

Issue Briefs

Making Decentralisation Work for Children in Indonesia

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Decentralisation: an overview

Decentralisation, first introduced in Indonesia in 1999ⁱ signalled a radical departure from the centralized model of governance in the 1960s that was characterized by asymmetric and dependent power relations between the centre and periphery, long distance decision making, and the formulation of homogenous policies that were often insensitive to the vast diversity of the archipelago.

In contrast, the 1999 decentralisation laws drastically devolved functions of the central government to local governments (mainly to the district/ municipal levels which became autonomous), granting them decision-making powers that were equal to those exercised by the provincial governments (except in the two special autonomy provinces of Papua and Aceh where provincial power is substantial).ⁱⁱ

Decentralisation as conceived in Indonesia incorporates strong participatory dimensions in sub-national policymaking, enabled through the *Musrenbang* system (*musyawarah perencanaan pembangunan* or consultative development planning forums), where practitioners, local leaders, community members, youth and children can be involved in priority-setting and development planning. These consultative forums have the potential to shape local development and, ideally, inform and promote pro-child policies.

The rationale of a decentralised environment is to enable local governments to identify, prioritise and respond creatively and appropriately to the specific characteristics, issues and constraints of each locality. In theory therefore, local knowledge combined with the legislative authority and discretion of district/provincial governments on planning and resource allocation processes can be a strong basis for innovations that enhance child welfare and realise child rights at the sub-national level. Localised approaches for instance can be critical when local cultural practises and behaviours add to the challenges of improving the situation of women and children.

“Law No. 32/2004 has failed to create a strong base for developing new healthy, prosperous, and effective local governments as indicated by the fact that most of the 170 new regions established since 1999 have had negative impacts on administrative terms and on service delivery.”
Indonesia Advisory Service Support for Decentralisation (ASSD)

Decentralised governance: key challenges

There is much pro-child potential in decentralisation in Indonesia. However, there is mixed record of success. In some districts and provinces, positive initiatives and approaches have emerged, making steps towards realising the child-friendly potential of decentralisation. But in others some fault lines that negatively affect the welfare of women and children can be observed.

The 2010 Government of Indonesia/UNICEF Situation Analysis of Children and Women found an uneven landscape across Indonesia that warns against generalisations. However, four main aspects of the decentralised environment were recurrently found to impede the pro-child potential of decentralisation.

- There is a need to strengthen governance at all levels, including addressing long standing issues of size and quality of the bureaucracy and in clarifying and easing out the relationship between the three tiers of the government.
- Weak coordination between actors in the field relating to child welfare and lack of harmonisation of rules and regulations concerning women and children weakens the potential for successful interventions.
- At the district/municipal level, there is a need to build knowledge and capacities in order to enable local authorities to fulfil their mandate and responsibilities effectively.
- The participatory potential of decentralisation has not yet been explored and utilised adequately.

Decentralisation has not impacted on the long standing need to improve the quality, efficiency and size of the bureaucracy.ⁱⁱⁱ Despite a number of revisions to the original decentralisation laws and regulations (N032/33/2004, Government Regulation No39/2007), the division of power, responsibilities and weak harmonisation between the three tiers of government continue to create numerous tensions. In October 2010, the law came under review, responding to widespread consensus among government officials, members of parliament, community leaders and civil society groups that decentralised governance needed improvements. As a conclusion to the review process in 2012, a suggestion has been made to the Parliament to disintegrate the existing law into three new laws focusing on governance, elections and village level administration.

Under decentralisation, the decision and policy making powers of many sectors of government were transferred to the district level. These included budgeting, planning and development of effective strategic choices that had to be translated into annual work plans, as well as drafting and passing of supporting regulatory frameworks to support implementation of policies, programmes and action, and service delivery.^{iv}

	1999	2010
Districts/ Municipalities	341	497
Villages	69,065	77,012
Provinces	27	33

Figure 1: Badan Pusat Statistik (BPS) Indonesia Bureau of Statistics (August 2010)

The continuous emergence of new provinces, districts and municipalities adds pressure to limited resources and few new districts emerge fully enabled or equipped to deal effectively with the complexities and demands of district/municipal governance. This negatively affects the quality of

planning and service delivery. Figure 1 shows that in spite of attempts to curb growth, the number of units is set to increase further.

Beyond general institutional dimensions which affect the efficiency and responsiveness of decentralised governance, a number of issues that negatively impact on the pro-child potential of decentralisation have been identified.

i. Coordination and harmonization

The greater autonomy of districts/municipalities – conceived to maximise the fit between local context and government – is one of the defining features of the decentralisation process. However in Indonesia, two sets of issues have emerged: coordination between the distinct levels of governments and harmonisation where districts/municipalities operate with distinct sets of rules and regulations.

In Box 2 the example of birth registration illustrates the challenges of implementing nationwide policies.

Some progress on birth registration is taking place but at a markedly slower rate than envisaged by the government. The absence of incentives or disincentive mechanisms to secure district level compliance is a deterrent to coordination. Similar issues emerged with provincial initiatives. For instance, the limited powers of the provincial government of Central Java have translated into a very uneven district level uptake for the child friendly city programme, an important child protection initiative.^v

Finally, interventions on child welfare are often complex, and the multisectoral demands of coordination and harmonization are particularly challenging. Box 3 summarizes the main agencies that are involved in aspects of child welfare, emphasising the diversity of actors and the lack of institutionalised lead agency/actors to ensure cooperation and coordination.

There are also examples of approaches and initiatives aimed at improving inter-agency coordination. In Nusa Tenggara Timur, the governor set up the Food Security Council (DKP, *Dewan Ketahanan Pangan*) in 2007, bringing together all related government agencies and civil society organizations. Coordination was further operationalised through the setting up of five task forces and working groups within the council.

The initiative showed clear understanding of the role and importance of coordination but efforts have been impaired by the lack of authority of the council over the participating agencies, leading to infrequent participation and poor monitoring.

ii. Knowledge and capacity

Several studies examining the impact of decentralisation (for instance the WHO landscape analysis^{vi}) indicate that decentralised authorities require ongoing support in order to successfully meet their obligations and responsibilities. A number of technical knowledge and capacity weaknesses need to be addressed, including:

- Access to current information about development of national laws,

Box 2: Birth registration – issues of coordination and harmonization.

Birth registration is a legal acknowledgement of every individual, essential for the full realisation of citizenship and for safeguarding one's right of access to key services such as health care, education, social welfare and participation.

An important record of age, it can reinforce timely enrolment in schools; permit the enforcement of minimum age of employment; eligibility for marriage; and others. Officially, birth registration was made free of charge throughout Indonesia with the adoption the ILCP in 2002 and was reinforced through the official guidelines for registration issued by the Ministry of Home Affairs in 2005. The number of local governments that issue birth certificates for free increased substantially, from 16 districts in 2005 to more than 300 districts in 2009. But some districts and provinces prioritise the revenue-making potential of birth registration and close to 200 still charge a fee. Considering that there are neither clear incentives nor disincentives to act in accordance with national regulations, future progress is uncertain.

Further, birth registration rules also vary substantially from district to district, notably with age limits for registration ranging from 60 days to 18 years old in few districts. Overall, the general drive to improve birth registration is notable and data from SUSENAS 2007 estimated registration to stand just above 42 per cent for children less than 60 months old, but this is a figure significantly short of the Government's target of 100 per cent.

regulations and guidelines.

- Dissemination or mainstreaming of guidelines, programmes and plans.
- Interpretation of national instruments/strategies/ programmes so that they can be appropriately applied to local contexts.
- Creating a local enabling regulatory environment - e.g. drafting local regulations/drafting of guidelines.
- Capacity building on undertaking child budgeting.
- Use and management of data.
- Creating awareness in communities about key issues and stimulating behavioural change.

The knowledge gaps reflect in part some issues relating to technical capacity of human resources, as mentioned earlier. A further dimension relates to data and monitoring. At local level, data collection and monitoring systems relating to child rights, protection and welfare, and programme/service impact and outreach is often weak, absent or otherwise inaccessible. The knowledge, capacity and data gaps in some districts level can mutually reinforce each other and contribute to create negative synergies that impair effective governance.

iii. Participation and development planning

Decentralised governance introduced new approaches to development planning including both bottom up and top down contributions to reconcile and complement each other. However, the participatory dimensions of development planning in the decentralised context continue to be limited. The *Musrenbang* should provide a vital opportunity for women, children

Box 3: Key bureaus, offices and agencies involved in child welfare

The Office of Health (*Dinas Kesehatan*) at the provincial and district/municipal level handles most aspects of maternal care, child nutrition, health and sanitation

The Office of Education (*Dinas Pendidikan*) is responsible for ensuring that children complete nine years of compulsory education, as well as improving graduation rates, continuation rates, and improving quality of education.

The Office of Social Affairs (*Dinas Sosial*) is tasked with improving the welfare of abandoned children and protecting children from serious social welfare problems. This includes child labour, children living on the street, children in orphanages, disaster victims and children with special needs.

Children who suffer from domestic abuse are also the responsibility of the Office of Social Affairs. Alongside the Office of Social Affairs, the Office of Manpower (*Dinas Ketenagakerjaan*) is also responsible for dealing with child labour. This Office is authorised to monitor and ensure that companies and factories do not employ children.

Children who are in conflict with the law are the responsibility of the police department (*Polda, Kepolisian Daerah*), the prosecutions office, and the courts.

Birth registration is the responsibility of the Bureau of Population and Civil Registration. In most provinces and districts/municipalities, such as in Yogyakarta, this bureau is structurally responsible to the district and municipal Secretariats (*Sekda*) and does not fall under a technical implementing unit/office. The bureau must ensure that every child born is registered.

In each province and district/municipality with a functioning Bureau of Women's Empowerment, Child Protection and Family Planning (*BP3AKB, Badan/Biro Pemberdayaan Perempuan dan Perlindungan Anak dan Keluarga Berencana*), child victims of human trafficking are the responsibility of that Bureau. The Bureau is responsible to the district/municipal/provincial secretariat and coordinates with the Office of Social Affairs to run an integrated services centre (*PPT, Pusat Pelayanan Terpadu*) to deal with cases such as child trafficking and early marriages

and child focused practitioners to shape development planning by highlighting problems, needs and priorities but it rarely does.

As illustrated in Box 4, women and children are often sidelined from proceedings, either because participation is weak, because elite voices dominate or because the voices of women and children are often not incorporated beyond the village level *Musrenbang*. In addition, child focused practitioners have consistently reported high levels of frustration, noting that sectoral/head of districts agenda systematically trump front line service priorities.

Box 4 illustrates that while the initial steps towards incorporating the perspective of women, children and practitioners have taken place at the village/sub-district levels, it is essential that those perspectives are consolidated and feed into the higher level *Musrenbangs*.

Box 4: perspectives on participation

There was a general consensus from case studies in the 2010 Government of Indonesia/UNICEF Situation Analysis of Children and Women that while the consultative processes may formally be observed, they do not fulfil their functions well.

In Papua support and commitment to the newly introduced participatory approach varied greatly among the regional and local leadership (Halmin 2006 and USAID 2009). Participants in the focus groups discussion in the Jayapura municipality, including government workers and NGO activists, asserted that at the sub-district level they are increasingly resigned to the reality that inputs from communities are either not incorporated into the municipal plans, or are not translated into budgeted programmes.

As one government worker in Jayapura put it:

“Musrenbang is just pro forma. It’s in place because we have to do it. But we can’t say that it represents people voice if people’s needs are not taken into account in planning and policy implementation which follows on from the Musrenbang.” (17 September 2009).

The case study on Central Java provided a more nuanced picture where progress was taking place at village levels, but setbacks occurred further on:

“In practice, the participation of children in the Musrenbang is only a formality. Children’s voices are listened to in the village Musrenbang, but in the higher level Musrenbang, most of the proposals containing children’s aspirations are rejected in favour of sectoral agency interests.” (Focus group discussion, Central Java, 8 September 2009)

A similarly contrasting picture of progress and setbacks emerged from Aceh:

“There is no budget for Musrenbang in villages. The Musrenbang conducted in sub-districts should be attended by representatives from Musrenbang at the village level, but in reality, those who attended in the sub-district Musrenbang were only the village heads. This meant that a lot of programmes incorporated in the Musrenbang are the result of line agency priorities, while programmes and priorities emerging from the sub-districts are rejected.” (Focus Group Discussion participant, Aceh Timur, 14 September 2009).

Elsewhere the frustrations of health, education and child protection practitioners were consistent across the case studies too.

In spite of their knowledge of problems and insight on priorities acquired on the front line of service delivery, they consistently reported failure to impact on the processes of planning and decision making. The observations of a health practitioner working on malnutrition in Nusa Tenggara Timur reflected these dynamics:

“Planning made by the puskesmas is sent to the Health Office for consultation with BAPPEDA. However, there are some problems in the process. For example, the number one priority is for malnutrition alleviation, but in some cases the plan has been rejected by BAPPEDA and the budgeting department when it is outside district head priorities. In order for it to be prioritized, it depends on the skills of the person making the proposal to shape it to fit in with the district head’s commitments and priorities so that it is included in the district budget.” (Focus group discussion, NTT, 19 September 2009)

Overcoming constraints through innovation

A number of programmes and initiatives have highlighted pathways to overcome constraints through innovation. The District Situation Analysis on children and women ASIA (*Analisis Situasi Ibu dan Anak*), and the Investment Case study undertaken by the government, Universitas Gadjah Mada, University of Queensland and UNICEF, are both considered to be good examples.

ASIA processes aim to provide a clear and useable framework that focus on the 'description and identification of issues affecting children and women to enable systematic consideration of the causes and underlying issues so that planning and programme development efforts can be focussed around making improvements for women and children' (Ministry of Home Affairs, 2009:4)

ASIA was first developed in 1998 and subsequently revitalized since 2006.^{vii} In its revitalized guise, ASIA has the potential to bring women's and children's issues to the centre of local governance and development planning as well as addressing some key knowledge, capacity building and participation issues that are weak in the current decentralised environment. Partnership and participation, not only of diverse government agencies but also of stakeholders as well as women and children, are embedded in the ASIA framework.^{viii} To date, the Ministry of Home Affairs strongly recommends and promotes the use of ASIA but it is not yet compulsory. There are plans to undertake a comprehensive review of the implementation of ASIA to examine how to proceed with the future development of the initiative.

The Investment Case (IC) funded by AusAid and the Bill and Melinda Gates Foundation and conducted jointly by the Government, Universitas Gadjah Mada, University of Queensland, and UNICEF forms part of a series of research for policy initiative focusing on enabling priority interventions that address maternal, neonatal and child mortality and therefore towards making progress in achieving MDG 4 and 5 with equity. It identified ineffective planning and resource allocation at district level as key weaknesses of decentralisation (budgets and plans are often reproduced yearly regardless of need).

One of the major objectives of the IC study in Indonesia was to find how best to use available evidence to influence policy making at district level, especially planning and budgeting. The importance of data and data validations emerged early on in the IC process with a mapping and systematic review of all available data available to local stakeholders, while identifying the possible use and limitations of data. This is often an uphill struggle and the IC team reported cases where records of the causes of death of women and children were poorly maintained, negatively impacting on the prospects of effective or appropriate responses. In cases where the quality of data was poor or contradictory, the study focused on data triangulation and seeking expert opinion until the best source or value for analysis was decided upon.

It also worked with relevant staff to identify health system constraints and in problem solving workshops to set up cost effective strategies to address those constraints. All districts, for instance, identified a lack of quality service as a major constraint but with significantly different underlying factors. In rural areas, a lack of geographical/physical access to services predominated, whereas in urban areas the combination of a large and unregulated private sector and lack of resources within the public sector was more significant.

The districts adopted appropriate strategies. Rural ones focussed on hiring and training village midwives to improve access to quality services, while urban districts focussed on additional training of private midwives. In sum, the strategies reflected distinct patterns of constraints - precisely the type of informed and locally appropriate responses that can emerge from a functioning system of decentralisation. The IC study is a positive example of a successful approach to capacity building, showing that with significant support, technical knowledge and data gaps can be overcome to improve district planning and policy making.

In Aceh, the mechanism of a Child Forum initially set up to provide space and channels for children's voices and participation, was later formalised through its adoption by the Ministry of Social Affairs. This Forum and its modalities can be reviewed and revitalised to strengthen the concept of child participation.

Recommendations

Based on the evidence cited in the 2010 Government of Indonesia/ UNICEF Situation Analysis of Children and Women the following recommendations are made to address weak coordination/lack of harmonization; limited knowledge and capacities; and weak levels of community participation.

Coordination and harmonization

Laws and legal frameworks, especially those relating to child protection, contradict each other and need to be harmonized. This is both within the national legal framework, where some laws and provisions contradict the UN Convention on the Rights of the Child, and between the national and local level laws (both at provincial and district levels).

The Government of Indonesia should consider introducing incentives for compliance, notably by identifying local governments that have made progress.

Inter-agency cooperation and coordination relating to child welfare issues and interventions, which tend to be dispersed amongst a large number of stakeholders, need to be improved.

Lead actors should be designated and commissions established to focus on child protection, backed by provincial regulations that provided the legal basis for working with district level agencies and district heads (such as the Child-Friendly City project in Surakarta).

Beyond strong leadership and the commitment of duty-bearers at various levels, the creation of multi sectoral working groups, commissions or task forces can play a positive role in supporting child rights. Evidence from Aceh and Central Java shows how the roles of these institutions ranged from monitoring and evaluation of the National Medium-Term Development Plan 2010-2014 (RJPMN) in Aceh, to coordination, mediation and advocacy in Central Java.) In both those cases the institutions had support from governors; a strong mandate; and incorporated diverse stakeholders into their work.

Local governments should set up broad multi-sectoral institutions in support of child rights. Preferably those institutions should be inclusive of civil society organizations, practitioners and other stakeholders. Local task forces should be adequately supported, funded, have a strong mandate and an appropriate lifespan.

The Government, in partnership with civil society organizations, should foster support through advocacy and generate incentives for local political actors (at provincial and district levels) who initiate programmes that enhance child rights. Incentives are particularly important for those

There are mechanisms that allow the judicial reviews of national and regional legislations to ensure that they are in line with the UN Convention on the Rights of the Child (through the Supreme and Constitutional Courts) but these mechanisms are under-utilized. Judicial review should be systematized and if possible simplified.

Local governments should identify one institution – most likely BAPPEDA, to coordinate all policies and programmes related to child rights. Coordination activities by a lead agency should be both cross sectoral as well as between provincial and district/municipal levels of government.

Both local and central government must introduce measures for better management of human resources and personnel in tandem with capacity building. Local governments must ensure that placement of staff is based on competencies and the high turnover of staff is minimised.

Central government in conjunction with relevant CSO and stakeholders should develop participatory arenas beyond the *Musrenbang*.

At the level of the central government, ways in which to improve participatory mechanisms, both through the *Musrenbang* and through supporting alternative avenues of participation for women, youth and children must be discussed and taken forward.

aspects of child welfare that can sometimes be controversial such as issues children in conflict with the law or street children.

Knowledge and capacities

The ASIA programme and the Investment Case studies provide examples of innovative approaches to capacity building and technical assistance. Instead of a classroom approach focused on occasional theoretical lessons divorced from the needs and realities of the local context, both these programmes have integrated training and technical assistance as part of a wider set of activities deliberately oriented towards practical outcomes and problem solving.

Accompanying a district through the entire cycle of budget planning, for instance, allows assistance to adapt and fit to local needs and requirements. These are effective approaches to technical assistance and capacity building; though there is a high risk that positive impact will be reduced due to the high rate of turnover of personnel across districts.

The scaling up of substantive and holistic approaches to capacity building at the district level such as those adopted by the investment case study and ASIA needs to be undertaken more systematically.

Participation

Local governments should strengthen participation by effectively including the voices of women, children and practitioners. It is critical to prioritise the outcomes of needs, priorities, ideas, and innovations from the consultative planning processes (*Musrenbang*) at the village and sub-district levels (for district level development planning) and the district level (for provincial level development planning).

Strengthening the *Musrenbang* should include providing appropriate capacity building and technical assistance to district and provincial governments to translate the process and other pro-child priorities into development planning, particularly the formulation of district strategic plans (*Renstra*), regulations (*Perda*), policies, budgets, and sectoral/unit annual work plans and guidelines on service delivery.

ⁱ Decentralisation was first introduced in 1999 through Laws No. 22 and 25/1999 implemented in 2001 which were revised in Laws No 32 and 33/2004 and are currently under further review.

ⁱⁱ Holtzappel, C. J. G. (2009) 'Introduction: The regional governance reform in Indonesia, 1999-2004', in Holtzappel, C.J.G and Ramstedt, M. (Eds), Decentralisation and local democracy in Indonesia: Implementation and Challenges, Institute of Southeast Asian Studies Singapore, pp1-58.

ⁱⁱⁱ 'Between 1993 and 2003, the number of local government officers increased from 503,374 to 2,807,998 and it is estimated that 80 per cent of budgets is allocated for routine government expenses-mainly for the salaries of civil servants, with only 20 per cent remaining for development expenditure. Only 47 per cent of civil servants at national and local level are considered to have professional skills and the continuous permutation of civil service personnel makes it difficult to seek improvements through training and monitoring.' Kuromotomo, W. and Widanigrum, A. (2010). Review of the State Apparatus Reform, Department of Management and Public Policy Magister Programmes in Public Administration, Yogyakarta: 35 and Data from Pendataan Ulang Pegawai Negeri Sipil, Badan Kepegawaian Negara, PUPNS-BKN (State Officers Board, Re-registration of Civil Servants) (2003) Internal report, Mimeo: Jakarta and Pusat Kajian Manajemen Pelayanan, Lembaga Administrasi Negara (PKMP-LAN) (2010) Civil servant statistics 2010.

^{iv} Local governments have faced tremendous challenges in making progress, due in part to the limited capacity of personnel and local assets managements (BAPPENAS and UNDP 2008).

^v Government of Indonesia and UNICEF (2012), The Situation of Women and Children in Indonesia 2000-2010.

^{vi} WHO, Landscape Analysis Country Assessment 2010 Report

^{vii} Ministry of Home Affairs (2009), Integrating ASIA into Government Planning Mechanism in a Decentralised Indonesia. Developing District/ Municipality Situation Analysis on Children and Women.

^{viii} Ibid.