Beras dalam Bentuk Natura dan Uang.

<sup>15</sup> SK Sekretaris Jenderal DPR RI Nomor 5/SEKJEN/2004 tentang Pemberian Bantuan Listrik dan Telepon Kepada Anggota DPR RI TA. 2004.

<sup>16</sup> Surat Menteri Keuangan Nomor S-401/MK.02/2003 tentang Tunjangan Uang Komunikasi Intensif.

in its legal hierarchy. Consequently, the monthly salary slips of house members are confusing to the majority of the members and perceived as not detailed enough, leading to scepticism and criticism by the public. Moreover, different regulations on salaries and allowances apply for house leaders and the various commission and committee heads.

	IDR
Basic salary	4,200,000
Allowance for spouses (10% of basic salary)	420,000
Allowance for the first child (2% of basic salary)	84,000
Allowance for the second child (4% of basic salary)	168,000
“Duty” allowances	9,700,000
“Package”	2,000,000
“Honorary” allowance	3,000,000
Rice allowance	120,360
Electricity	1,750,000
Telephone	1,750,000
Communication allowance	4,140,000
<b>Total</b>	<b>27,332,360</b>

Note: Data valid for a married member with two children. Additional allowances for travel and bill deliberation are not included. Non-monetary allowances include among others free furnished housing, car credit and healthcare.

To add to the confusion, legislators are paid an additional allowance (*uang pembentukan undang-undang*) of IDR 2,000,000 after the successful deliberation of a new bill in a commission.<sup>17</sup> This allowance replaces the old monthly allowance of IDR 720,000 for the attendance of working meetings.<sup>18</sup> For official visits to the regions, besides a business class return ticket, members receive a daily allowance of IDR 500,000 on trips to regional capitals or IDR 400,000 for trips to areas outside regional capitals.<sup>19</sup> Further, they receive a daily “representation” allowance (*uang representasi*) of IDR 400,000 for their work in regional capitals or IDR 300,000 for their work outside regional capitals,<sup>20</sup> and

<sup>17</sup> SK Sekretaris Jenderal DPR RI Nomor 10/SEKJEN/2004.

<sup>18</sup> Previously regulated in Keputusan Menteri Keuangan Republik Indonesia Nomor 342/KMK.02/2002 tentang Penetapan Tunjangan Kehormatan (Honorarium) Anggota Majelis Permusyawaratan Rakyat Republik Indonesia, Dewan Perwakilan Rakyat Republik Indonesia, dan Dewan Pertimbangan Agung Republik Indonesia yang diangkat sebagai Ketua, Wakil Ketua, Sekretaris, dan Anggota pada Badan Pekerja, Panitia Ad Hoc, dan Komisi/Badan/Panitia.

<sup>19</sup> Surat Menteri Keuangan Nomor S-78/MK.02/2003 tentang Penyesuaian Satuan Biaya Perjalanan Dinas Dalam Negeri bagi Pimpinan dan Anggota DPR, based on Keputusan Menteri Keuangan Nomor 7/KMK.02/2003.

<sup>20</sup> *Ibid.*

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a daily “travel allowance for officials” (*tunjangan perjalanan dinas*) of IDR 70,000.<sup>21</sup> Equally, during recess, members receive a travel allowance to return to their district and daily living allowances.

**However, the numerous allowances far surpass the basic salary, which is not the norm in most workplaces.**

Although it is commonly assumed that legislators receive a large salary, it must be noted that most must pay an average of 30% each month to support the work

of their political parties and many members often pay for extra personal staff from their own funds. However, the numerous allowances far surpass the basic salary, which is not the norm in most workplaces. They also can contribute to a poor image of the members in media reports and in the eye of the public. Whenever the issue of salaries and allowances is discussed in public, the facilities and incentives for members are the focus of attention. *The Jakarta Post*, in February 2005, reported that a number of members were complaining about the furniture and appliances in their official residences.<sup>22</sup> Coverage of this nature can further contribute to a negative image for the legislature and its members and can limit legitimate discussion about the inadequate levels of support for work facilities including the low number of expert staff and the limited support for engaging citizens through constituency relations.

## International Comparison

Operating budgets in the majority of parliaments are a part of national state budgets. In most cases the documents on the operating budgets are drafted separately from the state budgets. The composition and procedures of planning and managing operating budgets can vary a great deal between countries. In the British House of Commons there are separate budgets, one for all member-related costs, and another one for staff salaries and administrative costs.<sup>23</sup> In the Swedish Riksdag, the division into two budgets is made between a combined budget for all items related to members and staff on the one hand, and a budget for parliamentary authorities, like the Parliamentary Ombudsman, the Parliamentary Auditors, and the Board of the Bank of Sweden on the other. In the United Kingdom, however, the House of Commons budget on administration is not presented to parliament, but it appears as a part of the expenditure on government departments.<sup>24</sup>

The preparation of the initial operating budget is generally the task of the appropriate administrative officials. After this, the speakers of the house have the task to deliver the proposal to the parliament. However, the process in itself differs from parliament to

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<sup>21</sup> Surat Direktur Jenderal Anggaran Nomor R-04/MK.2/2002.

<sup>22</sup> “DPR members complain about free furniture”, *The Jakarta Post*, 14 February 2005.

<sup>23</sup> *Ibid.*

<sup>24</sup> Constitutional and Parliamentary Information, 3<sup>rd</sup> Series, No. 167, 1<sup>st</sup> Half-year 1994, p. 7.

parliament. Countries where the house speaker proposes the operating budget to the parliament include Australia, Germany, Greece, Japan, India, and the Philippines. In a number of countries a presidium or bureau of the leadership has the authority and decides over a draft prepared by a budget committee, like in Austria and Italy, or it presents the operating budget draft for scrutiny to a relevant committee, like in Denmark. Finally, some countries have special collegial bodies chaired by the house leaders to deal with the operating budget, like the Board of Internal Economy in Canada, the Staff Advisory Committee in Sri Lanka, or the Board of Administration in Sweden<sup>25</sup>. Today, there are only very few countries where the speaker of the parliament is not involved in the operating budget. In Finland the Office Committee considers and approves the operating budget, and in the British House of Commons the budget on all items concerning the members is prepared by administrative staff in consultation with the treasury, before it is presented to the house for decision.<sup>26</sup>

As a result of this variation the financial autonomy of legislatures is not easy to assess. On one hand, the operational budget is part of the state budget and therefore actually voted on by most parliaments. On the other hand, the influence -and even control- of the executive is evident in many systems. In the vast majority of cases, parliamentary operating budgets are decided in plenary sessions. However in a great number of assemblies, it is hardly debated, and often affirmed by members without any amendment. This is also often the case when a budget is examined by both chambers of a bicameral system, like Spain. The draft operating budget is typically included in the draft of the state budget but there are assemblies that vote on a separate estimate before or after the state budget.<sup>27</sup>

### **Parliamentary operating budgets are decided in plenary sessions.**

#### ***The Independence of Budget Committees in Democratic Parliaments***

In Canada the authority to prepare and decide the operating budget rests with the Board of Internal Economy, as regulated in the Parliament of Canada Act. The Board is chaired by the Speaker of the parliament and consists of two representatives of the Executive (Ministers), the opposition leader or deputy opposition leader, and some additional designated members. The Clerk of the House (equivalent to a Secretary General in Indonesia) holds the position of Secretary. The Board discusses and decides the estimated annual operating budget. After this, the Speaker delivers the result to the President of the Treasury Board<sup>28</sup>, who instructs the Finance Minister to include it in the national budget.

<sup>25</sup> *Ibid*, p. 8.

<sup>26</sup> *Ibid*, p. 9.

<sup>27</sup> Michael Coudere, "The administrative and financial autonomy of parliamentary assemblies", paper prepared for the Moscow Session, September 1998, p. 10.

<sup>28</sup> Cabinet Committee that manages the government's financial, personnel and administrative responsibilities

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In many countries the operating budget of parliaments does not require the approval of the government, like in France, Italy and Sweden. In the United States the annual Federal budget is drafted by the executive branch (the President). It is then passed on to the Congress for debate, potential amendment and ultimate passage. By tradition, the Congress drafts its own budget and inserts it into the national budget. Also, by tradition, the President accepts the proposal for the allocation of funding for the operation of the legislative branch without comment. This drafting of the operating budget of the

**The executive respects the autonomy of the legislative branch to set and design its own operating budget.**

legislative branch is done in a Budget Committee by independent and professional staff. The executive can make alterations and has veto powers over certain budget items. But this veto can be overridden in Congress by a two-thirds majority. Similar processes

with certain variations take place at the state level in determining the operating budget of state legislatures. One thing they have all in common is that the executive respects the autonomy of the legislative branch to set and design its own operating budget. The operating budgets of state legislatures are always drawn up by budget committees of the legislatures themselves. In a number of other countries however, the government has the right to limit the operating budget of the parliament by putting a ceiling on it. Moreover, the operating budget of the parliament can be influenced by the economic policy of the government. In the Republic of Korea, for example, the speaker has to base the estimate for the operating budget of the parliament on the budget planning guidelines prepared by the Ministry of Economic Planning.

***Transparency of the Operating Budget***

The transparency of the legislative operating budget is key to building public trust in the institution. In the US, Canada, Australia, the UK and a large number of other countries,

**The transparency of the legislative operating budget is key to building public trust in the institution.**

the detailed budget is available to the public and even placed on the Internet. The Board of Internal Economy in Canada conducts a closed meeting around every two weeks.

However, the minutes of the Board's meetings are considered public documents and available for public review. Detailed annual expenditures of each individual member of parliament are published and can be accessed via the Internet.<sup>29</sup>

In 2004, the budget of the United States Congress was 0.196% of the Federal budget. This translates to an operating budget of roughly US\$ 4 billion. The budget of the Australian parliament during the fiscal year 2002-2003 was around 0,1% of the total budget for the public sector<sup>30</sup>. A comparison of operating budgets as a percentage of national budgets in selected countries can be found in Table 3

<sup>29</sup> Please see *Individual Members' Expenditures for the Fiscal Year 2003-2004* in the Appendix.

<sup>30</sup> *Funding Arrangements*, The Australian Parliament, p. 6.

**Table 3**  
**Operating Budgets of Parliaments as Percentage**  
**of State Budgets in Selected Countries**

Parliament	Percentage
Cameroon	0.85
Rwanda	0.51
Sri Lanka	0.245
Japan (both Houses)	0.15
Indonesia	0.25
Canada (House of Commons)	0.16
Australia (both Houses)	0.12
United Kingdom (both Houses)	0.099
House of Lords	0.0002
United States Congress	0.196
Netherlands (Second Chamber)	0.055

Source: Constitutional and Parliamentary Information, The Parliamentary Budget, 3rd Series, No. 167, 1st Half

### ***The allocation of the operating budget within parliaments***

One extremely important aspect about the operating budget of a parliament is the resource allocation according to budget lines. During interviews conducted in the creation of this paper, a majority of DPR members expressed a desire for greater understanding of the process by which the operating budget is allocated within the DPR. This includes how much of the operating budget

is used for support and services to legislators, how much for administration, and how much for maintenance of the building etc.

**A majority of DPR members expressed a desire for greater understanding of the process by which the operating budget is allocated within the DPR.**

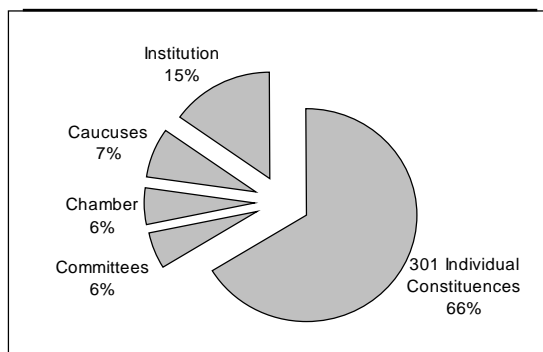
As an example, the internal budget of the Canadian House of Commons is divided into five major areas: the budget for individual members and their constituencies, for caucuses (factions), for committees, for the chamber, and for the institution (see Chart 1). For the budget year 2004-2005 around 66% of the resources are allocated to the members and their constituencies.<sup>31</sup> In the operating budget of the Australian parliament of the 2002-2003 session, around 46% of the total was used for services to members and 28% for the salaries and allowances of the members (these figures are combined in Canada). The remaining budget was used for the building management and services (17%), and for the house, committees, inter-parliamentary work and education support (9%).<sup>32</sup> A similar picture can be found in the Philippines. In 2001, the biggest expenditure

<sup>31</sup> *Report on Plans and Priorities 2004-2005*, House of Commons Administration, p. 26.

<sup>32</sup> *Funding Arrangements*, The Australian Parliament, p. 7.

of 56% went to salaries and benefits of personnel; followed by 42% for maintenance and other operating expenditures, including power, communication, water, insurance premiums, committee meetings, public hearings, and travel. The remaining 2% was used for equipment, furniture, and building renovation.<sup>33</sup> Appendix A shows the details of the Canadian parliament for the household year 2004-2005 by activity for each business line.

**Chart 2  
Canadian House of Common 2004-2005  
By Business Line**



### ***The setting of member salaries and allowances***

The setting of the optimal salaries and allowances for members are a controversial issue in most parliaments around the world. Consequently, many legislatures have

**Many legislatures have turned to independent commissions to assess the optimal and feasible level of salaries and allowances.**

turned to independent commissions to assess the optimal and feasible level of salaries and allowances. When defining remuneration packages, it is often necessary to separate the basic salary received by legislators from other allowances and benefits. For instance, allocations for staff, communication, and constituency travel are typically not considered part

of the salary. Many legislatures have opted to provide a housing allowance rather than official residences to their members. In the Indonesian case, allowances for members

**Many legislatures have opted to provide a housing allowance rather than official residences to their members.**

living costs (eg. electricity, rice, house renovation, telephone, health insurance, and car) are included as separate items. In other countries, members are provided with an office operating budget and make decisions about use of these resources for hiring staff, travel to constituencies, or extensive communication.

At the Canadian parliament, all matters related to financial and administrative issues, including the salaries and allowances of members are the responsibility of the Board of Internal Economy. The Board regulates all financial and administrative resources used by the members. The members receive an annual allowance (salary) and additional contributions, like insurance, relocation provisions, and retirement benefits. All benefits are based on the stipulations of the Parliament of Canada Act. The salary benefits of

<sup>33</sup> Data from, "NDI Report on Study Mission of DPR's Household Affairs Committee to the Philippines Congress", Manila, 22-24 October 2002.



the members are determined as a percentage of the salary of the Chief Justice of the Supreme Court of Canada. The above regulation also provides the basis for determining the additional benefits given to members that fill particular positions, like the Speaker or government and opposition Whips<sup>34</sup>. The members and their families (spouse and children) have the right to health, accident and life insurance. The respective insurances are the Public Service Management Insurance Plan, the Public Service Health Care Plan, the Public Service Dental Care Plan, Group Special Risk Insurance, and Flight Insurance. Premiums for these insurance policies are deducted from the basic salary.

Furthermore, members have the right to be reimbursed for up to 64 trips undertaken in Canada each year to ensure that they have ample opportunities to visit their constituencies and to travel to other areas of the country to attend to business related to their official duties. The parliament of Canada has also developed a unique pension plan that reflects the fact that many members only serve one or two terms. The plan pays limited benefits upon retirement or defeat from the House of Commons when the individual reaches 55 years of age. A previous pension plan sometimes pay generous benefits immediately after retirement or defeat, regardless of age. This generated extreme public criticism and was eventually changed.

During the research for this paper, several members expressed frustration with the current system whereby members are provided with houses in the DPR housing complex. Several noted that they would prefer to instead receive a housing allowance which would enable them to find their own suitable accomodation. Some believe that this would reduce public complaints that inevitably arise when repairs are planned for 550 houses at the same time.

### ***The office budget of members***

Besides salary, insurance and pension benefits, every member of the Canadian parliament is provided with an annual members' office budget. This budget is used for the salary of personal assistants, for professional service contracts, for the operational costs of the constituency office, and for communications and travel.<sup>35</sup> An additional budget is provided for members who serve constituencies with more than 70,000 voters and/or covering a constituency area of more than 8,000 square kilometres. When related to the work of a member, up to 3% of the member's office budget can be used for other necessities that are not explicitly determined in the regulations or not included in the manual for Members' Allowances and Services. The individual office budget can also be used for the reimbursement of travel expenses in case the member's Travel

<sup>34</sup> In a Westminster parliamentary system, Whips are MPs appointed by each party to maintain party discipline and work to ensure that members vote in accordance with caucus policy. Whips on the government and opposition sides ensure the smooth running of parliamentary business.

<sup>35</sup> Penjelasan tentang Member's Office Budget ini diambil dari *Summary of Members' Allowances and Services*, House of Commons Canada, May 5 2004 dan *Summary of Allowances and Services*, May 2003.

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Status Expenses Account is already used up. Up to 5% of the member's office budget that is not used during the current year can be transferred to the following fiscal year. This allows members to be more flexible in organising their budget.

The Canadian members' office budget and its usage is strictly regulated by Canada's Board of Internal Economy. To assist the members in organising their office budget, the Financial Management Operation unit provides accounting services throughout the fiscal year. While members set the salaries of their employees, there are minimum and maximum wages and the salaries are paid directly to employees by the Financial Management Operations unit of the House.

**The House of Commons administration regularly reports on the finances of the members.**

The House of Commons administration regularly reports on the finances of the members. A report on the use of the members' office budgets is regularly delivered to the public by the Speaker. The data is compiled in the Individual Members' Expenditure Report

and posted in parliament. The public can also access the report via the Internet. In the Individual Members' Expenditure Report of 2003-2004, for example, it can be seen, that the expenses of the House member Jim Abbott under his members' office budget covered staff and other expenses of CAN\$ 210,684 (IDR. 1.66 billion), travel expenses of CAN\$ 22,571 (IDR. 178 million), and a constituency office lease of CAN\$ 12,000 (IDR. 94.66 million). His expenses covered directly by the house include CAN\$ 131,139 (IDR. 1.03 billion) for travel expenses, CAN\$ 1,381 (IDR. 10.9 million) for telephone expenses, CAN\$ 38,586 (IDR. 304.4 million) for printing, CAN\$ 2,583 (IDR. 20.4 million) for office supplies, and CAN\$ 27 (IDR. 212 984) for other expenses. Appendix B shows the details of Individual Members' Expenditure at the Canadian parliament.

Providing members with flexibility to allocate their own office budget allows members to determine the number of staff in their parliament and district offices as well as to choose a constituency office that is best suited for their needs. Expenditures of the office budget are held to very strict financial guidelines to ensure that each expense is according to the rules. In Indonesia, allowances for communication and personal staff members are provided directly to members, but there are few regulations or mechanism to monitor their use.

**Options and Implications for Reform**

To improve the structure and function of the operating budget of the DPR transparency and audits will take time and commitment on behalf of the house leadership, house members, and the general secretariat. Reform of the operating budget system in any country is a sensitive issue because the institution itself is a political one. It is the arena of constant conflict between the executive and the legislative branches.

However, awareness of political will for parliamentary reform is rising. In legislatures undergoing internal reform, a consensus can be found among all members for improvements to the support structure. Indeed, a stronger supporting structure can benefit all members, factions and the staff of the DPR. This can result in improved performance, thereby improving the image of the legislature among society. Research shows that members of powerful political parties are more often inclined to support reform when they are convinced that they and their institution will benefit from it. Similarly, members of smaller parties are generally more supportive of reform to increase the power of the legislature in relation to the executive and to guarantee that all factions have an equal voice.<sup>36</sup> Changes could potentially have an impact on the distribution of power or at least have an influence on how power is wielded. Some countries have opted for whole-scale restructuring, while others have opted for a transition in stages. Members of the DPR may wish to consider the following approaches for achieving internal reform:

***First: Reviewing the DPR operating budget system***

An in-depth study of all details of the existing operating budget and salary and support costs for members and staff at the House of Representatives could help DPR members to make important decisions on options for internal reform. The report could be commissioned by the house and conducted by independent analysts to ensure full disclosure. The study could draw on input from members, factions, commissions, the house leadership, the Secretariat General, and the Ministry of Finance. Subsequently, a blueprint for reforming the operating budget system and a time schedule for its implementation could be developed.

**An in-depth study of all details of the existing operating budget and salary and support costs for members and staff at the House of Representatives could help DPR members to make important decisions on options for internal reform.**

***Second: Strengthening of the House Affairs Committee***

A short term step to reform the operating budget system could be to clarify the role and strengthen the structure of the of the House Affairs Committee (BURT). For instance, DPR members may wish to amend the rules of procedure to ensure that the BURT and Secretary General make a joint presentation to the Budget Committee. This would ensure that BURT members clearly articulate the contents of the operating budget pertaining to support services from their perspective as politicians.

<sup>36</sup> See also, Martin Chunggong, "The IPU's perspective on Parliamentary Reform", in: Ali Sawi, ed., *Parliamentary Reform*, Conference Proceedings, Faculty of Economics and Political Science, Cairo University, 2003, p. 12.

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In addition to a full disclosure and examination of the current operating budget, DPR members would benefit from access to all details of previous operating budgets. This could enable an examination of the changing nature in the amount and structure of the operating budget since the transition to democracy.

To increase internal and external transparency, the operating budget could be made available to all house members and the public. In order to conduct its oversight function effectively and efficiently, BURT members would benefit from receiving all relevant regulations on salaries and allowances for members and staff of the DPR. Furthermore, in the medium term, BURT could conduct a needs assessment of the various commissions and other standing bodies for the coming years and assist in drafting a needs-based operating budget, including the expected salary, administrative and maintenance costs. BURT could share all data and analysis with all house members on a regularly basis.

One interesting approach to consider is ensuring that every line item in the DPR operating budget clearly demonstrates the positive impact that it will have for members of the DPR in carrying out their official functions. This method is current employed in Canada and has been useful in eliminating wasteful spending, reducing overlap, and guaranteeing funds for the most critical uses.

### ***Third: Implementing Greater Financial Autonomy of the DPR***

There is wide consensus among the members that ultimately the DPR should have more authority over the operating budget. To achieve this aim, a medium and long-

**There is wide consensus among the members that ultimately the DPR should have more authority over the operating budget.**

term effort will be needed. Under the system of separation of powers, the legislative branch will truly be autonomous from the executive when it determines its own operating budget. Several members have recently suggested the amendment of Law 17/2003 on the Financing of the State, or the issuing of a government regulation to clearly separate the DPR

budget from the budget of other institutions of the executive branch. Alternatively a bill could be drafted on the financial independence of the DPR. Since the DPR has the sole authority to pass the entire national budget, the institution may also want to examine the approach taken by the US Congress and other legislatures by developing an agreement with the Executive which respects the necessity of the legislature to enjoy autonomy in the drafting of their operating budget. Further, the DPR could authorise a qualified internal budget committee to draft a comprehensive budget for the house, including all details like salaries, allowances, travel costs, administrative costs and maintenance costs. To identify the optimal composition of such a budget committee, an in-depth background study could be conducted by independent analysts.

Noting that budget reform may cause controversy, efforts should first be made to carefully examine the current allocation of the operating budget to look for efficiencies and improvements through reallocation. Input to the draft should come from all members, committees, standing bodies, the leadership and the DPR administration. To conduct its work, the internal budget committees should be adequately supported by qualified drafters and experts. Upon completion, the draft should be presented to all members. Lastly, in the interest of accountability, the State Audit Board (BPK) may wish to include the DPR in its list of state institutions to be audited and these findings should be made public.

#### ***Fourth: Simplifying and Clarifying the Legal Basis for Legislators' Pay***

Concise regulations on salaries and allowances for members and staff at the DPR need to be drafted. This may include the restructuring of the salaries and allowances and the creation of an adequate base salary as well as allowances that are bound to clear purposes that are easy for the public to understand. Allowances that have no clear purpose, vague names, or are irrelevant to the work of the legislators may need to be eliminated or reallocated. The possibility of an office budget for members should also be discussed. The old Law 12/1980 as the basis for the financing and administration of leaders and members of higher state institutions could be examined for possible revision. In the future, legislators may wish to explore the regulation of salaries and allowances for state officials by law rather than by presidential decree or ministerial letters.

During the course of this research, several members suggested summarizing all valid regulations regarding the salaries and allowances of DPR leaders and members in one document, along with a clarification of their legal basis. Such a summary would benefit members and the public.

#### ***Fifth: Increasing transparency and public support***

To increase public acceptance of the need for an improved DPR operating budget framework, the DPR could develop an action plan for

**In NDI's quick survey of parliamentarians, 85% of the respondents were of the opinion that the public have a right to know all the details of the DPR operating budget.**

increasing transparency. In NDI's quick survey of parliamentarians, 85% of the respondents were of the opinion that the public have a right to know all the details of the DPR operating budget. For this purpose, the members could develop a public information campaign, sharing their day-to-day activities and available human and financial resources. During the discussion of the future draft of the operating budget, the members could inform the public about the realities of their work and to demonstrate how changes in the supporting structure may help them to undertake their tasks in a

professional way. The comprehensive estimate would need to be explained in detail before it is inserted in the new draft state budget. DPR could also establish an independent audit body to examine the legislature's operating budget, including salaries and allowances of members and staff. Such an audit body could see to it that budget lines of the operating budget are not exceeded and ensure that no unauthorized transfers takes place.

<b>Options and Implications for Reform:</b>				
<b>Table on options for reforming the DPR operating budget system</b>				
	Programme and Activities	Short Term		Medium Term
		1 year	2 years	2-3 years
<b><i>I. Reviewing the DPR operating budget system</i></b>				
1.	Conducting an in-depth study of the existing operating budget and salary and support scheme for members and staff.	●		
2.	Developing a blueprint for the reform of the operating budget system and a time schedule	●		
<b><i>II. Strengthening of the House Affairs Committee</i></b>				
1.	BURT members receive all details of the DPR operating budget 2004 and 2005.	●		
2.	The DPR operating budget is made available to all house members and the public	●		
3.	BURT members receive all relevant regulations on salaries and allowances for members and staff of the DPR	●		
4.	BURT conducts a needs assessment of the various DPR commissions and other standing bodies for the coming household years and assist in drafting a needs-based operating budget, including the expected salary, administrative and maintenance costs of the DPR.	●		
5.	Enhance the role of the BURT in the operating budget process by ensuring BURT members are represented in the presentation of the DPR operating budget to the Budget Committee	●		
6.	BURT shares all data analysis and processed information with all house members on a regular basis.	●		
<b><i>III. Implementing the financial autonomy of the DPR</i></b>				
1.	Amendment of Law 17/2003 on the Financing of the State, regulating the financing arrangements and authorities of all higher state institutions.	●		

	Programme and Activities	Short Term		Medium Term
		1 year	2 years	2-3 years
2.	Authorising a qualified budget committee to draft a comprehensive budget for the DPR, including all details, like salaries, allowances, travel costs, administrative costs and maintenance costs.	•		
3.	Conducting an independent in-depth background study on the task and optimal composition of a DPR budget committee.		•	
4.	Including the DPR into the list of state institutions to be audited by the State Audit Board (BPK)	•		
<b>IV. Simplifying and strengthening the legal basis for legislators pay</b>				
1.	Drafting concise regulations on salaries and allowances of members and staff, reducing the components of the remuneration package making it easier to understand	•		
2.	Discussing the possibility of an office budget for house members with clear safeguards built in and a plan for full financial disclosure and transparency.	•		
3.	Revising Law 12/1980 as the basis for financing and administration of leaders and members of higher state institutions.		•	
4.	Summarising in one publication all valid regulations regarding the salaries and allowances of DPR leaders and members, including their legal basis.		•	
<b>V. Increasing transparency and public support</b>				
1.	Developing an action plan for increasing transparency to ensure that the full details of the DPR operating budget are available for DPR members and the general public.	•		
2.	House members develop a public information campaign, sharing their day-to-day activities and clearly demonstrating how enhanced work facilities could improve their performance and the performance of the DPR.	•		
3.	Explaining the comprehensive draft of the operating budget before it is inserted into the new state budget.		•	
4.	Establishing an independent audit body for review of DPR salaries.		•	





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Towards a  
More Effective  
Indonesian House of  
Representatives:  
***Options for Positive  
Change by  
Legislators***

***Issue: 2  
Support Staff***

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# Issue 2

## Support Staff

### Introduction

Recent constitutional changes mean that Indonesia's Parliament enjoys unprecedented autonomy from the executive branch. While vast reforms have been implemented, there are still many areas ripe for reform in the

Indonesian House of Representatives (Dewan Perwakilan Rakyat or DPR). One fundamental resource that determines the effectiveness of any legislature is the support staff. In many transitional jurisdictions, parliamentarians are provided with increased support staff and are given the authority to hire personal or "political" assistants. In many cases, pre-existing parliamentary support services have been strengthened and in many legislatures, staff have been given a status independent from the executive. Moreover, under a system of separation of powers, it is important that the parliament can control whom it recruits and dismisses, and how the staff is evaluated and rewarded.

**In most cases, parliamentary support services have been given a status independent from the executive.**

This paper provides comparative examples of how parliamentary staff is regulated and managed in other countries. It looks at the composition of staff and the numbers of staff available directly to legislators. It also provides examples of how parliamentary research centres are organised in other parliaments. The key issues addressed in this study related to parliamentary support staff are: How is the staff at the DPR structured and what is its current size? What are the existing categories of staff? What are the procedures and mechanisms for recruitment and evaluation? To whom do the various staff report? What are the authorities of the legislature to hire its own staff? What are the challenges facing the existing staff system? Finally, the paper develops options and recommendations for the development of a staff system for the Indonesian DPR which is more beneficial to the legislators and improves the effectiveness of the parliament.

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## **The Various Types of Staff at the Indonesian House of Representatives**

The various types of staff working at the DPR can be categorised into two main groups. The first group consists of civil servants under the leadership and responsibility to the Secretary General. Corresponding to the structure of the Indonesian civil service, they are either “structural” staff of the Secretariat General, or “functional” staff, in the secretariats of commissions and committees, or researchers at the Centre for Research and Information Services (P3I). The second group consists of contracted staff on the payroll of the Secretariat General who are nonetheless responsible to individual legislators or the heads of factions, commissions and committees. They are referred to as personal staff (*staf pribadi* or *asisten pribadi*) and expert staff (*staff ahli* or *tenaga ahli*).

The staffing structure under the structure of the Secretariat General is summarised in Table 1.

**Table 1**  
**The Civil Service Structure in the DPR**

Bureaus	Division
Office of Assistant Secretary General I (Ases I)	Laws and Regulations Implementation Monitoring Affairs
	Preparation and presentation of Bills on Economy, Finance, Industry and Development Affairs
	Preparation and presentation of Bills on Politics and People's Welfare Affairs
Office of Assistant Secretary General II (Ases II)	People Complaints Affairs
	Legislature Oversight Affairs
Bureau of Session	Secretariat of Commission I, II, III, IV, V, VI, VII, VIII, IX, X, XI
	Secretariat of Budget Committee
	Secretariat of Special Committee
	Secretariat of Plenary Session
Bureau of Leadership Secretariat	Administrative Affairs for The Speaker
	Administrative Affairs for Deputy Speaker/Coordinator for Political Affairs
	Administrative Affairs for Deputy Speaker/Coordinator for Industry and Development
	Administrative Affairs for Deputy Speaker/Coordinator of People's Welfare
	Administrative Affairs for Deputy Speaker/Coordinator for Economy and Finance
	Secretariat of Deliberation Body
	Secretariat of Leadership Meeting
	Secretariat of Household Affairs Committee
	Secretariat General Leadership
	Secretariat of Legislation Body
Bureau of Public Relations and Law	Protocol
	Laws and Regulations
	Public Relations
	News and Publications
Bureau of Administrative and Personnel Affairs	Personnel
	Education and Training
	Legislative Administration and House Membership
	Archive, Distribution
	Secretariats of Factions
Bureau of Inter-parliamentary Cooperation	Secretariat of IPU (Inter Parliamentary Union)
	Secretariat of AIPO (Asean Inter Parliamentary Organization)
	Secretariat of Inter-parliamentary Relations
Bureau of Planning and Control	Planning
	Organisation and Procedure
	Financial Control
	Equipment and Material Control
	General Administration Control
Bureau of Maintenance and Installations	Installations
	Building and Parks
	Housing
Bureau of Finance	Treasury
	Budget
	Financial Administration
	Cashier and Bookkeeping
Bureau of General Affairs	Transportation
	Equipment
	Official Travel
	Internal Security
	Health Service Unit
	Research and Analysis
Centre for Research and Information Services (P3I)	Information Facility and Service
	Library Unit
	Documentation

Source: Organizational & Structure Management of Secretary General of DPR, Organization Structure of Secretary General of DPR RI based on President Decree No. 13 Year 1994 & Secretary General Decision Letter No.175/Sekjen/1994 and it has been changed to Secretary General Decision Letter No. 340/Sekjen/2000. . Since 2004, and in accordance with Law 22/2003 (Susduk), the DPR has only three Deputy Speakers instead of four.

The number of staff working under the two Assistant Secretaries General and for the nine bureaux and P3I are given in Table 2.

The overall number of staff under the organisational structure of the Secretariat General is 1,340. All of them have national civil servant status (*Pegawai Negeri Sipil* or PNS). There are also a number of honorary staff (*pegawai honorer*) under the authority of the Secretariat General who do not have civil servant status. The recruitment of honorary staff is conducted by the Secretariat General when the need for additional technical or administrative assistance arises, such as during special annual sessions.

**Table 2**  
**Numbers of Civil Servants in the Offices of the Secretariat General, Commissions & Committees**

Staff	Number
Office of the Secretary General	1
Office of the Deputy Secretary General	1
Office of Assistant Secretary General I (Legal Drafters, Administrative Staff)	33
Office of Assistant Secretary General II	7
Bureau of Session	215
Bureau of Leadership Secretariat	84
Bureau of Public Relations and Law	65
Bureau of Administrative and Personnel Affairs	294
Bureau of Inter-parliamentary Cooperation	29
Bureau of Planning and Controlling	42
Bureau of Maintenance and Installation	161
Bureau of Finance	45
Bureau of General Affairs	273
Centre for Research and Information Services (P3I) (Researchers, Librarians, Documentation Staff, Facilities and Information Service Staff)	83
Staff on study leave	1
Staff assigned to other institutions	6
<b>Total</b>	<b>1,340</b>

Source: Division of Personnel Affairs, Secretariat General DPR, Recapitulation of Civil Servants in the Secretariat General DPR as of 1 February 2005.

Staff outside the reporting structure of the Secretariat General include the personal staff of house members and various experts assigned to fractions. Each of the 550

**The overall number of experts working at the House of Representatives is estimated at approximately 119 people.**

house members has one personal staff member paid for by the operating budget of the DPR. Although some of the house members may have more than one personal staff, the additional assistants are paid by the house members directly from their own resources. The number of expert staff working for the various commissions, committees and the house leadership varies between one and fourteen. The number of expert staff working for the political factions is dependent on the number of parliamentary seats each faction has in the house. The overall number of experts working at the House of Representatives is estimated at approximately 119 people. The number of expert staff of Factions, Commissions, the Budget Committee, the Legislation Body (BALEG), the Inter-parliamentary Cooperation Body (BKSAP), the Household Affairs Committee (BURT), and the Honorary Council are detailed in Table 3.

The recruitment of contract or expert staff is based on proposals by the various

commission heads, committee heads and faction heads to the Secretary General. Some factions have selection teams and apply fit and proper tests, while in others, the members can make suggestions and faction leaders make the selection for submission. Each legislator can propose one personal staff to the Secretary General. Based on the proposals made, the Secretary General issues a letter of decision regulating the appointment of the experts and personal assistants.<sup>37</sup> The appointment of expert staff working for the house leadership is regulated in a separate letter. Neither experts nor personal staff have civil servant status.

**Table 3**  
**The number of Personal Staff and Expert Staff at Factions Commissions and standing Committees**

Personal Staff and Expert Staff at Factions and Internal Organs	Number
Individual DPR Members (550)	550
Golkar Party Faction	14
PDIP Faction	12
PPP Faction	6
Demokrat Faction	6
PAN Faction	6
PKB Faction	6
PKS Faction	5
PBR Faction	3
Damai Sejahtera Faction	3
BPD Faction	4
Budget Committee	12
Legislation Body	6
Inter-parliamentary Cooperation Body	1
Household Affairs Committee	1
Honorary Council	1
Commission I (Defence, Foreign Affairs, and Information)	3
Commission II (Home Affairs, Regional Autonomy, State Apparatus, and Land)	3
Commission III (Law and Regulation, Human Rights, and Security)	3
Commission IV (Agriculture, Forestry, Maritime, and Food)	3
Commission V (Transportation, Telecommunication, Public Work, People Housing, Rural Development and Under-developed Areas)	3
Commission VI (Trade, Industry, Investment, Cooperatives, Small and Medium Enterprise, and State Enterprise)	3
Commission VII (Energy, Mineral Resources, Research and Technology, and Environment)	3
Commission VIII (Religion, Social Affairs, and Women Empowerment)	3
Commission IX (Population, Health, Manpower, and Transmigration)	3
Commission X (Education, Youth, Sport, Tourism, Art, and Culture)	3
Commission XI (Finance, National Development Planning, Banking, and Non-Bank Financial Institution)	3
<b>Total</b>	<b>669</b>

Source: Surat Keputusan Sekretaris Jenderal DPR RI No. 07A/Sekjen/2005 tentang Penetapan Tenaga Ahli DPR RI tahun Anggaran 2005.

### Taking Stock of the Various Staff Challenges

During numerous meetings and discussions with house members as well as administrative and expert staff in the research associated with this paper a number of DRP staffing challenges were identified. Before the challenges and problems are discussed in more detail, it is worth grouping the various staff according to their main tasks and functions. There are six main groupings of staff:

- (1) Staff of the Assistant Secretary General for Legal Affairs (*Ases I*)
- (2) Staff of the Assistant Secretary General for Supervisory Affairs (*Ases II*)

<sup>37</sup> Secretary General Decision Letter DPR RI No. 07A/Sekjen/2005 on Determining of DPR Expert Staff for the 2005 year budget.

- 
- (3) Administrative staff of the Secretariat General
  - (4) Researchers of the Centre for Research and Information Services (P3I)
  - (5) Technical experts
  - (6) Personal assistants

**The legal drafters are mainly recent university graduates with a degree in law and most have no previous experience.**

The 33 staff members of the Assistant Secretary General for Legal Affairs include 23 legal drafters and 10 administrative staff tasked with determining whether a draft bill discussed by the DPR contradicts other laws and regulations. The legal drafters are mainly recent university graduates with a degree in law and most have no previous experience. All staff including the legal drafters are civil servants and paid by the Secretariat General from the DPR operating budget.

The office of the Assistant Secretary General for Supervisory Affairs consists of 7 staff in the People's Complaint Division who have the task to respond to constituents' questions and concerns. The 7 person team can investigate these complaints, make inquiries to relevant agencies and draft letters for signature by relevant house authorities. All staff report their work and findings to the Secretary General via the Assistant Secretary General II. All staff are civil servants and are paid by the Secretary General from the DPR budget.

There are 1,340 administrative staff members for the House of Representatives who work in various offices overseen by the Secretariat General. Administrators work for: the secretariats of the nine bureaus and the DPR Research Bureau, the secretariats of the commissions, committees, other standing bodies, and the secretariats of the house leadership. They are even assigned to work in the offices of the factions. Besides the main administrative work, some of the staff also conduct more technical work, including managing of the DPR building and its facilities, securing the DPR buildings, the residences of members, and managing health services. The administrative category includes managing the DPR archives and documents, administering the staff and members, including finance management, and managing staff training. All bureau staff are civil servants and paid from the DPR budget.

The staff of the Centre for Research and Information Services (P3I) are comprised of 41 researchers, and 42 administrative staff. Researchers conduct studies and analysis on current issues and produce books, reports and academic papers on draft bills. Upon the request of DPR members, researchers of Centre for Research and Information Services (P3I) also prepare papers and speeches for official duties and personal needs in some cases. Members can utilise the products of P3I request its services through the head of the centre. Some members have developed personal relationships with



researchers and therefore they often direct their requests directly to them. Non-researchers report to the Head of P3I who in turn reports to the Deputy Secretary General. The researchers report to Head

**The researchers are not evaluated on the basis of the quality or timeliness of their services to factions, commissions or members.**

of P3I and Deputy Secretary General for administrative matters only, while their scientific work is reported to and evaluated by the Indonesian Institute of Sciences (LIPI), an external institution with no direct responsibility to the DPR. This institute then awards credit points for performance and promotion. The researchers are therefore not evaluated on the basis of the quality or timeliness of their services to factions, commissions or members.<sup>38</sup> Both researchers and non-researchers have civil servant status and are paid from the DPR budget. Administrative staff of the centre manage the library, documents, and the DPR information system.

The 119 technical experts at the DPR work for the various party factions, commissions, and committees – including the Budget Committee, the Legislation Body (BALEG), the Inter-parliamentary Cooperation Body (BKSAP), the Household Affairs Committee (BURT), and the Honorary Council.<sup>39</sup> There are also additional experts working for the house leadership. The experts assigned to the commissions are tasked with preparing the summaries of the commission meetings, analysing bills deliberated on by the commissions, providing data and information for the work of commission members, and preparing papers and presentations for commission members. Technical experts often work exclusively for the heads of these bodies. The work of these experts is very similar to the work of standing committee staffers and party factions. Expert staff report to the leadership of their respective bodies or to the house member who requires their assistance. None of the expert staff have civil servant status. However, they receive their monthly salary of IDR 5,000,000 from the budget of the DPR through the Secretariat General.

The 550 personal assistants of legislators execute mainly administrative and clerical tasks for their superiors, such as correspondence, scheduling, and office work. Many also assist with data and information research from in-house and external sources. Personal staff report directly to their respective house members. Personal assistants do not have civil servant status. They receive their monthly salary of IDR 2,000,000 from the budget of the DPR through the house members. If a house member hires more than one personal assistant, the member has to pay the salary for this additional staff.

<sup>38</sup> See also, Stanley Bach, "Observations and Options for the Badan Legislati", presentation at the Legislation Council (BALEG) of the *Dewan Perwakilan Rakyat* (DPR), National Democratic Institute, 5 November 2003.

<sup>39</sup> Experts are regulated in: Secretary General Decision Letter DPR RI No. 07A/Sekjen/2005 on Determining of DPR Expert Staff for the 2005 year budget.

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Based on the above tasks and functions performed by the various staff at the DPR a closer analysis of the current staff situation was conducted. The research revealed a number of problems and challenges. According to many members interviewed in this study, some services provided by staff at the DPR do not correspond to the needs of the legislators, their factions, commissions and committees. The following represent some common concerns among legislators and employees themselves.

### ***Limited number of staff available for the tasks of legislators***

Based on a quick survey conducted in early 2005 by the National Democratic Institute for International Affairs (NDI), approximately 69% of responding parliamentarians are

**Approximately 69% of parliamentarians are of the opinion that they do not have enough staff to help with their work.**

of the opinion that they do not have enough staff to help with their work.<sup>40</sup> Each member has only one personal staff member (paid by the DPR budget) to undertake technical-administrative work like receiving guests, preparing the schedule of the member and office communication. Members do not have personal

expert staff to advise them on legislation, oversight, and budget discussion or to help them maintain contact with their constituency. To conduct these functions effectively, members are calling for more legal drafters, economists, political analysts, and public relations or media analysts. The few experts available within the factions are usually used to assist the faction leaders or, in the case of Golkar which has the largest number, assigned to the various commissions. Some members solve this problem by hiring their own expert staff or more personal assistants and pay them with their personal money.

### ***Staff may not correspond to the needs of the legislators***

Several DPR Members and faction leaders raise the issue that staff provided by the Secretariat General in the factions, commissions, and various other standing committees conduct mainly technical-administrative work, while there is more need for expert and

**there is more need for expert and analytical work.**

analytical work. The house budget pays for factions to have 20 clerical employees. However, faction leaders have limited access to the selection or assessment process. The number of expert staff paid

by the house budget, however, is limited and dependent on administrative decisions. The quick NDI survey of members indicates that the majority of the respondents (67%) choose to rely on the political staff of the faction or party when seeking advice, rather than the administrative staff of the DPR (31%). The survey further shows that 69% of the respondents are of the opinion that the staff available to conduct their work do not match their work requirements.

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<sup>40</sup> "We want to know what Members think ", Informal survey conducted by the National Democratic Institute (NDI) involving 45 parliamentarians (including DPR and DPD members) from various factions, January until March 2005.

### ***Professionalization Required***

It is generally acknowledged that to execute their functions effectively legislators require staff with a high degree of professionalism. Several DPR members involved in this study remarked that the summaries of meetings prepared by the administrative staff, for instance, often omit important information.

Furthermore, detailed minutes of meetings are not readily available, although most meetings are recorded on tape. Because of the slow pace at which reports are produced the Centre for Research and Information Services' (P3I) is perceived as very academic and of little practical use. Like in most legislatures, DPR members require concise summaries of complex issues combined with a non-partisan analysis of the potential impact of policies in order to help them make important decisions.

**to execute their functions effectively legislators require staff with a high degree of professionalism.**

Many members believe that some of the other services provided could also be improved. For example, P3I should be able to provide the members with information about issues related to the bills they are deliberating however, the informal survey of parliamentarians shows that 63% of the respondents do not know of P3I's existence. As a result, many DPR members conduct their work without sufficient data, analysis and information. The survey found that 75% of the respondents feel they do not have sufficient information to make decisions. The result is that members very often have to use personal resources to receive information needed.

### ***The Competing Loyalties of the Centre for Research and Information Services***

The reporting responsibility of the researchers at the Centre for Research and Information Services (P3I) is ambiguous. On the one hand, as staff under the administration of the Secretariat General, they are accountable to Secretary General. On the other hand, as researchers they are accountable for the quality of their work to the Indonesian Institute of Sciences (LIPI). This creates a situation where P3I researchers are not directly accountable to the legislators who actually receive their research products. This can lead to a mismatch between the research conducted and the actual needs of legislators. Researchers often produce products that do not provide practical benefit to house members and are produced too slowly to be of use to Parliamentarians.<sup>41</sup> Therefore, although much analytical work is being undertaken by the researchers of the centre is viewed by, legislators as unhelpful. As a consequence, DPR member rely more on their personal assistants and expert staff who they consider to have more of the expertise needed immediately, rather than researchers of P3I. This, despite the fact that these staff often do not have access to sufficient resource materials and are not remunerated

<sup>41</sup> For a more detailed analysis of the DPR Centre for Research and Information Services see, Stephen Sherlock, "Struggling to Change: The Indonesian Parliament in an Era of Reformasi" Report of the Centre for Democratic Institutions, Canberra, 2003, pp. 23-25.

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at a sufficient rate for professional researchers. The above problems are not necessarily caused by the researchers themselves but by the structure that dates from a less democratic era where the legislature was commonly viewed as a “rubber stamp” parliament.

### ***An unclear recruitment system for staff and experts***

The recruitment of staff for the services of the Secretariat General is conducted through an open competition administered by the National Civil Service Agency under the

**It is possible that newly recruited staff may not meet particular requirements of individual members or bodies tasked to deal with specific issues.**

authority of the Ministry of State Apparatus<sup>42</sup>. Previously, it was conducted directly by the Secretariat General of the DPR<sup>43</sup>. The recruitment of expert staff is the responsibility of

the various internal organs of the DPR. There are no specific requirements for the recruitment of the two staff groups except for the educational level (high school, undergraduate, graduate) and the area of educational background (economy, politics, sociology, law). Furthermore, there are no fit and proper tests applied. As a result, it is possible that newly recruited staff may not meet particular requirements of individual members or bodies tasked to deal with specific issues. The extension of experts and personal staff is at the discretion of the heads of the various bodies they serve or the individual legislators. No standard for evaluating the work and performance of the various staff has been set up which could help the institution to determine if the staff are serving the needs of the institution and its members appropriately.

### **International Comparison**

Studies on the management of parliaments frequently point to the need for control over internal administrative operations. “To assure its ability to function free of hampering

**The individuals elected to leadership positions in a parliament bear ultimate responsibility for the legislature’s internal administrative operations.**

encumbrances, a democratic legislative body must have control over its own internal operations – its budget, its personnel, and its facilities”.<sup>44</sup> The individuals elected

to leadership positions in a parliament bear ultimate responsibility for the legislature’s internal administrative operations, yet, very often the parliamentary administration is assigned to a committee responsible to an appointed or elected chief administrative officer. Day-to-day administration is frequently delegated to professional staff who are directly accountable to the leadership of the parliament.

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<sup>42</sup> Ministry responsible to recruitment of civil servants in Indonesia.

<sup>43</sup> It was changed according to Government Regulation No. 54 / 2004 on National Civil Servant Recruitment.

<sup>44</sup> David B. Ogle, “Management and Organization of Representative Assemblies”, study paper, National Conference of State Legislatures, December 1997, p. 7.

### ***How are Staff Regulated Elsewhere?***

The majority of representative legislatures around the world recruit their personal staff directly through the process of advertising vacancies, competition, short-listing, interview and final selection.<sup>45</sup> This section of the research study provides an overview about the processes and organisation of parliamentary staff in other countries. It shows that in many countries the staff of parliaments is considered as a distinct category of public or parliament servants. Further, it explains briefly how parliamentary staff in other countries is regulated, and what the composition of staff looks like. In addition, it gives a overview of professional parliamentary research services operating in other various legislatures. Finally, it explores various recruitment systems in other countries.

**In many countries the staff of parliaments is considered as a distinct category of public or parliament servants.**

### ***The Legal Status of Parliamentary Staff***

The administration of parliaments differ in levels of autonomy from country to country. Many parliaments, like in Canada, Japan, Finland, Egypt, Korea, Germany, Italy, the Netherlands, have an autonomous administrative management.<sup>46</sup> This autonomy is reflected by indicators such as the constitutional guarantee of independence and neutrality of parliamentary administration. In the Indonesian House of Representatives, the majority of staff (66.7%) are hired and promoted according to the same rules and procedures that apply to national civil servants. Unlike this, the staff of the United States Congress – is independent from the executive bureaucracy. They form a separate parliamentary staff service that is more fitting for a legislature that is constitutionally independent from the executive. Independent staff service does not necessarily exclude employment protection and other public servant benefits. Parliamentary autonomy includes the right to recruit and dismiss staff. Often, parliaments have special regulations on staff, like Canada with its *Parliamentary Employment and Staff Relations Act*, and its *Public Service Employment Act and Regulations*, or Japan with its *Diet Officials Act* and the *Diet Officials Pay Regulations*.<sup>47</sup> The United States regulates matters like compensation for over-time and leave provisions of staff with its *Congressional Accountability Act* which recognizes the unique workplace environment that exists in legislatures where, among other things, it is difficult to predict working hours.<sup>48</sup> Family ties between house members and staff are not allowed in the United States or Philippines Congress.

**staff of the United States Congress – is independent from the executive bureaucracy.**

<sup>45</sup> See, ASGP, *Constitutional and Parliamentary Information*, 3rd Series, No. 167, 1st Half-year 1994, p. 61.

<sup>46</sup> ASGP, *Constitutional and Parliamentary Information*, 3rd Series, No. 167, 1st Half-year 1994.

<sup>47</sup> ASGP, *Constitutional and Parliamentary Information*, 3rd Series, No. 167, 1st Half-year 1994.

<sup>48</sup> CRS Report for Congress, *Congressional Member Office Operations*, by John Pontius.

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### ***The Composition of Parliamentary Staff***

Legislatures are always called upon to ensure the provision of adequate staff resources for legislators and party factions to make well-informed and professional

#### **In the United States and in Canada where the majority of staff directly support the work of legislators.**

decisions. The data available on the staff working at the Indonesian DPR indicates that the majority of staff are conducting administrative and technical work. Only 5.9% of the DPR staff are external experts, 27% work in offices of members and and 67% are working in the parliamentary administration.<sup>49</sup> A different picture can be found in the United States and in Canada where the majority of staff directly support the work of legislators, like personal staff, legal experts, economists, political scientists, in addition to historians and sociologists.<sup>50</sup> It has to be mentioned that the presence of non-specialised employees can be very low, like in the parliaments of Poland and the Czech Republic.<sup>51</sup> In many parliaments, they they can supplemented by university students and temporary volunteers.

In the United States Congress there are five staff categories. They are: personal staff, committee staff, leadership staff, institutional staff, and support agency staff, like Congressional Research Service staff, Congressional Budget Office staff, and General Accounting Office Staff.<sup>52</sup> Personal staff can be tasked with drafting strategies and legislative initiatives, monitoring laws as well as assigned more administrative duties. Tasks for committee staff include, drafting legislation, writing committee reports, and general administration such as organising logistics for committee meetings and distributing documents. Additional staff also work for the Speaker, Majority Leader, Minority Leader, Majority Whip and Minority Whip.<sup>53</sup>

Support agencies conduct non-partisan staff work for the Congressional Research Service (CRS), Congressional Budget Office (CBO) and General Accounting Office (GAC). Details on the CRS can be found in the section on professional parliamentary research centres of this study. The CBO provides independent information on the budget to the Congress. Whereas the GAO acts as the principal auditing agency of the federal government for the Congress<sup>54</sup>

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<sup>49</sup> In 2005, there are 2,009 official staff working at the Indonesian DPR, including 1,340 administrative staff, 550 personal staff, and 119 experts.

<sup>50</sup> See also, Karim Syed abd el Razik, "What to Reform? A Platform for Parliamentary Reform", in: Ali Sawi, ed., *Parliamentary Reform*, Conference Proceedings, Faculty of Economics and Political Science, Cairo University, 2003, p. 42.

<sup>51</sup> *Ibid.*

<sup>52</sup> *Capitol Questions*, with Ilona Nickles, C-SPAN Resident Congressional Scholar. (see: <http://www.c-span.org/questions/weekly35.asp>)

<sup>53</sup> In a Westminster parliamentary system, Whips are MPs appointed by each party to maintain party discipline and work to ensure that members vote in accordance with caucus policy. Whips on the government and opposition sides ensure the smooth running of parliamentary business.

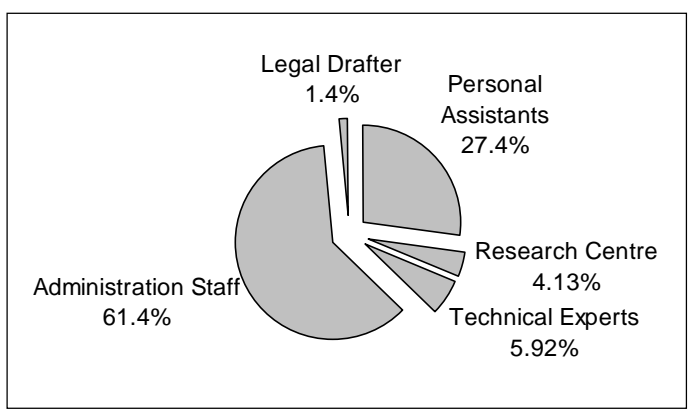
<sup>54</sup> CRS Report RS20095 for Congress, *The Congressional Budget Process: A Brief Overview*, by James V. Saturno, December 9, 2004, p. 1

In Canada, the staff service provided by the House Administration is divided into five areas, all of which provide specific expertise namely: (1) Corporate Services which deal with matters of finance, human resources, and information management; (2) Information Services which deal with information technology, internet, radio, television, and printing, publications; (3) The Office of the Law Clerk and Parliamentary Counsel which provides consultation on laws and legislative issues; (4) The Parliamentary Precinct Services which provide protection to life and property, and guards traditions; and (5) Procedural Services which provide secretarial services and organise the involvement of the Canadian parliament in international inter-parliamentary organisations. Appendix C shows in detail the division of the five areas and the kind of work.

**Professional parliamentary research centres**

To maximise the expertise and information available to party factions and legislators, parliaments should provide substantial information resources. Many legislatures throughout the world are supported by specialized parliamentary research centres, including Indonesia. The United States Congress has one of the largest services of its kind, the Congressional Research Service (CRS) which was set up based on the Legislative Reorganization Act of 1970<sup>55</sup> and which works exclusively for the members and committees of the Congress.

**Chart 2**  
**The Composition of Staff at the Indonesian House of Representatives**



Notes: processed data from Division of Personal Affairs, Secretariat General DPR, Recapitulation of Civil Servants in the Secretariat General DPR as of 1 February 2005; Secretary General Decision Letter DPR RI No. 07A/Sekjen/2005 on Determining of DPR Expert Staff for the 2005 year budget; personal assistants data were collected from interview result; Administration staff is including the First and Second Assistant Staff of Secretary General of DPR; Data Research Centre is including researcher and administration staff.

There are a number of important differences between the CRS of the United States Congress and its Indonesian counterpart P3I including its status and organisational structure, its staff status and staff composition, and its responsibilities and reporting structure. Although it is a section of the United States Library of Congress, the CRS is an independent and non-partisan research office.

**The CRS is an independent and non-partisan research office.**

<sup>55</sup> Information regarding the CRS can be accessed via: [www.loc.gov/crsinfo](http://www.loc.gov/crsinfo)

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Its services are divided into six divisions mirroring the professionalism and expertise of its staff: (1) American Law, (2) Domestic Social Policy, (3) Foreign Affairs, Defence and Trade, (4) Government and Finance, (5) Information Research, and (6) Resources, Science and Industry. The six divisions are subdivided into smaller sections focusing on specific matters of public policy.

Unlike the national civil servants of the Indonesian research centre, the staff of the CRS is made up of independent researchers employed by the United States Congress. The large majority of the CRS are researchers, supported only by a small number of administrative staff. The CRS is led by a director who is appointed by the Librarian of Congress following the approval of the Joint Committee on the Library. As a part of the Library of Congress, the centre's staff is paid from the congressional budget. The researchers of the CRS serve the members of Congress, its committees, and staff directly. The services provided range from analysing procedural and legal aspects of issues presented before the Congress, to drafting legislative proposals, creating databases, researching and evaluating various information, research results and data. Some of the services are provided in form of written analytical reports, memoranda, seminars and workshops, as well as direct briefings and consultations via telephone.

### ***Private Staff and Experts Available to Legislators***

In 2000, the United States Congress employed approximately 24,000 professional, independent and non-partisan staff, including 11,692 personal staff, 2,492 committee staff, 274 leadership staff, 5,034 institutional staff, 747 Congressional Research service

**Figures show that the majority of staff work directly for House of Representative members or Senate members.**

staff, 232 Congressional Budget Office staff, and 3,500 General Accounting Office staff.<sup>56</sup>

These figures show that the majority of staff work directly for House of Representative members or Senate members, rather than

for the various congressional bodies. Almost half of the staff (49%) work directly for members of the House of Representatives and Senate. On average, every House of Representatives member has 14 staff and every Senate member has 34 staff.<sup>57</sup> These personal staff members provide highly specific expertise supporting the work of the legislators. They are administrative assistants, correspondence experts, constituent complaint administrators, legal experts, schedulers and receptionists, and public relations staff.<sup>58</sup> Appendix E gives a summary of services provided by personal staff at the House of Representatives and the Senate.

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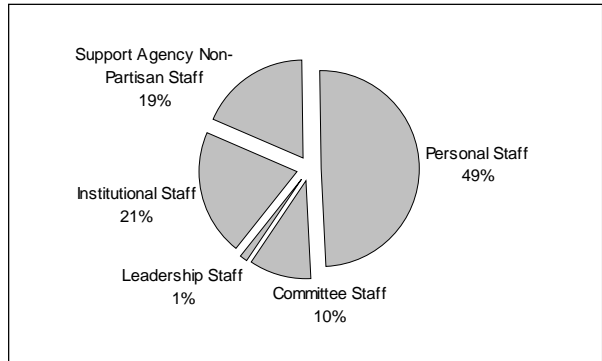
<sup>56</sup> *Capitol Questions*, with Ilona Nickles, C-SPAN Resident Congressional Scholar. (see: <http://www.c-span.org/questions/weekly35.asp>).

<sup>57</sup> *ibid*

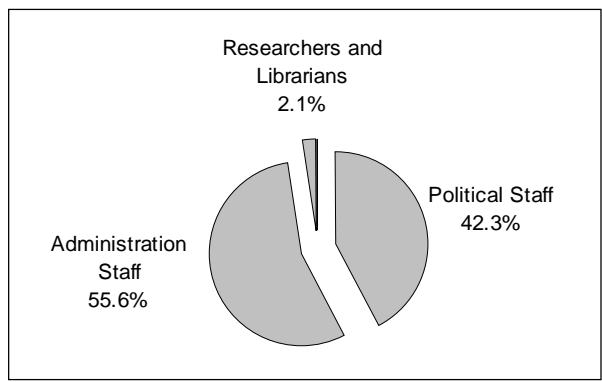
<sup>58</sup> CRS Report for Congress, *Congressional Member Office Operations*, by John Pontius.



**Chart 3  
Staff at United States Congress**



**Chart 1  
The Composition of Staff at the Canadian House of Commons**



Source: Parliamentary Centre, Ottawa, 2005.

While it is certainly not realistic to expect the DPR to adopt such a large staffing structure, the DPR can examine the distribution of its current staffing complement to determine if there are enough human resources assigned to help the members to conduct their day-to-day work.

The composition of staff at the Canadian House of Commons is similar to the United States Congress. The members are directly supported by 42.3% of the staff. There are 310 members and each has an average of six staff supporting them. The number for the personal staff includes administration staff, legislative researchers, as well as caucus research services for members. It also includes staff in members' constituencies (electoral districts).

***The Recruitment System in Legislatures***

When it comes to hiring staff, there are a number of recruitment systems commonly applied in parliaments around the world. In some, the recruitment is done directly by the respective parliament while in others, the parliament uses staff of agencies and institutions of the government. In the first system, recruitment of administrative staff is often conducted through open competition by the leadership or members of the parliament, as it is the case at the House of Representatives in Belgium and the parliament in Finland. Alternatively, the recruitment can be done by a parliamentary service administration or secretariat, like at the parliament in Canada, the National Assembly in France, the Diet in Japan, or the parliament in Switzerland. The majority of parliaments apply this variant.<sup>59</sup> A third variant to this system is applied in the United Kingdom where the parliamentary Civil Service Commission recruits the Clerks for the House of Commons and Upper House, applying a number of qualification tests. The Clerks then select the staff recommended by the Commission.

<sup>59</sup> ASPG, Constitutional and Parliamentary Information, 3<sup>rd</sup> Series, No. 167, 1<sup>st</sup> Half-year 1994, p. 16 and Appendix I.

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Under the second system, the parliaments employ staff provided by agencies and institutions of the executive branch of government. Where this process is applied, the servants recruited are very few, like at the Chambers of Deputies in Italy, or for a limited period only, like at the Bundesrat in Germany.<sup>60</sup> Mixed versions, combining the two recruitment systems are also common, like at the House of Representatives in Australia, Egypt, and Jordan<sup>61</sup>. In the Indonesian parliament the majority of staff are civil servants, recruited under the national civil servant scheme.

## Options and Implications for Reform

In most democracies, the democratic discourse between the executive and the legislature can reveal that civil servants and politicians may sometimes have different interests when it comes to policies or legislation. This should not be seen as a negative conflict, but rather as a positive tension that can lead to accountability, compromise and reasoned debate. Improvements in the staffing system to make it more conducive to the needs of the DPR members, factions and commissions will take time and commitment from both the leadership of the house as well as members. However, the reform of staffing systems in other legislatures is often a sensitive issue that must be handled thoughtfully and with great care.

If there is to be an improvement of existing services and an increase in the number of qualified expert staff in the DPR, it should take place in manageable stages. Recommendations for staff reform can be implemented simultaneously at various points within the legislature, however, it is advisable to draft a strategic plan about the goals first. For that reason, this initial study suggests the following issues be considered for further study:

### ***First: Review Status of DPR Staff***

Any reform regarding the staff services at the DPR has to consider the implications of the principle of separation of powers. It may be advisable that, in the long term, the staff

**Any reform regarding the staff services at the DPR has to consider the implications of the principle of separation of powers.**

services at the DPR may need to become more directly responsible both administratively and functionally to the leadership of the house. It is also worthwhile to examine further if the appointment of the

Secretary General, Deputy Secretary General, Assistant Secretary General I and Assistant Secretary General II should remain under the official authority of the President of the Republic or of the DPR itself.

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<sup>60</sup> ASPG, Constitutional and Parliamentary Information, 3<sup>rd</sup> Series, No. 167, 1<sup>st</sup> Half-year 1994.

<sup>61</sup> Ibid.

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One implication of this autonomy could be the change of status for the staff working at the DPR from national civil servants to DPR staff. In some matters, the autonomy of the legislature might be compromised by the fact that civil servants may feel obliged to be loyal towards the policies of the executive for their promotion and performance review. When contemplating any change of status, it would be wise to look carefully at international experience in this regard to ensure that important job-related benefits are not reduced and that changes seek to improve working conditions that may be not optimal under current regulations.

### ***Second: Changing the composition of DPR staff***

Demands facing the DPR mean that it must have sufficient staff with specific expertise. This includes legal drafters, economists, statisticians, legal experts, defence experts, political analysts, media specialists and Information Technology specialists. A renewed focus on expertise may require a change of the recruitment system based on the needs of members, commissions and factions. Although this may require enhanced resources, efforts should first

**A renewed focus on expertise may require a change of the recruitment system based on the needs of members, commissions and factions.**

be made to reduce or eliminate wasteful or unnecessary spending in the DPR operating budget first. So far, commissions have only three expert staff positions each to often cover very large policy areas. For instance, Commission I on Defence, Foreign Affairs and Information has a huge mandate and its members would likely benefit from the availability of greater expertise. Further, important house bodies, like the Honorary Council or the Household Affairs Committee have only one expert. The Legislation Committee recently increased its expert staff to six to help increase its effectiveness. DPR members and the quality of discussion in the legislature could benefit from the availability of more experts, analysis and information.

In contemplating changes to the staff provided to individual members, consideration should be given to enhanced resources that would provide members greater ability to recruit personal research and support staff that match their demanding work environment. Further examination of the experience of other legislatures in addressing this challenge needs to take place.

Also, the DPR needs to evaluate if the current level of service provided to fractions is sufficient, given the important role of the fraction in the Indonesian system. Although fractions are not an officially-recognized body within the DPR, they are already provided with resources to hire expert staff. Changes may need to be made in the standing orders to accommodate this. In the medium and long run, an increase of expert staff and a reduction of technical and administrative staff will change the composition of the staff working at the DPR.

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### ***Third: Increasing staff efficiency***

The support services of a parliament have to be effective and efficient, however the existing DPR staff system could be examined further to ensure that staff from different organisational units are not working on similar tasks. To streamline the services and to reduce response time to requests, staff with similar work categories could be merged. For example, if the research service employees are made responsible to the leadership of the house then perhaps other expert staff could be supervised by the same research centre administration to achieve greater efficiency and use of talent. Another area for possible reform is the People's Complaint Division. Constituency relations is a fundamental concept of representative democracy that could be strengthened through efforts to draw a more direct connection between citizen's enquiries and the DPR members that represent them in Jakarta. In the medium and long run, attempts should be made to enable members themselves (with the help of their assistants) to respond directly to inquiries as they are ultimately responsible to the voters of Indonesia.

An in-depth study of the administrative services is currently underway at the DPR and an assessment of administrative needs could be very helpful. All changes combined could create a more professional and efficient service provision and parliamentary administration.

### ***Fourth: Reforming the existing recruitment system***

The existing recruitment system in the DPR could benefit from further study for possible improvements. DPR members themselves have expressed a desire to play a larger role in determining the number and quality of experts and administrative support staff needed to serve their needs as well as those of commissions and factions. There could be improved mechanisms where members and factions can clearly convey their staffing needs to the house leadership, so that adequate measures can be introduced to respond to these requirements. Any new regulations need to consider the allocation of DPR Budget funds available for the various services. The issue is inseparable from the qualifications of new staff candidates for the parliament and the quality of training programs available for existing staff members. The more suitable the staff are to the needs of the members, commissions and factions, the more effectively and efficiently the parliament can work. It is essential that the recruitment of new staff be open and public and that the criteria of staff needed are clear.

### ***Fifth: Reforming the DPR personnel management system***

Strong human resource management is fundamental to an effective legislative support system. In supporting a better recruitment and promotion system a comprehensive personnel management system should also be developed. Such a system should include a competitive remuneration system that also considers comparable rates of pay in the

private sector for similar professional expertise. The system should contain a performance appraisal system and a sound legal framework should regulate it. Regulations on expert staff can sometimes be included in the standing orders of legislatures, but often a law accompanied by internal regulations may best govern the legislative personnel management system. Regulations from other countries can serve as example, like *The House of Commons Act* of 1978 in the United Kingdom, *The Parliamentary Employment and Staff Relations Act* and *Public Service Employment Act and Regulations* in Canada, and the *Diet Officials Act and Diet Officials Pay Regulations* in Japan.

**A comprehensive personnel management system should also be developed.**

<b>Table on options to reform the DPR staffing system</b>				
	Programme and Activities	Short Term		Medium Term
		1 year	2 years	2-3 years
<b><i>I. Introducing autonomy of DPR staff services</i></b>				
1.	Examining options for change in the status of staff working at the DPR	•		
2.	Examine how administrative staff and researchers at the DPR could become directly accountable to the house leadership.	•		
3.	Review recruitment, management and review policies to ensure the input of the house leadership		•	
<b><i>II. Changing the composition of DPR staff</i></b>				
1.	Enhancing the the DPR recruitment system based on the needs of members, commissions and factions.		•	
2.	Striking an appropriate balance between DPR expert staff and technical and administrative staff.		•	
3.	Consider enhancements to DPR budget to enable house members to recruit professional expert staff.		•	
<b><i>III. Increasing staff efficiency</i></b>				
1.	Conducting an in-depth study of the DPR administrative services and needs assessment.	•		
2.	Merging staff with similar work categories in order to streamline the services and to reduce response time to requests.		•	
3.	Evaluation of research services directly by users requesting services, like members, commissions, and committees.	•		
4.	Consider merging expert staff of committees and commissions in an independent research centre, reporting to the house leadership.		•	

	Programme and Activities	Short Term		Medium Term
		1 year	2 years	2-3 years
5.	Streamlining staff at the Bureau of Administrative and Personnel Affairs and developing of a clear division of tasks and responsibilities.		•	
<b>IV. Reforming the existing recruitment system</b>				
1.	Developing guidelines for members about how to convey their needs to the house administration.	•		
2.	Developing parameters on the numbers of DPR staff needed for administration, research, legal drafting, and personal assistance.	•		
3.	Developing parameters for the allocation of DPR budget funds available for various house services.	•		
<b>V. Reforming the DPR personnel management system</b>				
1.	Drafting an efficient personal management system regulated by the legal framework.	•		
3.	Conducting a review of the remuneration and performance appraisals of DPR staff with due regard to compensation packages provided elsewhere by government and the private sector.		•	

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Towards a  
More Effective  
Indonesian House of  
Representatives:  
***Options for Positive  
Change by  
Legislators***

***Issue: 2  
Support Staff***





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# Issue 2

## Support Staff

### Introduction

Recent constitutional changes mean that Indonesia's Parliament enjoys unprecedented autonomy from the executive branch. While vast reforms have been implemented, there are still many areas ripe for reform in the Indonesian House of Representatives (Dewan Perwakilan Rakyat or DPR). One fundamental resource that determines the effectiveness of any legislature is the support staff. In many transitional jurisdictions, parliamentarians are provided with increased support staff and are given the authority to hire personal or "political" assistants. In many cases, pre-existing parliamentary support services have been strengthened and in many legislatures, staff have been given a status independent from the executive. Moreover, under a system of separation of powers, it is important that the parliament can control whom it recruits and dismisses, and how the staff is evaluated and rewarded.

**In most cases, parliamentary support services have been given a status independent from the executive.**

This paper provides comparative examples of how parliamentary staff is regulated and managed in other countries. It looks at the composition of staff and the numbers of staff available directly to legislators. It also provides examples of how parliamentary research centres are organised in other parliaments. The key issues addressed in this study related to parliamentary support staff are: How is the staff at the DPR structured and what is its current size? What are the existing categories of staff? What are the procedures and mechanisms for recruitment and evaluation? To whom do the various staff report? What are the authorities of the legislature to hire its own staff? What are the challenges facing the existing staff system? Finally, the paper develops options and recommendations for the development of a staff system for the Indonesian DPR which is more beneficial to the legislators and improves the effectiveness of the parliament.

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## **The Various Types of Staff at the Indonesian House of Representatives**

The various types of staff working at the DPR can be categorised into two main groups. The first group consists of civil servants under the leadership and responsibility to the Secretary General. Corresponding to the structure of the Indonesian civil service, they are either “structural” staff of the Secretariat General, or “functional” staff, in the secretariats of commissions and committees, or researchers at the Centre for Research and Information Services (P3I). The second group consists of contracted staff on the payroll of the Secretariat General who are nonetheless responsible to individual legislators or the heads of factions, commissions and committees. They are referred to as personal staff (*staf pribadi* or *asisten pribadi*) and expert staff (*staff ahli* or *tenaga ahli*).

The staffing structure under the structure of the Secretariat General is summarised in Table 1.

**Table 1**  
**The Civil Service Structure in the DPR**

Bureaus	Division
Office of Assistant Secretary General I (Ases I)	Laws and Regulations Implementation Monitoring Affairs
	Preparation and presentation of Bills on Economy, Finance, Industry and Development Affairs
	Preparation and presentation of Bills on Politics and People's Welfare Affairs
Office of Assistant Secretary General II (Ases II)	People Complaints Affairs
	Legislature Oversight Affairs
Bureau of Session	Secretariat of Commission I, II, III, IV, V, VI, VII, VIII, IX, X, XI
	Secretariat of Budget Committee
	Secretariat of Special Committee
	Secretariat of Plenary Session
Bureau of Leadership Secretariat	Administrative Affairs for The Speaker
	Administrative Affairs for Deputy Speaker/Coordinator for Political Affairs
	Administrative Affairs for Deputy Speaker/Coordinator for Industry and Development
	Administrative Affairs for Deputy Speaker/Coordinator of People's Welfare
	Administrative Affairs for Deputy Speaker/Coordinator for Economy and Finance
	Secretariat of Deliberation Body
	Secretariat of Leadership Meeting
	Secretariat of Household Affairs Committee
	Secretariat General Leadership
	Secretariat of Legislation Body
Bureau of Public Relations and Law	Protocol
	Laws and Regulations
	Public Relations
	News and Publications
Bureau of Administrative and Personnel Affairs	Personnel
	Education and Training
	Legislative Administration and House Membership
	Archive, Distribution
	Secretariats of Factions
Bureau of Inter-parliamentary Cooperation	Secretariat of IPU (Inter Parliamentary Union)
	Secretariat of AIPO (Asean Inter Parliamentary Organization)
	Secretariat of Inter-parliamentary Relations
Bureau of Planning and Control	Planning
	Organisation and Procedure
	Financial Control
	Equipment and Material Control
	General Administration Control
Bureau of Maintenance and Installations	Installations
	Building and Parks
	Housing
Bureau of Finance	Treasury
	Budget
	Financial Administration
	Cashier and Bookkeeping
Bureau of General Affairs	Transportation
	Equipment
	Official Travel
	Internal Security
	Health Service Unit
Centre for Research and Information Services (P3I)	Research and Analysis
	Information Facility and Service
	Library Unit
	Documentation

Source: Organizational & Structure Management of Secretary General of DPR, Organization Structure of Secretary General of DPR RI based on President Decree No. 13 Year 1994 & Secretary General Decision Letter No.175/Sekjen/1994 and it has been changed to Secretary General Decision Letter No. 340/Sekjen/2000. . Since 2004, and in accordance with Law 22/2003 (Susduk), the DPR has only three Deputy Speakers instead of four.

The number of staff working under the two Assistant Secretaries General and for the nine bureaus and P3I are given in Table 2.

The overall number of staff under the organisational structure of the Secretariat General is 1,340. All of them have national civil servant status (*Pegawai Negeri Sipil* or PNS). There are also a number of honorary staff (*pegawai honorer*) under the authority of the Secretariat General who do not have civil servant status. The recruitment of honorary staff is conducted by the Secretariat General when the need for additional technical or administrative assistance arises, such as during special annual sessions.

**Table 2**  
**Numbers of Civil Servants in the Offices of the Secretariat General, Commissions & Committees**

Staff	Number
Office of the Secretary General	1
Office of the Deputy Secretary General	1
Office of Assistant Secretary General I (Legal Drafters, Administrative Staff)	33
Office of Assistant Secretary General II	7
Bureau of Session	215
Bureau of Leadership Secretariat	84
Bureau of Public Relations and Law	65
Bureau of Administrative and Personnel Affairs	294
Bureau of Inter-parliamentary Cooperation	29
Bureau of Planning and Controlling	42
Bureau of Maintenance and Installation	161
Bureau of Finance	45
Bureau of General Affairs	273
Centre for Research and Information Services (P3I) (Researchers, Librarians, Documentation Staff, Facilities and Information Service Staff)	83
Staff on study leave	1
Staff assigned to other institutions	6
<b>Total</b>	<b>1,340</b>

Source: Division of Personnel Affairs, Secretariat General DPR, Recapitulation of Civil Servants in the Secretariat General DPR as of 1 February 2005.

Staff outside the reporting structure of the Secretariat General include the personal staff of house members and various experts assigned to fractions. Each of the 550

**The overall number of experts working at the House of Representatives is estimated at approximately 119 people.**

house members has one personal staff member paid for by the operating budget of the DPR. Although some of the house members may have more than one personal staff, the additional assistants are paid by the house members directly from their own resources. The number of expert

staff working for the various commissions, committees and the house leadership varies between one and fourteen. The number of expert staff working for the political factions is dependent on the number of parliamentary seats each faction has in the house. The overall number of experts working at the House of Representatives is estimated at approximately 119 people. The number of expert staff of Factions, Commissions, the Budget Committee, the Legislation Body (BALEG), the Inter-parliamentary Cooperation Body (BKSAP), the Household Affairs Committee (BURT), and the Honorary Council are detailed in Table 3.

The recruitment of contract or expert staff is based on proposals by the various

commission heads, committee heads and faction heads to the Secretary General. Some factions have selection teams and apply fit and proper tests, while in others, the members can make suggestions and faction leaders make the selection for submission. Each legislator can propose one personal staff to the Secretary General. Based on the proposals made, the Secretary General issues a letter of decision regulating the appointment of the experts and personal assistants.<sup>37</sup> The appointment of expert staff working for the house leadership is regulated in a separate letter. Neither experts nor personal staff have civil servant status.

**Table 3**  
**The number of Personal Staff and Expert Staff at Factions Commissions and standing Committees**

Personal Staff and Expert Staff at Factions and Internal Organs	Number
Individual DPR Members (550)	550
Golkar Party Faction	14
PDIP Faction	12
PPP Faction	6
Demokrat Faction	6
PAN Faction	6
PKB Faction	6
PKS Faction	5
PBR Faction	3
Damai Sejahtera Faction	3
BPD Faction	4
Budget Committee	12
Legislation Body	6
Inter-parliamentary Cooperation Body	1
Household Affairs Committee	1
Honorary Council	1
Commission I (Defence, Foreign Affairs, and Information)	3
Commission II (Home Affairs, Regional Autonomy, State Apparatus, and Land)	3
Commission III (Law and Regulation, Human Rights, and Security)	3
Commission IV (Agriculture, Forestry, Maritime, and Food)	3
Commission V (Transportation, Telecommunication, Public Work, People Housing, Rural Development and Under-developed Areas)	3
Commission VI (Trade, Industry, Investment, Cooperatives, Small and Medium Enterprise, and State Enterprise)	3
Commission VII (Energy, Mineral Resources, Research and Technology, and Environment)	3
Commission VIII (Religion, Social Affairs, and Women Empowerment)	3
Commission IX (Population, Health, Manpower, and Transmigration)	3
Commission X (Education, Youth, Sport, Tourism, Art, and Culture)	3
Commission XI (Finance, National Development Planning, Banking, and Non-Bank Financial Institution)	3
<b>Total</b>	<b>669</b>

Source: Surat Keputusan Sekretaris Jenderal DPR RI No. 07A/Sekjen/2005 tentang Penetapan Tenaga Ahli DPR RI tahun Anggaran 2005.

### Taking Stock of the Various Staff Challenges

During numerous meetings and discussions with house members as well as administrative and expert staff in the research associated with this paper a number of DRP staffing challenges were identified. Before the challenges and problems are discussed in more detail, it is worth grouping the various staff according to their main tasks and functions. There are six main groupings of staff:

- (1) Staff of the Assistant Secretary General for Legal Affairs (*Ases I*)
- (2) Staff of the Assistant Secretary General for Supervisory Affairs (*Ases II*)

<sup>37</sup> Secretary General Decision Letter DPR RI No. 07A/Sekjen/2005 on Determining of DPR Expert Staff for the 2005 year budget.

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- (3) Administrative staff of the Secretariat General
  - (4) Researchers of the Centre for Research and Information Services (P3I)
  - (5) Technical experts
  - (6) Personal assistants

**The legal drafters are mainly recent university graduates with a degree in law and most have no previous experience.**

The 33 staff members of the Assistant Secretary General for Legal Affairs include 23 legal drafters and 10 administrative staff tasked with determining whether a draft bill discussed by the DPR contradicts other laws and regulations. The legal drafters are mainly recent university graduates with a degree in law and most have no previous experience. All staff including the legal drafters are civil servants and paid by the Secretariat General from the DPR operating budget.

The office of the Assistant Secretary General for Supervisory Affairs consists of 7 staff in the People's Complaint Division who have the task to respond to constituents' questions and concerns. The 7 person team can investigate these complaints, make inquiries to relevant agencies and draft letters for signature by relevant house authorities. All staff report their work and findings to the Secretary General via the Assistant Secretary General II. All staff are civil servants and are paid by the Secretary General from the DPR budget.

There are 1,340 administrative staff members for the House of Representatives who work in various offices overseen by the Secretariat General. Administrators work for: the secretariats of the nine bureaus and the DPR Research Bureau, the secretariats of the commissions, committees, other standing bodies, and the secretariats of the house leadership. They are even assigned to work in the offices of the factions. Besides the main administrative work, some of the staff also conduct more technical work, including managing of the DPR building and its facilities, securing the DPR buildings, the residences of members, and managing health services. The administrative category includes managing the DPR archives and documents, administering the staff and members, including finance management, and managing staff training. All bureau staff are civil servants and paid from the DPR budget.

The staff of the Centre for Research and Information Services (P3I) are comprised of 41 researchers, and 42 administrative staff. Researchers conduct studies and analysis on current issues and produce books, reports and academic papers on draft bills. Upon the request of DPR members, researchers of Centre for Research and Information Services (P3I) also prepare papers and speeches for official duties and personal needs in some cases. Members can utilise the products of P3I request its services through the head of the centre. Some members have developed personal relationships with

researchers and therefore they often direct their requests directly to them. Non-researchers report to the Head of P3I who in turn reports to the Deputy Secretary General. The researchers report to Head

**The researchers are not evaluated on the basis of the quality or timeliness of their services to factions, commissions or members.**

of P3I and Deputy Secretary General for administrative matters only, while their scientific work is reported to and evaluated by the Indonesian Institute of Sciences (LIPI), an external institution with no direct responsibility to the DPR. This institute then awards credit points for performance and promotion. The researchers are therefore not evaluated on the basis of the quality or timeliness of their services to factions, commissions or members.<sup>38</sup> Both researchers and non-researchers have civil servant status and are paid from the DPR budget. Administrative staff of the centre manage the library, documents, and the DPR information system.

The 119 technical experts at the DPR work for the various party factions, commissions, and committees – including the Budget Committee, the Legislation Body (BALEG), the Inter-parliamentary Cooperation Body (BKSAP), the Household Affairs Committee (BURT), and the Honorary Council.<sup>39</sup> There are also additional experts working for the house leadership. The experts assigned to the commissions are tasked with preparing the summaries of the commission meetings, analysing bills deliberated on by the commissions, providing data and information for the work of commission members, and preparing papers and presentations for commission members. Technical experts often work exclusively for the heads of these bodies. The work of these experts is very similar to the work of standing committee staffers and party factions. Expert staff report to the leadership of their respective bodies or to the house member who requires their assistance. None of the expert staff have civil servant status. However, they receive their monthly salary of IDR 5,000,000 from the budget of the DPR through the Secretariat General.

The 550 personal assistants of legislators execute mainly administrative and clerical tasks for their superiors, such as correspondence, scheduling, and office work. Many also assist with data and information research from in-house and external sources. Personal staff report directly to their respective house members. Personal assistants do not have civil servant status. They receive their monthly salary of IDR 2,000,000 from the budget of the DPR through the house members. If a house member hires more than one personal assistant, the member has to pay the salary for this additional staff.

<sup>38</sup> See also, Stanley Bach, "Observations and Options for the Badan Legislati", presentation at the Legislation Council (BALEG) of the *Dewan Perwakilan Rakyat* (DPR), National Democratic Institute, 5 November 2003.

<sup>39</sup> Experts are regulated in: Secretary General Decision Letter DPR RI No. 07A/Sekjen/2005 on Determining of DPR Expert Staff for the 2005 year budget.

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Based on the above tasks and functions performed by the various staff at the DPR a closer analysis of the current staff situation was conducted. The research revealed a number of problems and challenges. According to many members interviewed in this study, some services provided by staff at the DPR do not correspond to the needs of the legislators, their factions, commissions and committees. The following represent some common concerns among legislators and employees themselves.

### ***Limited number of staff available for the tasks of legislators***

Based on a quick survey conducted in early 2005 by the National Democratic Institute for International Affairs (NDI), approximately 69% of responding parliamentarians are

**Approximately 69% of parliamentarians are of the opinion that they do not have enough staff to help with their work.**

of the opinion that they do not have enough staff to help with their work.<sup>40</sup> Each member has only one personal staff member (paid by the DPR budget) to undertake technical-administrative work like receiving guests, preparing the schedule of the member and office communication. Members do not have personal

expert staff to advise them on legislation, oversight, and budget discussion or to help them maintain contact with their constituency. To conduct these functions effectively, members are calling for more legal drafters, economists, political analysts, and public relations or media analysts. The few experts available within the factions are usually used to assist the faction leaders or, in the case of Golkar which has the largest number, assigned to the various commissions. Some members solve this problem by hiring their own expert staff or more personal assistants and pay them with their personal money.

### ***Staff may not correspond to the needs of the legislators***

Several DPR Members and faction leaders raise the issue that staff provided by the Secretariat General in the factions, commissions, and various other standing committees conduct mainly technical-administrative work, while there is more need for expert and

**there is more need for expert and analytical work.**

analytical work. The house budget pays for factions to have 20 clerical employees. However, faction leaders have limited access to the selection or assessment process. The number of expert staff paid

by the house budget, however, is limited and dependent on administrative decisions. The quick NDI survey of members indicates that the majority of the respondents (67%) choose to rely on the political staff of the faction or party when seeking advice, rather than the administrative staff of the DPR (31%). The survey further shows that 69% of the respondents are of the opinion that the staff available to conduct their work do not match their work requirements.

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<sup>40</sup> "We want to know what Members think ", Informal survey conducted by the National Democratic Institute (NDI) involving 45 parliamentarians (including DPR and DPD members) from various factions, January until March 2005.



### ***Professionalization Required***

It is generally acknowledged that to execute their functions effectively legislators require staff with a high degree of professionalism. Several DPR members involved in this study remarked that the summaries of meetings prepared by the administrative staff, for instance, often omit important information.

Furthermore, detailed minutes of meetings are not readily available, although most meetings are recorded on tape. Because of the slow pace at which reports are produced the Centre for Research and Information Services' (P3I) is perceived as very academic and of little practical use. Like in most legislatures, DPR members require concise summaries of complex issues combined with a non-partisan analysis of the potential impact of policies in order to help them make important decisions.

**to execute their functions effectively legislators require staff with a high degree of professionalism.**

Many members believe that some of the other services provided could also be improved. For example, P3I should be able to provide the members with information about issues related to the bills they are deliberating however, the informal survey of parliamentarians shows that 63% of the respondents do not know of P3I's existence. As a result, many DPR members conduct their work without sufficient data, analysis and information. The survey found that 75% of the respondents feel they do not have sufficient information to make decisions. The result is that members very often have to use personal resources to receive information needed.

### ***The Competing Loyalties of the Centre for Research and Information Services***

The reporting responsibility of the researchers at the Centre for Research and Information Services (P3I) is ambiguous. On the one hand, as staff under the administration of the Secretariat General, they are accountable to Secretary General. On the other hand, as researchers they are accountable for the quality of their work to the Indonesian Institute of Sciences (LIPI). This creates a situation where P3I researchers are not directly accountable to the legislators who actually receive their research products. This can lead to a mismatch between the research conducted and the actual needs of legislators. Researchers often produce products that do not provide practical benefit to house members and are produced too slowly to be of use to Parliamentarians.<sup>41</sup> Therefore, although much analytical work is being undertaken by the researchers of the centre is viewed by, legislators as unhelpful. As a consequence, DPR member rely more on their personal assistants and expert staff who they consider to have more of the expertise needed immediately, rather than researchers of P3I. This, despite the fact that these staff often do not have access to sufficient resource materials and are not remunerated

<sup>41</sup> For a more detailed analysis of the DPR Centre for Research and Information Services see, Stephen Sherlock, "Struggling to Change: The Indonesian Parliament in an Era of Reformasi" Report of the Centre for Democratic Institutions, Canberra, 2003, pp. 23-25.

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at a sufficient rate for professional researchers. The above problems are not necessarily caused by the researchers themselves but by the structure that dates from a less democratic era where the legislature was commonly viewed as a “rubber stamp” parliament.

### ***An unclear recruitment system for staff and experts***

The recruitment of staff for the services of the Secretariat General is conducted through an open competition administered by the National Civil Service Agency under the

**It is possible that newly recruited staff may not meet particular requirements of individual members or bodies tasked to deal with specific issues.**

authority of the Ministry of State Apparatus<sup>42</sup>. Previously, it was conducted directly by the Secretariat General of the DPR<sup>43</sup>. The recruitment of expert staff is the responsibility of

the various internal organs of the DPR. There are no specific requirements for the recruitment of the two staff groups except for the educational level (high school, undergraduate, graduate) and the area of educational background (economy, politics, sociology, law). Furthermore, there are no fit and proper tests applied. As a result, it is possible that newly recruited staff may not meet particular requirements of individual members or bodies tasked to deal with specific issues. The extension of experts and personal staff is at the discretion of the heads of the various bodies they serve or the individual legislators. No standard for evaluating the work and performance of the various staff has been set up which could help the institution to determine if the staff are serving the needs of the institution and its members appropriately.

### **International Comparison**

Studies on the management of parliaments frequently point to the need for control over internal administrative operations. “To assure its ability to function free of hampering

**The individuals elected to leadership positions in a parliament bear ultimate responsibility for the legislature’s internal administrative operations.**

encumbrances, a democratic legislative body must have control over its own internal operations – its budget, its personnel, and its facilities”.<sup>44</sup> The individuals elected

to leadership positions in a parliament bear ultimate responsibility for the legislature’s internal administrative operations, yet, very often the parliamentary administration is assigned to a committee responsible to an appointed or elected chief administrative officer. Day-to-day administration is frequently delegated to professional staff who are directly accountable to the leadership of the parliament.

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<sup>42</sup> Ministry responsible to recruitment of civil servants in Indonesia.

<sup>43</sup> It was changed according to Government Regulation No. 54 / 2004 on National Civil Servant Recruitment.

<sup>44</sup> David B. Ogle, “Management and Organization of Representative Assemblies”, study paper, National Conference of State Legislatures, December 1997, p. 7.

### ***How are Staff Regulated Elsewhere?***

The majority of representative legislatures around the world recruit their personal staff directly through the process of advertising vacancies, competition, short-listing, interview and final selection.<sup>45</sup> This section of the research study provides an overview about the processes and organisation of parliamentary staff in other countries. It shows that in many countries the staff of parliaments is considered as a distinct category of public or parliament servants. Further, it explains briefly how parliamentary staff in other countries is regulated, and what the composition of staff looks like. In addition, it gives a overview of professional parliamentary research services operating in other various legislatures. Finally, it explores various recruitment systems in other countries.

**In many countries the staff of parliaments is considered as a distinct category of public or parliament servants.**

### ***The Legal Status of Parliamentary Staff***

The administration of parliaments differ in levels of autonomy from country to country. Many parliaments, like in Canada, Japan, Finland, Egypt, Korea, Germany, Italy, the Netherlands, have an autonomous administrative management.<sup>46</sup> This autonomy is reflected by indicators such as the constitutional guarantee of independence and neutrality of parliamentary administration. In the Indonesian House of Representatives, the majority of staff (66.7%) are hired and promoted according to the same rules and procedures that apply to national civil servants. Unlike this, the staff of the United States Congress – is independent from the executive bureaucracy. They form a separate parliamentary staff service that is more fitting for a legislature that is constitutionally independent from the executive. Independent staff service does not necessarily exclude employment protection and other public servant benefits. Parliamentary autonomy includes the right to recruit and dismiss staff. Often, parliaments have special regulations on staff, like Canada with its *Parliamentary Employment and Staff Relations Act*, and its *Public Service Employment Act and Regulations*, or Japan with its *Diet Officials Act* and the *Diet Officials Pay Regulations*.<sup>47</sup> The United States regulates matters like compensation for over-time and leave provisions of staff with its *Congressional Accountability Act* which recognizes the unique workplace environment that exists in legislatures where, among other things, it is difficult to predict working hours.<sup>48</sup> Family ties between house members and staff are not allowed in the United States or Philippines Congress.

**staff of the United States Congress – is independent from the executive bureaucracy.**

<sup>45</sup> See, ASGP, *Constitutional and Parliamentary Information*, 3rd Series, No. 167, 1st Half-year 1994, p. 61.

<sup>46</sup> ASGP, *Constitutional and Parliamentary Information*, 3rd Series, No. 167, 1st Half-year 1994.

<sup>47</sup> ASGP, *Constitutional and Parliamentary Information*, 3rd Series, No. 167, 1st Half-year 1994.

<sup>48</sup> CRS Report for Congress, *Congressional Member Office Operations*, by John Pontius.

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### ***The Composition of Parliamentary Staff***

Legislatures are always called upon to ensure the provision of adequate staff resources for legislators and party factions to make well-informed and professional

#### **In the United States and in Canada where the majority of staff directly support the work of legislators.**

decisions. The data available on the staff working at the Indonesian DPR indicates that the majority of staff are conducting administrative and technical work. Only 5.9% of the DPR staff are external experts, 27% work in offices of members and and 67% are working in the parliamentary administration.<sup>49</sup> A different picture can be found in the United States and in Canada where the majority of staff directly support the work of legislators, like personal staff, legal experts, economists, political scientists, in addition to historians and sociologists.<sup>50</sup> It has to be mentioned that the presence of non-specialised employees can be very low, like in the parliaments of Poland and the Czech Republic.<sup>51</sup> In many parliaments, they they can supplemented by university students and temporary volunteers.

In the United States Congress there are five staff categories. They are: personal staff, committee staff, leadership staff, institutional staff, and support agency staff, like Congressional Research Service staff, Congressional Budget Office staff, and General Accounting Office Staff.<sup>52</sup> Personal staff can be tasked with drafting strategies and legislative initiatives, monitoring laws as well as assigned more administrative duties. Tasks for committee staff include, drafting legislation, writing committee reports, and general administration such as organising logistics for committee meetings and distributing documents. Additional staff also work for the Speaker, Majority Leader, Minority Leader, Majority Whip and Minority Whip.<sup>53</sup>

Support agencies conduct non-partisan staff work for the Congressional Research Service (CRS), Congressional Budget Office (CBO) and General Accounting Office (GAC). Details on the CRS can be found in the section on professional parliamentary research centres of this study. The CBO provides independent information on the budget to the Congress. Whereas the GAO acts as the principal auditing agency of the federal government for the Congress<sup>54</sup>

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<sup>49</sup> In 2005, there are 2,009 official staff working at the Indonesian DPR, including 1,340 administrative staff, 550 personal staff, and 119 experts.

<sup>50</sup> See also, Karim Syed abd el Razik, "What to Reform? A Platform for Parliamentary Reform", in: Ali Sawi, ed., *Parliamentary Reform*, Conference Proceedings, Faculty of Economics and Political Science, Cairo University, 2003, p. 42.

<sup>51</sup> *Ibid.*

<sup>52</sup> *Capitol Questions*, with Ilona Nickles, C-SPAN Resident Congressional Scholar. (see: <http://www.c-span.org/questions/weekly35.asp>)

<sup>53</sup> In a Westminster parliamentary system, Whips are MPs appointed by each party to maintain party discipline and work to ensure that members vote in accordance with caucus policy. Whips on the government and opposition sides ensure the smooth running of parliamentary business.

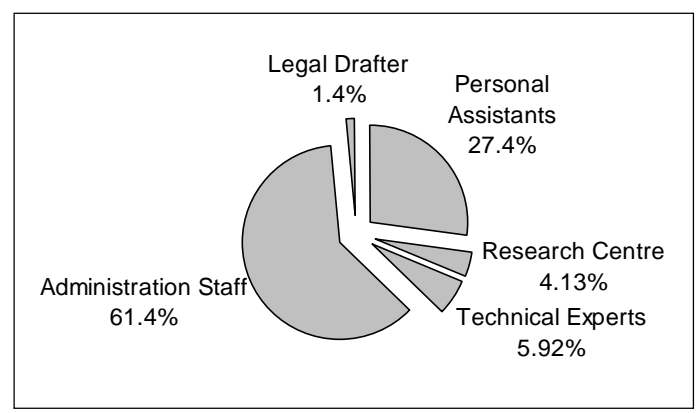
<sup>54</sup> CRS Report RS20095 for Congress, *The Congressional Budget Process: A Brief Overview*, by James V. Saturno, December 9, 2004, p. 1

In Canada, the staff service provided by the House Administration is divided into five areas, all of which provide specific expertise namely: (1) Corporate Services which deal with matters of finance, human resources, and information management; (2) Information Services which deal with information technology, internet, radio, television, and printing, publications; (3) The Office of the Law Clerk and Parliamentary Counsel which provides consultation on laws and legislative issues; (4) The Parliamentary Precinct Services which provide protection to life and property, and guards traditions; and (5) Procedural Services which provide secretarial services and organise the involvement of the Canadian parliament in international inter-parliamentary organisations. Appendix C shows in detail the division of the five areas and the kind of work.

**Professional parliamentary research centres**

To maximise the expertise and information available to party factions and legislators, parliaments should provide substantial information resources. Many legislatures throughout the world are supported by specialized parliamentary research centres, including Indonesia. The United States Congress has one of the largest services of its kind, the Congressional Research Service (CRS) which was set up based on the Legislative Reorganization Act of 1970<sup>55</sup> and which works exclusively for the members and committees of the Congress.

**Chart 2**  
**The Composition of Staff at the Indonesian House of Representatives**



Notes: processed data from Division of Personal Affairs, Secretariat General DPR, Recapitulation of Civil Servants in the Secretariat General DPR as of 1 February 2005; Secretary General Decision Letter DPR RI No. 07A/Sekjen/2005 on Determining of DPR Expert Staff for the 2005 year budget; personal assistants data were collected from interview result; Administration staff is including the First and Second Assistant Staff of Secretary General of DPR; Data Research Centre is including researcher and administration staff.

There are a number of important differences between the CRS of the United States Congress and its Indonesian counterpart P3I including its status and organisational structure, its staff status and staff composition, and its responsibilities and reporting structure. Although it is a section of the United States Library of Congress, the CRS is an independent and non-partisan research office.

**The CRS is an independent and non-partisan research office.**

<sup>55</sup> Information regarding the CRS can be accessed via: [www.loc.gov/crsinfo](http://www.loc.gov/crsinfo)

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Its services are divided into six divisions mirroring the professionalism and expertise of its staff: (1) American Law, (2) Domestic Social Policy, (3) Foreign Affairs, Defence and Trade, (4) Government and Finance, (5) Information Research, and (6) Resources, Science and Industry. The six divisions are subdivided into smaller sections focusing on specific matters of public policy.

Unlike the national civil servants of the Indonesian research centre, the staff of the CRS is made up of independent researchers employed by the United States Congress. The large majority of the CRS are researchers, supported only by a small number of administrative staff. The CRS is led by a director who is appointed by the Librarian of Congress following the approval of the Joint Committee on the Library. As a part of the Library of Congress, the centre's staff is paid from the congressional budget. The researchers of the CRS serve the members of Congress, its committees, and staff directly. The services provided range from analysing procedural and legal aspects of issues presented before the Congress, to drafting legislative proposals, creating databases, researching and evaluating various information, research results and data. Some of the services are provided in form of written analytical reports, memoranda, seminars and workshops, as well as direct briefings and consultations via telephone.

### ***Private Staff and Experts Available to Legislators***

In 2000, the United States Congress employed approximately 24,000 professional, independent and non-partisan staff, including 11,692 personal staff, 2,492 committee staff, 274 leadership staff, 5,034 institutional staff, 747 Congressional Research service

**Figures show that the majority of staff work directly for House of Representative members or Senate members.**

staff, 232 Congressional Budget Office staff, and 3,500 General Accounting Office staff.<sup>56</sup>

These figures show that the majority of staff work directly for House of Representative members or Senate members, rather than

for the various congressional bodies. Almost half of the staff (49%) work directly for members of the House of Representatives and Senate. On average, every House of Representatives member has 14 staff and every Senate member has 34 staff.<sup>57</sup> These personal staff members provide highly specific expertise supporting the work of the legislators. They are administrative assistants, correspondence experts, constituent complaint administrators, legal experts, schedulers and receptionists, and public relations staff.<sup>58</sup> Appendix E gives a summary of services provided by personal staff at the House of Representatives and the Senate.

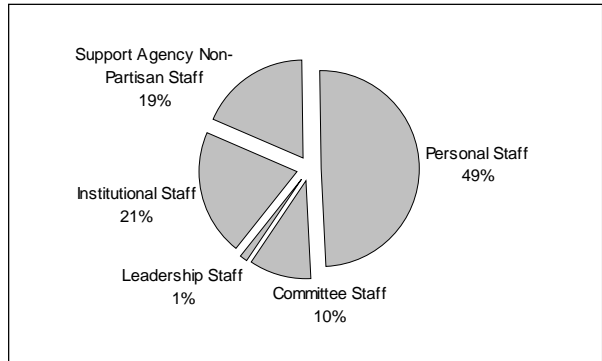
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<sup>56</sup> *Capitol Questions*, with Ilona Nickles, C-SPAN Resident Congressional Scholar. (see: <http://www.c-span.org/questions/weekly35.asp>).

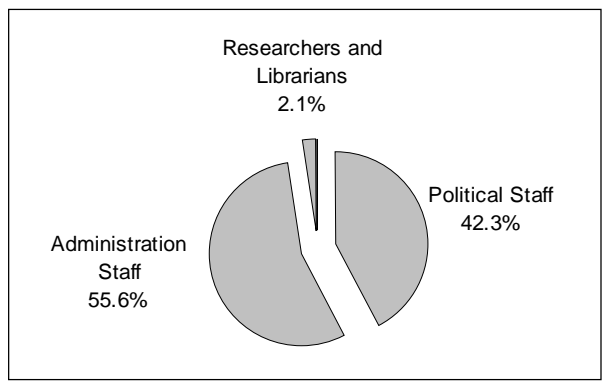
<sup>57</sup> *ibid*

<sup>58</sup> CRS Report for Congress, *Congressional Member Office Operations*, by John Pontius.

**Chart 3  
Staff at United States Congress**



**Chart 1  
The Composition of Staff at the Canadian House of Commons**



Source: Parliamentary Centre, Ottawa, 2005.

While it is certainly not realistic to expect the DPR to adopt such a large staffing structure, the DPR can examine the distribution of its current staffing complement to determine if there are enough human resources assigned to help the members to conduct their day-to-day work.

The composition of staff at the Canadian House of Commons is similar to the United States Congress. The members are directly supported by 42.3% of the staff. There are 310 members and each has an average of six staff supporting them. The number for the personal staff includes administration staff, legislative researchers, as well as caucus research services for members. It also includes staff in members' constituencies (electoral districts).

***The Recruitment System in Legislatures***

When it comes to hiring staff, there are a number of recruitment systems commonly applied in parliaments around the world. In some, the recruitment is done directly by the respective parliament while in others, the parliament uses staff of agencies and institutions of the government. In the first system, recruitment of administrative staff is often conducted through open competition by the leadership or members of the parliament, as it is the case at the House of Representatives in Belgium and the parliament in Finland. Alternatively, the recruitment can be done by a parliamentary service administration or secretariat, like at the parliament in Canada, the National Assembly in France, the Diet in Japan, or the parliament in Switzerland. The majority of parliaments apply this variant.<sup>59</sup> A third variant to this system is applied in the United Kingdom where the parliamentary Civil Service Commission recruits the Clerks for the House of Commons and Upper House, applying a number of qualification tests. The Clerks then select the staff recommended by the Commission.

<sup>59</sup> ASPG, Constitutional and Parliamentary Information, 3<sup>rd</sup> Series, No. 167, 1<sup>st</sup> Half-year 1994, p. 16 and Appendix I.

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Under the second system, the parliaments employ staff provided by agencies and institutions of the executive branch of government. Where this process is applied, the servants recruited are very few, like at the Chambers of Deputies in Italy, or for a limited period only, like at the Bundesrat in Germany.<sup>60</sup> Mixed versions, combining the two recruitment systems are also common, like at the House of Representatives in Australia, Egypt, and Jordan<sup>61</sup>. In the Indonesian parliament the majority of staff are civil servants, recruited under the national civil servant scheme.

## Options and Implications for Reform

In most democracies, the democratic discourse between the executive and the legislature can reveal that civil servants and politicians may sometimes have different interests when it comes to policies or legislation. This should not be seen as a negative conflict, but rather as a positive tension that can lead to accountability, compromise and reasoned debate. Improvements in the staffing system to make it more conducive to the needs of the DPR members, factions and commissions will take time and commitment from both the leadership of the house as well as members. However, the reform of staffing systems in other legislatures is often a sensitive issue that must be handled thoughtfully and with great care.

If there is to be an improvement of existing services and an increase in the number of qualified expert staff in the DPR, it should take place in manageable stages. Recommendations for staff reform can be implemented simultaneously at various points within the legislature, however, it is advisable to draft a strategic plan about the goals first. For that reason, this initial study suggests the following issues be considered for further study:

### ***First: Review Status of DPR Staff***

Any reform regarding the staff services at the DPR has to consider the implications of the principle of separation of powers. It may be advisable that, in the long term, the staff

**Any reform regarding the staff services at the DPR has to consider the implications of the principle of separation of powers.**

services at the DPR may need to become more directly responsible both administratively and functionally to the leadership of the house. It is also worthwhile to examine further if the appointment of the

Secretary General, Deputy Secretary General, Assistant Secretary General I and Assistant Secretary General II should remain under the official authority of the President of the Republic or of the DPR itself.

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<sup>60</sup> ASPG, Constitutional and Parliamentary Information, 3<sup>rd</sup> Series, No. 167, 1<sup>st</sup> Half-year 1994.

<sup>61</sup> Ibid.



One implication of this autonomy could be the change of status for the staff working at the DPR from national civil servants to DPR staff. In some matters, the autonomy of the legislature might be compromised by the fact that civil servants may feel obliged to be loyal towards the policies of the executive for their promotion and performance review. When contemplating any change of status, it would be wise to look carefully at international experience in this regard to ensure that important job-related benefits are not reduced and that changes seek to improve working conditions that may be not optimal under current regulations.

### ***Second: Changing the composition of DPR staff***

Demands facing the DPR mean that it must have sufficient staff with specific expertise. This includes legal drafters, economists, statisticians, legal experts, defence experts, political analysts, media specialists and Information Technology specialists. A renewed focus on expertise may require a change of the recruitment system based on the needs of members, commissions and factions. Although this may require enhanced resources, efforts should first

**A renewed focus on expertise may require a change of the recruitment system based on the needs of members, commissions and factions.**

be made to reduce or eliminate wasteful or unnecessary spending in the DPR operating budget first. So far, commissions have only three expert staff positions each to often cover very large policy areas. For instance, Commission I on Defence, Foreign Affairs and Information has a huge mandate and its members would likely benefit from the availability of greater expertise. Further, important house bodies, like the Honorary Council or the Household Affairs Committee have only one expert. The Legislation Committee recently increased its expert staff to six to help increase its effectiveness. DPR members and the quality of discussion in the legislature could benefit from the availability of more experts, analysis and information.

In contemplating changes to the staff provided to individual members, consideration should be given to enhanced resources that would provide members greater ability to recruit personal research and support staff that match their demanding work environment. Further examination of the experience of other legislatures in addressing this challenge needs to take place.

Also, the DPR needs to evaluate if the current level of service provided to fractions is sufficient, given the important role of the fraction in the Indonesian system. Although fractions are not an officially-recognized body within the DPR, they are already provided with resources to hire expert staff. Changes may need to be made in the standing orders to accommodate this. In the medium and long run, an increase of expert staff and a reduction of technical and administrative staff will change the composition of the staff working at the DPR.

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### ***Third: Increasing staff efficiency***

The support services of a parliament have to be effective and efficient, however the existing DPR staff system could be examined further to ensure that staff from different organisational units are not working on similar tasks. To streamline the services and to reduce response time to requests, staff with similar work categories could be merged. For example, if the research service employees are made responsible to the leadership of the house then perhaps other expert staff could be supervised by the same research centre administration to achieve greater efficiency and use of talent. Another area for possible reform is the People's Complaint Division. Constituency relations is a fundamental concept of representative democracy that could be strengthened through efforts to draw a more direct connection between citizen's enquiries and the DPR members that represent them in Jakarta. In the medium and long run, attempts should be made to enable members themselves (with the help of their assistants) to respond directly to inquiries as they are ultimately responsible to the voters of Indonesia.

An in-depth study of the administrative services is currently underway at the DPR and an assessment of administrative needs could be very helpful. All changes combined could create a more professional and efficient service provision and parliamentary administration.

### ***Fourth: Reforming the existing recruitment system***

The existing recruitment system in the DPR could benefit from further study for possible improvements. DPR members themselves have expressed a desire to play a larger role in determining the number and quality of experts and administrative support staff needed to serve their needs as well as those of commissions and factions. There could be improved mechanisms where members and factions can clearly convey their staffing needs to the house leadership, so that adequate measures can be introduced to respond to these requirements. Any new regulations need to consider the allocation of DPR Budget funds available for the various services. The issue is inseparable from the qualifications of new staff candidates for the parliament and the quality of training programs available for existing staff members. The more suitable the staff are to the needs of the members, commissions and factions, the more effectively and efficiently the parliament can work. It is essential that the recruitment of new staff be open and public and that the criteria of staff needed are clear.

### ***Fifth: Reforming the DPR personnel management system***

Strong human resource management is fundamental to an effective legislative support system. In supporting a better recruitment and promotion system a comprehensive personnel management system should also be developed. Such a system should include a competitive remuneration system that also considers comparable rates of pay in the

private sector for similar professional expertise. The system should contain a performance appraisal system and a sound legal framework should regulate it. Regulations on expert staff can sometimes be included in the standing orders of legislatures, but often a law accompanied by internal regulations may best govern the legislative personnel management system. Regulations from other countries can serve as example, like *The House of Commons Act* of 1978 in the United Kingdom, *The Parliamentary Employment and Staff Relations Act* and *Public Service Employment Act and Regulations* in Canada, and the *Diet Officials Act and Diet Officials Pay Regulations* in Japan.

**A comprehensive personnel management system should also be developed.**

<b>Table on options to reform the DPR staffing system</b>				
	Programme and Activities	Short Term		Medium Term
		1 year	2 years	2-3 years
<b><i>I. Introducing autonomy of DPR staff services</i></b>				
1.	Examining options for change in the status of staff working at the DPR	•		
2.	Examine how administrative staff and researchers at the DPR could become directly accountable to the house leadership.	•		
3.	Review recruitment, management and review policies to ensure the input of the house leadership		•	
<b><i>II. Changing the composition of DPR staff</i></b>				
1.	Enhancing the the DPR recruitment system based on the needs of members, commissions and factions.		•	
2.	Striking an appropriate balance between DPR expert staff and technical and administrative staff.		•	
3.	Consider enhancements to DPR budget to enable house members to recruit professional expert staff.		•	
<b><i>III. Increasing staff efficiency</i></b>				
1.	Conducting an in-depth study of the DPR administrative services and needs assessment.	•		
2.	Merging staff with similar work categories in order to streamline the services and to reduce response time to requests.		•	
3.	Evaluation of research services directly by users requesting services, like members, commissions, and committees.	•		
4.	Consider merging expert staff of committees and commissions in an independent research centre, reporting to the house leadership.		•	

	Programme and Activities	Short Term		Medium Term
		1 year	2 years	2-3 years
5.	Streamlining staff at the Bureau of Administrative and Personnel Affairs and developing of a clear division of tasks and responsibilities.		•	
<b>IV. Reforming the existing recruitment system</b>				
1.	Developing guidelines for members about how to convey their needs to the house administration.	•		
2.	Developing parameters on the numbers of DPR staff needed for administration, research, legal drafting, and personal assistance.	•		
3.	Developing parameters for the allocation of DPR budget funds available for various house services.	•		
<b>V. Reforming the DPR personnel management system</b>				
1.	Drafting an efficient personal management system regulated by the legal framework.	•		
3.	Conducting a review of the remuneration and performance appraisals of DPR staff with due regard to compensation packages provided elsewhere by government and the private sector.		•	

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Towards a  
More Effective  
Indonesian House of  
Representatives:  
***Options for Positive  
Change by  
Legislators***

***Issue: 3  
House Procedures***



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# Issue 3

## House Procedures

### Introduction

The Rules of Procedure (sometimes also referred to as *Standing Orders*) are essential to the smooth operation of legislative business and their purpose is to “facilitate the transaction of business and to promote harmony”.<sup>62</sup> Ideally, internal rules and procedures regulating parliamentary action also commonly try to provide a regulated environment that facilitates members in the performance of their legislative and oversight duties. Similar to other legal frameworks, rules of procedure are often subject to competing pressures. They should make parliamentary proceedings faster and more orderly. On the other hand, they should allow for the expression of dissenting opinions and ensure that lawmakers’ decisions are transparent and accountable to the public.

Besides anchoring the parliament on democratic principles and accommodating the diversity of opinion that exists in society, Standing Orders have to be transparent and easy to understand. Therefore, the rules of procedure should not entangle or confuse. Primarily, they should be used to expedite the business of legislators and staff in an orderly fashion. This requires, for instance, that all members should enjoy equal access to information and support services. Among the most important indicators of parliamentary effectiveness is how well parliament communicates what it does to the public. However, many members have noted that some of the working procedures of the Indonesian House of Representatives are unclear and others can confuse rather than inform. In addition, it can be difficult to obtain certain information directly from the DPR although theoretically, many types of data should be available. Citizens, therefore, often rely on the media for much of their information about the DPR. On the positive side, the public has wide access to most of the House meetings and sessions. However, these sessions are poorly advertised if at all, and few thus take the opportunity to attend the meetings. Moreover, the publishing of official proceedings of meetings and sessions is not carried out in a regulated, predictable manner.

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<sup>62</sup> See, Alice Sturgis, *The Standard Code of Parliamentary Procedure*, fourth edition, revised by the American Institute of Parliamentarians, New York, 2001, p. 7.

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**The right to request information on any issue within the legislature can often be an integral part of rules of procedures.**

One might think that it would be much easier for the House members themselves to obtain information from within their workplace. However, many members have expressed difficulties themselves in this

regard as indicated in NDI's informal survey of members<sup>63</sup>. The right to request information on any issue within the legislature can often be an integral part of rules of procedures. Without this right, parliamentarians will be forced to track down information through other alternative, more time-intensive ways, which could inevitably slow down parliament's decision-making.

This paper researches a number of key issues related to the rules of procedures of the Indonesian DPR. How were the existing rules created and which bodies were involved? What is the process to update the rules and how can concerns by individual members or party factions be accommodated? The paper further analyzes key issues regulated by the existing rules and other issues in need of regulation, such as the role of meeting chairpersons. Are minutes of meetings prepared and easily available? Are the regulations on the attendance of meetings efficient? Is there a need for regulating speaking times and for a quorum with regard to decisions? The paper provides international comparisons on how some procedural issues that cause problems in the DPR are regulated in other countries. Finally, it provides options for reform, and recommendations on how to develop rules that can more efficiently facilitate the work of legislators and House staff.

### **The Challenges to the Rules of Procedure of the Indonesian DPR**

The current Rules of Procedure of the Indonesian House of Representatives (*Peraturan Tata Tertib DPR RI* or *Tatib*) are based on those developed in 1999. At that time, the Legislation Council (BALEG), prepared a draft together with an Assistance Team comprised of staff of the Assistant Secretary General on Law Affairs (Ases I), and researchers from the Research and Information Service (P3I). Upon completion, the draft was sent to the factions for examination. Together with the Assistance Team, BALEG amended the draft considering inputs from each faction. Then, the draft was deliberated in the plenary session and adopted as the DPR Rules of Procedure. The procedure in 1999 was a new experience compared to the previous New Order era in which the rules of procedure were drafted by the Secretariat General, then sent to the factions, and adopted in the plenary session. In 2004, various political interests dominated the discussion of the rules of procedure for the new 2004-2005 session of parliament. Although initially adopted with only a few additions during the first session of the new

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<sup>63</sup> 60% of members responded that they could not easily obtain access to all documentation regarding the activities of the DPR/DPD.



parliament, unclear provisions within the rules regarding issues like the election of commission<sup>64</sup> leaders soon created a battle of conflicting political interests. Since then, several members and factions have called for further amendments of the rules during the current session.<sup>65</sup>

Following calls for reform from members and factions, the Legislation Council is currently preparing amendments to the existing Rules of Procedure.<sup>66</sup> It has asked the various factions for their input to prepare an inventory list of issues that need attention (*Daftar Inventarisasi Masalah* or DIM). So far, the council has shown interest in using specialist expertise to explore the variety of issues. It is anticipated that expert staff of the various factions as well as expert staff of the Legislation Council will be assigned to prepare the draft for the amended House rules. The amendment of the rules of procedure is a large task involving a myriad of complicated issues. The existing 233 articles of the rules need to be looked at carefully, as well as an additional 20 articles of the Code of Ethics (*Kode Etik*) which also form part of the rules.<sup>67</sup> In addition to the election of commission leaders mentioned above, there are several key issues that have emerged since the beginning of the House session 2004-2005 that need attention, as they can have enormous importance for the effective and efficient operation and conduct of the House. This paper, therefore, focuses on a selection of crucial issues and discusses them in more detail.

### ***The Conduct of Meetings***

During interviews conducted in the creation of this study, many members spoke of the need to clarify procedures in commissions to help ensure a smoother flow of business. In a quick survey of parliamentarians conducted by the researchers of this study, 95% of the respondents think that questioning, answering and interruptions within commission and plenary meetings should be better regulated.<sup>68</sup>

**95% of respondents think that questioning, answering and interruptions within commission and plenary meetings should be better regulated.**

Every plenary session and the meetings of commission and other standing bodies of the DPR are presided over by a chairperson. The chairperson can be the House leader (speaker) or leaders of internal bodies, depending on the type of session or meeting

<sup>64</sup> Standing Committees are referred to as “komisi” or “commissions” in the Indonesian House of Representatives.

<sup>65</sup> The rules of procedure were adopted as Keputusan Dewan Perwakilan Rakyat Republik Indonesia, Nomor 15/DPR RI/II/2004-2005 tentang Peraturan Tata Tertib Dewan Perwakilan Rakyat Republik Indonesia, with its changes regulated in Keputusan Dewan Perwakilan Rakyat Republik Indonesia, Nomor 07/DPR RI/II/2004-2005 tentang Perubahan Peraturan Tata Tertib DPR RI.

<sup>66</sup> According Article 42(1)(g) of the DPR Rules of Procedure, the Legislation Council is responsible for conducting evaluations and clarifications of the DPR Rules of Procedure and the Code of Ethics.

<sup>67</sup> The Code of Ethics was adopted as Keputusan Dewan Perwakilan Rakyat Republik Indonesia, Nomor 16/DPR RI/II/2004-2005 tentang Kode Etik Dewan Perwakilan Rakyat Republik Indonesia.

<sup>68</sup> “Kami Ingin Tahu Apa Yang Anda Inginkan”, Informal survey conducted by the National Democratic Institute (NDI) involving 45 parliamentarians (including DPR and DPD members) from various factions, January until March 2005.

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conducted. If the respective leader is unavailable, the deputy can chair the meeting. However, if both the leader and the deputy leaders are unavailable, the meeting can be chaired by one of the participants chosen by the participants (Article 100, DPR Rules of Procedure). The duties of the meeting chair include opening the meeting, managing the time and discussion, reading out the decisions made during the meeting, and closing the meeting.

As the moderator of a meeting, the chairperson is given the authority to manage the speaking order and speaking time (Articles 105(1) and 106(1)). The chairperson may remind and stop a participating member who speaks longer than the time limit given (Article 106(2)). Further, the chairperson manages the time limit for interruptions and may remind a speaker or stop an interruption irrelevant to the issues discussed (Article 107(2)). The chairperson may remind a speaker who diverts from a discussion topic to return to the issue at hand (Article 108(2)). The chairperson can also warn a speaker who uses inappropriate words, disturbs the meeting process, or incites illegal activities (Article 109(1)) and can call upon the speaker to stop and/or take back the inappropriate comments (Article 109(2)). If a meeting member ignores the warning calls, the chairperson has the authority to withdraw the member's right to speak (Article 110(1)), or if ignored again to exclude the member from the meeting (Article 110(2)). If an unruly member refuses to leave a meeting, the chairperson can authorise a removal by force (Article 110(3)), or close or to delay the meeting if it cannot be continued because of the above reasons.

**The various articles of the rules of procedure for meetings are open to interpretation.**

Despite the fact that a chairperson is given considerable authority to conduct a meeting, many of the regulations are unclear and insufficiently explained, such as the limits for

speaking time and interruptions, the definition of "inappropriate words", the "manners" that can disturb a meeting, and "unlawful behaviour." The various articles of the rules of procedure for meetings are open to interpretation. Consequently, chairpersons frequently interpret the provisions according to their subjective understanding. In February 2005, a heated exchange took place during a joint meeting between the Attorney General's Office and House Commissions II and III which some say was exacerbated by the different perceptions of a sentence uttered by a DPR commission member. To call the Attorney General a "preacher among thieves" was perceived by meeting members of the Attorney General's Office as an insult, while for the respective speaker said it was just a metaphor to describe the Attorney General and his staff.<sup>69</sup> The presiding chairperson did not perceive the sentence as an insult or as an "inappropriate wording", and therefore did not warn the member, causing further disturbances of the meeting.

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<sup>69</sup> "Raker Gabungan Jaksa Agung-DPR Ricuh", *Kompas*, 18 Februari 2005.

An incident like this could be avoided if the rules of procedure explain more precisely what “inappropriate words” are and how an insult is defined. In Canada, for example, there is a long list of words that may not be used that has developed over the years through the rulings of the Speakers of the House of Commons<sup>70</sup>. Certain types of words or phrases are not allowed as they reduce decorum in the House, cause insult to members or impugn their dignity and integrity as parliamentarians. For instance, calling someone a “liar” is not tolerated. This keeps the focus on the issues of debate, rather than the personalities doing the debating.

### ***The Attendance of Meetings by Legislators***

The required attendance of meetings creates numerous problems for House members and has frequently drawn much criticism from the public and the media. In addition to problems of general tardiness, some of the challenges of maintaining acceptable attendance levels can sometimes be due to last minute scheduling of meetings, the overlap of different meetings and cases when meetings do not end on time. The House of Representatives Code of Ethics obliges House members to “physically attend meetings they are obliged to participate in” (Article 6(1) DPR Code of Ethics). Upon entering a meeting, the participating members have to sign an attendance list (Article 96 DPR Rules of Procedure). If a member does not “physically” attend a meeting of the same type for three times without the permission of the faction leader, the member has violated the Code of Ethics (Article 6(2) DPR Code of Ethics). Subsequently, the Honorary Council (*Badan Kehormatan*) of the House has the authority to process the violation and hand down sanctions to the member (Articles 58, 59, and 60 DPR Rules of Procedure). However, both the DPR Rules of Procedure and the Code of Ethics do not contain any provision on sanctions for members who sign their names onto the attendance list of a meeting, but who do not physically attend, who come late, or who leave before the meeting is adjourned. Sanctions for members who repeatedly do not attend meetings cannot be executed directly but must be processed first by the Honorary Council. Here, political interests can influence decisions on sanctions. Hence, whether a member is sanctioned or not for violating the Rules of Procedure or the Code of Ethics remains uncertain and creates confusion among members and the public. Many have also argued that increasing public access to the attendance records of the DPR may be one way in helping to increase attendance. Attendance records are a matter of public record in many countries and have proven to be a powerful tool to foster greater accountability from legislators.<sup>71</sup>

**Sanctions for members who repeatedly do not attend meetings cannot be executed directly**

<sup>70</sup> Some unparliamentary language includes: parliamentary pugilist (1875), a bag of wind (1878), coming into the world by accident (1886), lacking in intelligence (1934), a trained seal (1961), jerk (1980), racist (1986), Canadian Mussolini (1964), scuzzball (1988)

<sup>71</sup> For an international comparison on attendance procedures, consult, *Checking the Attendance of Members in the National Parliaments of the Member States*, Directorate General for Research, European Parliament, 1997

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### ***The regulation of speaking time during working meetings***

Members spoken to in the course of this study frequently expressed frustration with unclear provisions regarding the speaking time during committee meetings and plenary sessions. Some speakers, they complained, use a disproportionately long time to present

#### **Members spoken to in the course of this study frequently expressed frustration with unclear provisions regarding the speaking time during committee meetings and plenary sessions.**

their views, leaving others with less time to contribute to the meeting. Moreover, some meeting members tend to repeat things that have been previously mentioned or make contributions unrelated to the issue on the meeting agenda.

The speaking time of members during meetings is regulated in only two articles of the DPR Rules of Procedure. Article 106 regulates the authority of the chairperson to decide the time limit for the meeting members to speak. The same article allows the chairperson to remind speakers about their time limit and to stop meeting members who speak longer than the limit. Article 107 regulates the right to interruptions during meetings. Every meeting member has the right to interrupt a meeting to ask for an explanation on the issues debated, explain the matter being debated which is associated with them and/or their tasks, to propose a procedure on the matter being discussed, or to propose that the sitting be adjourned.<sup>72</sup> It further contains the provision on the authority of the chairperson to limit the interruption time, particularly if the interruption is unrelated to the issues discussed. The provisions do not explicitly regulate how long a meeting member may speak or make an interruption. The conduct of the meeting often depends entirely on the chairperson. This can lead to a situations where the allotted time for House meetings is not used efficiently.<sup>73</sup> The Rules of Procedures also do not dedicate particular times for commission work, bill deliberation, faction meetings and plenary sessions. Often meetings have to be cut short, without all members being heard, or without all questions being answered. Alternatively, meetings may last far beyond the scheduled time, often conflicting with other events in the schedules of legislators.

### ***Quorum***

An issue frequently mentioned by members which can create unnecessary delays in the work of the DPR is the quorum needed to reach decisions and its enforcement. An attendance quorum is needed for decision-making, including the decision to determine whether or not a scheduled meeting will take place (Article 97 DPR Rules of Procedure). According to the rules, a decision can be made if the meeting is attended by “more than

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<sup>72</sup> See also, *The House of Representatives of the Republic of Indonesia: At a glance*, Bureau Public Relations and Law, Secretariat General of DPR-RI, 2001, p. 31.

<sup>73</sup> The time for House meetings is regulated in Article 74 of the DPR Rules of Procedure. Meetings may take place between Monday and Friday, from 09.00 until 16.00 hours, with a break from 12.00 until 13.00 hours. On Friday, meetings may take place between 09.00 until 16.00 hours, with a break from 11.00 until 13.30 hours. Evening meetings can be scheduled on working days from 19.30 until 23.30.

half of the number of the meeting members consisting of more than half of the factions” (Article 203(3)). Subsequently, decision-making can be made in two ways, through consensus or voting. A decision by consensus is valid if “being made in the meeting attended by the members and the factions as regulated in Article 203(1), and agreed by all attendees” (Article 206). A decision by voting is valid if “taken in the meeting attended by the members and the factions as regulated in Article 203(1), and agreed by more than half of the members attending the meeting” (Article 209). As frequently reported in the media and by House members, the quorum requirements in the DPR are often difficult to reach, especially at the level of internal bodies. During the 1999-2004 DPR session, the Steering Committee (*Badan Musyawarah* or Bamus) was unable to reach a quorum on at least 18 occasions.<sup>74</sup> One of the reasons for this failure that other internal bodies often hold their meetings at the same time. Legislators are often members of more than one internal organ, such as their commission and other bodies or committees.

**The quorum requirements in the DPR are difficult to reach.**

### ***Minutes of Meetings, Meeting Notes and Summary Reports***

Minutes of meetings are an essential product in legislatures throughout the world. However, at the Indonesian DPR, detailed minutes are not always readily available. The quick survey among parliamentarians conducted by the researchers of this study shows that a majority of 60% of the respondents have difficulties accessing all documentation regarding the activities of the DPR. According to 35% of the respondents, minutes of meetings are difficult to obtain. Currently, minutes of meetings (*risalah*), meeting notes (*catatan rapat*), and summary reports (*laporan singkat*) are regulated in Articles 112 to 116 of the DPR Rules of Procedure. According to the provisions in the House rules, minutes of meetings are a comprehensive record of the discussion process. Minutes of meetings, so far are only required to record plenary sessions and extraordinary plenary sessions of the parliament. Meeting notes include the talking points and conclusions or decisions of a meeting, while the summary reports only give the conclusion or decisions. Both meeting notes and summary reports have to be prepared after every leadership meeting and every commission or committee meeting. The secretary of a meeting is responsible for the preparation of the documents and preliminary drafts should be distributed to the members at the end of the meeting.

**The lack of detailed minutes or of meeting notes and summaries can create confusion about what has been discussed in meetings and what has been agreed.**

However, many members indicate that they do not receive a draft that allows for minor corrections or clarifications, and that the final notes are not always distributed or only available if explicitly requested. The lack of detailed minutes or of meeting notes and summaries can create confusion about what has

<sup>74</sup> *Kompas*, 20 August 2004.

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been discussed in meetings and what has been agreed. Matters previously discussed can inadvertently be deliberated again at a later meeting and issues previously agreed are questioned again. Consequently, frustrated members and the public can perceive meetings as inefficient. Legislators can have difficulties finding information about the discussions on issues that took place during previous House sessions. In case of a judicial review, the absence of detailed meeting records becomes particularly significant. This fact was frequently expressed by the chairman of House Commission II and the Minister of Justice and Human Rights.<sup>75</sup>

### **International Comparison**

As mentioned, rules of procedure (Standing Orders) are internal rules adopted by members of a legislature to organise proceedings and to govern operations of the parliament. These procedures and practices are living documents, subject to change on a regular basis, following the changing requirements of the parliament. Commonly, they determine the conduct of sessions and the general schedule of the House. They can also regulate the legislative calendar. Further, procedures and informal agreements frequently regulate the weekdays and time for the conduct of commission and committee sessions. Some allow committees to assemble while the plenary is not in session. Others leave the schedules of committees up to their own discretion and pending deadlines or actual workload. Restrictions can be imposed on committees so that they do not meet at the same time plenary sessions take place, in order to make sure members attend these sessions and do not drop in for voting only. Procedures can also regulate the authority of committees to set their own agenda and order of business, or if they have to follow the direction of the House in this regard.

This section of the study provides a short overview of the areas regulated by parliamentary rules of procedure in several countries. It shows that in many countries chairpersons of meetings are equipped with the mandate to maintain order and a smooth discussion and the authority to discipline members if needed. Further, it explains briefly how meetings of commissions and committees are regulated in some countries, and how decisions are made. Finally, it underlines the importance of minutes of meetings for the work of legislators and how the publication and distribution of such minutes is handled in various legislatures.

### ***The Authority of Chairpersons***

In the Canadian parliament, the Committee Chair leads meetings. Under certain circumstances, for instance when the quorum for attendance is not reached, the chairperson can decide whether or not the meeting should take place.<sup>76</sup> Further, the

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<sup>75</sup> Rival G. Ahmad, "Peran Mahkamah Konstitusi Dalam Mendorong Pembentukan Undang-undang Yang Aspiratif", [www.iluni-fhui.com](http://www.iluni-fhui.com).

<sup>76</sup> Rules and Forms of Procedure of the House of the Canadian Assembly, p. 13-14.

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chairperson has the authority to manage the meeting process. He/she can stop a meeting member who speaks about issues irrelevant to the meeting agenda or who speaks about issues that have been deliberated previously (1955 Rule 20(2), am; 1980 Rule 24(2), am. 1996). The chairperson can ask a meeting member who ignores the authority of the chair to leave the meeting (1980 Rule 28(1), am. 1996) and if not obeyed, has the authority to rule the member out of order (1980 Rule 28(2), am. 1996). If the meeting member still does not comply, the chairperson can call the Sergeant-at-Arms to enforce the rules up to and including physical removal from the committee (1980 Rule 28(4), am. 1996).

Warnings are a common feature of many parliamentary rules. Upon collection of a certain number of warnings, members may be asked

**Warnings are a common feature of many parliamentary rules.**

to leave a meeting or may not be allowed to attend meetings until the end of the parliamentary session. At the German Bundestag, a chairperson may call upon speakers who digress to keep to the subject under debate. The Chair may call to order legislators who commit a breach of order. The call to order and the reason for it may not be referred to by subsequent speakers (Rule 36). If during his speech a speaker is called upon three times to keep the subject under debate or is called to order three times, the chairperson must direct him to discontinue speaking and may not grant him to speak again during the meeting (Rule 37).

### ***Clear Regulations on Attendance***

In most parliamentary rules of regulations, the attendance of meetings is clearly regulated. In the Canadian parliament each member is obliged to attend to the duties assigned to him/her (1955 Rule 11(1); 1980 Rule 14(1)). Exceptions to this rule are also regulated. If legislators leave the House for one day without the permission from the Speaker, they can be censured by the House and fined by the Board of Internal Economy (1955 Rule 11(2); 1980 Rule 14(2)).

Rules relating to attendance are frequently a challenge in many legislatures and even with strict rules problems can still exist. When voting to reach decisions is a regular

**When voting to reach decisions is a regular occurrence attendance can be much easier to regulate.**

occurrence, however, attendance can be much easier to regulate. Quite simply, if members do not attend meetings, it can affect the results of voting and cause a faction to lose a key decision. In many legislatures, votes on a variety of issues can occur at any time and all factions need to be in a constant state of readiness. This situation provides an incentive for factions to ensure that their members are present in order to win votes, cause others to lose votes or simply to defend their views. Further, most legislatures publish detailed records of attendance for committee and plenary sessions.

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The public can then judge which factions are committed to the process and which factions are less interested in attending sessions. In most legislatures, however, comparing the voting records is the measure by which the public often judge the effectiveness of their representatives. The voting records can show that they were both present in the meeting and that they took a public stand for or against a particular issue.

It should be noted that the lives of legislators are unpredictable and extremely busy. Thus, there are often valid reasons why legislators may not be able to attend regular commission meetings or plenary sessions. They may be attending public meetings elsewhere, tending to matters in the constituency, travelling on official business or they may be ill. There must be provisions in the Standing Orders to enable members to be excused for valid reasons.

### ***Speaking Times and Discipline in Time Keeping***

Many legislatures regulate speaking time very strictly to keep meetings as efficient as possible. The Canadian system provides one example. The provisions include the type of meeting, the time limitation of debates, special regulations on debates, the members who have a right to speak, and the duration of discussions. In general, time is allocated on a proportional basis depending on the size of the faction. Larger factions, thus, are generally allocated more time to speak. During a debate, a member is not allowed to speak for more than one hour, except by the full endorsement of the House (1955 Rule 19 am; 1980 Rule 23). An interruption is not allowed to be longer than 10 minutes (1980 Rule 5 (7)). During the adjournment proceedings, the debate is limited to 30 minutes (Rule 38(1)). Only three questions are allowed per member and the questioning time is limited to maximum 10 minutes per question (Rule 38(2)). During Question Period, a daily accountability session which enables the opposition parties to ask anything of the government, the time allocated for answers to questions is between one and four minutes, and the time given to respond to an answer is between one and four minutes as well (Rule 38(5)). Similar regulations apply in the United States House of Representatives. There, the speaking time during a debate is limited to one hour (Rule XVII, Clause 2).<sup>77</sup> Appendix E provides a more complete description on time limits for debates.

Most legislatures regulate the daily, weekly and monthly activities at the parliament in great detail. The Canadian House of Commons determines its activities in Rule 30(6) of its standing orders. Thus, Monday and Friday are reserved for Government Business, like Government Motions and Public Bills and Orders, Private and Local Bills, and Private Members Public Bills. There is also time allocated each week for bills initiated by individual members.

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<sup>77</sup> Judy Schneider, "House and Senate Rules of Procedure: A Comparison", 12 May 2003, p. 8.



## Quorum

The quorum as a tool is most effective during meetings where voting of some sort takes place. The majority of democratically elected parliaments around the world use voting for decision making in committee meetings and

plenary sessions. At the House of Commons in Canada, there are two types of quorum: the quorum in the chamber, and the quorum in committees<sup>78</sup>. According to The Constitution Act 1867, the quorum in the chamber is reached if 20 (Out of 308 members) members attend. This provision is adopted in the House rules (Rule 29(1) until (4)). If after the initial counting the quorum is not reached, the Speaker will ring the Call Bell for quorum for 15 minutes. If the quorum is still not reached, the Speaker will postpone the House meeting until the following day. All names of House members attending the meeting are recorded in the Journal of the House, which is readily accessible to the public. Meanwhile, the quorum in the committees is reached if attended by at least half of the committee members. Although a member of an opposition party does not need to be present, it is generally custom that meetings will not start until at least one opposition member is in attendance. The number of committee members is between 16 and 18. The Liaison Committee, for instance, reaches the quorum if attended by seven of its members (Rule 118(1) and (2)). Although not stated in the rules of procedure, committee meetings will not start until at least one member of the parliamentary opposition attends, even so, if the quorum has been reached. To reduce the number of members required for a quorum, committees usually determine the number of members required to attend the meeting.<sup>79</sup> In the United States Congress, there is a requirement that a majority of commission members must be present for a final decision to take place. For other purposes, however, like conducting hearings or discussion, there is a lower quorum requirement, which often is one-third of the commission membership.

**The majority of democratically elected parliaments around the world use voting for decision making**

## The Importance of Minutes of Meetings

Parliamentary publications are an essential part of legislatures and they are usually made available in-house to members and staff, as well as to the media and general public. At the Canadian parliament, various documents are published, including the Journal, the Hansard, Order Papers, Notice Papers, the Projected Order of Business, the Status of House Business, Bills, and Committee Documents.<sup>80</sup> The Journal is a record prepared by the Clerk of the House

**Parliamentary publications are an essential part of legislatures and they are usually made available in-house to members and staff, as well as to the media and general public.**

<sup>78</sup> See, [www.parl.gc.ca/information/about/process/House/Procedural\\_fact\\_sheet](http://www.parl.gc.ca/information/about/process/House/Procedural_fact_sheet).

<sup>79</sup> *Ibid.*

<sup>80</sup> *Ibid.*

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and by Table Officers during the various meetings that contain decisions and other transactions in the House. The un-edited Journal of every meeting is available the following day, while the edited version is published a week later. The Hansard is a word-by-word account of plenary meetings or committee meetings. The Hansard is available one day after a meeting takes place. Order Papers and Notice Papers contain the coming agenda that will be deliberated by the House of Commons. Both documents are published daily and are available the night before on the parliament's website. The Projected Order of Business is a non-official and simple daily agenda that shows the likely order of business for every meeting published on the website the night before. The Status of House Business is a brief note on various activities of the parliament and updated everyday on the parliament's website. Bills are published and distributed based on the authority of the Speaker. Committee Documents contain work done by the committees, including Notices (meeting records of the agenda, time, and venue), Minutes (formal record on all decisions taken), Evidence (the meeting transcript), and Reports (opinions and recommendations). These documents are extremely important to the media and the general public as they give official notice of important discussions and debates so that those with an interest in certain issues can attend and participate in meetings. The Malaysian Parliament also produces similar documents which are made available on the Internet.<sup>81</sup>

## **Options and Implications for Reform**

The development of rules and procedures is a constant and ongoing process in legislatures. To develop optimal internal rules and procedures for the Indonesian House of Representatives, which enable its members to effectively perform their legislative, budgetary and oversight duties, will take commitment on behalf of the House leadership and House members. The process of amending the existing rules in the Legislation Council has just started. However, a comprehensive reform is a large task and rules will have to develop over time. Legislatures are, by nature, arenas of constant discourse between different political convictions and ideas where, over time, majority parties can become minority parties and *vice versa*. In this situation, ground rules governing this interaction are essential to the long-term success and stability of the institution. The rules of procedure should help legislators perform their duties more efficiently and also serve as the primary reference source on how parliament carries out its legislative work. At the same time they can strengthen democratic traditions in conducting parliamentary business. Hence, the rules should guarantee the right to voice dissenting opinions freely. But the rules should also consider the need of a parliament to function efficiently and effectively. For that reason, this initial study on key issues regulated in the House rules, suggests the following issues be considered:

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<sup>81</sup> For more information, see: [www.parlimen.gov.my](http://www.parlimen.gov.my)

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### ***First: Introducing clearer authorities for chairpersons***

Amendment of the current DPR Rules of Procedure could be considered to provide clearer authorities for chairpersons of commissions and committees. Chairpersons of commissions, bodies and internal organs are crucial to the legislative process and they need adequate tools and clear rules to carry out their jobs effectively. Various solutions are at hand and the team amending the rules might look at options from other legislatures around the world. To reduce multiple interpretations of rules regulating meetings, such rules need to be clearly explained. Rules need to be clear on how long a meeting should last, how; when and if a quorum applies; how the agenda is set; how the debate is scheduled, how long the speaking time is; at what time voting takes place; how speakers not obeying the rules are treated; and so on. For this purpose, wording open to interpretation like phrases such as “inappropriate words” and “the behaviour that disturbs the meeting” could be further clarified.

### ***Second: Producing Minutes for Every Meeting***

Minutes of meetings form an essential part of the information necessary for members to conduct their work. They also provide the public with a permanent record of the discourse and debate that leads to important decisions. They therefore should not only be restricted to regular and special plenary sessions. Detailed minutes of meetings and meeting summaries should also be prepared after every commission and committee meeting, with the summaries being

**Detailed minutes of meetings and meeting summaries should also be prepared after every commission and committee meeting.**

distributed to the participants immediately after the ending of the meeting, and the minutes being made available one or two days later. For meetings that are open to the public, the media and public could be given the right to receive minutes and summaries. Documentation of closed meetings could be kept confidential for a specified time only. The Rules of Procedures should provide clear provisions on the content, preparation and distribution of minutes and summaries. Such reformed regulations may require increasing the number of qualified administrative staff at commission and committee secretariats with sufficient skills, as well as an improvement of the facilities to support the preparation of the transcripts. This would likely also require organisational improvements in administrative services to all House members and the public. Although transcription of official proceedings does involve costs for equipment and personnel, this can be viewed as a question of priority, rather than purely a financial one. The cost needs to be weighed against the public’s right to information and the value of these transcripts for the political actors in the system. Transcripts are a common feature in many legislatures. Section 16(4) of the Constitution of the Philippines obliges the Congress to keep a record of its proceedings and voting records and make them available. In Malaysia, the official record of discussions in the Malaysian Parliament can be viewed on the parliamentary website.

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### ***Third: Linking the Rules of Procedure with the Code of Ethics***

There is a need to better link the provisions of the DPR Rules of Procedure and the Code of Ethics. This is particularly the case in regard to sanctions handed down for the absence from meetings. A solution needs to be found to eliminate situations where legislators are scheduled to be in 2 or more different meetings at the same time. As voting becomes more common in the Indonesian legislature, it may result in higher attendance levels in committees and plenary sessions. In the short-term, the rules and the Code of Ethics could be amended to include provisions regulating the structure and availability of attendance lists for meetings. A space to record reasons for legitimate absences can be added to the attendance form. The sanctions for the absence from a meeting could be regulated more explicitly, and may not always require the involvement of the Honorary Council. For example, the chairperson could be authorised to warn absent meeting members or exclude them for some time from meetings. A more detailed advanced scheduling of parliamentary activities may also help legislators to better organise their daily schedules and to prepare the materials and information needed. Specific weekdays and times could be reserved for bill deliberations, House sessions, committee work, faction work, and so on. A more predictable schedule of activities is important to avoid potential conflicts between meetings of House internal organs and additional commitments outside the parliament.

### ***Fourth: Developing better regulations on speaking times***

The DPR Rules of Procedure could be improved through the adoption of clearer provisions on speaking times and mechanisms of enforcement. Rules could detail the procedures of how a meeting should be organised and conducted, from regulations on how long before a meeting invitations need to be sent, to the setting of the agenda and the organising of the debate and timeframe. The chairperson, although authoritative, should be an enforcer of rules that are clearer to all. The DPR may wish to consider the adoption of specific provisions outlining time parameters for interventions and questions by members. They may also wish to regulate how diverse opinions on an issue can be accommodated in deliberations. However, the amended rules may at least contain provisions on how many times per meeting a member is allowed to speak, provisions to avoid repetition of an issue already discussed, and rules on the maximum amount of time available for a single contribution. For instance, one meeting member might only be allowed to speak twice, namely to propose the question and to respond to the answer given; the time to deliver the question, to give feedback, and to respond to it is regulated to be not more than five minutes each.

One common complaint among many commission members is that several questions are often grouped together and guests of the commission are given the opportunity to respond to them in any order they choose. This takes a very long time, with some members acknowledging that they sometimes leave the meeting before their question

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is answered. In addition, this often results in the inability for members to ask follow up questions and often enables the guest to focus on some questions while avoiding answering others. Members may wish to institute a “one question – one answer” with the opportunity to ask a follow-up question to avoid this situation. Since early 2005, the Commission on Foreign Affairs, Defence and Communications (Commission I) has been experimenting with the one-question, one-answer approach. A further advantage of this approach is that it allows committee members to change their questions based on the answers that they hear to other committee members’ questions

### ***Fifth: Examining quorum and voting requirements***

The current provisions on the quorum in the DPR Rules of Procedure can be implemented if the meeting schedules of the internal bodies do not conflict with each other. However, provisions on the level of the quorum may need to be examined, considering the fact that many House members are both members of commissions and members of other internal bodies. Currently, meetings are often delayed or prevented because the required quorum of members has not been reached. Some members feel that the quorum requirement is often too high, and some have called requested to examine if new quorum requirements to see if a more realistic requirements can be considered.

Currently, if an internal body of the DPR cannot achieve a quorum, the Steering Committee Bamus<sup>82</sup> may take a decision on behalf of the body in question. In many cases, however, this can trade one problem for another, if the Bamus itself is unable to achieve a quorum.

It may be best for the DPR to examine a wide variety of options regarding quorum levels in other legislatures to determine if Indonesia could benefit from international experience in this regard. Some options include different quorum requirements for meetings of a more routine nature that do not involve decisions.

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<sup>82</sup> Bamus is a key decision-making body in the DPR comprising of the leadership of the House, the Chairpersons of all commissions and fractions. It is often referred to as a “mini DPR”, since it can take important decisions on behalf of the DPR when it is not in session. The Bamus is also responsible for the setting of the legislative agenda.

**Table on some options to consider to reform the DPR Rules of Procedure**

	Programme and Activities	Short Term		Medium Term
		1 year	2 years	2-3 years
<b><i>I. Introducing clear authorities for chairpersons</i></b>				
1.	Clarifying the rules regulating meetings, including time setting, agenda setting, quorum, speaking times, voting, minutes of meetings.	•		
2.	Clarifying the authorities of chairpersons of commission and committee meetings.	•		
<b><i>II. Producing minutes for every meeting</i></b>				
1.	Introducing clear provisions on the content, preparation and distribution of minutes and summaries	•		
2.	Reviewing the number and availability of qualified administrative staff at commission and committee secretariats.	•		
3.	Improving the facilities to support the preparation of the transcripts.	•		
<b><i>III. Linking the Rules of Procedure with the Code of Ethics</i></b>				
1.	Including provisions on the attendance list of meetings in the Rules of Procedure and the Code of Ethics	•		
2.	Regulating sanctions handed down for the absence from meetings without involving the Honorary Council.	•		
3.	Introducing more frequent voting during commission and committee meetings.		•	
4.	Developing a more detailed and structured schedule of parliamentary activities.	•		
<b><i>IV. Developing better regulations on speaking times</i></b>				
1.	Introducing provisions to regulate orderly flow of discussion in meetings.	•		
2.	Regulating that repetitions of an issue already discussed should be avoided.	•		
3.	Defining the maximum amount of time available for a single contribution.	•		
4.	Regulating question and answer sessions to ensure a more structured flow of discussions	•		
<b><i>V. Amending quorum and voting requirements</i></b>				
1.	Examine options for changes in quorum requirements to ensure that vital business can be carried out in the DPR.	•		

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Towards a  
More Effective  
Indonesian House of  
Representatives:  
***Options for Positive  
Change by  
Legislators***

***Appendix***

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# Appendix A



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April 27, 2005

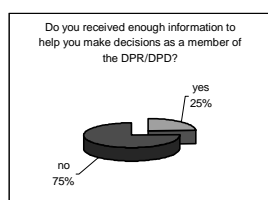
## Results of Informal Survey of DPR/DPD Members: **Legislators Overwhelmingly In Favor of Greater Transparency, But Want More Information and Improved Supporting Structures**

The National Democratic Institute for International Affairs (NDI) recently undertook an informal survey of DPR and DPD members to gauge their views on a number of topics related to the legislature and their ability to do their jobs in a professional manner.<sup>1</sup>

The results are clear. Members in both houses want change, more information and openness and they want to be involved in helping to improve the institution for all Indonesians.

Highlights of the survey results include:

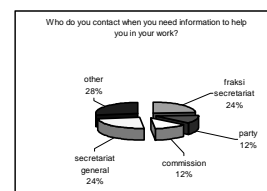
### **Information Support is A Serious Concern to Members**



An overwhelming number of members (75%) indicated that they did not feel they received enough information to make the difficult decisions that they face every day. Although the DPR has a non-partisan research bureau (Pusat Pengkajian dan Pelayanan Informasi – P3I) with many qualified researchers available to assist members, 80% indicated that they have not used their services. Surprisingly, 63% of members are not aware of the services provided by P3I. This can be viewed as an opportunity by the research bureau to reach out to members and both

inform them of the services available, but also to ask them what types of research support they would like.

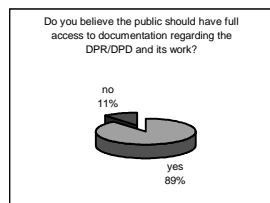
When asked where they get their information, members indicated a comfort in receiving information from partisan sources - 36% of respondents indicated that they relied on the party or the fraction staff. Although the commissions are very important and influential bodies in the DPR, only 12% of members indicated that they would contact the commission for informational support, suggesting a need for more professional, non-partisan support in the commissions.



Over one-quarter (28%) of members get information from sources outside the DPR. This indicates that DPR members are very open to input from NGOs, academics and other professionals to support their work. Twenty-four percent of members contact the Secretariat General for information to support their work as well. These results suggest that members understand the value of a variety of partisan and non-partisan informational sources to assist them in carrying out their functions.

<sup>1</sup> The survey was carried out from January to March, 2005. 45 members responded to the survey, 30 DPR members and 15 DPD members.

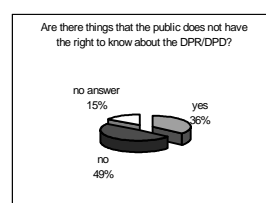
## Members Support Greater Access to Information for Everyone



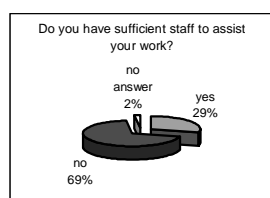
The majority of members responding to the survey indicated that they could not easily access information regarding the activities of the DPR and DPD. This indicates that the institution should be more proactive in the dissemination of information and should look for ways to simplify the process of obtaining such data. In most legislatures, information like the minutes of meetings and draft bills are automatically available to members, however, Indonesian legislators cited that these were difficult to obtain.

Demonstrating an awareness of the need for openness and transparency, 89% of members indicated that the public should have full access to documentation regarding the DPR/DPD and its work. Media and civic groups have long complained about the difficulty in obtaining such information and this could indicate that the DPR must fully review and update its information policies.

The DPR often deals with sensitive national issues and like other legislatures, may limit the access to certain types of information. However, when asked whether there are things about the DPR/DPD that the public does not have a right to know, more members disagreed (49%) than agreed (36%).

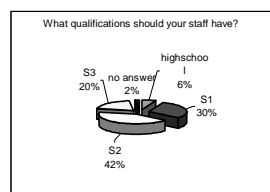
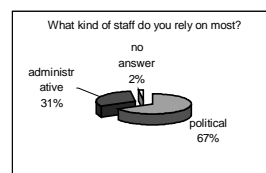


## Members Want More and Better Qualified Staff



Members of the DPR currently have one personal staff that assists them in their offices. The survey indicates that a large majority of members (69%) feel that this is insufficient to help them deal with the workload of their commission assignments and other representative functions. The same numbers feel that the current staffing structure does not adequately match their work requirements. Interestingly, when asked what type of staff they most rely on, the survey

indicates that 67% of members value the input of political staff over administrative staff (31%), underscoring the important role that political parties are playing in Indonesia's democratic transition.

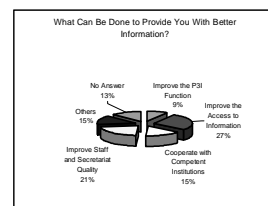


Members also want qualified, professional staff to assist them as they try to help solve a number of complex and important issues facing the nation. 92% of members think that staff serving in their offices should at least have a university degree, with members indicating they would benefit from the support of a Master's Graduate (42%), a Bachelor graduate (30%) or a PhD graduate (20%). With an allowance of onlyRp. 2 million per month, members indicated that it was difficult for them to attract such qualified individuals. This indicates that the DPR must

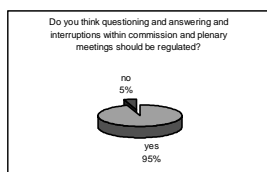
seriously review the current allocations for support staff for members' offices and they may wish to consider setting minimum education requirements for all staff.

## Advice From Members – Improve Within and Seek More Input From Others

When asked how information services could be improved, respondents provided a number of practical solutions, including clarifying access to information procedures (27%), improving staff and DPR secretariat quality (21%), cooperating with external institutions (15%) and improving the function of the P3I research service (9%). This demonstrates that legislators have a constructive approach to working within existing DPR structures in addition to seeking input from external information sources.



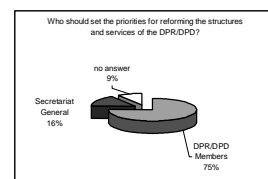
## Members Want Changes in the Structure and Design of the Legislature



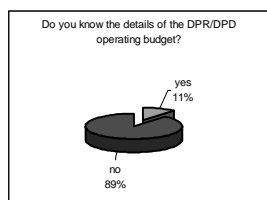
Members indicated a high level of frustration with current standing order provisions that regulate the conduct of meetings. 95% of respondents indicated that questioning and answering and interruptions at commission and plenary sessions needed to be better regulated. This demonstrates a desire among members for more orderly proceedings in the legislature and an awareness of the need to have enforceable rules that can help shape more productive discussions. This is good news for the ongoing

efforts to update the current DPR standing orders and should provide the BALEG with opportunities for input.

When asked who should set the priorities for reforming the structures and services of the DPR, the members sent a clear signal that they wanted to be involved. Seventy-five per cent responded that members should set the priorities, while only 16% thought the Secretariat General should set the priorities.



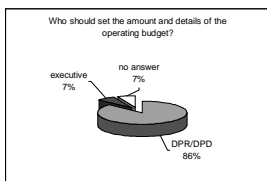
## Members Support Full Transparency of the DPR Operating Budget and Want More Input



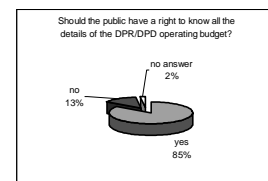
Astonishingly, 89% of members indicated that they are not aware of the details of the operating budget of the DPR. This budget is extremely strategic, as it can help to ensure more appropriate informational and professional support to members, fractions and commissions. Not surprisingly, every single member interviewed wanted to know the details of the DPR/DPD operating budget, demonstrating their understanding of the strategic importance of this source of funding. Ninety-three per cent of members indicated that all members should have a greater say

in the design of the operating budget, indicating that they are not satisfied with the current distribution of funds.

In a strong show of support for openness and transparency, 85% of members indicate that the public has a right to know all the details of the operating budget of the legislature's two chambers. They understand that the public is very critical of all government spending and they demonstrate an understanding of the need to lead by example.



DPR and DPD Members want more control over the amount and details of the operating budget, with 86% saying the DPR/DPD should set priorities and only 7% agreeing that this should be the responsibility of the executive. This demonstrates a desire among legislators to implement the new, clearer separation of powers enshrined in Indonesia's constitution. They understand that in order to be effective in their oversight of the Executive, they need to be less dependent on them for financial resources.



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### **Advice From Members – Transparency and Input, Not Necessarily A Bigger Budget**

When asked an open-ended question regarding the biggest weaknesses in the Operating Budget, members focused on transparency and a lack of involvement in decision-making – not on the amount of money in the budget. This demonstrates sound judgment and clearly indicates that members understand that they must get a clear picture of the current budget before proposing changes. They know that the public may be skeptical of any change without adequate study and explanation. By indicating a desire to become more involved in the process, the DPR members have demonstrated a commitment to accountability by wanting to become more responsible for decisions affecting their institution.

### **Summary**

The survey was designed to identify trends among members of the DPR and DPD and was not designed to be statically valid data sample. However, the results do demonstrate that legislators are acutely aware of some of the development challenges facing the DPR/DPD and they are very interested in positive changes that can help Indonesia's national legislature to perform better and gain the public's trust.

It sends a strong signal to the political and administrative leadership of both houses that incorporating the views of members are crucial if they wish to enact changes aimed at assisting the institution and its members to become more productive and effective.

The Legislative Strengthening Program of the National Democratic Institute for International Affairs (NDI) is working with many who are interested in more open, adequately resourced, professional legislatures in Indonesia and hopes that this survey can be of use to fractions, DPR and DPD leadership and members as well as concerned civic groups and others who share these goals.

### **Survey Respondent Information**

<b>Fraction</b>	<b>%</b>	<b>Gender</b>	<b>%</b>	<b>**The respondents from DPD were from South Sumatra and East Kalimantan Provinces with 13% respondents each. Others come from Riau, South Sulawesi, Papua, East Java, Bali, West Nusa Tenggara (NTB), The Special Capital Area (DKI), West Irian Jaya, Central Sulawesi, Jambi, and Southeast Sulawesi with 6.7% each.</b>
F-Golkar	20	Male	62.2	
F-PAN	20	Female	37.8	
F-PPP	16.6			
-Demokrat	10			
F-PKS	13.4			
F-PDIP	13.4			
F-KB	6.6			

# Appendix B

## House Of Commons Canada 2004-2005 by Activity for Each Business Line

Activity (thousands of dollars)	301 Individual Constituences	Chamber	Committees	Caucuses	Institution	Total
Law Clerk & Parl. Counsel	448.1	778.0	599.4	36.7	613.4	2,485.6
Procedural Services	25.3	5,220.3	9,872.0	25.3	4,701.2	19,844.1
Parl. Precinct Services	11,330.0	5,063.6	3,748.1	4,141.5	17,864.5	42,147.7
Information Services	12,856.7	7,582.7	4,344.7	641.3	13,769.1	39,194.5
Corporate Services	5,812.7	319.5	736.6	1,599.8	16,462.4	24,931.0
<b>Sub-Total: House Administration</b>	<b>30,472.8</b>	<b>18,974.1</b>	<b>19,300.8</b>	<b>6,444.6</b>	<b>53,410.6</b>	<b>128,602.9</b>
Members & House Offices	198,592.3	-	-	19,367.6	-	217,959.9
<b>Total: House of Commons</b>	<b>229,065.1</b>	<b>18,974.1</b>	<b>19,300.8</b>	<b>25,812.2</b>	<b>53,410.6</b>	<b>346,562.8</b>

Source: House of Administration Canada, *Reports on Plans and Priorities 2004-2005*, p. 25.

# Appendix C

## Individual Members' Expenditures For The Fiscal Year 2003-2004 House of Commons, Canada

### PUBLIC DISCLOSURE OF INDIVIDUAL MEMBER'S EXPENDITURE FOR 2003-2004

MEMBER CONSTITUENCY	MEMBER'S OFFICE BUDGET			SUPPORT PROVIDED BY THE HOUSE				
	STAFF AND OTHER EXPENSES (1)	TRAVEL (2)	OFFICE LEASE (3)	TRAVE (4)	TELEPHON (5)	PRINTING (6)	OFFICE SUPPLIES (7)	OTHER (8)
Abbot, Jim <i>Kootenay-Columbia</i>	\$ 210,684	\$ 22,57	\$ 12,000	\$ 131,139	\$ 1,381	\$ 38,586	\$ 2,583	\$ 27
Ablonczy, Diane <i>Clgary-Nose Hill</i>	\$ 214,925	\$ 2,328	\$ 30,777	\$ 98,198	\$ 2,605	\$ 36,956	\$ 4,607	\$ 172
Adams, Peter <i>Peterborough</i>	\$ 229,740	\$ 5,378	\$ 12,205	\$ 46,981	\$ 1,006	\$ 39,798	\$ 6,871	\$ 429
Alcock, Hon.Reg <i>Winnipeg South</i>	\$ 194,609	\$ 5,048	\$ 23,971	\$ 137,265	\$ 3,179	\$ 12,784	\$ 7,137	\$ 4,488
Allard, Carole-Marie <i>Laval East</i>	\$ 211,897	\$ 9,352	\$ 20,589	\$ 39,122	\$ 1,001	\$ 23,969	\$ 2,358	\$ 907
Anders, Rob <i>Calgary West</i>	\$ 220,596	\$ 10,282	\$ 17,944	\$ 90,431	\$ 2,797	\$ 37,754	\$ 4,851	\$ 815
Anderson, David <i>Cypress Hills- Grasslands</i>	\$ 198,866	\$ 13,681	\$ 12,376	\$ 64,562	\$ 217	\$ 26,924	\$ 2,610	\$ 6,745
Anderson, Hon.David <i>Victoria</i>	\$ 193,475	\$ 3,284	\$ 30,705	\$ 104,857	\$ 1,381	\$ 24,912	\$ 2,573	\$ 2,959
Assad, Mark <i>Gatineau</i>	\$ 229,02	\$ 8,691	\$ 1,350	\$ 14,651	\$ 86	\$ 8,976	\$ 1,786	\$ 1,914

Source: <http://www.parl.gc.ca/information/about/process/house/generalInformation/MembersExpenses-2003-2004-e.pdf>

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# Appendix D

## **Canada: The Division of the Five Areas and the Kind of Work**

### **The House Administration**

The House Administration provides Members, the Chamber, committees, House Officers and party caucuses with resources and services. The Clerk of the House of Commons is the senior official of the Administration and reports to the Speaker. The Clerk also serves as Secretary to the Board of Internal Economy, which is the governing body of the House of Commons and has representation from all recognized political parties.

The legislative basis for the House Administration lies with the *Parliament of Canada Act*. This Act delegates the management of the Administration to the Board of Internal Economy, chaired by the Speaker of the House of Commons. The powers and authority of the Board flow from this Act, the *Standing Orders of the House of Commons*, and the *Parliamentary Employment and Staff Relations Act*. The Speaker also has extensive responsibilities regarding the administration of the House, as set out in the *Parliament of Canada Act* and the Board by-laws.

### **Service Areas**

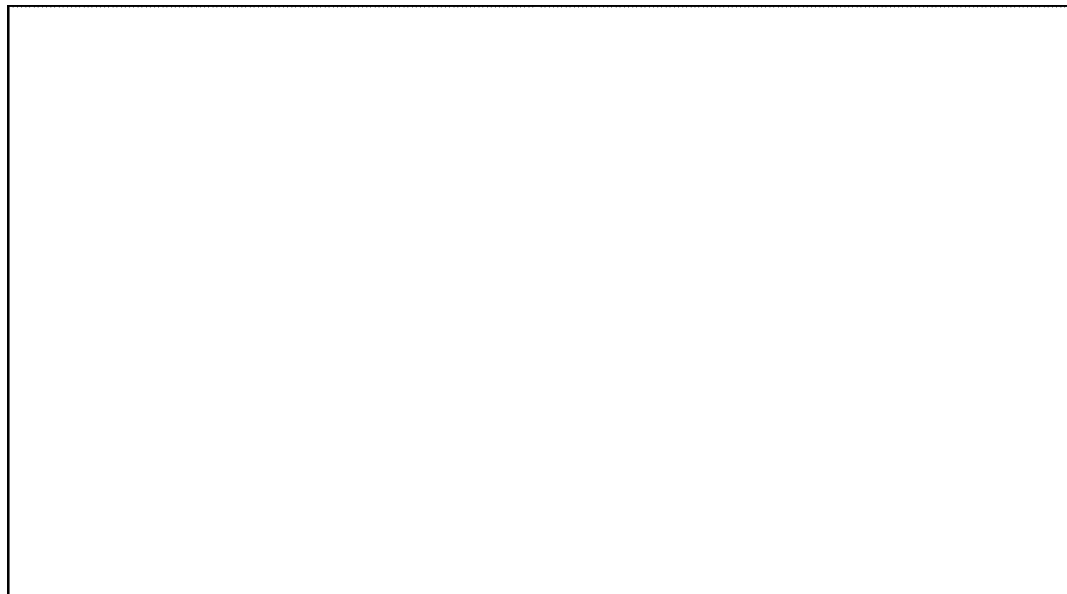
The Administration strives to provide sound advice and quality services to Members of Parliament through five service areas.

- **Corporate Services:** provides advice, support and services, and strategic direction in the areas of finance; human resources; resource information management; occupational health, safety and the environment; planning, communication and review; and food services.
- **Information Services:** provides advice, support and strategic direction concerning information technology and management; delivers integrated solutions, technologies and tools; and develops business strategies and delivers information services related to printing, parliamentary publications, television and radio, the Internet and the broadcasting of parliamentary events.

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- **Office of the Law Clerk and Parliamentary Counsel:** offers comprehensive legal and legislative counsel services to the Speaker, the Board of Internal Economy, Members and House managers.
  - **Parliamentary Precinct Services:** protects life and property, maintains peace and order, provides functional accommodations and related services, and safeguards the heritage and traditions of the House of Commons.
  - **Procedural Services:** provides procedural and legislative services, acts as a secretariat for the Chamber and committees, and organizes Parliament's participation in international parliamentary activities and official exchanges.

### Supporting Members and the Institution

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The Administration supports Members of the House of Commons in their four lines of business: in the Chamber, in committee, in the constituency and in caucus.

- In the Chamber, Members participate in debates, and study and vote on legislation. The Administration supports them by interpreting and advising on the rules and traditions governing House of Commons procedure and practice. The Administration also promotes knowledge and understanding of the House of Commons and Parliament through its information programs for parliamentarians and staff.
- In committee, Members scrutinize government programs and policies, and review proposed legislation. Their work includes hearing from the public and expert witnesses on a range of issues, conducting extensive research and making recommendations to Parliament. The House Administration



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provides a range of support services, including procedural advice, administrative arrangements for meetings, and publication of committee reports, minutes and evidence of proceedings.

- In their constituencies, Members participate in events and activities and talk to constituents face to face about their concerns. The Administration assists in this work and helps Hill and constituency offices stay in contact by providing communications equipment and a wide range of services. It also offers Members and their staff guidance and support in setting up and administering their offices.
- In caucus, Members develop strategy, discuss policy and examine important issues with fellow party members, and direct the work of party research offices. Administration staff provide a range of services for the party caucuses, such as providing for interpretation services.

The Administration sustains the institution of the House of Commons by providing institutional continuity from one Parliament to another, access to parliamentary records and a stable infrastructure to support Members in the democratic process. It also provides Canadians with information on their democratic processes and institutions.

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# Appendix E

## **Services Provided By Personal Staff at the US House and the US Senate**

**Chief of Staff, Administrative Assistant.** Top staff person responsible for overall office function, supervision of staff and budget, advising Member on political matters.

**Legislative Director.** Directs legislative staff as a resource person for legislative assistant. Responsible for briefing Member on votes and hearings, preparing legislation, speeches, and *Record* statements, and, often, supervising the answering of constituent mail.

**Legislative Assistant.** Works under the direction of the legislative director or administrative assistant and is usually responsible for handling specific issues and answering mail in those areas.

**Legislative Correspondent/Research Assistant.** Responsible for answering legislative correspondence from constituents. May also provide legislative research support for office.

**Press Secretary/Communications Director.** A Member's publicity director who is responsible for press release, radio & T.V. spots, newsletters, newspapers columns, speeches, schedule announcements, etc.

**Executive Assistant/Scheduler.** Handles the individual needs of Member including scheduling, correspondence, travel arrangements, and bookkeeping.

**Office Manager.** Office administration which may include monitoring mail flow, office accounts, personal administration, equipment, furniture, supplies, and the filing system(s).

**Receptionist.** Front desk assignment; answers phones and greets visitors. Performs wide variety of tasks with emphasis on constituent tours, general requests, opening and routing of mail, and some word processing duties.

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**Systems Administrator/Production Manager/Mail Manager.** Manages all hardware and software used by the office. Serves as liaison with mail system and other vendors and is responsible for any in-house training. Often is also responsible for all administrative aspects of correspondence management system and other administrative systems.

**Computer Operator.** Responds, in a timely fashion, to letters requiring personalized “form letter” responses. Responsible for coordinating the input and output of names, codes, paragraphs, and letters.

**Washington Caseworker.** Handles constituent casework: initial problem identification, contacts with agencies, follow-up letters and case resolution.

**District/State Director.** In charge of all district/state officers. Directs overall district/state office operations and work flow. Represents the Member at district/state meetings and events.

**District Aide/Field Representative.** District work under the direction of the district/state director. Responsible for representing the Member at district/state meetings and events. Helps shape Members’s district/state schedule and often accompanies Member to district/state events.

**District/State Caseworker.** Handles constituent casework: initial problem identification, contacts with agencies, follow-up letters and case resolution. Same as Washington case worker except located in district/state.

**District/State Office Secretary/Clerk.** Handles clerical chores which may include typing, filing, proofreading.

**District/State Appointments Secretary/Scheduler.** Scheduling the Member, making appointments, and sifting through invitations

**Source:** CRS Report for Congress, *Congressional Member Office Operations*, March 26, 2003, by John Pontius, p. 37-38.

# Appendix F

## Time Limits on Debates and Lengths of Speeches

PROCEEDING	TIME LIMIT ON DEBATE	NOTES ON THE DEBATE	MEMBER SPEAKING	LENGTH OF SPEECH
Address in Reply to the Speech from the Throne	6 sitting days for resuming debate — S.O. 50(1)	15 min. before the end of the time provided for the Address debate on 2nd day, question put on sub-amdt.; 30 min. before the end of that time on 4th day, question put on 2nd sub-amdt. (if any) and on amdt.; and 15 min. before the end of that time on 6th day, question put on main motion — provisional S.O. 50(5), (6), (8)	Any Member*	20 minutes** — S.O. 50(2) 10-minute question-and-comment period
Adjournment Proceedings	30 minutes — S.O. 38(1)	10 min. maximum for each question (no more than 3 questions) — S.O. 38(2)	Member raising question	4 minutes and 1 minute to reply — S.O. 38(5)
			Minister or Parliamentary Secretary responding	4 minutes and 1 minute to respond to the reply — S.O. 38(5)
Bill, introduction on motion for leave	No debate — S.O. 68(2)		Member moving motion	Succinct explanation of provisions of bill — S.O. 68(2)
Bill, committee to prepare and bring in, motion by a Minister	90 minutes — S.O. 68(4)(a)	The application of S.O. 68(4)b) has been suspended. <sup>1</sup>	Any Member	10 minutes — S.O. 68(4)(a)
Bill, Government	No limit	<u>Exceptions:</u> 15 min. before end of Govt. Orders on 2nd day, question put on 2nd reading of a borrowing authority bill — S.O. 73(5); and no debate at 2nd reading of a bill in response to an order made pursuant to S.O. 68(6) — S.O. 68(7)(a)	First Member of each recognized party in the first round of speeches*	20 minutes — S.O. 74(1)(a) 10-minute question-and-comment period
<ul style="list-style-type: none"> <li>2nd reading or 3rd reading</li> </ul>			Any Member* who begins speaking within the 5 hours of debate after the first round of speeches	20 minutes** — S.O. 74(1)(b) 10-minute question-and-comment period

			Any Member* who begins speaking after the 5-hour period	10 minutes** — S.O. 74(1)(d)
<ul style="list-style-type: none"> <li>Reference to committee before 2nd reading</li> </ul>	180 minutes — S.O. 73(1)(d)	<u>Speaking order:</u> government, Official Opposition, other recognized parties in order of size, another Member if no speaker from party whose turn it is — S.O. 73(1)(a)	Any Member	10 minutes — S.O. 73(1)(c)
<ul style="list-style-type: none"> <li>Report stage motion or group of motions</li> </ul>	No limit		Any Member	10 minutes — S.O. 76(7) and 76.1(7)
<ul style="list-style-type: none"> <li>Senate amendments, motion respecting</li> </ul>	No limit		Minister moving motion or Parliamentary Secretary speaking first on behalf of Minister and Member speaking immediately afterwards — <i>Debates</i> , Jan. 28, 1986, p. 10246-7  Any other Member*	Unlimited time — S.O. 43(1)  20 minutes** — S.O. 43(1)      10-minute question-and-comment period

\*Except the Prime Minister and the Leader of the Opposition, who have unlimited speaking time and no question-and-comment period

\*\*The Whip of a party may indicate that one or more of the periods of debate are to be divided in two. — S.O. 43 (2) [motions in general] or S.O. 74 (2) [2nd, 3rd reading motions]

PROCEEDING	TIME LIMIT ON DEBATE	NOTES ON THE DEBATE	MEMBER SPEAKING	LENGTH OF SPEECH
Budget Debate	4 sitting days for resuming debate — S.O. 84(2)	15 min. before end of Govt. Orders, question put on subamdt. on 2nd day, on amdt. on 3rd day, and on main motion on 4th day — S.O. 84(4), (5), (6)	Minister of Finance and first Opposition Member speaking  Any other Member*	Unlimited time — S.O. 84(7)  20 minutes** — S.O. 84(7) 10-minute question-and-comment period
Closure, motion to apply pursuant to S.O. 57	No debate, but 30 minutes for questions and replies — S.O. 57, 67.1(1)(a)	Question put at conclusion of 30 min. period — S.O. 67.1(1)(b)  Time taken is added to the time for Govt. Orders at that sitting — S.O. 67.1(2)	Any Member  Minister responsible for motion to be closed or Minister acting on his or her behalf	Brief question — S.O. 67.1(1)(a)  Corresponding reply — S.O. 67.1(1)(a)
Closed motion	No Member can begin speaking after 8:00 p.m. — S.O. 57	All questions to be decided forthwith — S.O. 57	Any Member	20 minutes** — S.O. 57
Committee of the Whole, motion in	No limit	<u>Exceptions:</u> consideration of main estimates (see Supply, Business of) and take-note debate (see Take-note debate)	Any Member* (may speak more than once)	20 minutes at a time — S.O. 101(3)
Delegated legislation, report of Joint Committee on Scrutiny of Regulations				
<ul style="list-style-type: none"> <li>• Presentation of report with resolution to revoke a regulation</li> </ul>	No debate		Committee member presenting report	Must state that report contains resolution and statutory instrument, and identify the latter — S.O. 123(3)
<ul style="list-style-type: none"> <li>• Concurrence motion</li> </ul>	1 hour — S.O. 126(1)		Any Member	10 minutes — S.O. 126(1)(a)

Emergency Debate	No later than 12:00 midnight, or 4:00 p.m. on a Friday — S.O. 52(12)	Debate starts at ordinary hour of daily adjournment, or immediately on a Friday, unless Speaker directs that it be set down for next sitting day at a specified hour — S.O. 52(9), (10), (11)	Any Member	20 minutes (Member may split time) — S.O. 52(13)
Motion ( <i>in general, unless otherwise provided in the Standing Orders</i> )	No limit		Minister moving a Government Order (or Parliamentary Secretary speaking first on behalf of Minister) and Member speaking immediately afterwards — <i>Debates</i> , Jan. 28, 1986, p. 10246-7  Any other Member* (or any Member if motion is not a Government Order)	Unlimited time — S.O. 43(1)  20 minutes** — S.O. 43(1)      10-minute question-and-comment period

\*Except the Prime Minister and the Leader of the Opposition, who have unlimited speaking time and no question-and-comment period

\*\*The Whip of a party may indicate that one or more of the periods of debate are to be divided in two.- S.O. 43 (2) [motions in general] or S.O. 74 (2) [2nd, 3rd reading motions].

PROCEEDING	TIME LIMIT ON DEBATE	NOTES ON THE DEBATE	MEMBER SPEAKING	LENGTH OF SPEECH	
Petition, presentation	No debate — S.O. 36(7)	15 min. period for presenting petitions — S.O. 36(6)	Member presenting petition	Brief statement of content of petition — <i>Debates</i> , Dec. 11, 1986, p. 1997	
Petition, presentation	No debate — provisional S.O. 36(7)	15 min. period for presenting petitions — provisional S.O. 36(6)	Member presenting petition	Brief statement of content of petition — <i>Debates</i> , Dec. 11, 1986, p. 1997	
Private Members' Business <sup>1</sup>					
<ul style="list-style-type: none"> <li>Motion or Public Bill at 2nd reading, non-votable</li> </ul>	1 hour — provisional S.O. 96(1)		Member moving motion	15 minutes to open debate and 5 minutes to close debate — provisional S.O. 95(2)	
			Any other Member	10 minutes, for a period not exceeding 40 minutes — provisional S.O. 95(2)	
<ul style="list-style-type: none"> <li>Motion or Public or Private Bill at 2nd reading, votable</li> </ul>	2 hours — provisional S.O. 93(1)	Debate will normally take place on 2 sitting days for no more than 1 hour per sitting — provisional S.O. 93(1)  At least ten sitting days shall elapse between the first and the second hour of debate — provisional S.O. 93(2)	Member moving motion	15 minutes to open debate and 5 minutes to close debate — provisional S.O. 95(1)	5-minute question-and-comment period
			Any other Member	10 minutes — provisional S.O. 95(1)	
<ul style="list-style-type: none"> <li>Bill at report stage and 3rd reading</li> </ul>	2 sitting days — provisional S.O. 98(2)	At the end of time provided on 2nd day, every question put for all stages remaining — provisional S.O. 98(4)	Any Member at report stage	10 minutes — S.O. 76.1(7)	
		If bill not disposed of in first 30 min. on 1st day, non-debatable motion may be moved to extend time on 2nd day by up to 5 hours — provisional S.O. 98(3)	Member moving motion at 3rd reading	15 minutes to open debate and 5 minutes to close debate — provisional S.O. 95(1)	5-minute question-and-comment period



			Any other Member at 3rd reading	10 minutes — provisional S.O. 95(1)	
• Senate amendments to a bill, motion respecting	No limit — provisional S.O. 90	No more than 1 hour per sitting — S.O. 30(6), (7)	Member moving motion	15 minutes to open debate and 5 minutes to close debate — provisional S.O. 95(1)	5-minute question-and-comment period
			Any other Member	10 minutes — provisional S.O. 95(1)	
• Motion (papers)	1 hour and 40 minutes — provisional S.O. 97(2)	After 1 hour and 30 min. of debate, a Minister and then the Member who moved the motion may speak — provisional S.O. 97(2)  Debate will normally take place on 2 sitting days for no more than 1 hour per sitting — S.O. 30(6), (7)	Member moving motion	15 minutes to open debate and 5 minutes to close debate — provisional S.O. 95(1) and 97(2)	5-minute question-and-comment period
			Any other Member	10 minutes — provisional S.O. 95(1)	
			Minister speaking just before the mover closes the debate	5 minutes — provisional S.O. 97(2)	

PROCEEDING	TIME LIMIT ON DEBATE	NOTES ON THE DEBATE	MEMBER SPEAKING	LENGTH OF SPEECH
Report from a committee				
<ul style="list-style-type: none"> <li>Presentation</li> </ul>	No debate		Committee member presenting report Committee member from Official Opposition, representing those who support these opinions	Succinct explanation of subject-matter — S.O. 35(1)
Dissenting or supplementary opinions (if any) included	No debate			Succinct explanation — S.O. 35(2)
<ul style="list-style-type: none"> <li>Concurrence motion</li> </ul>	No limit	If debate is adjourned or interrupted, motion is transferred to Govt. Orders — S.O. 66	Any Member*	20 minutes** — S.O. 43(1)      10-minute question-and-comment period
Report from an interparliamentary delegation, presentation	No debate		Member presenting report	Succinct presentation of subject-matter — S.O. 34(2)
Sitting hours of last 10 sitting days in June, extending, motion by a Minister	2 hours — S.O. 27(2)	Motion moved during Routine Proceedings on 10th sitting day before June 23 — S.O. 27(1)	Any Member*	20 minutes** — S.O. 43(1)      10-minute question-and-comment period
Standing Orders, suspension to consider matter of urgent nature, motion by a Minister	1 hour — S.O. 53(3)(a)	Proceedings not to be interrupted or adjourned — S.O. 53(3)(d)	Any Member	10 minutes — S.O. 53(3)(c)
Standing Orders and Procedure, motion to consider	1 sitting day — S.O. 51(2)	Motion moved between 60th and 90th sitting days of 1st session of a Parliament — S.O. 51(1)	Any Member	10 minutes — S.O. 51(3)
Statement by a Minister		Time taken for Minister's statement and comments of opposition spokespersons is added to the time for Govt. Orders at that sitting — S.O. 33(2)	Minister  One Member from each opposition party	Short announcement or statement — S.O. 33(1)  Comment of equal length — S.O. 33(1) ( <i>Debates</i> , Nov. 22, 1985, p. 8721)
Statements by Members	No debate	15 min. period for statements — S.O.30(5)	Any Member other than a Minister — S.O. 30(5)	1 minute — S.O. 31

\*Except the Prime Minister and the Leader of the Opposition, who have unlimited speaking time and no question-and-comment period

\*\*The Whip of a party may indicate that one or more of the periods of debate are to be divided in two. — S.O. 43 (2) [motions in general] or S.O. 74 (2) [2nd, 3rd reading motions]

PROCEEDING	TIME LIMIT ON DEBATE	NOTES ON THE DEBATE	MEMBER SPEAKING	LENGTH OF SPEECH
Supply, Business of				
<ul style="list-style-type: none"> <li>Main Estimates, consideration in committee of the whole</li> </ul>	4 hours — S.O. 81(4)(a)	Debate starts at end of Adjournment Proceedings, or end of Private Members' Business on a Friday, and House adjourns when committee rises — S.O. 81(4)(a)	<p>Any Member (may speak more than once)</p> <p>The Member shall indicate how he or she wishes to apportion his or her time between speech and question time</p>	<p>15 minutes at a time — S.O. 81(4)(a)</p> <p>10 minutes maximum</p> <p>Remaining time for a question period</p>
<ul style="list-style-type: none"> <li>Main Estimates, motion(s) to concur in, etc.</li> </ul>	No later than 10:00 p.m. — S.O. 81(18)(c)	On last allotted day in June period, debate commences when debate concludes on Opposition motion, but no later than 6:30 p.m. — S.O. 81(18)(c)	Any Member	<p>20 minutes** — S.O. 81(22)</p> <p>10-minute question-and-comment period</p>
<ul style="list-style-type: none"> <li>Opposition motion, non-votable</li> </ul>	1 day	<p>On any allotted day except the last in a Supply period, debate ends no later than expiry of Govt. Orders — S.O. 81(19)</p> <p>On last allotted day in December and March periods, debate ends no later than 15 min. before expiry of Govt. Orders — S.O. 81(17)(a)</p> <p>On last allotted day in June period, debate ends no later than 6:30 p.m. — S.O. 81(18)(a)</p>	Any Member	<p>20 minutes** — S.O. 81(22)</p> <p>10-minute question-and-comment period</p>

<ul style="list-style-type: none"> <li>• Opposition motion, votable</li> </ul>	1 day (or more) — S.O. 81(16)	<p>On any allotted day except the last in June period, question put no later than 15 min. before expiry of Govt. Orders — S.O. 81(16), (17)(b)</p> <p>On last allotted day in June period, question put no later than 6:30 p.m. — S.O. 81(18)(b)</p>	Any Member	20 minutes** — S.O. 81(22)	10-minute question-and-comment period
Take-note debate in committee of the whole	4 hours — S.O. 53.1(3)(d)	Debate starts at ordinary hour of daily adjournment, and House adjourns when committee rises — S.O. 53.1(2), (3)(e)	Any Member	10 minutes — S.O. 53.1(3)(b)	10-minute question-and-comment period
Throne Speech (see Address in Reply)					
Time allocation, motion pursuant to S.O. 78(3)	No debate, but 30 minutes for questions and replies — S.O. 78(3), 67.1(1)(a)	<p>Question put at conclusion of 30 min. period — S.O. 67.1(1)(b)</p> <p>Time taken is added to the time for Govt. Orders at that sitting — S.O. 67.1(2)</p>	Any Member Minister responsible for bill or Minister acting on his or her behalf	Brief question — S.O. 67.1(1)(a) Corresponding reply — S.O. 67.1(1)(a)	

\*\* The Whip of a party may indicate that one or more of the periods of debate are to be divided in two. – S.O. 43 (2)[motions in general] or S.O. 74 (2) [2nd, 3rd reading motions]

**Source:** [www.parl.gc.ca/information/about/process/house/TimeLimitsOnDebates](http://www.parl.gc.ca/information/about/process/house/TimeLimitsOnDebates)

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