

Time to stop the misuse of House's budgetary power

Wahyudi Kumorotomo, Yogyakarta | Opinion |
Jakarta Post, Mon, July 30 2012, 5:23 AM

Paper Edition | Page: 6

Media reports of Indonesian politicians being implicated in corrupt practices are appalling and have triggered public discontent. More striking is the Financial Transaction Reports and Analysis Centre (PPATK) report to the Corruption Eradication Commission (KPK), which revealed unusually large bank accounts belonging to members of the House of Representatives' budget committee, amounting to over Rp 2 trillion (US\$212 million).

According to the report, PPATK discovered suspicious transactions involving committee leaders Melchias Marcus Mekeng, Mirwan Amir, Olly Dondokambey and Tamsil Linrung without plausible underlying notes. Other committee members Wa Ode Nurhayati, Sonny Waplau, Yasti Soepredjo Mokoagow, Muhammad Azhari and Max Sopacua have also been scrutinized, given that their bank savings drastically increased, some quadrupled, after they took office at the House (Gatra, No.32, June 2012). Previously, a survey on respondents in 33 provinces conducted by the Soegeng Sarjadi Syndicate (SSS) had revealed that the public perceived the House as the most corrupt institution in the country.

Graft cases involving lawmakers may not drag in all the budget committee members or the majority of House members. House Speaker Marzuki Alie played down the validity of the survey, arguing that it was only based on opinion. True enough, the public's negative sentiment may not reflect the reality. The problem, however, is that politics has commonly been determined by opinions rather than facts.

The recent case is a graft case involving Zulkarnain Djabar, a member of the House's Commission VIII on religion, who allegedly enriched himself through the Koran procurement case. The KPK is now investigating whether Zulkarnain had asked the directorate general for islamic community affairs to award the procurement tender to certain companies. Certainly, the case has raised concerns and has sparked fury among the public because even a state official responsible for religious affairs has committed blatant corruption.

Political corruption involving legislative members is rampant to the extent that the politicians have misused their budgetary power against the KPK, the institution the public trusts the most in combating corruption in Indonesia. Since 2008, KPK commissioners have proposed a Rp 90 billion budget for constructing a new building that would be able to accommodate all KPK staff. At present, more than 700 KPK personnel have to work in a building that can only accommodate 350 people. The budget committee has blocked the proposal, despite the fact that it has been approved by the Finance Ministry, saying that the commission is an ad hoc body. How ironic that the committee chooses to withhold the KPK's budget proposal amounting to only Rp 90 billion, but then quickly endorses more than a Rp 1 trillion budget for the Hambalang sports center in West Java, an athlete village in Palembang, a sports arena in Riau for the National Games and other corruption-infested projects.

The real question is why the evolving political system in Indonesia has been unable to stop political corruption? Why does political accountability remain a big problem despite the promise of democracy in this country? Are there any institutional instruments to end the misuse of budgetary power in the House?

One of the main reasons for the lack of political accountability among House members rests with the national political system. According to the 1945 Constitution, Indonesia adopts a presidential system of government. The President is directly elected by the people, but given the checks and balances mechanism, he/she depends much on the House, whose members are also elected when it comes to strategic policy making. This "semi-parliamentary" political architecture has created some problems.

First, although the President has a strong people's mandate, he/she does not hold an effective veto right against House decisions. The President is weak vis-à-vis the House. Even though the current President is strongly committed to eradicating corruption, he can do nothing when a House member is involved in a graft case.

Second, unlike a genuine parliamentary system where the prime minister can dissolve the parliament and there is strong control over individual members, the system in Indonesia puts House members in a very strong position where nobody can file motions against them. The "recalling mechanism" for disloyal House members, which was in place during the New Order era, no longer exists. Unfortunately, due to lack of regulations on political party finances and so-called money-politics, many political party figures endorse political donations from the government projects. This explains why cases of graft and the misuse

of budgetary power may involve almost all members of all political parties. With the absence of institutionalized political accountability, the only instrument that can control budget misuse is the judiciary. Politicians can be dismissed if they are convicted of crimes, including corruption. Unfortunately, the Indonesian judiciary system has not been substantially reformed. Many defenders of justice, like the police, prosecutors, lawyers and judges, are among the notoriously corrupt according to various perception surveys in the country.

Another way of reining in corruption and preventing the misuse of budgetary power is to work on the legal system for public finance. In the past, the executive-heavy system meant that the House was only a “rubber stamp” for nearly all budget items that were proposed by the president. After the reform in 1998, the pendulum swung to the House. Therefore, it is important to ensure that all the branches of power — the executive, legislative and judiciary — are held accountable with regard to the budget.

There is a need to revise Law No.17/2003 on State Finance, particularly the details on legislative power. In most developed democracies, the legislative roles on budgets are limited to general priorities and political assessment to whether certain public projects are responsive to public interests. In Law No. 17/2003, members of the budget committee are allowed to intervene in the details of projects, locally known as Satuan Tiga, that are meant to identify the smallest unit of organization in the public bureaucracy. Although the Finance Ministry has approved allocations of certain budget items, the committee members may withhold the disbursement of the state budget until certain conditions are met. This mechanism has opened up space for House members to negotiate projects with regional leaders and private contractors, and ask for kick-backs in return. The cases of Hambalang and the National Games venue in Riau have typically used this loophole and something has to be done.

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

The writer is a lecturer at the Department of Public Policy and Management, in the Faculty of Social and Political Science, Gadjah Mada University, Yogyakarta.