

Misuse of Budgetary Power

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It is appalling that recent news about Indonesian politicians in the DPR have been colored by all the negative sentiments among the public. The PPATK reports to Anti Corruption Commission (KPK) have found out unusually large bank accounts among the member of Budget Commission (Banggar) in the DPR, a shockingly total amount of more than Rp 2 trillion. According to the report, Melchias Marcus Mekeng, Mirwan Amir, Olly Dondokambey, and Tamsil Linrung are among the members of Banggar who have dubious cash transactions without plausible underlying notes. Other DPR members who are linked to Banggar like Wa Ode Nurhayati, Sonny Waplau, Yasti Soepredjo Mokoagow, Muhammad Azhari, and Max Sopacua are also being scrutinied given the fact that their bank accounts have drastically increased, some have been quadrupled, after they took their political positions in the DPR (Gatra, No.32, June 2012).

Earlier, a survey involving respondents in 33 provinces conducted by Soegeng Sarjadi Syndicate (SSS) revealed that the public has put the DPR as the most corrupt institutions in the country. Cases of corruption among the DPR might not involve all the members of Banggar and the majority of the politicians. The DPR chairman Marzuki Alie has denied the SSS survey as a fact, arguing that it is only based on opinions. True enough, the negative sentiment might not reflect the reality. The problem, however, is that politics have also been determined by opinions rather than facts.

The recent case is a notorious graft involving Zulkarnain Djabar, a member of commission for religious affairs who allegedly received embezzlement from the procurement of Quran. The KPK is now investigating to prove whether Zulkarnain has instructed the Directorate General for Islamic Community Affairs to award certain companies as winners during the procurement tender. Certainly, the case has created a deep concern and a fury among the public because even a politician responsible for religious affairs has committed a blatant corruption.

Political corruptions among the DPR members are rampant to the extent that the politicians have used their budgetary power against the KPK, the public institution that is considered as the only hope for combatting corruptions in Indonesia. Since 2008, the KPK commissioners have proposed a Rp 90 billion budget for constructing a new building that would be able to accommodate the KPK staffs. At present, more than 700 personnel of KPK have to work in a building that is enough only for 350 personnel. Having been approved by the Ministry of Finance, the budget proposal is blocked by the Banggar for various reasons. It is too ironic that the Banggar has blocked or procrastinated KPK's budget proposal of only Rp 90 billion while more than Rp 1 trillion budgets for Hambalang, Wisma Atlet, Riau's PON arena and other dubious projects have been quickly approved.

To show their support to KPK, many elements of the public have joined a "Coin for KPK" movement by collecting coins and donations for the KPK building. Still, this symbolic movement does not ensure that political corruptions in the DPR can be substantially reduced. Therefore, the problematic issue is why the evolving political system in Indonesia has not been able to stop cases of political corruption. Why political accountability remains a big problem amid the promising electoral democracy in the country? Is there any institutional instrument to end the misuse of

budgetary power in the DPR?

One of the main causes for lack of political accountability among the DPR members is laid in the national political system. According to the Constitution 1945, Indonesia adopts a presidential system. The president is directly elected by the people, but he/she has to be responsible to members of DPR who are also elected separately during the legislative elections. Under the Indonesian multi-party system, however, president's decisions are very much determined by the support from the DPR members. This "semi-parliamentary" political architecture has created some problems.

First, although the president has a strong mandate from the people, as the president does not have an effective veto against the DPR decisions, the president is very much weak against the members of parliament. Even though the president has a strong commitment against corruptions, he cannot do anything if a case of corruption involves members of DPR.

Second, unlike the genuine parliamentary system where the Prime Minister can dissolve the parliament and there is a strong control over individual members, the system in Indonesia has put members of parliament in a very strong position that nobody can file a motion against them. The "recalling system" for a disreputed member of parliament during the New Order period is no longer applied. Unfortunately, with lack of regulations on political parties' finance and generally known money-politics, many political party figures would endorse political donations from the government projects. This explains why cases of graft and misuse of budgetary power may involve almost all members of all political parties.

With the absent of institutionalized political accountability, the only instrument for controlling budgetary misuse is the judiciary. The corrupt members of DPR can be stopped when they are legally convicted for corruptions. Note that the DPR memberships of Nazaruddin, Angelina Sondakh, Zulkarnain Djabar and other politicians were revoked only after being labeled as suspects by the judicial apparatus. Unfortunately, the Indonesian judicial system has not been substantially touched by the "reformasi" movement since 1998. Many of justice apparatus, i.e. the police, lawyers, and judges, are among the notoriously corrupt based on various public surveys in the country. The KPK might be the only exception and therefore it gains tremendous public support.

Another instrumental way for curbing corruption and reducing the misuse of budgetary power is to work on the legal system for public finance. In the past, the executive-heavy system placed the DPR only as a "rubber stamp" for nearly all budget items that were proposed by the president. After the reform, the pendulum swung to become legislative-heavy to the extent that there is no control over the legislative power on the state budget. Therefore, it is important to ensure that all the branch of governments, i.e. executive, legislative and judiciary, are held accountable with regards to budget.

There is a need to revise Law No.17/2003 on State Finance, particularly the details on legislative power. In most developed democracy, the legislative roles on budget are limited to the general priority, and the political assessment whether certain public projects are responsive to public interests. In Law No.17/2003, however, members of DPR are allowed to intervene on the details of projects, the so-called "*Satuan Tiga*", that are meant to identify the smallest unit of organization in the public bureaucracy.

Although the Ministry of Finance has approved allocation of certain budget item, members of DPR may put an asterisk for the project to mark that the fund cannot be disbursed until certain conditions are met. This mechanism has opened

rooms for DPR members to negotiate projects with regional leaders and private contractors, and extorting kick-backs from them. The cases of Hambalang and PON arena in Riau have typically used this loophole and something has to be done.

Of the more fundamental element for preventing the misuse of budgetary power is the public participation against corruption. It is crucial that all elements of the society are willing to exert their disdain against corruption into active involvement in preventing misuse of political power.

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