

## IN BRIEF: POLITICAL

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the transfers, current Justice Minister Hamid Awaluddin had taken office and Yusril had been appointed Yudhoyono's state secretary.

Both Yusril and Hamid have denied any wrongdoing in the case despite what officials consider to be damning evidence. One working with the Supreme Audit Agency, Soekoyo, told the *Report* that any transfer of money to Tommy via a government account would be clearly illegal. Regulations state that all transactions using government accounts must only involve public money and can not be transferred to a third party.

Neither the Finance Ministry or Treasury was contacted about the transfer, and nor was the Attorney General's Office, despite the money belonging to a convicted and heavily indebted criminal who was incarcerated at the time, Soekoyo said.

If the government is to be successful in pursuing the rest of the US\$46 million, it will be essential for it to first clear up what happened in 2004. Otherwise lawyers for Bank BNP Paribas will likely argue the money should not be released to Jakarta because it will only find its way back to Tommy. On the other hand, lawyers acting for Tommy could use the Justice Ministry's earlier cooperation as evidence that the money originates from legitimate business interests and should therefore be released.

As the case unfolds, its political implications widen as the president's silence on the issue only serves to confirm the increasing belief that top government officials are above the law. This is especially true because the incident involves Hamid and Yusril, two officials who have so far avoided prosecution by the powerful Corruption Eradication Agency (KPK), despite being implicated in previous graft cases.

If Tommy eventually receives the disputed money, there is also the danger that the convicted felon could once again move onto the political stage. *Report* sources claim that Tommy wants the funds to revitalize his flagging Humpuss Group of companies. They also say that he may be planning to influence "the world of politics".

Tommy has already been convicted of perverting the course of justice once before by ordering the murder of the judge who jailed him for corruption offences. The latest scandal is strong evidence that he still has the power and influence to do so again in the future.

### **Power to the DPD**

The Regional Representatives Council (DPD) has been lobbying hard during the past few weeks to gain more powers, but it faces stiff resistance from the major political parties. The *Report* looks at this little-known body and the current debate over an increase in its authority.

Mandated to advise the government and the House of Representatives (DPR) on regional autonomy issues, the DPD is made up of 130 directly elected representatives. Unlike their DPR counterparts, the members of the DPD

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are not affiliated to any political party, nor are they allowed to vote on legislation. Their powers are limited to suggesting draft laws on regional autonomy and making recommendations about pressing issues, all of which the DPR is free to ignore. This is exactly what happens most of the time, Muspani, a DPD representative for Bengkulu, told the *Report*.

He cited the findings of a DPD team formed in 2005 to look at the roots of the continuing violence in Poso regency. The team's recommendations that the central government take a more active role in stopping the violence fell on deaf ears, he says. Only later, when the government did finally intervene, did the conflict die down.

This perceived lack of response from the DPR and the government has motivated the DPD's members to push for an extension of its mandate. This would allow them to vote with the DPR on all bills connected to regional autonomy. Issues would include legislation on the creation and development of local governments, as well as bills on taxes, regional budgets, education and religion.

However, in order to give the DPD more powers, the constitution would first have to be amended, which would in turn need the support of the DPR. This, analysts say, is unlikely to happen because of the resistance to the idea from the two largest DPR factions, Golkar and PDI-P. According to Muspani, these parties are fearful that giving the DPD more powers would erode their own.

Other members of the DPD suggest that the DPR has too much clout and that it needs to have its powers circumscribed. Political analyst Sukardi Rinakit agrees. "Despite the presidential system, we now have legislators that have more power than the president, and I consider this a mistake that the country has made in the reform process." Strengthening the DPD should come in a package of constitutional amendments that break the strength of the established political parties and the graft that they represent, he added.

However, opponents of the amendment say the DPD's arguments are oversimplifying matters. Giving the DPD more political power, they say, would only further complicate the already aching slow legislative process, adding an extra layer of consultation to the mix. Rather than checking graft in the DPR, involving members of the DPD in deliberations would also ensure that corruption became even more widespread.

Other objections to the DPD's proposal involve subjecting the Constitution to yet another round of amendments. Some parties are wary that this could open up a veritable Pandora's Box of demands.

Of particular concern is the desire of some Muslim parties to encode sharia law in the founding document. The Prosperous Justice Party (PKS), has already indicated that it would support the DPD amendment – but only if the controversial Jakarta Charter is also inserted into the Constitution. The charter, left out of the original 1945 document, would declare Indonesia an Islamic republic.

However, Muspani says the PKS idea has little traction with DPD members.

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“Any ideas about such an amendment should stop right there,” he said.

DPD members don’t need the PKS because they have already gained support from other influential factions, such as President Yudhoyono’s Democrats and the National Awakening Party (PKB), he said. Now they plan to focus their attention on the executive branch of government.

“We are here [in the DPD] to represent local interests. Because of this, we need more opportunities to contribute to the deliberation of regional-related legislation.”

“That is where the arguments begin and end.” □