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A Code of Conduct for Indonesia: Problems and Perspectives

Riccardo PELIZZO
Singapore Management University, riccardop@smu.edu.sg

Bernice Ang

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By
Riccardo Pelizzo
(in collaboration with Bernice Ang)

<u>Introduction</u>

The purpose of the present paper is fairly straightforward. We want to show that

institutional reforms, such as the adoption of a conduct code, represent a necessary albeit

insufficient condition to curb corruption and promote good governance. As several

scholars have pointed out the success of institutional reform in general and the success of

codes of conduct in particular depends, among other things, on ideational conditions.

With regard to codes of conduct, parliamentary ethics experts believe in fact that the

success of a code of conduct depends on whether the individuals who are supposed to be

regulated by the disposition of the code, have a common understanding of what are the

problems that the code is supposed to address or of how the code can solve those

problems. In other words, it is argued that the success of codes of conduct for

Parliamentarians requires homogenous ethical standards and expectations. On the basis of

a survey conducted among the members of the ethics council of the Indonesian DPD and

DPR, we show that values and preferences of Indonesian MPs are far from being

homogenous. Hence, we suggest that in order to make conduct codes successful in

Indonesia, it is necessary to homogenize the ethical standards, values and expectations of

Indonesian parliamentarians.

In the course of the paper we proceed as follows. In the first part of the paper, we summarize how the institutional approach to the study of politics has evolved over the years. Specifically we note that in contrast to classical institutionalist arguments, for which political outcomes were somewhat mechanistically determined by institutional arrangements, neo-institutional arguments underline that the relationship between institutions and political outcome is conditional as it depends on a variety of conditions such as actors' constellation, political will or ideas. Building on this ideational variant of neo-institutionalist arguments, we go on to say that ideational conditions are important for the success of conduct codes. In fact, as the literature has repeatedly observed, the success of conduct codes depends more on whether MPs have homogenous values, preferences and expectations than on whether the code establish severe sanctions.

In the second part of the paper, we discuss the Indonesian case. In doing so, we show that in spite of the Indonesian transition to democracy, Indonesia's democracy is not characterized by particularly high levels of good governance. On the basis of survey data collected by Transparency International and the World Value Survey we show that the Indonesian political system is perceived to be very corrupt and that Indonesian citizens have very little trust in Indonesian institutions. We use this evidence to explain why the DPR and the DPD have taken some steps, such as the adoption of ethics code, and are willing to take some more steps, such as the adoption of a conduct code, to curb corruption. We conclude this part of the paper by arguing that while enacting ethics reforms is necessary, it may not be sufficient to promote good governance. If ideational institutionalists are correct in saying that the success of conduct codes depends on

whether the ethical standards are homogenous (or not), then we need to know whether this condition is satisfied (or not) in the Indonesian case.

In the third part of the paper we present the results of a survey conducted among the members of the ethics council of the DPD and the DPR. The data analysis reveals that there is a plurality of ethical standards among Indonesian parliamentarians and this may represent an obstacle for the success of the ethics reforms.

In the conclusions, we suggest that in order to make ethics reforms succeed in addition to adopting codes of conduct and similar institutional arrangements, it is also necessary to homogenize the ethical standards and expectations of the Indonesian parliamentarians.

Part I. Institutionalisms

Long neglected in political science literature, institutions have received a considerable amount of attention in the course of the past two decades. Rational choice scholars (Tsebelis, 2003) view institutions as those mechanisms that translate individual preferences (micro) into social equilibria (macro). Historical institutionalists (Steinmo et alii, 1993) believe instead that institutions are not simply mechanisms for translating individual preferences into social equilibria, but believe instead that institutions actually contribute to the formation of individual preferences. The single most important factor that contributed to the rediscovery of political institutions in general and of constitutions/constitutional mechanisms in particular was the so called third wave of democratization (Huntington, 1991). This wave confronted the political science

community with a basic question, namely what institutional/constitutional arrangements are more likely to create the conditions for democratic consolidation? What institutional and constitutional choices should be made to make these newly established democratic regimes survive? In part because constitutions had to be written and institutions had to be set up, in part because without institutions scholars working in the rational tradition did not know how to explain equilibria and in part because institutions were seen as constitutive elements of individual preferences, the past two decades have witnessed a new, and growing interest in the study of political institutions. This has led to a refinement of institutional arguments and analyses and to a pluralization/proliferation of institutional approaches. Scholars have for example recognized that while political outcomes are shaped by political institutions, institutions do not exist and operate in a vacuum. Institutions function in a space which is populated by political actors, who have specific ideas and values. Hence, new generations of studies in the neo-institutional framework have emphasized the importance of actor constellations and/or ideas in understanding institutional performance and change. In the first respect, neo-institutionalists have argued that the impact of institutions on political outcomes is conditional, which means that whether institutional potential of producing a specific outcome is translated into effect or not depends on actor constellations. In the second respect scholars working in this neo-institutionalist framework have investigated the conditions under which institutional change occurs. In doing so, several scholars have pointed out that the choice of institutions is often the result of an ideational struggle (Blyth, 2002).

Ideas are not only important in explaining how institutions are chosen but also whether and how institutions actually function. The case of ethics reforms is actually a good case in point. Early studies were actually inscribed in classical institutionalist framework, which postulates, somewhat mechanistically, that institutions shape actors behavior. With regard to the success of ethics reforms and codes of conduct, this classical institutionalist argument suggested that the adoption of conduct codes could contribute to curbing corruption and other forms of misconduct because it established some more or less severe sanctions for violations of the dispositions of the code. Hence, in this case, the classical institutionalist argument took the following form:

Conduct code→sanctions→more ethical conduct

The work by Willa Bruce (1996) has shown instead that there is very little evidence supporting this classical institutionalist argument. First of all there is very little evidence showing whether the adoption of a conduct code actually leads to a more ethical behavior of the actors that the code is intended to regulate. Bruce showed, and this is our second point, that the adoption of the code is related to lower levels of perceived corruption and misconduct.

Studies on ethics reforms and on the conditions that make ethics reforms successful, have provided more support for ideational or cultural institutionalist arguments than for classical institutionalist arguments. Snape (2001) argued that ineffectiveness of scrutiny often depends on the fact that there are different and conflicting interpretations of what scrutiny should or should not be. Morgan (2005)

stressed conduct codes cannot be successfully adopted without paying proper attention to the political culture of the individuals whom the code is supposed to regulate. Bruce (2000) suggested that ethical behavior is affected by whether individuals are religious/spiritual. If her argument could be extended to codes of conduct, one could argue that compliance with the dispositions of a conduct code (and therefore the success of the code itself) are significantly affected by whether the individuals regulated by the code are religious/spiritual. These studies are fairly interesting for our present purposes. In fact, in spite of the fact that the cultural factor is associated with respectively interpretation, political culture or religiosity/spirituality, all these studies posit a link between cultural conditions and institutional success (the success of the code in curbing corruption and promoting good governance). This linkage was most forcefully suggested in a study by Skelcher and Snape (2001). These scholars argued in fact that the success of a conduct code requires the following cultural conditions: 1) the individuals to whom the code is applied must have the same attitudes and values; 2) they must have a shared understanding of what are the problems that the code is supposed to prevent and possibly eliminate; 3) they must have a shared understanding of what the solutions for those problems may be.

If these scholars are correct in positing a linkage between cultural and ideational factors on the one hand institutional success on the other hand, what are the implications for the Indonesian case? This is what we are going to discuss in the remainder of the paper.

Part Two: Indonesia and its political context

After gaining independence in 1949, Indonesia failed to establish a lasting democratic regime.[1] Although in the early 1950s there was an initial momentum toward democratic governance, authoritarian dynamics gradually prevailed over the fragile and young Indonesian democracy, so that by the late 1950s Indonesian had become an authoritarian regime under its first President Sukarno. The "non democratic, New Order regime" was further consolidated under President Suharto in the mid-1960s. Having eliminated former President Sukarno and the Indonesian Communist Party (PKI), Suharto engineered the creation of Golkar, a pro-government political party formed based on bureaucratic and military interests. During his 32 years in power, Suharto created a patrimonial political system that rewarded his supporters, including family and friends, punishing his opponents and the public at large by placing restrictions on civil liberties where elections were held every 5 years. Indeed, scholars such as MacIntyre[2] have argued that the government had the authority to vet all political candidates standing for elections, pressuring legislators to be very reluctant in exercising their right to amend or block bills in parliament. Furthermore, keeping in mind the heavy bias towards the executive, military officers were able to occupy up to 20% of the seats in parliament (MacIntyre, 2001).

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[1] The Indonesian case is not exceptional in this regard. As Huntington (1991) many of the countries that democratized in the course of the second wave of democratization were unable to consolidate democracy, suffered democratic breakdowns contributing to what Huntington defined as 'second reverse wave'.

[2] Andrew MacIntyre, *Investment Property Rights and Corruption in Indonesia* Ateneo University Press, Manila, 2001. [http://apseg.anu.edu.au/pdf/macintyre_papers/Investme.pdf]

Given all this, it is not surprising that the Freedom House Index labels Indonesia as a "Partially Free" democratic country for the 1972-1993 period. Indonesia was categorized as a "Non Free" country in the years 1994-1998, when the country was hit by the Asian Financial Crisis.[3] Indonesia plunged into political and economic turmoil as civil society realized the severity of corruption, collusion and nepotism that were plaguing political institutions. Subsequently, Indonesia recovered its "Partially Free" status in the 1998-2005 period. In fact, the quality of democracy in Indonesia has been improving in the post Suharto era: Indonesia received at 3.5 score on the Gastil Index of Freedom in the 2001-2005 period. This represents a vast improvement in the quality of democracy: from 1974 to 1985 Indonesian democracy (or the lack thereof) never received a score lower than 5 on the Gastil Index of Freedom.

Indonesia and Political Corruption

Despite increasing political and economic stability in Indonesia, corruption (as well as other forms of misconduct) remains the most serious problem in post-Suharto Indonesian politics. Research by Transparency International, a leading global coalition against corruption, sustains this claim. Transparency International computes on a yearly basis the

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[3] Freedom House computes an annual index of freedom for all the countries in the world. This index is computed in the following way. The Freedom House assigns to each country a political rights and a civil rights score. Both scores are 7-point scales. The Gastil index is measured by adding the political rights score to the civil rights score and by dividing their sum by two. This means that if a country has a political rights score of 3 and a civil rights score of 4, the freedom score for this country is (3+4)/2=3.5. Countries that score from 1 to 2.5 points on this scale are considered free; countries scoring from 3 to 5.5 are considered as partially free and countries with a score of 5.5 or higher belong to the group of non-free countries.

"Corruption Perception Index" (CPI henceforth) which measures the level of corruption

perceived in a given country by businessmen and country analysts.[4]

Table 1. **Indonesia's CPI Performance (in 10 years)**

Year	Corruption Index	Individual Rank	Total No of Countries	Percentile
2005	2.20	137	159	86.16%
2004	2.00	133	146	91.10%
2003	1.90	122	133	91.73%
2002	1.90	96	102	94.12%
2001	1.90	88	91	96.70%
2000	1.70	85	90	94.44%
1999	1.70	96	99	96.97%
1998	2.00	80	85	94.12%
1997	2.70	46	52	88.46%
1996	2.65	45	54	83.33%
1995	1.94	41	41	100.00%

Source: Transparency International, 1995-2005.

The data collected by Transparency International are presented in table 1. The data reveal

that Indonesia is consistently perceived to be a very corrupt society. In fact, the CPI for

Indonesia has never been higher than 3. A simple comparison allows us to understand

what it means having such a low score. Regardless of the number of countries being

sampled worldwide, Indonesia has always ranked among the most corrupt societies in the

world. Leaving aside 1995 when Indonesia was perceived to be the single most corrupt of

the 41 polities for which data had been collected, Indonesia is consistently viewed as a

more corrupt than most societies. In seven years out of ten in the 1996-2005 period

Indonesia was at least in the 90th percentile while in the other three years it was at least in

the 80th. This means that in the years in which Indonesia was perceived to do better in

comparative term, it was still regarded as more corrupt than 80 percent of the countries

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[4] The CPI is measured on a 10-point scale between where 0 indicates highly corrupt and where 10 indicates instead highly clean, see [http://ww1.transparency.org/].

for which Transparency International was collecting data. In the years in which Indonesia was perceived to do worse in comparative terms, Indonesia was perceived to more corrupt than 90 percent of the countries covered by Transparency International. Of course one should keep in mind that the CPI estimated by Transparency International does not really measure objective corruption, it provides an indication of how much corruption is perceived to exist in a country and as such they do not provide the best possible ground for making cross-country comparisons. Yet, these data all point in the same direction, namely that Indonesia is perceived to be very corrupt, that corruption represents a major problem in Indonesian politics in and by itself, and that corruption may be problematic as it is associated with falling levels of trust.[5] In sum, corruption is perceived to be a serious problem in Indonesia and this is why it is so important to take some steps to curb and possibly eliminate corruption (along with other forms of misconduct).

Transparency International developed another important tool (the Corruption Barometer) to assess the severity of corruption within institutions and its impact on the level of trust citizens have in these institutions.[6] The list of institutions includes parliaments, political parties, the military and judiciary. In 36 out of 62 countries surveyed, political parties were rated by the general public as the institution most affected by corruption; but Indonesia's civil society sentiments differed from this findings.

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[5] We will elaborate this point in greater detail later on in the paper.
[6] Respondents were asked to rank on a five point scale the extent to which they perceived various institutional sectors to be affected by corruption.

Table 2. to what extent do you perceive this institution to be affected by corruption?

Institutions	Perception of Corruption
Political Parties	**4.4**
Parliament/ Legislature	**4.4**
Legal system/ Judiciary	4.2
Police	4.2
Business/ private sector	3.7
Tax revenue	4
Customs	4.3
Media	2.6
Medical services	3
Education system	3.2
Registry and permit services	3.7
Utilities	3.1
Military	3.3
NGOs	2.4
Religious bodies	1.8

Source: Transparency International, 1995-2005. Note: scale 1 (not at all corrupt) to 5 (extremely corrupt).

According to the Corruption Barometer 2004, respondents in Indonesia rated their parliaments and legislatures to be the most corrupt institution (along with, of course, political parties).

Indonesia institutions are perceived to be highly corrupt and, not surprisingly, enjoy low levels of trust. The fourth wave of the World Values Survey conducted in 1998-2001 revealed that Indonesians generally have very little confidence in all types of national institutions. Data are presented in Table 3.[7]

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[7] World Values Survey contains the work of social scientists worldwide who desire to produce evidence that there are gradual but pervasive changes occurring in each country's society that its citizens want out of life. There have been four waves of survey analysis, and Indonesia was only sampled on the fourth wave in 2001. [http://www.worldvaluessurvey.org/organization/index.html]

Table 3. World Values Survey: Indonesia's level of confidence in different institutions and organizations

Organization/Institution	A Great Deal	Quite a lot	Not very much	Not at all
Churches	75	21.7	2.8	0.4
Armed Forces	16.6	57.3	24.1	1.9
The Press	5.8	49.1	42.7	2.4
Labour Unions	4.5	33.4	55.3	6.8
The Police	9	43	43.4	4.6
Parliament	3.2	39.8	49.6	7.4
The Civil Services	8.5	50.9	36.9	3.7
Television	9.1	52.2	36.8	1.9
The Government	9.4	43	42.9	4.8
The Political Parties	3.9	29.2	57	9.9
Major Companies	6.3	40.7	47.2	5.9
The environmental protection movement	9.9	44.9	40.4	4.7
The Women's Movement	6.8	43.9	42.6	6.8
UN	10.3	37.7	40.7	11.3
ASEAN	9	44	39.6	7.3

Source: *Source: World Values Survey, 1981-2004 (Country: Indonesia, 2001).* Note: *Rank Scale (1: A great deal, 4:Not at all).*

About a thousand respondents were interviewed in Indonesia by the World Value Survey. Respondents were asked to express on a 4 point scale - from 1 (great deal of confidence) to 4 (none at all)- how much confidence they had in 15 private, public and regional institutions. Since Indonesia was slowly recovering from the Asian Financial Crisis and was struggling to consolidate its new form of "democracy" after the Suharto years in 2001, it comes as no surprise that the Indonesian respondents were still wary of such large institutions that were still regarded as both inefficient and corrupt. To sum up, what we have said so far suggests three basic conclusions, namely that :

1) Indonesia has consistently been perceived to be highly corrupt and to be one of the most corrupt countries in the world;

2) The parliament (along with parties) is perceived to be the most corrupt institution in Indonesia; and

3) The Parliament is one of the three least trusted institutions in Indonesia.

One solution to regain citizens' trust consists in enacting ethics reforms and creating ethics regime. This means that a political system which is (or is at least perceived to be) corrupt implements some institutional reforms to reduce corruption and regain the trust of the citizens. This is why ethics reforms and the creation of ethics regimes are said to perform both an internal as well as an external function.[8]

The creation of ethics regimes, as discussed in the scholarly literature, can occur by either adopting ethics codes, or by adopting conduct codes.[9] Ethics codes state what are the main ethical values and principles of an organization, but they have no bite. By contrast, conduct codes are remarkably more specific. They clearly indicate which forms of conduct represents acceptable conduct and they also indicate which types of conduct are to be regarded as improper. Moreover, codes of conduct differ from ethics codes in a second respect: codes of conduct establish sanctions for punishing violations of the provisions of the code.

Given the persistently high levels of perceived corruption and the low levels of trust in institution, the Indonesian legislature was forced to take some steps in order to curb corruption, to show its commitment to the principles and the values of good governance and to regain the trust of its citizens. The Indonesian parliament tried to do so by enacting some ethics reforms. The DPR (lower house) adopted a code of ethics on September 29, 2004 and it is considering whether and to what extent it would be advisable to couple the adoption of the ethics code with the adoption of a conduct code.

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[8] Rick Stapenhurst and Riccardo Pelizzo, "Legislative Ethics and Codes of Conduct", WBI Working Paper, Series in Contemporary Parliamentary Development, Washington DC, 2004, p. 5. A revised version of this paper can be found in Rick Stapenhurst, Niall Johnston and Riccardo Pelizzo (eds.), *The Role of Parliaments in Curbing Corruption*, Washington DC, The World Bank, 2006, pp. 195-203.

[9] Gianfranco Pasquino and Riccardo Pelizzo, *Parlamenti Democratici*, Bologna, il Mulino, 2006, ch. 6.

The DPD has already taken a more entrepreneurial approach with regard to the adoption of a conduct code. In fact, in spite of the fact that the ethics council of the DPD does not have the constitutional mandate to draft legislation, the ethics council has already prepared a draft of a code of conduct to manifest its commitment to ethics reforms and good governance.

While the steps taken by the ethics council of the DPD and the DPR are encouraging as they show these institutions' commitment to adopting a code of conduct, improving governance and fighting corruption, it is worth keeping in mind that the process of institutional reform is not an easy one. In discussing which dispositions should be included in the code of conduct the members of the ethics council of both the DPD and the DPR have manifested some skepticism as to the adoption of rules forcing members to either disclose or register their interests. In addition to this one should note that the members of the ethics council of DPD who are mostly businesspeople or entrepreneurs of some sort, strongly oppose the adoption of regulations that may force them to give up their job in the private sector while they serve their term in office. Personal conversations between one of the authors of this paper and the members of ethics council in the DPR and the DPD revealed that while members are in favor of adopting the code, they may oppose the adoption of gifts and travel restrictions that are key component of any code of conduct. Hence, we believe that the adoption of a code of conduct is confronted with the following conundrum: if the dispositions of the code are too stringent (no gift, disclosure of interests, job restrictions), members may oppose the adoption of such a code; conversely if the dispositions of the code have no bite,

regardless of how much support they may receive from MPs, they will not be able to significantly affect the ethical behavior of Indonesian legislators.

Be that as it may, given the interest demonstrated both by the members of the DPD and the DPR in institutional reforms, ethics regimes and codes of conduct, we administered a survey to the members of the ethics council of the DPD and the DPR. We conducted this survey to assess whether and to what extent Indonesian MPs have homogenous ethical standards –which is what is required to make conduct codes succeed- or not. The results of our survey will be presented and discussed in the next part of the paper.

Part Three: Analysis of Survey Data

In order to examine sentiments towards corruption of the members of the DPD and the DPR we conducted a survey on "General Sentiments on Corruption".[10] In this survey we used a questionnaire that had originally been devised by Mancuso (1993; 1995) to investigate the ethical world of British MPs. We decided to use this questionnaire for two reasons. The first reason is that we believe that such a questionnaire allows the analyst to gain some insight into the ethical values and preferences of parliamentarians. The second reasons is that by adopting Mancuso' s questionnaire, we are able to generate that may be used for cross-country comparisons which, we believe, may help shed some light into the

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15

ethical standards of parliamentarians and into how these standards may determine the success or the failure of ethics reforms.

Be that as it may, in this part of the survey (six questions), respondents were required to indicate their level of agreement or disagreement to each of the six statements, ranging on a 7 point scale from 1 (Strongly agree) to 7 (strongly disagree).

Table 4. General Statements on Corruption

	Strongly Agree			Neutral			Strongly disagree	
	1	2	3	4	5	6	7	*Mean*
Political Corruption a widespread problem	40.7	7.4	7.4	22.2	7.4	7.4	7.4	*3*
People don't trust politicians as they don't understand politics	14.8	0.0	29.6	18.5	22.2	0.0	14.8	*3.93*
Dishonesty more widespread in politics than in business	40.7	14.8	11.1	14.8	7.4	7.4	3.7	*2.7*
Corruption more widespread at local than national level	14.8	0.0	0.0	33.3	14.8	22.2	14.8	*4.59*
No matter what we do, corruption can never be eliminated	18.5	0.0	7.4	18.5	0.0	18.5	37	*4.85*
Corruption reflects standard of society	29.6	18.5	14.8	18.5	0.0	3.7	14.8	*3.11*

Indonesian parliamentarians believe that corruption can be eliminated, that is more widespread at the national than at the local level, that politicians are more corrupt than business people, that corruption reflects a society's ethical standards, and that corruption is indeed a major problem in Indonesia. Given these answers one could note that if corruption is a problem that can be solved and if corruption reflects a society's standards, then political elites in Indonesia in addition to implementing ethics reforms should also take some steps to educate the public and to modify/improve society's ethical

preferences and values. But we need to make a second and more important remark, namely that the data analysis reveals that the ethical standards among the member of the ethics council in the DPD and in the DPR are not homogenous. Most of the respondents view political corruption as a widespread problem and agree dishonesty is more common in politics than in business, but the agreement on these issues is far from being unanimous.

The answers, as we mentioned earlier on in the paper, are given on a seven-point scale. Value 1 indicates strong agreement, value 7 indicates strong disagreement and value 4 indicates that a respondent is neutral about a given issue. To assess how much disagreement there is on the six issues on which respondents were asked to express their views, we proceed as follows. We discount all the answers in the neutral category, we add up all the answers indicating agreement (however strong), and we ad all the answers indicating disagreement (however strong). By doing so, we find that there is some disagreement on most issues and that on some issues disagreement is quite pervasive.

About 55 percent of the respondents agree that political corruption is widespread, but more than 22 percent of them disagrees with that view. About 44 percent of the respondents agree that the reason why voters do not trust politicians is that they do not understand politics, but this view is opposed by 37 percent of the respondents. In other words, members of the ethics council in the DPD and in the DPR are almost evenly split on this issue. About 65 percent of the respondents agree that dishonesty is more widespread in politics than in business, but 18 percent of them actually disagrees. About 70 percent of the respondents regard hiring the wife or a relative as personal secretary as

17

a corrupt action, while this behavior is regard as perfectly legitimate by more than 20 percent of the respondents.[11]

For more than 50 percent of the respondents corruption is more common at the national level, while almost 15 percent of the respondents holds the opposite view. Opinions differ also as to whether corruption can be eliminated. In fact, while 55.5 percent of the respondents believe that corruption can be eliminated, about 26 percent of the respondents holds the opposite view.

Table 5. Polarization of views on General Statements of Corruption

	Strongly Agree	Neutral	Strongly disagree	Polarization
	1	4	7	[1+7]-4
Political Corruption a widespread problem	40.7	22.2	7.4	25.9
People don't trust politicians as they don't understand politics	14.8	18.5	14.8	11.1
Dishonesty more widespread in politics than in business	40.7	14.8	3.7	29.6
Corruption more widespread at local than national level	14.8	33.3	14.8	**-3.7**
No matter what we do, corruption can never be eliminated	18.5	18.5	37	37
Corruption reflects standard of society	29.6	18.5	14.8	25.9

To further examine the opinions of the respondents, we calculated the degree of polarization possibly arising towards these six statements. Building upon the work of Sartori (1976), Pelizzo and Babones (2003) constructed the Pelizzo-Babones index of polarization. They defined polarization as the total spread of opinion suggested that polarization can be measured by the following formula:

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[11] As a point of comparison, one could observe that hiring relatives to serve as personal secretaries is a fairly common practice among Italian members of the European Parliament.

[(extreme left + extreme right) – centre]

This definition of polarization can be used to assess the amount of disagreement on ethics issue within the Indonesian council of ethics. The Pelizzo-Babones index of polarization can be used in this paper by adding the percentage of the responses located at the two extremes of the scale and by subtracting the number of neutral responses from the total of extreme responses, that is:

[{strongly agree + strongly disagree} – neutral]

By applying this simple formula to the data presented in Table 4, we are able to establish the polarization of respondents' views towards general statements of corruption as shown in Table 5. From these computations, we find that polarization of views among parliamentarians ranges from 11 to 37 percent for only five issues. The fourth scenario stating that "corruption is more widespread at local than national level" was proven to be one of the least contentious issues among respondents regarding this survey, with a score of -3.7percent on the polarization index. The highest level of polarization, and , therefore, the greatest amount of disagreement, was recorded on whether corruption can or cannot be eliminated. The second most contentious item was whether dishonesty is more common in politics or in business Respondents were equally polarized as to whether political corruption is a widespread phenomenon and as to whether corruption reflects the ethical standards of a society. The polarization in each of these four scenarios was higher than 25 percent. These results suggest that the ethical attitudes and perspectives of Indonesian parliamentarians are far from homogenous. Without a homogenous set of ethical perspectives and values, it is very difficult to make conduct codes succeed in the

19

long term. In order to ensure such success, the ethical standards of Indonesian

parliamentarians must be homogenized, reducing possible polarization of opinions on

ethical issues.

In order to properly assess how homogenous were the ethical standards of the

Indonesian MPs, respondents were also provided with 10 corruption scenarios and were

asked to rank each of these scenarios on a 7 point scale where 1 meant corrupt and 7

meant non corrupt.

Data analysis reveals that 8 of the 10 scenarios were considered as corrupt

scenarios by the respondents, who however regarded accepting cigars from wealthy

constituents and arranging meetings between MPs and businessmen as non-corrupt

practices.

The data analysis also reveals that there is a quite a bit of disagreement among

MPs as to how various activities should be judged. For example, while about 40 percent

of the respondents regarded arranging meeting between MPs and businessmen as corrupt,

about 44 percent of the respondents considered this practice as non corrupt. Accepting

cigars was viewed as a corrupt behavior by about 25 percent of the respondents, while it

was treated as non corrupt by 44 percent of the respondents. Yet, these scenarios are not

clear cut cases of corruption. What is truly surprising is the fact that for some MPs

promising appointments in exchange for campaign contributions, using influence to get a

friend a job, awarding a contract to a company which had made a major campaign

contribution are not unanimously viewed as corrupt practices. For 16 percent of the

respondents promising an appointment position in exchange of campaign contribution did

not represent a clear cut case of corruption. For 15 percent of the respondents using influence to get a friend a job does not represent a corrupt behavior. Even more surprisingly 3.7 of the respondents did not regard awarding a public contract to a company that had made major donations to party finance as a corrupt action.

Table 6. Corruption Scenarios

	Very corrupt			Neutral			No corrupt	
	1	**2**	**3**	**4**	**5**	**6**	**7**	**Mean**
Cabinet minister promises appointment position exchange for campaign contribution	42.3	11.5	30.8	7.7	0.0	3.8	3.8	2.38
MP using influence to get friend/relative admitted to prestigious institution	40.7	22.2	18.5	11.1	3.7	3.7	0.0	2.26
MP using influence to get friend/relative a job	33.3	22.2	29.6	3.7	3.7	3.7	3.7	2.48
Cabinet minister use influence to obtain contract for firm in his constituency	44.4	18.5	14.8	11.1	3.7	3.7	3.7	2.37
MP arrange for meetings between private corporation executives and parliamentarians	11.1	11.1	18.5	14.8	0.0	11.1	33.3	*4.48*
MP hires wife or family member to serve as his secretary	40.7	22.2	7.4	7.4	11.1	0.0	11.1	*2.7*
MP accepts a box of cigars from influential constituent	7.4	11.1	7.4	29.6	3.7	11.1	29.6	*4.63*
Major company makes big donation to government party, eventually won major contract	70.4	22.2	3.7	0.0	0.0	0.0	3.7	1.52
MP exchange 1st class ticket allocated for economy class, pockets the difference	42.3	15.4	7.7	15.4	7.7	0.0	11.5	*2.77*
MP gets house pass for lobbyist to act as research assistant whose services paid for by external source	44	24	4	20	4	4	0.0	2.28

Table 7. Polarization of views on Corruption Scenarios

	Very corrupt	Neutral	Not corrupt	Polarization
	1	4	7	[1+7]-4
Cabinet minister promises appointment position exchange for campaign contribution	42.3	7.7	3.8	38.4
MP using influence to get friend/relative admitted to prestigious institution	40.7	11.1	0.0	29.6
MP using influence to get friend/relative a job	33.3	3.7	3.7	33.3
Cabinet minister use influence to obtain contract for firm in his constituency	44.4	11.1	3.7	37
MP arrange for meetings between private corporation executives and parliamentarians	11.1	14.8	33.3	29.6
MP hires wife or family member to serve as his secretary	40.7	7.4	11.1	44.4
MP accepts a box of cigars from influential constituent	7.4	29.6	29.6	7.4
Major company makes big donation to government party, eventually won major contract	70.4	0.0	3.7	74.1
MP exchange 1st class ticket allocated for economy class, pockets the difference	42.3	15.4	11.5	38.4
MP gets house pass for lobbyist to act as research assistant whose services paid for by external source	44	20	0.0	24

Once again, by applying the Pelizzo-Babones index of polarization [12] index to the

data presented in Table 6, we are able to analyze the polarization of Indonesian

parliamentarians' responses towards various corruption scenarios. On close analysis of

the computations reflected in Table 7, the spectrum of polarization ranges from a

minimum of about 7 percent to a maximum of about 74 percent. Indeed, the wide range

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[12] The Polarization Index: [(extreme left + extreme right) – centre], on this index see Pelizzo and Babones (2003) as well as Pelizzo and Babones (2006).

of parliamentarians' perceptions and opinions towards these scenarios shows, alarmingly, the lack of general consensus among Indonesian MPs on ethical issues. This analysis, coupled with our findings presented in Table 5, sustains the claim that Indonesian MPs have a multiplicity of ethical standards.

If Snape and Skelcher are correct in saying that the success of conduct codes depends, among other reason, on whether there are homogenous ethical standards, that MP agree on what are the problems that the code should solve, and on what dispositions should be put in the code to address those problems, the data that we have presented clearly indicate that these conditions are not met in the Indonesian case.

Conclusions

The purpose of the paper was to discuss the problems and perspectives concerning the adoption of ethics reforms in Indonesia. In doing so, we have argued that while political scientists believe that political outcomes are affected by political institutions, they indicate that the relationship between institutions and political outcomes is conditional. Institutions' ability to produce a certain outcome depends on a variety of conditions such as political will, actors' constellations, as well as ideational factors.

Scholars working on legislative and conduct codes have pointed out that this logic applies also to conduct codes and ethics reforms. Conduct codes and ethics reforms are able to produce the expected results (to curb corrupt, to eliminate misconduct, to promote good governance, and so on) provided that certain ideational conditions are met. In this respect, Skelcher and Snape (2001) noted that the success of the codes depends on

whether the individuals that the code is supposed to regulate have common values, have a common understanding of the problems that the code is intended to solve, and have a common understanding of what measures can be adopted to fix those problems.

Given the high level of perceived corruption in Indonesia and the lack of trust in the parliament, Indonesian politicians are doing exactly what they are supposed to do: they have tried and they are trying to enact ethics reforms to show their commitment to the principles of good governance, to curb corruption and to regain citizens' trust. In order to do so, the DPR adopted an ethics code in 2004 and now both the DPD and the DPR are trying to adopt a conduct code to regulate the behavior of their members. This obviously represents a step in the right direction. Conduct codes have a greater power to regulate the behavior of parliamentarians than ethics codes. Codes of conduct are prescriptive rather than aspirational (Stapenhurst and Pelizzo, 2004; Pelizzo and Stapenhurst, 2006:195-203; Pasquino and Pelizzo, 2006), as in addition to stating the ethical principles and values of the institution, they provide clear guidance to the members and establishes sanctions for the violations of the code itself.

This said, it is important to keep in mind that the function of a conduct code is not to punish wrong-doers, but it is to prevent corruption and other forms of misconduct. Hence, ideational factors, such as the fact that MPs have a common value system, are more important than sanctions.

The survey data that we have analyzed and discussed in the paper clearly show that the ethical views of Indonesian legislators are not homogenous. There is quite a bit of disagreement among Indonesian legislators as to how widespread corruption is, as to

what represent corruption and so on. Hence, while discussing the adoption of (and adopting) a code of conduct may prove extremely useful to curb corruption, and restore citizens' trust in the Indonesian legislature, it is by itself insufficient. In drafting the code or, better, before drafting the code, Indonesian legislators should discuss what factors are responsible for not so good governance, what are the main problems plaguing the Indonesian political system, which of these problems can and should be addressed by the code, how specific the dispositions of the code should be, and how these dispositions can help Indonesia achieve better governance.

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