

Handwritten notes on Indonesia legislation meetings

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Exec
Monday: W/ ~~Govt~~ Director G Paul staff et al from Paul Staff.
Crest SG; Personnel Chief; Chief Research Center; Director of Legal
etc

In discussion of legal work to assist Paul re: capacity. Actual
functions: 3 div (1) legal (2) Contract (3) Budgetary. Has been
basic change in 1999 Const. by former member in Parliament. ∴ deval
to strengthen by function of Paul. Compared to other countries, ~~pro~~
leg produced is low in #. (40 laws in last year). ∴
need for legal drafting & enhancing capabilities to draft for
Paul.

What is our opinion

Same: key work planing to set up a central drafting
office. We are here to prepare TOR for legal drafting
unit. So what would Sec Gen like us to do
re: legal drafting.

! We decided

SG: We have had ~~little~~ ~~enough~~ exp w/ combat in IS.
We underscore the imp of recognizing differences between
countries.

Specific tasks concern:

① Under a dem socy, ~~the~~ 1999 gen elections brought openness
to Indo. This has impacted on society. Council members
hesitant to express opinion - was much more open.
This is diff. Other Paul J part + today Madhu
we explained. We agree, law is guideline for social change
So our soc is in transition from relatively limited
openness to an open society. ~~the~~ Const. states that
leg power is in the people & people's rep. Paul exerts

that authority, esp re: legislation. So this is challenge for Parl. ∴ both MPs + staff must enlarge their capabilities. Esp Board deals w/ legislative matters. Board discuss draft laws Board consist of MPs supported by Sec Gen w/ an agency of experts.

Medium of draft law. 10 MPs entitled to initiate a draft law. SG supports prepares academic draft by inviting experts to participate in draft. When approved as a formal draft, submitted to executive. Before legal input from stakeholders, is required on academic draft law. Parl approval req'd before submitting to President. 30-day limit w/ which Pres must veto. Staff for staff members to understand how to comment on draft bills. Specific country facts all-relevant.

Es re central bank law, very important from pol issues re: independence of central bank, perhaps unique in world.

Main purpose of program is to help MPs + staff to share general + good of by product, w/ due consideration of unique characteristics of into environment.

Program would like to discuss detail re program. Anyhow v. happy for opp'g + possibilities to help both MPs + staff. MP

Board has already to draft law; PB = w/ 1 year

Session 2

Legislative draft process in SC of Parliament:

1. Based on ~~Amendment~~ P1 of Transfer to CoS, by power \rightarrow Parl.
2. To now, most drafts initiated by exec body.

DPK should DPR must from central body to
* audit DPR in drafty still in process of develop
up from the central body. ~~DPK~~ PDK that
is established a support system, the Leg Dept
Support Unit. The Unit counts of various
units of SC of DPR.

- Member of unit counts of experts, & admin support
- Experts are support research. Come from
86 of DPR. 43 researchers work on staff. Member of
unit are cooperate of 'outside' expert, mainly
from university. Among DPR expert need prof
skilled in leg drafty.

Actual situation re drafters:

* Conducted ~~the~~ training programme for 72 staff
members. However, framework of drafters still in
preparation. Minister's Decision of May Job Admin
has stipulated position of leg drafters. Single rep
have been stipulated by MOS & Man Job Public
Employees. But \$ pos position not yet allocated
Technical guidelines by MOS still in process
There are difficulties in determining positions of drafters
MOS in charge of giving guidelines for functions
of drafters. Conclusion: status of implementation by
MOS still in process

At same time for priority need in DPR to
have drafters & start them functioning. An illustration:
List of 72 trained drafters, 42 full structural positions

3 parts: Inst; capacity; admin & employment of

* So only 30 full drift positions. Probably these 30 not equally apportioned, so are scattered in other units. In drift laws mainly prepared by researchers etc, NOT trained drifters. If drifters apt to drift positions, must attend drift course at NOS.

Efforts have been made to get trained drifters into Board. So for recruitment of drifters must be approved. So must offer thing proper to their conditions

Alternative way to start thing about being proper:

- ① Overall view of method & theory
- ② Content of more detailed position after people in place

Aware that this will only 2 days. Use time to work out: ① Can rapid re-structured drifters.

Before joining Board, planning comparative study in other countries.

On priority: Yearly dev plan attached to State Budget. 20% of matters in plan = "urgent" matters.

Tracks

Du Tho

a) Board

b) Researchers

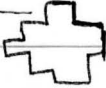
c) MB

This program is very broad scope - + v useful to esp in monetary process. So this to be held only once or late

Tuesday

Gov't decrees & reg define guide for drafters; MDJ in charge of drafters until qualified. Regulatory board established but barely operating. Will include researchers & drafters. Procurement of drafters is crucial requirement for DPR; recruitment started & training center set up, some prospective drafters sent to train in Holland & in-country. Money yet appointed, but en route. Knowledge of Theory & methodology of law is req'd. Esp. drafters must know this; & officials too. Must understand what are tasks of LD, & benefits & purposes in. Law ~~is~~ has a passive role to reflect legal awareness, but also a socio engineering function to change soc for better. For law w/ Reform & Democracy, here to listen to RBS & DTS. Only one day.

Input: for discussion: Pab & Ann explain how to draft law for effective social change. One of problems is poverty. Also good governance. Maybe one closed focus on latter.

Report had 

* Group & What req'd of LDrafts? ① Sound blueprint of 56 ~~and~~ as well as Board as support element of DPR in drawing up laws & regulations. As member of experts unit, has difficulties: Request from drafters, whether ^{from} members of population or from Ministry expert. After formulating drafts submit to Board. But be comprehensive of all law. ② Many political parties. Each has own interests. Politically, what drafters submit to politically acceptable. Intent effect of legislation. How to draw rep of cons from will of society AND from Board?

* Law ② Law = inherent soc change. Soc changes more quickly than law - law ~~is~~ always lag. - Law always suffers legal political interventions. So after enacted, cannot be implemented

MOLL

in gov't

1. Has drafting changed in last 2 years? Any new rep. devices?
2. What is the DPR "Board"? Relationship to MoLL?
3. What training does MoLL give to its own drafters? to Ministers?
to DPR personnel? Gyllibus?
4. What ~~is~~ what are proposals re: new DPR drafting unit? Status?
5. ~~When passed in Dec 188 a bill comes from (Copier)~~

President

5. ~~What training does MoLL provide for~~

~~a) own drafters~~

~~b) Ministry legal units~~

b. What criteria for preparation of elucidations?

[Can we see some?]

7. What has been output of transposition?

- bills (by MoLL)?

- laws (by DPR)?

- decrees (by ministers)? How many? Participation? Evidence of implementation?

8. Is Decree 188 being followed?

a) Does Minister create an Interministerial or Institutional Committee to ~~act on~~ ^{review draft} bill?

b) Who actually drafts (relevant Legal Bureau? MoLL ~~long~~ drafters?)

c) Who does research on ~~so~~ non-legal content?

d) What sort of elucidation?

e) Can we see a few sample Presidential Alkunas that should (per 188) accompany the

9. ~~Structure~~ bill?

9. Structure of MoLL re: drafting

10. Where does SEK NAB fit in?

11. Any systems where 188 was bypassed (eg bankruptcy bill)?

DOJ will
create legislation
sets other options

~~SECRET~~

Needs many 25 DOJ people took 3 weeks to write
but did not take.

Might send some people to Boston

New bill provides 2 readings.

- The "Board":

Recommend

Determines priority of bills, + considers [what?]

50 members. Represents all. Factors + committees.

Factions appoint members proportional to faction membership.

Has right to propose legislation

10 members, committee, joint committee, + the [Board]

They can propose legislation

Coordinating function = agenda setting. [?]

2 "Councils": The Legislative Council + Consultative Council. The LC consists of leadership of factions, it sets priorities. CC cannot refuse any proposals. Consists of 50 leaders of factions. CC consists not only faction leaders, but lower-level Party function. Sets up detailed agenda.

LC sets up priorities for legislation; recommends priority of leg., whereas it does. LC also compiles Code of Ethics of House.

Military faction has 48 members. After 2004, no military faction. 10 other factions. Faction = legislative branch of Party

Party list nomination.

In the past, President sent letter nominating
Members to explain the bill. Now suggest to include reasons
but then still thin.

Member, Committee of Faction may request info.
for Staff writes report from outside DPR.