

**Local Bureaucracy in the Aftermath of the “Big Bang”: Old Wine in A New Bottle?
(Case Studies at Bandung Regency and City of Cirebon)**

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Abstract

Local governments in Indonesia had entered yet another new phase following the implementation of democratic decentralization project which was believed to be the largest of its kind in the world (the ‘Big Bang). Undeniably, the implementation of Law No. 22 of 1999 (later amended by Law No. 32 of 2004), which conferred most administrative and political powers to district and city administration and Law No. 25 of 1999 (later amended by Law No. 33 of 2004) which allowed sub-provincial governments to retain most of the after tax revenues generated within their territories, which came into full effect on January 2001 brought significant changes in many regions throughout Indonesia. From the perspective of various progressive provisions within the laws, it is hard not to say that they potentially opened the way for the regions to manage their affairs based on their wishes and priorities and allowed local communities to be actively involved in local politics. Nevertheless, empirical evidence shows that the experiences of regional autonomy across Indonesia have demonstrated that there have been considerable challenges in transcribing such potential into reality. This paper seeks to examine such concern by specifically discussing the case of Bandung District and City of Cirebon, two district level of governments in West Java Province. In this paper, I would argue that while it is true that the transfer of administrative and political power from the central to the local government has brought significant changes in the regional political process, there have not been followed by similar changes in terms of the structure and working procedure of local bureaucracy. Hence, the findings confirm the argument that reform in this pivotal element has been “one of the forgotten elements” of the profound reforms processes that have taken place since late 1990s.

Keywords: decentralization, local bureaucracy, decision-making process

Introduction

From a political perspective, decentralization, which is defined as “the transfer of power to different subnational levels of government by the central government” (Oxhorn 2004: 7), is widely believed to be essential for developing local democracy (Manor 1999; Blair 2000; Fung and Wright 2001). Democracy in this paper refers to a system of governance where “the eligible people in a polity participate actively not only in determining the kind of people that govern

them, but also participate actively in shaping the policy output of the government” (Redy and Sabelo 1997: 572).

Pratchett (2004: 362) asserts that decentralization facilitates local autonomy which allows “some degree of freedom for exercising discretion” without which local communities cannot cultivate democratic practices. By bringing “the policymaking unit closer to the people” decentralization allows greater popular participation and leads to the inclusion of wider popular preferences in policy formulations (Graglia 2000: 165; see also Ryan 2004: 81; Takeshi 2006: 138). In other words, it encourages popular participation beyond the elections (Hart 1972: 607; Manor 1995: 82; Pratchett 2004: 361). In turn, it leads to a more responsive, effective, efficient, and transparent government and thereby, strengthens government accountability.

Nevertheless, to assume that a move towards a decentralized system will necessarily deepen democratization could be misleading (Hart 1972: 607). The above positive relationship between decentralization and democratization is based on the assumption that both central and local political processes are equally efficient (Kaiser, Pattinasaraby and Schulze 2006: 164). However, empirical evidence shows that this may not always be the case. Experts remind us of the possibility of elite capture and centralizing tendencies. Bardhan and Mookherjee (2000: 135) and Malley (2003: 104), for example, argue that it is likely that lower level governments are prone to be captured by elite interests. Such a tendency is quite probable especially when the local constituencies are less aware of local political processes, NGOs are considerably weak or inactive, and the press is less diversified (Kaiser, Pattinasarany & Schulze 2006: 165). Hence, Griffin (1981: 225) argues

...it is conceivable, even likely in many countries, that power at the local level is more concentrated, more elitist and applied more ruthlessly against the poor than at the centre...[therefore] greater decentralization does not necessarily imply greater democracy let alone ‘power to the people’—it all depends on the circumstances under which decentralization occurs.

Smith (1985: 193) argues that ubiquitous centralizing tendencies in many countries constitute another serious challenge to effective decentralization. They are particularly rooted in the nature of decentralization itself that is “essentially about distribution of power and resources, both

among different levels and territorial areas of the state and among different interests in their relationship to ruling elites” (Crook 2003, p. 78; see also Pratchett 2004: 362). Consequently, any problems with decentralization outcomes are understood to be rooted not only in technical or managerial failures *per se*, but more importantly they are related to “conflict and contestation” (Hadiz 2003, p. 6). Several studies confirm this argument. For example, studies on Bangladesh, the Philippines and Argentina, and Thailand conducted by Sarker, Eaton, and Krongkaew respectively show how decentralization has not been associated with effective and autonomous local governments simply because central governments have been resistant to relinquishing power (Krongkaew 1995; Eaton 2001; Sarker 2003). This resistance manifests through various mechanisms such as tight control by the Interior Ministry like in Thailand (Krongkaew 1995), or centralized political party structures like in several Latin American countries which tend to strengthen the bargaining position of central government vis-à-vis local governments (Willis, Garman and Haggard 1999: 9)

This paper seeks to portray the dynamic of decentralization in Indonesia which has taken place since the fall of Suharto in the late 1990s. Although many scholars have conducted studies on this topic, there have been few studies which focus on examining the process from the local perspective. This paper attempts to fill part of the void by specifically discussing the case of *Kabupaten* Bandung (Bandung District) and *Kota* Cirebon (City of Cirebon), two district levels of governments in West Java Province. In this paper, I would argue that while it is true that the transfer of administrative and political power from the central to the local government has brought significant changes in the regional political process, there have not been followed by similar changes in terms of the structure and working procedure of local bureaucracy. Hence, the findings confirm the argument that reform in this pivotal element has been “one of the forgotten elements” of the profound reforms processes that have taken place since late 1990s.

Research Method and Data Gathering Technique

This study employed a qualitative research method through a case study which involved a variety of elements designed so as to gather comprehensive information, data and arguments. The method allowed the researchers to gain a deeper and more comprehensive understanding of the

performance of local bureaucracies in the aftermath of decentralization practices (Creswell 1994). As additional strategy, the study also utilized a theory-driven approach, using several established theories as the foundation for investigating the research topic. Nevertheless, the research was left open to allow other aspects to emerge from the fieldwork.

Operationally, this study was sustained by several data collection techniques. *First*, interviews with a number of keyinformants who were assumed to be involved in the research settings. This interviews were conducted in order to provide empirically sound information and “to grasp more fully the social meanings of the respondent’s world” (Bloor & Wood 2006: 104). The interviews are pivotal elements in developing arguments in this study. The key informants of this study consist mainly of prominent local bureaucrats as primary respondents in this study. These informants were chosen purposively based on judgement that they are potentially able to provide information needed by this study. In order to avoid bias, other infromants from a number of prominent community groups and members of local parliaments were also interviewed.

A *second* important method used in this study is the documentary method. As Bloor and Wood (2006: 57) suggest, this technique of “ examination of documents and their content” is employed “to draw conclusions about the social circumstances in which documents are produced and read.” In addition, the use of this technique in this study is also aimed at supporting other techniques employed in this study so as to gather comprehensive information needed for fulfilling its aims.

A *third* important technique used in this study is systematic observation. As Laws, Harper, and Marcus (2003: 304-306) assert, this technique, as opposed to participant observation¹, “involves observing objects, processes, relationships, or people, and recording these observations. This technique is particularly used for analyzing more current phenomena. The employment of systematic observation in this study is aimed at finding consistency of data or information that have been gathered through other techniques whether or not they are reflected in reality.

As data generated by qualitative method, in this study, “*data analysis will be conducted as an activity **simultaneously** with data collection, data interpretation, and narrative reporting writing*” (Creswell 1994: 153).² Simultaneous activities include “collecting information from the field, sorting the information into categories, formatting the information into a story or picture, and actually writing the qualitative text” (Bogdan&Biklen 1992). Triangulation of data and

¹ According to Laws, Harper, and Marcus, participant observation is actually not a technique but rather a whole approach to research, involving living alongside those one is studying.

²Italics in its original text.

member checking are employed to ensure internal validity. This is done so by collecting data through multiple sources to include the other three techniques – interview, observation and document analysis (Creswell 1994: 167). With regard to the Member checking strategy, Creswell further explains that “[t]he informant will serve as a check throughout the analysis process.” In addition, “[a]n ongoing dialogue regarding [the] interpretations of the informant’s reality and the meaning will ensure the truth value of the data”. Then, analyzed-data will be displayed in a narrative text as a common form of data display for qualitative data.

An overview of Indonesia’s decentralization program since the Post-Suharto era: “The Big Bang”

The 1999 Decentralization Laws

The promulgation of Law No. 22 of 1999 on Regional Autonomy and Law No. 25 of 1999 on Fiscal Balance between Central and Regional Governments which granted the second tier of regional government with a wide range of decision-making functions along with its financial resources constituted as a milestone that not only changed the nature of the relationship between Jakarta and the regions, but also the political constellation between key stakeholders within the regional governments.

Law No. 22 of 1999 significantly weakened the central government’s legal authority to intervene in regional affairs (Malley 2003: 107). The said law devolved most functions of government to the district/municipality governments, except for five functions that remained with the national government—national security and defence, foreign affairs, the judicial system, fiscal and monetary policy, and religious affairs (Hofman & Kaiser 2004: 21; Rasyid 2003: 69). One pivotal rationale for putting the focus of decentralization on the district/municipality level was to promote democratization by bringing the decision-making process closer to the local communities. Hence, it was hoped that they would be more inclined to participate (Aspinall & Fealy 2003: 4; Shinji & Brodjonegoro 2003: 4-5). Meanwhile, the role of the provincial government was significantly reduced to “mediating disputes between districts, facilitating cross-

district development and representing the central government within the region.” (Aspinall & Fealy 2003)

The regional political constellation also changed significantly in the aftermath of the implementation of Law No. 22. The said law considerably strengthened the position of local parliament (DPRD)³ vis-à-vis head of region (*kepala daerah*)⁴ and was believed to be the manifestation of local communities’ sovereignty over regional affairs (Rasyid 2003: 65). During Suharto’s regime, DPRD was weak and subordinated to *kepala daerah*. Law No. 22 granted DPRD with the authority to choose *kepala daerah* and deputy of *kepala daerah*. In addition, DPRD was also equipped with the authority to propose, amend and approve local regulation (*Perda*) including local budget (APBD), and to oversee local governance conducted by *kepala daerah*. Thus, DPRD became a new strong political institution in the region, possessing various authorities which belonged to the central government during Suharto’s regime.

The promulgation of Law 25 of 1999 marked a new era of fiscal decentralization arrangements between central and local governments. This law granted local governments a greater share of government resources in the form of block grants so as to give them freedom in budget expenditure based on their local needs and priorities. Furthermore, through a new regulation contained in Law No. 34 of 2000 concerning Local Government Taxes and Charges, local governments were also granted broad taxing authority (Bertrand 2004: 202; Hofman & Kaiser 2004: 27). These new revenue-sharing arrangements were seen as an antidote to the financial imbalance which characterized central-local relations during the New Order era as well as an answer to some of the resource-rich regions who demanded a greater share in the revenue that came from their natural resources.⁵

In short, as far as the 1999 decentralization laws are concerned, the pendulum radically moved toward a decentralized system where the regions (primarily the second level of government) had

³ Each level of government has its own DPRD. At province level, it is called DPRD Propinsi, and at district/municipality level, it is called DPRD Kabupaten/DPRD Kota. In this paper, the term DPRD refers to DPRD at all levels, unless it is specifically stated.

⁴ The term head of region (*kepala daerah*) can be used to refer to governor, *bupati* or *walikota*.

⁵ For further discussion on fiscal imbalance, see Erawan (1999, pp.589-598)

very wide authority and a relatively independent position vis-à-vis the central government in governing both their political and economic affairs. It reversed the long-lasting centralist and authoritarian system where “the regions had neither influence over national government policies nor the power to control their own affairs” (Aspinall & Fealy 2003: 2). In addition, local people’s sovereignty was also accentuated by the powerful position of DPRD vis-à-vis *kepala daerah*. The said laws were the complete anti-thesis of their predecessor promulgated under the New Order regime—the Law No. 5 of 1974.

The 2004 Decentralization Laws

Empirical evidence in many regions shows that regional autonomy practices led to the emergence of various problems, such as tugs-of-war between central and local governments, or between local governments, over some lucrative authorities such as port management, land affairs and natural resources tax management; conflicts between *kepala daerah* and DPRD which involved money politics and corruption; and voluminous cases of the issuance of excessive taxes which resulted in high economic costs (Caragata 2001; Hadiz 2003c: 124; Ramdani et al. 2003: 9-15; Ratnawati 2003: 82-83). In addition, Sukma (2003: 70-71) and Djohan (2005a) confirm the emergence of ethnic parochialism in some regions which was actually used for reasons such as securing local elites’ positions during elections of heads of government or rejecting government employees from other ethnic groups or regions in favour of locals without considering objective criteria in the process of recruitment (Malley 2003: 6-7). Huxley (2002: 50) maintains that this practice has significantly contributed to communal and social conflict.

Many agree that the above problems were rooted in the imperfect laws and the lack of a clearly designed plan (Turner et al. 2003: 28-38; Rasyid 2003; Legowo 2003a: 50-52; Hofman & Kaiser 2004: 22). This line of argument might be correct; however, I tend to agree with Hadiz (2003c: 123) who believes that to consider this merely as technical mistake is misleading. Hadiz, who shares a similar perspective with Tsalik (1999: 138-139) and Slater (Slater 1989: 511), believes

that this is because decentralization is not merely an administrative business, rather it is the result of political processes which are constrained by a constellation of things such as the interests of various parties, especially national and local elites. For him, whereas the flaws of the existing laws were undeniable, they definitely benefited both central and local elites.

For the central government, unclear laws opened the opportunity to issue various government regulations which in essence represented their intention to remain in control over previously devolved services and functions. For example, Presidential Decree Number 10 of 2001 concerning Regional Autonomy of the Land Sector and Government Regulation in Lieu of Law No. 41 of 2000 on forest management returned district/municipality's land management authority based on Article 11 of Law No. 22 of 1999 to the central government (Hendytio 2003: 181-184; Ratnawati 2003: 82-83). This phenomenon confirms Eaton's argument (2001: 103) that for central government, "decentralization is neither inevitable nor irreversible". There will always be attempts by central government to reduce or thwart decentralization.

For local elites on the other hand, weak institutions and unclear laws opened wide the opportunity to interpret the laws based on their own self-interests and to obtain as many benefits as possible which they did mainly through issuing excessive tax and levies on businesses and the public. For Hadiz, those problems in Indonesia's decentralization practices confirm the notion that "decentralization is ultimately not a matter of technical calculation only, but more fundamentally, a matter of contesting power" regarding control over local resources, which is "often expressed also in terms of local pride, or ethnic or regional identity versus national unity" (2003c: 123).

Hadiz's argument is further confirmed by the fact that the central government and the provincial governments—the two parties that had lost much of their authority because of the decentralization laws of 1999—were the most prominent advocates for the amendment of the said laws (Eko 2005a: 26). In contrast, many district governments claimed that the problems were not rooted in the laws themselves but rather, in the central government's reluctance to relinquish power to the regions as manifested in the lack of operational government regulations, which in turn forced local governments to interpret the laws based on their own interests and

needs. In the end, the revision could not be avoided due to the amendment of 1945 Constitution and the stipulation of People's Consultative Assembly Decree (TAP MPR) No. IV of 2000 and then, TAP MPR No. VI of 2002 concerning the Policy Recommendation on the Implementation of Regional Autonomy, which basically required significant revision to the 1999 decentralization laws (Legowo 2003a: 52; Rasyid 2003).⁶

The law-making process was conducted exclusively by a team under the Ministry of Home Affairs (MoHA) despite many input from various parties such as Indonesian Institute of Sciences (LIPI), NGOs, regional governments associations, and academics (*Sinar Harapan*, 6 November 2004; *The Jakarta Post*, 5 November 2004; Eko 2005a: 27). There was also a lack of public consultation during the speedy deliberation process in the DPR. The new Law No. 32 of 2004 concerning Regional Government and the Law No. 33 of 2004 concerning Fiscal Balance between Central and Regional Government were eventually enacted on 15 October 2004.

Predictably, many provisions within the new revised laws accommodated the interests of both the province and the central government. Much of the jurisdiction previously held by the *kabupaten/kota* was returned to the provinces. In addition, the authority of provincial governors as the central government's representatives to guide, supervise and coordinate the governmental process of the *kabupaten/kota* was also reinstated. Similarly, the role of MoHA in regional affairs is also strengthened. Law No. 32 stipulates that all already-enacted *Perda* by local governments should be conveyed to the central government via the MoHA to be ratified. This includes the APBD which is hierarchically evaluated by the MoHA for the province's APBD and by the governor for the *kabupaten/kota*'s APBD. The central government has the right to annul those *Perda* it finds contrary to the public interest and higher regulations. From this perspective, these new provisions constitute a setback in regional autonomy since they open up the possibility for the central government to intervene in regional political affairs and hence, contradicting the very concept of regional autonomy (Wasistiono 2005: 193; *Suara Karya Online*, 21 November 2006).

⁶ TAP MPR is the abbreviation for *Ketetapan Majelis Permusyawaratan Rakyat*.

A further important aspect was the position of the DPRD. As I mentioned earlier, one of the strongest points of Law No. 22 of 1999 was the powerful position of the DPRD vis-à-vis the *kepala daerah* in governing local affairs as a manifestation of the local democratization effort. Within Law No. 32, however, this powerful position has been diminished and the DPRD together with the executive has become part of the local government. This means that as part of regional government, the DPRD can no longer act independently as an institution, rather, it always has to work together with the *kepala daerah* in governing regional affairs. In addition, the powerful rights of the DPRD have been cut significantly to only three, namely, the interpellation right—the right to ask the *kepala daerah* about certain local government policies; the right of inquiry —the right to undertake investigation regarding the implementation of certain local government policies; and the right of the DPRD to express its opinion as an institution regarding certain extraordinary events occurring in the region along with its recommended solutions to overcome those particular events. Thus, the powerful role of the DPRD in the local budgeting process no longer exists. It is now limited to discussing and giving approval to the budget bill proposed by the executive. Overall, many argue that the position of the DPRD has been restored to its weak and subordinated position stipulated in the former New Order’s centralistic Law No. 5 of 1974 (Eko 2005b: xii; Marbun 2005: 365; Wasistiono 2005: 190). From a local democracy perspective, this is a significant setback.

The only new provision within the new Law No. 32 of 2004 which is embraced by many as a significant leap in decentralization and local democratization efforts is the direct election of the *kepala daerah*. On the one hand, this step is pivotal in enhancing the quality of local democracy and is in line with the argument that it will strengthen local government accountability and their responsiveness to their local constituents which in turn, will encourage the participation of local communities in regional politics (Blair 2000; Saward 1994: 148-154). However, its potential benefits have been curtailed by the fact that *kepala daerah* is neither accountable directly to the public nor to the DPRD. Instead, *kepala daerah* is now hierarchically accountable to their superiors, with the President at the apex of the structure. This mechanism is exactly the same as that stipulated in the New Order’s centralist Law No. 5 of 1974, Article 22.

In terms of fiscal balance, there have not been any significant changes contained in the new Law No. 33 of 2004, concerning the Fiscal Balance between the Central and the Regional Government which replaces Law No. 25 of 1999, except that for the provinces, there has been an increase in revenue as a consequence of additional authority being granted to them by Law No. 32 of 2004 (Simanjuntak 2005).

Overall, the enactment of Laws No. 32 and No. 33 of 2004 has marked a new phase in the implementation of decentralization policy within the country. Instead of advancing the program, I believe that the restoration of the powerful position of governor as the central government representative in the regions, and the MoHA vis-à-vis *bupati/walikota* and the fundamental reduction of the DPRD's role in regional political affairs has significantly reduced the extent and pace of the decentralization program in the regions.

Local Bureaucracy in the Aftermath of the “Big Bang”: Old Wine in A New Bottle?

Without a doubt, the fundamental shifts in the nation's political arrangements in the aftermath of the so-called “Big-Bang” decentralization scheme of early January 2001 have had profound ramifications in many regions. Nevertheless, I would argue that the pace, width and depth of these ramifications vary across regions, due to differences in internal factors such as financial resources, the administrative and managerial capacity of local officials, the leadership and knowledge of elected politicians, and the level of involvement of local communities and local grassroots organizations (Manor 1999; Wunsch 2001; Conyers 2003; Smith 2004).

In this study, it is argued that radical transformation in terms of the legal framework through the enforcement of two 1999 decentralization laws in early January 2001 does not necessarily mean that it was directly followed by radical transformation in terms of the structure and the working procedures of the bureaucracy in many regions. In fact, as Rohdewohld (2003: 259) also argues, reform in this pivotal element has been “one of the forgotten elements” of the profound reforms processes that have taken place since the late 1990s. He particularly highlights the few changes in the ways in which civil servants conduct their activities and the way that public institutions deliver their services. Potentially, as Rohdewohld further argues, this can contribute to

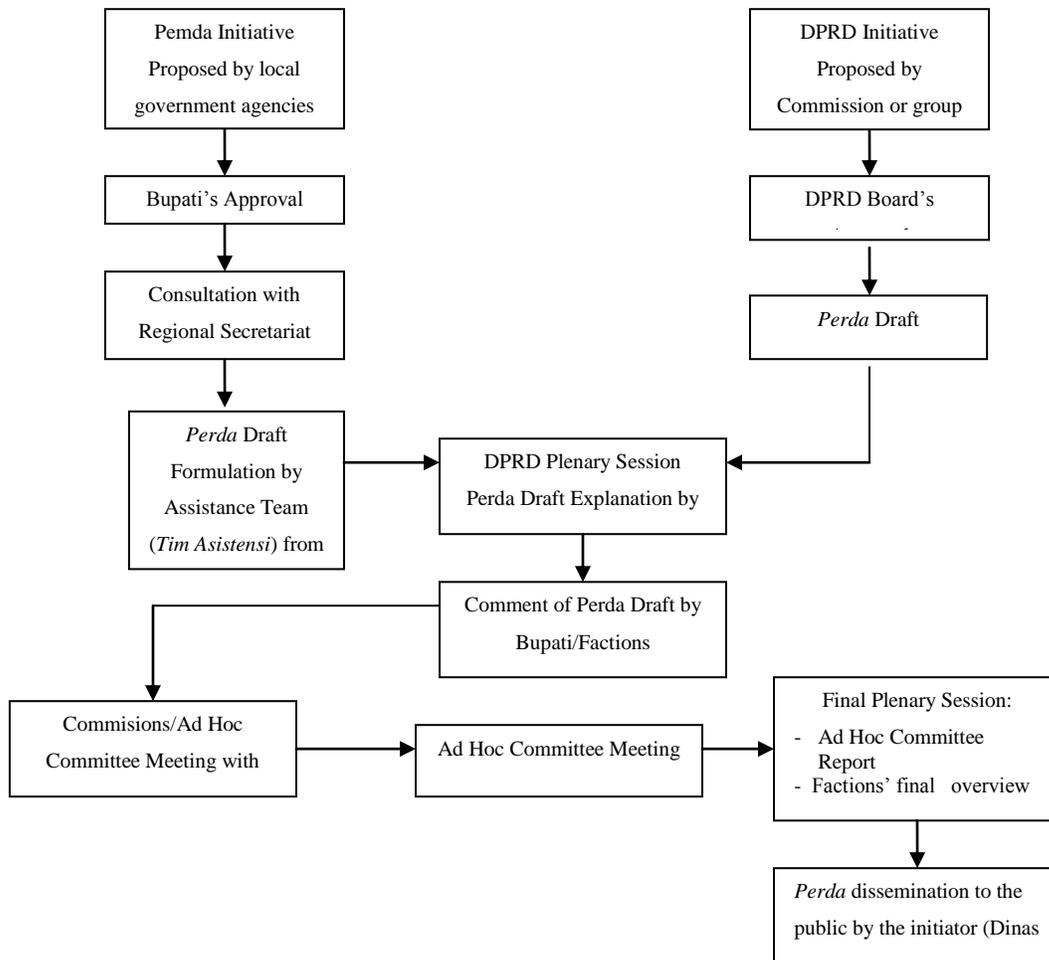
difficulties in enhancing democratization in the regions. The following discussion of particular reform in Bandung District and City of Cirebon supports the argument. In doing so, besides investigating changes in terms of bureaucratic structures, this study also employed other perspective, namely policy making process as the strategic perspectives in understanding the dynamic of the reform processes in the selected regions.

In the pre-decentralization era, almost all decisions involving regions were made centrally by the national government, but with the devolution of unprecedented authority to local governments, they gained the power to make decisions on issues affecting their respective regions. Decentralization promotes democratization when it instills a participatory decision-making paradigm at the local level (Satriyo 2003: 219). Here, participatory decision-making is defined as meaningful public involvement in the formulation of local government policies (Charlick 2001), which goes beyond ratifying decisions made elsewhere (Uphoff 1985).

Deepening democratization was indeed among the principal objectives of Law No. 22 of 1999. Nevertheless, it is interesting to note that there were no articles within the said law which further elaborated how such a principle would actually be carried out and how local governments would be opened to and accommodate popular participation in day-to-day regional politics (The Asia Foundation, 2002b; Legowo 2002: 187). Both 1999 decentralization laws (Law No. 22 and No. 25) were mainly concerned with the transfer of authority from the central government to the regional governments. As a result, various subsequent government regulations concerning decentralization reforms only regulated the division of government authorities between levels of governments including their financial supports, the relationships between local government institutions, and a small portion of central government supervision. There were no subsequent government regulations which specifically regulated how the local communities could actively engage in regional political affairs, or how local elites could actively engage with their local constituents beyond the elections. Unsurprisingly, early years of decentralization experience in many regions of the country clearly shows how these arguments have been proven by the fact that the locus of the power is still in the local elites' hands (Legowo 2002; The Asia Foundation, 2002b). In this case, again, Bandung District was not an exception.

The decision-making process in Bandung District was regulated under Regional Regulation (*Perda*) No. 20 of 2000 on Formulation of *Perda*. Figure 1 below portrays the main phases of the process.

Figure 1. Decision-making Process



Source: Adapted from *Perda* No. 20/2000 on Formulation of *Perda* and DPRD *Kabupaten* Bandung Decision No. 12/ 1999 on Code of Conduct of DPRD *Kabupaten* Bandung

The process begins with a *Perda* initiative either from the *Pemda* (the executive) through *Dinas* (government agencies) or DPRD. The *Perda* draft then enters the first phase of the deliberation process which starts from an explanation about the draft either by the *Bupati* (Head of District Government) if the initiative comes from local government agencies or by MP if the initiative

comes from the DPRD. The second phase is review session, where draft is reviewed by faction if the draft comes from the *Bupati*, or by the *Bupati* if it comes from DPRD. In this phase, the *Bupati* has to respond to factions' comments, and likewise, Commission also has to respond to the *Bupati's* comments. The subsequent phase involves the Ad Hoc Committee Meeting conferring with representatives of the *Bupati* to discuss the output of the previous phase. In the final plenary session, the Ad Hoc Committee reports the results of deliberation and factions deliver their final comments on the *Perda* draft. The plenary session ends with the DPRD giving approval and, with the ratification of the *Perda* draft, it becomes a *Perda*. The dissemination of *Perda* to the public (*masyarakat*) is conducted afterwards by the initiator of the *Perda*. Bandung District government applied this policy-making process to all *Perda* including the Local Budget or APBD (Article 117, DPRD of Bandung District Decision No. 12 of 1999 on Code of Conduct of DPRD Bandung District).

The *Perda* clearly indicates that the process only involves the executive and the DPRD. They are the main actors. There are no phases in which local community participation is required either directly or indirectly. The public is only involved during the dissemination of information phase. A staff member at the Law Division in DPRD of Bandung District confirms that

*Wider stakeholders' involvement has just recently started ...it has not been so effective though.*⁷

Substantively, as far as *Perda* No. 20 of 2000 is concerned, there actually have not been any significant changes in the policy-making process since the beginning of the reform era, except for that of the DPRD having authority to propose *Perda*, which was a new provision in Law No. 22 of 1999. The other phases in the process are exactly the same as those contained in the previous Regulation of Code of Conduct of DPRD of Bandung District 1997.

One considerable step in improving the nature of the policy-making process was initiated by the DPRD through the promulgation of *Perda* No. 6 of 2004 on Transparency and Participation in

⁷ Interview with a staff member at the Law Division in DPRD of Bandung District, 16 March 2006.

Local Government Implementation in Bandung District.⁸ As can be seen from its title, this *Perda* stipulates the importance of transparency and people's participation "in formulating public policy, its implementation and evaluation, in order to employ trustworthy, clean and respected local governance" (Preamble point a). In essence, people now have the right to access any information regarding local government practices. Participation is defined as "people's involvement directly or indirectly in conveying their thoughts and articulating their voice in every public decision-making process so that the process becomes more responsive, open and accountable" (Article 1[6]).

On paper, from various provisions contained in the *Perda* No. 6, it is hard not to say that these provisions are a considerably advance and have the potential to result in a more democratic policy-making process. For example, in terms of transparency, Article 4 stipulates that every local public institution is obliged to convey to the public all information regarding the policy-making process within the government institutions, including budget, contracts, or agreements with other parties. In terms of participation, Article 13 stipulates that the public (*masyarakat*), individually or as a group, can be involved in the policy-making process in the form of giving information or conveying advice and consideration.

However, empirical evidence from Bandung District shows that in practice this has amounted to no more than inviting a small number of Self-help Mass Organization (LSM,) and informal leaders (*tokoh masyarakat*), who have a close relationship with the *Bupati*, to provide input at the very end of the *Perda* deliberation phase.⁹ Thus, their presence becomes less significant not only because they are close to the *Bupati* which means that they are constrained in conveying their opinions, but more importantly, they are only involved at the very end of the deliberation process at a stage when the *Perda* draft has almost been finalized by the executive. Moreover, there is no assurance that their input during the deliberation session will be seriously considered. In the formulation of *Perda* there are no other clear official channels in which local communities can be involved and have their wishes or opinions considered. According to Agus Yasmin, the main obstacle comes from the executive who has never followed up the *Perda* on Transparency and

⁸ Interview with Agus Yasmin, current Chair of DPRD of Bandung District, 27 March 2006.

⁹ Interview with Agus Yasmin, 27 March 2006.

Participation by issuing operational regulations in the form of a *Bupati* Decision (*Keputusan Bupati*); so that all public institutions in Bandung District are obliged to effectively implement the *Perda*. In other words, there is no genuine political will from the *Bupati*. In addition, Agus also asserts that,

There has been great resistance from certain groups to ensuring this Perda is effectively implemented. If we (DPRD) press on it, I predict that it will cause conflict between institutions.¹⁰

Thus, so far, *Perda* No. 6 has not been effective in reducing oligarchic practices in the policy-making process. Yet, it has the potential to do so in the future.

A similar condition happened in City of Cirebon. Up until late 2006, there have not been any significant changes in bureaucratic structures in this region. The structures are almost the same as those based on the New Order's decentralization law, Law No. 5 of 1974. Under Law No. 22 of 1999, the only changes were in the nomenclature of several operational divisions (*Dinas-dinas*), technical agencies (*Badan-badan*), and technical offices (*Kantor-kantor*).¹¹ However, their tasks and functions remained similar. The adjustment toward new bureaucratic structures based on the latest decentralization law, Law No. 32 of 2004 has not been carried out despite the fact that this law came into force in October 2004, as the following remark shows,

City of Cirebon finished elaborating Law No. 22 of 1999 on July 2004 through the enactment of Perda No. 10 of 2004 on details of authorities carried out in City of Cirebon. This Perda had not been fully implemented, when the new Law No. 32 of 2004 on Regional Autonomy came into force in October 2004. Until now, we have not done any adjustment whatsoever mainly because there have not been any operational regulation from central government on the division of authority between levels of government.¹²

Thus, old bureaucratic structures continue to exist despite the fact that there has been unprecedented devolution of authority in the post-New Order regime.

¹⁰ Interview with Agus Yasmin, 27 March 2006.

¹¹ The number of *dinas*, *badan* and *kantor* represents the number of authorities devolved to the local government. Based on *Perda* No. 12 of 2004 on the forming of operational divisions (*dinas-dinas*) in Cirebon of Cirebon and *Perda* No. 13 of 2004 on the forming of local technical agencies (*lembaga teknis daerah*) in Kota Cirebon, there are 12 *Dinas* and 11 *Badan* and *Kantor*.

¹² Interview with a staff at Regional Autonomy Division City of Cirebon, 15 May 2006.

In addition, little has happened in terms of the working procedures of these various local institutions. In this matter, interesting comment comes from a head of a subdivision in the People's Empowerment Division (*Dinas Pemberdayaan Masyarakat*),

*As an apparatus, comparing what has been done before and now after the reform era, I argue that they are actually the same. Significant shifts have only occurred at national level, at regional level, nothing much has changed.*¹³

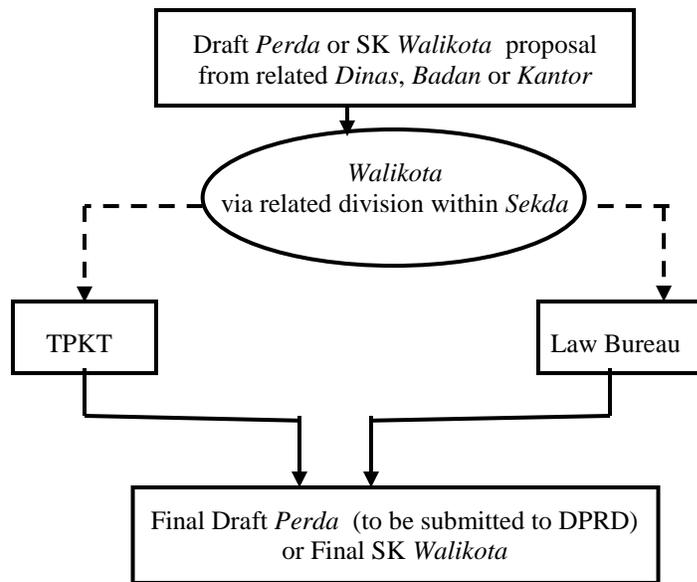
Examining policy-making is an interesting way to determine the extent to which the working procedures of bureaucratic structures have shifted (or not). As in the previous section, during the pre-decentralization era, almost all decisions involving regions were made centrally by the national government, but with the devolution of unprecedented authority to local governments, they gained the power to make decisions on issues affecting their respective regions. More importantly, as democratization is among the principle objectives of Indonesia's decentralization (Aspinall & Fealy 2003: 4; Rasyid 2003: 64), this implies that decisions will be made according to democratic procedures within which a participatory decision-making paradigm is applied. Here, participatory decision-making is defined as meaningful public involvement in the formulation of local government policies (Barry 1993: 80; Charlick 2001), which goes beyond ratifying decisions made elsewhere (Uphoff 1985).

Notwithstanding the above ideal objective, surprisingly, little seems to have changed in the way that decision-making processes are undertaken within various bureaucracies in City of Cirebon. The Head of Organization Division and the Head of Institutional Subdivision respectively, confirm that substantively, nothing significant has changed in terms of the draft *Perda* or *SK Walikota of* (Mayor's decision) making process before and after decentralization era within bureaucratic structures in City of Cirebon.¹⁴ In essence, Figure 1 below shows the flow of *Perda* or *SK Walikota* :

¹³ Interview, 18 May 2006.

¹⁴ Interview with the head of Organization Division and the head of Institutional Subdivision, 23 May 2006, and also with the head of Regulation and Law Subdivision, 17 May 2006, and a staff member the at Regional Autonomy Division of City of Cirebon, 18 May 2006.

Figure 1. Decision-making process in bureaucracy institutions



The process begins with a draft *Perda* or *SK Walikota* proposal developed by related *Dinas*, *Badan* or *Kantor*. Then, the proposal is submitted to *Walikota*, in this case through a related division within the local secretariat (*Sekda*).¹⁵ Next, after being examined by a related division within the *Sekda*, the draft's importance is considered, if deemed worthwhile, it goes either directly to the Law Bureau or the Integrated Policy Coordinator Team (TPKT). In the case of the former, it usually involves a *Perda* or *SK Walikota* that needs no further inter-division deliberation. With the latter, since a *Perda* or *SK Walikota* draft regulates matters that involve inter-division tasks, it needs to be discussed by the TPKT which consists of all heads of divisions and subdivisions within *Sekda*.¹⁶

¹⁵ There are three divisions within *Sekda* of City of Cirebon: governance, development, and administration divisions. Each of these divisions is further divided into subdivisions.

¹⁶ TPKT is a pivotal structure within *Sekda* which acts as a think tank for *Walikota*.

The flow of process which has remained unchanged since the pre-decentralization era is conducted exclusively by staff within the *Sekda* and related *Dinas, Badan, or Kantor*. As the following remark concerning the work of the TPKT shows,

*TPKT is an internal structure that has no link with local communities. The work of the TPKT has never been published, the DPRD often does not even know that most Perda or SK Walikota drafts have been discussed in the TPKT.*¹⁷

In other words, local stakeholders have no involvement in the democratic process despite the fact that the outcomes are local regulations that will eventually affect local communities directly or indirectly. Unsurprisingly, these exclusionary processes often result in cases where the public reject *Walikota* decisions because they are against the public's wishes (*Republika*, 21 December 2004; *Republika*, 6 February 2004; *Republika*, 14 January 2005).

Concluding Remarks

Based on the discussion within the previous sections, it can be argued here that from the perspective of bureaucratic structures and their working procedures, the unprecedented devolution of authority from the central government has not brought about any significant shifts. Such shifts in particular has been hindered by the fact that both structures and the decision-making processes within local bureaucracies are still arranged and conducted in a similar manner to how they were during the pre-decentralization era. In particular, local bureaucratic structures and processes in both regions have been still entrapped in old and undemocratic structure and working procedures. Needless to say, the sources of the problem are manifold.

First of all, in line with Legowo's argument, one important reason for the ongoing exclusive nature of local governance in Indonesia is that decentralization has been merely perceived as an issue limited to the relationship between the central and regional governments, not between both levels of governments and the people (Legowo 2002). Accordingly, redistribution of power has mostly only occurred between the central and local governments, and not between local governments and the local citizenry. One obvious manifestation of this line of argument is that

¹⁷ Interview with head of Organization Division and head of Institutional Subdivision, 23 May 2006.

fundamental shifts in the structures and authority of both bureaucracies have not been accompanied by an opening up of local governance processes to local communities.

Secondly, I believe that the ongoing exclusive nature of local governance is the natural consequence of adopting a form of decentralization that emphasizes a pragmatic rather than a political approach. Within the former, decentralization is often associated with the promotion of increasing government efficiency in delivering public services. A pragmatic approach, which underpins most international donor assistance, emphasizes the importance of improving local governments' technical as well as administrative capacity in designing and implementing a decentralization program (See for example, Nzouankeu 1994; Schonwalder 1997; Malley 2003). Thus, it situates decentralization within a technocratic realm of promoting administrative efficiency. Within the latter, decentralization is considered to be an indispensable strategy to broaden opportunities for public participation. Specifically, as Hickey and Mohan (2005: 243) assert, within this political logic, decentralization is promoted "as a political project aimed at transforming state legitimacy and forging a new contract between citizens and the local state." The experiences of other countries, such as West Bengal and the state of Kerala in India, as well as the Rio Grande do Sul state of Brazil, confirm that decentralization would have a greater chance of achieving its pragmatic goals as well as promoting democratization if participation of subordinate groups or other ordinary people were tied to the broader reform process (Hickey and Mohan 2005: 242-244).

Third, I believe that mere administrative and structural reform of bureaucratic institutions is because of a lack of strong political commitment to democracy from local leaders. As Diamond, Linz and Lipset (1990: 15) argue, "...structures and institutions, especially political ones, are shaped by the actions and options of political leaders." In both cases, local leaders had no clear agenda for local bureaucratic reforms despite the fact that those leaders had received unprecedented devolution of authority from the central government. This event should have given them the opportunity to carry out fundamental transformation within bureaucratic institutions; however, they did not do so. The structures and working procedures of the local bureaucracies remain the same.

Last but certainly not the least, although local political and bureaucratic leadership is an essential ingredient for successful bureaucratic reforms, it is not sufficient. The public administration cannot be relied upon to reform itself. Impetus for reform must come from local stakeholders who are outside as well as inside the public sector. Organized civil society (e.g. civic associations, users' groups, labor unions, NGOs), the private sector, political parties and other influential domestic institutions all have a critically important role to play in pressuring the public sector to do a better job of serving society. These are factors that have lacked in both regions so far.

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