EUROSEAS 2024 Panel Proposal

**Panel Title:**

Policy in Action: Intention, implementation, and consequences of government decision-making in Indonesia

**Panel Conveners:**

Dr Elisabeth Kramer, University of NSW (e.kramer@unsw.edu.au)

Dr Wayne Palmer, Bielefield University (wayne.palmer@uni-bielefeld.de)

**Brief Description of Format**

We propose a panel of 4 papers, 1 x single session (90 minutes). Each paper will be between 18-20 minutes long (inclusive of questions). We have selected this format as it will allow for authors to present their original research, engage in discussion with each other and audience members.

**Brief Description of Panel (abstract)**

As Indonesia continues on its post-authoritarian political journey, there has been a proliferation of new laws and regulations that, ostensibly, are intended to enhance the functioning of the state and the situation of Indonesian citizens. Of course, the reality is not so straight-forward and in considering any new policy there are myriad nuances and complexities that influence the final outcome. This panel offers examples of recent case studies that explore the creation and implementation of new policies and laws in Indonesia, focusing on decisions made by the central government. Each presenter will discuss an empirical study that illustrates how policies are mobilized and what consequences (sometimes unintended) emerged. Policy issues addressed will include: migration law, national-local relations in cigarette regulation, bureaucratic reform and policy tensions related to climate change and agrarian reform in the Omnibus Law. In considering these contemporary case studies, we offer a snapshot of the politics and outcomes of policymaking, highlighting some key issues and thought-provoking dilemmas they raise.

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# **Paper 1**

## **Climate change, food security, agrarian reform: tensions and contradictions in Indonesia’s ‘Omnibus Law’**

**Presenters:**

Josi Khatarina (Faculty of Law University of Indonesia, Indonesian Center for Environmental Law (ICEL) (jkhatarina@gmail.com)

Difa Shafira (Indonesian Center for Environmental Law (ICEL)

Suraya Afiff (Asia Research Center (ARC), Universitas Indonesia)

Anna Sanders (Institute for Climate, Energy & Disaster Solutions (ICEDS), Australian National University)

##### **Abstract**

##### In Indonesia, the Omnibus Law on Job Creation (Law 11/2020) is an ambitious and contested structural economic reform to liberalise trade and boost investment across a variety of sectors, including food, forestry, and agriculture. While significant critical public attention has been directed to environmental and labour issues, the sweeping reform eases the restriction on food imports while allowing more national strategic projects and land to be reserved for infrastructure and large projects such as food estates. This joint paper builds on collaborative discussion about tensions and contradictions in the Omnibus Law around issues of food security and climate change with reference to Indonesia's Forestry and Other Land Use (FOLU) Net Sink 2030 that proposes integrated climate solutions. We situate our analysis in the context of a large food estate project being implemented in southern tropical peatlands of Central Kalimantan province, where historical interventions have diminished land for local food production and transformed the models of land utilisation, fire and disaster governance, and the capacities of Indigenous and rural communities to sustain livelihoods and adapt to climate change. Furthermore, land use change to establish food estates will potentially impact the forestry target mentioned in the FOLU Net Sink document. We reflect on the lack of civil society participation in the Omnibus Law and the tensions between dominant economic aspirations and environmental and agrarian reform agendas with reference to the food estate project in Central Kalimantan.

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##### Key words: climate change, food security, agrarian reform, Omnibus Law, Indonesia

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# **Paper 2**

## **When a migrant worker is foreign**

**Presenter:**

Wayne Palmer (Bielefeld University)

**Abstract:**

In 2012, the Indonesian government ratified the 1990 UN Convention on the Rights of All Migrant Workers and Members of Their Families (ICRMW) with the aim of strengthening its delegation's capacity within the Association of South East Asian Nations (ASEAN) to negotiate improved terms for safeguarding the rights of Indonesian migrant workers. Nevertheless, the Indonesian government was ultimately disappointed by the ASEAN Consensus on The Protection and Promotion of The Rights of Migrant Workers. This consensus fell short in two key aspects: it failed to cover migrant workers lacking valid employment visas, and it was not legally binding. By contrast, the ICRMW is a legally-binding framework, offering legal rights protection to both outgoing and incoming migrants. For the Indonesian government, this meant rights protection for Indonesians departing the country for work abroad, as well as foreigners entering Indonesia for the same purpose. By 2022, the number of foreigners residing in Indonesia had reached almost 120,000, primarily originating from China, South Korea, and Japan.

This paper seeks to illustrate the Indonesian government's emphasis on securing the rights of outgoing Indonesian migrant workers, juxtaposed against its relatively minimal efforts in upholding the legal rights of incoming migrants. This focus is directed towards three distinct categories of foreign workers within Indonesia: foreign professionals, foreign spouses, and foreign fishers. The paper unfolds across several sections. Initially, a sociological perspective of institutions is introduced, offering an alternative lens to perceive the comprehensive spectrum of stakeholders engaged in safeguarding migrant rights. Subsequently, background information is provided on the aforementioned groups of foreign workers, highlighting instances of rights violations. This exposition illustrates the role that migrant rights institutions can and do play in ensuring the protection of migrant rights. Finally, an exploration of these institutions is undertaken, contending that the sociological perspective on migrant rights institutions reveals a broader array of stakeholders involved in migrant rights protection compared to the more state-centric perspective typically associated with legal viewpoints.

Key words: migrant rights, institutions, legal protection, sociology, Indonesia

# **Paper 3**

# **“We kindly ask that you fulfil your responsibilities….” Translating national regulations on smoking into local laws in Indonesia**

**Presenter:**

Elisabeth Kramer (University of NSW)

**Abstract:**

A raft of tobacco control regulations were passed by Indonesia’s national cabinet in 2012 under Government Regulation No. 109/2012. However, to this day, many local governments have failed in their responsibility to fulfil their responsibility of creating local laws to allow for implementation of these cigarette and smoking restrictions. Given that creating and implementing regulations for national laws is often a key function of local parliaments, this paper asks the question: What stands in the way of national regulations being translated into local laws?

Using data from three case studies, this paper offers a cross-comparison of three case studies of the implementation of smoke-free area regulations (Kawasan Tanpa Rokok, KTR). I discuss the challenges faced in creating new tobacco control laws in Aceh province and the cities of Bandung and Malang, also exploring the general process of local law creation and the context that influences it. These findings suggest that local political dynamics shaped unique regulations. In this paper, I outline how these differences manifested, both in the law-making process and in the resulting laws. In response to these national regulations, we see a patchwork of laws across Indonesia, with no guarantee that they will be similar from district to district. Furthermore, I will reflect on what this process can tell us about law making in Indonesia more broadly, including the problematic nature of top-down regulatory diffusion and the inefficiencies it fosters.

Key words: tobacco, decentralization, regulation, top-down diffusion, local government

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# **Paper 4**

# **“Sultans versus peasants”: Reproducing inequality through anti-corruption reforms in the Indonesian public sector**

**Presenters:**

Kanti Pertiwi (Universitas Indonesia) (kanti.pertiwi@ui.ac.id)

Susan Ainsworth (University of Melbourne)

**Abstract:**

Indonesia has been consistently portrayed as one of the most corrupt countries in the world, particularly its public sector (World Bank, 1997). Various types of reform initiatives have been introduced in the attempt of professionalising the bureaucracy, i.e., making it more investor friendly and less corrupt which resonate with international trends towards New Public Management (Lane 2000). However, we argue there are potential tensions between the drive to de-bureaucratize the public sector and introduce anti-corruption reform: improved governance often involves more explicit rules, transparency, accountability and monitoring – the hallmarks of functional bureaucracy (du Gay 2000).

This research foregrounds these tensions and their implications through a study tracing how ideas about good governance are mobilised, who is seen as responsible for reform and how it should be achieved in post authoritarian Indonesia. We collected different artefacts including government policy documents, newspaper articles, and social media conversations to explore how the idea of good governance/bureaucracy reform plays out, the forms it takes in political and public discourse and how different actors are constructed (and blamed or scapegoated). We conducted critical discourse analysis (CDA) (Grant, Hardy, Oswick, & Putnam, 2004) to unearth the taken-for-granted assumptions in the bureaucracy reform narratives and discuss their ramifications. Our findings show how contradictory discourses from different registers (and places/histories/cultures) are combined in ways that severely constrain some actors such as public servants in certain less powerful ministries. We also found alternative discourses circulating which critique this power imbalance through the metaphors of “sultans versus peasants”, reframing the broader reform agenda as ineffective and revealing the underlying market-logic putting large sections of the public sector in a disadvantaged position. Overall, our study illustrates a different unintended consequence of anti-corruption and de-bureaucratisation - the exacerbation of inequality among those who work in the public sector – which could ultimately impede the effectiveness of reform.

 Key words: Public sector, corruption, reform, critical discourse analysis, bureaucracy

References

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