FOR THE BENEFIT OF CHILDREN ALONE?
A DISCOURSE ANALYSIS OF POLICYMAKING RELATING TO
CHILDREN'S INSTITUTIONS IN INDONESIA, 1999-2009

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Declaration

I declare that, except where acknowledged, this dissertation is my own original work and has not been submitted for a higher research degree at any other university or institution.

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Preface and acknowledgements

The origins of this dissertation lay in three interrelated concerns that have preoccupied much of my professional life over the past decade. First, as a participant in the non-government campaign that helped to establish the National Framework for Protecting Australia's Children 2009-2020—Australia's first-ever national policy to reduce rates of child abuse and neglect—I observed how policy change resulted from the complex interplay of short and longer-term factors, such as agitation for policy change from the non-government sector, the accumulated weight of research findings, and compelling media coverage (Babington 2011, pp. 11-20). Building on my involvement with policymaking at the national level, I wished to know more about how and why change occurs in national public policy, especially with regard to social issues.

The second impulse behind this research project lay in my involvement with a campaign to assist a group of adults who, as children, had been placed in orphanages and other forms of out-of-home care in Australia during the twentieth century. Their compelling, and often tragic, stories alerted me to the plight of children in institutions and the range of possible adverse consequences for them in later life. I found myself asking: Why did official government policy that supported these institutions change only decades after high-profile scientific studies had demonstrated the detrimental effects of institutionalisation on many children? Why did government policies to end the use of children's institutions, or to 'deinstitutionalise', take so long to be put in place by Australian and other governments? As discussed in this study, I realised that the literature on the deinstitutionalisation of children's institutions had not developed satisfactory explanations about why, how and under what conditions governments made policy changes in this area.

Finally, my involvement with children's rights advocacy at the international level alerted me to the fact that, while almost all large-scale children's institutions had been closed in countries such as the US, UK, Ireland and Australia by the 1980s, in the present day millions of children live in orphanages and other forms of institutions away from their families in many other parts of the world.

A number of questions arose for me from these experiences. For example, in the face of research findings about the adverse effects of these places for many children, why had policy change taken so long to accomplish in some countries? What explained the

apparent difficulty that some governments faced in devising deinstitutionalisation policies that, at least for many researchers and children's rights advocates, seemed so plainly sensible and humane? This dissertation is an attempt to delve more deeply into policymaking processes relating to the deinstitutionalisation of children's institutions. Specifically, it explores how and why one country, Indonesia, came to adopt a policy during the 2000s that aimed to reduce the number of children in a particular form of institution called *panti asuhan*.

Abstract

It is estimated that between two and eight million children live in orphanages or other residential institutions in the developing world (the Global South) and in the former Eastern Bloc. In recent decades the UN and international non-government organisations have called upon governments in these countries to develop and implement policies to 'deinstitutionalise', or reduce substantially the number of children who live in institutions.

Despite this heightened interest, research into how and why deinstitutionalisation policy change occurs remains in its infancy, especially with regard to the Global South. Using a discourse analysis methodology advanced by Hajer this dissertation sheds light on deinstitutionalisation policymaking in Indonesia. Specifically, it asks: What factors led Indonesia to adopt a policy during the 2000s to reduce reliance on a type of children's institution known as *panti asuhan?*

The prevailing explanation for Indonesia's policy change has been that it decided in the mid-2000s to comply more fully with the 1989 UN Convention on the Rights of the Child which opposes the separation of children from their parents except in special circumstances. Through field interviews and other analysis I show, however, that political, economic, cultural, and religious discourses—rather than concerns about children's rights only—predominated in shaping new policy.

I identify three phases in developing the new *panti asuhan* policy. First, from the late 1990s, a pro-reform group (or 'discourse-coalition') began to agitate for policy change. Second, in the mid-2000s, a '*status quo*' discourse-coalition which supported *panti asuhan* opposed prospective policy change. Finally, the Indonesian Government's wish to signal its adherence to international children's rights standards, align policy with changed national economic, social and administrative directions, and avoid conflict with pro-*panti asuhan* forces generated the final policy outcome under which *panti asuhan* would continue to play a central, if somewhat changed, role while appearing to comply with Indonesia's children's rights obligations. Rather than designed only to benefit children, final policy thus attempted to appease both pro-reform and pro-*panti asuhan* groups.

The study provides important messages for practice and research. For policymakers and advocates, employing Hajer's methodology can improve understandings about factors that impede or advance progress on deinstitutionalisation policymaking in other countries of the Global South. The study also contributes new understandings to literatures on deinstitutionalisation, public policy, and on *panti asuhan* themselves. It extends research into the deinstitutionalisation of children's institutions by being the first to apply Hajer's methodology to understand how this type of policymaking occurred in the Global South. As well as shedding further light on Indonesian social policy in general, it also provides new understandings about attitudes towards, and the operations of, *panti asuhan*.

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PART I: CONTEXT, LITERATURES, AIMS AND METHOD

Chapter 1: Context and overview

Overview

Today, millions of children across the globe do not reside with their parents for a variety of reasons, including the death of their parents (that is, by becoming orphans), conflict, migration, natural disasters, detention, disability and child trafficking. The issue of children being raised in residential institutions has become a particular focus of international public, governmental and academic attention over the past few decades. Within that broad subject area, the UN and numerous international non-government organisations (INGOs) have called on governments, particularly in the former Eastern Bloc and in developing countries (or the Global South), to phase out children's institutions.

At its most general level, this dissertation contributes to understandings about factors that shape deinstitutionalisation policymaking in the Global South. It does so specifically by examining recent Indonesian Government policymaking using a discourse analysis methodology to provide detailed understandings of policymaking processes.

1.1 Children living without parental care

Today, millions of children are growing up around the world without direct parental care. They live in a wide variety of settings, such as in orphanages and other types of residential institutions, with relatives or kin, with individuals to whom the child is not biologically related (in the form either of adoption or foster care in family settings other than the children's own family), with employers, with other children, or on the streets. The precise number of children in these categories on a global basis is unknown due to the lack of accurate and timely data (United Nations Committee on the Rights of the Child 2006, p. 10). A sense of the significant numbers of children involved can be gleaned, however, from the most recent estimate by UNICEF (2005) that there are 143 million orphans in 93 countries of the Global South (p. 39).

Children who live in institutions, such as orphanages, comprise a significant sub-set of children who live without parental care. The number of children who live in institutions worldwide is also unknown due to the paucity of data (United Nations Committee on

the Rights of the Child 2012a). Yet, an idea of the significant numbers involved (as well as the problem of accurately determining numbers) may be gained from the estimate by Save the Children UK (2003, p. 1) that eight million children live in institutions and UNICEF's (2009, p. 19) more recent, but lower, estimate of two million children.

The situation of children who live in institutions in the Global South and the former Eastern Bloc has been the subject of growing public, governmental and academic interest over the past few decades. In the late 1980s, the international media began to report on unfavourable conditions for babies and children living in Romanian orphanages (Kaler & Freeman 1994, Carlson & Earls 1997, Marcovitch et al. 1997, Beckett et al. 2002). At around the same time, the international media began reporting that increasing numbers of children were being placed in orphanages as a result of the HIV/AIDS-related deaths of their parents and relatives in sub-Saharan Africa (Hunter 1990, pp. 681-90, Gaines 2006, Meintjes & Giese 2006, pp. 407-10).

The issue of children living in institutions also received international attention through the development and adoption of the UN Convention on the Rights of the Child (1989). While the international community had expressed general concerns about the situation of children deprived of their family environment as early as in the 1924 Geneva Declaration on the Rights of the Child, the UN Convention on the Rights of the Child (1989) highlighted specific duties of States Parties to the Convention concerning the institutionalisation of children (Cantwell & Holzscheiter 2008, p. 2). Amongst several Articles of the Convention that concern the situation for children who are raised without parental care, Article 20 stated:

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, *kafalah* of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the

desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

The UN Convention on the Rights of the Child (1989) also affirmed that children should be raised by their parents wherever possible. Article 18 stated:

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

In order to provide more detailed guidance on the subject of children living without parental care, in 2009 the UN General Assembly adopted *Guidelines for the alternative care of children* (2009, p. 2) which encouraged States 'to keep children in, or return them to, the care of their family', limit the use of institutions only to cases where it was appropriate for the child, and work to prevent the need for alternate care by measures such as family strengthening services and supportive social policies. In addition, over the past three decades, the UN Committee on the Rights of the Child (a committee which comprises 18 independent experts who monitor and report to the UN on the implementation of the UN Convention on the Rights of the Child) has frequently issued comments about the nature and extent of compliance with the Articles of the Convention that relate to children who are raised without parental care in institutions (Cantwell & Holzscheiter 2008, p. 2).

In addition to intergovernmental agreements, the past few decades have also seen an increase in public campaigning by INGOs and the UN itself about the use of children's institutions, especially in the former Eastern Bloc and in the Global South. Broadly speaking, these entities have urged the closure of large-scale residential institutions, except as a last resort when all other alternatives (such as care by relatives or adoption) have been considered, in view of a wide range of negative impacts on childhood development and children's rights (Save the Children UK 2003, pp. 1-18, Browne 2009, pp. 1-24, Save the Children UK 2009, pp. 1-24, Williamson & Greenberg 2010, pp. 1-26). By way of example, the INGO EveryChild (2009, p. 8) stated:

Research, particularly from less developed regions, shows a substantial and growing number of children without parental care, with devastating impacts on children's rights to survival, development, education, health, nutrition and freedom from abuse and exploitation.

In a similar vein, the UN Secretary-General's *World report on violence against children* (2006) called for a reduction in the use of institutions in light of evidence about wide-ranging negative psychological, physical and other impacts on children, with the severity of these negative impacts being worse for children under the age of four years and for those who experienced long periods of institutionalisation (pp. 16-17).

In relation to factors that drive institutionalisation, UNICEF (2009) stated that the majority of children were placed in institutions by a family member or members as a result of poverty rather than the loss of one or more parents. Save the Children UK (2009, p. 5) also asserted that at least four out of five children in institutions globally had at least one living parent and that 'most children in institutions come from poor families and/or those that are discriminated against'. As is the case with accurately determining the numbers of children in institutions, such global claims need to be read with caution due to the absence of independently-verifiable, comprehensive and up-to-date data.

Another conspicuous aspect of INGO and UN advocacy over the past few decades—and a central matter for this dissertation—has been the call for national governments in the former Eastern Bloc and in the Global South to adopt deinstitutionalisation policies that aim to ensure that children are admitted to, or reside in, institutions only where this is in the best interest of the child and where no other alternative is available. Responding to what they considered to be the slowness of some countries to adopt deinstitutionalisation policies, Save the Children, UNICEF and the Better Care Network (2009, p. 2) called for 'political will, leadership, and creative thinking from governments…in order to co-ordinate policies and programmes relating to the care and protection of children'. Save the Children UK (2009, p. 11) contended:

…at the heart of the proliferation of institutional care lies a lack of political will to invest in the most vulnerable children. Care institutions provide a safety valve

for governments that are unable—or unwilling—to tackle complex social and economic factors driving families to place their children into care.

Academic interest in children living in institutions in the former Eastern Bloc and in the Global South has also evolved strongly over the past three decades. As will be discussed in Chapter 2, academic inquiry into the effects of institutions on childhood development in many industrialised countries commenced in the 1930s. Goldfarb (1945) and Bowlby (1952, 1982) focused attention on a range of adverse effects for children who were deprived of maternal care, especially in the first few years of life. Building on those foundations, the past three decades have seen the expansion of research into the impacts on and consequences for children living in institutions. In the former Eastern Bloc, for example, numerous studies have been undertaken, such as the (still ongoing) Bucharest Early Intervention Project (Carlson & Earls 1997, pp. 419-24, MacLean 2003, p. 857, Zeanah et al. 2003, Smyke et al. 2007).

As will be discussed in Chapter 9, the past few decades have also seen increased academic research into the effects of institutionalisation on children in some countries of the Global South. Interestingly, when compared with the main thrust of research on institutions in the relatively more industrially-advanced countries of the Global North, some of this research points to the benefits of institutions in some settings as well as to their negative impacts on children. Research by Wolff et al. (1998) into Ethiopian orphanages, for example, found evidence that orphanages can play useful roles in protecting children in war-torn countries (p. 1319). Whetton et al. (2009) found evidence that children in institutions in India, Cambodia, Tanzania, Ethiopia and Kenya were not disadvantaged in terms of cognitive functioning and emotional, behavioural and physical health when compared with children who were raised in family settings (pp. 1-10).

Beyond examining the effects of institutionalisation, recent scholarly publications relating to children's institutions in the former Eastern Bloc and in the Global South have taken several other directions. As will be discussed in Chapter 2, these directions include work by Bilson et al. (2003) and Bilson and Larkins (2013, pp. 1566-75) on so-called 'gatekeeping' measures to help prevent, or reduce, the incidence of placement of children in institutions, and by Cantwell and Holzscheiter (2008), who explored legal concepts relating to children without parental care in institutions and other settings as

contained in the UN Convention on the Rights of the Child and other international and regional legal instruments. Mulheir et al. (2007) examined how policy makers, practitioners and others can change institutional care into systems based on family and community support.

For reasons discussed in Chapter 2, a field of inquiry that is yet to develop as strongly relates to government policymaking on the deinstitutionalisation of children's institutions in the Global South. Policymaking literature has, to date, focused mainly on the deinstitutionalisation of children's institutions and institutions for adults in the Global North and, to a lesser extent, in the former Eastern Bloc. Within that literature, opinion is divided as to the key drivers of the deinstitutionalisation of children's institutions in countries such as the US. Some scholars support the view that the closure of institutions from the 1950s was primarily a response to studies about the adverse effects of institutionalisation on children. Others contend, however, that rising financial costs for governments played a far greater role in deinstitutionalisation policy decisions than has previously been acknowledged.

By way of contrast, and as discussed in Chapter 2, relatively little effort has been made to date to research policymaking on the deinstitutionalisation of children's institutions in the Global South. Some recent scholarly publications discuss why it is important for governments to adopt national deinstitutionalisation policies and suggest what these policies should contain (Cantwell et al. 2012). Yet, they generally fail to offer insights into *why* and *how* countries that have adopted deinstitutionalisation policies actually did so. Such a shortcoming in scholarly research is especially curious given that, as noted above, criticisms over the pace of deinstitutionalisation policymaking in countries of the Global South have been so much at the heart of commentary by the UN and some INGOs over the past few decades.

1.2 Purpose and central argument

The dearth of research into deinstitutionalisation policymaking in the Global South is the point of departure for this dissertation. In response, at its broadest level, the overall purpose of this thesis is to contribute to understandings about factors that lead governments in the Global South to adopt—or not adopt—policies to deinstitutionalise children's institutions.

Specifically, by using an approach to understanding policymaking through the analysis of the discourses—or meanings, beliefs and values—held by actors involved with these activities, this study sheds light on deinstitutionalisation policymaking in a country of the Global South, namely, Indonesia. It asks: What factors led the Indonesian Government to adopt a policy during the 2000s to reduce reliance on a type of children's institution known as *panti asuhan*?

As discussed in Chapter 3, Indonesia was selected for analysis principally because it recently signalled a shift in policy from that of providing financial and other support to institutions for orphaned, neglected or abandoned children known as *panti asuhan* to one that aims to strengthen the capacities of impoverished families to keep their children rather than relinquish them to institutions. Indonesia also appears to be of significance in global terms given estimates, discussed in further detail in Chapter 8, that there are between 170,000 children (using Indonesian Government figures) and over 500,000 children (using Save the Children figures) in thousands of *panti asuhan* (Save the Children UK et al. 2006, pp. 6-10, Save the Children UK et al. 2007, pp. 18-21, Government of Indonesia 2013b). If one were to draw on claims by Save the Children (2003) and UNICEF (2009), noted earlier in this chapter, that there may be between two and eight million children living in institutions worldwide, then Indonesia alone *could* possibly account for between six and eight per cent of all children in institutions around the world.

Commencing around 2007, the Indonesian Government began to announce policy measures that aimed to reduce the number of children living in *panti asuhan* in favour of family or community-based care for such children. According to the Indonesian Government (2011, p. 5), the new policy aimed to make *panti asuhan* 'the last resort in the continuum of alternative care methods'. Indonesia's policy shift has been publicly depicted by both the Indonesian Government and Save the Children as a rare instance of deinstitutionalisation policy change in the Global South based on the importance of complying with international children's rights standards about the best interests of children.

This thesis argues that the prevailing explanation for Indonesia's policy change on *panti asuhan* as aligning Indonesia with its obligations under the UN Convention on the Rights of the Child represents only a partially accurate picture. In reality, political,

economic, cultural, and religious discourses—rather than concerns about children's rights and wellbeing only—predominated in shaping government policy. The new policy represented a compromise under which *panti asuhan* would be allowed to continue to play a central, if somewhat changed, role while appearing to show internationally that Indonesia was complying with its children's rights obligations. Rather than being designed only to benefit children, the final policy sought to appease both pro-reform and pro-*panti asuhan* audiences.

By employing a discourse analysis approach advanced by Hajer (1995, 2005, 2006) as the primary research methodology and elite-interviewing techniques, I argue that coalitions of policy actors who held pro-reform or pro-orphanage '*status quo*' story lines vied to shape the new policy on *panti asuhan* in a three-step sequence commencing in the late 1990s. First, from the late 1990s, a pro-reform group (or 'discourse-coalition') of policy actors mobilised to initiate the process of policy change. The 1998 Asian financial crisis and the 2004 Indian Ocean tsunami were among key events that focused the energies of this group. I show that lobbying efforts by Save the Children and UNICEF placed pressure on government to respond to children's rights concerns while, at around the same time, key government decision-makers, acting from different motivations, increasingly regarded *panti asuhan* as being inconsistent with Indonesia's rapidly changing social, economic and administrative policy directions and as too costly for government to continue subsidising. Second, around the mid-2000s, a '*status quo*' discourse-coalition comprising supporters of *panti asuhan*, especially the large socio-religious group Muhammadiyah, responded by voicing its opposition to proposed change. Finally, the Indonesian Government's wish to realign *panti asuhan* policy with changing national economic, social and administrative policy directions, and reduce the cost of subsidising *panti asuhan* while avoiding conflict with pro-*panti asuhan* interests generated the final policy outcome that amalgamated both the deinstitutionalisation and *status quo* positions.

The final policy represented a compromise under which *panti asuhan* would be allowed to continue to play a central, if somewhat changed, role while appearing to show—as per the dominant public version of events, noted above—that Indonesia had complied with its international children's rights obligations. Rather than being designed only to benefit children, as publicly portrayed, the new policy represented an attempt to appease both pro-reform and *status quo* audiences. The origins of the new policy—as found in a

mixture of international pressure on Indonesia over children's rights, domestic budgetary concerns, a growing gap between old policy that supported *panti asuhan* and new political, economic and social policies after the fall of President Suharto, and the countervailing influence of politically powerful pro-*panti asuhan* actors—explains why the Indonesian Government presented the new policy to the international community as a milestone in Indonesia's observance of its international children's rights obligations while, domestically, it adopted a more cautious, gradualist approach to deinstitutionalisation that helped to assuage key pro-*panti asuhan* concerns.

These findings provide new understandings for literatures on deinstitutionalisation, public policy, as well as Indonesian policymaking on *panti asuhan*. In terms of implications for policy change advocates, such as INGOs and UN agencies, I suggest that efforts to achieve policy change regarding the deinstitutionalisation of children's institutions in the Global South may be more effective if pursued on the basis of more detailed understandings about times when policy change is more likely to occur, that is, at critical moments of political, economic or social change and when arguments for deinstitutionalisation are also viewed by governments as helping to address other national problems not necessarily related to children's issues. In that regard, I contend that Hajer's discourse analysis methodology provides a particularly useful mechanism to gain such understandings. Future empirical studies of deinstitutionalisation policymaking in other countries would be useful in terms of investigating and refining these contentions.

1.3 Structure

The argument is developed in three Parts. In Part I, after introducing the study, I review research literatures about deinstitutionalisation policymaking. I find a particular limitation in the literature relating to the Global South and only limited guidance on ways to analyse deinstitutionalisation policymaking in the literature about the Global North and the former Eastern Bloc. To help overcome these shortcomings, Chapter 3 discusses how interpretive policy analysis can be applied to gain deeper understandings about deinstitutionalisation policymaking in the Global South. In particular, I adopt Hajer's discourse-coalition framework as the primary research methodology. I also set out the rationale for selecting Indonesia to understand the dynamics of deinstitutionalisation policymaking.

Part II, 'Policy meanings: scene-setting and story lines in Indonesia', commences the in-depth study of the Indonesia case by presenting, in Chapter 4, scene-setting information about *panti asuhan* and the current standard *panti asuhan* policy-change narrative or story derived from public source materials. Chapter 5 outlines how field and desk research was conducted and introduces the various meanings attributed to the policy shift by players ranging from policymakers to policy change advocates, from academics to journalists, and from politicians to those running *panti asuhan*. These meanings are grouped into the two principal story lines about policy change. Chapters 6 to 8 present and analyse the first story line, the 'pro-reform' story line, and its three main constituent narratives. Chapter 9 presents and analyses the '*status quo*' story line and its two main narratives.

Part III, 'Making policy, conclusions and implications', commences (Chapter 10) with a discussion about how the two main story lines mobilised the activities of two distinct 'discourse-coalitions' that vied to shape new *panti asuhan* policy in three phases between 1999 and 2009. Chapter 11 considers the study's principal research question in light of case study findings. As well as suggesting practical lessons for policymakers and policy change advocates, it draws together implications for literatures on deinstitutionalisation, interpretive policy studies, and Indonesian social policy. The Epilogue briefly describes progress that has been made to date in implementing the new policy direction on *panti asuhan*.

Chapter 2: Literature review

Overview

This chapter sets the scene for the dissertation by critically examining research literatures about the deinstitutionalisation of children's institutions. It starts by exploring recent research into various aspects of deinstitutionalisation with particular reference to countries in the former Eastern Bloc and in the Global South. With most deinstitutionalisation studies deriving from the fields of social work, childhood development and medicine, it finds comparatively little research into the processes of policymaking in relation to the deinstitutionalisation of children's institutions in the Global South.

Faced with these shortcomings, I look to earlier literature concerning deinstitutionalisation policymaking in countries such as the US and UK. That literature offers potentially useful insights into apparent linkages between the factors that drive deinstitutionalisation policymaking and the effectiveness of subsequent policy implementation efforts. I argue that the deinstitutionalisation literature has been limited, however, by the absence of appropriate analytical techniques through which deeper understandings can be gained about the dynamics of policymaking. A fundamental research task, then, is to better understand how and why policymaking about the deinstitutionalisation of children's institutions occurs, particularly in countries of the Global South. This conclusion sets the context for the use of discourse analysis as the principal methodology for this dissertation and the specification of the principal research question in Chapter 3.

2.1 Definitions

By way of preface, some key terms need to the defined. In accordance with the UN's *Guidelines for the alternative care of children* (2010, p. 6), the term 'children without parental care' is taken to mean 'all children not in the overnight care of at least one of their parents, for whatever reason and under whatever circumstances'. Also, it adopts UNICEF's (2014, p. 10) definition of an orphan as a child 'whose only parent or both parents are dead or missing'.

Academic, UN and INGO literatures concerning children without parental care often use the terms 'orphanages', 'children's institutions' and 'residential care'

interchangeably. The UN *Guidelines for the alternative care of children* (2010, p. 6) defined 'residential care' as:

> …care provided in any non-family-based group setting, such as places of safety for emergency care, transit centres in emergency situations, and all other short- and long-term residential care facilities, including group homes.

This dissertation avoids using the term 'residential care' because, as the research literature discussed in this chapter indicates, the sorts of 'care' provided to children in institutions is ambiguous and the provision of 'care' in the sense of tending the welfare of children cannot be assumed in all cases. Instead, the term 'children's institution' is used in this dissertation, after Mulheir et al. (2007, p. 13), to mean:

> …residential care without a parent or guardian for longer than three months catering for large numbers of children of 25 or more, or small numbers of children between 11 and 24 in a building often referred to as a 'children's home'.

'Deinstitutionalisation' is also defined in this study, after Mulheir et al. (2007, p. 36), as 'the process of moving away from a child care system based on large institutions towards a range of integrated family-based and community-based services' by seeking to prevent unnecessary admissions and stays in institutions, developing alternative community child care, strengthening services to children and families, and arranging long-term placements in surrogate families for children who are unable to live with their parents. Finally, public policy is defined, following Lowi and Ginsburg (1996, p. 607), as 'an officially expressed intention backed by a sanction, which can be a reward or a punishment'.

2.2 Deinstitutionalisation: the former Eastern Bloc and the Global South

At its broadest level, recent scholarly literature relating to children's institutions in the former Eastern Bloc and in the Global South has tended to focus on the impacts of childhood institutionalisation and on what I term 'system improvement measures', including deinstitutionalisation policies and practices. This section focuses on the latter, drawing particular attention to the comparatively less-developed literature about deinstitutionalisation policymaking in the Global South.

Because of its relevance to later discussion about Indonesia (see Chapters 4 and 9), I note in passing an extensive literature concerning the effects of institutionalisation on childhood health and wellbeing in the former Eastern Bloc and, to a lesser extent, the Global South. This literature arises mainly from the disciplines of psychology, psychiatry and general medicine. In relation to the former Eastern Bloc, one of the most high-profile studies to date has been the Bucharest Early Intervention Project, a randomised controlled trial of foster care for children who, around the time of birth, were placed in one of six Bucharest orphanages (Rutter & English and Romanian adoptees study team 1998, pp. 465-76, Zeanah et al. 2003, pp. 885-907, Zeanah et al. 2005, Smyke et al. 2007, pp. 210-18, Dozier et al. 2012, pp. 1-25). The study found that previously-institutionalised children placed in foster care fared better particularly in cognitive and social-emotional development when compared with children who remained in orphanages and that the earlier a child was placed in foster care (ideally before two years of age) the better the chance of recovery from the developmental delays associated with institutionalisation (Nelson et al. 2007, pp. 1937-40). As discussed in Chapter 9, a research literature has also been developing over the past decade or two about the effects of institutionalisation on the health and welfare of children in some countries of the Global South; interestingly, some of this literature has suggested that there is a mixed picture in terms of the pros and cons of institutional care on childhood wellbeing.

Of particular relevance to this dissertation, the 'system improvement measures' pertaining to children's institutions in the former Eastern Bloc and in the Global South can be categorised into studies that concentrate on practices relating to children's institutions, such as how institutions can be made more responsive to the needs of children, and studies that focus on deinstitutionalisation policies and on policymaking. The remainder of this section considers these literatures, with particular reference to policymaking studies.

Children's institutions practice literatures. One of the most significant components of the practice improvement literature concerns 'gatekeeping', or screening, referral and other processes that aim to reduce the number of children who are placed in institutions. Writing from a social work perspective, Bilson et al. (2003, p. 31) argued that the success of gatekeeping practices in Central and Eastern Europe and the Commonwealth

of Independent States depended on societal attitudes toward parenting and children, as well as having adequately resourced support services, thus:

> Gatekeeping requires major changes not only in decision-making systems and services, but also in the underlying attitudes and beliefs about children and the role of parenting. That is, reforms are unlikely to be effective without a shift away from the paradigms of rescue, state paternalism, ethnic discrimination, and the deficit model of disability. Such a change will require staff, managers and policymakers to reconsider the value they place on children, their rights and the importance of parents and families in the upbringing of children.

While the authors emphasised the need for supportive attitudes on the part of policymakers and society at large, they stopped short of inquiring into how and why gatekeeping policies and practices had been introduced in the first instance. Instead, they appeared to assume that policymakers would recognise the importance of deinstitutionalisation and act accordingly. Similarly, Bilson et al. (2007) referred to the Sri Lankan Government's decision to reduce the prevalence of institutional care, but did not examine why that government had taken such a policy decision (p. 42). More recently, this tendency is seen in the study concerning Bulgaria by Bilson et al. (2013) in which the authors noted changes to gatekeeping processes, but did not examine why or how these new practices were adopted as part of a broader government deinstitutionalisation policy (pp. 1566-75).

The 'practice improvement' literature also contains a growing number of studies that suggest how deinstitutionalisation can work in practice at individual country levels. For example, Ansah-Koi (2006) considered ways in which foster and community-based care could be strengthened as an alternative to placing children in orphanages in Ghana (pp. 555-64). Muguwe et al. (2011) examined efforts to reintegrate children from nine children's homes into family-based care in Zimbabwe (pp. 142-49). They identified numerous barriers to the successful reintegration of children into their families, in particular, the lack of adequate government funding. In relation to Uganda, Walakira et al. (2014) suggested a model of care in family-based or community settings as an alternative for the care of abandoned children in orphanages (pp. 144-50). They stressed the importance of establishing programs aimed at tracing the child's birth family,

carefully arranging for the child to be reunited with their family, and establishing adequate post-resettlement family support arrangements.

Finally, recent practice improvement literature has addressed ways of making institutions more responsive to the needs of children. The St. Petersburg-USA Orphanage Research Team (2008), for example, pointed to how enhanced quality of care-giving within institutions had led to improvements in children's physical growth and a range of social-emotional-relationship behaviours (pp. vii-viii). Working on the assumption that many countries were unlikely to have the resources to undertake deinstitutionalisation on any significant scale, Groark and McCall (2011) examined how to improve children's developmental outcomes *within* institutions, including through improvements to caregiver-child interactions. Groark et al. (2009) studied the Ukraine to develop qualitative and quantitative indicators for use by policy makers and others to assess a country's progress in efforts to reform children's institutions (p. 27). McCall (2013) argued that, as care-giver-child interactions were a major predictor of outcomes for children in institutions, greater attention should be paid to improving conditions for children within institutions, especially in poorer countries where there was no realistic short-term possibility of deinstitutionalisation (p. 193).

Literatures on deinstitutionalisation policymaking. Another strand of recent literature about children's institutions in countries of the former Eastern Bloc and in the Global South relates to policymaking on deinstitutionalisation. This literature has tended to fall into one of two categories: works that offer guidance about the matters that ought to be included in deinstitutionalisation policies, and a relatively smaller set of studies about how and why deinstitutionalisation policymaking occurs.

In relation to the former, a literature has developed over the past few decades that proffers advice on key elements for inclusion in national deinstitutionalisation policies. This material originates mainly from the disciplines of social work and psychology. Cantwell et al. (2012), for example, provided guidance to policymakers, service deliverers and others on the application of the 2009 UN *Guidelines on for the alternative care of children*. Mulheir et al. (2007) presented a 'guide to good practice' for deinstitutionalising children's services in which they discussed the key features that ought to be included in national policies, such as development of a strategic plan and adequate staff training. Their key recommendation was that an analysis should be

undertaken of a country's institutional system to determine matters such as the number of institutions and the state of existing family support services that could be used to provide greater help to families and children without recourse to institutionalisation (Mulheir et al. 2007, pp. 55-58).

By way of contrast to the depth of literature about practice improvement and on 'ideal' elements for inclusion in deinstitutionalisation policies, however, only relatively few studies to date have attempted to analyse why governments in the former Eastern Bloc and in the Global South have adopted policies to deinstitutionalise children's institutions.

To start with the former Eastern Bloc, only a handful of studies have attempted to explain why countries have adopted policies to close children's institutions. Tobis' (2000) study for the World Bank on Albania, Armenia, Latvia, Lithuania and Romania found that numerous political, social, cultural and economic factors impeded policy change, such as pressure exerted by orphanage operators on governments to retain institutions, the lack of social welfare infrastructure, government financial incentives that encouraged the perpetuation of institutional care, and widespread public support for the continuation of institutions (pp. 12-16). Despite these barriers, some progress on deinstitutionalisation was made in these countries in the 1990s largely in response to changing social attitudes about the importance of family as the best place to raise children, growing recognition amongst officials about harms caused to children in institutions, and increasing financial costs to governments of supporting institutions. As Tobis (2000, p. 30) noted:

> They [policymakers] increasingly see residential care as a last resort, an orientation that began to develop before the end of the socialist era. The concerns raised by senior policymakers, however, often focus on the high cost of residential care. The importance of quality care, high standards, and the harm to clients caused by residential care are still secondary concerns.

Another early attempt to analyse reasons for changing government policy towards children's institutions in the former Eastern Bloc was made by Lataianu (2003) who contended that Romania's decision to undertake major reforms to the child protection system in the late 1990s—moving from one favouring institutions to one that aimed to

use institutions as a last resort—was driven primarily by government concerns about the rising cost of supporting these institutions and the importance of demonstrating compliance with European Union human rights obligations as a condition for ongoing European Union membership (pp. 107-19). Without an explicit analytical framework, Lataianu stopped short of indicating whether other factors might have played a role in the Romanian government's change of policy, such as lobbying by domestic children's rights groups or INGOs in a changing post-Cold War domestic political setting or the impact of the UN Convention on the Rights of the Child on government thinking. Moreover, her claim that rising cost was a major driver of government concern over children's institutions was left unsupported by evidence, such as interview or other data.

A more thorough attempt to understand the dynamics of deinstitutionalisation policymaking in Romania in the 1990s was made by Jacoby et al. (2009) who traced the pressures exerted on Romania by the European Union to adopt European Union-wide child protection rules and standards, as well as changes to Romania's internal political environment that made it more possible than in the past for Romania to adopt deinstitutionalisation policies (pp. 111-33). For these authors, the Romanian Government largely ignored its obligations to the UN Convention on the Rights of the Child until increased pressure was brought to bear by the European Union on human rights issues in general. They claimed that pressure from the European Union shifted the Romanian Government's policy on orphanages because it coincided with the rise of politicians who, after the 1996 Romanian national elections, took decisions on a range of policy issues, including child protection, in order to ensure Romania's speedy integration into the European Union. Speaking to a broader scholarly debate about how international 'norms' (such as human rights) are diffused at individual country levels, Jacoby et al. (2009, p. 130) concluded:

> …external actors need long attention spans in order to help their domestic partners defend policy innovations opposed by domestic or international foes…Domestic actors are required who can 'pull in' innovations from outside and work to adapt them to local conditions…Success here came in slow motion and by a process of insider-outsider linkages that are easy to miss in stylized inquiries about whether 'external *or* internal dimensions are the real causes'. (italics in original).

While this research advanced understandings about deinstitutionalisation policymaking in the former Eastern Bloc, it was largely descriptive in nature and did not employ analytical methods that might have provided deeper understandings about the reasons decisions were made. Thus, Jacoby et al. (2009) offered no way of verifying their assertions that the Romanian government had little interest in child protection except when failure to deinstitutionalise possibly meant compromising Romania's compliance with European Union human rights standards. As with Lataianu (2003), cited above, they did not, for example, question whether other factors might have been at play in government decision-making.

Another attempt to understand the factors at play in deinstitutionalisation policymaking in the former Eastern Bloc was made by Lough and Panos (2003), who compared the factors leading to the deinstitutionalisation of orphanages in the US with the Ukraine. They observed how domestic political and economic, as well as international, forces influenced policymakers to alter policy direction during the 1990s. They pointed not only to the influence of US anti-orphanage thinking, but also to overcrowding in orphanages, improvements to social work practices and, reflecting a reversal of Communist collectivist ideology that had driven the growth of institutions from the 1920s, declining government funding for orphanages (Lough & Panos 2003, pp. 53-62).

As with the other studies cited above relating to former Eastern Bloc countries, however, this study contained deficiencies in terms of analytical rigour. For example, the authors asserted that the prospects for successful deinstitutionalisation policymaking had increased because of strengthened public attitudes against childhood institutionalisation, and because pressure exerted by the UN Committee on the Rights of the Child had shifted official attitudes from being strongly pro-orphanage to one that opposed such institutions. Neither of these general claims were, however, supported by evidence showing how changed public attitudes or recommendations by the UN led to changed government policy thinking.

More recently, Ivanova and Bogdanov (2013) examined the role of the European Union in the development of Bulgaria's deinstitutionalisation policies. As with others cited above, they claimed that government deinstitutionalisation policymaking in the 2000s was largely influenced by European Union policies on child protection. They also asserted that government policy reforms were hastened in response to public concerns

within Bulgaria about appalling conditions for children with disabilities living in one of the country's orphanages. The authors proceeded to list the key elements of the Bulgarian government's deinstitutionalisation plan (Ivanova & Bogdanov 2013, pp. 205-10). While providing some useful descriptive materials this study failed, however, to shed light on how new government policy was shaped by these pressures. Thus, we are presented with a description of the new policy, generalised statements about the factors that might have led to policy reform, and conjecture, without supporting evidence, about the linkages between these two occurrences. A similar lack of analysis and detail can also be seen in Greenberg et al.'s (2014) description of deinstitutionalisation policymaking in the Republic of Georgia, which cited factors such as the government's heightened political will and support by international donors, but failed to assess how, and in what ways, these factors influenced policy design and implementation (pp. 185-91).

If significant limitations are noted in the literature about deinstitutionalisation policymaking in former Eastern Bloc countries, there is even less scholarship about policymaking in relation to the deinstitutionalisation of children's institutions in the Global South. As noted above and in Chapter 1, there is a large body of scholarly and non-peer reviewed literature concerning the need for deinstitutionalisation in terms of children's development, on ways to accomplish deinstitutionalisation, and on elements to include in national deinstitutionalisation policies. Yet, specifically in relation to the Global South, neither the scholarly nor non-peer reviewed literature sheds light on how such policies are devised, or why and how countries that adopted such policies actually did so.

A study by Frimpong-Manso (2014) of Ghanaian deinstitutionalisation policymaking on children's institutions in the 2000s is a case in point (pp. 402-09). Noting the limited international literature on deinstitutionalisation policymaking and policy implementation strategies, the author concluded that Ghana had failed to develop an effective deinstitutionalisation policy in terms of meeting targets for establishing family support services and reducing the number of children entering orphanages due mainly to lack of funds and human resources and unrealistic expectations about the pace of reform (Frimpong-Manso 2014, pp. 403-07). While acknowledging the dearth of literature that might assist in analysing deinstitutionalisation policymaking, Frimpong-Manso did not seek explanations for the alleged failure of Ghana's deinstitutionalisation policy. By

asking how the policy was established, for example, the author might have shed light on constraints and challenges faced by policymakers that influenced how effectively the policy was implemented.

For the sake of comprehensiveness, I also note that the limited amount of scholarly focus on factors at play in deinstitutionalisation policymaking in the Global South is also reflected in recent INGO literature. Numerous INGO-funded publications (sometimes co-authored with academics) on deinstitutionalisation in former Eastern Bloc countries and in the Global South advocate deinstitutionalisation, promote instances of progress toward deinstitutionalisation and recommend ways that governments undertake deinstitutionalisation programs. It has become commonplace for the INGO-funded literature to claim that children suffer a range of adverse effects due to institutionalisation and that institutionalisation can be prevented, or at least ameliorated by national governments. This literature often contains recommendations directed at governments in the Global South to adopt deinstitutionalisation policies and to establish programs to better support families and thus (they claim) reduce the likelihood of children being relinquished to institutions (Carter 2005, Save the Children in Sri Lanka 2005, Save the Children UK et al. 2007, Better Care Network 2009, Better Care Network et al. 2009, Browne 2009, Oswald & Forbes 2009, Save the Children UK 2009, Save the Children 2012, Rosenthal & Ahern 2013, pp. 193-200).

As already noted in Chapter 1, another common feature of the INGO deinstitutionalisation literature has been its call for national governments to display 'political will' by embracing deinstitutionalisation policies. The top priority in the five-point deinstitutionalisation formula advanced by EveryChild (2011, p. 5), for example, was for governments to 'increase political will for change, using strategies such as encouraging public support for deinstitutionalisation, demonstrating the effectiveness of alternative forms of care, and external pressures from donors'. On rare occasions when the INGO literature offers explanations for deinstitutionalisation policy change, it has tended to take highly generalised forms. Save the Children, UNICEF and the Better Care Network (2009) suggested, for example, that pressure by the European Union was a key driver of Romania's policy change, but did not explore how and in what ways that pressure had influenced change and what, if any, other factors might have been at play in the policy change process (p. 20) .

In sum, therefore, the scholarly and non-peer reviewed literature regarding the former Eastern Bloc and the Global South has, to date, focused almost exclusively on what ought to be included in deinstitutionalisation policies and practices and on how to improve the situation for children living in institutions. With the exception of a handful of descriptively-oriented studies about the former Eastern Bloc, there has been a notable lack of detailed investigation into how and why deinstitutionalisation policies are adopted by governments in the Global South. This appears to be the case because the research literature has derived largely from the disciplines of social work, childhood development and medicine rather than also from the fields of political science or policy studies. Similarly, the recent non-peer reviewed literature on deinstitutionalising children's institutions has derived predominantly from non-government organisations, whose broad mission is to advocate for change in the situation for children in countries of the former Eastern Bloc and the Global South. The gap, particularly in the research literature with respect to deinstitutionalisation policymaking in the former Eastern Bloc and in the Global South, seems particularly curious given that, as noted in Chapter 1, criticisms over the pace of deinstitutionalisation policymaking in countries of the Global South have been so much at the heart of commentary by the UN and some INGOs over the past couple of decades. As discussed further below, this shortcoming provides the starting point for this thesis.

2.3 Deinstitutionalisation: the Global North

If a challenge for research is to deepen understandings about the dynamics of deinstitutionalisation policymaking particularly in countries of the Global South, where should we turn for guidance, particularly about analytical methods? A starting point is the literature concerning the first attempts by governments to alter policy directions on the institutionalisation of adults and children, that is, in countries of the Global North during the mid-to-late twentieth century. Specifically, this section considers how scholars have sought to understand the dynamics of deinstitutionalisation policymaking in relation to institutions for adults and for children in countries such as the UK and US.

2.3.1 The closure of institutions for adults. Over the past few decades, an extensive literature has developed about the factors that led governments, particularly in North America and Europe, to adopt policies to close large-scale institutions for adults, such as mental hospitals, asylums and nursing homes. At the broadest level, two main explanations have been advanced for deinstitutionalisation decisions. The first school of

thought—what I term the 'health and welfare' school—has argued that deinstitutionalisation decisions flowed primarily from scientific evidence that institutionalisation had a wide range of detrimental health and other effects. Weiner (1992, pp. 725-27), LaJeunesse (2002) and Niles (2013), for example, traced the influence of so-called 'moral therapy' theories espoused in the late eighteenth and early nineteenth centuries by French physician Pinel and English mental health advocate Tuke under which inmates in institutions were offered varying forms of rehabilitation, such as exercise and improved living conditions, in preference to traditional methods of incarceration which paid little or no regard to their treatment or rehabilitation.

Research into the plight of people living in institutions was boosted in the 1960s with the publication of *Asylums,* a landmark study by American sociologist Goffman (1968). This study drew attention to the impacts that institutions had on those placed in them, including the erosion of inmates' sense of individuality and their capacities to manage independently in the outside world. Goffman (1968) coined the term 'total' institutions to describe places, such as orphanages, prisons and monasteries, that were largely or completely sequestered from the outside world, and were inherently inward-looking and isolating for inmates and workers alike (p. 16). Also in the 1960s, revelations about poor standards of care for the elderly in the UK by sociologist Townsend (1962) offered a parallel to Goffman's criticisms of institutions. In an apparent response to these critiques, by the 1970s, the principle of normalisation advanced by thinkers such as Nirje gained widespread acceptance amongst governments and health care professionals. This principle held that, rather than being placed in institutions, it was more beneficial, and in keeping with human rights standards, for people with disabilities to be placed in everyday community and family settings, ideally with strong supporting services to help ease and sustain the transition process (Dear & Wolch 1987b, pp. 14-20, Chenoweth 2000, pp. 82-84).

The second major school of thought about government deinstitutionalisation decisions in the Global North can be described as a 'savings, profit and productivity' approach. Scholars who advance this broad approach have contended that the need for governments and institution-owners to save costs and to maximise profits—and not humanitarian concern for the welfare of patients—were the primary drivers of deinstitutionalisation policymaking in the second half of the twentieth century. Much of this literature derived from analyses of the deinstitutionalisation of large-scale mental

and aged care facilities in the US. Scull, in particular, advanced the view that financial factors played a more important role in driving policy decisions to close US mental institutions than had been admitted by other academic studies of deinstitutionalisation (Scull, 1977, pp. 143-153). Contending that mental patients were seen by operators of institutions as 'social junk' and as 'transactionable commodities, a source of income', he argued that mental asylums were initially established as a cost-efficient response by capitalist entrepreneurs during the Industrial Revolution (Scull 1981, pp. 741-51). According to Scull (1981), increased costs of running large-scale institutions had, by the mid-twentieth century, forced institution owners to rethink their business operating model (pp. 744-47).

The result, Scull (1977) contended, was a cheaper, and even more financially profitable, alternative that involved reassigning the mentally ill to small-scale government-supported, but often privately-run, 'community' facilities, such as nursing homes and welfare hotels (pp. 41-94). Scull also argued that the rise of the welfare state and macroeconomic problems for governments during the second half of the twentieth century played a critical role in facilitating the demise of large-scale mental hospitals in the US. Changes to the US Federal Government's health funding programs in the 1950s and 1960s meant that Federal funding was directed to patients not residing in State-financed mental hospitals. In an apparent cost-shifting exercise, these new funding programs encouraged many States to close down large-scale mental hospitals that had traditionally been funded by State budgets. Particularly in the 1970s, US State governments were also attempting to cope with high rates of inflation and were keen to make cost savings. For Scull (1981), the net effect of these forces was 'decarceration' or the mass closure of mental institutions. Scull ruefully noted, however, that these new profit-driven arrangements did not lead to significant improvements in the welfare of former inmates of large-scale institutions (pp. 741-51).

Other scholars have supported a 'savings, profit and productivity' explanation of government deinstitutionalisation policy change in the 1960s and 1970s in the US and UK. In the field of aged care, Estes and Harrington (1981) argued that it was incorrect to ascribe the mass closure of large-scale aged care facilities in the US in the 1960s to the application of the 'health and welfare' ideologies of normalisation, social role valorisation and human rights (p. 814). While agreeing that these ideologies played some role in policymaking, in line with Scull's earlier work they argued that the closure

of large-scale institutions for the elderly was also heavily influenced by financial factors. Estes and Harrington (1981) claimed that, during the 1960s and 1970s, the cost of running large-scale facilities rose sharply due to inflation and restructured US Federal Government assistance payments to the elderly drove private sector entrepreneurs to open an increasing number of smaller-scale nursing and residential care homes, thus reducing further the number of large-scale aged care institutions (p. 814).

In relation to the UK, Hudson (1991) argued that the government's drive to deinstitutionalise mental health and disability institutions in the 1970s and 1980s in order to respond to shrinking public sector financial resources, particularly under the Thatcher Government, severely compromised the expected benefits of deinstitutionalisation in terms of providing improved welfare for formerly institutionalised people (p. 26). Characterising deinstitutionalisation as a new form of social control, Warren (1981, p. 726) asserted that people who had formerly been labeled as deviant and needing to be institutionally-segregated from society were re-located or 'transinstitutionalised' from 'state budgets to various combined welfare-private profit systems that cost the state less and provided numerous entrepreneurial opportunities'.

Of particular relevance to discussion later in this dissertation, some scholars have suggested that there is an association between the reasons governments embarked on deinstitutionalisation policies and the subsequent effectiveness of deinstitutionalisation programs. For Dear et al. (1987, pp. 17, 59-71), Scull (1977, 1981), Simmons (1990), and Niles (2013, pp. 54-83), the cost-saving imperative for governments that largely drove the closure of institutions in the US and Canada for people with disabilities and people with mental illness in the twentieth century was carried through by these governments in terms of inadequate provision of funds for services to care for former inmates in the post-institutional phase. Dear and Wolch (1987) observed that, due to inadequate government funding, many ex-inmates were forced into dilapidated and sub-standard accommodation (pp. 71-189). Scull (1981, p. 748) was particularly scathing about the maltreatment of many people with mental illness in the US after the closure of large-scale institutions, contending that governmental imperatives to save money by closing large-scale institutions continued through to governmental failure to adequately fund community services and small-scale facilities, such as nursing homes, that could cater for former inmates, or:

The massive numbers discharged from or refused admission to the state hospitals have simply exceeded the capacity of the nursing home system to absorb more bodies, particularly since state and federal welfare programs have been simultaneously expanding the supply of other clients for their services, notably the elderly. In consequence, discharged mental patients may also be found in a variety of other, perhaps still less salubrious, settings.

In relation to Canadian mental institutions, Simmons (1990) argued that the cost-saving imperative that primarily drove deinstitutionalisation policy also meant that funding for after-care planning and supports in the community was often either absent or inadequate (p. 160). In the same vein, after examining stories about the problems faced in the community by former inmates of institutions, Niles (2013, p. 80) argued that a closer examination of the causes of deinstitutionalisation in north America was needed because, therein, lay the seeds of the success or failure of the on-ground implementation of deinstitutionalisation policies:

Understanding that institutionalization was initially based on the ideals of the medical model of disability can assist us in working to deconstruct the foundation this model was built on in order to promote a more holistic approach to caring for ex-patients in society.

Close examination of both the 'health and welfare' and the 'savings, profit and productivity' arguments suggests, however, that neither of these explanations for deinstitutionalisation policymaking were based on detailed analyses of the policymaking process. That is, there has been a strong tendency for both explanations to focus on a few key factors, such as rising costs or advances in psychopharmacology, that were believed to have been largely responsible for government policy change rather than on seeking detailed understandings of how policymakers understood and responded to issues of concern about institutions.

Only rarely have scholars sought to delve deeply within government decision-making processes in regard to deinstitutionalisation, for example, by analysing Congressional, parliamentary or committee proceedings, or by obtaining evidence from policymakers about the factors that influenced their policymaking deliberations. We see this tendency to assert reasons for policy shifts which often have a poor evidence base, for example,

in Gronfein's (1985) examination of the role played by psychotropic drugs in reducing rates of institutionalisation of people in mental hospitals in the US in the 1950s. Rather than seeking evidence about how policymakers regarded the issue through means such as the records of parliamentary proceedings, he asserted without any supporting evidence only that 'Policy makers believed the psychotropic drugs could potentially launch a new era in the treatment of mental illness' (Gronfein 1985, p. 449).

Warren's (1981) account of the deinstitutionalisation of US mental hospitals contained a similar gap. She asserted that deinstitutionalisation policy was driven primarily by the need to 'transfer "social junk" from state budgets to various combined welfare-private profit systems that cost the state less and provide numerous entrepreneurial opportunities' (Warren 1981, p. 726). However, she failed to explain precisely how the policy was formed apart from the general assertion that it reflected 'the ideology of deinstitutionalization [that], since the mid-1960s, has taken root in public policy directives' (Warren 1981, p. 725). Hudson's (1991) study of the deinstitutionalisation of places for people with intellectual disabilities in the UK in the 1970s went some way toward analysing the content of UK Government policy documents, but also fell short of providing detailed understandings about the factors that made policy emerge in the way it ultimately did (pp. 21-36).

This way of conducting the debate over the drivers of deinstitutionalisation perhaps goes some way to explaining why the two main schools of interpretation of deinstitutionalisation policymaking remain relatively polarised. Perhaps if we were able to understand more about why and under what circumstances deinstitutionalisation policymaking occurred in particular contexts we might be able to find greater common ground in understandings of these processes. This point—about the importance of developing more detailed and comprehensive understandings about policymaking processes in regard to deinstitutionalisation—was also made by Novella (2008), an historian of psychiatry, who analysed accounts of the deinstitutionalisation of mental institutions. Novella (2008) argued that Scull's claims were inconsistent with US economic and public policy history in several respects: first, deinstitutionalisation commenced decades before the economic crisis of the 1970s which Scull claimed was a major factor in government deinstitutionalisation decisions; second, alternatives to institutions included public-funded facilities and were not restricted only to those provided by private sector entrepreneurs; and third, no direct causal link could be

established between government fiscal reform programs and reforms to institutions (pp. 303-14).

For Novella, no previous explanations for deinstitutionalisation in the Global North satisfactorily explained what actually occurred. He asserted that 'although we are dealing with processes which started more than five decades ago, the quest for accurate explanatory models seems far from having been completed' (Novella 2008, p. 312). Taking particular issue with what he termed the 'conventional psychiatric account' of deinstitutionalisation (akin to the 'health and welfare' model noted above), he argued that deinstitutionalisation accounts failed to give adequate attention to broader social attitudes and values that underpinned the shift away from institutions and toward 'community care' solutions.

In the light of these apparent shortcomings, Novella argued that new approaches were required to understand policymaking processes with regard to deinstitutionalisation. What was needed were 'methodological and conceptual strategies for a renewed theoretical understanding of these significant transformations' (Novella 2008, p. 303). To achieve this goal, Novella suggested that further empirical studies of deinstitutionalisation policymaking be undertaken using multi-disciplinary approaches that would extend beyond the few disciplines that had customarily commented on deinstitutionalisation, such as health care, philosophy of medical practice and social history, and which should include reflection on the nature of social and cultural shifts that underpinned deinstitutionalisation decisions (Novella 2008, pp. 311-13). Novella did not, however, proceed further (as this dissertation does) in terms of undertaking empirical studies of deinstitutionalisation using methodologies from disciplines other than those which have usually discussed deinstitutionalisation.

2.3.2 The closure of institutions for children. There is an extensive literature concerning the reasons for the closure of children's institutions in countries such as the US, UK, Canada, Ireland and Australia during the second half of the twentieth century. At its broadest level, there appears to be agreement that deinstitutionalisation decisions were driven by four main factors, namely, increased public and professional concern about the psychological and other adverse impacts of institutionalisation on children, the introduction of government welfare policies under which parents, especially single parents, gained new or additional access to social welfare support, increased use of

foster care as an alternative to institutionalisation, and a growing regard for the rights of children (Lough & Panos 2003, p. 54). Reflecting the view that changes to social security thinking influenced US policies toward children's institutions, for example, Gula (1973, p. 14) wrote:

> …in the 1930s, social security legislation established financial aid to families with dependent children, child-welfare services, and public adoption and foster-family care as alternatives to orphanage care for neglected and dependent children. The alternatives worked. Orphanages emptied half their beds in the next few decades.

Wilson et al. and Hendrick argued that the introduction of the UK's 1948 Children Act, with its emphases on foster, rather than institutional, care for children was driven largely by a contemporary understanding or construction of childhood under which children were viewed increasingly as citizens in a welfare democracy as well as family members (Wilson & Petrie 1998, p. 184, Hendrick 2005, pp. 34-62). For Wilson et al. (1998, p. 184):

> Such a construction can be seen as emerging both from the experiences of wartime Britain, and also from developments in psychological thinking which had started in the interwar years and gained great impetus from the thousands of children, both British and from overseas, who were uprooted from their families during the war. The experiences of evacuated children provided ample confirmation of the harmful effects of separation from family and in particular mother or mother figure.

These authors contended that policymakers were influenced by medical studies that claimed to have demonstrated a wide range of negative psychological and other consequences for a child separated from its family, in particular, a child's mother figure. Such studies began to appear in the first half of the twentieth century. In the 1930s, for example, Skeels and Dye (1939) advanced evidence of the significant negative impact of institutions on child mental development (pp. 114-36). In the 1940s, American psychiatrist Goldfarb (1945, p. 18) claimed that 'there is cumulative evidence that an extensive period of deprivation of babies in an infant institution is profoundly detrimental to their psychological growth'.

In the early 1950s, studies by British psychologist and psychoanalyst Bowlby generated major public attention by pointing to evidence of adverse long-term emotional and other effects caused by 'maternal deprivation' experienced by young children (Bowlby 1952, 1982, Hodges & Tizard 1989, Wilson & Petrie 1998). Other investigations of the situation for children in institutions published around this time included Maas and Engler's *Children in need of parents* (1959), which revealed similar stories about the adverse effects of institutionalisation on children. While not specifically addressing the situation of children in institutions, the publication in 1962 of work by American paediatrician Kempe and his colleagues on child physical abuse, or the 'battered-child syndrome', added fuel to public and political concern about the treatment of children in general (Kempe et al. 1962, Smith 1975).

Other scholars, however, have sought even more nuanced explanations for the closure of children's institutions in many countries of the Global North during the twentieth century. While not disagreeing that deinstitutionalisation policy decisions taken by governments and private operators, such as church groups, were heavily influenced by child welfare concerns, Jones claimed that the rising costs of orphanages in the US played a far greater role than had previously been acknowledged (Jones 1989, pp. 613-29, 1993, pp. 459-80). Contrary to conventional wisdom that institutions were closed due to child welfare concerns and the growing acceptance of evidence about the detrimental effects of institutionalisation on children, he argued that the steady dismantling of American orphanages from the 1940s flowed mainly from the rising financial burden on government and orphanage operators of running these places.

According to Jones (1993), the 1935 US Social Security Act reduced the capacity of orphanages to attract private charitable giving, thereby compromising their ability to fund infrastructure renewal at a time when it was most needed after having coped with extra demands caused by the Depression (pp.460-80). Moreover, as foster care became increasingly popular, due mainly to the introduction of government financial support programs after World War Two, the number of children entering institutions declined throughout the 1950s and 1960s. In the US, the number of children in foster care rose from 165,000 in 1961 to 394,000 in 1977 (Jones 1993, p. 474). As foster carers were often reluctant to undertake the care of sick or disabled children, an increasing proportion of the diminishing number of children in orphanages required more costly

therapeutic interventions than in previous decades, adding further to the costs of running institutions.

Jones argued that, by the late 1960s, the cost of running US orphanages was rising and government subsidies were failing to cover these costs. The actual cost of care was around US$20 per child per day in an orphanage, whereas per capita support from government was only half that amount (Jones 1993, p. 472). Jones (1993, p. 473) concluded:

> Whatever the ideological basis may have been for placing a child in a foster family rather than an institution, it was strongly seconded by considerations of cost. The consequence was a steady pressure toward lower censuses [that is, a reduction in the numbers of children] in the homes. These two realities, the high and rising financial burden on the homes and a falling census, mutually reinforced each other.

Thus, the picture presented by Jones was that the closure of children's institutions in the US should be viewed not just as a response to concerns about the health and welfare of children, but also as a consequence of the increasingly precarious financial position of these institutions.

In a similar vein, Zmora (1994) argued that the closure of orphanages in Baltimore (US) during the twentieth century flowed mainly from mounting financial problems as these institutions tried to cope with growing numbers of children who were relinquished into care by impoverished parents. In a summary of the situation that parallels the contemporary story of Indonesia's *panti asuhan* set out in Parts II and III of this study in terms of the attitudes of poor parents toward institutions in providing educational and other opportunities for their children, Zmora (1994, p. 181) argued:

> …the orphanages' worst enemy was their success. Changing child labor laws in many states [of the US] and greater emphasis on schooling and vocational education made the orphanage popular for poor, single parents, many of whom regarded the orphanage as a boarding school that would give their children better opportunities. The pressure on orphanages to admit children beyond their capacity created serious overcrowding, staff shortage, and financial strain.

The role played by rising costs in the closure of children's institutions was also examined in the context of the UK by Cliffe et al. (1991). They pointed to the influence on policymakers of research about institutions for adults and children conducted by researchers such as Goffman, Bowlby and Barton, as well as the impact of anti-institution thinkers such as Foucault (Bowlby 1952, Barton 1959, Foucault 1965, 1979, Bowlby 1982, Cliffe & Berridge 1991, p. 12, Lakritz 2009). Cliffe et al. (1991, p. 13) also argued that the cost of providing residential care was a highly significant factor behind the closure of many institutions from around the middle of the twentieth century particularly as relatively lower-cost foster care became popular amongst policymakers for the out-of-home care of children, thus: 'from 1948 to date residential care has consistently cost more than foster care and this differential has been a constant, if infrequently acknowledged, factor in the changing balance of provision.'

As with studies relating to the deinstitutionalisation of institutions for adults in the Global North, however, accounts about the deinstitutionalisation of children's institutions in countries such as the US have tended to present factors that were considered to be important in the deinstitutionalisation story without seeking to analyse how various factors played out in government policymaking processes. This tendency is observable, for example, in Jones' (1993, p. 474) claims about the reasons behind changed government policies the institutionalisation of children in the US in the 1960s and 1970s:

> The rediscovery of child abuse in 1962 by a group of Denver physicians, headed by C. Henry Kempe, lent further impetus to the flood of children who needed substitute care. Kempe and his colleagues did much more than present a few cases. They described "the battered child syndrome" as a clinical entity, complete with signs and symptoms (such as bone fractures, soft-tissue swelling, or skin bruises), incidence, psychiatric aspects, radiology, and measurement. The impact of this paper was enormous. By 1973, all 50 states had passed a mandatory reporting law. "Protective services," the investigation of child-abuse complaints coupled with efforts, where needed, to protect the child, became an ever-larger part of child-welfare agencies throughout the country.

In this passage we see, once again, the tendency to make a link between one high-profile development—in this case, Kempe's much publicised work on the 'battered

child syndrome'—and deinstitutionalisation policymaking without attempting to analyse what weight policymakers accorded to this factor, amongst others, in finally deciding to close children's institutions (Jones 1993, p. 474).

A similar tendency is observed in Wilson et al.'s (1998) discussion of the development of the UK's Children Act 1948. They asserted that particular ways of viewing children and childhood after World War Two were reflected in the Children Act but without clearly establishing how these constructions were understood by policymakers, as revealed, for example, in testimony to UK Parliamentary committees or in the memoirs of politicians and senior officials. Instead, we are provided only with the broad claim that 'recognition of the importance of the attachment relationship in establishing a child's secure sense of identity and well-being is a lesson clearly set out in the legislation' (Wilson & Petrie 1998, pp. 183-88). Similar to literature concerning the deinstitutionalisation of adult institutions, noted above, this tendency to reach conclusions about factors that shaped policy with little or no analysis of the inner dynamics of the policymaking process does little to help produce clear pictures of how policy decisions were formed. Without this deeper level of analysis it is difficult, if not impossible, to understand clearly why deinstitutionalisation policies took the formed they did, or why this was the chosen policy option.

2.4 Implications for research, policy and practice

Three main conclusions may be drawn from the foregoing review of literatures. First, as noted in Section 2.2, above, there are gaps in our knowledge about why and how deinstitutionalisation policymaking occurs in relation to the Global South. While some recent studies have shed some light in relation to the former Eastern Bloc, these have largely been descriptive in nature and have largely failed to probe the dynamics of policymaking. Such limitations in scholarship appear to have heightened importance when seen against the background of increased international attention over the past few decades on issues relating to children who are being raised without parental care and, specifically, the situation for children being raised in institutions in the Global South.

Second, the deinstitutionalisation literatures relating to institutions for adults and for children point to the importance of identifying and applying an analytical method that enables the widest possible range of factors to be taken into account when seeking to understand why and how deinstitutionalisation policymaking occurs, as well as to assist

in evaluating the effects of such policies. One might suggest that such a deficit has arisen largely from the disciplinary origins of research into institutions and deinstitutionalisation, that is, from the fields of medicine, psychology, social work and history. As will be suggested in the next chapter, interpretive policy studies have the potential to strengthen these understandings.

Third, while the literature on deinstitutionalisation of institutions for adults in countries such as the US and UK has limitations, it draws attention to a possible association between the on-ground outcomes of deinstitutionalisation policies for former patients and their families and the factors that drive deinstitutionalisation policymaking in the first instance. It will be recalled that Scull and others argued that the cost-saving ethos that appeared to play such an important role in deinstitutionalisation policymaking also influenced how deinstitutionalisation policies were rolled-out, that is, with inadequate funds being allocated for family or community-based care for those who had formerly been in institutions. If, as Scull and others argued, there was an association between the factors that drove deinstitutionalisation policymaking and the success of later policy implementation (at least in the cases studied to date), those interested in assessing the effectiveness of deinstitutionalisation policies might benefit by understanding more about the factors that drive policymaking processes.

Overall then, our understanding of deinstitutionalisation is likely to be advanced by studies into the factors that drive policymaking about the deinstitutionalisation of children's institutions in countries of the Global South which also provide a framework for the analysis of factors that underpin policymaking activity that is applicable in a wide range of country contexts.

In addition to contributing to research, examination of deinstitutionalisation policymaking in the Global South is of practical relevance for policymakers and policy change advocates alike. First, with tools that enable more precise analysis of the deinstitutionalisation policy making process, policymakers and proponents of policy change may be able to identify with greater precision the best moments to move forward on deinstitutionalisation policymaking, and the times when resources are best conserved. For policymakers and advocates, structured analysis of the range of issues surrounding the deinstitutionalisation of children's institutions might alert them to potential roadblocks and enable them to put in place alternative strategies. Armed with

more nuanced understandings about political, social, economic, cultural and other factors that may impact upon deinstitutionalisation decisions, they might, for example, be better able to time their campaigns and activities to increase the probability that countries will adopt policies to deinstitutionalise children's institutions.

Second, more in-depth understanding of the factors at play in deinstitutionalisation policymaking should interest those tasked with evaluating deinstitutionalisation policies. If policy implementation appears to be proceeding slowly, it would seem logical to examine the underlying causes. As noted in some of the US deinstitutionalisation literature, the relationship between the success or failure of deinstitutionalisation and the initial drivers of the policy should not be overlooked. It may be that, while some government policy actors favour deinstitutionalisation on cost-saving grounds, the final policy outcome might be slowed, for example, due to pressures exerted by political forces that favour the continuation of institutions. On the other hand, relatively greater progress with deinstitutionalisation may be the result of the influence of powerful pro-reform individuals within government.

2.5 Conclusions

This chapter has identified limitations in recent literature in terms of being able to offer explanations for policymaking directed at deinstitutionalisation in the Global South based on the analysis of the widest possible range of political, social, economic, cultural and other factors. I argued that, despite its many advances, the deinstitutionalisation literature concerning countries such as the US and UK has not effectively explored policymaking processes, so cannot serve as a guide to investigating policymaking in settings in the Global South.

At its most general level, then, an important task for research is to better understand why, and under what conditions, policymaking about the deinstitutionalisation of children's institutions in countries of the Global South occurs. The next chapter argues that discourse analysis methodology has the potential to illuminate such deinstitutionalisation policymaking processes in a way that has not been previously attempted. Finally, it introduces the study's principal research question, that is, to examine why Indonesia adopted a policy during the 2000s to reduce reliance on a type of children's institution known as *panti asuhan*.

Chapter 3: Aims and methodology

Overview

Based on the review of deinstitutionalisation literatures in Chapter 2, this chapter introduces discourse analysis as the principal methodology used in this dissertation to study policymaking on the deinstitutionalisation of children's institutions in the Global South, defines the study's specific research question concerning a recent case of policy change in Indonesia, and discusses the rationale for selecting Indonesia for analysis.

3.1 Introduction

The previous chapter argued that, to date, the deinstitutionalisation research literature has paid relatively little attention to why and how governments in the Global South make policy aimed at reducing reliance on various forms of children's institutions. This appears to flow from the disciplinary origins of most academic research into institutions and deinstitutionalisation to date—that is, from fields such as social work and medicine rather than policy studies—as well as from the advocacy mandates of international organisations that have issued publications over the past couple of decades. This gap is significant when seen against the background of efforts over recent decades by international players, such as the UN, to encourage governments in the Global South to establish policies aimed at deinstitutionalising children's institutions.

At the most general level, then, fundamental questions that remain to be explored are why, and under what conditions, policy decisions towards the deinstitutionalisation of children's institutions occurs, particularly in countries of the Global South. This dissertation seeks to make a contribution to this quest by identifying and applying a particular discourse analysis methodology to produce insights about policymaking on the deinstitutionalisation of children's institutions in a country of the Global South, namely, Indonesia.

3.2 Social constructionism and discourse analysis

To illuminate the inner dynamics of deinstitutionalisation policymaking processes in the Global South, we need to start with fundamental questions concerning policymaking: Why does public policy change occur? How can policy change processes be understood or examined? This section offers responses to these questions from a social constructionist standpoint. I commence by providing an overview of social

constructionist thought, followed by a discussion of interpretive policy analytic approaches that are based on a social constructionist orientation. Within the broader frame of interpretive policy analysis, I discuss the features and key benefits and limitations of an approach to discourse analysis that was initially advanced by Maarten Hajer in the 1990s, and which is used in the remainder of this study to examine the case of deinstitutionalisation policy change in Indonesia in the 2000s (Hajer 1995, 2005, Hajer & Versteeg 2005, Hajer 2006).

3.2.1 Philosophical foundations. The historical origins of social constructionist thought can be traced to a wide variety of intellectual influences, such as work by Mannheim on the sociology of knowledge, Hegel and Marx on ideology, Wittgenstein and Austin on the language of philosophy, Mead on sociology, and even Aristotle with respect to rhetoric (Burr 1995, pp. 9-14, Hajer 1995, pp. 43-44, Fischer 2003, p. 53). From these forebears, modern social constructionist thought can be viewed, following Burr (1995, pp. 2-5), as resting on four basic philosophical premises. First, social constructionists contend that understandings about 'reality' and the nature of 'truth' can only ever be subjective and never absolute because these understandings are based on perceptions about, and interpretations of, phenomena, such as the environment, politics and society. For Fischer (2003, pp. 12-13), this orientation seeks

> …to overcome the objective-subjective dualism imposed by 'positivist' or 'neopositivist' epistemological doctrines, principles that spelled out the traditional scientific principles long serving to rule out or downplay the subjective foundations of social understanding….Adamantly rejected is the idea that a unified understanding of science methodology can be applicable to all research questions. Underlying this commitment is a rejection of the possibility of a neutral observational vocabulary that can be used to test and conclusively prove or falsify explanatory hypotheses. 'Facts' are always 'theory-laden' and thus rest on interpretations.

Second, social constructionists take the view that knowledge is in a continual state of flux and is contingent, or reliant upon, the existence of specific historical, social, cultural and other conditions. Thus, they challenge essentialist claims about the fixed, and yet-to-be-discovered-by-science, nature of the physical and social world. Using an example of relevance to this dissertation, Burr (1995, pp. 3-4) stated that:

Whether one understands the world in terms of men or women, pop music and classical music, urban life and rural life, past and future, etc., depends upon where and when in the world one lives. For example, the notion of childhood has undergone tremendous change over the centuries. What it has been thought 'natural' for children to do has changed, as well as what parents were expected to do for their children...It is only in relatively recent historical times that children have ceased to be simply small adults (in all but their legal rights).

Third, according to Burr, social constructionists contend that human beings manufacture knowledge about the world through social interaction and competition. That is, the subjects that comprise knowledge and the content of that knowledge are not pre-existing in some type of permanent, objective and yet-to-be-discovered dimension but are produced, elaborated and even discarded through social discourse and interaction. For Burr (1995, p. 4), what is regarded as 'truth' is a 'product not of objective observation of the world, but of the social processes and interactions in which people are constantly engaged with each other'.

Finally, once knowledge is constructed through social processes, it is translated into various forms of social action, such as in the form of laws and government policies. Various types of socially-constructed knowledge become viewed as either socially acceptable or unacceptable. In this regard, for example, we might think of the way in which the idea of children's institutions was widely supported by many governments of the Global North up to the mid-twentieth century based on a particular, widely-shared 'knowledge' or belief held by decision makers, religious organisations, and society at large that these places represented an appropriate way to care for children who were orphaned, or deemed by authorities to be neglected or in need of care outside the family home.

While there are numerous influential modern social constructionist thinkers, Burr's four fundamental premises of social constructionism are perhaps best illustrated in the works of French post-structuralist philosopher Michel Foucault. Of central importance to Foucault was the notion of discourse, which emerged in his earlier 'archaeological' phase of work, from the 1970s. In this phase of work, he sought to understand how discourses, which he defined as socially-produced statements about reality rooted in, or contingent upon, particular historical conditions, become dominant in terms of setting

social rules and governing what society deemed to be acceptable or unacceptable (Jorgensen & Phillips 2002, p. 12). For Foucault (1972, p. 117) discourses were

> …made up of a limited number of statements for which a group of conditions of existence can be defined. Discourse in this sense is not an ideal, timeless form…it is, from the beginning to end, historical – a fragment of history…posing its own limits, its divisions, its transformations, the specific modes of its temporality.

In this phase of his work, Foucault sought to draw attention to how change in phenomena, such as politics, resulted from the interplay of small, often unobserved, elements within discourse, which he sometimes termed 'micro-powers' or 'micro-physics' (Foucault 1982). Foucault (1982, p. 26) argued that a vitally important task of analysis was to trace how such practices interacted and interconnected to produce effects in the world and influence larger systems and institutions, such as legal codes, thus:

> …the study of this micro-physics presupposes that the power exercised on a body is conceived not as a property, but as a strategy, that its effects of domination are attributed not to 'appropriation', but to dispositions, manoeuvres, tactics, techniques, functionings; that one should decipher in it a network of relations, constantly in tension, in activity, rather than a privilege that one might possess; that one should take as its model a perpetual battle rather than a contract regulating a transaction or the conquest of a territory.

In seeking to identify the complex, interdependent nature of discourses, Foucault diverged from the line espoused by positivists, who sought to understand causality by seeking to identify an underlying factor or factors that made change occur and which could form the basis for predicting future events (Hajer 1995, pp. 47-48). Foucault sought to avoid the criticism that 'everything matters' in explaining change; instead, he contended that, not only could the drivers of change be distinguished through analysis, but that a 'discursive order' could be arrived at which showed how change occurred through contestation or struggle amongst discourses and their constituent 'micro-powers'. Noting the fluidity of language as a vehicle for the expression of socially generated meanings, Foucault advanced the notion of discursive struggle to signify

competition between different discourses to achieve dominance as the standard way of understanding and expressing the nature of reality. As we will see below, the notion of competition between discourses for hegemony over meanings attributed to aspects of the world, such as public policies, laws and other forms of social conduct, occupies an important place in Hajer's work on discourse 'saturation' and 'institutionalisation'.

Another key aspect of Foucault's early work was his interest in understanding the role of the individual and the nature of power in producing a particular discursive order. Rather than seeing the individual as lacking agency, or as powerless in the face of large institutions such as the State, he argued that there was a constant interplay and interdependency between the individual (as the subject) and the larger world inhabited by the individual. For Foucault (1980, pp. 73-74):

> ...the individual is not a pre-given entity which is seized on by the exercise of power. The individual, with his identity and characteristics, is the product of a relation of power exercised over bodies, multiplicities, movements, desires, forces.

Expressed another way, Foucault (1980, pp. 187-88) stated:

> Between every point of a social body, between a man and a woman, between the members of a family, between a master and a pupil, between everyone who knows and every one who does not, there exist relations of power which are not purely and simply a projection of the sovereign's great power over the individual; they are rather the concrete, changing soil in which the sovereign's power is grounded, the conditions which make it possible for it to function…power is not built up out of 'wills' (individual or collective), nor is it derivable from interests. Power is constructed and functions on the basis of particular powers, myriad issues, myriad effects of power. It is this complex domain that must be studied.

Foucault's focus on the nature of power and its interconnectivity with the generation of knowledge in his later 'genealogical' phase of work provided yet another important conceptual tool for social constructionist theorists (Burr 1995, pp. 62-78). Foucault (1980, p. 119) considered power to permeate all human activity and to create the

conditions under which discourses were generated, produced change, and dissolved, thus:

> What makes power hold good, what makes it accepted, is simply the fact that it does not only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse. It needs to be considered as a productive network which runs through the whole social body, much more than as a negative instance whose function is repression.

For Foucault, the positivist quest for singular, universalised 'truth' was irrelevant. Because 'truth' was generated through social discourse conditioned by certain types of historically-contingent knowledge and power, the best the researcher could do was to seek understandings about how the effect of truth was brought into existence at a particular moment in time by analysing how discourses were created, disseminated, sustained, transformed and ultimately disappeared (Jorgensen & Phillips 2002, p. 14).

Influenced by the works of Foucault and other major constructionist theorists such as Habermas (1971), Laclau and Mouffe (1985, 1987), over the past few decades scholars from disciplines such as psychology, history, linguistics, politics, and—of particular relevance to this dissertation—policy studies, have paid increased attention to theories and methods of discourse analysis (Dryzek 1997, Fairclough & Wodak 1997, Bevir & Rhodes 2005, Finlayson 2007, Glynos et al. 2009, pp. 5-41). There are many points of variation and inflection amongst discourse analysts on theory and method, much of which derives from differing disciplinary emphases. Yet, discourse analysts would generally take as their starting point the view that a 'discourse' is more than just the things people talk about. Rather, it represents the ways that people give meaning to their experiences and perceive and construct the world in which they live. Dryzek (1997, p. 8), for example, understood discourses as 'a shared way of apprehending the world [which] enables those who subscribe to it to interpret bits of information and put them together into coherent stories or accounts'. For Boonstra (2006, p. 147), discourse was 'a rhetorical manifestation of a specific perception, belief or worldview, which gives meaning to the world in which people live'.

Suggesting that discourses should be seen as being any form of social practice and not just linguistic utterances, Glynos et al. (2009, p. 5) regarded discourses as spanning

'natural language, speech, and writing, to almost anything that acts as a carrier of signification, including social and political practices, to discourse as an ontological horizon'. Yanow (2000) argued that a variety of social artefacts, such as language and acts can be included in discourse analysis (p. 22). For Hajer (1995, p. 44), discourse was

> …an ensemble of ideas, concepts, and categorizations that are produced, reproduced, and transformed in a particular set of practices and through which meaning is given to physical and social realities.

In whatever ways discourse is expressed, a key task for discourse analysis is to understand how, through social practices particularly language, people subjectively construct, perceive and give meaning to the world with which they engage. That is not to say that physical phenomena do not exist in their own right, but only that they are given meaning through the social practice of discourse. Through language as well as other social practices, discourse analysts contend that we construct particular versions of reality about a situation, either perhaps as a way of summarising complex issues and/or to simplify issues for rhetorical purposes, such as to clearly communicate the case for a particular type of change in response to a perceived problem. For Hajer (2006, p. 68), for example, a key challenge for the discourse analyst is to illuminate the varying meanings that are embedded within the language that is used to talk about the physical and social world they inhabit and with which they interact, thus:

> …discourse should be distinguished analytically from discussion so as to allow for the differentiation of plural discourses. Discourses consist of structures embedded in language. Discourses are therefore 'found' or traced by the analyst. Discourses might not be immediately obvious to the people that utter them, although respondents should recognise a discourse when pointed out to them by the analyst.

While discourses are important to examine in their own right to understand how realities are socially-derived, many constructionist-oriented scholars go further. Following the lead of Foucault and others, they are also interested in how changes in widely-accepted discourses lead to changes in phenomena such as laws and public policy. Jorgensen et al. (2002, p. 9) expressed this point about the effect of changes to discourses thus:

> …different discourses each point to different courses of action as possible and appropriate…language is a 'machine' that generates, and as a result constitutes, the social world. This also extends to the constitution of social identities and social relations. It means that *changes* in discourse are a means by which the social world is changed. Struggles at the discursive level take part in changing, as well as in reproducing, the social reality. (italics in original).

To illustrate, we might again take the case of orphanages and other types of institutions for children. In terms of understanding social attitudes and public policies in the Global North during the twentieth century toward children's institutions, hypothetically, discourse analysts would commence by examining discourses around, say, child welfare or the cost of running children's institutions. They would then examine how these discourses challenged previously accepted discourses about the appropriateness of institutions for the care of children who were unable to live with their parents. They would then consider how holders of existing and newer discourses (for example, orphanage owners versus children's rights advocates) competed for dominance and how, ultimately, this struggle was resolved in terms of the arrival of a new and widely-accepted social attitude about the questionable nature of children's institutions.

3.2.2 Discourse analysis and policymaking. Moving to the specific field of policy studies, 'interpretive policy analysis' has become a widely used term to signify a collection of discourse analysis approaches that seek to shed light on policymaking processes through the analysis of the meanings, ideas, beliefs and values held by actors who are involved with these activities (Dryzek 1982, pp. 309-29, Yanow 1995, 2000, Wagenaar 2007, Yanow 2014). As with other social constructionist approaches, interpretive policy analysts contend that positivist theories of policymaking fail to adequately explain why and how policy change occurs. For Fischer (2003, p. 15), the task of understanding policymaking requires the analyst to 'understand and accept the need to explicate the multitude of dimensions inherent to deliberation and debate relevant to most policy issues'. Similarly, for Nevile (2002, p. 7), interpretive policy analysis is premised on understandings that 'multi-causality is the norm…[and that] being able to explain policy change with reference to a single explanatory variable is the exception rather than the rule'. Put another way, Hendricks (2007, p. 279) stated:

…interpretive researchers reject the idea that the goal of policy analysis is to settle debates by conducting a value free, objective assessment of the policy situation. In contrast, they seek to appreciate and improve policy practice by studying its paradoxes and ambiguities, and exploring various meanings embedded in language, action and artefacts.

The task of the interpretive policy analyst, in short, is to comprehend how discourses as ways of summarising, organising or cataloguing the world, arise and shape the policymaking process. For Fischer (2003, p. 60):

The task of the analyst is to examine the multiple understandings of what otherwise appears to be a single concept, in particular how these understandings are created and how they are manipulated as part of political strategy. Uncovering the hidden arguments embedded in each policy concept…explains, can illuminate and even at times resolve the political conflicts that would otherwise only appear to be on the surface of the issue.

3.2.3 Hajer's argumentative discourse analysis: methods and challenges.

Disenchanted with what they consider to be the reductionist limitations of positivist policy change theory, interpretivist scholars have developed a wide range of approaches and techniques to produce understandings about policy change based in analysis of the widest possible range of factors that may affect policy decisions, in particular, the meanings attributed to policies by decision-makers and others (Glynos et al. 2009, p. 21). Yanow (2000, p. 22) suggested, for example, that policy analysis should proceed in four steps: locating artefacts, such as language, that convey meaning about a policy matter in all its inherent complexity; identifying 'the communities of meaning/interpretation/speech practice that are relevant to the policy issue under analysis'; pinpointing the key discourses as expressed through artefacts; and, identifying areas of conflict between communities holding differing interpretations. Fischer (2003, p. 147) sought to extend the first step of Yanow's methodology by suggesting that the analyst seeks to identify 'the relevant 'interpretive communities' in a particular policy space, that is, those people who share understandings of the policy ideas and language different from those of other groups, such as policymakers, academics, journalists, and officials.

This thesis takes as its central methodology an approach to policy discourse analysis that was initially advanced by Dutch political scientist and urban and regional planner, Maarten Hajer, in the 1990s. It is the first time that Hajer's methodology has been applied to the study of policymaking in regard to the deinstitutionalisation of children's institutions in general and, in particular, a country in the Global South. Hajer's contribution to interpretive policy analysis is of particular significance to this study because he elaborated concepts and steps for the conduct of research and emphasised the importance of identifying how policy formation occurs through competition between coalitions of policy actors with shared understandings about policy issues and solutions, or what Hajer termed 'story lines'. Hajer (in conjunction with Versteeg) (2005, p. 175-176) began from the premises that discourses were expressed mainly in linguistic form, as assemblages of 'ideas, concepts and categories through which meaning is given to social and physical phenomena' and that 'language profoundly shapes one's view of the world and reality, instead of being only a neutral medium mirroring it'. The discursive meaning people give to phenomena such as policy problems could, he contended, best be understood through an analysis of linguistic regularities (Hajer 1995, p. 44, Feindt & Oels 2005, p. 166, Hajer 2005, p. 300).

To understand such linguistic regularities, or to study 'language-in-use', Hajer suggested that the researcher focus on three discursive elements—metaphor, story lines and discourse-coalitions (Hajer & Versteeg 2005, p. 176, Hajer 2006). For Hajer (2006, p. 69), a metaphor was a representation or symbol of a thing or phenomenon, whilst a story line was

> …a condensed statement summarising complex narratives, used by people as 'short hand' in discussions. Identifying story lines brings out that people not merely refer to a problem with a fixed identity, but are continually *changing the problem definition*. (italics in original).

Story lines are, in other words, ways of thinking about and expressing complex issues in a condensed form so that a range of people can find common ground about an issue even though at times there may be wide variations, and even conflicts, in terms of what people actually understand by the same basic story line (Hajer 2005, p. 302).

Hajer's third discursive element, 'discourse-coalition', refers to a 'group of actors that, *in the context of an identifiable set of practices*, shares the usage of a particular set of story lines over a particular period of time.' (Hajer 2006, p. 70) (italics in original). In emphasising the word 'practices', Hajer (2006) argued that discourse should be understood in the interrelationship between perceptions and concepts and the ways that these were manifested in external world phenomenon, such as political activity and policymaking (p. 70). In that sense, he stated that a discourse-coalition 'is related to practices in the context of which actors employ story lines, and (re)produce and transform particular discourses'. Thus, Hajer's interest was in how and why policy actors placed themselves within a particular discourse and, in doing so, seek to influence those discourses, thereby shaping policy decisions (Feindt & Oels 2005, p. 166).

For Hajer, the next task in discourse analysis was to draw a link between various discourses and their influence on policymaking. The identification of story lines and how they constituted discourse-coalitions was, for Hajer, only part of the story. An essential step was to identify how discourse-coalitions arranged themselves around particular story lines and vied for dominance over policy. For Hajer (1995, p. 59), gaining an understanding of the nature of competition within and across discourse-coalitions was critically important in making sense of policymaking and underpinned his whole approach, or: 'The argumentative approach conceives of politics as a struggle for discursive hegemony in which the actors try to secure support for their definition of reality'.

Hajer employed two terms to study this 'argumentative' aspect of policymaking. First, he used the term 'discourse structuration' to describe the situation when a particular discourse comes to dominate the views of a 'social unit', such as a policy area, a company or a government. Second, 'discourse institutionalisation' occurs when a particular discourse becomes enshrined in institutional arrangements such as laws, policies and regulations (Hajer 2006, p. 70). Hajer suggested that a discourse-coalition dominates a policy debate when both discourse structuration and discourse institutionalisation occur. He also noted that, while one discourse might be seen as dominating policy outcomes, it was rare that policy decisions reflected only one discourse. It was more usual for elements of several discourses, even those that appeared to be at odds, to find their way into final policy because they had 'discursive

affinity' or shared ways of viewing the world (Hajer 2006, pp. 70-71). Thus, instead of simply noting the static existence of varying interests in driving policy change, by delving into the interactions between varying interests, discourse-coalition analysis has the potential to uncover how policy change acts as metaphor for wider socio-historical factors.

To skip ahead momentarily, in Parts II and III of this dissertation I argue that the views held by policy actors condensed around two basic 'story lines' concerning the deinstitutionalisation of a particular type of children's institution in Indonesia—that is, a story line that favoured policy change based largely on concerns about children's rights and government financial and other policy concerns, and another that favoured the policy *status quo* under which children's institutions should continue to be supported by the Indonesian Government. I show how these story lines generated specific discourse-coalitions that vied for policy dominance or, in Hajer's terms, 'discourse institutionalisation'. I argue that, arising from this contest, the resulting new policy represented an amalgam of both pro-reform and *status quo* story lines. Finally, I argue that utilising discourse analysis approaches can thus offer unusually detailed insights into how and why policy evolves in particular ways and that such knowledge is likely to be important when judgements are made about the significance of a policy change and/or when later appraisals are made about policy implementation and impact.

Going to specific research processes, Hajer proposed ten steps for policy discourse analysis, which are summarised in Table 3.1, below. They are: desk research of the main documents; 'helicopter' interviews with a few key people to gain an overview of the issue; document analysis for structuring concepts, story lines and metaphors; interviews with key players to understand the sequencing of events and interpretations about what happened and why; using data and materials, such as parliamentary proceedings, to try to account for the 'argumentative exchange' that led to policy change; analysing how some actors changed the positioning and role of other players; identifying key incidents essential to understanding the policy change; assessing whether and how the meanings of particular actors are reflected in changed practices, such as policies; identifying a 'discursive order' that prevailed in relation to the policy change process, that is, an account of discursive structuration and resulting changed practices; and, finally, a second visit to key players to verify that the analyst's inferences resonated with their understandings (Hajer 2006, pp. 73-74).

Table 3.1 **Hajer's ten steps for policy discourse analysis**

Step	Main tasks
1	Desk research
2	Helicopter interviews
3	Document analysis
4	Interviews with key players
5	Sites of argumentation
6	Analysis of positioning effects
7	Identification of key incidents
8	Analysis of practices in particular cases of argumentation
9	Interpretation
10	Second visit to actors

Source: Hajer (2006, pp. 73-4).

At the core of these steps is what Hajer termed 'argumentative discourse analysis' in which the analyst seeks to identify how meanings held by policy actors about an issue are produced or shifted as a result of interactions between and across differing discourses or exchanges between participants. Hajer (2006) noted that this type of analysis was most likely to produce useful results in situations where exchanges were recorded and transcribed, for example, in parliamentary records (pp. 72-73).

Using this discourse analysis approach, Hajer (1995) was able to illuminate the dynamics within environmental debates in the UK and Europe in the 1970s and 1980s. Hajer showed that the wide variations of values and beliefs *within* coalitions had a significant effect on the final shape of policy. His analysis indicated that, while coalitions seeking policy change to combat air pollution *appeared united* in terms of their values, in reality they were comprised of people who held widely diverse views and beliefs and who attached different meanings to the term 'acid rain', such as those for whom air pollution was emblematic of deeper ills of capitalist society, through to those who regarded air pollution as a technical/scientific problem (Hajer 1995, 2005, 2006).

According to Hajer, the term 'acid rain' acted as a metaphor, or as an 'ordering concept', for broader debates about the larger issue of environmental degradation. By noting the diversity of perspectives within the environment advocacy groups, he drew attention to the way that positivist interpretations of different countries' policy responses had condensed and over-simplified a complex set of perspectives when viewed just as an 'acid rain' problem (Hajer 2006, p. 66). Hajer contended that two different discourse-coalitions formed around people who held either a 'traditionalist-pragmatist' or an 'eco-modernist' story line about acid rain. According to Hajer (1995, pp. 105-06):

> These two story-lines mobilized two different discourse-coalitions that stretched from politics to science, from regulators to NGOs, and from journalists to academics. *The reconstruction of the dynamics of these discourse-coalitions explains how ecological modernization was taken up in Great Britain and how the problem of acid rain was regulated.* (emphasis added).

Beyond simply noting the existence of these discourse-coalitions, Hajer (1995, pp. 111-12) went further to observe how these groupings provided the means by which these coalitions vied for policy dominance thus:

> The British acid rain controversy involved many different actors, each with their own preoccupations and interests, and each with their own particular contributions and insights. Yet basically the argument can be represented as a competition between two distinct discourse-coalitions that were organized around two different story-lines: one drawing on the categories of traditional pragmatism [that is, beliefs that environmental action should be cost-effective and based on detailed scientific understanding about air pollution and its effects], and the other using the concepts of ecological modernization [that is, beliefs that instead of devoting time to amass even more comprehensive scientific evidence, enough was already known about the magnitude of the problem of acid rain to warrant taking urgent action to avert catastrophe].

Thus, one of Hajer's important contributions to interpretive policy analysis has been to advance concepts by which analysts could tease out the inner dynamics, the 'pushes and pulls', compromises and conflicts, between policy players that occurs in the making of

policy. Understanding these intricacies is important because it helps to explain why policy takes the shape it does. Hajer made the important point that this knowledge helps to explain *what then happened* as policy became enacted. In the case of the UK, he noted that *how* the problem of acid rain was dealt with could only be fully understood by an in-depth appreciation of factors at play in the policymaking process. Identifying these nuances was important because they helped to explain the nature of strategies that were devised by coalitions, as well as how coalitions ultimately engaged in negotiation and other activities as part of the policy development process (Fischer 2003, p. 101).

It should also be noted that Hajer's methodology has enjoyed growing academic popularity over the past couple of decades. Perhaps because of Hajer's initial focus on environmental policymaking, numerous studies have appeared that utilise, either in part or in full, Hajer's ideas in relation to matters such as the environment, climate change, energy, greenhouse gas emissions technology transfer, urban planning, and forestry (Paul 2012, pp. 549-66, Spath 2012, pp. 1256-73, Christoff 2013, pp. 349-67, Leipold 2014, pp. 12-20, McGee & Wenta 2014, pp. 367-81, Munoz et al. 2014, pp. 179-90). While the initial focus of many of these studies was on countries of the Global North, an increasing range of studies have appeared using Hajer's methods in relation to non-environmental issues as well as a relatively smaller, but nonetheless growing, number of studies that focus on countries of the Global South (Gillespie 2011, pp. 1-37, Clement et al. 2012, pp. 112-20, van Dyk et al. 2013, pp. 1-19, Zeitoun et al. 2013, pp. 293-322, Kakonen et al. 2014, Snijders 2014, pp. 173-89).

In relation to the Global South, for example, we not only see studies on environmental and resource management issues, but an increasing research interest in using Hajer's approach, either in part or in conjunction with other discourse analysis approaches, to examine issues as diverse as anti-corruption efforts in Paraguay to nature conservation in Benin, and hydro-electric planning in Brazil (Bingham 2010, pp. 1-10, Gephart 2014, Pochet 2014, pp. 1-19). Hajer's methodology has also been drawn upon by some researchers to understand discourses about children, such as in relation to early childhood education policy in Ontario, Canada, and in relation to the drafting of the UN Convention on the Rights of the Child (Holzscheiter 2011, pp. 1-28, Turgeon 2014, pp. 224-49). To date, however, Hajer's form of discourse analysis has yet to be deployed in any published academic study of policymaking about institutionalisation or deinstitutionalisation in regard to children in either the Global North or Global South.

<u>Hajer's discourse analysis approach: benefits</u>. Hajer's methodology is particularly relevant in addressing this dissertation's overarching quest, that is, to contribute to understandings about why, and under what conditions, policymaking about the deinstitutionalisation of children's institutions occurs particularly in countries of the Global South. First, as scholarly literature has had only limited success in delving deeply into the dynamics of deinstitutionalisation policymaking in the Global North, the former Eastern Bloc and the Global South, this approach enables the widest possible range of factors to be considered in understanding policymaking dynamics. As such, it has the potential to address Novella's concern (see Chapter 2) about the failure of deinstitutionalisation literature to adequately take into account the wider social, political and economic context in which deinstitutionalisation policymaking occurs (Novella 2008, pp. 303-14). Hajer's methodology has the potential to do this because it insists that the researcher delves beneath the things that people say about a particular instance of policy change and examine data and other secondary materials to try to understand the broader context in which policymaking happens. Hajer (2005, p. 300) stressed that the analysis of the language used by policy players needed to be examined with reference to, and not isolated from, the broader socio-historical context:

> …analysis of discursive constructions such as narratives, story lines or metaphors is especially powerful when done in the context of the study of the socio-historical conditions in which the statements were produced and received.

Thus, while Hajer's approach was firmly anchored in the exploration of discourse, he also encouraged the inclusion of background data, such as quantitative and secondary materials, to augment understandings about factors that lead to policy change. Such openness to other sources seems likely to build more deeply contextualised and hence more plausible stories about policy change processes.

Moreover, Hajer's entreaty that the analysis of policymaking be undertaken on the basis of a series of steps helps to overcome allegations that some interpretive policy approaches lack clear methodology. In this regard, Hajer has effectively drawn on the work of Foucault and many others writing in a social constructionist mode to develop a method or approach to policy analysis using specific language analysis concepts, for example, concerning the use of metaphor, story lines and discourse-coalitions. In setting out the steps for analysis and by focussing squarely on how linguistic exchanges

between policy protagonists shaped policy outcomes, Hajer sought to overcome what he perceived to be a limitation in Foucault's approach. For Hajer (1995, pp. 51-52), much of Foucault's work was too abstract and did not clearly specify how the analysis of discourses should be conducted:

> Foucault's theoretical concepts are a valuable source of inspiration for the study of discourse formation in politics. Yet there is a need to devise middle-range concepts through which this interaction between discourses can be related to the role of individual strategic action in a non-reductionist way. Likewise, there is still a conceptual gap between Foucault's abstract work and the study of concrete political events.

As well as specifying specific steps for analysing the policymaking process, Hajer offered tools to help bridge the gap between abstract concepts and clear method by deploying ideas from social psychology. Rather than just focusing on linguistic content (that is, the things that policy players say), Hajer stressed the importance of understanding the argumentative context in which policy was formed—that is, the competition amongst discourses over a particular issue—to know what was really going on within the usually opaque policymaking 'black box' (Hajer 1995, pp. 52-54). Thus, Hajer gets us closer than many other discourse analysis approaches to the 'thick descriptions' proposed by the anthropologist Clifford Geertz (1973) in reference to explanations of behaviours or phenomenon within wider historical, social and political contexts (pp. 3-30). By producing contextually-grounded understandings, and insisting on the identification of a hierarchy showing which discourses were more influential than others and why, Hajer provided a compelling response to the criticism that is commonly leveled against interpretive approaches about their failure to identify what particular factor or factors predominated in terms of driving policy change (van den Brink & Metze 2006, p. 13).

Hajer's discourse analysis approach: challenges. While offering a more explicitly-stated method than other major discourse analysis approaches to date, and appearing to offer other benefits, Hajer's approach is not without apparent limitations. As noted above, Hajer contended that his argumentative discourse analysis was most likely to produce useful results in situations where exchanges between policy actors were recorded and transcribed, for example, in the form of parliamentary records. This suggestion about

sources touches on a broader issue regarding the nature of discourse. Earlier in this chapter, I noted that while language was usually regarded by discourse analysts as the principal means through which meaning was ascribed, others seek to identify discourses from other forms of social practices, such as via objects or acts.

Writing from a background in political science and planning studies, Hajer appears to take a more limited approach, emphasising the collection of language-based discourse information derived from written texts and interviews. It is open to question whether, then, Hajer tends to overlook other forms of social practice, unnecessarily privilege written and oral language, and risks producing incomplete understandings of discourses around a particular issue or question. Moreover, as well as emphasising written and oral records as primary discourse signifiers, Hajer does not offer guidance about the collection of discourse information in situations where there is either no or scant written records, such as parliamentary hansard or committee minutes. On the surface at least, this may appear to present greater challenges in some countries of the Global South compared with Europe where Hajer's research was undertaken. Later in this dissertation, I discuss such perceived limitations, as well as the benefits, of Hajer's methodology in the light of the case study.

3.3 Principal research question and techniques

Using Hajer's discourse analysis methodology, this dissertation aims at its broadest level to shed light on factors that lead governments in the Global South to adopt policies to deinstitutionalise children's institutions. Specifically, it does this through an in-depth examination of deinstitutionalisation policymaking in a country of the Global South, namely, Indonesia.

3.3.1 Case study selection. Indonesia is selected for study for three reasons. First, it appears to be one of only a relatively small number of countries of the Global South to have adopted a national policy to reduce reliance on children's institutions as ways of dealing with orphaned, neglected or abandoned children in the past decade or two. It is unclear how many countries in the Global South have taken this step as there is incomplete information published on this topic. Basic descriptive information on children's institutions and related policies is either absent or patchy on scores of countries of the Global South. Information that is provided, such as by the Child Rights International Network (2015) (an internet-based repository of information about

children in alternative care) and in reports of the UN Committee on the Rights of the Child (2015), seldom provide detail about national deinstitutionalisation policies.

Within the apparently small number of countries to have adopted national policies to deinstitutionalise children's institutions over recent decades, Indonesia's change of policy on a particular type of institution for orphaned, neglected or abandoned children known as *panti asuhan* has been publicly portrayed by some INGOs, the UN and even the Indonesian Government as a leading example of how one country of the Global South undertook policy reform on children's institutions. As discussed in Chapter 4, Indonesia's policy change on *panti asuhan* has been depicted by these players as a milestone in international efforts led by the UN and INGOs to reduce reliance on children's institutions in the Global South and as a recognition by the Indonesian Government of its international children's rights obligations. The level of public attention that has been given to Indonesia's policy reform thus suggests that the Indonesia case is worthy of more detailed analysis.

Second, Indonesia is of particular interest in global terms given estimates that between 170,000 and over 500,000 children live in thousands of Indonesian *panti asuhan* when compared with estimates that, globally, there may be between two and eight million children living in institutions (see Chapter 1). This thesis does not recommend that lessons from the Indonesia case be applied in other countries with different political, social, cultural and other circumstances. However, in view of the large numbers of children involved, it does suggest that the case of Indonesian policymaking on *panti asuhan* is likely to be of interest to policymakers, researchers and policy change advocates in other countries of the Global South, especially in terms of a methodology aimed at assembling a broadly-based understanding about the environment in which deinstitutionalisation policymaking occurs.

Third, from a practical research standpoint, Indonesia was selected because it has been possible to gain relatively unfettered access to a wide range of senior officials, INGO and NGO representatives, researchers and others who were either directly involved with the policy reform process or who closely observed it. As discussed in Chapter 5, most of the key policy players could be accessed by the author for interview.

3.3.2 Research question and techniques. Bearing in mind limitations in the research literature noted above and the anticipated advantages of policy discourse analysis, this dissertation asks: What factors led the Indonesian Government to adopt a policy during the 2000s to reduce reliance on a type of children's institution known as *panti asuhan*?

In line with Hajer's discourse approach, face-to-face interview was the principal qualitative method used to identify the views of key informants about the main drivers of Indonesian policy change on *panti asuhan*. Interviews were a critically important means to gather information that was unavailable from other sources, such as publications and official inquiries, and to help interpret other primary and secondary evidence. Given that my aim was to obtain the perspectives of key decision-makers and others closely associated with the policy change, I drew on elite-interviewing techniques (Aberbach & Rockman 2002, pp. 673-76, Goldstein 2002, pp. 669-72, Dexter 2012, pp. 31-72). Richards (1996, p. 199) defined an 'elite' as 'a group of individuals who hold, or have held, a privileged position in society and, as such, as far as a political scientist is concerned, are likely to have had more influence on political outcomes than general members of the public'. In the context of policy studies, the aim of elite-interviewing is to provide the researcher with the subjective perceptions of players who had either direct or close involvement with the policy process.

While the material acquired through interviewing elites may be important in addressing research questions, it may also present particular challenges for the researcher. First, gaining access to high-status individuals for interview purposes can be difficult and lack of access to a sufficiently wide range of people associated with the subject of the research can diminish the reliability of findings (Nader 1972, pp. 301-08). Even when adequate access is gained, interview duration is likely to be limited. This requires the researcher to recognise the power differential between themselves and the interviewee, to be highly targeted and flexible in their approach to questioning, and to recognise that not all questions may be answered. Interviews with elite actors are therefore more likely to take the form of semi-structured conversations that use open-ended, rather than closed, questions (Aberbach & Rockman 2002, p. 674). As with other qualitative work, the interviewer also needs to bear in mind the reliability of accounts provided by interviewees; for example, memory lapses on the part of the interviewee may affect the reliability of findings if the interview and the event being discussed are far apart in time (Richards 1996, pp. 200-01, Silverman 2000, pp. 148-60).

Chapter 5 contains further information about interview selection, protocols and conduct that are specific to the case study. I conducted interviews as open-ended discussion. In order to facilitate access to elite interviewees, I provided information about the purposes and methods of the research project to all prospective interviewees when seeking interviews. At the outset of every face-to-face or telephone interview, I asked interviewees for oral consent to: conduct the interview; make either hand-written notes or an audio recording of their responses to questions; and, use their responses without attributing comments to them by personal name in the final report. All interviewees indicated their agreement to these requests.

Typed transcripts of all interviews were prepared on the basis of either hand-written notes or audio recordings. Human research ethics approval to conduct interviews for this study was granted by the Australian National University in February 2012, in accordance with the University's ethics policies and the National Statement on Ethical Conduct in Human Research (2007) issued by the Australian National Health and Medical Research Council.

3.4 Boundaries

While this dissertation aims to shed light on recent Indonesian policymaking on *panti asuhan* and to relate this to broader deinstitutionalisation and public policy literatures, there are things that it does not and cannot do. First, being situated within an interpretive epistemology, it does not purport to 'test' or assess the validity of any particular theory or theories nor reach conclusions that can be generalised and applied in other country contexts. Instead, it presents an interpretation of what happened in the particular case of Indonesia. As will be discussed in the concluding chapter, to the extent that the study is applicable to other country contexts, it is in the way that the analysis of policy change was undertaken, that is, through a discourse analysis lens. Second, the prime focus of this study is on the deinstitutionalisation policy change process itself, rather than on how policy implementation has progressed. While the factors that drive policymaking may influence the character of policy implementation, my focus was on the former aspect. Finally, while many senior government, non-government and academic sector representatives were interviewed, it was not possible to meet all key government personnel, such as the former Indonesian Minister for Social Affairs who oversaw the policy change. Nonetheless, as will be discussed later, the interviews covered a broadly representative sample of people directly associated with

the policy change process. As will be discussed in Chapter 5, there were also limitations around language and the availability of written information.

3.5 Conclusions

This chapter has argued that, in the absence of highly-nuanced understandings of policymaking from existing deinstitutionalisation studies, Hajer's method of discourse analysis of policymaking, set within social constructionist thinking, appears to offer a helpful way forward in terms of illuminating the full range of factors that influence policymaking about the deinstitutionalisation of children's institutions in the Global South. The specific research question was also outlined, that is, to examine deinstitutionalisation policymaking through an in-depth case study of recent Indonesian policymaking on *panti asuhan* using elite-interviewing techniques.

Part II turns to the case of Indonesia. It begins by providing background about *panti asuhan*, including the dominant public narrative about policy change as advanced by the Indonesian Government and some international players. Yet, interviews and other analysis reveals a range of different perspectives held by policymakers and policy advocates about the need for policy reform. These crystallised into pro-reform and pro-*panti asuhan* '*status quo*' story lines. Part III suggests how these story lines, in turn, mobilised the actions of two discourse-coalitions that vied to shape Indonesia's final policy based on the competing beliefs and attitudes of numerous actors about the place of *panti asuhan* in modern Indonesia.

PART II: POLICY MEANINGS: SCENE-SETTING AND STORY LINES IN INDONESIA

Chapter 4: The *panti asuhan* policy change story

'Indonesia has been implementing what we call *a paradigm shift*, moving from a child welfare system that *was based primarily on residential care towards a system that is centred on family-based care*.'

Makmur Sunusi, Senior Advisor to the Indonesian Minister of Social Welfare and former Director-General for Social Services and Rehabilitation in the Ministry of Social Affairs, speech at UNICEF headquarters in New York, in Sunusi 2013, p. 1 (italics in original).

'The role of Child Welfare Institutions is to support the care of children within their families and to provide services for children in need of alternative care.'

Decree of the Minister of Social Affairs of the Republic of Indonesia. *National standards of care in Child Welfare Institutions* (Government of Indonesia 2011, p. 29).

Overview

To set the scene for the detailed analysis of Indonesian policymaking on *panti asuhan*, this chapter provides a brief introduction to recent developments in Indonesia, discusses the general nature and characteristics of *panti asuhan* and outlines how the new *panti asuhan* policy has been explained by the Indonesian Government and international players. In particular, it describes the standard, public narrative about *panti asuhan* policy change as presented by the Indonesian Government and some international players, namely, that the new policy was designed primarily to comply with Indonesia's international children's rights obligations under the UN Convention on the Rights of the Child. Within Indonesia, however, the new policy put *panti asuhan* at the centre of policy implementation activities. The apparent discrepancy between international statements and domestic policy realities suggests that the making of new *panti asuhan* policy was a more complex undertaking than portrayed in the standard account, and provides the impetus for a more detailed examination of Indonesian policymaking on *panti asuhan* than has been undertaken to date.

4.1 Indonesia: an overview of recent developments

After about 350 years of colonial rule, predominantly under the Dutch, Indonesia gained political independence in 1945. Indonesia's first President, Sukarno, held office from 1945 until 1967 (Ricklefs 2001, p. 262). Suharto became President in 1967. Lasting until 1998, Suharto's regime, which became widely known as the 'New Order', promoted economic growth based on stable, authoritarian and highly centralised rule (Elson 2001, pp. 167-308, Ricklefs 2001, pp. 342-407). Amongst other major changes during the New Order, Suharto expanded the role of the military in civilian affairs, including through the appointment of senior military personnel as ministers and in other key civilian roles, and opposed territorial fragmentation, most notably in East Timor, Aceh and Irian Jaya (present-day Papua) (Hill & Shiraishi 2007, pp. 124-25).

Despite corrupt financial practices that were encouraged by Suharto, his family and business associates (discussed further in Chapter 9 as they relate to the growth of *panti asuhan*), the Indonesian economy grew strongly during the New Order, with average annual growth rates of 6.5 per cent being recorded between 1967 and 1997 (Brown 2006, p. 956). Between 1976 and 1996, the number of Indonesians living at or below the poverty line (a measurement of food adequacy and non-food expenditure on needs such as housing, clothing, health and education) fell from 40.1 per cent of the population (or 54.2 million persons) to 11.3 per cent (or 22.4 million persons) (Government of Indonesia 2003, p. 7). Between the 1970s and late 1990s, across-the-board improvements were also made in education and health (Sumarto 2006, p. 2). Amongst other indicators, life expectancy at birth increased to 65 years in 1997 compared with 55 years in 1980, near universal entry into primary education was achieved by the early 1980s, and there was near universal completion of primary education by the end of the Suharto era (Daly & Fane 2002, p. 317).

Indonesia was severely impacted by the financial crisis that swept through many Asian economies in 1997-98. Indonesia's gross domestic product (GDP) fell from a growth rate of 4.95 per cent in 1997 to negative 13.7 per cent in the following year (International Monetary Fund 1999, p. 3). The Asian financial crisis was a significant factor in precipitating Suharto's fall from power in May 1998. Suharto's political demise ushered in a period which became widely known as the *Reformasi* (or reform) era under Presidents Habibie (May 1998 to October 1999), Wahid (October 1999 to July 2001), Megawati (July 2001 to October 2004) and Yudhoyono (October 2004 to

October 2014) (though outside the scope of this study, Joko Widodo became President in October 2014).

The *Reformasi* era has seen far-reaching changes to Indonesia's national political, social and economic policy directions, as well as efforts to improve the country's international image. The swing toward democratic reform was signalled when, in 1999, Indonesia held its first free elections since 1955 (Barton 2001, pp. 273-81, Hill & Shiraishi 2007, pp. 123-41). Amongst other major developments in the first few years of *Reformasi* were improvements in freedom of speech and freedom of the press, a referendum on the future of East Timor, and the passage of laws to decentralise much administrative and decision-making power from Jakarta to sub-national levels of government (Aspinall & Fealy 2003). According to Hill and Shiraishi (2007), by around 2004, Indonesia's macroeconomic position had largely stabilised after the catastrophic Asian financial crisis, with poverty incidence rates and per capita income levels returning to the levels of the mid-1990s (p. 123). Post-Suharto governments have also sought to improve Indonesia's international standing, including by seeking to strengthen relationships with other Asian countries (He 2008, pp. 47-72). As discussed further in Chapter 6, the early *Reformasi* era saw Indonesia adopt UN instruments relating to matters such as human rights and the rights of children, such as the International Labour Organisation Convention concerning the elimination of the worst forms of child labour.

4.2 *Panti asuhan*: key characteristics and research

4.2.1 Definitions and history. Most Indonesian children are raised within their family home, either by parents or other family members, or in the homes of extended family members. Children who live away from their immediate and extended families do so in a range of differing residential circumstances. There are three main types of institutions in Indonesia that provide care and education to children on a residential basis outside the family home which are collectively known as *panti sosial anak*: first, boarding schools or *pesantren* or *pondok pesantren* (*pondok* means dormitory) that provide full-time care and education based on Islamic principles at no or minimal direct financial cost (these may be called different names in different places, for example, *dayah* in Aceh); second, *panti sosial penyandang cacat*, or institutions that care for children with disabilities; and, finally, *panti asuhan*, or institutions for orphaned, neglected or abandoned children (Save the Children UK et al. 2006, p. 15).

With historical roots dating back at least to the sixteenth century as places of learning for followers of Islam (*santri*), Islamic boarding schools or *pesantren* are Indonesia's oldest form of formal education for children and young people (Vickers 2005, p. 55, Endang 2006, Federspiel 2015). Parents send their children to *pesantren* for a variety of reasons. For some families, *pesantren* provide access to education for their children at a lower cost than is otherwise available through the State education system, while other families who have no financial hardships may choose *pesantren* for religious or ideological reasons (Lukens-Bull 2005, p. 18). Typically, the *pesantren* curriculum includes traditional religious education, elements of the government approved educational curriculum, and vocational training. *Pesantren* teaching focuses on Islam's principal holy book (the *Qur'an*), Arabic language and Islamic traditions and law (Lukens-Bull 2005, pp. 18-19).

It is common for boys and girls to enter *pesantren* at the age of six years and live there until around the age of 18 years. While many *pesantren* provide full-time residential facilities, there is often ongoing contact between children and their families, in particular, during the holy fasting month of *Ramadan*, when many children return to their family homes. Children's institutions of all types in Indonesia often receive charitable gifts from the Islamic faithful during *Ramadan* in accordance with religious practices such as *sadaqah* or voluntary charity (Lukens-Bull 2005, pp. 62-65, Frederick & Worden 2011, pp. 153-54). While some *pesantren* teach elements of the Indonesian Government's secular curriculum, they have a primarily religious aim, that is, to inculcate Islamic values, often through the methods of rote learning and memorisation of the *Qur'an* (Rabasa 2005, p. 101). *Pesantren* are led by religious teachers called *kyai*. Most, but not all, *pesantren* and *kyai* are affiliated with the Islamic social welfare organisation Nahdlatul Ulama (Lukens-Bull 2005, p. 17). *Pesantren* differ from another major form of Islamic educational institution for children and young people, the *madrasa* (school), which combines religious subjects taught at *pesantren* with secular subjects from the government education system (Kuipers 2011, p. 154). Unlike most *pesantren*, *madrasa* do not normally provide residential (*pondok*) accommodation, but many do so, especially in remote regions.There are over 40,000 *madrasa* in Indonesia with around six million primary and secondary pupils (Hafidz 2012).

Besides *pesantren*, the other major form of residential child care is *panti asuhan*. *Panti asuhan* is an Indonesian language term that denotes a place for the rearing of orphans

and children who live away from their family. The word *panti* is commonly translated as a 'home', 'residence' or 'institution'. The word *asuhan* means 'rearing', 'education' or 'upbringing'. The root term from which the word *asuhan* derives is *asuh*, meaning 'to nurse' or 'to bring up'). The term '*panti asuhan*' is often coined as the shortened form of *panti sosial asuhan anak*, which is translated as 'institutions for the upbringing of children' (*anak* or child) or 'social institutions for the care of children'. Both *panti sosial asuhan anak* and *panti asuhan* are often shortened to *panti* or its Anglicised plural form, *pantis*. *Panti asuhan* is the term used in this study to denote these various forms in both plural and singular senses.

Chapter 9 discusses the factors behind the growth of *panti asuhan*, especially during and after Suharto's New Order. At this point we might note that orphanages were unknown in Indonesian society as places for the care of orphaned, neglected or abandoned children prior to the arrival of Dutch colonists in the early sixteenth century; such children were generally raised by relatives and others within local communities. Orphanages were introduced by the Dutch colonial government. In the early twentieth century, the Dutch orphanage model was appropriated by local Islamic socio-religious welfare organisations who expanded the number of *panti asuhan* throughout Indonesia. President Sukarno supported the growth of *panti asuhan* to help care for children who had been abandoned or orphaned during and after World War Two. Under Suharto, the number of *panti asuhan* grew rapidly due to strong State financial and other forms of support, a trend that continued over much of the first decade of the *Reformasi* era.

Returning to the present day, there is considerable fluidity, and hence room for confusion, in relation to how different forms of Indonesian children's institutions are defined and categorised. One of the most significant definitional problems arises because children may be placed in *pesantren* by their families not only to access Islamic education but, as with *panti asuhan*, also to help cope with family financial hardship (Hicks 2011, pp. 57-59). While *panti asuhan* are generally regarded as places for children whose families cannot afford school fees and of lower social status than *pesantren*, the distinction between them is often blurred. All *panti asuhan* provide free education, food and lodging to children, although children in them are frequently required to perform tasks such as cleaning and meal preparation (Save the Children UK et al. 2007, p. 189).

Some *pesantren* provide free education to children depending on their family's financial circumstances and may describe themselves as *panti asuhan*. Save the Children UK et al. (2006) noted, for example, that some children's institutions in Aceh described themselves as either or both a *dayah* (*pesantren*) and a *panti asuhan* in order to access different sources of government funding (pp. 13-16). In other places, a *panti asuhan* may be run within a *pesantren* or other educational facilities such as kindergartens and elementary schools.

4.2.2 Numbers, ownership and funding. In the absence of a comprehensive national child protection and care information system, no accurate and up-to-date information is available about the number of children's institutions, or the number of children in these institutions, in Indonesia (this problem of counting is also seen in many other areas relating to child protection and care in Indonesia to the present day, such as in the fields of early marriage and children subjected to sexual violence (Boothby & Stark 2011, pp. 993-95)). With respect to *pesantren*, the latest available estimate, provided by the Indonesian Directorate General of Islamic Organisations (cited in Save the Children UK et al. 2007, p.31), was that in 2003-4 there were 3,364,180 children receiving Islamic education through 14,655 *pesantren*.

The precise number of *panti asuhan* is unknown, a matter that is discussed further in Chapter 8. A range of estimates has been provided by the Indonesian Government and INGO sources. Save the Children UK et al. (2007, p. 19) estimated that there were between 5,250 and over 8,610 institutions, in which between 370,230 and 516,000 children lived. Using data about the number of *panti asuhan* that were provided with government fuel subsidy reduction compensation (Chapter 8 contains further discussion of the Indonesian Government's *Program Kompensasi Pengurangan Subsidi Bahan Bakar Minyak*, or fuel subsidy reduction compensation scheme, which offered financial assistance to *panti asuhan* and other institutions to help offset increases in the cost of fuel resulting from reductions in government fuel subsidisation), the Indonesian Government (2013) stated that, in 2009, 167,000 children lived in 5,712 *panti asuhan*.

Yet, other Indonesian Government figures differ. In 2013, Senior Advisor to the Indonesian Minister of Social Welfare and former Director-General for Social Services and Rehabilitation in the Ministry of Social Affairs (widely known in Indonesia as Kemensos, the acronym for Kementerian Sosial), Makmur Sunusi (2013), stated that

institutional care in Indonesia had been 'very much on the rise' during the early 2000s, with 8,000 *panti asuhan* caring for up to half a million children. He added that 90 per cent of children in *panti asuhan* were not orphans, but had been placed in institutions due to parental poverty. He did not, however, provide any information in support of these claims.

As is the case with the numbers of *panti asuhan* and children in *panti asuhan*, the full picture of who owns and operates Indonesia's *panti asuhan* is far from clear. Comprehensive and up-to-date information about *panti asuhan* ownership is not available, although estimates can be made from a range of sources. The three largest operators of *panti asuhan* are the mass Indonesian socio-religious organisations, Muhammadiyah, Nahdlatul Ulama and, to a lesser extent, Hidayatullah. With a strong rural base especially in central and eastern Java, Nahdlatul Ulama is the largest Islamic organisation in Indonesia with an estimated 50 million members. Muhammadiyah is the second largest Islamic organisation with an estimated 35 million members drawn predominantly from educated urban backgrounds (Mujani & Liddle 2004, p. 111). Most *pesantren* are affiliated with Nahdlatul Ulama. Many Nahdlatul Ulama-affiliated *pesantren* share the same main characteristics as *panti asuhan* run by other organisations, that is, they mostly provide food, shelter and basic education for children who are either orphaned or, more frequently, sent by poor families so that their children can access educational opportunities. Nahdlatul Ulama loosely coordinates its *pesantren* through a foundation called Yayasan Al Maarif although individual *pesantren* usually operate with a high degree of autonomy under the control of a *kyai*. By contrast, Muhammadiyah exercises greater centralised control over its *panti asuhan* as well as its other education and health care institutions (Sirry 2010, pp. 60-74, Hicks 2011, p. 58).

There are a variety of estimates of the number of Muhammadiyah-operated *panti asuhan*. Lubis (2004) put the number at 240 (p. 106) . Fauzia (2008) claimed that Muhammadiyah operated 330 orphanages, with a key role in *panti asuhan* management being played by women from Muhammadiyah's adult-women's branch, 'Aisyiyah (p. 180). Muhammadiyah's own documents state that it operated 421 *panti asuhan* in 2010 (Central Board of Muhammadiyah 2010). Yet another figure, provided to the author by a member of Muhammadiyah's social welfare staff, was that, in 2013, Muhammadiyah operated between 750 and 1,000 *panti asuhan* (2013, pers. comm., 2 August).

The number of *panti asuhan* operated by Nahdlatul Ulama is even less precisely known, reflecting the fact that, at the national level, Nahdlatul Ulama exercises little administrative control over its local *panti asuhan*. Save the Children UK et al. (2007) estimated that Nahdlatul Ulama operated 103 *panti asuhan*, while another Islamic organisation, Hidayatullah, had 246 branches, most of which ran *panti asuhan* (as a form of *pesantren*, which it described as centres for the education of pious children or *Pusat Pendidikan Anak Shaleh*) (p. 22).

Numerous other Islamic organisations operate *panti asuhan*. These organisations include Al Amin, Nur Ilahi and Ibnu Taimiyah in West Kalimantan, Al Ummah in Aceh, Al Hidayah, Nurul Ikhlas in Maluku, and Nahdlatul Wathon in Nusa Tenggara Barat and other provinces (Save the Children UK et al. 2007, p. 65). In 2000, the minority Islamic group, Ahmadiyah, opened a *panti asuhan* in Tasikmalaya, West Java (Rayda 2010). In addition, overseas Islamic organisations fund *panti asuhan* in Indonesia. In the 1990s, Al-Birr—the Charitable Foundation of Royal Family of Dubai—opened an office within Muhammadiyah's premises in Jakarta. Later renamed the Asian Muslim Ceretif Foretion (Asian Muslim Charity Foundation), this organisation has since funded 89 orphanages, most of which are operated by Muhammadiyah and some by Persatuan Islam (Persis), an organisation which, since being founded in 1923, has been active in establishing *pesantren*, particularly in West Java (Latief 2012, pp. 237-38).

Panti asuhan are also operated by non-Islamic religious and secular organisations and individuals. There are, for example, several Christian-run *panti asuhan* in West Kalimantan, North Sulawesi, and Maluku (Siahaan 2009, Buwalda 2011, Jaringan Kerja Lembaga-Lembaga Pelayanan Kristen di Indonesia (JKLPK) 2013). Secular international organisations that run *panti asuhan* include SOS Children's Villages International, which operates in several provinces, including West Java, Jakarta, Bali and Aceh (see also discussion about SOS Kinderdorf, the earlier name for SOS Children's Villages, in Chapter 9) (SOS children's villages Indonesia 2013).

Individuals and groups from other countries also contribute financially to, and even operate, *panti asuhan*. Overseas-sourced donations to *panti asuhan* include those from Muslims in countries such as Australia who contribute to orphanages, especially at the end of the holy month of *Ramadan*, through collection and remittance agencies

(discussed further in Chapter 9) (Marcoes 2015). The Indonesian Government itself operates *panti asuhan*, although in very small numbers compared with private religious and other providers. In 2007, of between 4,305 and 8,610 *panti asuhan*, the Indonesian Government operated only 35 *panti asuhan*, whilst an unknown number were run directly by province and district governments (Save the Children UK et al. 2007, pp. 1, 18).

Panti asuhan receive financial support from a variety of sources in addition to, or separate from, the national government. In the absence of comprehensive, publicly-available reporting on *panti asuhan* internal financial matters, glimpses were provided by the 2007 Save the Children-led study and from the author's examination of *panti asuhan* websites. Save the Children UK et al. (2007) found at least eight revenue sources in the *panti asuhan* sample group (pp. 72-73). While important income sources for many *panti asuhan* were the national government's fuel subsidy reduction compensation scheme (discussed in Chapter 8) and grants provided by sub-national levels of government in the context of administrative decentralisation from Jakarta, other sources included donations from individuals and the community, private companies, international supporters and the *panti asuhan*'s parent organisation (Chapter 9 further discusses how Islamic charitable giving practices support *panti asuhan*).

4.2.3 Previous studies. From an academic standpoint there has been only relatively limited examination of how *panti asuhan* operate and their short and long-term effects on children. Only five academic studies concerning *panti asuhan* have been issued over the past decade (with none appearing prior to that). These derive from the fields of social anthropology, paediatrics, psychiatry, and social work.

First, in an unpublished graduate dissertation through the University of Oslo, social anthropologist Skavelden (2007) examined three *panti asuhan* in the central Java city of Yogyakarta in which she lived for six months in 2006 and 2007. As discussed further in Chapter 9, she found evidence that *panti asuhan* played generally well-understood and accepted roles in Yogyakarta society as places that helped to promote a sense of selfhood amongst Javanese children (Skavelden 2007, p. 11). She found that *panti asuhan* provided opportunities for children from poor rural backgrounds to learn refined behaviours, disciplines and social skills. At least with respect to the three children's homes studied, it appeared that the *panti asuhan* were seen by families of children and

the broader community as helping children to achieve a better life, as well as providing opportunities for local women to develop and express personal standing and prestige in the wider local community. In contrast to popular representations of life in children's homes in the Global North where child-parent links were often completely severed, Skavelden (2007) found many similarities between life in *panti asuhan* and life in Javanese households (pp. 64-86).

Paediatricians Mulyardi and Soedjatmiko (2009) studied 40 children aged between 12 and 24 months in ten orphanages in Jakarta, Bogor and Tangerang. Compared with a sample group of 40 children of similar age who were raised in family home settings, they found significantly higher rates of delayed language development amongst children living in *panti asuhan* (52.5 per cent of children in *panti asuhan* compared with 27.5 per cent of children in family home environments). They attributed this gap to a lower quality of 'home stimulation' in *panti asuhan*, that is, in areas such as care-giver emotional responsiveness to the child and the availability of appropriate play materials (Mulyadi et al. 2009, pp. 25-32).

Wanat et al. (2010), psychiatrists from Stanford and Emory Universities (US), used a qualitative approach to examine the challenges and coping strategies adopted by a sample of 14 young people aged 10-14 years in one Jakarta *pesantren*, some of whom had been transported to these institutions from Aceh after the 2004 Indian Ocean tsunami. They found that the positive aspects most frequently mentioned by interviewees included access to education and friendship, while the most challenging aspects were sub-optimal educational opportunities and a lack of engagement with the adult staff (Wanat et al. 2010, pp. 45-50). The study by Wanat et al. focused on a *pesantren* but is mentioned because, as noted earlier, it can sometimes be difficult to distinguish between *pesantren* and *panti asuhan*. While children living in *panti asuhan* would usually originate from poorer families than those accessing *pesantren* who do so in order to provide an Islamic education for their children, the distinction is not always clear-cut. Many of the children in Wanat et al.'s sample group were children who had been displaced as a result of the 2004 tsunami and who had subsequently been transported from Aceh to Jakarta. These children appeared, therefore, to have many of the same characteristics as those who would usually be seen in *panti asuhan*, that is, of being abandoned or orphaned.

From a social work perspective, an unpublished graduate dissertation by Mughni (2011) through Gadjah Mada University, Yogyakarta, examined conditions in two *panti asuhan* in Yogyakarta's Bantul District. The study found that the *panti asuhan* provided 'comprehensive services', such as physical safety, support for religious expression, employment-related education, and support groups and the 'orphanages acting as family for the children'. Mughni recommended that a range of improvements be made to these *panti asuhan*, in particular, improving training for adult workers, employing professional social workers, offering greater opportunities for children to express their views, and enhancing vocational training for the children and young people.

More recently, Sandika et al. (2014) examined the perceptions of five boys aged between 14 and 18 years who lived in Taman Harapan orphanage in central Java. From interviews with this small group, the authors pointed to a range of circumstances that led to the boys being sent to the *panti asuhan*. These included a desire to meet parental expectations about attaining an education and problems faced by some families that could not afford to keep their children at home due to parental illness (Sandika & Yuwono 2014, pp. 69-70).

It will be noted that the sample sizes in this handful of studies were small, ranging from five to 40 children and young people and between one to 10 *panti asuhan*. These factors naturally limit the extent to which conclusions can be drawn about matters such as the conditions and effects of *panti asuhan* for larger cohorts of Indonesia children living in these places. It is noteworthy, too, that there has been no peer-reviewed research into the social, health, economic and other outcomes for Indonesian adults who lived in *panti asuhan* as children, or the effects on parents and other family members arising from the institutionalisation of their children. Moreover, while there are comparatively rich veins of academic research into the role of *pesantren* in inculcating Islamic values and identity (see, for example, Lukens-Bull 2005, van Doorn-Harder 2006, and Srimulyani 2012), no similar inquiries have been conducted in relation to *panti asuhan* (Lukens-Bull 2005, van Doorn-Harder 2006, Srimulyani 2012).

Four non-peer reviewed reports have also been issued during the past decade that focus either wholly or partially on *panti asuhan*. In 2006, Save the Children in conjunction with the Ministry of Social Affairs and UNICEF issued a report entitled *A rapid assessment of children's homes in post-tsunami Aceh*, which examined the situation for

children in Aceh who had been displaced by the 2004 tsunami (Save the Children UK et al. 2006). In 2007, Save the Children, again working in conjunction with the Ministry of Social Affairs and UNICEF, issued a report entitled *'Someone that matters'. The quality of care in childcare institutions in Indonesia* (Save the Children UK et al. 2007). The latter report examined the circumstances for children living in 37 *panti asuhan* in six Indonesian provinces, including Aceh. In 2013, Save the Children issued a report entitled *Changing the paradigm. Save the Children's work to strengthen the child protection system in Indonesia 2005-2012* which provided an overview of Save the Children's work in Indonesia since 2005 aimed at improving child protection and family support, with a particular focus on childcare institutions (Save the Children Indonesia 2013). These three Save the Children reports are discussed further in Chapter 6.

Finally, in 2012, UNICEF's Indonesia office, in conjunction with the SMERU Research Institute (an independent research and public policy studies institute based in Jakarta) and the Indonesian Government's Ministry of National Development Planning (Badan Perencanaan Pembangunan Nasional or Bappenas) issued a report entitled *Child poverty and disparities in Indonesia: challenges for inclusive growth* (UNICEF Indonesia et al. 2012). This report contained a brief qualitative assessment of a *panti asuhan* in north Jakarta. Of note, UNICEF Indonesia et al. (2012, p. 170) found that most of the children inside the *panti asuhan* had at least one living parent, and that

> …some children were taken to the *panti* by their parents, while others were invited by a friend or sibling who had been living there. Some of the residents had both parents living in slums near the *panti*. These children were entrusted to live at the *panti* so that they would be enrolled in school and have a better place to live.

The study also indicated that placement in a *panti asuhan* had led to improvements in the quality of life for some children as they were not required to perform domestic labour and were provided with some access to education whereas these children had previously been required to undertake domestic labour and were not provided with access to schooling whilst living with their biological families, relatives or guardians (UNICEF Indonesia et al. 2012, p. 171).

4.3 The new *panti asuhan* policy and its depiction

Having noted various features of *panti asuhan*, I turn to a discussion of the characteristics of Indonesia's new policy on *panti asuhan* and how the Indonesian Government and some international players have depicted it to date.

It will be recalled from Chapter 1 that the new policy on *panti asuhan* was hailed by UNICEF and Save the Children as an exemplar of deinstitutionalisation policymaking in the Global South. For the Indonesian Government, the policy was also portrayed as a momentous development. At a gathering at UNICEF's headquarters in New York in April 2013, Makmur Sunusi, Senior Advisor to the Indonesian Minister of Social Welfare and former Director-General for Social Services and Rehabilitation in the Ministry of Social Affairs, stated that 'Indonesia has been implementing what we call *a paradigm shift*, moving from a child welfare system that *was based primarily on residential care towards a system that is centred on family-based care*.' (Sunusi 2013, p. 1) (italics in original). Sunusi was referring to decisions taken by the Indonesian Government, commencing in 2007, to revise its former policy of providing significant financial and other support to *panti asuhan* in favour of a new policy under which government would reduce the number of children entering *panti asuhan*.

The Indonesian Government did not express its new policy in a single announcement but through several initiatives that began to appear from around 2007 (Sudrajat 2010). The new policy had four major components. First, in 2007, the Ministry of Social Affairs, assisted by Save the Children, announced that it would establish a national database for children in alternative care. The aim of the database was to ensure that no *panti asuhan* would receive a government subsidy unless it was registered on this official database. The Ministry of Social Affairs requested all provinces to register children's institutions, including *panti asuhan*, in their jurisdictions on a central Ministry of Social Affairs database (Save the Children Indonesia 2013, p. ix). *Panti asuhan* were supplied with a registration number as they were entered onto the database. According to the Ministry of Social Affairs (cited in Save the Children Indonesia 2011, p. 2), between 2008 and 2011, information on 3,898 *panti asuhan* and 123,669 children from all provinces had been recorded on the database. According to Save the Children Indonesia (2013), under the new policy, *panti asuhan* that were registered on the new database and were thus entitled to receive government financial assistance would be required to expend at least 40 per cent on children living with their families, with that

amount rising to at least 60 per cent (neither the available Save the Children nor Ministry of Social Affairs documents indicated, however, when such targets were to be met) (p. ix).

Second, work commenced in the Ministry of Social Affairs in 2007 to develop a government regulation on alternative care. The draft regulation would aim to establish the requirements and processes for a range of family support and alternative care matters, such as how foster care and institutional care would operate. At the time of writing this dissertation, discussions were continuing within the Indonesian Government about this initiative (Sunusi 2013, p. 2).

Third, between 2008 and 2011, new national standards of care for children in institutions were developed. The standards were based on the understanding that the 'best interests' of the child, as per the UN Convention on the Rights of the Child, would be promoted by social welfare interventions that would work to strengthen the capacities of families and communities in which children lived. They emphasised the importance of protecting children's rights, promoting the strengths of the child, family and community, and assessing children's physical, psychological, social and spiritual needs in making decisions about the type of care that should be provided (Government of Indonesia 2011, pp. 29-119). Key principles on which the standards rested included a child's right to a family, the responsibility of parents for the care and protection of children, the prevention of family separation, the need to provide a continuum of care from family-based care to care provided by others in the community outside the family, and support for families to care for their own children (Government of Indonesia 2011, pp. 19-23). According to the Indonesian Government (2011, p. 7), the national standards were aimed at

> …fulfilling children's rights to receive care in their families; providing guidance to the Child Welfare Institutions [the Indonesian Government's new name for *panti asuhan*, see below] in carrying out their role as the last alternative in the care of children; developing direct services to support families that face challenges in the care of their children; supporting family-based alternative care for children through foster care, guardianship, and adoption; and facilitating the competent authorities in developing management systems for Child Welfare Institutions that meet the needs of children and their families.

Matters covered by other standards included care planning and assessment of the needs of children by Child Welfare Institutions, respect for the child's dignity as a human being, protection from violence, ensuring that the child has a clear legal identity, supporting the relationship between the child and his/her family or relatives, the provision of adequate food and clothing, access to health and education services, prohibition of child labour, and the involvement of parents and families in important decisions about their children. Finally, a range of organisational standards were promulgated. These included provisions concerning the legal establishment and registration of a Child Welfare Institution, their accreditation by an Accreditation Board for Social Welfare organisations, and the provision of adequate facilities and reporting to the Ministry of Social Affairs (Government of Indonesia 2011).

Of particular note, the new national standards placed *panti asuhan* (which were to be renamed *Lembaga Kesejahteraan Sosial Anak*, or Child Welfare Institutions) at the centre of new service delivery arrangements. According to the Indonesian Government (2011, pp. 29-33), the new roles of *panti asuhan* were

> …to support the care of children within their families and to provide services for children in need of alternative care…[to] carry out preventive measures so that the child is not separated from his or her family or needs to be placed in residential care…[and to] facilitate financial or psychosocial support for the child in the family or to develop access and make referrals to other organisations that provide services to vulnerable families.

Finally, in 2009, the national government established the *Program Kesejahteraan Sosial Anak*, or the Social Welfare Program for Children, to fund *panti asuhan* as well as support children under the age of five years, children with disabilities, children in contact with the law, and children in need of special protection (Government of Indonesia et al. 2011, p. 10). The principal aims of the *Program Kesejahteraan Sosial Anak* were to help enhance family and community responsibility for the care of children, and to help transform *panti asuhan* into centres that would, over time, offer increasing amounts of financial and other forms of support to vulnerable families and children in the community with the aim that fewer children would be relinquished to institutions. The new *Program Kesejahteraan Sosial Anak* incorporated the Indonesian

Government's previous system of financial support to *panti asuhan* through the fuel subsidy reduction compensation scheme (Government of Indonesia et al. 2011, p. 30).

As part of this transformation process, the Ministry of Social Affairs and the local government of West Java supported Save the Children to establish a pilot child and family support project in Bandung under which the Bandung Child and Family Support Centre (*Pusat Dukungan Anak dan Keluarga*) would assess the needs of vulnerable families and children with a view to providing additional support so that children were not placed in institutions except as a last resort (Government of Indonesia 2010a, 2010b, pp. 6-7, UNICEF Indonesia et al. 2012, pp. 166-67, Sunusi 2013, p. 3).

Significantly, the new policy has been publicly depicted by the Indonesian Government and Save the Children as a major 'paradigm shift' for Indonesia in terms of moving away from reliance on *panti asuhan* which, these parties claimed, cared for over 500,000 children (Save the Children UK et al. 2007, p. 19, Cantwell et al. 2012, p. 70, Sunusi 2013, p. 1). As noted above, the statement in 2013 by Makmur Sunusi, former Director-General for Social Services and Rehabilitation in the Ministry of Social Affairs, characterised the new policy as '*a paradigm shift*, moving from a child welfare system that *was based primarily on residential care towards a system that is centred on family-based care*.' (Sunusi 2013, p. 1) (italics in original).

Save the Children claimed a major role in motivating the Indonesian Government to adopt the new policy. They stated that the new policy represented a 'major shift in government thinking', reflective of the principles of the UN Convention on the Rights of the Child (Save the Children UK 2009, p. 19). Holding up Indonesia as a case study in deinstitutionalisation policy change, Save the Children Indonesia (2014) stated that its 2007 survey of *panti asuhan* conducted in conjunction with UNICEF and the Ministry of Social Affairs

> …revealed that almost 90% of the children living in institutions had one parent alive, and that 56% had both. Most children had been placed in residential care so that they could get an education, and stayed until they had completed secondary school. *This revelation led to a major shift in government thinking*. (emphasis added).

Save the Children Indonesia (2010) stated that Indonesia's change of policy was especially noteworthy as Indonesia had one of the highest per capita rates of placement of children in institutions in the world. Save the Children Indonesia (2013, pp. viii-ix) claimed that its

> …research findings formed the basis for a wide range of recommendations and advocacy work, which led in 2008 to revised [Indonesian] government policies to support family based care. This, in conjunction with other work and research, culminated in child protection being included as a mainstream policy in the government's National Strategic Plan 2010-2014.

Aside from international players, statements by the Indonesian Government pointed to its compliance with international children's rights standards as the main driver behind policy change. Indonesia presented a picture to the international community *via* the UN that it had, within only a few years, undertaken a significant policy shift from one of support for *panti asuhan* to a policy that embraced deinstitutionalisation in line with Indonesia's international children's rights obligations under the UN Convention on the Rights of the Child. In 2011, when introducing one of the major elements of the new policy, the Indonesian Government (2011) stated that its new national standards of care in Child Welfare Institutions responded directly to four recommendations issued by the UN Committee on the Rights of the Child in 2004 (p. 3) . The Indonesian Government (2011, p. 3) also announced that the national standards were 'based on the findings of two important studies conducted by Save the Children'. In 2013, Dr Makmur Sunusi, Senior Advisor to the Indonesian Minister of Social Welfare, further supported the view that Indonesia's wish to conform to international children's rights standards lay squarely behind the policy shift:

> Following the tsunami [of December 2004 which caused major damage and loss of life in the Indonesia province of Aceh as well as many other countries around the Indian Ocean littoral], and as a follow up to the recommendations of the UN Committee on the Rights of the Child in 2004, the Indonesian Government started a review of the situation of children in alternative care with support from Save the Children and UNICEF. (Sunusi 2013, p. 1).

The new policy also enabled Indonesia to report to the UN Committee on the Rights of the Child in 2010 that it had made significant progress in meeting its international obligations under the UN Convention on the Rights of the Child. Indonesia's combined third and fourth periodic reports to the UN Committee on the Rights of the Child (UN Committee on the Rights of the Child 2012, p. 5) noted that ratification of the Convention had inspired the amendment of Article 28B paragraph (2) of the Indonesian Constitution in 2000' by the addition of the words that 'Every child shall have the rights to survival, growth, and development and shall have the rights to protection from violence and discrimination'. Despite unpublished Indonesian Government figures (discussed in Chapter 8) revealing that the number of children in *panti asuhan* continued to rise steadily during the second half of the 2000s, the Indonesian Government (cited in UN Committee on the Rights of the Child 2012, p. 22) even claimed that it

> …ensures that every child has the right to be raised by their own parents, except when there are reasons and/or valid legal provisions indicating that separation may be in the best interest of the child and constituted the last resort.

The report by the Indonesian Government (cited in UN Committee on the Rights of the Child 2012, pp. 22-23) also commented on the treatment of children in *panti asuhan*, which it now referred to as 'social foster homes', and emphasised that the Indonesian Government had reviewed its practices concerning children living without parental care in direct response to previous recommendations by the UN Committee on the Rights of the Child, as follows:

> 97. The government ensures that every child has the right to be raised by their own parents, except when there are reasons and/or valid legal provisions indicating that separation may be in the best interest of the child and constituted the last resort.

> 98. *Responding to the Committee's recommendations*, the government conducted a comprehensive review of policies, standards and practices regarding children outside of family care. A study in 2007 assessed the situation in [social] foster homes in six provinces, Aceh, Central Java, West

Kalimantan, North Sulawesi, West Nusa Tenggara and Maluku….(emphasis added).

100. The government has developed a database system of Children outside Family Care to facilitate their monitoring and oversight…

102. To further improve services for children who have lost their family environments, the government will be undertaking the following measures:
   (a) Disseminating foster care standards in social foster homes;
   (b) Setting up systems for permits issuance, registration, and monitoring of social foster homes for children;
   (c) Developing and implementing [a] data collection system for children in alternative care, including children in social foster homes; and
   (d) Establishing policies and prioritizing family-like and community-based care as the first alternative [to the placement of children in social foster homes].

In passing, it should be noted that the Indonesian Government did not elaborate what it meant by 'family-like and community-based care' for children, referred to above. It seems likely, however, that this was taken to mean care not provided within a social foster home or *panti asuhan* but by persons living in a typical community setting who were either not biologically-related to the child (foster or adoptive parents) or who were relatives but not the child's parents (kinship or relative carers).

Thus, the dominant public narrative that has been advanced by international players and even the Indonesian Government to date is that Indonesia's deinstitutionalisation policy was designed largely to enact the country's international children's rights obligations.

The second noteworthy aspect of the new policy was that, far from providing detail about how and when the reduction or dismantling of *panti asuhan* would occur, as might be expected of a deinstitutionalisation policy, it actually placed these institutions at the centre of policy implementation. As noted above, *panti asuhan* were not only to continue to provide alternative care to children, but they were to be used as the mechanism—though renamed as *Lembaga Kesejahteraan Sosial Anak*—through which support to families would be delivered with the aim of reducing rates of child

relinquishment to institutions over an unspecified period of time. The new policy did not set timeframes for phasing out, or reducing the numbers of, *panti asuhan* and it envisaged that the new standards would be adopted by *panti asuhan* in order to gain ongoing access to government financial subsidisation. This meant, however, that the large number of *panti asuhan* that did not receive subsidies were under no compulsion to comply or be part of the new policy arrangements (as discussed in Chapters 8 and 9, not all *panti asuhan* receive government subsidies, and many operate with funding from their parent organisation or other sources such as donations).

Moreover, the national government's decisions to continue to use *panti asuhan* as the focal point for implementation of the new policy diverged from views expressed by Save the Children. Save the Children UK et al. (2007, p. 300) had recommended that:

> Direct services to support families who are facing challenges in the care of their children should be developed and piloted…and should be provided by the Government in partnership with community and faith based organisations that are crucial to social welfare service delivery in Indonesia.

While leaving the door open as to how this could be achieved, Save the Children did not explicitly recommend the delivery of family support efforts through the existing network of *panti asuhan*. That decision was made by the national government for reasons that are explored later in this study.

4.4 Conclusions

As well as providing background about *panti asuhan*, this chapter has highlighted two particular features of Indonesia's new *panti asuhan* policy. It showed that the standard, public explanation offered by the Indonesian Government and some international players for the policy change was that it represented adherence to international children's rights norms as contained in the UN Convention on the Rights of the Child and in recommendations issued by the UN Committee on the Rights of the Child.

By way of contrast, however, in its domestic setting, Indonesian policy on *panti asuhan* adopted a gradualist approach to deinstitutionalisation that kept *panti asuhan* at the centre of policy implementation arrangements. The discrepancy between statements made in international arenas by the Indonesian Government and other players and the

realities of the new policy within Indonesia suggests that the making of new *panti asuhan* policy was a more complex undertaking than has been depicted to date. The following chapters employ Hajer's discourse analysis methodology to reveal a far more nuanced picture of how the Indonesian Government's policy shift on *panti asuhan* resulted from the complex interplay of domestic political, social, economic and other factors, as well as international dimensions, with origins that dated back at least to the 1990s.

Chapter 5: Field research and main story lines

Overview

This chapter explains how the standard portrayal of policy change presented in the last chapter was investigated through field and desk research. Compared with the standard account of policy change, it previews the perspectives of policy actors about *panti asuhan* in the form of two main story lines. These perspectives reveal a complex policymaking story that goes well beyond the dominant public version of events.

5.1 The case study: a preview

As will be recalled from Chapter 3, Hajer advanced ten steps for policy analysis. These ten steps might be further divided into two parts: first, gathering data through field interviews and desk research to identify key story lines, inner narratives and metaphors as expressed by policy actors; and, second, identifying and analysing how differing story lines mobilised discourse-coalitions that interacted to shape new policy. In other words, the essential tasks are, first, to identify and analyse the story lines and, second, to identify how, and to what extent, these story lines mobilised discourse-coalitions that interacted to form new, or change existing, policy.

The following five chapters examine Indonesia's *panti asuhan* policy change story around these two parts. First, on the basis of interviews and other materials, Chapters 6-10 outline and analyse two principal story lines and their inner narratives about *panti asuhan*. Second, Chapter 11 discusses how two discourse-coalitions were mobilised around these story lines, each vying for policy dominance. The latter chapter suggests that policy developed through a sequence (or what Hajer would term 'discursive order') in which a pro-reform discourse-coalition initially dominated the policy agenda (displaying 'discourse structuration'), which was opposed by a pro-*panti asuhan* discourse-coalition. Concerns within government about a back-lash from pro-*panti asuhan* interests, and a degree of community acceptance about *panti asuhan*, meant that the final policy outcome (or 'discourse institutionalisation') represented an amalgam of deinstitutionalisation and *status quo* positions, rather than a simple victory for international children's rights forces as portrayed in the standard version of events. Thus, despite the standard depiction by the Indonesian Government and international players, evidence in these chapters suggests that *panti asuhan* policy was, in fact, a compromise struck by the national government between two opposing sets of interests

about this form of child care. This chapter sets the scene for these chapters by explaining how field and other research was conducted and previewing the two main story lines that emerged from interviews.

5.2 Interview selection

Field-level data were collected during three visits to Indonesia between 2011 and 2013. An initial seven-day orientation and fact-finding visit was undertaken to the provinces of Jawa Barat (West Java), Nusa Tenggara Barat (or West Nusa Tenggara), and Nusa Tenggara Timur (or East Nusa Tenggara, including west Timor) in August 2011, facilitated by the Jakarta office of an INGO, Plan International. Following that visit, I conducted initial desk research about *panti asuhan* by examining documents about Indonesia, Indonesia's social welfare programs, and *panti asuhan* as published by the Indonesian Government, the UN, UNICEF, the World Bank, the Asian Development Bank, and INGOs, such as Save the Children, World Vision and Plan International. Most of these documents were written in the English language. As a non-Indonesian language speaker, this step necessarily limited examination of documents not written in English, such as materials published on the Ministry of Social Affairs' website about social welfare programs. To help overcome this limitation, I was assisted by staff from the Save the Children and Plan International offices in Jakarta, who helped to identify relevant Indonesian language publications and, where these appeared to relate to the study topic, to translate them either in summary form or in detail where appropriate.

A second visit to Indonesia was conducted between 15 and 24 February 2012, which involved 12 'helicopter' or high-level interviews in Jakarta with senior Indonesian national government officials, senior UN, local Indonesian NGO and INGO officials, and university researchers. These interviews enabled me to gain a general appreciation of the role of *panti asuhan* and the factors that may have been at play in the policy change process. These interviews were arranged jointly through the Jakarta offices of Save the Children and Plan International on the basis of discussions between myself and senior representatives of these organisations about people in government and non-government circles who had either been directly involved with the policy change process or who had closely observed it in a professional capacity. Save the Children and Plan International officers arranged all interviews and assisted with translation from Indonesian language to English when required. I also visited a national government-operated *panti asuhan* in Bandung (West Java), accompanied by Ministry of Social

Affairs and local Save the Children employees. Between the second and third field visits, I undertook further analysis of documents that were obtained during and after the February 2012 field visit.

A third round of in-country interviews was conducted between 7 and 25 January 2013. As well as basic training in Indonesian language, this visit involved 29 interviews with 22 people (seven were interviewed twice), including with a member of the national Parliament, senior Indonesian Government officials, senior local provincial or district government officials in Bandung, and senior UN, INGO and national NGO staff, as well as academics and a journalist with a national newspaper. Once again, all interviews were arranged through the Jakarta offices of Save the Children and Plan International. During that visit, a telephone interview was also conducted with a former employee of an INGO (then residing outside Indonesia) who had been closely associated with the Indonesian Government's change of policy on *panti asuhan*. In August 2014, a further interview was conducted in Canberra with an employee of an Indonesia national NGO who had closely observed the *panti asuhan* policy development process.

In all, 43 interviews with 35 people were conducted for this study (see Appendix A for a full listing of organisations consulted). Apart from telephone and in-Australia interviews, all interviews were held at interviewees' offices, either in Jakarta or in Bandung. Table 5.1, below, provides a summary of interviews (see Appendix B for more detail on the interviews).

Table 5.1 **Interviewee summary, 2012-14**

Category	Code	Number of interviews held	Number of interviewees
National politicians	NP	1	1
National government officials	G	14	12
Local provincial or district officials	LG	2	2
INGO representatives (current or former)	IN	10	8
National NGO representatives	N	8	5
Academics	A	4	3
Journalists	J	1	1
UN officials	UN	3	3
Total		43	35

To ensure that the widest possible range of perspectives was obtained about the policy change process, interviewees were selected from the following eight fields: national politics; national government; provincial or district government; INGOs; national NGOs; academia; the UN; and, the media. Interviewees were selected because they (or their organisation) had either been directly associated with the *panti asuhan* decision-making process as a government decision-maker, as an advocate for policy change, or had observed the process closely in a professional capacity.

Being able to interview senior government representatives, especially in the Ministry of Social Affairs, who had been directly involved with developing, recommending and implementing the policy change on *panti asuhan* meant that first-hand access was obtained to those most directly involved with the policy change process (apart from the Minister for Social Affairs at the time of the policy change, Bachtiar Chamsyah, who was later gaoled for corruption).

The identification of interviewees for the first and second round of field visits was made in consultation with staff at the Jakarta offices of Save the Children and Plan International. My growing familiarity with key players enabled me to independently identify interviewees for the third field visit.

Appendices D and E respectively provide further information on the organisations consulted and on interview dates, types and locations.

I interviewed senior INGO representatives who had conducted research on *panti asuhan* as part of an advocacy campaign to have the Indonesian Government change its policy on children's institutions. I also interviewed senior representatives of Indonesian research, media and local non-government organisations who had closely observed the *panti asuhan* policy change process and were able to relate this to other aspects of Indonesian politics and society. In addition to interviews with middle-ranking representatives and officials, interviews were obtained at the level of Chairperson of a Komisi or Commission at the national political level (11 Komisi have been established as standing bodies of the House of Representatives, comprising members of the House of Representatives who undertake tasks such discussion and reporting on draft

legislation, the State draft budget and the implementation of laws and policies), at Director-General and Deputy Director-General level within national Government, at head of Provincial office level within local Provincial or district Government, at Chief Executive Officer level within INGOs and NGOs, at head of school/professor level within academia, at senior national social affairs editor level within a national English language daily newspaper, and at head of department level within a local UN office. Access to such well-placed elite individuals meant that the data collected were more likely to contain high-level strategic insights than, say, with more junior or middle-ranking officials, or by relying only on published government documentation.

Enlisting the assistance of local INGO staff to arrange interviews and to assist with translations raised questions about potential bias. I was cognisant that these employees and their organisations might have had real or perceived conflicts of interest in the way that the research was conducted by me and its final outcome. For example, their advice to me about the selection of interviewees could have been influenced by a wish for me to speak only to those who were well-known to the INGO concerned so that the INGO's ongoing country operations would not be compromised. Moreover, I was aware of the possibility that interviews with critics of the deinstitutionalisation policy initiative might be side-stepped, and that translations from Indonesian to English might, either deliberately or inadvertently, lead to important nuances being missed.

I sought to minimise potential bias in several ways. First, by undertaking a document review and conducting three field visits over the span of 18 months I was able to develop a detailed understanding of the main issues, personalities and organisations connected with the policy change process. As noted above, by the third field visit I was able to identify by myself the people I wanted to interview by name or organisation. With this knowledge, I was able to precisely advise my local INGO contacts about the people I wished to interview.

Second, over the course of three visits to Indonesia, I paid particular attention to informing my local INGO contacts about the progress of the study. I discussed with them the gaps in interviews that needed to be filled and obtained their suggestions about who to interview. Through this process of discussion, I felt I was given a range of

potential interviewees from which select, rather than being presented with a list of interviewees entirely determined by my local contacts. Third, I always asked interviewees for their thoughts about other possible interviewees. Thus, I was able to widen the circle of advice beyond local INGO staff. In some cases, this technique led to additional interviews (occasionally, in the course of the initial interview or immediately after it).

Finally, I sought to reduce bias in translations from Indonesian to English language by thoroughly briefing my translators on the purpose, background and key terms and concepts being used in the study. Again, conducting the study over three field visits proved invaluable as my translators gained in-depth knowledge of my study and recognised that my level of understanding about key concepts and matters such as government programs required less and less explanation. Moreover, by the third field visit, my growing familiarity with key Indonesian terms allowed me to follow parts of conversations, thus helping to verify to some extent that translations covered the matters being discussed by the interviewee. Translation bias was also reduced because at least half of all interviewees conducted interviews in English. At times, my local translator would assist in explaining complex terms, but generally this type of assistance was not required.

All interviews were conducted in a semi-structured, conversational manner around two basic questions. First, in order to understand whether, and to what extent, interviewees either directly or indirectly influenced the decision-making process, all interviewees were asked: What was your role in the policy formulation process? Second, they were asked: Why did policy change occur? Supplementary questions included: Why did the change occur at the time it did? What made the policy change occur successfully? What problems were encountered? What had to be modified during the policymaking process? Handwritten notes or audio recordings (or both) were made during each interview with the interviewee's prior informed consent. I later transcribed these notes and recordings into a typed format.

To protect the identity of interviewees, each interviewee was assigned a code according to their respective professional field (see Table 5.1, above), the number of the interview

within a particular category, and the year of interview. For example, the first national government official interviewed during the January 2013 field visit was coded as interviewee GA-13, that is, 'G' for government official, 'A' to represent the first such official to be interviewed in that interview round, and '13' to denote the year, that is, 2013.

Data obtained through interviews were coded and analysed to help make interpretations about why policy change occurred. Bozoki's (2011) five steps for coding and analysis were followed, namely: first, being aware of barriers to the reliability of interview data, such as interviewer bias; second, identifying how key words and phrases reflect the interviewee's subjective perceptions in contrast to ways that others construct the topic of research, such as a policy change; third, coding interviews in terms of the frequency with which key words and phrases appear; fourth, using other data sources, such as publications, to corroborate interviewee perceptions; and, finally, drawing inferences from the interview about policymaking.

Interview transcripts were analysed as follows. I identified key words and phrases contained in each transcript. Key words and phrases were coded in terms of the frequency with which they appeared. Transcripts that used similar words or phrases were grouped together to reflect affinities in perspective amongst interviewees. These groupings ultimately formed the basis for the categorisation of interviews into one of two basic story lines. Also, coding of transcripts helped to discern narratives within particular story lines, that is, nuanced perspectives and attitudes in support of a basic story line but that were different from perspectives of others who also supported the same basic story line. Finally, in keeping with Hajer's encouragement to take into account broader contextual factors, unpublished Indonesian Government documents and secondary published materials were consulted to help analyse and reflect upon the various policy discourses and reconstruct and draw inferences about the dynamics of policymaking.

It should also be noted that extracts from interview transcripts are presented in Chapters 6-10 of this dissertation in order to highlight key themes. In these chapters, interviewee comments that do not directly relate to interviewer questions were omitted and are

marked with dots (…). Also, for the sake of concision, interviewer questions (see above) were omitted from the transcripts contained in these chapters.

5.3 Main story lines: a synopsis

My interviews with a range of people from politics to journalism, from academia to international children's rights advocacy, and from national bureaucracy to social welfare and religious groups, revealed two basic story lines about the reasons the Indonesian Government adopted a new policy on *panti asuhan* during the mid-to-late 2000s. Each main story line, in turn, comprised differing narratives or ways of seeing and expressing the reasons for policy change.

What I term the 'pro-reform' perspective held that policy on *panti asuhan* needed fundamental change. Interviewees expressed this story line using one or more of three principal narratives, that is, *panti asuhan* were either incompatible with international children's rights standards, inconsistent with new social and economic policy directions, or too costly for government to continue to support.

On the other hand, what I term the '*status quo*' approach regarded *panti asuhan* as useful, and policy change as largely unnecessary. Interviewees holding this view tended to discuss *panti asuhan* as being helpful to poor families and/or as important in facilitating the performance of religious duty and other forms of community involvement. At the outset, it should be noted that interviewee reflections sometimes drifted across the two differing narratives to explain their adherence to either a reformist or *status quo* position.

Table 5.2, below, summarises the two main story lines, narratives and players associated with them.

Table 5.2 **Key findings: a typology of *panti asuhan* story lines**

Key story lines about *panti asuhan*	Key narratives (and sections in this study to which they relate)	Main actors by profession or sector
'Pro-reform' story line	*Panti asuhan* were: − Incompatible with international children's rights standards (Sections 6.1-6.2). − Inconsistent with new Indonesian Government social and economic policy directions (Sections 7.1-7.2). − Too costly for government to continue to support (Sections 8.1-8.2).	National government officials Child welfare/rights INGO Child welfare/rights NGO UN National media Academia/research
'*Status quo*' story line	*Panti asuhan* were: − Supported by Islamic teachings as a vehicle for charitable giving (Section 9.1-9.2). − Widely respected as a time-honoured practice in Indonesia for the care of children broadly defined as either neglected or orphaned (Section 9.1-9.2).	Socio-religious groups that operate *panti asuhan* National parliament

5.4 Conclusions

This chapter has outlined how field and desk research for this study was undertaken. On the basis of interviews with key policymakers, advocates and others, it previewed the finding that two basic story lines were held by policymakers, policy advocates and others about *panti asuhan*.

The next five chapters present and analyse these two story lines and their inner narratives. As will be argued in Chapter 10, these story lines, in turn, mobilised the actions of two discourse-coalitions that vied for particular policy outcomes, that is, either policy reform to reduce the number of children in *panti asuhan* or preservation of the policy *status quo*.

Chapter 6: The 'pro-reform' story line (i): international factors

> 'Deinstitutionalisation policy was driven by Indonesia's response to the UN Committee on the Rights of the Child that children should not be placed in institutions.'
>
> A senior Ministry of Social Affairs official (GK-13).

Overview

This and the next two chapters identify three narratives expressed by policymakers and advocates of policy change that, taken together, form what may be termed a 'pro-reform' story line about *panti asuhan*. The basic message of that story line was that government policy toward *panti asuhan* needed to be reformed because these children's institutions had either become incompatible with international children's rights standards, inconsistent with new Indonesian Government social and economic policy directions, and/or too costly for government to continue to support.

This chapter examines the first of these narratives, namely, that *panti asuhan* were at odds with international children's rights standards for the care of children outside their family environment. As in the remaining chapters of Part II, it is set out in two parts: first, an outline of the main aspects of the narrative as it emerged from interviews; and, second, using secondary data, an analysis of the claims made by those who held that narrative. The purpose of the second part is to produce what Hajer (2005, p. 307) defined as 'data, not simply to reconstruct the arguments used, but to account for the *argumentative exchange*' that leads to policy change, that is, to help corroborate explanations about why and how policy change occurred.

6.1 Findings from the field

Consistent with the standard portrayal of the *panti asuhan* policy change outlined in Chapter 4, senior national government officials, academics and INGO representatives expressed the view that, by the early-to-mid 2000s, Indonesian policy on *panti asuhan* had become seriously out-of-step with, if not in violation of, international children's rights standards relating to children in alternative care. Two perspectives were

distinguishable amongst interviewees who held this overall view: first, amongst national government officials, that *panti asuhan* were increasingly seen to be inconsistent with the general policy directions adopted by Indonesian governments after the fall of Suharto in 1998 under which human rights issues were given greater emphasis in national laws and policies as well as in Indonesia's international policy agenda; and, second, particularly amongst international players such as Save the Children, that the overuse of *panti asuhan* represented a contravention of UN Convention on the Rights of the Child provisions relating to the care of children in alternative care. The remainder of this section outlines these two perspectives.

6.1.1 Views from national government. The growing importance to Indonesian governments of adhering to international children's rights standards in the decade after the fall Suharto was expressed by several senior Ministry of Social Affairs officials. A Ministry of Social Affairs official with responsibility for child welfare policy (GK-13) stated flatly that 'deinstitutionalisation policy was driven by Indonesia's response to the UN Committee on the Rights of the Child that children should not be placed in institutions'. Another senior Ministry of Social Affairs official (GA-13) pointed to how recommendations by the UN Committee on the Rights of the Child about Indonesia's *panti asuhan* in the early 2000s, as well as to Save the Children's research on *panti asuhan* after the 2004 tsunami, played important roles in shifting Indonesian Government attitudes on *panti asuhan*, as follows:

> In 2001 or 2002, the UN Committee of the Rights of the Child said that Indonesia had violated children's rights by putting children into homes. But we did this so that children could get access to health, education and welfare. That [finding by the UN Committee] was the entry point for us to find alternative ways to help children. Then Save the Children came in after the tsunami. We needed research and Save the Children came up with the conclusion that children needed help.

> (Interviewee GA-13)

A leading social worker and senior official in the Ministry of Social Affairs (GE-13) drew attention to how national government officials came to see *panti asuhan* as a problem in light of the provisions of the UN Convention on the Rights of the Child:

> In 1990, Indonesia ratified the UN Convention on the Rights of the Child and we also more recently mainstreamed children's rights in other policies in other Ministries, such as the Ministry for Women's Empowerment...Changes in government policy were also seen by changes in the delivery of programs in line with the 2002 Law on Child Protection which said that most important were family-based approaches for children. This was an important step.

> (Interviewee GE-13)

A senior member of the national government's child protection authority (GD-13) also reflected on how the first few years after the fall of Suharto had seen Indonesian governments accord greater recognition to human rights, including children's rights, in the country's Constitution, laws and policies:

> There were two big changes in the environment on children's policy. First, between 1999 and 2004, during the period of *Reformasi* after the New Order, we changed the national Constitution four times. The most important Constitutional changes related to human rights. The second step was the 2002 Child Protection Law, which mostly referred to the UN Convention on the Rights of the Child. Three of the four main principles of the UN Convention on the Rights of the Child were put into the Constitution, except the one about children's participation…

> (Interviewee GD-13)

6.1.2 Academics and INGOs. Consistent with these reflections from national government officials, interviews with academics and the INGO community highlighted international pressures on Indonesia to improve its performance in relation to children's institutions. Unlike national government officials who (as noted above) expressed a growing concern about *panti asuhan* in the context of the national government's

increased emphasis on human rights after the fall of Suharto, a leading Indonesian academic (RA-13) pointed to faint but appreciable Indonesian Government interest in international children's rights norms as far back as the early 1990s:

> Children's rights ideas behind [the new] deinstitutionalisation policy was a case of the right place and the right time. But, there was a slow development of thinking about children's rights over a longer period leading up to it…

> After Indonesia ratified the UN Convention on the Rights of the Child in 1990, we were able to include only one paragraph on the special needs of children in the 1993 national development plan and in 1997, there was one small chapter on children with special circumstances. There were setbacks. A study of child labour prepared in 1993 was embargoed for two years.

> But, in 1996, we were more able to talk about child labour with the government. Today, children's rights are in policies, but the problem is implementation. There are still some members of the People's Assembly who think children's rights is 'Western talk' and even some academics are against the concept…

> Children's rights are getting into the mainstream, but it's not a freeway and there are lots of junctions and obstacles. There is not enough political pressure to get much change and districts are not moving to the new [children's rights] paradigm.

(Interviewee RA-13)

INGO interviewees expressed more strongly than national government and academic interviewees that INGO activities in Indonesia from the mid-2000s had been critically important in raising awareness about *panti asuhan* within national government. For one expatriate INGO employee (INB-13), the research into *panti asuhan* that was initiated by Save the Children with support from UNICEF after the 2004 tsunami was critical in bringing to light the gap between the treatment of children in *panti asuhan* and international children's rights standards:

After the tsunami, Save the Children and UNICEF saw the opportunity to look at the broader situation on child protection in Indonesia…Work in Aceh clarified things. Save the Children and UNICEF didn't start by looking at alternative care for children [to institutions], but it soon became pretty clear that unless alternative care was addressed you couldn't address child protection issues…

[Evidence produced by Save the Children about children's institutions after the 2004 tsunami hit] Aceh showed that institutions were a very clear-cut problem and this was at the root of everything. Alternative care was the response from the local authorities, even international agencies, and the Ministry of Social Affairs and social workers. To them, children's institutions were clearly understood as like 'this [children's institutions] is the solution to all our problems and there aren't alternatives'. They [children's institutions] were at the core of every social intervention and when you asked about any other alternative care in terms of family support or whatever, it [family support rather than institutionalisation] was few and far between and piecemeal…

Save the Children's mandate was to look at the child protection system, and institutional care was the child protection system. The *panti* system was entirely de-regulated and it was entirely residential-based and even the models that were being promoted by the Ministry of Social Affairs were residential-based…

There was absolutely no doubt in their [the Ministry of Social Affairs'] mind that the only solution was to remove children and put them in institutions…There was real clarity for Save the Children that unless you started to address institutional care problems…you wouldn't make any progress at any level because you just couldn't have a discourse about alternatives. They [government officials] literally went blank…

It [Save the Children's work in Aceh after the tsunami] had to be a transformative process….The assumption amongst many officials was: what was the issue [with alternative care]? But at the end of the day these guys [who ran *panti asuhan*] were doing a job that the government was not doing and we [government] need to be grateful and support them, which is partly true but there

was no sense [amongst government officials] of how institutional childcare could be wrong and why would we be considering another thing?

So, getting them [government] to do the research [into the situation for children in *panti asuhan*] was absolutely key to opening them to reality and enabling them to start challenging that reality. That was the key element…but it was against their practice. That was very much Save the Children's doing…There was no discourse about alternative care even after the UN Committee's report, which was relevant to alternative care, had been out for 18 months. The Committee's conclusions and recommendations gave a very clear guideline...and kind of gave authority.

(Interviewee INB-13)

6.2 Analysis and discussion

Why would these beliefs and perceptions have been held by policymakers and policy-change advocates? This section draws upon secondary materials to examine the bases of these perspectives.

6.2.1 Children's rights and Indonesian policies, 1990-mid-2000s. There is evidence that, by the early 2000s, the Indonesian Government was attempting to apply, and be seen to apply, international children's rights standards to a range of domestic policies. To understand this trend, we need to review the period between 1990, when Indonesia ratified the UN Convention on the Rights of the Child, and the mid-to-late 2000s when *panti asuhan* policy shifted direction.

When signing the UN Convention on the Rights of the Child in 1990, Indonesia formally expressed reservations about seven Articles of the Convention relating to: the definition of the child; national legislation; religious freedoms; the role of the media; adoption; refugees; and, that understandings of the concept of human rights should take into account social and cultural diversity and political realities in different countries. The Indonesian Government (cited in UN Committee on the Rights of the Child 1994, p. 2) advised the UN that the provisions of the UN Convention on the Rights of the Child would only 'be adapted in conformity with the national law and the existing

conditions within the country'. In 2005, the Indonesian Government (cited in UN Committee on the Rights of the Child 2012) informed the UN that it had withdrawn its seven reservations to the UN Convention on the Rights of the Child. In doing so, however, the Indonesian Government did not revoke its earlier umbrella statement that its observance of the entirety of the UN Convention on the Rights of the Child was dependent on, and overridden by, the provisions of the Indonesian Constitution (National NGO Coalition for Children Rights Monitoring & Save the Children 2010, p. 8).

Little or no perceptible progress was made in translating international children's rights standards, particularly in relation to alternative childcare, into domestic policy during Suharto's New Order (1967-98). Under the terms of the UN Convention on the Rights of the Child, each signatory country is required to report to the UN Committee on the Rights of the Child on their compliance with the Convention every five years. Each signatory's report is then the subject of consideration and a report by the UN Committee on the Rights of the Child (as noted earlier, the Committee comprises 18 independent experts who monitor and report to the UN on the implementation of the UN Convention on the Rights of the Child). At the time of writing, the Indonesian Government had issued four reports to the Committee (Appendix C provides detail about these reports and Committee responses).

Indonesia's first report, in 1992, on the country's compliance with the UN Convention on the Rights of the Child showed that, despite the Convention's opposition to excessive reliance on children's institutions, Indonesia supported the orphanage model for the care of children. The Indonesian Government (cited in UN Committee on the Rights of the Child 1993, p. 13) reported that it had 'established a special foundation named Dharmais Foundation to provide attention to children deprived of a family environment [in residential institutions]...Another foundation, named Yayasan Sayap Ibu, has special interest to foster the orphaned' (sic), that is, to care for children in day care settings and in residential institutions. The linkages between *panti asuhan* and the upper echelons of the Suharto Government are discussed in detail in Chapter 9. Suffice at this point to note that Yayasan Sayap Ibu was founded in 1955 by the wife of the then Minister for Social Affairs, Sutomo, to provide day care, as well as longer term residential care, for children. By the late 1960s, the latter organisation had opened

branches in Jogyakarta and Jakarta. Yayasan Sayap Ibu continues to operate *panti asuhan* and other children's services to the present day (Yayasan Sayap Ibu 2013).

Despite the Indonesian Government's admission to the UN that it supported children's institutions through charitable foundations, it is noteworthy that the UN Committee failed to comment on the institutionalisation of children in Indonesia in the 1990s despite provisions in the Convention concerning such practices (United Nations Committee on the Rights of the Child 1993a, pp. 2-3). The closest the UN Committee came to expressing formally its concern about Indonesia's children's institutions in the 1990s was a general encouragement that Indonesia should review its child-related laws to ensure conformity with the UN Convention on the Rights of the Child (United Nations Committee on the Rights of the Child 1994a, p. 4).

By way of contrast, during the first decade of *Reformasi*, a number of new laws and changes to the Constitution were passed that reflected, at least on paper, many of Indonesia's obligations to children under the UN Convention on the Rights of the Child, as well as a range of other international human rights principles. Amongst a wide range of initiatives, such as the decentralisation of much administrative power from Jakarta to sub-national levels commencing in 1999 (discussed further in Chapter 7), the Habibie, Wahid and Megawati governments sought to give greater expression to human rights in law and government policy. Human rights-related laws adopted in the first three years of *Reformasi* included those relating to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Law 5/1998), International Labour Organisation Convention Number 138 concerning the minimum age for admission to employment (Law 20/1999), Human Rights (Law 39/1999), and the International Labour Organisation Convention Number 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour (Law 1/2000). With respect to the separation of children from their families, Law Number 39 of 1999 (39/1999) stated that 'Every child has the right not to be separated from his parents against his wishes, except for valid legal reasons and procedures indicating that this separation is in the best interests of the child.' (Article 59) (Government of Indonesia 1999) (see Appendix C for a list of key Indonesian laws and Presidential and Ministerial Decrees and Regulations relevant to children's welfare and rights).

Under President Wahid (October 1999 to July 2001), the Indonesian Constitution was amended to include several new human rights provisions, such as the right to life, the right to form a family, and equal treatment before the law. A new Constitutional provision was introduced in 2000 concerning the rights of children. Article 28B(2) stated: 'Each child has the right to survive, grow, and develop as well as the right to protection from violence and discrimination' (cited in UN Committee on the Rights of the Child 2012, p. 5). In 2001, Indonesia signed the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. In 2002, Indonesia's Minister for Health told the UN General Assembly Special Session on Children that 'in the midst of our economic turmoil, Indonesia remains fully committed to the goals of the 1990 World Summit on Children and the provisions of the Convention on the Rights of the Child.' (Sujudi 2002).

In 2002, the national government adopted Law 23/2002 on Child Protection, the country's first-ever child protection law. Developed following deliberations within a Special Committee of the Indonesian People's Consultative Assembly and with involvement by the Ministry for Women's Empowerment, the Ministry of Social Affairs and NGOs, the new law took the UN Convention on the Rights of the Child as its primary point of reference and contained many terms drawn directly from the Convention (Government of Indonesia 2002). The law defined the protection of children to mean 'all activities designed to guarantee and protect children and their rights so that they may live, grow, develop and participate optimally in society.' (Government of Indonesia 2002, p. 12). Article 2 stated that the Law was based on the national ideology of *Pancasila* (or five principles, which are belief in God, humanity, the unity of Indonesia, representative government, and social justice), the 1945 Indonesian Constitution, and the UN Convention on the Rights of the Child, and that it contained four main principles: non-discrimination; the best interests of the child; the right to life; and, respect for the opinions of children (Government of Indonesia 2002).

Law 23/2002 contained provisions for the protection of children's rights to practice his or her religion (Article 6), to access health care and social security (Article 8), to have his or her opinions listened to (Article 10), and to be free from exploitation, violence and involvement in armed conflict (Articles 13 and 15). It set out the following responsibilities of the State, community, the family and parents for the protection of

children: the State and Government would establish infrastructure and facilities to protect children (Article 22); the community would provide protection for children (Article 25); and, families and parents would be 'responsible and accountable for caring for, maintaining, education and protecting children' (Article 26). The new law also authorised the establishment of an independent Commission on the Protection of Indonesian Children (Komisi Perindungan Anak Indonesia).

Of particular importance to the story of *panti asuhan* policymaking, Law 23/2002 contained provisions relating to the care of neglected or abandoned children (Government of Indonesia 2002). Echoing the UN Convention on the Rights of the Child's call for States to observe children's 'best interests' and to encourage children to be raised primarily in a family environment except when no other alternative was possible, Article 14 stated:

> Every child shall be entitled to be brought up by his/her own parents save where there is a valid reason and/or legal provision that requires the separation of the child from his/her parents in the interests of the child. Such separation shall only be used as a last resort. (Government of Indonesia 2002).

Article 26 (2) stated that the primary mode for the care of children who cannot live with their natural parent/s was to be kinship care, that is, care by other family members. Article 33 provided that, in cases where the child's parents were either legally incompetent or their whereabouts unknown, 'an individual or institution…may be appointed to serve as the guardian of the child.' (Government of Indonesia 2002).

In 2002, Indonesia submitted its second periodic report to the UN Committee on the Rights of the Child (United Nations Committee on the Rights of the Child 2003). The report stressed that Indonesia had embarked on a process of political democratisation and economic reform after the fall of Suharto. It noted, for example, that human rights had finally been recognised under Indonesian law, in the form of Law 39/1999 (United Nations Committee on the Rights of the Child 2003). This report has particular significance in relation to Indonesia's *panti asuhan* story as it was the first time that Indonesia had reported to the UN on the situation of children in *panti asuhan*. Indonesia characterised increases in the numbers of children placed in orphanages and the number

of orphanages in the 1990s as having represented 'fairly rapid growth'. It also acknowledged its obligations under the Convention by noting that, as the 'capacity and quality of orphanages and other forms of alternative care largely still do not conform with the minimum standards set by the Government', a system would be devised to monitor the alternative placement of children during the following five years (United Nations Committee on the Rights of the Child 2003, p. 43).

In stark contrast to the first report issued by the UN Committee on the Rights of the Child concerning Indonesia's compliance with the UN Convention on the Rights of the Child in 1994, the Committee's 2004 report took a dim view of Indonesia's record on *panti asuhan*. The Committee expressed 'concern at the high number of children who are placed in institutions and at the living conditions in these institutions, and at the increasing number of children who are abandoned by their parents.' (United Nations Committee on the Rights of the Child 2004a, p. 9). The Committee recommended that Indonesia take four actions: first, undertake a comprehensive study of the situation for children in institutions; second, put in place family strengthening and awareness-raising measures to prevent the placement of children in institutions; third, take steps to reunify children in institutions with their family wherever possible; and, finally, instigate clear standards for the operation of institutions and provisions for periodic review of placements of children in institutions (United Nations Committee on the Rights of the Child 2004a, p. 9).

The UN Committee's criticisms of Indonesia's continued reliance on *panti asuhan* highlighted the gap between the Indonesian Government's rhetoric on *panti asuhan* and the on-ground practice which continued to support this form of care. This gap can be seen, for example, in Law 23/2002. While enshrining many aspects of the UN Convention on the Rights of the Child in its provisions, Law 23/2002 also provided for the continuation of *panti asuhan* and for government and the non-government sector to continue to operate them. Part 4, entitled 'Social Development', outlined how children's institutions run by NGOs under the overall supervision of the Ministry of Social Affairs would continue. Article 55 stated:

> The government shall be required to ensure the maintenance and upkeep of
> neglected and/or abandoned children, whether in the context of an institution or

outside an institution. The provision of maintenance and upkeep…may be undertaken by community institutions. (Government of Indonesia 2002).

Article 58 stated: 'The government or authorized institutions shall be required to provide places/institutions' (Government of Indonesia 2002).

Moreover, in spite of the partial emphasis in Law 23/2002 on children's rights to grow up in their family of origin, the national government's operating policies continued to support *panti asuhan* as an important vehicle for the care of children. The Ministry of Social Affairs' 2002 guidelines (cited in Save the Children UK and Indonesian Ministry of Social Affairs 2006) listed the main functions of *panti asuhan* as: providing welfare services to children; being a source for information, data and consultation on children's welfare; providing referrals for families, the community, the state and other parties; and, acting as agencies through which the public can become involved in providing welfare services to children (pp. 7-8).

In 2004, the Ministry of Social Affairs reissued its guidelines on *panti asuhan* and these provide evidence of the Indonesian Government's continued reliance on *panti asuhan* despite the call in Article 18 of the UN Convention on the Rights of the Child for children to be raised by their parents wherever possible (see discussion in Chapter 1, above). This also seemed to contradict at least some of the rhetoric of Law 23/2002. The guidelines noted Indonesia's ongoing reliance on institutions to care for particular types of children. Stating that there were three million neglected or abandoned children, and an additional ten million who risked these conditions, the Ministry of Social Affairs Directorate General of Social and Rehabilitation Services' 2004 *General guidelines for the provision of social services to children in childcare institutions* (cited in Save the Children UK et al. 2007, p. 26) stated:

> …it is no longer feasible to rely on families to deal with the problems of neglected/abandoned children. Instead*, institutions are required that are capable of substituting for children's parents*. This is why childcare institutions have been developed as institutions that are capable of providing professional services to children. (emphasis added).

Later chapters will argue that, upon close analysis, the Indonesian Government's much-vaunted 'paradigm shift' on *panti asuhan* policy in the mid-to-late 2000s repeated this pattern whereby Indonesian Government rhetoric at the international level exaggerated the extent to which new policy directions on *panti asuhan* represented a significant break with past practice under which *panti asuhan* played a central role in the alternative care of children. It will be argued that, despite the Indonesian Government's presentation of its new policy directions on *panti asuhan* as a major break with the past, in reality, a complex blend of political, economic, social and other forces shaped new policy so that *panti asuhan* would continue to play a pivotal role in the alternative care of children.

In sum, there appears to be compelling secondary evidence to support interviewee perspectives that the early *Reformasi* era between 1998 and the mid-2000s saw the Indonesian Government increasingly translate international standards about children's institutions into domestic legislation. Yet, the picture was far from clear-cut. The Indonesian Government's commitments in law and policy to children's rights relating to alternative care were conflicted, as demonstrated by aspects of Law 23/2002 and in the 2004 Ministry of Social Affairs' *General guidelines* that signalled the national government's wish to provide ongoing support to *panti asuhan* for the care for neglected, abandoned or orphaned children into the foreseeable future.

Thus, it might be concluded that, while broader international children's rights concerns appeared to have influenced *panti asuhan* policy reform, the national government had not unreservedly embraced these standards by the mid-2000s. I contend that the main reasons for this two-track policy are to be found largely in community attitudes toward *panti asuhan*, as well as the power of organisations that operated *panti asuhan*, as will be discussed in later chapters.

6.2.2 Panti asuhan as contravening the UN Convention on the Rights of the Child.
There is also evidence to support the perception held by interviewees from within the national government, academia and non-government organisations, as set out earlier in this chapter, that *panti asuhan* represented a contravention of provisions in the UN Convention on the Rights of the Child relating to children in alternative care. This view

arose primarily from the work undertaken by Save the Children in Indonesia after the 2004 tsunami.

To appreciate the role played by this INGO, we need, first, to understand Save the Children's general stance on the issue of children living without parental care. Save the Children was established in England in 1919. Since the late 1990s, it has campaigned for governments in the Global South to reduce significantly, if not end altogether, the placement of children in institutions except when all other options, such as kinship care or adoption, have been exhausted. Save the Children UK's publication (2003), *A last resort*, declared residential care to be a violation of children's rights and urged that a significant global reduction in this form of care occur as a matter of urgency (pp. 1, 3). In 2005, Save the Children UK issued its first publication on standards of care for children living without parental care entitled *Raising the standards. Quality childcare provision in east and central Africa* (2005). The US arm of Save the Children International commenced operations in Indonesia in the 1970s with a particular focus on the provision of health and education services. Save the Children UK commenced work in Indonesia in the late 1990s, concentrating on supporting children who were affected by conflict in areas such as West Kalimantan and Maluku (Save the Children Indonesia 2013, p. 1).

On 26 December 2004, an earthquake whose epicentre was west of the large Indonesia island of Sumatera triggered a tsunami that caused the deaths of an estimated 228,000 people, and the displacement of another 1.8 million, in Indonesia and 13 other countries (Jayasuriya & McCawley 2010, p. 3). Sumatera bore the brunt of the tsunami. Within an hour of the initial earthquake, tidal waves killed an estimated 167,000 adults and children in Banda Aceh, the large provincial town on the northernmost tip of Sumatera, and its surrounding areas (Jayasuriya & McCawley 2010, p. 2). An estimated 35,000 Indonesian children who survived the tsunami were displaced, that is, either separated from their parents, made homeless, or orphaned as a result of the death of one or both parents (New York Times 2005, Tan 2007, p. 44).

In the immediate aftermath of the tsunami, the plight of children became a matter of significant international concern, especially with the publication of media stories about the illegal trafficking of children from tsunami-affected areas, including Aceh, to other

countries (Keys et al. 2006, p. 201). Numerous INGOs, such as Save the Children, World Vision and Plan International, and UN agencies, including UNICEF, responded to the crisis by providing direct relief assistance. Seeing the opportunity to examine child protection in Aceh, Save the Children's UK arm approached the Ministry of Social Affairs to assist with responses to children who were unaccompanied as a result of the tsunami (Save the Children Indonesia 2013, p. 2).

In early 2005, as part of family tracing and reunification efforts in Aceh, Save the Children, with support from the Ministry of Social Affairs and UNICEF, began to examine the situation of children in *panti asuhan* as well as in homes for children with disabilities. The subsequent publication, in 2006, by Save the Children and the Ministry of Social Affairs with support from UNICEF, *A rapid assessment of children's homes in post-tsunami Aceh*, claimed that, of all 16,234 children in Acehnese institutions, only around ten per cent were true orphans, that is, had no living parent, around 85 per cent of children had at least one living parent, and almost 98 per cent of the 2,362 children who entered Acehnese institutions after the tsunami had been placed by their parents or other family members (Save the Children UK et al. 2006, p. xi).

On the basis of responses to a questionnaire collected from 206 children's institutions in in Aceh in late 2005 and early 2006, the Save the Children-led research team concluded that the children with living family members had been placed in institutions because families living in poverty could not afford to maintain and educate them whilst living at home, and that there seemed little likelihood that these children would ever be reunited with their families (Save the Children UK et al. 2006, pp. 12, 61-62). They suggested that there was an expectation, at least on the part of children's institutions, that children would stay in these facilities until they completed their secondary education (Save the Children UK et al. 2006, pp. xi-xiv). The study also claimed that the number of institutions in Aceh grew substantially since the 1990s in comparison with the preceding six decades. Only 15 *panti asuhan* were established in Aceh during more than four decades after 1936. Commencing in the 1980s, the rate of growth in the number of *panti asuhan* in Aceh began to accelerate, with the fastest growth (an average of 10 per cent per annum) occurring during the 1990s (Save the Children UK et al. 2006, p. 23) (Chapter 9 discusses the reasons for particularly rapid growth in Indonesia's *panti asuhan* during the 1990s as part of Suharto's corrupt financial practices).

Of significance, forty-four per cent of all Acehnese children's homes had been established in just six years between 2000 and 2006, an effect that the Save the Children-led research team attributed principally to the provision by the national government of fuel subsidy reduction compensation to *panti asuhan* (Save the Children UK et al. 2006, pp. xiii, 24). As discussed further in Chapter 8, the Indonesian Government's fuel subsidy reduction compensation scheme offered financial assistance to *panti asuhan* and other institutions to help offset the costs of fuel and other commodities. Save the Children UK et al. (2006) contended that the availability of this funding encouraged *panti asuhan* operators to actively encourage families to relinquish their children to institutions on a permanent basis (p. 66). Chapter 9 discusses other factors that also appear to have driven strong growth in the number of *panti asuhan* in Aceh in the early 2000s, in particular, the civil unrest arising from conflict between Indonesian Government and pro-independence Acehnese forces.

Finally, the Save the Children-led study claimed that ninety-five per cent of the 207 children's homes in Aceh in 2005 were run by private operators, including NGOs and religious bodies, with the remaining five per cent of institutions being managed by the national government. Because there was no system of official registration or accreditation of individual children's homes, the national government did not know with certainty the number or location of children's homes in Aceh, or indeed, in any other part of Indonesia (Save the Children UK et al. 2006, pp. 8-9). These findings led the Save the Children-led team to conclude that the situation for children in Acehnese institutions was contrary to the principles of the UN Convention on the Rights of the Child. They recommended that the Indonesian Government provide more assistance to families in order to reduce the rate at which children were relinquished to institutions and review government financial subsidies to *panti asuhan* (Save the Children UK et al. 2006, p. 6).

Building on the study of children's institutions in Aceh, in 2006 and 2007, Save the Children, with UNICEF, jointly funded a qualitative study to identify and assess the quality of care offered to children in 36 *panti asuhan* in six of Indonesia's then 33 provinces (Aceh, Nusa Tenggara Barat, North Sulawesi, West Kalimantan, North Maluku, and Central Java Provinces), and one Ministry of Social Affairs-run *panti asuhan* that operated as a national model in Central Java. Decisions about which *panti*

asuhan were to be studied was based on factors such as whether the *panti asuhan* was in an area that was 'predominantly under one religion or an area known for its pluralistic make up, whether it has been affected by insecurity including as a result of conflict or disaster, as well as other [unspecified] social, cultural and economic factors.' (Save the Children UK et al. 2007, p. 6).

Having selected the *panti asuhan* to be studied, the assessors used a Save the Children UK methodology to consider standards of care for children across a range of domains, such as health, education, nutrition, play and social relations. The research was conducted by teams of assessors who undertook field visits to *panti asuhan* overseen by two research leaders employed by Save the Children UK who were seconded to the Ministry of Social Affairs. At each *panti asuhan* selected for study, interviews were conducted with key personnel, including the manager, carers, teachers and other support staff, as well as with children and some parents (Save the Children UK et al. 2007, pp. 6-9).

The resulting 2007 Save the Children-authored report, '*Someone that matters'. The quality of care in childcare institutions in Indonesia*, raised several concerns about *panti asuhan* and proposed a major overhaul of national government policy. First, it noted the dearth of quantitative and qualitative data about children in the institutions, irrespective of whether or not these were run by government or private bodies. Data were limited to listings of the names and numbers of children in a given institution that was prepared in order to obtain government fuel subsidy reduction compensation. No data were collected by any *panti asuhan* on qualitative matters, such as the wellbeing of children (Save the Children UK et al. 2007, p. 8). Save the Children et al. (2007) contended that the paucity of data was due largely to the lack of a comprehensive official *panti asuhan* registration and monitoring system (pp. 63-78). An unspecified number of *panti asuhan* operated without legal authorisation. Counting the actual number of *panti asuhan* with authorisation was complicated because the government's letter of authorisation for an organisation to run *panti asuhan* (*Surat Izin Kegiatan*) was not necessarily related to individual institutions but could also refer to a number of institutions under the control of the organisation holding a letter of authorisation (Save the Children Indonesia 2013, pp. 69-70). The report also claimed that none of the provincial or district governments in which the sample group of privately-operated *panti asuhan* operated had any form of

registration system that would enable these authorities to know the location and scale of *panti asuhan* operations (Save the Children UK et al. 2007, pp. 69-70).

Second, consistent with findings from the earlier study of Aceh (2005), Save the Children et al. (2007) contended that the numbers of *panti asuhan* had grown particularly after the late 1980s (p. 70). Table 6.1, below, which reproduces data collected by the Save the Children-led research team concerning the year of establishment of the 36 privately-run and one government operated *panti asuhan* in the sample group, suggested that most *panti asuhan* were relatively new, as two-thirds were established during the three decades between 1970 and 1999.

Table 6.1 **Children's homes in six provinces by year of establishment, 1930-2006**

Decade of establishment	Number of new children's homes established	Cumulative total of children's homes	Average annual percentage rate of growth in number of *panti asuhan*
1930-39	1	1	-
1940-49	1	2	10.0
1950-59	2	4	10.0
1960-69	3	7	13.3
1970-79	6	13	11.6
1980-89	8	21	16.3
1990-99	10	31	21.0
2000-06	5	36	26.0

Source: Adapted by author from Save the Children et al. (2007, p. 70).

Third, echoing one of the major findings of Save the Children et al. (2006), Save the Children et al. (2007) stated that most of the children in the sample group of *panti asuhan* were not technically orphans but had been relinquished by their families due to poverty and to enable their children to access free education (p. 83). Table 6.2, below, sets out the claims made in the report that only 5.6 per cent of the 2,248 children surveyed were 'total' orphans (had neither parent living), while 56.4 per cent had both parents living, and 33.2 per cent were 'partial' orphans, or had one living parent. The Save the Children-led team contended that, contrary to the widely-held belief within Indonesian society that *panti asuhan* were places for the care of orphans, in fact, 89.6 per cent of children in the *panti asuhan* sample group had at least one living parent who could, if provided with adequate support, care for the child instead of having to relinquish the child to a *panti asuhan* (Save the Children UK et al. 2007, p. 83).

Table 6.2 **Parental status of children in 36 *panti asuhan* in six provinces, 2006**

	Total number of children (n = 2,248)	**Percentage of total number of children**
Both parents alive	1,267	56.4
Neither parent alive (orphan)	126	5.6
Father deceased	646	28.7
Mother deceased	101	4.5
Both parents whereabouts unknown	78	3.5
Father's whereabouts unknown	26	1.2
Mother's whereabouts unknown	4	0.1

Source: Adapted by author from Save the Children UK et al. (2007, p. 83).

In support of their contention that the majority of children were placed in *panti asuhan* by their families to access free education, the Save the Children-led research team found that 93 per cent of children were of school age, that is, between ages five and 17, and 45 per cent were between 10 and 14 years of age (Save the Children UK et al. 2007, p. 82). In line with the apparent principal role of *panti asuhan* as places for children and young people from poor families to access education, the report claimed that most young people exited institutions upon completion of high school studies, or at around age 17 or 18 years. The report suggested that parental attitudes favouring access to education for boys were reflected in the fact that there were more boys than girls in *panti asuhan* (by a ratio of 55 to 45) (Save the Children UK et al. 2007, p. 79).

Finally, the report made several observations about apparent discrepancies between the care provided to children in *panti asuhan* and international standards for the care of children in institutions as well as Indonesia's Law 23/2002 on child protection drafted in light of the UN Convention on the Rights of the Child. It noted, for example, that the 'number of care staff was generally very low in relation to the number of children being cared for and few had received any specialized training in child care or child development', and recommended that the Indonesian Government's 2004 guidelines on the provision of child care in institutions should be more widely disseminated and applied at provincial and district levels (Save the Children UK et al. 2006, pp. 6-8, 40, 77).

Also, a range of child care and protection issues were identified that the researchers believed required urgent remedial action, such as the general lack of regulation of, and basic data about, the institutions, the large number of children placed in care despite the existence of family, a lack of focus on the emotional and developmental needs of children in institutions, and the wide variation in the skills and qualifications of workers in the institutions (Save the Children UK et al. 2007, pp. 271-90). The report stated that, while the primary intention of *panti asuhan* was to provide access to educational opportunities and did meet children's basic needs in terms of shelter and food, little or no attention was given to meeting their developmental, emotional and psycho-social needs (Save the Children UK et al. 2007, p. 271).

The report, *'Someone that matters'*, also suggested that there were wide variations in the size and governance arrangements of *panti asuhan*. Seventeen of the 36 *panti asuhan* surveyed had annual incomes of less than US$10,000, while a few (all government-run) had annual incomes of between US$100,000 and US$170,000 (Save the Children UK et al. 2007, p. 77). Of the 36 *panti asuhan* surveyed, 28 were privately-owned with the remainder being run by local district or provincial governments. Of the privately-owned *panti asuhan*, 25 were owned by, or affiliated with, faith-based organisations. Of the latter 25, 16 were run by Islamic organisations (Muhammadiyah, Nahdlatul Ulama, Nahdlatul Wathon and Hidayatullah), seven by Christian organisations, and two by other religious groups (Save the Children UK et al. 2007, pp. 64-65).

In view of the alleged gaps between on-ground practice and Indonesia's obligations under the UN Convention on the Rights of the Child, the report called on the Indonesian Government to

> …oversee an important paradigm shift which was initiated by the ratification of the UN Convention on the Rights of the Child and the adoption of Law 23/2002 on Child Protection but has yet to be translated into policies, practice and resource allocation. (Save the Children UK et al. 2007, p. 286).

The study made 14 recommendations, the main ones being that Indonesia should: establish a 'policy framework that strengthens family based care for vulnerable children and prioritises alternative care in the extended family or in an alternative family for children in need of care and protection'; review why many children from poor families were unable to access education; pilot and develop services to support families who experience problems raising their children; establish a system of alternative care that emphasised care for children without parents through mechanisms such as kinship care and fostering; establish a regulatory framework for childcare institutions that provided clear standards of care; devise a system to collect data about children in alternative care; and, establish an independent inspectorate to oversee the application of standards of care in *panti asuhan* (Save the Children UK et al. 2007, pp. 299-306).

According to Save the Children et al. (2007), a new policy was required to move the Indonesian Government from a position of supporting *panti asuhan* to one that ended

the placement of children in *panti asuhan* except as a last resort (pp. 299-306). The report recommended that a new regulatory system should cover all children's institutions, not only those in receipt of government subsidies, as these subsidies were estimated to have been paid to only between 50 and 70 per cent of *panti asuhan*, with the remaining institutions being funded entirely through private donations and other non-government funding (Save the Children UK et al. 2007, p. 56).

As noted in Chapter 4, in 2013, Save the Children Indonesia issued its third report relating to children's institutions in Indonesia, entitled *Changing the paradigm. Save the Children's work to strengthen the child protection system in Indonesia 2005-2012* (Save the Children Indonesia 2013). The report synthesised the two earlier Save the Children-led studies (2006, 2007) and provided an update on developments in working towards deinstitutionalisation in Indonesia since the decision to change policy occurred around 2007-08. It claimed that the findings of the Save the Children-led studies (2006 and 2007) 'culminated in child protection being included as a mainstream policy in the government's National Strategic Plan for 2010-2014' (Save the Children Indonesia 2013, p. ix). The report also stated that the Indonesian Government's policy shift arose from a realisation within the Ministry of Social Affairs, on the basis of the Save the Children-led field research, that the overwhelming majority of children in *panti asuhan* were not orphaned—a fact that, once brought to light, stood in stark contrast to Indonesia's undertakings about the unnecessary use of institutions for children as expressed in Law 23/2002 and the UN Convention on the Rights of the Child, thus precipitating policy change (Save the Children Indonesia 2013, p. ix).

In sum, there is also secondary evidence to support perspectives offered by some interviewees that *panti asuhan* were out-of-step with international children's rights standards for the care of children outside their family. The 2004 tsunami provided an opportunity for Save the Children and UNICEF to examine conditions within a number of *panti asuhan*, leading to the production of two major reports which compared on-ground conditions with the standards for children living without parental care as contained in the UN Convention on the Rights of the Child. Perhaps the most significant finding of research undertaken by these organisations, in conjunction with the Ministry of Social Affairs, was that very few of the children in *panti asuhan* were actually

orphans, that is, did not have either a living mother or father, but had been placed in *panti asuhan* due to family poverty in order to gain access to free education.

6.3 Conclusions

This chapter has outlined and analysed the main narrative that has been advanced in the public arena by international players and even the Indonesian Government to date, namely, that by the early-to-mid 2000s *panti asuhan* were viewed by some national government officials and international players (especially Save the Children, as evidenced in its 2006 and 2007 reports concerning *panti asuhan*) as being at odds with Indonesia's international children's rights obligations for the alternative care of children under the UN Convention on the Rights of the Child.

Despite the prevalence of this 'international children's rights' narrative about *panti asuhan*, the next two chapters reveal two additional narratives that have, to date, been overlooked in accounts of policy change, that is, that *panti asuhan* were increasingly misaligned with changed Indonesian Government domestic social, economic and administrative policies, and were becoming too financially costly for government to continue to support.

Chapter 7: The 'pro-reform' story line (ii): new policy directions

'After decentralisation, we needed a national system [on children's institutions] because we feared that the provinces wouldn't care about child protection.'

An Indonesian social work academic (RD-12).

'After Suharto, there was a feeling of inferiority in Indonesia as a country, a very low feeling, we felt a bit embarrassed. This reaction happened in all sectors.'

An Indonesian academic (RB-13).

Overview

This chapter presents a different narrative within the basic 'pro-reform' story line. Rather than viewing *panti asuhan* in relation to international children's rights norms, some interviewees saw *panti asuhan* as being increasingly out-of-step with changed Indonesian Government social, economic and administrative policies dating back to the 1997-98 Asian financial crisis and the fall of Suharto. These new policies were not directly related to the care and protection of children in *panti asuhan* but set the broader policy environment in which government policymakers operated. As in the preceding chapter, this chapter is set out in two parts: first, an outline of the main aspects of the narrative as it emerged from interviews; and, second, using secondary data, an analysis of the claims made by those who held that narrative.

7.1 Findings from the field

7.1.1 Views from national government. A theme that emerged from interviews with senior Indonesian Government officials was that *panti asuhan* were increasingly viewed as inconsistent with post-Asian financial crisis Indonesian social, economic and administrative policy directions. As will be discussed in Section 7.2 below, the Asian financial crisis caused a rapid increase in rates of poverty and other forms of social dislocation, such as child abandonment and neglect, leading the national government to institute a suite of remedial measures, including social safety net and fuel price subsidisation programs. One senior official of the Ministry of Social Affairs (GB-13)

reflected that *panti asuhan* policy reform was influenced by changes to the government's overall strategy of improving social protection, especially for the poorest families and households, thus:

> [The *panti asuhan* policy] was really part of a broader context of trying to take affirmative action to get a social protection plan, including health and education, for poor people across the country, and to move from residential programs…
>
> The Ministry of Social Affairs wanted a new paradigm under which there would be universal access to health, education and welfare services to all people…
>
> Beginning in 2002, after the financial crisis, with the support of the Minister for Finance, we created a model of conditional cash transfer to poor families, and budget was allocated for this.
>
> (Interviewee GB-13)

A senior official in the Ministry of National Development Planning (GI-13) also spoke about a growing recognition within national government circles from the early 2000s that raising children in *panti asuhan* was not only expensive in terms of the financial cost to government but inconsistent with the government's desire to maximise workforce participation for economic growth:

> In the last ten years, we became more aware of the need for more prevention rather than late responses to social problems and we are trying to create a referral system that is more sustainable and which involves NGOs and local governments…
>
> We also learned about the neuroscience that it's not as good for a child to be in a *panti* as in their family environment. There are three million children of school age not attending school and we needed to push the demand side to get poor families to send their kids to school. The solution was not to grow the number of *panti asuhan* but to support families more…

We know that 80 per cent of children in *panti asuhan* have at least one parent alive so we wanted to put more emphasis on assisting families to access health and education through the conditional cash transfer scheme so they'd not have to send their children to *pantis*…

Changing the paradigm on *panti asuhan* was important because if we didn't prepare our children there would be no productivity bonus in the next ten or so years when the economy will need to be having sustained high growth. For *pantis* simply to rely on the government budget is not sustainable. Many studies showed that children in *pantis* have fewer advantages than those outside the *pantis*.

(Interviewee GI-13)

The decision to decentralise a range of political and administrative decision-making powers from Jakarta to sub-national levels of government in 1999 was also cited by some national government interlocutors as having hastened changes in national government thinking about *panti asuhan*. As discussed in Section 7.2, below, political and administrative decentralisation from Jakarta to sub-national levels after 1999 represented a momentous change in policy from the highly-centralised State that had developed under Suharto. Faced with this new environment, some national government officials expressed concern that it was becoming more difficult for national government to exercise control over provinces and districts on matters such as child protection. A senior Ministry of Social Affairs official who was directly involved in policymaking on *panti asuhan* after the Asian financial crisis through to the mid-2000s (GA-13) stated:

Another factor was that after decentralisation, districts were expected to play a greater role in direct service delivery to families and children. This meant that the role of the central government changed from that of delivering services to trying to generate ideas about new practices that the districts could adopt.

As a result of these factors, we had to find a different policy on orphanages. Starting in 2002, we ran seminars and held discussions within the Ministry of

Social Affairs about increasing family-based support for children. But, we needed research to back up our plans to increase family-based care for children.

(Interviewee GA-13)

The head of a national government child protection authority (GC-12) discussed the dilemmas posed for national government officials in implementing national child protection law in the new era of decentralised administration:

The situation on child protection in Indonesia developed since the 2002 law on child protection…but implementation at the district level was difficult as the districts were not bound by these agreements. In nine provinces KPAI [the Indonesian Commission for Child Protection, Komisi Perlindungan Anak Indonesia] developed agreements and there is provincial law on child protection…

In cooperation with the Ministry of Justice we explained to the provinces how the law worked and discussed with them the meaning of children's rights and restorative justice…

The next challenge is law harmonisation between Jakarta and the provinces. In national law, for example, the minimum age for marriage is 18 years but the problem is to harmonise this across provinces. But, in some provinces, for example, the marriage age for women [in practice] is 16 years and for men is 18 years. If we are to revise and harmonise [laws across all provinces on matters such as the age of marriage], it will be a huge effort and will be costly…We are also trying to get harmonisation across Indonesia on the age at which a child is subject to adult criminal law.

(Interviewee GC-12)

In the same vein, a social work academic (RD-12) commented on how the problems posed by decentralisation added weight to the case for a strengthened national role on child protection issues:

Decentralisation made it difficult for the provinces and districts to conform with national child protection and welfare laws because they lacked money. The national level has difficulty intervening in local policies. Most provinces and district levels either did not budget for child protection or the budget was not enough. Usually national level advocacy is difficult at local levels…

Decentralisation funds from the national level [provided to provinces and districts] were not always spent on child protection. Districts and provinces are like kingdoms. There is a lack of capacity at district and province levels on child protection. It is difficult to get district and province government staff interested in child protection. International non-government organisations and local NGOs had to get together to lobby local governments…

After decentralisation, we needed a national system [on children's institutions] because we feared that the provinces and districts wouldn't care about child protection. (emphasis added).

(Interviewee RD-12)

7.1.2 Academia and the UN. Reflecting on Indonesia's political and economic environment in decade after the fall of Suharto and the implications for national government policy on *panti asuhan*, a senior academic specialising in child protection (RA-13) stated:

During the economic crisis between 1998 and 2000, Indonesia was at its lowest point and there was an eagerness to embrace international norms. For example, in 1999, President Habibie adopted all the International Labour Organisation Conventions, making Indonesia the only country in Asia to adopt all such Conventions just to show that Indonesia was eager to become involved in the international community…

After Suharto, there was a feeling of inferiority in Indonesia as a country, a very low feeling, we felt a bit embarrassed. This reaction happened in all sectors, for example, in giving independence to the central bank which followed

international practice…Also, Indonesia decided to establish an Ombudsman, following the Australian example.

<div align="right">(Interviewee RA-13)</div>

An Indonesian academic (RA-12) discussed how the national government found decentralisation after 1999 a challenge in terms of implementing national approaches to child protection thus:

> Regarding deinstitutionalisation [of *panti asuhan*], the problem for the national government was disconnection between district and national policy making. The local level was not going to give up on adopting the new standards of care. The problem is the lack of money from Jakarta to the provinces. One of the challenges is district-level regulation which is not always compatible with the national level…
>
> The vertical system is there but it is difficult because of horizontal regulations and law. These need to converge. The difficulty for the national government is the mixture of laws implemented at the local level.

<div align="right">(Interviewee RA-12)</div>

Interviewee UNA-13, a senior UN official, reflected on changes to bureaucratic arrangements within the national government that provided new and expanded powers to the Ministry of National Development Planning in the early 2000s to coordinate policy across government departments, leading to an expansion in government focus on children's welfare issues. Interviewee UNA-13 also discussed how, compared with Suharto's New Order, the early 2000s was a time of increasing public discussion about human rights within Indonesian society, greater openness in discussing domestic social problems, and increased governmental awareness of international thinking on children's wellbeing and rights:

> Leadership [on the new policy on *panti asuhan*] did not just come from the Ministry of Social Affairs, but also from the Ministry of National Development

Planning. The Ministry of National Development Planning put more pressure on Ministries, became more involved in technical matters, and played a greater coordination role across government, especially in relation to child protection…

In 2004 or 2005 the Ministry of National Development Planning produced a document following the 'World Fit for Children' Summit which highlighted child protection [in May 2002, a Special Session of the UN General Assembly adopted a document entitled 'A World Fit for Children' which contained 21 specific goals and targets for children for the subsequent decade (United Nations General Assembly Special Session 2002)]. The Ministry of National Development Planning realised that child protection had to be reflected in the national planning document and there were individuals in the Ministry of National Development Planning who showed leadership on this issue and recognised that Indonesia had to be accountable on this matter.

UNICEF and the Ministry of National Development Planning put in place a child protection coordination mechanism under a five-year country program and this has been in place for less than 10 years…

The Ministry of National Development Planning applied pressure to the Ministry of Social Affairs and the Ministry of Women's Empowerment and Child Protection. The Ministry of National Development Planning has the authority through the national budget planning process to question these and other Ministries…

There is now greater awareness in government about the impact of children's institutions on children. This is not an easy task for government, especially the Ministry of Social Affairs, but gradually they changed. Also, now the world is changing and people are starting to realise that children's institutions are not the best for children. But, it's not just about children's institutions but about a broader approach to prevention part of which is a change to children's institutions policy. The Indonesian Government recognised that it needed to invest more in prevention and primary supports…

The Indonesian political environment is also conducive now and people are speaking their minds more. Faith-based organisations are trying to transform themselves to address the underlying causes of problems for families and children and also it's expensive for them and society to run children's institutions.

(Interviewee UNA-13)

7.1.3 An INGO view. In a similar vein to comments by UNA-13 above, one expatriate INGO manager (INE-13) discussed changes that began to occur during the early 2000s in Indonesian public discussions about children:

Indonesians are very proud of Indonesia's place in the world and its place in Asia. It's the fastest growing economy in the region, the sixteenth largest economy in the world, and a middle income economy. Socio-political advances are lagging the economic advances but there's a certain inevitability to it. People have got more money and they are demanding more things such as better education and better services. One of those things is taking care of our children better…

There's a lot of really interesting debate going about the Asian 'youth bulge'. Indonesia is no exception. There's a growing awareness that something needs to be done about how we take care of our youth…and a lot of that revolves around education…and cultural identity.

Some of it is a knee-jerk reaction because, as Indonesia grows, there's a lot more foreign influence and so people say we need to ensure that our children are educated in Indonesian culture and language.

Part of that very macro-level pride is creating a demand for better lifestyle. There's an understanding that whether kids are institutionalised or not there needs to be a certain level of care, education and health and identity.

(Interviewee INE-13)

7.2 Analysis and discussion

As shown above, a perspective expressed by several interviewees was that, starting in the early 2000s, *panti asuhan* were being seen by Indonesian Government officials as increasingly out-of-step with transformations that were occurring in other areas of Indonesian social, economic and administrative policy. This section draws upon secondary materials to discuss these claims. Following a brief review of economic and social policies under Suharto, it focuses on changes to national policies in response to the Asian financial crisis and the fall of Suharto in the areas of poverty alleviation, family strengthening and decentralisation which also influenced the dynamics of *panti asuhan* policy change.

7.2.1 From the New Order to the Asian financial crisis. Chapter 4 noted that significant macroeconomic advances were made under Suharto's authoritarian New Order. Yet, this overall picture concealed significant domestic economic and social inequalities. While experiencing strong overall economic growth, particularly from the 1970s, the 1990s saw growing disparities in terms of Indonesian living standards and consumption expenditure. Using the percentage of the population spending below 50 per cent of average per capita consumption expenditure to measure relative poverty, the percentage of Indonesians living in rural and urban areas in relative poverty rose from 16 per cent in 1990 to 21.2 per cent in 1996. This effect was particularly noticeable in urban areas where relative poverty rates rose from 20.2 per cent in 1990 to 23.2 per cent in 1996. In Jakarta alone, the percentage of population spending below half of the average per capita consumption expenditure increased from 13.9 per cent in 1987 to 22.1 per cent in 1996 (Booth 2000, pp. 84-87).

During much of the New Order, social assistance programs did not specifically target poor families. Instead, social welfare assistance took the form of general subsidies available to all to help stabilise the costs of fuel and other goods, grants for infrastructure purposes provided to disadvantaged communities, and credit schemes for farmers (Perdana 2014, pp. 6-7). As well as being accorded relatively low levels of expenditure, the general lack of poverty alleviation programs during much of the New Order could also be observed in social security and health insurance schemes which covered military personnel, civil servants and employees in medium and large business, and excluded those who worked in the informal sector which accounted for around 65

per cent of the labour force (Sumarto 2006, p. 2). With the focus of government attention being on overall macroeconomic growth, poverty alleviation was thus not specified as a policy goal in any Indonesian five-year development plan (*Rentjana Pembangunan Lima Tahun* or *Repelitas*) between 1969 and 1994 (Suryahadi et al. 2012, p. 370, Perdana 2014, p. 6). Only the sixth *Repelita* of 1994 stated that poverty alleviation would be a priority, apparently in response to growing concerns within government about the lack of reduction in the rate at which poverty was declining in rural areas, including eastern Indonesia and Kalimantan, compared with areas such as Java and Bali (Booth 2000, pp. 86-87).

Education was one of the key areas where increasing relative poverty was reflected during the 1990s. In the two decades after the late 1960s educational opportunities in Indonesia grew markedly due largely to government and private sector investment in educational infrastructure and rising parental demand. However, starting in the 1980s, an increasing number of poor families struggled to meet the growing financial gap between public subsidises and the actual costs of education (Booth 2000, p. 93). Booth (2000, p. 94) concluded that 'by the late 1980s, many parents decided that there was little point in keeping children in school beyond the primary level…Over the *Repelita* V period (1989-94), there was an absolute decline in numbers enrolled at both the lower and the upper secondary levels'.

There has been no research into whether, and to what extent, the fall in absolute numbers of children in secondary education played a role in the rising numbers of children being placed in *panti asuhan* during the 1990s. However, it might tentatively be suggested that growing recognition amongst Indonesians of the importance of accessing education so their children could access higher paid employment, together with widening rates of relative poverty during the 1990s, may well have been significant factors in driving up rates of relinquishment of children into *panti asuhan* where poor families could at least obtain cost-free access to primary and secondary education for their children. The absence of social safety nets for most of Indonesia's poorest families during most of the New Order period probably left these families with few options other than to place children who could not be adequately fed or educated in a cost-free *panti asuhan*. Indeed, the lack of specific national policy attention paid to poverty alleviation during most of the New Order may go some way toward explaining rapid increases in

the numbers of children entering these facilities, particularly between the 1980s and 1990s when Indonesia macroeconomic growth was reaching record levels. (In Chapter 9, other factors behind the growth in the numbers of *panti asuhan* and children living in them during the New Order are explored, principally the role *panti asuhan* played in advancing Suharto's corrupt financial practices).

As noted in Chapter 4, the 1997-98 Asian financial crisis wrought major negative consequences for Indonesia's economy, society and politics. According to Wee (2002), the World Bank estimated that almost half of Indonesia's corporations were technically insolvent by the end of 1998 (p. 2). During 1998, Indonesia's inflation rate reached 100 per cent and the value of the Indonesian currency, the *rupiah* (IDR), against the US dollar fell from 2,500 to 17,500 (Brown 2006, p. 956, Hill & Shiraishi 2007, pp. 132-33). The number of people living in poverty increased by 40 per cent in 1998 alone, from 17.7 per cent to 24.2 per cent of the entire population (Hill & Shiraishi 2007, p. 138). Figure 7.1, below, shows changes in Indonesia's poverty rates leading up to, and immediately after the Asian financial crisis.

Figure 7.1 **Indonesian population living in poverty, 1976-2002** (per cent)
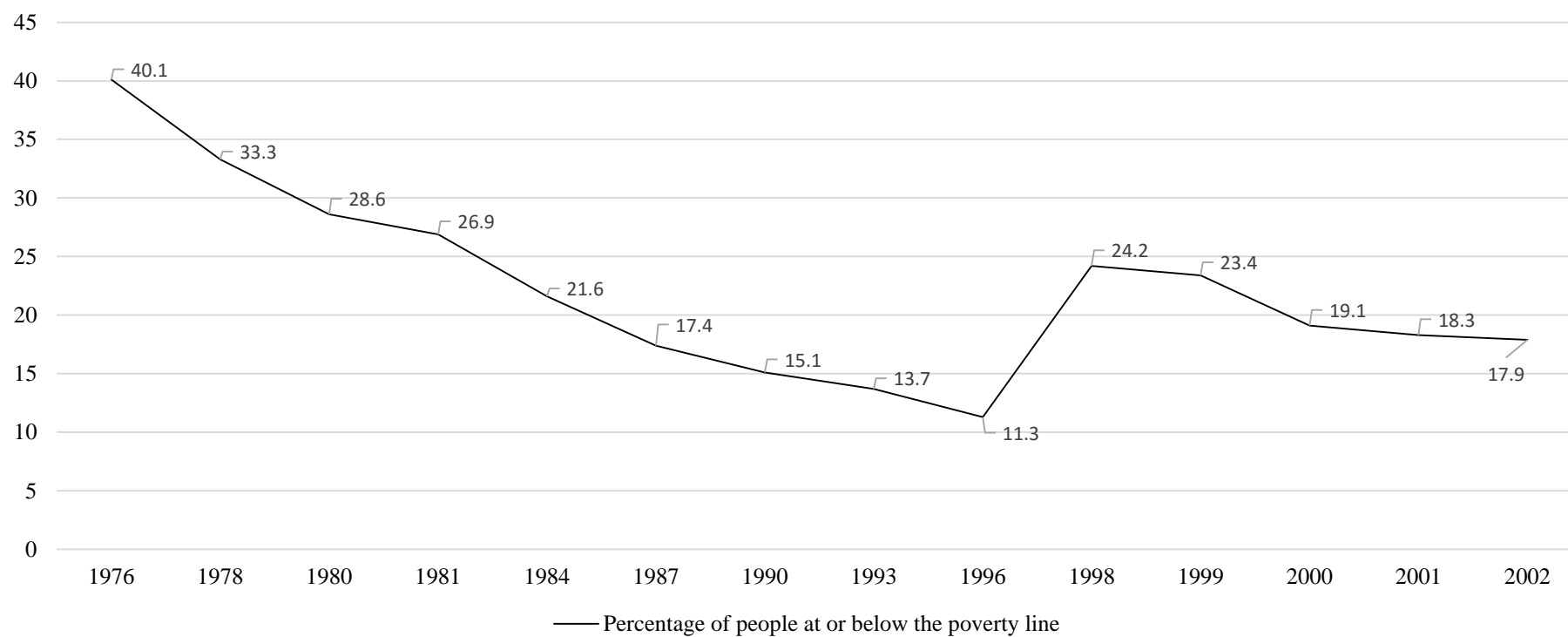
The consequences of the Asian financial crisis for poor Indonesian families and their children were especially harsh. Rates of children's participation in education and health care plummeted due to significantly lowered family incomes, the rising costs of services, and reductions in government spending (Alston & Tobin 2005, p. 69). The child malnutrition rate rose by 250 per cent, from eight million in 1997 to 20 million in 2000, and infant mortality rates almost doubled, from 55 per 1,000 deaths in 1995 to 100 per 1,000 in 1998 (Government of the United States of America 2002).

The Asian financial crisis and the fall of Suharto ushered in far-reaching changes to Indonesian politics, economics and society. Fearing total crisis for the country, including a reversal of rates of people living below the poverty line, in late 1998, the government introduced a range of new social safety net policies that aimed to increase financial and other support specifically for the most vulnerable families and to offset disruptions caused by rises in fuel prices due to cuts to the fuel subsidy (see also Chapter 8) (Evans 1998, pp. 8-9).

The first of two major social safety net waves ran from late 1998 to around 2000. Being known collectively as *Jaring pengaman sosial*, five main schemes were established specifically to assist the poorest families and households (Sumarto & Bazzi 2011, p. 2). First, and marking a departure from the general rice subsidies instituted in the 1970s, a new food security program offered subsidies for the purchase of rice at a heavily discounted rate to households in the two lowest officially-defined categories of poverty. In 2001, this scheme was modified and renamed *Beras Untuk Keluarga Miskin* (or *Raskin* or 'rice for the poor') (Irhamni & Nuryakin 2009, pp. 309-10, Perdana 2014, pp. 8-9). Second, an employment generation program, *padat karya*, was established which included public works programs in return for food and basic wages. Third, under the *Bantuan Siswa Miskin* program, education scholarships were provided to children from the poorest families to encourage these students to stay in the schooling system. Fourth, a public health insurance scheme, *Jaminan Kesehatan Masyarakat*, or *Jamkesmas*, provided free medical and family planning services to poor families at government primary health centres. Finally, a community empowerment scheme was established under which grants were made to local communities to encourage activities such as credit schemes and infrastructure construction (Sumarto 2006, pp. 2-3).

In 1998 alone, the national government allocated IDR 3.9 trillion to *Jaring pengaman sosial* (the equivalent of US$390 million at prevailing average exchange rates) which was, in financial terms to that time, the Indonesia Government's largest single initiative in social protection (Sumarto & Bazzi 2011, p. 2). The extent of these policy changes can be observed in expenditures on anti-poverty programs as a percentage of GDP, which rose from 0.29 per cent in 1997-98 to 1.39 per cent in 1998-99 before falling back slightly to 1.23 per cent in 1999-2000 and 1.05 per cent in 2000 (Daly & Fane 2002, p. 311).

After political turbulence during the Habibie and Wahid Presidencies, the election of Megawati as President (July 2001 to October 2004) saw a renewed policy focus on macroeconomic stability and growth. Indicative of the new emphasis on budgetary restraint and fiscal stability, Law 17/2003 directed the national government to ensure that the annual budget deficit was below three per cent of GDP and that total issued government bonds were below 60 per cent of GDP (Hill & Shiraishi 2007, pp. 128-29). In line with the strategy of maximising economic productivity, and to extend the first wave of social assistance programs, a second wave of social policy interventions commenced around 2002 to further assist the poorest families. In 2002, a conditional cash transfer scheme, *Program Keluarga Harapan* ('Hope for families'), was established under which government provided cash to eligible poor families on the basis that expectant mothers in those families attended health checks and that children attended school on a regular basis (Perdana 2014, p. 10). The emphasis placed on conditional cash transfer programs by the Megawati and later Yudhoyono Governments reflected not only the influence of the World Bank, which supported similar schemes in Latin America, other parts of Asia and in Africa, but also the tendency of Indonesian governments to use cash transfer social assistance programs as populist devices to win electoral favour (Widjaja 2012, pp. 185-86).

In 2003, the national government issued its *Interim poverty reduction strategy* which outlined plans to alleviate poverty amongst the poorest families. It noted that the Asian financial crisis meant that

> …millions of rural poor fell below the poverty threshold and significant
> numbers of people increased their vulnerability and clustered around the poverty

line because of political, economic and social turmoil as well as natural disasters in some regions. These factors indicated that there are some weaknesses in the efforts of poverty alleviation in the past that need a major improvement. (Government of Indonesia 2003, pp. 3-4).

The *Interim poverty reduction strategy* (2003) also called for the delivery of supports, such as social insurance, to lift the productivity of the poorest families and reduce the costs faced by the poor in accessing basic needs such as education and health (p. 25).

In 2004, Yudhoyono was elected President in the country's first direct Presidential elections, holding power until the end of his second-five year term of office in October 2014. Under Yudhoyono, and his Coordinating Minister for Economic Affairs, Jusuf Kalla, even greater use was made of fiscal levers to increase government funding for welfare, health and education in order to further stimulate macroeconomic growth, poverty alleviation and workforce expansion (Hill & Shiraishi 2007, p. 130). Law 40/2004 extended the social security system to cover all Indonesians in addition to those in the military and the civil service. The national government also cut the politically-sensitive fuel subsidy several times in the early 2000s, with the savings being diverted by government to another new social protection and poverty alleviation initiative, the fuel subsidy reduction compensation scheme. (The relationship between the fuel subsidy reduction compensation scheme and growth in the numbers of *panti asuhan* is discussed in Chapter 8). Commencing in 2005, an unconditional cash transfer scheme, *Bantuan Langsung Sementara Masyarakat* (initially named *Bantuan Langsung Tunai*) provided 19.5 million of the poorest households with a direct and unconditional cash transfer on a quarterly basis to compensate for rises in the cost of fuel and other commodities that were affected by fuel price rises such as food, cooking oil and health services (Hill & Shiraishi 2007, p. 130, Widjaja 2012, pp. 185-88). The amounts transferred were significant, amounting in 2005 alone to about half the average monthly household expenditure of the median household (Sumarto & Bazzi 2011, p. 10).

The Indonesian Government's focus on poverty alleviation through the provision of greater support to families was further emphasised in the National Long-term Development Plan (*Rencana Pembangunan Jangka Panjang Nasional*) 2005-2025, as well as in the National Medium-term Development Plan (*Rencana Pembangunan*

Jangka Menengah Nasional) for the five-year period between 2004 and 2009. In 2005, the national government launched its *National strategy on poverty reduction* and announced a doubling of expenditure on social assistance activities. In 2006, it stated that, while there had been 'challenges', such as the 2004 tsunami and reductions in fuel subsidy reduction compensation, the National Medium-term Development Plan 2004-09 (Government of Indonesia 2006, p. 2) signified opportunities

> …to refocus policy and budget allocation to achieve better the Government's poverty reduction targets, such as through using savings from the fuel subsidy reduction to finance more progressive social protection programs and improve the poor's access to health and education.

Of likely significance in terms of how government was thinking about *panti asuhan*, the National Medium-term Development Plan 2004-09 listed three overarching national strategic policy priorities, namely, creating a safe and peaceful Indonesia, establishing a just and democratic Indonesia, and enhancing people's welfare. For the first time in such a high level national plan, the National Medium-term Development Plan 2004-09 (Government of Indonesia et al. 2011) called for improved quality of life for women and for greater attention to the welfare and protection of children (p. 7). Under Law 40/2004, the national government introduced a social welfare income support program specifically for neglected children, as well as for neglected elderly persons and persons with disability, *Bantuan Kesejahteraan Sosial Permanen* (Government of Indonesia 2006b).

Amongst the most notable features of Yudhoyono's first five-year term of office commencing in 2004 was an emphasis on boosting economic growth and alleviating poverty through new government expenditures on health and education and other welfare schemes. However, the minor financial crisis of August 2005 led the Yudhoyono government to severely reduce government expenditures, including on the fuel subsidy reduction compensation, welfare and employment creating schemes. While the percentage of Indonesians living in poverty in 2004 returned to pre- Asian financial crisis levels at around 17 per cent, the absolute number of people living in poverty in

2004 was still higher than in 1996 (36.1 million in 2004 compared with 34.5 million in 1996) (Hill & Shiraishi 2007, pp. 130-38).

In 2007, the national government established a conditional cash transfer scheme, *Bantuan Langsung Sementara Masyarakat*, under which very poor families were provided with cash provided they met conditions such as attendance by pregnant mothers at primary health care facilities and school attendance for children aged under 15 years. The new level of prominence accorded to child protection and the deinstitutionalisation of children's institutions was further signaled when, in 2010, the subject of child protection and, specifically, *Program Kesejahteraan Sosial Anak* (the Social Welfare Program for Children, an initiative that supported the transformation of *panti asuhan* into outreach centres to strengthen the capacities of vulnerable families and children within the community, see Chapter 4), were included in Presidential Instruction 1/2010 on *Accelerating the implementation of the 2010 National Development Priorities* (UNICEF Indonesia et al. 2012, p. 164).

Taken as a whole, social and economic policy initiatives by national governments between 1998 and the mid-to-late 2000s represented a major break with social and economic policy directions under Suharto's New Order. Instead of expecting the poorest families ultimately to benefit from the 'trickle-down' of national macroeconomic growth, the poorest families were specifically targeted by initiatives that aimed to enhance their productivity and resilience. For Sumarto et al. (2011, p. 3) the goal for government policymakers was 'not merely to provide risk-coping mechanisms in response to economic shocks but also to institute sustainable programs that support intergenerational pathways out of poverty'.

While there are few direct references to children and *panti asuhan* in high-level national government strategic policy documents in this period, we can infer that the major, and unprecedented, changes that occurred in macroeconomic and social policy had a flow-on effect on government thinking about *panti asuhan*. The social and economic policy shifts that were signalled as early as 1998 under Habibie, and which continued beyond the mid-2000s under Yudhoyono, signalled a changed policy approach regarding poverty. By putting in place initiatives to boost educational attendance, improve maternal and child health, generate employment, improve the status of women, and

enhance child protection and welfare, the national government sent a strong message about the importance it placed on strengthening the economic and social wellbeing of the poorest families. The practice of sending of children to *panti asuhan*, which had become well-honed under Suharto, was thus increasingly out-of-step with changed directions in national social and economic policy. It would thus appear reasonable to conclude that, due largely to the effects of the Asian financial crisis, and the subsequent process of democratisation (*Reformasi*), by the early-to-mid 2000s the ground had been prepared for national government to turn its attention to aligning policy on *panti asuhan* with these new strategic directions.

7.2.2 Decentralisation. Finally, there is evidence to support the claim that Indonesia's decentralisation policies also hastened *panti asuhan* policy-change in the early-to-mid 2000s.

Numerous attempts have been made in Indonesia, even in the Dutch colonial era, to decentralise certain powers from the national to sub-national levels. The most far-reaching of these efforts began shortly after the fall of Suharto (World Bank 2003, pp. 2-3). In May 1998, President Habibie directed that regional autonomy should be initiated (World Bank 2003, p. 3, Lewis 2010, p. 648). In 1999, the People's Representative Council (Dewan Perwakilan Rakyat, one of two elected national legislative assemblies that comprise the People's Consultative Assembly, or Majelis Permusyawaratan Rakyat, the highest national representative body) passed two laws—Law 22/1999 and Law 25/1999—which provided greater autonomy to sub-national governments, that is, districts/municipalities in urban areas (*kota*) and regencies in rural areas *(kabupaten)* (Hatti & Sonawane 2010).

These laws set the scene for what has generally become known as 'big bang' decentralisation in 2001 (Brodjonegoro & Asanuma 2000, pp. 112-19). According to the World Bank, the 2001 'big bang' took Indonesia, on paper at least, from being one the world's most centralised economies to being one of the world's most decentralised economies (World Bank 2010). Between 2001 and 2002, for example, the total percentage of government spending by sub-national levels jumped from 17 to 30 per cent, and over two million public servants, or two-thirds of the total civil service, were transferred from national to sub-national government levels (World Bank 2003, pp. 1-

2). During the 2000s, several other laws were passed that further refined the decentralisation of administrative, fiscal, financial and taxation functions (Firman 2009, pp. 143-45, Lewis 2010, pp. 648-57).

Yet, 'big bang' decentralisation did not proceed without significant problems, one of which was inadequate capacity within national and sub-national institutions to undertake implementation effectively (Firman 2009, pp. 145-46). Particular challenges were posed by the opposition to decentralisation from national government ministries which sought to retain control over aspects of administration and policy directions, or to delay implementation altogether. According to the World Bank's (2003, p. 23) analysis of Indonesia's progress with decentralisation:

> It is not just the regions that must adjust to regional autonomy, but the center as well…until now, few of Indonesia's central departments seem to have made this cultural change…several departments have actively opposed decentralization, and have successfully negotiated postponing the devolution of their responsibilities…Their internal organization remains largely as it was before decentralization. But perhaps more difficult to change is the culture of the ministries. They were used to instruct their own apparatus to get things done, but now they need to reach out to convince the regional governments of their policies, and influence resource allocation through the political process at the regional level.

In the same vein, Booth (2005) pointed to the slowness with which national government departments relinquished budgets to sub-national levels. Even three years after responsibility for education and culture had, for example, been passed to regional governments, some 46 per cent of development expenditures in these areas remained with national departments (Booth 2005, p. 217). She concluded that central departments and agencies were

> …exploiting the lack of clarity in the legislation to retain control over important components of expenditure…[and] are still trapped in a Soeharto-era time-warp, refusing to believe that their powers to plan and implement projects have been severely curtailed. (Booth 2005, p. 217).

Thus, as with the momentous changes to macroeconomic and social policies after the Asian financial crisis and the fall of Suharto, there appears to be evidence to support perspectives offered by interviewees that decentralisation policies may also have impacted on the attitudes of national government policymakers towards *panti asuhan*. In short, by the early 2000s, the unfolding processes of decentralisation may have added impetus within national government circles to hasten the establishment of national policies, including in relation to *panti asuhan*, to mitigate any erosion of support for these issues by sub-national levels of government.

It is important to qualify this point, however, by stating that the evidence presented from a few interviewees and supporting secondary materials does not tell us with certainty how influential these factors were in conditioning opinions about *panti asuhan* amongst policymakers. At best, it seems generally plausible that these domestic social, economic and administrative policy changes influenced the national policy landscape, thus setting the scene for a revision in *panti asuhan* policy thinking.

7.3 Conclusions

Based on the perspectives of senior officials and others which are examined in light of secondary materials, this chapter has added another dimension to the principal public narrative about *panti asuhan* policy change (outlined in Chapter 6), that is, policy about *panti asuhan* shifted because policymakers began to realise, largely on the basis of Save the Children's research after the 2004 tsunami, that *panti asuhan* were incompatible with Indonesia's international children's rights obligations. In contrast to this standard portrayal, this chapter has shown that, from the early 2000s, Indonesian Government policymakers had begun to regard *panti asuhan* as being increasingly out-of-step with new national social, economic and administrative policies that were put in place as part of sweeping national reforms following the Asian financial crisis and the fall of Suharto. These new social, economic and administrative policies were not directly related to the care and protection of children in *panti asuhan*, but nonetheless set the broader policy environment in which government policymakers had to operate.

The next chapter adds yet another, and so far obscured, dimension to the 'pro-reform' story line by discussing the concerns held by policymakers about the rising cost of subsidising *panti asuhan* in an era of *Reformasi*.

Chapter 8: The 'pro-reform' story line (iii): escalating costs

'*Panti asuhan* were very expensive. Many children's homes relied on the fuel subsidy [reduction compensation scheme] for things like buildings and repairs. If we moved to a community basis [for the care of children], we could care for more children and do not need to have money for buildings and maintenance.'

A senior Ministry of Social Affairs official (GA-13).

Overview

This chapter discusses the third main narrative within the 'pro-reform' story line to the effect that, by the early-to-mid 2000s, escalating financial subsidies to *panti asuhan* had become increasingly unacceptable to the national government at a time of overall budget stringency. This perspective has previously gone unnoticed in the narrative that has been conveyed publicly to date by policymakers and policy advocates about *panti asuhan*.

8.1 Findings from the field

8.1.1 Views from national government. A theme that emerged in the course of several interviews with senior national government officials, NGO leaders and academics was that, by the early 2000s, national government officials began to be concerned about a rapid increase in the amount of financial subsidisation being provided by the national government to *panti asuhan* at a time of overall budgetary stringency sparked by the Asian financial crisis. A senior Ministry of Social Affairs official who was directly involved in policymaking on *panti asuhan* after the Asian financial crisis through to the mid-2000s (GA-13) stated bluntly how economic pressures weighed heavily on the minds of national government officials. Of particular relevance to the argument made elsewhere in this study, he signalled that *panti asuhan* would continue to be used as the principal mechanism for the delivery of support services to families under the new policy and that the new policy did *not* originate in revelations about *panti asuhan* after the 2004 tsunami, thus:

The general economic situation was a major factor. Starting in 2002, the costs to the government of supporting orphanages were increasing a lot due to the financial crisis. The number of neglected children also increased significantly at that time…

We had a limited State budget. In Indonesia, 5.4 million children are neglected. There was not enough budget to build new institutions so we asked why do we not empower families to look after their children?

We have to have a welfare society to empower families and communities, but not a welfare state like in the West. We used to promote subsidies to institutions but now we are providing assistance on a community basis, mainly through *family support provided by orphanages*. (emphasis added).

[When asked about the role played by the national government's fuel subsidy reduction compensation scheme in supporting *panti asuhan*] Yes, you are right! [the interviewee leaned forward to emphasise the point]. They were *very* expensive. Many children's homes relied on the fuel subsidy [reduction compensation scheme] for things like buildings and repairs…

If we moved to a community basis [for the care of children], we can care for more children and do not need to have money for buildings and maintenance. *It was not Save the Children that made us change our policy* [the interviewee stressed this point]…

We [in national government] were shocked to learn that there were 5.4 million neglected children in Indonesia at that time [the early 2000s], and that this number was increasing. Up to the 1990s, Indonesia got a lot of revenue from oil but this declined in the early 2000s and then there was the financial crisis. Because of the decline, government had to use fuel subsidies to support orphanages, but this caused the number of orphanages to grow.

(Interviewee GA-13)

Another senior Ministry of Social Affairs official, GB-13, was emphatic that, by the mid-2000s, the cost of subsidising *panti asuhan* had become a matter of serious concern within national government:

> The problem was that, between 1979 and 1997, the number of *panti asuhan* did not grow much. However, after the financial crisis of 1997 until the 2004 tsunami, the number of *pantis* grew a lot because of fuel subsidies…
>
> The fuel subsidy [reduction compensation scheme] continued into the 2000s and was important because the people could see that the government supported children. Then the government conducted the PKH program [*Program Keluarga Harapan* or 'Hope for families' scheme] which gave conditional cash transfers to poor people. This was a return to the child welfare law of 1979 which mentioned that children need family support.
>
> (Interviewee GB-13)

Similar concerns about cost were put by another senior Ministry of Social Affairs official (GK-13):

> If government did not change its policy the number of children in institutions would increase and that would have meant higher costs for government. If government did not provide more family-based care, there would be a higher social cost in the future…
>
> The cost of providing education and health care through orphanages is actually higher than providing it through the family so government will have to pay more to maintain institutions…
>
> *Pantis* are the last resort for children. Having the child in the family makes the family more economically active compared with a family that has a child in a *panti*. Parents think that institutions will look after their children and so they do not have to work hard…

Keeping a child in a *panti* is a high cost for government. For government, a *panti* costs US$1,000 per child per year. If there are five million neglected children in Indonesia, we cannot afford to have them coming into *pantis* at this cost.

But, if we use more family-based care, the cost will be lower and the number of children the government can reach for better health and education will be greater. That means the government will no longer have to fund infrastructure in *pantis* as it did in the past.

(Interviewee GK-13)

A senior Ministry of National Development Planning official, GI-13, also spoke about the rising cost to government of subsidising *panti asuhan*:

For *pantis* simply to rely on the government budget is not sustainable. As early as 2001, the Ministry of Social Affairs proposed increases in government funding for *pantis*, but there were other pressures on the central budget, such as for infrastructure and food security…

One of the reasons behind greater government support to families raising children was that government was wary of increasing its funding to run *pantis*. For *pantis* simply to rely on the government budget was not sustainable.

(Interviewee GI-13)

8.1.2 A non-government perspective. From outside national government, the head of a national child welfare NGO (NC-13) observed that costs of supporting *panti asuhan* had increasingly concerned the national government after the Asian financial crisis:

There have been orphanages since Dutch colonial times, but the problem for government since the financial crisis was a lack of funds and a lack of monitoring how government funds were distributed to *panti asuhan*…

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Orphanages just said [to the Ministry of Social Affairs] how many children they cared for, but we really didn't know if the money went to the children or was used for other purposes. *Because of this*, the government moved to establish a family-based approach and moved away from using *panti asuhan* [the interviewee stressed this point].

(Interviewee NC-13)

8.2 Analysis and discussion

Thus, a consistent theme amongst both government and non-government interviewees was that the rising cost of subsidising *panti asuhan* had become a significant financial burden to government after the Asian financial crisis. Drawing on previously unpublished primary sources as well as secondary materials, this section examines this claim. It commences by discussing the rapid growth of *panti asuhan* in the first few years of *Reformasi*, followed by an analysis of reasons for this growth in terms of the largely unregulated national government fuel subsidy reduction compensation scheme and decentralisation grants to *panti asuhan*.

8.2.1 Growth of panti asuhan: from the early 1990s to the Asian financial crisis.

Apart from fragmentary information about Muhammadiyah-operated *panti asuhan* up to the 1940s (see Chapter 5), no national figures, or even estimates, of the numbers of *panti asuhan* and children living in them were available until Indonesia reported to the UN Committee on the Rights of the Child in 2003 on its compliance with the UN Convention on the Rights of the Child. As summarised in Table 8.1, below, the Indonesian Government (cited in UN Committee on the Rights of the Child 2003, p. 42) stated that the number of children living in *panti asuhan* rose from 55,627 in 1990-91 to 68,919 on the eve of the Asian financial crisis in 1996-97, that is, an average annual growth rate of five per cent. Moreover, Table 8.1 shows that the number of children in *panti asuhan* rose from 68,919 in 1996-97 to 91,051 in 1997-98—a 32 per cent increase in one year alone, which in all probability was due to the massive influx of children from poor families who were impacted by the Asian financial crisis. From Table 8.1 it will also be noted that, according to the World Bank, the number of children in the total Indonesian population fell from 43.12 per cent in 1990 to 38.98 per cent in 1998 (World Bank 2015). Thus, increases in the number of children entering *panti asuhan* during the

1990s appears to be even more dramatic when seen against a decline in the percentage of children in the Indonesian population as a whole during much of this decade.

Table 8.1 *Panti asuhan*, children in *panti asuhan* and children in Indonesia, 1990-98

Year	Total number of *panti asuhan* (source 1)	Total number of children in *panti asuhan* (source 1)	Percentage of total population aged below 18 years (source 2)
1990-91	983	55,627	43.12
1993-94	1,089	71,257	41.40
1996-97	1,285	68,919	39.62
1997-98	1,647	91,051	38.98

Sources:
1. Government of Indonesia, Ministry of Religious Affairs, cited in UN Committee on the Rights of the Child (2003, p. 42).
2. World Bank (2015).

8.2.2 Further growth of panti asuhan during Reformasi. *Panti asuhan* growth rates in the 1990s were exceeded, however, by those recorded in the first eight years of the *Reformasi* period after the fall of Suharto and the onset of the Asian financial crisis. Table 8.2, below, which is based on unpublished Ministry of Social Affairs data about the uptake of fuel subsidy reduction compensation by *panti asuhan* indicates that, between 2001 and 2007, the number of children in *panti asuhan* rose by 31 per cent, that is, from 115,035 to 150,075 children (fuel subsidy reduction compensation data are unavailable for the period between 1998 and 2001).

Table 8.2 **Fuel subsidy reduction compensation to *panti asuhan* and children in *panti asuhan*, and children in Indonesia, 2001-09**

Year	Total number of *panti asuhan* provided with fuel subsidy reduction compensation (source 1)	Total number of children in *panti asuhan* receiving fuel subsidy reduction compensation (source 1)	Percentage of total population aged below 18 years (source 2)
2001	2,327	115,035	36.54
2002	2,642	118,242	36.21
2003	3,401	150,000	35.99
2004	3,973	149,022	35.86
2005	4,308	149,050	35.80
2006	4,737	150,080	35.46
2007	5,053	150,075	35.27
2008	5,261	158,000	35.17
2009	5,712	167,000	35.13

Sources:
1. Government of Indonesia, Ministry of Social Affairs (2013).
2. World Bank (2015).

When combined with Indonesian Government data in Table 8.1, the picture that emerges is that in the eight year period between the end of Suharto's New Order in 1998-99 and 2007 the number of *panti asuhan* rose from 1,647 to 5,053 and the number of children in *panti asuhan* increased from 91,051 to 150,075.

Thus, it can be observed that, while the number of *panti asuhan* grew at an average annual rate of five per cent in the six years leading up to the Asian financial crisis, they grew at an average annual rate of eight per cent in the eight year period after the Asian financial crisis. Also, the number of children in *panti asuhan* grew at an average annual rate of 3.8 per cent in the six years prior to the Asian financial crisis, but almost double that rate, at 7.2 per cent, in the eight years after the Asian financial crisis. Appendix D discusses in detail the trends in fuel subsidy reduction compensation. Based on World Bank figures, Table 8.2 also shows that the percentage of children in the Indonesian population fell from 36.54 per cent in 2001 to 35.13 per cent in 2009 (World Bank 2015). As was the case during much of the 1990s (see Table 8.1, above), increases in the number of children entering *panti asuhan* in the decade after the Asian financial crisis thus appear to be even more momentous when seen against the background of the continued steady decline in the percentage of children in the overall Indonesian population during much of this period.

It should be noted, however, that the reliability of figures cited above using fuel subsidy reduction compensation data is open to question because not all *panti asuhan* applied for the subsidy. The extent of uptake of fuel subsidy reduction compensation by *panti asuhan* was canvassed in Save the Children's reports on *panti asuhan* in 2006 and 2007. On the basis of projections based on a sample of *panti asuhan*, Save the Children presented a range of estimates about the number of *panti asuhan* and children in *panti asuhan* that were markedly different from national government figures for the period after 2001 (Save the Children UK et al. 2006, pp. 6-10, Save the Children UK et al. 2007, pp. 18-21). I have combined Save the Children's estimates with data from Indonesia's 2003 report to the UN and fuel subsidy reduction compensation data in Table 8.3, below, to provide trend information on the number of *panti asuhan* and children living in them for the 17-year period between 1990-91 and 2007. Of particular note, the Indonesian Government claimed that the number of children in *panti asuhan* almost trebled between 1990 and 2007 (from 55,627 in 1990-91 to 150,075 in 2007),

whereas Save the Children estimated an almost nine-fold increase (from 55,627 in 1990-91 to 516,600 in 2007).

Table 8.3 *Panti asuhan* **and children in** *panti asuhan***, 1990-2006** (numbers)

Year	Total number of *panti asuhan*	Total number of children in *panti asuhan*
1990-91 (source 1)	983	55,627
1993-94 (source 1)	1,089	71,257
1996-97 (source 1)	1,285	68,919
1997-98 (source 1)	1,647	91,051
2003 (Fuel subsidy reduction compensation data) (source 2)	3,401	125,232
2007 (Fuel subsidy reduction compensation data) (source 2)	5,053	150,075
2007 (Fuel subsidy reduction compensation data plus Save the Children estimates of non-fuel subsidy reduction compensation recipients) (source 2)	5,250-8,610	225,750-516,600

Sources:
1. Government of Indonesia, Ministry of Religious Affairs, cited in Report by the UN Committee on the Rights of the Child: Indonesia (2003, p. 42).
2. Fuel subsidy reduction compensation data supplied by Indonesian Government (Government of Indonesia 2013b).
3. Fuel subsidy reduction compensation data supplied by the Indonesian Government and estimates in Save the Children UK et al. (2007, pp. 18-9).

Whether one accepts national government data in Tables 8.1-8.3 or Save the Children's projections in Table 8.3, at the most general level, it seems clear that there were substantial increases in the number of *panti asuhan* and children living in them between 1990 and 2007-08. Within that period, there was a burst in the number of children in *panti asuhan*, and the number of *panti asuhan*, during the half-decade after the Asian financial crisis. Even after the worst effects of the Asian financial crisis had abated by the early 2000s, data suggests that *panti asuhan* growth rates did not return to pre-Asian financial crisis levels; instead, they settled at rates that were significantly higher than those seen through the 1990s.

Claims about rapid acceleration in rates of growth of *panti asuhan* during the 2000s are supported in general terms by other sources. UNICEF (2006) reported that the number of *panti asuhan* had risen at least to 7,000 by the mid-2000s (p. 30). In 2013, the Ministry of Social Affairs' Senior Advisor to the Indonesian Minister of Social Welfare and former Ministry of Social Affairs' Director-General for Social Services and Rehabilitation, Makmur Sunusi, stated that institutional care in Indonesia had been 'very much on the rise', with 8,000 *panti asuhan* caring for up to half-a-million children. He added that 90 per cent of children in *panti asuhan* were not orphans, but had been relinquished into *panti asuhan* as a result of family poverty (Sunusi 2013).

The substantial increase in the number of *panti asuhan* from the 1990s until the 2000s does not, in its own right, contribute much to explanations for the policy shift on *panti asuhan*. Rather, it is probable that the massive increase in number of *panti asuhan* resulted largely from individuals and organisations seeking to take financial advantage of easily-obtained government subsidies to *panti asuhan*, leading to a rapid increase in the financial burden on the national government at a time when it was attempting to institute overall national budget cost-savings.

This point is best explained with reference to demand and supply factors. On the demand side, as noted in Table 8.1, above, using national government figures, a 32 per cent increase was recorded in the number of children in *panti asuhan* at the height of the Asian financial crisis in 1996-97 and 1997-98. Although the numbers of children in *panti asuhan* rose through the 1990s, it seems reasonable to infer that the jump in the number of children in *panti asuhan* in 1997-98 was associated with the social and

economic dislocation caused by the Asian financial crisis. As noted above, even after the worst effects of the Asian financial crisis had abated, the number of *panti asuhan* and children in them continued to rise at average annual rates that were around double those experienced during the 1990s.

The strong demand for places in *panti asuhan* in the immediate aftermath of the Asian financial crisis through to the mid-2000s was met by a rapidly expanding supply of children's institutions. Perhaps paradoxically in light of Indonesia's treaty obligations under the UN Convention on the Rights of the Child to discourage the inappropriate or excessive reliance on children's institutions, two national government policies actually propped up, and led to the rapid expansion of, *panti asuhan* during this period. These were, first, policies that were instituted after 1999 to assist with the decentralisation of financial and administrative authority to sub-national levels, and second, policies that aimed to counter the adverse impacts of cuts to regressive government fuel subsidies. I turn now to discuss each of these policy directions.

A feature of Indonesia's decentralisation efforts was the establishment in 2000 of a special 'Deconcentration' fund (*Dana dekonsentrasi dari pusat ke propinsi* or *Dana dekon*). These funds were channelled to, and were under the control of, provincial governments, ostensibly for the provision of social and other services. This included funding to support designated groups and individuals with special needs, such as children who were deemed by the authorities to be neglected and children living in *panti asuhan*. Provincial governments would decide on the allocation of *dekon* funds to district level authorities. There is no published official information about the extent of *dekon* funding provided to *panti asuhan* by provincial authorities during the period between 2000 and the change of policy on *panti asuhan* around 2007-08. However, we can gain a sense of the scale and growth of this form of subsidy to *panti asuhan* through data from the Ministry of Social Affairs regarding Acehnese *panti asuhan* as cited in Save the Children UK et al. (2006). According to that report, *dekon* funding rose from 1,390 children in *panti asuhan* in 2000 to 2,300 in 2006. As shown in Table 8.4, below, the total amount of *dekon* funds disbursed directly to *panti asuhan* in Aceh rose by 59.3

per cent in two years between 2003 and 2005 (from IDR2.7 billion[1] (US$314,795) to IDR4.3 billion (US$443,071)) (Save the Children UK et al. 2006, p. 27).

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[1] One billion equals one thousand million, that is, 1,000,000,000.

Table 8.4 *Dekon* **disbursements to** *panti asuhan* **in Aceh, 2000-06**

Year	Total number of children in Aceh receiving *dekon* funding through *panti asuhan*	Total amount of *dekon* funding provided to *panti asuhan* in Aceh (IDR billion)	Total amount of *dekon* funding provided to *panti asuhan* in Aceh (equivalent US$)
2000	1,390	Unknown	-
2001	2,740	Unknown	-
2002	2,440	Unknown	-
2003	2,710	2.7	314,795
2004	2,480	3.2	357,982
2005	1,600	4.3	443,071
2006	2,300	Unknown	-

Source: Save the Children UK et al. (2006, p. 27). Note: US dollar amounts in Table 8.4 vary from those contained in Save the Children UK et al. (2007) in accordance with World Bank exchange rate data issued for the period 2003 to 2005 (World Bank 2014).

No data are currently available concerning the amount of *dekon* funding provided to *panti asuhan* through provincial authorities for the remainder of Indonesia. A general sense of the magnitude of the funding can be gained, however, by estimating national *dekon* expenditure on *panti asuhan* using Aceh as a guide. Appendix E sets out the location by province and the amount of fuel subsidy reduction compensation provided to *panti asuhan* for 2007. While not all *panti asuhan* would have received fuel subsidy reduction compensation, Aceh accounted for four per cent of the national fuel allocation for *panti asuhan*. By applying the latter figure to *dekon* funding, the national *dekon* expenditure on *panti asuhan* based on *dekon* funding for Aceh, may have been of the order of US$11 million per annum in the mid-2000s (note that this calculation is indicative only: it assumes that Aceh is typical of other provinces in terms of the number of *panti asuhan* and that *dekon* funding is applied equitably across provinces based on the numbers of *panti asuhan* in each province).

Another indication of the extent of *dekon* subsidisation by the Indonesian Government to *panti asuhan* was reported in Save the Children et al. (2007) which claimed that, of the total 2006 budget of the Ministry of Social Affairs' Directorate for the Social Assistance of Children of US$19 million, US$17.6 million was allocated to social services under *dekon* (p. 29). Save the Children et al. (2007) also stated that US$9 million of these funds went to 'neglected children' living in *panti asuhan* (p. 29). In the Indonesian context, according to Save the Children UK et al. (2007), the latter figure was substantial when compared with the entire Ministry of Social Affairs budget for 2006 of US$251 million (pp. 28-29). Unfortunately, no data are available on *dekon* allocations to *panti asuhan* for other years that would enable comparisons to be made.

The second major source of national government financial encouragement to *panti asuhan* during the early *Reformasi* period was the fuel subsidy reduction compensation scheme. A universally-available fuel subsidy reduction compensation scheme operated during much of the New Order era to help stabilise the cost of fuel and other commodities. However, since 1998 national governments cut fuel subsidies on several occasions to better align the cost of fuel with its true economic cost, reduce fossil fuel usage, and free up funds for investment in social welfare programs. These cuts, in turn, led to rises in fuel costs. In 2001, 2005 and 2008, cuts to the fuel subsidy caused fuel prices to rise, respectively, by 30, 100 and 30 per cent (Perdana 2014, p. 7). On each

occasion national governments increased fuel prices during the first decade of *Reformasi*, they put in place, or extended, social protection measures to help buffer the effects of price rises on the most vulnerable households and communities. Of relevance to the story of *panti asuhan* policy change, in 2001, the national government established a fuel subsidy reduction compensation scheme specifically to assist social welfare institutions, including *panti asuhan*, to help meet increases in the cost of food and other commodities and services due to fuel price fluctuations after government decisions to cut government subsidies on fuel and to raise fuel prices (fuel subsidy reduction compensation continues to be provided to registered *panti asuhan* at the time of writing). From 2006, the scheme, as applied to children's institutions, became known as the *Program Subsidi Tambahan Biaya Permakanan untuk Panti Sosial*.

Fuel subsidy reduction compensation was provided to any *panti asuhan* that registered to receive it. Any person, even those without professional competence in a field related to the care of children, could establish a *panti asuhan*. Registration did not require a *panti asuhan* to meet particular standards of care for children (National NGO Coalition for Children Rights Monitoring & Save the Children 2010, p. 53). Once a *panti asuhan*, or its parent organisation, was able to prove that it was legally registered as a social organisation, it could apply to receive fuel subsidy reduction compensation. Because many *panti asuhan* were registered in the name of their parent social organisation, the national government did not maintain an accurate record of the number, location and type of individual *panti asuhan*, nor keep information about the needs of, or quality of life for, children in these places. Fuel subsidy reduction compensation for *panti asuhan* was calculated annually by the Ministry of Social Affairs on the basis of an amount of funding per child. Both private and government-run *panti asuhan* gained access to fuel subsidy reduction compensation subject to being registered and payments were made to registered *panti asuhan* through their local post office. Fuel subsidy reduction compensation was not linked to any assessment of children's needs or the needs of *panti asuhan*, for example, for infrastructure renewal or staffing costs.

Insights into the role played by the fuel subsidy reduction compensation scheme for *panti asuhan* around the mid-2000s were provided in Save the Children UK et al. (2007), which found that all 36 *panti asuhan* assessed in the study's sample group received the subsidy from the Indonesian Government (p. 73). They also stated that

most of the operational revenues for the 28 privately-owned *panti asuhan* in the sample group were derived from fuel subsidies (p. 73). Even amongst the nine *panti asuhan* that were government-owned, either by central, provincial, district or municipal governments, fuel subsidy reduction compensation played a significant role in supporting operations in addition to local government funding through *dekon*. Most *panti asuhan* in the sample group received fuel subsidy reduction compensation funding for 30 children, although that was not a fixed rule. Some *panti asuhan* with 100 or more children received fuel subsidy reduction compensation for 50 children. Save the Children UK et al. (2007) concluded that fuel subsidy reduction compensation may have funded between 50 and 70 per cent of children in each of the institutions surveyed (p. 73). The relative ease with which *panti asuhan* were able to be established in order to access fuel subsidy reduction compensation led Save the Children UK et al. (2007, pp. 29-30) to conclude that *panti asuhan* operators had

> …every reason to be going out to recruit children in order to receive the aid, and to keep these children longer-term within these institutions, whether these children have remaining parents or whether they could actually be supported within their families.

Thus, the uncapped nature of fuel subsidy reduction compensation to registered *panti asuhan* and the lack of operating rules around the subsidy encouraged individuals and organisations to establish *panti asuhan* from the early 2000s.

The magnitude of national government subsidisation to *panti asuhan* in the early *Reformasi* period was also revealed in Save the Children UK et al. (2013). That report claimed that fuel subsidy reduction compensation to *panti asuhan* in 2007 was around US$12 million, which was a comparatively large amount when compared to the overall budget of the Ministry of Social Affairs' Directorate of Children's Services of US$19 million (US$9 million of which was directly remitted to provincial governments under *dekon* to support neglected children, particularly through *panti asuhan*) (Save the Children Indonesia 2013, p. 66). In 2006, the equivalent of US$9 million in *dekon* funding was transferred to provincial governments ostensibly for these purposes. By contrast, fuel subsidy reduction compensation went directly from the national government to each registered *panti asuhan* through local post offices. Figures available

for 2006 indicate that fuel subsidy reduction compensation funding for *panti asuhan* (US$10.5 million) exceeded *dekon* funding (US$9 million).

Taken together, the prospect of obtaining fuel and *dekon* subsidies with little or no regulation or monitoring meant that opening and operating a *panti asuhan* presented an attractive business opportunity for individuals and organisations disposed to exploit such provisions for their own commercial purposes. In that environment it is little wonder that there was a veritable explosion in the rate of uptake of fuel subsidy reduction compensation after 2001 and the number of *panti asuhan*. This is illustrated in Figure 8.5, below, which uses published national government data to show that total subsidies to *panti asuhan* increased by almost five-fold between 2001 and 2007, that is, from IDR25.77 billion to IDR125.99 billion (or in US dollar terms, from US$2.51 million to US$13.78 million).

Table 8.5 **Fuel subsidy reduction compensation to *panti asuhan*, 2001-09**

Year	Fuel subsidy reduction compensation to *panti asuhan* expressed as cost per child per day (in IDR)	Total fuel subsidy reduction compensation to *panti asuhan* (in IDR billions)	Total fuel subsidy reduction compensation to *panti asuhan* (in equivalent US$ millions)
2001	270	31.06	3.11
2002	585	70.00	7.52
2003	2,250	123.19	14.36
2004	2,250	122.38	13.69
2005	2,250	122.41	15.36
2006	482	72.26	7.89
2007	840	125.99	13.78
2008	913	144.18	14.87
2009	1,095	182.87	17.60

Source: Government of Indonesia, Ministry of Social Affairs (2013).
Note: US dollar amounts in Table 8.5 are based on World Bank exchange rate data issued for the period 2001 to 2009 (World Bank 2014).

It is also noteworthy from Table 8.5 that, even after the change in *panti asuhan* policy direction became clear around 2007-08, fuel subsidy reduction compensation to *panti asuhan* continued to increase strongly, from IDR125.99 billion (or US$13.78 million) in 2007 to IDR182.87 billion (or US$17.6 million) in 2009, as did the number of children being assisted through the scheme, from 150,075 children in 2007 to 167,000 children in 2009 (Government of Indonesia 2013b). The fact that fuel subsidy reduction compensation to *panti asuhan* continued to grow after 2007-08 is further evidence that the policy shift was far less significant than has been portrayed in the standard account offered by international players. As discussed earlier, the new policy saw *panti asuhan* as continuing to play a central, albeit slightly adjusted, role into the foreseeable future. The continuation of fuel subsidy reduction compensation to them after 2007-08 underlines my contention that the policy shift was far less radical than has been portrayed or might have been were no mitigating forces at work in the policymaking process (Chapter 9 discusses factors that impeded more radical policy change).

Apart from fuel subsidy reduction compensation to *panti asuhan* and *dekon*, *panti asuhan* receive government financial support in other ways, often in the form of short-term relief measures. After the 2004 tsunami, for example, the Indonesian Government provided funding to *panti asuhan* in Aceh to assist with reconstruction work and day-to-day operations. Local and district level governments disbursed funds to both government and privately-run *panti asuhan*. Community giving was another important source of financing for *panti asuhan*. As noted in Chapter 9, it is common practice for the Muslim faithful to make charitable donations to orphanages, particularly at the end of the holy month of *Ramadan*. Charitable gifts and bequests to *panti asuhan* are also made throughout the year by individuals, families, foundations, businesses and community groups, both from within Indonesia and overseas. The total amount of these donations to *panti asuhan* is unknown.

One other publicly-available insight into the impact of broader national government policy concerns on services for children was provided in a speech in 2010 by Makmur Sunusi. Reflecting on the situation in the early-to-mid 2000s, Sunusi (2010) stated that national budgetary problems meant that spending on services for neglected children, including those in *panti asuhan*, was only able to reach 1.8 per cent of all neglected Indonesian children, though he did not explain why this was the case (p. 3). He added

that the Ministry of Social Affairs' budget for neglected children fell by five per cent in 2008 on top of average annual budgetary reductions for these purposes of 3.4 per cent in the three-year period between 2005 and 2007 due to 'the economic crisis and fluctuating world oil prices' (Sunusi 2010, p. 3).

8.3 Conclusions

This chapter has brought to light previously unrecorded concerns held by senior Indonesian Government officials and others about the rising cost to the national government of supporting *panti asuhan* in the decade after the Asian financial crisis. Other primary and secondary data support these claims, pointing to how national government policies to mitigate the worst effects of the Asian financial crisis and to encourage decentralisation stimulated a rapid, and largely unchecked, expansion in the numbers of *panti asuhan*, leading to increased financial costs to the national government during the early-to-mid 2000s. Not only were *panti asuhan* increasingly out-of-step with the Indonesian Government's desire to conform with Indonesia's international rights obligations (see Chapter 6) and new national social and economic policy directions set in the early-to-mid 2000s (see Chapter 7), these children's institutions also came to be regarded as a growing financial burden to national government that, seeking to restore the economy after the catastrophic Asian financial crisis, needed to find savings and redirect expenditures towards areas of higher national importance, such as poverty alleviation schemes.

Thus, as noted in this and the preceding two chapters, a range of concerns grew within early *Reformasi* administrations about the cost and appropriateness of *panti asuhan* that were largely absent during Suharto's New Order. As we will see in the next chapter, however, such reformist views were far from universally supported within Indonesian politics and society.

Chapter 9: The '*status quo*' story line: 'the friend of orphans'

'People will only donate to orphanages and not to families. During *Ramadan*, people offer food to orphans. If people donate to orphans they will get rewards from God—it is mentioned in the sayings of Muhammad that people must be the friend of orphans.'

An Indonesian NGO social welfare worker (NA-12).

'After Indonesia ratified the UN Convention on the Rights of the Child, we moved toward children's rights-based policies. This was hard work because the institutions have been operating for a long time and people think that the institutions are good for children. It's difficult to change people's minds. It's been quite a challenge.'

A senior official of an Indonesian Government child protection agency (GF-13).

Overview

This chapter discusses the second of the two main story lines held by interviewees about *panti asuhan*, that is, the '*status quo*' view whose basic message was that *panti asuhan* played a variety of useful, even necessary, roles in Indonesian social, religious and community life. Two principal themes or narratives were evident within the '*status quo*' story line: first, that *panti asuhan* were sanctioned by Islamic teachings as a vehicle for charitable giving; and, second, to the extent that *panti asuhan* came to Indonesian public attention, that they were widely respected as a 'time-honoured' practice for the care of children.

9.1 Findings from the field

9.1.2 NGOs and researchers. Chapters 6-8 noted how several interviewees saw *panti asuhan* as increasingly anachronistic. However, others talked about how *panti asuhan* were regarded, both by organisations running institutions and by the community at large, as being beneficial on a number of levels in Indonesian society.

As outlined in Chapter 4, the majority of *panti asuhan* are privately run by the large socio-religious welfare organisations, Muhammadiyah and Nahdlatul Ulama. Only Muhammadiyah officials were prepared to discuss *panti asuhan* at length. Despite efforts to make contact with Nahdlatul Ulama, I was unable to interview a representative of this organisation. One of the key themes to emerge from interviews with an Indonesian social worker familiar with Muhammadiyah (NA-12) was Muhammadiyah's strong contention that their *panti asuhan* had supported poor families in the absence of much national government support over many decades. Interviewee NA-12 said that *panti asuhan* were regarded within Indonesia society and the upper echelons of Muhammadiyah as performing important roles by helping poor families and that, sometimes after entering a *panti asuhan*, children did not want to return to their families. She also noted how 'orphan' was defined by Muhammadiyah leaders to include children from a poor family even if one or both parents were living, and how *panti asuhan* were routinely provided with financial support in the form of donations by community members as a mark of religious observance:

> Parents bring children to orphanages for food and education and also to abandon their responsibilities. The children do not want to go back home. For people running *pantis*, it's a balance between spoiling them and sending them back to their homes.

> People will only donate to orphanages and not to families. During *Ramadan*, people offer food to orphans. If people donate to orphans they will get rewards from God—it is mentioned in the sayings of Muhammad that people must be the friend of orphans…

> Many people on the Muhammadiyah Central Board think that institutions are good places for children. Since 2008, as a result of the Save the Children studies there was a new understanding inside Muhammadiyah that 98 per cent of children in orphanages had at least one parent…

The Islamic Council of the Central Board of Muhammadiyah interprets the *Qur'an* [Islam's principal holy book] and they have defined orphans widely as including children from a lot of difficult conditions, such as poor families…

Two years ago [that is, in 2010], the Council's Law Forum discussed the matter and were asked for a new interpretation of 'an orphan'. But, the result was awful. [Instead of discussing how an orphan was defined] they asked why a new definition was being sought and said that they did not want to close the orphanages.

They said there was no problem between Islam and the UN Convention on the Rights of the Child. [The prophet] Muhammad said that family was the best place to raise children and they also agreed that orphanages were the last resort [if family placement failed]. The challenge [within Muhammadiyah] is to combine Islamic law and the UN Convention on the Rights of the Child and the new government standards.

(Interviewee NA-12)

Another Indonesian social welfare worker (NB-12) discussed Muhammadiyah's role in running *panti asuhan*, reinforcing the view put by interviewee NA-12 that many people in Indonesian society regarded *panti asuhan* as playing useful social and religious roles:

The majority of orphanages are run by Muhammadiyah. The community believes that by supporting orphanages they will receive a blessing…

Muhammadiyah's problem is to explain Islamic law and the UN Convention on the Rights of the Child to our orphanages and how they sit next to each other. The situation is that so many regulations are needed and government, which lacks resources, has asked institutions to contribute to them.

(Interviewee NB-12)

Interviewee IND-13, an Indonesian child protection specialist working for an INGO, perceived a general level of acceptance amongst some Ministry of Social Affairs officials, politicians and within Indonesian society more broadly about the role played by *panti asuhan*:

> In the Parliament, the politicians say 'no, we cannot close *panti asuhan*' because they know politically it is a problem in Indonesia. On the other side, *pantis* have been around for many years and are in the heart of the people who think 'if you want to do the best for children you go to the *panti*' and people share with them for charity…

> The problem is that many people abuse the *panti asuhan* for their own purpose, and it is also dangerous because we know that sometimes families bring their children to the *panti* and ask them for money [for the children]. The families use the children…to get money…

> Some staff and social workers in the Ministry of Social Affairs see these people [who want to reform *panti asuhan*] as experimenters and they still think that *pantis* are the best solution.

> Not all people in the Ministry of Social Affairs know why the shift away from *pantis* is taking place. They are 'text literate' not 'content literate', that is, they understand the letter of the UN Convention on the Rights of the Child, but do not understand what it means in depth.

> That's why the government got into difficulty when it reported to the UN Committee on the Rights of the Child. They thought the senior people in the Ministry of Social Affairs learned about deinstitutionalisation from Save the Children, but they really don't all understand the meaning of deinstitutionalisation.

For many years the situation was that the Ministry of Social Affairs supported the existence of *panti asuhan* and also *pantis* became a way of making money for *panti* operators…

Some families felt that if you wanted to be prosperous, they should put their children into *pantis*. But this violated the idea of the *panti* as strictly being an orphanage [that is, for children who had no living parents]. That was not the original purpose of *pantis*…

Within government, they wanted the image of reforming the *pantis* but this was because it was an era of reform in general. In the Ministry of Social Affairs today they are reconsidering the policy shift on *pantis* put in place by former senior staff of the Ministry of Social Affairs.

(Interviewee IND-13)

Community reliance on *panti asuhan* as a means whereby poor families could gain access to education for their children was also noted by an expatriate manager of an INGO (*INB-12*):

There have been improvements in Indonesia on child protection at the general level over the past 20 years. There have been some key laws put in place on the back of the UN Convention on the Rights of the Child.

But, research on orphanages showed that 80 to 90 per cent of children in orphanages had at least one parent who could take care of them. Parents see the orphanages as a way that their children can receive an education.

(Interviewee INB-12)

A leading academic on child protection matters (RA-13) discussed how *panti asuhan* had come to be widely accepted in Indonesian society due largely to their introduction during the Dutch colonial era and their expansion under Suharto's New Order regime:

Pantis or orphanages originated with the Dutch Christian missionaries. At the end of the Second World War, Sukarno needed *pantis* to take care of children who had been abandoned as a result of the war.

Sukarno lobbied Christian churches to take care of abandoned children. As the problem of orphans became bigger after Independence, all community groups were asked to help with the care of orphans. In Islam, setting up an orphanage was seen as a way of caring for a child.

Eventually, the *pantis* became a way of taking advantage of government money. Between 1998 and 2004, for example, there was what we call 'red-plated NGOs' [government vehicles have red number plates] that is, government officials who saw that government was about to fund NGOs to run *pantis* or other programs so they established their own NGOs to take advantage. This continues to this day. Many *pantis* are selling poverty programs.

(Interviewee RA-13)

9.1.2 Views from national government. Some national government officials also commented that Indonesian community attitudes tended to favour, or were at least equivocal about, *panti asuhan* despite the apparent contradiction between the practice of sending children who had living parents to these institutions and international children's rights standards as enshrined in Indonesian law. Interviewee GA-13, a senior Ministry of Social Affairs official, said that 'even though Indonesia has laws based on children's rights, it is still common practice to send children to *panti asuhan* and for people still to stick to religious laws'. The head of a child protection taskforce within a national government children's agency (GF-13) talked in similar terms about how *panti asuhan* had become widely accepted in Indonesian society because, even though they were a relatively new phenomenon (having been introduced by the Dutch colonial government), they received strong financial backing from post-Independence Indonesian governments, especially the Suharto regime. Also, contrary to views attributed to Muhammadiyah leadership by some interviewees (see above), he asserted (but without being specific) that Islamic teachings did not support the

institutionalisation of children and, indeed, supported the idea that children were best raised by their family. The UN Convention on the Rights of the Child's encouragement for children to be raised in a family environment was, he contended, actually consistent with a strict reading of the *Qur'an*:

> The tradition of orphanages in Indonesia goes back to the time of the Dutch because there were many Indonesian children left after many Indonesians died in the wars between the Dutch and Indonesians.

> The orphanages were brought from Europe and Indonesia tried to replicate the model of European church-run orphanages. Muhammadiyah started its own orphanages in 1912. After Independence in 1945 there was an increase in the number of *panti asuhan* which cared not only for orphans but children from poor families. *Panti asuhan* were supported by subsidies from the Suharto government. It was easy to establish a *panti asuhan* and the government was appreciative of people who established them. The government supported *panti asuhan*.

> After Indonesia ratified the UN Convention on the Rights of the Child, we moved toward children's rights-based policies. This was hard work because institutions have been operating for a long time and people think that they are good for children. It's difficult to change people's minds. It's been quite a challenge. Also, a number of government staff do not understand the reasons for the change of policy…

> The *Qur'an* mostly talks about the role of the family. But, [he emphasised] *no* part of the *Qur'an* teaches about children's institutions. After Indonesia signed the UN Convention on the Rights of the Child, the government had a responsibility to socialise the UN Convention on the Rights of the Child and the idea of the family for the care of children matched with the Islamic view. We tried to discuss the link between the UN Convention on the Rights of the Child and the *Qur'an* [on the importance of family-based care of children].

After the UN Convention on the Rights of the Child, no-one tried to make a comparison between *panti asuhan* and family-based approaches. We tried to have discussions in small groups of people working on child protection issues. Actually, starting in 1990, the Council of Social Welfare in Muhammadiyah started to talk about social issues and to discuss community-based services. The issue of *panti asuhan* was on the agenda of the Muhammadiyah National Congress in 1999. But, because this was new, there was internal debate. Some people in Muhammadiyah were in favour and others were against. This issue got a lot of resistance from people.

At that time, national government thought that *panti asuhan* were good and provided subsidies to them. But, because some NGOs advocated, government started to understand [the need to change its policy of supporting *panti asuhan*].

(Interviewee GF-13)

The head of the same national government child protection agency (GD-13), reflected that Indonesian community attitudes toward children had been generally slow to align with international children's rights thinking. She noted that the uptake of children's rights thinking had lagged behind women's rights in Indonesia, and had not captured public attention in the same way that gender equality issues had done:

National politicians mostly resist new policies on children's rights, but in general society there is quite a lot of resistance, for example, when [my organisation] supported children in conflict with the law, society thought that children's rights were being introduced for these children. For example, we received criticism when we said that children's problems were also caused by parents who did not take good care of their children…

Opposition to children's rights comes from so many levels of society. It's common and not from any specific group. Children's rights is a new concept. It's not as sensitive as gender equality. The gender issue has greater sensitivity

among religious leaders, but the issue is progressing. Children's rights are not so sensitive and, as a result, it is not progressing as fast as gender equality.

(Interviewee GD-13)

9.2 Analysis and discussion

Thus, a theme that arose from several interviews with government and non-government representatives was that *panti asuhan* enjoyed a wide degree of support within the Indonesian community. Two principal themes or narratives were evident within this '*status quo*' story line: first, that *panti asuhan* were supported by Islamic teachings as a vehicle for charitable giving; and, second, to the extent that *panti asuhan* gain public attention in Indonesia, that they were widely thought of as a 'time-honoured' practice for the care of neglected or orphaned children as well as being a widely-accepted way for poor families to access education for their children. This section examines the grounds for these claims based on secondary data.

Before proceeding, a cautionary note about over-generalising about religious and social attitudes in modern Indonesia. Hicks (2011) observed that, particularly over the past three decades, there has been an increase in the presence of Islamic symbols in Indonesian public arenas (p. 39). Some manifestations include, for example, increased use of headscarves amongst women, greater prevalence of religious imagery in the media, and greater public expression of piety. Yet, it is difficult to generalise about social values that lay behind the increased usage of such symbols. In the realm of politics, one of the challenging current tasks before researchers is to explain, on one hand, the declining political fortunes of major Islamic political parties while, on the other, increasing signs of religious devotion in social and economic spaces (Mujani & Liddle 2004, pp. 112-13, Hicks 2011, pp. 39-40). Thus, in view of Indonesia's cultural, religious, demographic, ethnic, economic and political complexity, we need to proceed with care in making broad claims.

9.2.1 Panti asuhan in religious and community life. With that caveat in mind, there appears to be compelling evidence to support claims made by interviewees, above, that *panti asuhan* have significance for many Indonesians as places that enable religious

obligations and other civil duties to be undertaken and that provide religious education to children and young people. I turn, first, to religious meanings that surround *panti asuhan*. Charitable giving or philanthropy occupies a central place of importance to followers of Islam, who comprise over 86 per cent of Indonesia's population (Frederick & Worden 2011, p. xxxiii). The *Qur'an* contains 82 verses that encourage charity (Fauzia 2008a, p. 170). There are three basic methods of charitable giving: *zakāt, sedekah* and *infak*. One of the 'Five Pillars' of Islam, *zakāt* or obligatory offerings to the poor or other socially-beneficial purposes is generally considered to be mandatory for all followers of Islam with financial means (the other Pillars [*arkān-al-Islām*] are belief, worship, fasting during the month of *Ramadan*, and the pilgrimage to Mecca in Saudi Arabia at least once in a lifetime) (Ali & Hatta 2014, p. 62). *Zakāt* takes two major forms: *zakāt fitrah*, that is, money or food given at the end of the fasting month of *Ramadan*; and *zakāt maal*, a percentage of a person's total assets (usually 2.5 per cent) for those in a financial position to make such offerings. *Infak* and *sedekah* are voluntary donations (Sakai 2012, pp. 377-78).

Providing assistance to orphans is widely considered in Indonesia to be an important way of fulfilling charitable obligations under Islam. There are 107 references to children in the *Qur'an*. Many of these relate to matters such as inheritance and the non-killing of children (Shakir 1982, Online Quranic Project 2013). There are 25 references in the *Qur'an* to orphans. These cover matters such as the importance of giving alms to orphans, the marriage of orphans, and the management of orphans' property (Shakir 1982, Online Quranic Project 2013). For example:

> And when We took a pledge from the Children of Israel: 'Worship no one but Allah, do good to parents, relatives, orphans, and the needy, and speak kindly to people, and maintain the prayer, and give the *zakāt*,' you turned away, except a few of you, and you were disregardful. [Chapter 2, verse 83].

> Seest thou one who denies the Judgment [to come]? Then such is the [man] who repulses the orphan [with harshness], And encourages not the feeding of the indigent. So woe to the worshippers Who are neglectful of their prayers, Those

who [want but] to be seen [of men], but refuse [to supply] [even] neighbourly needs. [Chapter 107, verses 1-7].

Piety is not to turn your faces to the east or the west; rather, piety is [personified by] those who have faith in Allah and the Last Day, the angels, the Book, and the prophets, and who give their wealth, for the love of Him, to relatives, orphans, the needy, the traveller and the beggar, and for [the freeing of] the slaves, and maintain the prayer and give the *zakāt*.... [Chapter 2, verse 177].

They ask you as to what they should spend. Say, 'Whatever wealth you spend, let it be for parents, relatives, orphans, the needy, and the traveller.' And whatever good that you may do, Allah indeed knows it. [Chapter 2, verse 215].

It is important to note, however, that the *Qur'an* does not specifically mention places such as orphanages nor instruct followers to support orphans in any particular manner, such as through cash or in-kind donations. Noer (1973, p. 303) stated that the part of traditional Islamic law, *Shari'a*, that dealt with worldly matters imposed several responsibilities on practitioners, such as paying respect to parents and taking care of orphans, but considered these matters *ma'qul*, that is, 'their execution is "left to us in accord with the period and circumstances in which we live, as long as it will lead us to that purpose" '. Thus, the method of dispensing obligations, such as the care of orphans, is left to the judgement of the individual, and giving to institutions such as a *panti asuhan* is not specifically prescribed.

Nonetheless, over the past century, charitable giving has become a highly organised activity in Indonesia and *panti asuhan* have been prime recipients. Organisations for the collection of *zakāt* for charitable purposes, including *panti asuhan*, were established in Indonesia in the early twentieth century and played a major role in growing social welfare and community development organisations, particularly Muhammadiyah and Nahdlatul Ulama (discussed further in Section 9.2.2, below). The number and size of private Islamic philanthropic organisations grew rapidly after the fall of Suharto. In 1999, changes to Indonesian law permitted, for the first time, the official collection of *zakāt* (Law 38/1999), made *zakāt* tax deductible, and regulated the collection of *wakaf*

(Buehler 2008, p. 259, Fauzia 2008a, p. 173, Horowitz 2013, p. 247). For Latief (2012), the 1999 *zakāt* law and central government sponsorship of *zakāt* agencies at the national and regional levels, such as BAZNAS (the National *Zakāt* Board) and BAZDA (the Regional *Zakāt* Board), underlined official support for this form of charitable giving (p. 10).

According to Fauzia (2008), over 99 per cent of Indonesia's 200 million Muslims engage in some form of charitable giving (p. 171). The total amount of funds collected by all *zakāt* agencies in Indonesia grew substantially during the 2000s, from around IDR 80 billion ((US$8.4 million) in 2002 to IDR 414 billion (US$43.9 million) in 2006 (Ali & Hatta 2014, p. 66). Private *zakāt* agencies also grew substantially during the 2000s: one estimate was that the nine largest *zakāt* collection agencies increased their revenues from US$7.6 million in 2004 to US$25 million in 2008 (Sakai 2012, p. 378).

As noted in Chapter 4, *zakāt* funds from Islamic faithful living in other countries such as Australia are also channelled to *panti asuhan* through *zakāt* collection agencies. There are no published data about the amount of revenues that these domestic and international agencies accumulate and channel to *panti asuhan*. However, two points arise. First, it underlines the fact that Indonesian Government financial subsidies to *panti asuhan* are not the only source of income to *panti asuhan*. This is a relevant factor when considering the leverage available to the national government to force *panti asuhan* operators such as Muhammadiyah and Nahdlatul Ulama to support the new *panti asuhan* policy. Arguably, had *panti asuhan* been totally reliant on government subsidies, such as fuel subsidy reduction compensation and *dekon* grants, they may have had little or no capacity to oppose new policy directions advanced by the Ministry of Social Affairs in the mid-to-late 2000s. In other words, the fact that most, if not all, *panti asuhan* receive some income from outside government probably meant that *panti asuhan* operators had (and have) greater scope to negotiate with the national government over any proposed policy changes. Second, that *zakāt* collection was sanctioned by State law after 1999 seems unlikely to have dinted public perceptions that giving to *panti asuhan* was an acceptable form of religious compliance; if anything, the organised, State-sanctioned nature of *zakāt* collection may have further encouraged this form of child care.

Even though there has been an increase in the total amount of charitable *zakāt* giving, the proportion directed to *panti asuhan* is unknown. Recent detailed analyses of charitable giving in Indonesia, such as that by Latief (2012), have tended to focus on health and education rather than on children. However, we may glimpse the importance placed on charitable giving to *panti asuhan* in Fauzia's (2008) survey of 1,501 Muslims (70 per cent male and 30 per cent female) in ten Indonesian provinces in 2003-04. She found that giving to orphans was the second most favoured focus of charitable giving (63 per cent) after providing food (73 per cent). Fauzia (2008) qualified this finding, however, by noting that giving to orphans included children who were adopted by families in addition to children in *panti asuhan* (p. 179).

Not only is charitable giving to orphans encouraged in the teachings of Islam and supported by large socio-religious organisations such as Muhammadiyah and Nahdlatul Ulama as well as the State, but *panti asuhan* appear to play other significant roles in community life, especially for women. Only a few English-language studies have been published to date about the scale, operations and experiences of children in Indonesia's *panti asuhan*, and, as with Indonesian language sources, no other academic study of Indonesian attitudes toward these institutions has yet been produced. Thus, we proceed with caution in drawing conclusions about the extent of community support for *panti asuhan*. Nonetheless, the small body of evidence we do have points to *panti asuhan* as being seen by some communities as places that enable local community members, particularly older women, to perform care-giving tasks and even enhance and display their personal and family power and prestige.

Skavelden's (2007) anthropological study of three *panti asuhan* in Yogyakarta revealed a range of local community perceptions about *panti asuhan*. Building on anthropological research initiated by Hildred and Clifford Geertz in the 1950s, Skavelden sought to explore how Javanese family and kin relationships extended beyond the household. Skavelden claimed that *panti asuhan* were generally well-understood and accepted within broader Javanese society, as well as amongst *panti asuhan* managers and staff, as playing important roles in promoting a sense of selfhood amongst Javanese children (p. 11). She stated that the *panti asuhan* she studied provided important opportunities for children from poor rural backgrounds to learn refined

behaviours, disciplines and social skills (in Java referred to as *alus*). Such learnings were often in contrast to the customs, behaviours and even religious beliefs of the poor rural families from which most of the children originated, and were regarded by *panti asuhan* staff as important in equipping children to succeed in modern Javanese life. According to Skavelden, the majority of children in the three *panti asuhan* studied originated from rural families who could be described culturally as *abangan*, that is, people who practiced a less orthodox and more syncretic form of Islam that integrates Hinduism, Buddhism and animism.

With respect of the three children's homes studied, Skavelden found that *panti asuhan* were generally considered by families and the broader community to be places that helped children from disadvantaged backgrounds to achieve a better life. She noted that the longer the time that children, especially girls, spent in *panti asuhan* the greater the social difference was between them and their families. The experience of living in a *panti asuhan* impacted on relationships between children and their birth families, yet the links between family and child were seldom broken in the course of a child's residence in a *panti asuhan*. In contrast to popular representations of life in children's homes in the Global North where child-parent links were often completely severed, Skavelden (2007) claimed that there were many similarities between *panti asuhan* and other Javanese households (pp. 64-86).

For Skavelden, there were several features of *panti asuhan* that were dissimilar to children's institutions in the Global North. First, children left the *panti asuhan* each day to attend school and were thus not completely isolated or sequestered from society. This meant that *panti asuhan* did not function as 'total institutions' in the same sense that Goffman described many institutions in the Global North to be (see Chapter 2). Second, *panti asuhan* were similar to normal 'matrifocal' Javanese households in that their operations were dominated by adult female staff and adult female volunteers. Adult female staff and volunteers would often help to arrange the wedding celebrations of women who, as children, had lived in a *panti asuhan*. Skavelden (2007, p. 84) stated that public attitudes were strongly supportive of the role played by *panti asuhan* in caring for children and in providing opportunities for (predominantly adult female) volunteers to serve in a good community cause:

People contribute to *pantis* by giving money, arranging activities for the children or working voluntarily at the *pantis*. Women in Javanese *pantis* use their power and prestige in order to influence the city's inhabitants to help the children.

In a similar vein, it is worth noting Fauzia's (2008) contention that there has been an increase in involvement by Indonesian women in charitable activities in recent years. She noted, in particular, that *panti asuhan* received substantial support from women and that Muhammadiyah's women's branch, 'Aisyiyah, was active in supporting Muhammadiyah *panti asuhan*. According to Fauzia (2008), the majority of 'Aisyayah local branches ran orphan support activities even down to individual village level (p. 180). The suggestion that there has been an increase in the levels of participation by women in the life of *panti asuhan* appears to resonate with other recent research suggesting that Muslim women in Indonesia and other predominantly Islamic countries, such as Egypt and Malaysia, are increasingly involved in Islamic learning and community projects (Gade 2004, Mahmood 2005, Frisk 2009, Millie 2011, pp. 151-52). In West Java, for example, Millie (2011) observed the high frequency with which groups of women, especially those aged over 45 years, attended mosque preaching events and how male preachers had altered their communication styles to be more responsive to female sensibilities. Millie (2011, pp. 153, 165) concluded that such female 'spectatorship' practices challenged the 'stereotype that Islamic participation is a disciplinary activity managed according to men's interests', and suggested that women's 'frequent attendance is not an outright submission to patriarchal structures, but a pleasing and satisfying exercise in piety that is performed, to a large degree, on their own terms'. The role played by Muslim women in supporting *panti asuhan*, including as a vehicle for their expression of religious piety, is thus an area that would benefit from further research.

Finally, Skavelden (2007, p. 67) noted that, far from severing connections with their families, children in *panti asuhan* maintained connection with them throughout their time in these homes:

Life inside the *pantis* reflect the traditional household organization because the children and youth remain close to their mothers. This is for example seen in the way the inhabitants talk about their mothers and other female relatives.

Rather than being sequestered from the outside community and prevented from contacting their relatives, Skavelden (2007, p. 70) found evidence of extensive links between children living in *panti asuhan* and their families, especially their mothers:

The tie between the mother and her child remains strong although they do not live in the same household. Hildred Geertz describes how the family works like a safety net for relatives who cannot take care of themselves. Parentless children, and others who for some reason need help, will be taken care of by their family of close kinsmen. Again we see how Geertz' analysis does not move beyond family life, but the reality differs from Geertz' description. Children do move away from their families because not all families have the resources required to function as a safety net for the family's children. This does not mean that the matrifocal pattern ceases, because in most cases the solidarity between a mother and her child may remain strong despite the long distance which can be created when the child moves into a panti. The pattern of the traditional Javanese family organisation, where the mother is in focus, remains the same for a lot of children although they live in a panti.

Skavelden's sample group was small, comprising only three *panti asuhan* in a central Javanese city compared with many thousands that are believed to exist. Nonetheless, her study offers nuances that are generally absent in the publications of children's rights advocacy groups which claim substantial negative effects of institutions on children, as seen, for example, in the Save the Children-led studies of Indonesia (2006 and 2007) and in other countries of the Global South and in the former Eastern Bloc, as discussed in Chapters 1 and 2. Skavelden's study is suggestive of a greater degree of community acceptance of the role of children's institutions and engagement with them than is generally admitted within INGO literature on children's institutions in Indonesia.

In a broader sense, Skavelden's work augments a small, growing body of scholarly literature that has appeared since the 1990s which suggests a picture that is far less clear-cut than that offered in the scholarly and INGO literature about the negative impacts of institutionalisation on children in the Global South (see Chapter 2). Some recent research about the Global South has been more equivocal about the effects of institutions on children. In examining Ethiopian orphanages, for example, Wolff and Fesseha (1998, p. 1319) observed that, in contrast to the 'categorical conclusion that orphanages are necessarily the breeding grounds of psychopathology and must therefore be avoided at all costs', there were better psychological outcomes for children in orphanages that were sensitive to the individual needs of children and where there were stable personal ties between staff and children. They concluded that the usefulness of orphanages could not be ignored in war-torn countries of the world where most unaccompanied and orphaned children lived.

Adding weight to the hypothesis that orphanages in the Global South might differ in some important respects from those of the Global North, Whetton et al. (2009) compared the cognitive functioning, and emotion, behavioural and physical health of random samples of 1,357 children aged between 6 and 12 years who lived in orphanages compared with 1,480 children also aged 6-12 years living in family and community settings in India, Cambodia, Tanzania, Ethiopia and Kenya. They found that children in institutions were not disadvantaged compared with those in community settings and, indeed, had better overall outcomes when compared with children cared for by a non-biological persons. These findings led the authors to disagree with 'the hypothesis that institutional care is systematically associated with poorer wellbeing than community care' for orphans and abandoned children in less wealthy countries (Whetten et al. 2009, pp. 1-10). They pointed out that the institutions surveyed were different in many ways to those in the Global North and that the unique social and cultural contexts in these institutions arose deserved closer examination to avoid making 'blanket' judgements about institutions based on assumptions imported from the Global North (Whetten et al. 2009, p. 9).

In the same vein, Akpalu (2007) noted the range of adverse psychological impacts of orphanages in Ghana, but pointed to the important bridging role they played in

providing essential safety and care for displaced children prior to permanent adoption (pp. 1070-84) . Claret's (2008) qualitative study also concluded that while there were clear psychological deficits seen in a small sample group of institutionalised children in Maputo (Mozambique) when compared with non-institutionalised children, orphanages remained a valid alternative for some children provided improvements could be made in the quality of care provided (p. 42).

Returning to Indonesia, it is difficult to draw firm conclusions on broad social attitudes toward *panti asuhan* from the limited sample of *panti asuhan* analysed by Skavelden (2007). As noted in Chapter 4, beside Skavelden's work, the other four academic and the four INGO-funded studies in English of Indonesia's *panti asuhan* focused mainly on matters such as language development delays and conditions for children in *panti asuhan* and *pesantren*, and did not examine the extent to which communities supported or opposed these institutions (Save the Children UK et al. 2006, Save the Children UK et al. 2007, Mulyadi et al. 2009, Wanat et al. 2010, Mughni 2011, UNICEF Indonesia et al. 2012, Save the Children Indonesia 2013, Sandika & Yuwono 2014).

It is possible, however, to gain a sense of general Indonesian community attitudes towards *panti asuhan* from other sources. UNICEF Indonesia et al. (2012, p. 171) stated that 'The large number of institutionalized children is directly linked to a widespread belief in Indonesian society that the solution for disadvantaged children is to place them in institutional care'. The same study also presented the stories of three children (one aged 11, designated as 'N' and two aged 15 years, designated as 'F' and 'H') living in a *panti asuhan* in north Jakarta. 'N', an 11 year old girl did not attend school for a year while in the care of her father until neighbours took her to the *panti asuhan* where she accessed basic provisions such as education. 'F' worked as a thief before entering the *panti asuhan* where he was provided with shelter, food and education and receives pocket money. 'H' was neglected by his parents and dropped out of school. A friend invited him to visit the *panti asuhan* and he decided to stay, where he resumed his education.

While UNICEF Indonesia et al. (2012) asserted that *panti asuhan* should be seen as the last resort for children, it found that circumstances had 'generally improved' for these

three young people. The study also pointed out that, whereas children living in *panti asuhan* were not required to work, that was not the case for some children living with their family, extended family or in foster care. UNICEF Indonesia et al. (2012) claimed that children in the *panti asuhan* included in their study were not required to work (p. 171). However, that appears not to be the case in some, or perhaps many, other *panti asuhan*. From its sample of 37 *panti asuhan*, Save the Children UK et al. (2007, p. 197) concluded that:

> All of the children living in the childcare institutions were required to work. This work covered everything involved in the running of the institutions, apart from office administration…The requirement to work was a non-negotiable one (otherwise the operation of the childcare institutions would be interfered with – the children would not eat and the institutions would not be cleaned).

According to UNICEF Indonesia et al. (2012, p. 171), the requirement for a child to work within their family setting was

> …often the case even if they lived with parents or other guardians who may be too poor or neglect their children, or if they lived with relatives who were unable to work, such as elderly grandparents.

The role of *panti asuhan* in helping neglected, abandoned or orphaned children in the absence of other social supports was also suggested in my review of coverage about *panti asuhan* in the two major daily English-language newspapers, the *Jakarta Post* and *Jakarta Globe*, during a one-year period between May 2013 and May 2014. Only eight stories were carried about *panti asuhan* and these were almost evenly divided between those that were supportive of *panti asuhan*, particularly as a focal point for local community volunteering efforts, and those that reported allegations of child abuse in some *panti asuhan*[2].

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[2] See 'A Place for Them to Call Home', *Jakarta Globe,* 24 May 2013; 'Charity Walkers Aim to Help Revamp Bekasi Orphanage', *Jakarta Globe,* 1 June 2013; 'Poverty Sees Kids Wind Up in Care Centers', *Jakarta Globe*, 19 September 2013; 'Local charity group banks on people to mobilize change for good', *Jakarta Globe*, 3 November 2013; 'Inmates of Serpong orphanage questioned', *Jakarta Post*, 27 February 2014; 'Orphanage owner files lawsuit against Komnas PA chairman', *Jakarta Globe*, 1 March 2014;

Further underlining the mix of community attitudes about *panti asuhan*, it is not uncommon to see stories in the English-language Indonesian press about visits to *panti asuhan* by high-profile celebrities and donations to *panti asuhan* by wealthy individuals and companies[3], nor for *panti asuhan* to issue publications to mark the history of their operations (Panti asuhan Vincentius Puteri 1988). In a similar vein, Fauzia (2008, p. 180) noted that donating to orphans had become a trend amongst celebrities:

> The primary example of such benevolence on the part of a celebrity is Dorce Gamalama (Dorce Ashadi), a celebrated artist and philanthropist, who established a philanthropic foundation to support orphans. The foundation was launched on 16 January 1992 and now assists around 1,600 orphans. Gamalama supports her own foundation, Dorce Halimatussa'diyah, drawing on 40% of her income. The motivation behind this is religious and social, and also strongly based on her own suffering as an orphan when she was a child. Thus her philanthropic activities are 'positive revenge' on her past.

Thus, there is evidence to support perspectives by interviewees that *panti asuhan* have significance in Indonesian society as places that enable the performance of religious obligations, as well as other forms of care-giving and even status enhancement. Far from universal community opposition to *panti asuhan* within Indonesian society, there is clearly a spectrum of public perceptions about these places. Firmer conclusions on community attitudes toward *panti asuhan* will, however, require closer examination beyond that provided to date in a small number of studies and a sample of the media.

9.2.2 Panti asuhan as a 'time-honoured' part of Indonesian society. Allied to their religious and other associations, the second main theme that arose from interviews was

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'Putting Indonesia's children first: orphanage abuse in spotlight', *Jakarta Globe*, 3 March 2014; and, 'Tangerang orphanage owner charged with child neglect, assault, rape', *Jakarta Globe*, 4 March 2014.
[3] See, for example, 'Fanny celebrates b'day with orphans', *Jakarta Post*, 31 January 2013 (a report on a visit to a south Jakarta *panti asuhan* by actress Fanny Fabriana to celebrate her 28th birthday); 'Happiness, honesty captured by 'A child's eye'', *Jakarta Post*, 18 June 2007 (a report on an exhibition of photographs of children inside *panti asuhan* which leads with the reporter's statement that 'love need not always come from parents, and sharing rooms with friends and lacking the luxury of junk food might spell happiness'); and 'Ciputra marks eighth anniversary', *Jakarta Post*, 25 October 2003 (a report on the visit to two local *panti asuhan* by Semarang Ciputra Hotel employees to mark the hotel's eighth anniversary).

that *panti asuhan* were widely regarded within the Indonesian community as a traditional practice for the care of neglected or orphaned children. The following section suggests how such a perception has arisen in terms of the historical development of *panti asuhan*, particularly how Suharto used them to help children from poor families and to facilitate large-scale financial corruption.

Traditional child-rearing practices. Prior to the nineteenth century, it was common practice for Indonesian children to be raised either within their immediate family setting or, if that were not possible, by members of their extended family, such as grandparents. Unlike European forms of child adoption, customary Indonesian child adoption practices were usually viewed as flexible arrangements that were reversible and non-legally binding (Schröder-Butterfill 2004, p. 114). For van Klinken (2012), the adoption of a child by a relative was not necessarily viewed as detrimental or negative by the child's biological parents, but rather as a potentially beneficial intra-family transaction that provided the child with greater opportunity to access education. Adoption sometimes occurred in response to a request for assistance from a childless older relative and was rarely seen as a permanent arrangement. The adopted child might even return to assist his or her biological parents as the latter progressed into old age (van Klinken 2012).

In Java, kinship care and child adoption were well-established practices by the nineteenth century (Boomgaard 1989, p. 151). In some Javanese societies, adoption was rarely formalised by law, but was transacted in a variety of ways, such as through an informal agreement between the adopting and biological parents that was witnessed by a village leader (Kuncaraningrat 1985, p. 138). Although the extent of the practice is unclear, another custom in some areas of central Java was for a married couple to give their first-born child to the child's grandparents when the child's parents moved from the family home. In such circumstances, the child was regarded as the child of the grandparents and was raised in their household until the death of the grandparents when the child would return to live with his or her birth parents (Kuncaraningrat 1985, p. 138).

Kuncaraningrat (1985) noted the practice amongst Javanese *priyayi*, or elite, families of formally adopting, as junior relatives, the children of other family members who struggled to maintain their children at home (p. 260). This custom, known as *ngenger*, extended beyond children to include other family members experiencing distress, such as widowed siblings of *priyayi* householders. Children joined to a *priyayi* household through *ngenger* practices were not, however, regarded as having been legally adopted by the *priyayi* family, and would often be treated as household servants in repayment for their place in the household. Yet, both the formal adoption of the children of poor relatives, as well as the practice of taking-in children through *ngenger*, were widely viewed as a boon to the social standing of *priyayi* families. The adoption of a child in Java was often marked by a ceremonial gift given by the adopting parents to the child's natural parents. In order to ensure a spiritually propitious outcome for all concerned, such a gift would take the form of a small monetary payment (Kuncaraningrat 1985, p. 138).

There were numerous reasons for child adoption in traditional Javanese society. Schroder-Butterfill (2004, p. 115) claimed that it helped families to cope with crises such as divorce, sickness, widow-hood or 'even metaphysical incompatibility of parents and children, as when the birthday of a child falls on the same day as that of a parent'. Poverty appeared, however, to be the main reason that parents gave up their children for adoption, usually to a wealthier relative or to relatives who lived in towns. Elson (1994) noted that a customary practice amongst villagers in some parts of Java was to respond to short-term crises, such as crop failure, by divesting themselves of property, livestock and even children (p. 126). If adoption occurred at an early age, the child would tend to be regarded as a natural child of the adopting parents and would usually be entitled to a share of the inheritance of the adopting parents. However, if the child were adopted later it would often be regarded as a household servant and would not normally be entitled to inheritance (Boomgaard 1989, p. 151).

The adopted child was usually related to the adopting parents, but that was not always the case. Children and young people who were not able to be cared for within the wider family were either adopted by other non-biologically related families or, following the consolidation of Islam as the predominant faith across the Indonesian archipelago,

placed in *pesantren* alongside other children with families (van Klinken 2012) (see also Chapter 4, above). While the extent to which *pesantren* were used for the care of orphaned, neglected or abandoned children remains unknown, there is no record prior to the Dutch colonial period of the existence of places or institutions whose sole or main purpose was to receive and care of such children. As such, pre-colonial Indonesian practices for the out-of-home care of children differed markedly from practices in European countries where, in addition to kinship care, orphanages had become a widely prevailing form of out-of-home care over the course of two millennia (see Chapter 1).

Dutch colonial practices. Orphanages as places specifically for orphaned, neglected or abandoned children first appeared in Indonesia during the Dutch colonial period to help cope with massive social and economic dislocation associated with colonial policies and practices. Traditional Indonesian ways of caring for orphaned, neglected or abandoned children underwent a major transformation during the Dutch colonial era between the early 1600s and 1945. Dutch trade with the Indonesian islands commenced in 1596 and, in 1602, the Dutch United East Indies Company was established with a Dutch Government mandate that included the authority to use armed force to ensure continued Dutch trading success in the islands (Swart 2007). For two centuries following the defeat of Portuguese forces in the archipelago in 1605, the Dutch United East Indies Company's administrative control over the islands steadily tightened. Although the Dutch United East Indies Company was dissolved in 1799 and the French and British temporarily ruled parts of the archipelago in the early nineteenth century, the Netherlands regained authority in 1816, and retained control over the Netherland East Indies (except during World War Two) until Indonesia's Independence in 1945 (Frederick & Worden 2011).

By 1830, the Dutch introduced a new way of organising plantations to maximise their profits—the so-called 'cultivation system'—under which Javanese peasants were obliged to use a maximum of one-fifth of their arable land to grow sugar, indigo and coffee (Boomgaard 1989, p. 35). While this system substantially increased revenues flowing to the Dutch, in many parts of Java it led to severe labour shortages and social dislocation (Boomgaard 1989, pp. 35-36). Elson (1994) noted that, by the 1840s in some parts of Java, the cultivation system had overloaded time-honoured methods of

managing short-term adversity, such as borrowing money, planting second crops or giving away land and children. In some areas, such as the Semarang Residency in the late 1840s, living conditions were so harsh that, with these traditional methods exhausted, peasants were left only with the alternatives of fleeing or committing suicide (Elson 1994, p. 126). Although the Dutch finally ended the cultivation system by 1870 in favour of a so-called 'liberal' period that was characterised by an influx of private enterprise ventures, considerable damage had been caused to traditional ways of life due to the cultivation system, epidemics and famine, especially in Java, the most populous region in the Dutch East Indies (Boomgaard 1989, p. 36).

With customary ways of managing village life and child-rearing practices under extraordinary stress, by the mid-to-late nineteenth century, the scene was set for the introduction of the European orphanage model by the Dutch authorities and Christian missionaries. From the early 1600s, the Dutch United East Indies Company's increased power over the Indonesian archipelago enabled Calvinist Dutch Reformed Church missionaries to commence proselytising efforts. The rate of uptake of the Christian message amongst local inhabitants remained low until the mid-nineteenth century, however, when the Dutch authorities permitted other types of Christian missions to commence operations. In the 1840s, Dutch Rheinish missionaries started work in central Kalimantan; German Lutheran missionaries entered Sumatera in the 1860s; and by the late nineteenth century, Catholic Jesuits commenced missionary activities on the eastern islands of Flores, Timor and Alor (Frederick & Worden 2011, p. 122).

To date, no comprehensive account has been published about the rise of orphanages in Indonesia during the colonial period. However, a reasonably clear picture emerges from histories of the colonial period that Christian missionaries imported the European orphanage model to advance their sense of Christian duty towards peoples whom they considered to be in need, as well as to help cope with social and economic dislocations associated with colonial rule. Steenbrink (1993, p. 24) argued that the consolidation of Dutch power was accompanied by a widely-held attitude of superiority amongst Dutch administrators and Christian missionaries that local religion and customs were based on superstition and ignorance and that it was their rightful duty to educate and provide other forms of moral improvement to the 'natives'.

As well as helping to fulfil a supposed Christian duty toward those considered to be in need or less-civilised, the introduction of the European orphanage system to the Indonesian archipelago also appears to have been driven by the need to find ways of coping with the consequences of colonial policies. As early as the first decades of the 1600s, the bloody struggle for Dutch control over the Banda Islands left an estimated two-thirds of local children parentless. In 1624, the Dutch United East Indies Company was recorded as supporting an orphanage—perhaps Indonesia's first orphanage run on European lines—on the Banda Islands for the care of 100 such *costkinderen* or orphans (Aritonang & Steenbrink 2008, p. 114). Increased Christian missionary activity in the Dutch East Indies during the nineteenth century was accompanied by a rise in the number of orphanages (Titaley 2008, p. 75). In 1832, for example, the Dutch authorities allowed the Rev. Walter Medhurst from England to establish an orphanage in Batavia (present-day Jakarta) called 'The English Orphan Asylum' to care for children born from relationships between European men and Indonesian women (this orphanage continues to the present day under the name of *Yayasan Parapattan* in Jakarta) (Yayasan Parapattan Orphanage 2013).

By the 1870s, numerous orphanages were established along European lines around the Indonesian archipelago. Orphanages were founded by the Franciscan Sisters of the Heythuizen Congregation in Semarang (on central Java) and by Dutch Mennonite missionaries in Pakantan (on present-day Sumatera) (Steenbrink 2003, p. 111, Aritonang & Steenbrink 2008, p. 535). Salvation Army missionaries from the Netherlands started orphanages within a decade of their arrival in Java in 1894, mainly for the care of children of Dutch soldiers and local women (Aritonang & Steenbrink 2008, p. 679). Stoler (2004) also referred to the important role played by orphanages during the colonial era in taking care of abandoned children born of Indonesian and Dutch origins (p. 7) .

In the last few decades of the nineteenth century, the numbers of children placed in orphanages in the Indonesian archipelago increased still further in response to worsening economic and social conditions. Significant welfare problems arose due to rising unemployment, famine and major outbreaks of diseases affecting humans and crops, especially in Java between the 1880s and 1910s. The seriousness of these

problems, plus a growing sense that the Netherlands had an unfulfilled humanitarian responsibility toward the people of the Dutch East Indies, were key factors in influencing the Dutch authorities to embark on policy from the early 1900s that aimed to deliver greater educational and economic opportunities to Indonesians—the so-called 'Ethical policy' (Boomgaard 1986, Ricklefs 2001, pp. 193-205).

Local organisations adopt the orphanage model. Having been introduced by the Dutch, the European orphanage model was replicated and expanded by local Indonesian Islamic organisations in the early twentieth century who were keen to establish themselves as providers of social welfare services. In the early 1900s, an Islamic reform movement grew in Indonesia inspired by the Cairo-based Modernist movement that sought to apply what it considered to be independent reasoning (*ijtihad*) to challenge uncritical acceptance (*taqlid*) of Islamic teachings, embrace modern scientific knowledge and technology, and purify Islam of a confusing multiplicity of local customary religious laws and practices (Alfian 1989, p. 5, Ricklefs 2001, pp. 212-18, Rabasa 2005, p. 98).

One manifestation of this reform movement in Indonesia was the establishment of Muhammadiyah in Yogyakarta in 1912 by Ahmad Dahlan (Federspiel 1970, pp. 57-64, Menchik 2011, p. 5). In 1917, 'Aisyiyah, the adult women's wing of Muhammadiyah was formed. From its beginnings, Muhammadiyah embraced non-politically confrontational methods and strongly espoused social welfare and educational goals (Candraningrum 2008, p. 74). These approaches reflected Dahlan's belief that liberation from the Dutch would be more likely to flow from education of the masses (in the form of a combined European and Islamic curriculum) rather than outright opposition (Ricklefs 2001, p. 215, Fuad 2004, p. 403). Dahlan was also concerned to help the disadvantaged and, in particular, orphans. Nakamura claimed that Dahlan was so inspired by references in the *Qur'an* relating to the care of orphans and the needy that he established a student movement called Penolong Kesengsaraan Umum, or Assistance for the Relief of Public Suffering, which became a central pillar of Muhammadiyah's operations in 1920 (Nakamura 2012, pp. 101, 371, Fauzia 2013, p. 151).

In keeping with its Modernist ideals, as well as for practical financial reasons, Dahlan forged friendly relations with Christian groups and appropriated the education, health care and orphanage models of the Dutch missionaries as motifs for Muhammadiyah's own activities in these fields (Shihab 1998, Menchik 2011, p. 6). On the importance of European social welfare models in Muhammadiyah's formative period, Noer (1973, pp. 79-80) wrote:

> *Muhammadijah* activities, however, did not exclusively grow out of the creative mind of its leaders…the activities of the Christian missionaries…were not merely considered as a challenge to, but also served as an example for, the Muslim leaders concerned. At least the methods applied in the various activities were more or less copied from those of the missionaries…*An orphanage was thus quite an innovation*. (emphasis added).

Fuad (2004) has argued, however, that Muhammadiyah's uptake of Christian missionary models for schools and orphanages was motivated in large part by a desire to access financial support from the Dutch colonial authorities (p. 404). Mansurnoor (2004) has also suggested that the appropriation of European models for Muhammadiyah's educational and social welfare activities carried another advantage, that is, of allaying any suspicions held by the Dutch authorities about the motives of the then fledgling Muhammadiyah organisation (p. 107). Another strategy that successfully facilitated Muhammadiyah's rise to become a major provider of social welfare, education and health services was the establishment, commencing in the 1920s, of centres to collect *zakāt* (Fernandez 2009).

Assisted by these new sources of revenue, the Penolong Kesengsaraan Umum arm of Muhammadiyah established its first orphanage in either 1923 or 1924 (Central Board of Muhammadiyah 2013, Fauzia 2013, p. 151). The date of establishment of Muhammadiyah's first *panti asuhan* is unclear, at least from English language sources and Muhammadiyah itself. Latief (2012) stated that Muhammadiyah established a *panti asuhan* in 1918 (p. 109). Federspiel (1970) stated that in 1925 Muhammadiyah had one orphanage (p. 58). Fauzia (2013) put the establishment of Muhammadiyah's first orphanage at 1923 (p. 151). However, interviewee NA-13, a Muhammadiyah employee,

referred to the establishment of Muhammadiyah's first *panti asuhan* as 1921 (2013, pers. comm., 2 August). The Central Board of Muhammadiyah (2013) put the date at 1924. All available sources agree, however, that Muhammadiyah's first *panti asuhan* was located in Yogyakarta. In 1925, Muhammadiyah established its second orphanage (Noer 1973, p. 83, Ricklefs 2001, pp. 215-16).

However, Modernist reforming impulses in general, and Muhammadiyah in particular, were strongly resisted by other Javanese leaders and teachers who sought to maintain popular support for orthodox Islamic teachings (Fealy & Barton 1996, pp. 9-11). As mentioned in Chapter 4, this resistance led to the formation in 1926 of the orthodox Islamic organisation Nahdlatul Ulama ('Revival of the Religious Scholars'). Adhering to the traditionalist Sunni *Syafi'i mazhab* school of jurisprudence, in terms of membership size Nahdlatul Ulama is now the largest social welfare organisation in the Muslim world (Rabasa 2005, p. 97, Menchik 2011, p. 4). From its early days, Nahdlatul Ulama garnered strong support from conservative Muslim communities in East Java and in rural areas, and played (and continues to play) a major role in operating *pesantren* (Fealy & Barton 1996, p. xix, Ricklefs 2001, p. 223, Fuad 2004, p. 404). As with Muhammadiyah, another of Nahdlatul Ulama's earliest stated aims was to care for orphans, an aim which led Nahdlatul Ulama to expand its operations beyond *pesantren* also to include *panti asuhan* (Noer 1973, p. 231).

There is scant evidence (in English language at least) about trends in terms of numbers of *panti asuhan* established by Muhammadiyah and Nahdlatul Ulama between the 1920s and the present day. However, if the number of hospitals and schools both organisations established may be regarded as an indication of the expansion of these organisations' social welfare outreach in general, the growth in *panti asuhan* may have been significant. In 1938, Muhammadiyah operated 1,774 schools and a number of hospitals (Ricklefs 2001, p. 216, Fuad 2004, p. 404). By 1959, it operated over 3,000 primary and secondary schools and six tertiary-level colleges (Fuad 2004, pp. 405-06).

Indonesia's political independence from the Dutch was declared in August 1945. The 1945 Constitution of the Republic of Indonesia recognised the role of the State in caring for children who were unable to be raised in a family environment. Article 34(1) stated:

'Impoverished persons and abandoned children shall be taken care of by the State.' (Government of Indonesia 1945). The major Indonesian laws and Presidential and Ministerial Decrees relating to children since Independence are listed in Appendix C.

The nature and scale of Indonesia's *panti asuhan* during the Sukarno era cannot be accurately assessed due to the lack of published records. However, it seems plausible to suggest that orphanages continued to grow strongly throughout the 1950s and 1960s. This conclusion may be drawn from the fact that, from running only a handful of orphanages in the 1920s, Muhammadiyah was believed to be operating some 350 orphanages by 1970 (Peacock 1978a, p. 67). According to Peacock (1978), Muhammadiyah's membership grew from 4,000 in 1923 to around six million members in 1970 when it had over 2,134 branches and over 2,500 sub-branches throughout Indonesia (p. 51). As one of the world's largest Muslim organisations in the fields of social and welfare services, it ran 500 health institutions, 15,000 schools from kindergarten to high school, around 200 higher education institutions and 350 orphanages (Peacock 1978a, p. 67). By contrast, and illustrating the problems of accuracy, Fuad (2004) stated that Muhammadiyah operated over 5,500 schools and 161 tertiary-level colleges in 2000 (pp. 405-6).

Expansion of *panti asuhan* during the New Order: 1950s to the 1980s. As discussed in Chapter 8, there was rapid growth in the numbers of *panti asuhan* and children in them during 1990s, the last decade of the New Order. In order to understand the reasons for this expansion, we need to delve into political and economic roles that *panti asuhan* played in supporting Suharto's regime between the 1970s and 1990s. In short, *panti asuhan* grew because they played a key role in Suharto's corrupt financial practices, or what became known as 'KKN', that is *Korupsi*, *Kolusi*, *Nepotisme* or corruption, collusion, nepotism. There is also evidence that *panti asuhan* grew to help cope with social dislocation associated with government struggles to maintain sovereignty over Aceh, West Irian and East Timor.

From the 1950s, both Suharto and his wife, Ibu Tien Suharto, are recorded as having been avid fundraisers for educational and children's charities (Elson 2001, pp. 193-94). Ibu Tien Suharto was the patron of many orphanages and thought that a particular

model of residential care for children—the SOS Kinderdorf village or group homes that had been established in Europe after World War Two for the care of war-orphans—should be widely adopted in Indonesia (van Klinken 2012). As an Army commander in Central Java in the 1950s, Suharto established military charities whose funds were used to generate profits via private business activities (Aditjondro 2000). Of relevance to the widespread use of charitable foundations during the New Order period, discussed further below, during the 1950s Suharto established links to prominent Chinese businessmen, particularly Bob Hasan (McDonald 1980, pp. 30-31).

Yet, altruistic concern for vulnerable children was only part of the attraction of *panti asuhan* for the Suharto family and their associates. Recent scholarship points to the role played by *panti asuhan* in Suharto's efforts to subdue the resource-rich, though politically fractious, areas of Aceh, West Irian and East Timor (Elson 2001, pp. 250-51, Brown 2006, p. 961). In the early 1960s, as commander of Indonesian forces in Dutch New Guinea, the then Major General Suharto established the Trikora Orphan Foundation and other charities for the care of orphans and poor children in that region. In 1969—the year of West Irian's incorporation into Indonesia—Suharto told the Indonesian press that West Irian needed education in more advanced Indonesian ways of thinking and behaving in order to lift the Papuans out of their 'stone age' conditions (van Klinken 2012). To that end, Suharto asserted that 200,000 Papuan children should be adopted by Indonesian families. The plan for adoption on such a large scale was dropped due to press criticism within Indonesia, but several hundred Papuan children were placed in boarding schools and some were transferred to Java for adoption (van Klinken 2012).

While Suharto's plans to assimilate Papuan children into broader Indonesian society did not reach fruition, it was a model that he later sought to employ to help consolidate Indonesian rule over East Timor (Knudsen 2001, p. 12). The Portuguese established a trading colony in East Timor in the mid-eighteenth century and, apart from a period during World War Two, retained control until a unilateral declaration of independence by local political parties in 1975. Indonesia staged a military takeover later in 1975 and remained in control until East Timorese independence was declared in 1999. During Indonesian rule over East Timor (1975-99), Christian groups were permitted to continue

to operate orphanages, many of which provided care for children of locals who had either been engaged in, or had been killed during, the armed struggle against the Indonesian authorities. One of the first acts of the national government after its takeover of East Timor was to set about increasing the number of local schools. By 1980, more than 200 primary schools had been built or rebuilt (van Klinken 2012).

To further consolidate its position and international image as working for local improvement, the national government introduced the *panti asuhan* model from elsewhere in Indonesia, augmenting an earlier boarding school system for the children of wealthy local families. East Timorese children began to be transferred to local *panti asuhan* as well as to other types of residential institution (such as *pesantren*) in other parts of Indonesia (van Klinken 2012). van Klinken (2012) estimated that, between 1975 and 1999, with national government sanction and support, Muslim and Christian religious groups may have transferred approximately 1,000 East Timorese children to various types of institutions elsewhere in Indonesia. In 1975, Suharto, assisted by Cabinet Secretary (and future Chairman of Golkar) Sudharmono, oversaw the establishment of the Dharmais Foundation, ostensibly to raise funds for the care of orphaned children of Indonesia soldiers and East Timorese supporters of *Apodeti* (Timorese Popular Democratic Association) and UDT (Timorese Democratic Union) who had been killed whilst fighting for the integration of East Timor with Indonesia (Elson 2001, p. 211, Brown 2006, p. 969). With Dharmais Foundation funding, *panti asuhan* were established both in Dili, East Timor, and near Jakarta (both were called Panti Asuhan Seroja) (van Klinken 2012). From around 1976, charitable organisations allied with the national government, including the Dharmais Foundation and Christian groups, began to transfer children from East Timor to *panti asuhan* in Java that were operated by the Indonesian Government, Muhammadiyah, Nahdlatul Ulama, Persatuan Islam and Catholic groups (Knudsen 2001, pp. 12-13, van Klinken 2012).

One of the institutions to receive East Timorese children was SOS Kinderdorf in Bandung, whose links to the Suharto family were noted above. In the late 1970s, Suharto is reported to have taken a personal interest in the selection of 61 children of slain pro-Indonesian East Timorese 'martyrs' for transfer to Java. In an act of apparent magnanimity, Suharto even supported the transfer to Catholic and Government-run

panti asuhan in Java of children whose families had been known anti-integration Fretilin fighters (van Klinken 2012). Summing up this period, van Klinken (2012) wrote:

> To the Indonesians, these martyrs and their children symbolised the New Order assertion that East Timorese wanted integration with Indonesia and were ready to die for it...Suharto demonstrated Indonesia's concern for victims of the struggle and the benefits of surrendering to Indonesia.

In Aceh, *panti asuhan* also assisted the national government to ease the social dislocation that arose from the conflict between government and separatist forces dating to the 1970s. Aspinall (2009) estimated that, between 1976 and 2005, the conflict between the Indonesian military and the pro-independence Gerakan Aceh Merdeka (GAM) or Free Aceh Movement led to the deaths of between 12,000 and 20,000 people, including many civilians (p. 2). Between 1989 and 1998, the so-called DOM period, or *Daerah Operasi Militer*, Aceh was designated by the Indonesian Government as a 'military operations zone'. Operations against GAM and the civilian populace were at their height during the first four years of the DOM period during which time Amnesty International reported that 2,000 civilians, including many children and elderly, had been unlawfully killed (Amnesty International 2013, p. 14). The 1997-98 Asian financial crisis further exacerbated Aceh's economic and social woes: due to the ongoing military conflict it was the only Indonesian province to experience increasing poverty rates in the period between 2000 and 2008 (Thorburn 2012, p. 89).

Despite a brief pause in the conflict after the fall of Suharto, fresh Indonesian military operations were launched in Aceh in 1999. Amnesty International (2013) noted claims of human rights abuses committed by both sides and the killing of over 1,300 Acehnese between 1999 and 2002 (p. 17). Between 2003 and 2004, a further period of military emergency was declared. Amnesty International (2013, p. 18) commented that, as with previous periods in the struggle between Indonesian and GAM forces, this period was one in which the 'security forces forcibly displaced civilians from their homes and villages, carried out armed raids and house-to-house searches and destroyed houses and other property'. A more conciliatory approach on the part of the Indonesian

Government began after Yudhoyono's election as President in October 2004. Peace talks were hastened after the devastating December 2004 tsunami. In August 2005, a peace agreement was signed between the national government and GAM.

The extent of the harm to children from the conflict in Aceh between the 1970s and the 2000s is not fully known. At the broadest level, however, it is clear that the effects were far-reaching. Amnesty International (2000) stated that thousands of children whose parents had been unlawfully killed or who had disappeared during the conflict were left as orphans. Schulze (2005) cited one estimate that, in the DOM period to 1998, 16,375 children had been orphaned. These orphaned children become known as *anak korban dom*, or children of the victims of the DOM, and were often stigmatised for their family's actual or perceived association with GAM (Amnesty International 2000, p. 3). One of the most tragic consequences of the loss of adult family members was that it cast many families into extreme poverty, leading to the removal of large numbers of children from schools (Amnesty International 2000, p. 5, Shie & Laurance 2003, p. 19). One indication of the numbers of orphaned children was provided by Thorburn (2012) who noted that post-conflict assistance through the Aceh Peace-Reintegration Board had been provided to 25,669 conflict orphans or conflict-affected children and young people out of a total target of 39,915 persons.

In all likelihood, therefore, social dislocation experienced during three decades of conflict prior to 2005 played a significant role in driving strong growth in the number of Aceh's *panti asuhan*. Possibly for reasons of political sensitivity, this explanation was downplayed in the 2006 Save the Children-led study. While that study noted dramatic growth in the numbers of *panti asuhan* in the 1990s, it did not extend its analysis further. Reflecting on the nation-building and consolidation purposes that were also at play in the introduction and extension of *panti asuhan* in West Irian in the 1960s and East Timor in the 1970s (discussed earlier), it remains open to speculation whether the national government's financial support for *panti asuhan* in Aceh in the form of fuel subsidy reduction compensation to *panti asuhan* after the fall of Suharto served as a convenient mechanism to help ease a parlous regional social welfare situation that had grown out of a struggle to maintain a unified Indonesian state. If that were the case, the explanation that compensation to counter the rising cost of fuel and to embed

decentralisation principally drove the rapid growth in the numbers of Aceh's *panti asuhan* would only be partially adequate. Once again, the pattern that seems to emerge is that *panti asuhan* not only sought to assist children who were deemed to be in need of care, but also served the political and military goals of the State's ruling elite as well as the money-making interests of *panti asuhan* operators.

The charitable foundations, or *yayasan*, established by Suharto performed another important function: they acted as a conduit for State-sponsored financial corruption. As far back as 1970s, Suharto and his associates built their private wealth by manipulating their official powers to sanction the establishment and growth of *yayasan*. Under Indonesian law, *yayasan* were established to collect public and private donations for charitable purposes. *Yayasan* funds had tax-free status. As Suharto and his associates placed themselves on the Boards of the main *yayasan*, they were able to channel *yayasan* funds which had been ostensibly earmarked for charitable purposes to private businesses owned by Suharto and his associates without any form of independent external scrutiny (Aditjondro 2000, Elson 2001, p. 252).

Suharto's system of corruption was based on the establishment of numerous tax-free *yayasan* under the direct or indirect control of the Suharto and his associates, and the abuse of Presidential decrees to demand contributions to these foundations. In 1976, the year after the establishment of Dharmais, Suharto issued a series of Presidential Decrees that required public servants, companies and state banks to donate money to *yayasan*. The flow of money into Suharto's *yayasan* were further boosted when he issued Presidential Decrees 90/1995 and 92/1996 which ordered all Indonesian individuals and companies earning over US$45,000 per annum to contribute two per cent of all taxes to Dharmais (for orphanages) and Dana Sejahtera Mandiri (for poor relief) (Wee 2002, p. 9, Leith 2003).

Having used Presidential powers to guarantee a substantial flow of funds, Suharto and his associates established and personally governed the key *yayasan*. In addition to the Dharmais Foundation, whose stated purpose was to support *panti asuhan* and other types of children's institution, they operated Supersemar, ostensibly for educational activities, Amal Bhakti Muslim Pancasila, for the construction of mosques, Dana

Sejahtera Mandiri, to assist the poor, Dana Gotong Royong, to support co-operatives, Dakab, and Trikora. Suharto headed five of these *yayasan* himself, namely, Dakab, Dharmais, Supersemar, Trikora and Amal Bhakti Muslim Pancasila (Aditjondro 2000). Leith (2003) noted how *yayasan* were frequently referred to as Suharto's 'retirement funds' (p. 31). The military also operated several other foundations, such as Kobame (Korps Baret Merah) and Kartika Eka Paksi, which facilitated illegal activities, such as the transfer of bribes (Aditjondro 2000, Brown 2006, p. 969).

The financial pay-off for Suharto and his associates came when *yayasan* funds were used to establish or invest in private business ventures, such as airlines, construction firms and hotels, run by Suharto and his associates. In 1978, *yayasan* chaired by Suharto gained 60 per cent control of the country's fifth largest private bank, Bank Duta (Wee 2002, p. 9). *Yayasan* were frequently used for illegal money laundering between the central bank, Bank Negara Indonesia, and private banks, and many *yayasan* owned shares in banks (Brown 2006, pp. 968-69). Aditjondro (2000) noted also how Suharto and General Bustanil Arifin transferred a large State-owned company, PT PP Berdikari, and Berdikari's bank, Bank Duta, into companies owned by three of Suharto's *yayasan*, that is, Dhamais, Dakab and Supersemar. The private companies that Suharto and his associates operated with *yayasan* funds were able to withstand heavy losses since revenue shortfalls were compensated by cash transfers from *yayasan* accounts. Thus, for example, despite declaring a loss of US$420 million due to foreign currency speculation in 1990, Bank Duta remained financially solvent due to bail-outs from the three Suharto *yayasan* that owned 72 per cent of its shares, namely, Dharmais, Supersemar and Dakab (Wee 2002, p. 10).

Corruption-driven *panti asuhan* growth: 1980s and 1990s. While *yayasan* offered massive financial opportunities to Suharto, they also provided him with other advantages which help to explain the rapid rise in the number of *panti asuhan* during the last two decades of the New Order. Faced with growing opposition to his rule from the Indonesian military, during the late 1980s and early 1990s Suharto attempted to use *yayasan* to build a separate financial and political powerbase, as well as to enhance support amongst Muslim groups. To build a separate financial base, Suharto deepened his business connections by transferring *yayasan* finances to companies owned by

Chinese financiers such as the Salim Group and Nusantara Ampera Bhakti (Nusamba) Group which was run by Bob Hasan (Cotton 1999, p. 8). The Nusamba Group, which was involved in diverse interests such as mining, tourism and forestry, drew its operating capital from three *yayasan*: 30 per cent from Dakab; 25 per cent from Dharmais; and 25 per cent from Supersemar (Wee 2002, pp. 9-10, Brown 2006, p. 969).

Suharto also used Dharmais to channel charitable funds away from military control, a step that exacerbated tensions between Suharto and the military (Brown 2006, p. 969). Aditjondro (2000) asserted that, in an attempt to drive a wedge in the anti-Suharto forces, in the early 1990s Suharto increasingly sought to portray himself as a defender of Islam. This took various forms, for example, his strong support for the establishment of the Association of Indonesian Muslim Intellectuals (ICMI, Ikatan Cendekiawan Muslim Se-Indonesia), a much-publicised pilgrimage to Mecca, an increase in donations for the construction of mosques and *pesantren* through Yayasan Amal Bhakti Muslim Pancasila, and attempts by Suharto's brother-in-law, General Prabowo Subianto, to divide and therefore deflect growing anti-Suharto sentiment within Nahdlatul Ulama and Muhammadiyah (Hefner 1993, pp. 1-3, Aditjondro 2000).

Taken together, the financial and political gains for Suharto and his associates by manipulating the *yayasan* strongly suggest that, by the 1990s, *panti asuhan* were inextricably linked to Suharto's corrupt financial dealings, principally through Dharmais. The total amount of *yayasan* funds that flowed to their charitable goals is unknown, let alone the amount that flowed specifically to *panti asuhan*. It seems plausible to suggest, however, that if only for the sake of maintaining public pretence, some *yayasan* funds did find their way to various *panti asuhan*. For reasons already discussed relating to the importance under Islam of almsgiving to orphans, the Suharto regime's support for *panti asuhan*, both symbolically and materially, would also have been exacerbated by Suharto's efforts to portray himself as a supporter of Islam and as a builder of mosques and boarding schools. One insight into the relatively small amounts that probably did find their way to their intended charitable purpose was provided by Bob Hasan, the chair of Dharmais and Supersemar, who told *Asiaweek* (7 March 1997) that 'Supersemar gives about $20 million to $25 million in scholarships annually, while Yayasan Dharmais helps 1,200 institutions for the blind, retarded children, orphanages

and senior citizens.' (Wee 2002, p. 10). The figure of 1,200 institutions included not only *panti asuhan* but institutions for children with disability and institutions for adults. Thus, even if Hasan were truthful, the figure of 1,200 institutions he said were funded by Dharmais fell well short of 1,647 *panti asuhan* that the national government itself claimed to exist in 1997-98 (see Table 8.1).

More directly, we can observe how Suharto facilitated the growth of *panti asuhan* through government decisions relating to the care of children during the New Order. Being in Suharto's financial interest to ensure official sanction for *panti asuhan* as a worthy focus of public charitable support, throughout the Suharto era the government indicated its support for *panti asuhan* as an important form of care for children outside their family setting. Indonesian Law 4/1979 on child welfare was at best even-handed about the benefits of raising children in a family settings versus non-family or 'special' environments such as a *panti asuhan* when it stated that a 'child is entitled to welfare, care, foster, and guidance based on love within the family or special environment to grow and develop'. Further reinforcing the legitimacy of a government role in caring for children in *panti asuhan*, Law 4/1979 affirmed that children without parents had a 'right to be cared for by the State or other body' (Government of Indonesia 1979, p. 6, United Nations Committee on the Rights of the Child 1993a). In such an environment of support for children's institutions as part of Suharto's corrupt financial practices, it seems hardly surprising that a national government document from 1992 acknowledged that 15 different types of institutions (or *panti sosial*) provided services to adults as well as children, usually on a residential basis. Of these different types of institutions, those providing care for children who were deemed to be neglected or abandoned, that is *panti asuhan,* were acknowledged as the most common in terms of the number of institutions and the numbers of children cared for (Save the Children UK et al. 2006, p. 6).

9.3 Conclusions

As well as a 'pro-reform' story line, interviews with senior national government and non-government representatives revealed attitudes in support of *panti asuhan*, or what I call the '*status quo*' story line. Two principal themes or narratives were evident within the '*status quo*' story line: first, that *panti asuhan* were supported by Islamic teachings

as a vehicle for charitable giving; and, second, to the extent that *panti asuhan* came to Indonesian public attention at all, they were a widely respected, or at least widely tolerated, way of caring for neglected or orphaned children.

This chapter advanced evidence in support of the claim that *panti asuhan* played, and continue to play, significant roles for many in Indonesian society as places that enable the Islamic faithful to fulfil their responsibility for charitable giving. They were, and are, also places that facilitate other forms of adult participation in civic life, as well as to display and enhance personal and family power and status. Historical analysis also showed that, over the course of two centuries, *panti asuhan* grew strongly in importance in Indonesian social and political life. Orphanages were introduced by the Dutch and were expanded in the early twentieth century by emerging local socio-religious groups. Already the object of broad community support and approval by the time Suharto came to power, *panti asuhan* grew spectacularly in number during the New Order, playing an important role as fake philanthropy and a chance for the corrupt garnering of resources and money laundering in Suharto's financial schemes, and possibly also acting as a salve to social dislocation caused by the national government's struggles to maintain territorial unity against separatist groups. The post-Suharto Habibie, Wahid, Megawati and Yudhoyono government thus inherited a booming *panti asuhan* sector that had strong degrees of official, community and religious backing and legitimacy.

In Part III, I discuss how the '*status quo*' and 'pro-reform' story lines mobilised the activities of two discourse-coalitions that vied to shape the new policy on *panti asuhan* in three phases between 1999 and 2009.

PART III: MAKING POLICY, CONCLUSIONS AND IMPLICATIONS

Chapter 10: From story lines to discourse institutionalisation

'Save the Children gave us the evidence. I went to parliament and lectured them about the need for family support…I made the argument that *panti asuhan* were very expensive…I had to re-badge child protection as a 'social investment' to win their agreement…I had to appeal to an economic argument. It was a powerful tool.'

A senior Ministry of Social Affairs official (GA-13).

'The Muhammadiyah Central Board…thought that Muhammadiyah was being smashed by government. They said they did not need government telling them what to do…The Central Board said 'we still need institutional care'.'

An Indonesian NGO social welfare worker (NA-12).

'We don't have any intention to close the *pantis*.'

A member of national parliament (NPA-13).

Overview

This chapter contains an interpretation of the events that led to the establishment of Indonesia's new policy on *panti asuhan* around 2007-08. Contrary to the standard narrative about policy change, the discernible origins of policymaking lay in the cataclysmic Asian financial crisis and the fall of Suharto. During the following decade, coalitions of policy actors who held pro-reform and pro-orphanage '*status quo*' perspectives vied to shape the new policy in three perceptible stages. Initially, the 'pro-reform' discourse-coalition seized the policy agenda. '*Status quo*' forces then entered the policy arena by voicing opposition to change. Finally, the national government's desire not only to advance children's rights issues but to align *panti asuhan* policy with the national government's changed macroeconomic, social and administrative directions and to avoid a backlash from pro-*panti asuhan* interests generated the final policy outcome that amalgamated both the deinstitutionalisation and *status quo* positions.

The new policy represented a compromise under which *panti asuhan* would be allowed to continue playing a central, if somewhat changed, role in caring for the nation's children while appearing to show (as per the standard narrative about events) that Indonesia had indeed complied with its children's rights obligations under the UN Convention on the Rights of the Child. This finding adds important new dimensions to the dominant understanding of events as primarily a triumph for international children's rights.

10.1 Identifying a 'discursive order'

Following Hajer, after identifying the key story lines expressed by policy players the next important task of discourse analysis is to examine linkages between story lines and final policy outcomes. It will be recalled that Hajer (2006) applied two terms for this analysis, that is, 'discourse structuration' when a particular discourse comes to dominate views within a policy area, and 'discourse institutionalisation' when a discourse becomes enshrined as new policy (p. 70). Hajer suggested that a discourse-coalition dominates a policy debate when both discourse structuration and discourse institutionalisation occur. He also noted that, while one story line might dominate particular policy outcomes, it was rare for policy decisions to reflect only one story line. It was more usual, he contended, for elements of several story lines, even those that appeared to be at odds with one another, to find their way into final policy because they had 'discursive affinity' or shared ways of viewing the world (Hajer 2006, pp. 70-71). To Hajer, this final step of discourse analysis involves the following: analysing how actors changed their positioning and the roles of other players; identifying key incidents essential to understanding the policy change; assessing whether and how the meanings of particular actors are reflected in changed policies; and specifying a 'discursive order', or an account of discursive structuration and the resulting changed policy.

Using Hajer's approach, this chapter highlights how the 'pro-reform' and '*status quo*' story lines mobilised the activities of two discourse-coalitions that vied to influence policy on *panti asuhan*. Based on interview evidence, I argue that the 'pro-reform' discourse-coalition ultimately dominated the policy arena, with its perspective largely becoming institutionalised as new government policy. Victory for this discourse-coalition was, however, far from the overwhelming and absolute triumph for

international children's rights norms that the standard account of recent *panti asuhan* policymaking would suggest. As well as reflecting important international children's rights concerns, final policy also took into account resistances by the '*status quo*' discourse-coalition. The upshot was that the final policy incorporated calls by the '*status quo*' discourse-coalition for government to recognise the role played by *panti asuhan*. This resulted in the new policy putting *panti asuhan* at the centre of policy implementation arrangements into the foreseeable future; an instance of 'old wine in new bottles'.

Before proceeding, some additional data limitations should be noted. Hajer's approach calls on the analyst to identify how policy actors changed their positioning, and the roles of other players. For Hajer, such data can be gathered in the form of transcripts of debates and discussions, for example, parliamentary proceedings, the reports of official inquiries, and records of meetings obtainable under freedom of information laws. In the Indonesian case, however, there were no such equivalent sources. For example, discussions about *panti asuhan* policy were (on the basis of interviews with a Parliamentarian and Ministry of Social Affairs officials) known to have taken place within the Komisi VIII or Commission Number eight, the committee of the House of Representatives which is responsible for welfare and social issues, but no transcripts of these discussions are available on the public record. Similarly, no records are available of public or private meetings involving key players such as policy makers, non-government representatives and researchers. These gaps meant that other evidence, principally interviews, unpublished Indonesian Government papers and secondary resources, became the main sources from which conclusions were drawn in this study.

Moreover, while interviewees represented both a wide range of perspectives from government and non-government sectors, and were in senior positions (some were the actual policymakers), not all organisations of interest agreed to be interviewed. For example, Nahdlatul Ulama representatives declined to be interviewed; this was a particular gap in light of Nahdlatul Ulama's important role which, alongside Muhammadiyah, is a major *panti asuhan* operator. Also, only one interview was held with the manager of a government-run *panti asuhan*. Gaining greater access to *panti asuhan* personnel is, arguably, outside the scope of this study because they did not play

a direct role in influencing policy. However, they may have offered insights into how the prospect of new policy was viewed within their parent organisation.

Other steps in the discourse analysis, such as identifying key incidents and identifying a 'discursive order', posed challenges. As *panti asuhan* policymaking has not previously been explored in an academic study, there were few existing materials upon which to draw to help construct what Hajer would term the 'discursive order'. Nonetheless, evidence gathered from interviews with a diverse range of policy actors and observers, as well as unpublished Indonesian Government documents and published secondary materials, enabled a detailed picture to be developed about the policy change process.

10.2 Three phases of *panti asuhan* policymaking

Chapters 6-9 observed that two main story lines emerged from interviews with policymakers, policy advocates (such as INGOs), and other close observers. Both the 'pro-reform' and '*status quo*' story lines, in turn, contained a range of inner narratives. The interviews revealed also that these story lines did not simply remain at the level of thought. Rather, they mobilised the actions of two distinct discourse-coalitions, one proposing and one opposing policy change. These discourse-coalitions used political, bureaucratic and public channels to try to influence policymaking processes on *panti asuhan* in the decade after 1999.

The following section outlines and assesses how the final policy was formed, or what Hajer would term a 'discursive order', in a discernible three-stage process. As summarised in Table 10.1, below, the three stages were: first, in a move towards discourse 'structuration', a pro-reform discourse-coalition formed around the 'pro-reform' story line, establishing and advancing a policy reform agenda; second, displaying discourse 'argumentation', a pro-*panti asuhan* discourse-coalition began to resist change, advancing the case that *panti asuhan* played a helpful role with respect to poor families; and, third, policy was finalised or 'institutionalised', but as an amalgam of deinstitutionalisation and *status quo* positions, not—as portrayed in the standard version of events—as a simple victory for international children's rights forces.

Table 10.1 **Key phases in the development of *panti asuhan* policy, 1999-2009**

Policy development phase	Key events and developments	Key actors
Toward discourse 'structuration': the 'pro-reform' discourse-coalition initiates policy change thinking, 1999-2007	Asian financial crisis (1997-98) Fall of Suharto (1998) Indian Ocean tsunami (December 2004) Save the Children-led studies of *panti asuhan* in Aceh (2006) and of other Indonesian provinces (2007)	President and Cabinet Ministry of National Development Planning Ministry of Social Affairs officials Save the Children UNICEF Komisi VIII (Indonesian Parliament)
Discourse 'argumentation': the '*status quo*' discourse-coalition pushes-back, 2007-08	Meeting of the Muhammadiyah Central Board Meetings between the Ministry of Social Affairs and *panti asuhan* managers	Muhammadiyah Council and officials Minister for Social Affairs Ministry of Social Affairs officials
Discourse 'institutionalisation': policy, as modified, announced and implementation commences, 2008-09 onwards	Indonesia reported to the UN Committee on the Rights of the Child (2010) on its review of policies and practices concerning children in alternative care *National standards of care in Child Welfare Institutions* (2011) issued	Save the Children Ministry of Social Affairs officials Provincial authority officials

10.2.1 Toward 'discourse structuration': the 'pro-reform' discourse-coalition takes the lead, 1999-2007. The first phase in the *panti asuhan* policy change story commenced with the cataclysmic events around the Asian financial crisis and the fall of Suharto from 1997 to around 1999. It was further stimulated, and focussed, by research initiated by Save the Children after the 2004 tsunami. Finally, in 2006-07, the 'pro-reform' discourse-coalition members comprising the Ministry of Social Affairs, UNICEF and Save the Children (with two staff members embedded within the Ministry of Social Affairs) commenced work to refine key recommendations contained in the two Save the Children-led studies of *panti asuhan* (2006, 2007) into new national policy with its centrepiece being the new national standards of care in Child Welfare Institutions that were to be applied in all *panti asuhan*.

The commencement of this first scene-setting phase can be traced to major transformations in the political, social and economic environment arising out of the Asian financial crisis. As outlined in Chapter 7, the Asian financial crisis prompted Indonesian governments to adopt a range of high-level economic, social and administrative policies between 1999 and the mid-2000s. New laws gave more prominence to human rights and children's rights than at any time before and during Suharto's New Order. During this period, there was increased scrutiny of the Indonesian Government's children's rights practices by the UN Committee on the Rights of the Child, including in relation to the treatment of children in alternative care situations. Moreover, national governments in the early *Reformasi* era placed greater emphasis than at any time during the previous three decades on poverty alleviation programs that aimed to provide greater support to the country's poorest families. These families were those most affected by the Asian financial crisis, and they were also those most likely to relinquish their children to *panti asuhan* in order to ease their financial burdens and to access free educational opportunities. Finally, the government's new decentralisation policy may also have been a factor in promoting policy change on *panti asuhan* as it put pressure on some national-level agencies to establish systems and policies that would influence future funding decisions by sub-national levels of government.

Changed national economic policy directions in the early few years of *Reformasi* provided support to *panti asuhan*. As outlined in Chapter 8, in a bid to reduce the

adverse impacts on *panti asuhan* of decentralisation and price increases resulting from reductions in fuel subsidies, national government subsidies to alleviate hardship not only helped financially to support existing *panti asuhan*, but precipitated a boom in *panti asuhan* numbers as setting-up a *panti asuhan* became seen as an open door to government funding with few, if any, restrictions or obligations such as government monitoring. Drawing on evidence presented in Chapter 10, this problem was, however, not entirely the making of early *Reformasi* governments as the number of *panti asuhan* had already been rising sharply during the final decade of the New Order, due mainly to the role that *panti asuhan* played in expanding Suharto's corrupt financial practices and coping with the social and economic dislocations caused by the Asian financial crisis. By the early 2000s, however, the legacy of rapid growth of *panti asuhan* during the 1990s and the Asian financial crisis, combined with the expansionary effect of financial subsidies after 1999, clearly became a matter of concern to national government officials, notably those within the Ministry of Social Affairs and the Ministry of National Development Planning.

Finally, with the stage set for *panti asuhan* policy change, the international children's rights narrative forcibly entered the policy arena after the 2004 tsunami. Rather than causing government to rethink its *panti asuhan* policy from scratch, Save the Children's research initiative happened to bring to light information about the lack of quality care for children in *panti asuhan* as assessed in relation to international children's rights standards. This publicly-available evidence, and the placement of Save the Children staff inside the Ministry of Social Affairs at a critical time in the policy development process, undoubtedly added pressure on the Indonesian Government to modify its policy on *panti asuhan*. Yet, Save the Children's initiatives were given weight by pro-reform policymakers within the Ministry of Social Affairs who had been seeking to align *panti asuhan* with broader social, economic/budgetary and administrative policy directions since the fall of Suharto and before the Indian Ocean tsunami. Thus, we see a coincidence of events in which Save the Children presented evidence at a time when key policymakers were seeking ideas to help solve a range of economic and social problems. If the wider national policy environment had become more conducive to *panti asuhan* policy reform in the first few years of the 2000s, then the 2004 tsunami was a critical juncture in the policy change process in that it helped to fuse the interests

of those who expressed concerns around Indonesia's poor compliance with international children's rights standards with those who saw *panti asuhan* as being misaligned with new domestic policy directions.

In earlier chapters, we saw how players allied with what I am terming the 'pro-reform' story line espoused the need for change. These several narratives did not necessarily express the problem in similar terms, but had enough in common (displaying what Hajer would term 'discursive affinity') to coalesce around a shared set of propositions that formed the core of this 'pro-reform' discourse-coalition. In other words, what turned a story line into a 'pro-reform' discourse-coalition was that holders of pro-reform narratives went beyond expressing their concerns to take action to influence policy outcomes. Thus, what interests us in this stage of policy analysis is *how* (as well as *why*) players worked to change policy and/or saw how other players responded or acted once policy change was being actively considered.

In the initial phase of the policymaking process, these concerns were played out in the actions of a range of government policymakers, non-government policy advocates and other observers. The foundation members of this discourse-coalition were national government officials, especially a few senior officials within the Ministry of Social Affairs, who began to view *panti asuhan* as an increasing drain on the central budget and inconsistent with the government's new domestic social, economic and administrative policy directions framed in terms of the core values of *Reformasi*, such as greater democracy, empowerment and equity across Indonesian society. A senior Ministry of Social Affairs official '(GA-13)' who was involved with the early phase of re-thinking *panti asuhan* policy soon after the Asian financial crisis talked about how the pro-reform story line was turned into action at political and bureaucratic levels. He related his role in promoting policy change around 2000 and how, as part of those efforts, Save the Children was invited to undertake research because that organisation's work aligned with thinking within the Ministry of Social Affairs about the need for new policy on *panti asuhan*:

> In 2000, Presidential Decree on 'Justice for All' was issued on children's rights and poverty alleviation. Also, in 2000, I went to Melbourne and visited the

Department of Community Services Victoria. They said that they had closed their orphanages and they showed me a model for foster and extended family care.

I returned to Jakarta and said 'we have to get family support programs' but we needed research to do that. I wasn't satisfied with the Ministry of Social Affairs' internal research capacities…we didn't have the research to back up our plans to increase family-based care for children.

Save the Children came in later. I approached Plan International, then UNICEF, who introduced me to Save the Children to carry out the rapid assessment [of children's institutions]…

We decided to recruit a person from Save the Children and we got the Bandung Social Work School and staff of the Ministry of Social Affairs to assist. It was good research. But, it was *not* Save the Children that made us change our policy. (emphasis added).

Save the Children gave us the evidence. I went to parliament and lectured them about the need for family support. I talked to Komisi VIII about providing greater family support and they agreed. *But, even after that, there was not much Parliamentary focus on children's issues. I made the argument that panti asuhan were very expensive* (emphasis added).

Many children's homes relied on the fuel subsidy for things like buildings and repairs. If we moved to family-based care of children, we can care for more children and don't need money for buildings and maintenance.

I also made an argument that Indonesia should have a social investment model and that we need to invest in poor people and neglected children to help them return to the market.

> *I had to re-badge child protection as a 'social investment' to win their agreement. I had to appeal to an economic argument. It was a powerful tool.* (emphasis added).

> (Interviewee GA-13)

Of particular note, the above passage indicates how the definition of the policy problem was changed in an attempt to obtain political support for the policy shift, that is, from being portrayed by interviewee GA-13 as a children's welfare problem to being presented or 're-badged' as an economic problem. This conforms to Hajer's expectation, mentioned in Chapter 3, that policy actors frequently change how a policy problem is defined in order to win acceptance of their policy objective (Hajer 2006, p. 69).

The role played by a few key individuals within the Ministry of Social Affairs in championing policy change was noted by several interviewees. An expatriate INGO worker (INB-13) closely associated with this stage of the policymaking process commented that Save the Children's presence in the Ministry of Social Affairs would not have occurred without what she termed 'a green light' given by one or two key senior officials. She also highlighted the authorisation provided by the then Minister for Social Affairs:

> After the 'Quality of care' report [*'Someone that matters'. The quality of care in childcare institutions in Indonesia* (2007)], it was initially hard to get a report that was critical, but he [the Minister] was able to recognise himself, having visited quite a few institutions, that they [*panti asuhan*] were a business as well. So he recognised that it would be good to do something about them [*panti asuhan*].

> (Interviewee INB-13)

A senior Ministry of Social Affairs social worker (GE-13) also highlighted the role a few senior officials played in maintaining the pressure for policy change within government:

> One reason for the new policy was because people within the Ministry of Social Affairs were willing to change, and there were external factors, namely, Save the Children. The main internal factor was having a champion in government to support the change.

> (Interviewee GE-13)

Perhaps indicative of the fact that members of the broad 'pro-reform' discourse-coalition were not homogenous in view was that there were disagreements amongst interviewees about whether the policy change was driven predominantly by those who argued that the Indonesian Government should align its policy on *panti asuhan* more closely with the provisions of the UN Convention on the Rights of the Child or by those who argued that *panti asuhan* policy should conform more closely with broader national policy and cost-cutting goals. Senior Ministry of Social Affairs officials saw the work by Save the Children and UNICEF after the tsunami as helpful in providing evidence that they needed to build the case for policy change. On the other hand, Save the Children and, to a lesser extent, UNICEF, saw themselves as being the primary force behind policy reform. An INGO employee (INB-12) claimed that Save the Children's success in getting the national government to adopt a new *panti asuhan* policy direction was due mainly to the development of close working relationships between Save the Children and the Ministry of Social Affairs, as well as Save the Children's willingness to undertake activities to demonstrate how deinstitutionalisation based on family strengthening measures could work in the field:

> [Save the Children's] success was due to cultivating relationships with the Ministry of Social Affairs right from the beginning. Save the Children staff were seconded to the Ministry of Social Affairs so they walked hand-in-hand with them.

The other big thing was building *panti asuhan* groups at the district level. The *bupati* [heads of regencies (*kabupaten*) which, along with cities, are Indonesia's second-level administrative sub-division below provinces, each with a local government structure and a legislative body] were important to developing political and implementation support. Finally, it was important to have a laboratory in Bandung to trial and scale up the deinstitutionalisation model…

Save the Children had success because it worked at multiple levels and at a national systems level. There were two key people who were allies within the Ministry of Social Affairs, and Save the Children had its own people in the Ministry of Social Affairs. The Ministry of Social Affairs changed the funding to increase support for children who were not in institutions.

This move was not beneficial to institutions. These were the most courageous civil service decisions I've heard of. Muhammadiyah was somewhat on board with it. For a bureaucrat to decide this was exemplary. Save the Children's contribution was having one example of how it works…But the challenge is to make it happen with 8,000 institutions in a decentralised environment.

(Interviewee INB-12)

Thus, by around 2007, the 'pro-reform' discourse-coalition formed around three pro-reform narratives, that is, around the promotion of children's rights in keeping with the UN Convention on the Rights of the Child, the importance of aligning with new domestic social, economic and administrative policies, and the need to cut costs. While these narratives were disparate, all three shared an affinity around the higher goal of reforming *panti asuhan*. Following the critical event of the 2004 tsunami which opened the door for Save the Children to undertake the first-ever publicly available research into Indonesia's *panti asuhan*, this discourse-coalition began to exhibit signs of what Hajer would term 'discourse structuration', or a tendency to dominate the policy arena.

10.2.2 Discourse 'argumentation': 'We got resistance from Muhammadiyah': 'status quo' discourse-coalition push-back, 2007-08. Discourse 'structuration' was not fully

achieved, however, without resistance from pro-*panti asuhan* players, principally Muhammadiyah. In the second phase of the policymaking process, between 2007 and 2009, proposed policy reforms started to be discussed outside government and INGO circles, with the result that a pro-*panti asuhan* '*status quo*' discourse-coalition based on those holding a '*status quo*' story line (see Chapter 9) began to voice opposition to change. Evidence of opposition in this phase of discourse 'argumentation' comes from interviews with INGO and national government circles, as well as from within Muhammadiyah itself.

During 2007 and 2008, Muhammadiyah's reactions to the prospect of policy change were starting to be noted within national government circles. One senior official of the Ministry of Social Affairs (GB-13) discussed how Muhammadiyah's opposition was seen within the Ministry of Social Affairs, thus:

> When government began to talk about introducing standards for care, Muhammadiyah said that they needed to discuss this move at the highest level. Then, they decided to create their own standards!
>
> Also, Muhammadiyah wrote a newspaper article explaining their position that government needed to keep supporting children's institutions.
>
> Muhammadiyah resisted the government's plans concerning *pantis*. They asked government 'why do you only now want to change the policy?'

> (Interviewee GB-13)

A senior Ministry of Social Affairs social worker (GE-13) reflected on how managers of some Muhammadiyah and Nahdlatul Ulama *panti asuhan* openly opposed the proposed changes:

> In meetings with Muhammadiyah and Nahdlatul Ulama some people refused to accept the proposed changes. In Jogyakarta, some people from orphanages said that they would have to close, but they really didn't understand the standards…

Save the Children has also started with deinstitutionalisation work in Bandung. In that place, one of the *pantis* was run by a very powerful person with a lot of influence over others. But, the government, including its local office, worked closely with him so that he could influence others…

We noticed that Muhammadiyah have their own policies on child protection. I said to them that they had to obey the government rules and work with the government because this guideline is good. They said 'No, we have our own regulations'. They don't explain what their regulations are about. I really don't understand.

(Interviewee GE-13)

An expatriate INGO worker (INB-13) reflected on Muhammadiyah's opposition to the prospect of *panti asuhan* policy reform following the release of the *'Someone that matters'* report in 2007:

Muhammadiyah was going through some process of reflection…and was starting to work on some standards [in institutional child care]. But, they were not challenging institutional care…

Muhammadiyah sometimes jokes that they are the Ministry of Social Welfare. They have more resources than the Ministry of Social Welfare and they see themselves as more powerful than the Ministry of Social Welfare. They are not entirely wrong, actually. So, at some level, there was the sense that, well, 'who are you' [referring to the government], and why are you telling us? We [Muhammadiyah] are the ones who have been doing it [operating *panti asuhan*] forever…

Nahdlatul Ulama lives on, pretty much, without caring what the [national] government says. That's also the legacy of the [Suharto] dictatorship, Indonesia having very fragile democratic institutions, and the government's total lack of certainty about its role and mandate which still, in some level, continues…

Save the Children had a lot of push-back after their 'Quality of care' report, including from within Muhammadiyah. Muhammadiyah's people would stand up in meetings and would say this was all lies. I always remember one of our big allies now was a guy in Bandung who stood up at a meeting and he was furious, saying that Save the Children paints institutions as really bad, but institutions in Bandung are absolutely not like that and are of much higher quality…

You had a lot of people saying in meetings that Save the Children chose only negative institutions…there was also push-back from within the Ministry of Social Welfare, people who felt that Save the Children was really pushing the agenda.

(Interviewee INB-13)

One Indonesian non-government worker with close connections to Muhammadiyah (NA-13) said that, following the publication of the Save the Children-led studies in 2006 and 2007, Muhammadiyah's Central Board, the organisation's supreme religious council, became concerned about the prospect of changes to government policy on *panti asuhan*. Particular concerns were that government was trying to 'smash' Muhammadiyah's grip on *panti asuhan* and that Muhammadiyah had not been consulted before government started to draft the national standards for care of children in *panti asuhan*. One response by Muhammadiyah was to develop its own standards of care of children in its *panti asuhan*:

The Muhammadiyah Central Board, which has many senior people, thought that Muhammadiyah was being smashed by government. They said they did not need government telling them what to do. So, the Central Board wanted its own policy…The Central Board said 'we still need institutional care'…

It would have been better if government involved civil society from the beginning. Muhammadiyah did not take too much of a part in government policymaking [on *panti asuhan*]. The players were Save the Children and UNICEF. It does not matter where the idea comes from, but the problem was

that the government considered UNICEF and Save the Children as the main players and not civil society…government did not involve us, but we knew the impact of polices on the ground…

Muhammadiyah's orphanages rejected the new government standards as impossible to apply. They said that they are helping children that the government cannot help…

The national government was influenced by Save the Children and UNICEF, who were working with the Ministry of Social Affairs to develop policy guidance [on *panti asuhan*]. The Ministry of Social Affairs formalised the new policy quickly but within the Ministry there are a lot of different views and only a few believe in strengthening family support. The problem was that the Ministry of Social Affairs thought about the UN and international NGOs before they thought about Muhammadiyah. When the new standards were developed, Muhammadiyah was not consulted by government.

Muhammadiyah reviewed its policies not because of government but because the global context told us orphanages were not good for children except as a last resort. The UN was critical of Indonesia in 2004. Muhammadiyah got data from UNICEF and it said: 'this is our homework to change regulations and mind-sets, and it has been our focus for the past five years'.

Muhammadiyah felt that government needed to talk with its people before getting an international consultant in. Muhammadiyah missed a step and now it is having to integrate the government's new policy with practice in its orphanages.

Many orphanages did not understand why the changes need to be made and Muhammadiyah's job is to help them understand. But, after the government made the changes, it seemed that Muhammadiyah was no longer the owner of the policy about the standards of care in orphanages.

Muhammadiyah now has its own standards for child care institutions in draft form and will join these with the Indonesian Government standards in the future. It thinks that children are raised best in their family, but if that is not possible they should be raised in their community and, only in orphanages as a last resort.

Muhammadiyah developed its policy after research in Surabaya and Tenggara. It found the data was interesting, especially that 90 per cent of children in orphanages have a parent alive. Muhammadiyah did not know that before. It learned that children were put in orphanages for two reasons – to get access to education and to help families with their cost of living.

(Interviewee NA-13)

In the face of opposition from pro-*panti asuhan* voices, in the course of 2007 and 2008, the national government decided on the main elements of the new *panti asuhan* policy. Rather than simply adopt all the recommendations of the Save the Children reports, it appears that the Ministry of Social Affairs shaped the final policy outcome to take into account opposition from *panti asuhan* operators. The result was that *panti asuhan* were to continue to play an important ongoing, though ultimately modified, role. In particular, it decided to continue to provide financial support directly to *panti asuhan*, albeit under a new registration and accreditation regime, and to utilise these institutions as the principal point of dissemination of funding for family support programs (see Chapter 5).

A senior Ministry of Social Affairs official closely associated with policy deliberations within government at this time (GA-13) stated unequivocally that opposition from Muhammadiyah and Nahdlatul Ulama caused government to decide on this policy course under which, instead of providing support directly to vulnerable families to reduce the incidence of relinquishment of their children to *panti asuhan*, it would continue to channel its support through *panti asuhan*. Alluding both to the opposition mounted by *panti asuhan* operators and to the huge numbers of children in *panti asuhan*, and thus the administrative and political challenges of re-designing the country's alternative childcare system at once, he stated succinctly:

We got resistance from Muhammadiyah and Nahdlatul Ulama. That's the reason we keep orphanages as the channel for family support (emphasis added)…

There are 600,000 children in residential care. We need a diversity of models and we still need a residential care model. We need five or six models based on the situation of the beneficiaries…

We are encouraging the *pantis* to outreach to families. The *pantis* get a government subsidy when they do that…

We did *not* totally adopt Save the Children's ideas 100 per cent. For example, concerning violence against children, we do not totally accept the children's rights model and, when it comes to religious conflict, children's rights is only general guidance and we need to translate it into local needs. (emphasis added).

(Interviewee GA-13)

The head of a national government child protection agency (GF-13) also affirmed that the national government decided to channel funding through the existing structure of *panti asuhan* because this course of action avoided the cost of establishing a new program delivery mechanism and potentially side-stepped opposition from *panti asuhan* operators about being denied government funding:

The fuel subsidy enabled the government to monitor how the money was spent. It was to be channelled to the community through the *pantis* as a mechanism to monitor the funds. Government thought that it was going to be easier to control the money for family support by using the *pantis* in this way. It was a bureaucratic issue and it was the easiest way for government to deliver the money in the new paradigm…

It's a dualistic relationship. Government needs the *pantis* to deliver the funds for family-based support and *pantis* need government money to run them…If

government cut off the subsidy, there would be a negative reaction from the *pantis*.

<p style="text-align:right">(Interviewee GF-13)</p>

Thus, in response to the 'pro-reform' initiative of the early-to-mid 2000s, a '*status quo*' discourse-coalition emerged mainly in the form of Muhammadiyah resistance to policy change. A variety of tactics were used. These included a decision by Muhammadiyah to develop their own standards for child care institutions, seeking to raise public concern about government plans, and levelling criticisms at the Ministry of Social Affairs and even Save the Children staff in meetings convened to discuss the proposed new national standards. Importantly, while these tactics did not stop the pro-reform momentum, it is clear from interviews with government officials that this resistance, or the prospect of ongoing opposition, did shape the final policy in a fundamental way, that is, to have existing *panti asuhan* play a pivotal role in the delivery of family support services as well as in continuing to provide residential care for children.

Another factor that needs to be taken into consideration was the changed political fortunes of organisations that operated the majority of *panti asuhan*, Muhammadiyah and Nahdlatul Ulama. Interviewee RB-13, head of a non-government research centre, argued that any moves to change government financial and other support to *panti asuhan* were unlikely so long as Muhammadiyah and Nahdlatul Ulama retained a strong political power base within the national government:

> After Suharto, there was a change in political relationships between the government and Muhammadiyah and Nahdlatul Ulama. In Suharto's time, these organisations would be allocated Ministerial positions.

> The position of Minister for Religious Affairs would be given to Nahdlatul Ulama and the position of Minister for Education would go to Muhammadiyah. They had an indirect guarantee that they would be part of government.

In Suharto's time, there were three main political parties: PPP [Partai Persatuan Pembangunan, the Islamic United Development Party], Golkar and PDI [Partai Demokrasi Indonesia, or Democratic Party of Indonesia]. Nahdlatul Ulama was a supporter of Golkar and PPP.

Bachtiar Chamsyah [the Minister for Social Affairs between 2001 and 2009, who introduced the national government's new *panti asuhan* policy] was aligned to the PPP. But, he was not part of the Nahdlatul Ulama faction within that party. Instead, he was aligned to the second largest faction, Parmusi. The Nahdlatul Ulama and Parmusi factions hated each other. Muhammadiyah is now more aligned to a new party, PAN.

(Interviewee RB-13)

The extent to which party political affiliations played a role in influencing *panti asuhan* policymaking processes is difficult to assess on the basis of this one perspective alone. Yet, it may have played a role in the policy change process. To discuss this possibility, we need to examine briefly the changing political fortunes of Muhammadiyah and Nahdlatul Ulama during and after the New Order.

Both Muhammadiyah and Nahdlatul Ulama played significant roles in supporting the struggle against the Dutch to achieve independence. In the 1950s, their political parties—Masyumi which represented Muhammadiyah and Nahdlatul Ulama which was named after Nahdlatul Ulama—gained in political popularity (Mujani & Liddle 2004, p. 111). Four political parties won the 1955 election, two of which were Masyumi and Nahdlatul Ulama with, respectively, 21 and 18 per cent of the vote (Hicks 2011, p. 41). Sukarno abolished Masyumi in 1960 because of its support for the anti-Sukarno army rebel group, the Revolutionary Government of the Republic of Indonesia (Pemerintah Revolusioner Republik Indonesia). In 1960, Masyumi was replaced by a new political party called Parmusi (Partai Muslimin Indonesia, or Indonesian Muslim's Party).

In 1973, Suharto forced the ten existing political parties, including Parmusi, to join two State-controlled parties (Suharto's party, Golkar, was the third major political party). In

this move, the four Islamic parties—Parmusi, Nahdlatul Ulama, the Islamic Association Party of Indonesia and the Islamic Educational Movement—merged to form the government-controlled and monitored Partai Persatuan Pembangunan (or United Development Party). In 1984, Nahdlatul Ulama left Partai Persatuan Pembangunan ostensibly to focus on social welfare and religious activities because they refused to accept the government ruling that all political parties adopt *Pancasila* as their ideological foundation (see also Chapter 6). In 1998, leading Nahdlatul Ulama figures formed the traditionalist Islamic Partai Kebangitan Bangsa (the National Awakening Party) whose leader, Abdurrahman Wahid (and grandson of Nahdlatul Ulama's founder Hasyim Asy'ari), became President in 1999.

Fealy (2009) has noted the declining share of votes cast in national elections for Islamic parties, such as Partai Persatuan Pembangunan and its predecessor organisations, from 44 per cent in 1955, to 38 per cent in 2004 and to 29 per cent in 2009. Other scholars have advanced a variety of explanations for this phenomenon. Hefner (2000), for example, claimed that powerful religious figures were co-opted by the State throughout the Suharto era. Buehler (2009), in examining the first decade of *Reformasi*, pointed to changed laws that required political parties to have a nationwide network of local chapters, a condition that did not favour Islamic movements establishing themselves as political parties (p. 58). Mujani and Liddle (2004) sought to explain the increasing secularisation of Indonesian democratic politics largely in terms of the pluralistic nature of Indonesian Islam which originated as a syncretic blend of local animistic traditions and Hindu and Buddhist beliefs that pre-dated the arrival of Islam (pp. 584-85).

In addition to changing political fortunes, Hicks (2012) contended that Muhammadiyah's and Nahdlatul Ulama's grip on the provision of a range of social supports diminished appreciably in the course of the New Order. As noted in Chapter 4, commencing in the early twentieth century, these mass socio-religious organisations came to play major roles in providing health, welfare and education services, and thereby built voter support for their associated political parties. Muhammadiyah became dominant in running hospitals, schools and *panti asuhan* whereas Nahdlatul Ulama concentrated on operating Islamic schools in the form of *pesantren* and *madrasa*.

Especially after Indonesia began benefitting from increased global oil prices after 1973, the national government expanded its investment in health and education services, either directly or indirectly through Muhammadiyah and Nahdlatul Ulama entities. For example, the national government set up schools that duplicated Nahdlatul Ulama's religious training functions in the form of Gabungan Usaha-Usaha Perbaikan Pendidikan Islam, or the Association for the Improvement of Islamic Education (Hicks 2011, pp. 44-47). Nonetheless, given that government health and education was not cost-free, heavily-subsidised Muhammadiyah and Nahdlatul Ulama health and educational operations continued to attract patronage as free or low-cost alternatives for poorer Indonesians (Hicks 2011, p. 47).

While suffering a slow decline in political power over the course of the New Order, Muhammadiyah and Nahdlatul Ulama managed to maintain good links with both Suharto and all subsequent Presidents until the late 2000s. During all *Reformasi* administrations until the commencement of Yudhoyono's second term of office in 2009, the positions of Minister for Religion and Minister for Education were bestowed, respectively, on those with Nahdlatul Ulama or Muhammadiyah affiliations (in 2009, Yudhoyono broke this practice by appointing Ministers from Education and Religion who did not have strong ties with either Nahdlatul Ulama and Muhammadiyah, though other Cabinet ministers had affiliations to either Muhammadiyah or Nahdlatul Ulama) (Hicks 2011, p. 48). Partai Persatuan Pembangunan Chairman Hamzah Haz served as Vice-President under Megawati (2001-04).

In 2004, Partai Persatuan Pembangunan ultimately backed Yudhoyono's Presidency and was subsequently given a number of Ministerial positions. Bachtiar Chamsyah, who was aligned to Muhammadiyah's Parmusi faction in Partai Persatuan Pembangunan, served as Minister for Social Affairs between 2001 and 2009, thus overseeing the national government's policy change on *panti asuhan* (in 2010, Bachtiar was gaoled, including for the corrupt importation of cattle from Australia). Partai Persatuan Pembangunan was far from being the only political vehicle for the advancement of Muhammadiyah and Nahdlatul Ulama interests. Muhammadiyah had close affiliations with the modernist Islamic Partai Amanat Nasional (the National Mandate Party) and, as noted above, Nahdlatul Ulama had associations with Partai Kebangitan Bangsa

(Buehler 2009, p. 59). However, as with Partai Persatuan Pembangunan, both these parties experienced political decline through the 2000s, as seen in reductions in their combined vote in the 2004 and 2009 elections from 17 to 11 per cent (Mujani & Liddle 2009, p. 577).

It may be tempting to suggest that pro-*panti asuhan* players took the increasing secularisation of Indonesian politics and apparent losses in Muhammadiyah and Nahdlatul Ulama political power as opportunities to push for *panti asuhan* policy reform around the mid-2000s. Yet, the story is far more complicated than that, and conclusions are less clear-cut. Even after the fall of Suharto, representatives of Muhammadiyah and Nahdlatul Ulama continued to occupy important political positions, most notably holding the positions of Minister for Social Affairs in the midst of the much-vaunted *panti asuhan* 'paradigm shift' and Minister for Religious Affairs. It is open to speculation, and further research, whether and to what extent Bachtiar and other political players in Parliament who were affiliated with either Muhammadiyah and/or Nahdlatul Ulama influenced that policy change process. At the very least, however, a moderating role played by pro-traditionalist political forces may be inferred from the final policy outcome, that is, as one that continued to view *panti asuhan*, which were the almost exclusive preserve of Muhammadiyah and Nahdlatul Ulama, as central to new policy implementation.

10.2.3 Discourse 'institutionalisation': policy announcement and implementation, from 2008-09 onwards. The final phase of policy making encompassed the announcement of the new policy to its early implementation activities. In this phase, discourse 'institutionalisation' occurred when the major objectives of the 'pro-reform' discourse became enshrined as new policy, albeit with the important modification made by government on the basis of pro-*panti asuhan* pressure, that *panti asuhan* would be at the heart of policy implementation arrangements.

As discussed in Chapter 4, the new *panti asuhan* policy was not the subject of one major national government announcement, but rather a series of announcements and activities that commenced around 2008-09. The low-key way that the policy shift entered force *inside* Indonesia—as distinct from how the Indonesian Government

represented the new policy *outside* Indonesia, such as in its formal reporting to the UN Committee on the Rights of the Child—is perhaps indicative that government sought to avoid further inflaming opposition from *panti asuhan* operating organisations such as Muhammadiyah and Nahdlatul Ulama. The national government's decision to 'tread softly' with its policy announcement may also have reflected a recognition of general domestic community support for, or at least acquiescence in, the *panti asuhan* model of child care for reasons discussed in Chapter 9.

That government felt the need to launch its new approach to *panti asuhan* without undue fanfare was glimpsed from comments by a national parliamentarian (NPA-13), a leading member of the parliamentary committee on welfare. She offered an insight into the complicated domestic politics behind moves to scale-down *panti asuhan* and to adopt new family-based approaches aimed at discouraging families from sending their children to institutions. While supporting the new national government policy, national government would continue its support to *panti asuhan*; indeed, there were no plans for these to be phased out in the foreseeable future:

> If families can take care of their children there is no reason to take the children to *panti asuhan.* That's the reason why *Program Keluarga Harapan* [the 'Hope for families' conditional cash transfer scheme, see Chapter 7] was supported…

> We should not close the *pantis* as long as they are needed by the community, for example, as places for the care of children in difficult circumstances.

> We still need *pantis* for orphans and children with certain problems. We don't have any intention to close the *pantis*.

> (Interviewee NPA-13)

Concerns about continuing objections to the new national standards by forces that favoured the *status quo* were indeed borne out as the national government, supported at times by Save the Children, sought to win support for the new national standards amongst *panti asuhan* managers and staff in various locations in the few years after

2008. The manager of a government-run *panti asuhan* in Bandung (LGB-13) cited opposition from privately-run local *panti asuhan* who were concerned that the new policy would reduce the amount of private donations to their institutions. Interestingly, he also stated that some parents of children who lived in the *panti asuhan* expressed the view that they were not yet in a position to take their child back into the family due to lack of funds that would enable the child to access education:

> At the beginning, the standards were rejected in this *panti* by the parents of children here. The parents felt that they were not ready to accept their children back at home with them. Some parents called me to complain since they could not afford to give their child an education.

> Gradually, however, through the socialisation process, the Red Book [the local name for the national standards] is being accepted. Sometimes, the child does not want to go back to their parents and the child does not want to return home…

> Some of the private *pantis* have rejected the new standards because they say that there will be less private donations to the *panti*. Nine children from this *panti* have been reunited with their family, and we monitor what's happening to these children back in their homes.

(Interviewee LGB-13)

Opposition expressed by *panti asuhan* operators to new national government policy directions on strengthening family-based childcare, particularly the national standards, was another common theme in interviews with government officials at both the national and sub-national level, as well as with those closely associated with Muhammadiyah. A senior official of the Bandung District Government (LGA-13) referred to the challenges faced when introducing the national standards as well as strategies that his office adopted to encourage *panti asuhan* to adopt the standards:

At first, the *pantis* rejected the new standards of care but are now accepting them. They thought that they would be closed and there were too many new things required under the new standards. Seventy social workers from the Ministry of Social Affairs were deployed to speed up the socialisation process…

At the beginning a few heads of *pantis* wanted the Red Book changed, but now they are starting to accept them. Our office is responsible for monitoring, but it's step-by-step. We first work with the Muhammadiyah-run *pantis*, then the government *pantis*, and, finally, the privately-run *pantis*. We hold a monthly meeting of the heads of all Bandung *pantis*.

(Interviewee LGA-13)

In a similar vein, a district-level field worker for an INGO (INC-13), stated:

When we speak to the heads of *panti asuhan*, they criticised us for the new standards. This was strange because orphanages were only brought to Indonesia by the Dutch and aren't referred to in the *Qur'an*. It's strange that they accuse us of promoting Western ideas when they, themselves, are working on a Dutch model. We say to them that we are supporting Islamic teachings by trying to strengthen the role of the family.

(Interviewee INC-13)

The head of a provincial office of the Ministry of Social Affairs or Dinas Sosial (GH-13) similarly reflected on opposition from *panti asuhan* operators about the new standards. He highlighted concerns amongst these operators that the new funding arrangements would lead to reduced funding for *panti asuhan*:

None of the *panti asuhan* said that they would not cooperate [with the new policy and standards] but after it was introduced they resisted. *Dinas Sosial* tried to explain but there was still difficulty because the *pantis* thought the standards

will make them do additional work to support families and children for the same amount of money as in the past.

(Interviewee GH-13)

A local social worker with close associations with Muhammadiyah (NA-13) stated that, even five years after the first signs of policy change on *panti asuhan*, 'Muhammadiyah is not on the same page as the government and now maybe 10 per cent of its orphanages have the same understanding about the policy as the government'. Signalling that Muhammadiyah was far from being in full support of changed government policy, interviewee NA-13 complained:

Muhammadiyah had no involvement in the development of the government's new standards. Muhammadiyah thinks that working with families, one at a time, is better than issuing blanket guidelines…

The government has said that orphanages will be assessed on how they meet the standards in 2014 and they will be closed if they do not meet them.

But, many people support orphanages in private ways. So what will the government do if orphanages fail to meet the new standards? The government doesn't have a strategy!

(Interviewee NA-13)

Resistance by some *panti asuhan* operating organisations to the new national standards led government officials to try to reassure *panti asuhan* that they would continue to play important ongoing roles. One local employee of an INGO (INA-12) explained how he tried to stress to *panti asuhan* staff that, rather than abolishing *panti asuhan*, the institutions would become important in new family support efforts as well as in continuing to provide residential child care (it will be recalled from Chapter 4 that the family support envisioned under the new *panti asuhan* policy included an assessment of

the needs of vulnerable families and children with a view to providing additional support so that children were not placed in institutions except as a last resort):

> I told them that the aim of the paradigm shift was not to abolish *panti asuhan* but to use them to deliver services to families. Getting the idea adopted at the local level was very difficult because of decentralisation. The idea is to get the ambassadors to apply pressure and to replicate in other places…

> When I held meetings to explain the proposed national standards with people who run *panti asuhan*, I got a lot of opposition. They said 'you are trying to close our orphanages'. But, I said 'no, we do not seek to abolish the children's institution, but we would like to strengthen the institutions' roles to make them part of a continuum of care for children. This [new policy] is not a full stop, but a comma'.

> The new policy will continue to use *panti asuhan* to channel funds for family-based support, and the *government has no intention of closing the institutions* [the interviewee stressed this point].

> Maybe in the next few years the money for family support will go directly to families and not through the residential child care institution.

> (Interviewee INA-12)

The challenges of overcoming opposition were addressed by Save the Children in its efforts to establish a model family-strengthening project to illustrate how deinstitutionalisation could work in practice. One expatriate INGO manager (INB-12) highlighted this approach:

> Save the Children's model is exemplary as it works at individual case level integrating professional Indonesian social workers. There is a lot of case management follow through and financial incentives to reintegrate children with

their families. About 100 children have been done so far in Bandung in 12 orphanages.

Save the Children is building support at the district and provincial level. At national level, Save the Children is now in the process of rolling the national standards to key stakeholders with the Ministry of Social Affairs in seven or eight provinces.

Also, Save the Children works with the Ministry of Social Affairs on how they track child care institutions. The Ministry of Social Affairs sends a stipend for each child and institutions are working with the families and children. Save the Children convinced the Ministry of Social Affairs to deploy 400-500 additional social workers around Indonesia. This is leveraged off initial Save the Children work in Bandung.

(Interviewee INB-12)

Thus, we see that, even though modified to take into account concerns by pro-*panti asuhan* forces, the new policy came into force (or was 'institutionalised') amidst ongoing unease from *panti asuhan* operating organisations and staff. The low-key nature of the policy launch was in keeping with the government's wish to 'manage' the ongoing opposition to its new policy. The way the policy roll-out occurred domestically was, of course, substantially different from the Indonesian Government's portrayal of the policy at the international level, that is, as a triumph for international children's rights.

10.3 Conclusions

This chapter has sketched the key phases in the development of Indonesia' new policy on *panti asuhan*. Despite the standard narrative conveyed by the Indonesian Government and some international players that policy was fundamentally driven by the Indonesian Government's decision to comply more fully with its international children's rights obligations, it revealed the complex and multifaceted nature of the policy-change process. Children's rights considerations were clearly of some importance to

policymakers, especially in light of Save the Children's reports in 2006 and 2007. But, that factor alone was unlikely to have precipitated policy change. The scene was set for policy change when, after the Asian financial crisis and the fall of Suharto, early *Reformasi* governments embarked on new domestic social, economic and administrative policies that cast into doubt the Indonesian Government's policy of support for *panti asuhan* that had been in an expansionary phase since Independence.

Moreover, cost factors played a major role in precipitating policy change in the mid-to-late 2000s. *Panti asuhan* grew massively in numbers during the latter stages of the New Order and from financial subsidies provided by early *Reformasi* governments to ease cost pressures on *panti asuhan* due to decentralisation and fuel price rises. This led to substantial increases in national government expenditure on *panti asuhan* at a time when, after the country was trying to get back on its feet economically after the Asian financial crisis, additional budgetary imposts were unwelcome. Policy reform was also clearly influenced by the personal commitment of key senior officials within the Ministry of Social Affairs whose actions appeared to spring from several motivations, including a concern about the rising costs to government of supporting *panti asuhan*.

Yet, pro-reform forces did not have an unhindered path to policy change. They struck resistance in the form of a pro-*panti asuhan* discourse-coalition that comprised *panti asuhan* operating organisations and *panti asuhan* staff themselves. This opposition led the government to refine the shape of final policy in a way that ensured an ongoing, arguably even expanded, role for *panti asuhan* into the foreseeable future. General community support for, or at least, acquiescence in, *panti asuhan* as an ostensibly 'time-honoured' method for the care of orphans and neglected children may also have played a role in shaping government thinking, although evidence that this factor weighed on the minds of policymakers is less clear. Moreover, it may be inferred that the big non-government *panti asuhan* owners and operators, Muhammadiyah and Nahdlatul Ulama, exerted some degree of political power through Partai Persatuan Pembangunan, a political party that secured several significant Cabinet positions, including as Minister for Social Affairs, in the first decade of *Reformasi*. While we do not have direct evidence about the role played by these political interests, it is noteworthy that, far from signalling a major reduction in the number of *panti asuhan* as might be expected of a

deinstitutionalisation policy, the policy that emerged around 2007-08 put *panti asuhan* at the centre of implementation arrangements well into the foreseeable future.

The final chapter discusses the implications of these findings in terms of this dissertation's principal research question.

Chapter 11: Conclusions and implications for practice and research

Overview

This concluding chapter considers the study's principal research question in light of case study findings. As well as suggesting practical lessons for policymakers and policy change advocates, it draws together implications for literature on deinstitutionalisation, interpretive public policy studies, and Indonesian social policy.

11.1 A triumph for children's rights or 'old wine in new bottles'?

This dissertation commenced with the overall aim of contributing understandings about factors that lead governments in the Global South to adopt—or not adopt—policies to deinstitutionalise children's institutions. It did so through an in-depth examination, using interpretive policy research methods, of a recent Indonesian Government decision to adopt a deinstitutionalisation policy. Specifically, it asked: What factors led the Indonesian Government to adopt a policy during the 2000s to reduce reliance on a type of children's institution known as *panti asuhan*?

In Chapter 2 it was found that the existing research literature with regard to the deinstitutionalisation of institutions for adults and for children has not effectively explored policymaking processes, so cannot serve as a guide to investigating policymaking in settings in the Global South. To address the principal research question, Chapter 3 turned to the field of public policy for explanations about deinstitutionalisation policy change processes. Set within social constructionist thought, Hajer's discourse analysis approach was selected as the dissertation's primary methodology primarily because it clearly elaborated concepts and steps for conducting research and stressed the importance of identifying how policy formation occurs through competition between coalitions of policy actors with shared understandings about policy issues and solutions, or what Hajer termed 'story lines'.

Chapter 4 set the scene for the case study by showing how Indonesia's recent policy shift on *panti asuhan* was depicted by both the Indonesian Government and international children's rights organisations as a rare instance of deinstitutionalisation

policy change in the Global South based on the uptake of international children's rights standards.

Using Hajer's methodology to look beneath the surface of this standard narrative, Chapter 5 introduced two main story lines about *panti asuhan* policymaking that emerged from interviews with key policymakers, policy advocates and observers. On one hand, those holding the 'pro-reform' story line—principally, national government officials, Save the Children and UNICEF—saw the need for policy reform not just because national governments in the early 2000s wished to comply with international children's rights principles, but also because they were inconsistent with new domestic social, economic and administrative policy directions as well as being too costly for government to continue to support. On the other hand, the '*status quo*' story line which was held mainly by *panti asuhan* operators such as Muhammadiyah regarded *panti asuhan* as useful in terms of helping poor families and as facilitating religious observances and other forms of community involvement. Chapters 6 to 9 critically examined these story lines and their constituent narratives.

Chapter 10 drew the story lines together to advance a three-phase sequence of events that led to the policy change on *panti asuhan* by the late 2000s. I argued that the two main story lines went from being beliefs to driving the formation of two distinct and active discourse-coalitions which interacted and competed to shape the new policy on *panti asuhan*. In contrast to the standard explanation of policy development driven primarily by international children's rights concerns, I argued that Indonesia's policy change occurred primarily because the 'pro-reform' discourse-coalition began to gain political and bureaucratic ascendancy in the early to mid-2000s largely in response to the Asian financial crisis and the fall of Suharto. Rather than being based fundamentally on a concern to benefit children, as per the public depiction by the Indonesian Government and other international players, the final policy represented an attempt to appease both pro-reform and *status quo* audiences under which *panti asuhan* would be allowed to continue to play a central, if somewhat changed, role while appearing to show—as per the public version of events, noted above—that Indonesia had complied with its international children's rights obligations.

Arguably, broad community support for *panti asuhan* and the fact that most *panti asuhan* were run by politically and socially influential socio-religious welfare organisations (Muhammadiyah and Nahdlatul Ulama) meant that the reality of the new policy—with its recognition of an ongoing role for *panti asuhan*—was far less ambitious than conveyed in Indonesian Government rhetoric in overseas settings. (A more sanguine view would be, of course, that the new policy represented an important first step toward reform of Indonesia's massive *panti asuhan* regime). This compromise over policy goes a considerable way to explaining why the Indonesian Government has presented the new policy to the international community principally as a case of adherence to Indonesia's international children's rights obligations under the UN Convention on the Rights of the Child while, domestically, it adopted a more gradualist approach to deinstitutionalisation that helped to assuage key pro-*panti asuhan* concerns.

These findings shed light on the principal research question as follows. First, by utilising Hajer's discourse analysis approach, the study uncovered the previously unidentified complex set of factors that led a major country in the Global South to adopt a policy to reduce the number of children living in orphanages and other types of institutions. The Indonesia case demonstrated how domestic political, economic, social, cultural and religious factors interacted with international factors throughout the policymaking process. The study revealed how the policy environment was primed for change from the early 2000s by the confluence of pro-reform forces into a discourse-coalition in the context of a rapidly shifting political scene following the fall of the Suharto regime. These forces engendered a policy environment that was more conducive to a reconfiguration of policy than at any time in Indonesia since Independence. Even though pro-*panti asuhan* forces offered resistance, changes to institutional structures particularly after the fall of Suharto and in the wake of the Asian financial crisis, as well as economic pressures on the national government in the first decade of *Reformasi* meant that momentum for change was simply too strong and policy change eventuated, albeit modified by *status quo* forces so that *panti asuhan* would continue to play a central role in implementation. Before this time, policy change was inconceivable because *panti asuhan* were strongly supported by Suharto as part of his corrupt money-making activities. The Indonesia case thus showed that contestation over policy resulted in a compromise solution in which *panti asuhan* operators received some degree of reassurance about the future of their operations.

11.2 Practice implications for policymakers and advocates

Significant practical implications arise from the use of Hajer's methodology in the case of Indonesia for other policymakers and advocates of policy change, such as INGOs, with regard to the deinstitutionalisation of children's institutions.

First, Hajer's discourse analysis methodology revealed the inner dynamics of Indonesian policymaking, providing new understandings about factors that shaped the development of a new policy on *panti asuhan* during the 2000s. This enabled me to interrogate and challenge the standard narrative that concern for children's rights was the primary driver of policy change. Recognition of how the final policy represented a compromise of domestic political, economic and social forces as well as international factors, provides a 'tool kit' for Indonesian Government policymakers and NGO advocates in order that they can understand, and navigate around or counter, potential road-blocks to policy implementation should they wish to do so.

Going beyond the case of Indonesia, use of Hajer's methodology may help to move beyond the current stalemated position, referred to in Chapter 1, in which the international community delivers little more than blame and calls for governments in the Global South to summon-up 'political will' to devise and implement deinstitutionalisation policies and programs in regard to children's institutions. To help move past this rhetoric, government policymakers and policy change advocates need tools that assist them to build effective policies. The Indonesia case study indicates that Hajer's discourse analysis methodology can improve understandings about factors that impede or advance progress on deinstitutionalisation policymaking. While case study findings from Indonesia cannot automatically be transferred to other countries with their own distinctly different political, social, cultural, social and religious characteristics, Hajer's discourse analysis approach is applicable in other countries in the Global South. Such a way of analysing the policymaking process in relation to broader social, political, economic and other contextual factors seems highly likely to produce nuanced understandings about factors that make policy change more or less likely to occur in the first instance, as well as more of less likely to bear fruit in the implementation phase. It may also better enable policymakers and policy change advocates to craft recommendations for change that take into account the interests of groups that oppose change but who cannot be ignored. A challenge for non-government policy advocacy

organisations, in particular, is to invest sufficient time and money to develop and maintain such nuanced understandings as a standing element in their professional repertoire. Such an investment may lead to more effective outcomes in terms of advancing their advocacy objectives.

Second, the importance of Hajer's discourse analysis tool for policymakers and policy change advocates is heightened by research into the effectiveness of deinstitutionalisation policies and programs in the Global North. As will be recalled from Chapter 2, research about the deinstitutionalisation of institutions for adults in the Global North suggested an association between the reasons why deinstitutionalisation was undertaken in the first place and the resulting success or otherwise of deinstitutionalisation implementation. If, as some researchers argue with respect to the closure of adult mental institutions in the US that cost was a significant driver of deinstitutionalisation policy change, then parsimony also flowed through to policy implementation efforts with the result that community-based programs were poorly funded and often proved ineffective. With respect to the deinstitutionalisation of children's institutions in the Global South, using the same logic, it seems important to more fully understand the factors that drive policy change in the first instance because, therein, may lay the seeds of the success or failure of policy implementation efforts.

In the case of Indonesia, understanding that the new *panti asuhan* policy outcome envisioned an ongoing key role for existing *panti asuhan* may help government and non-government players to recognise issues that affect implementation and, if possible, put in place remedial actions. On the basis of other deinstitutionalisation literature relating to the Global North, it appears probable that the compromises embedded within Indonesia's new *panti asuhan*, and particularly the importance of conserving public funds, may strongly influence the speed and comprehensiveness of policy implementation in meeting the Indonesian Government's own stated policy goals, especially prioritising the care of children in family-like and community-based settings rather than in *panti asuhan* (see Chapter 4). Without the benefit of discourse analysis to delve deeply into the factors that underpin *panti asuhan* policy formation one could not have fully understood the factors that might also influence the pace and effectiveness of on-ground policy implementation. With a more detailed understanding of policy design factors through Hajer's discourse analysis methodology, there would appear to be

greater scope to identify ways to meet policy goals than if one relied on generalised or simplified accounts about how policy regarding the deinstitutionalisation of children's institutions was formed.

11.3 Contributions to research

Through this case study, contributions have been made to three research literatures, that is, on deinstitutionalisation policymaking, interpretive public policy, and Indonesian social policy.

First, this study is one of the first to focus on the dynamics of policymaking about the deinstitutionalisation of children's institutions in the Global South. Important work has been done by social workers and other professionals to assist governments and other organisations to establish effective on-ground deinstitutionalisation programs in the Global South. However, there has been a gap in research into why and how deinstitutionalisation policymaking occurs or does not occur. Concerns expressed by the international community over the pace of policymaking and policy implementation in relation to the deinstitutionalisation of children's institutions in the Global South stand to be better informed by studies that more accurately pin-point the challenges and opportunities for policy change.

Great care is needed if one were to try to draw lessons from the Indonesia case for other countries of the Global South. Differing social, cultural, political and other characteristics mean that such an attempt is fraught with challenges. Nonetheless, based on the case study, one might tentatively suggest that deinstitutionalisation policy change may be more likely to occur in the presence of two co-occurring factors. In the first instance, it seemed particularly important in terms of engendering a policy environment that was conducive to change that policy change advocates, such as Save the Children and UNICEF, marshalled and presented their arguments for change supported by evidence at critical junctures in Indonesian history, that is, in the aftermath of the fall of Suharto and the Asian financial crisis, the advent of the *Reformasi* era, and the 2004 Indian Ocean tsunami. Moreover, it seems that arguments for deinstitutionalisation are more powerful when they are also seen as being helpful to government in terms of addressing other national political, economic or social problems that are not necessarily related to children's issues. This study found that new policy directions on *panti asuhan*

became thinkable, if not necessary, in the context of change to broader national policy priorities concerning fiscal restraint and new social welfare policy thinking. Future empirical studies of deinstitutionalisation policymaking in other countries could usefully investigate and refine these contentions.

Second, to date, methodologies from public policy studies have not been deployed to understand deinstitutionalisation policymaking in depth, either with respect to adult or children's institutions in either the Global North or Global South. This study has drawn on interpretivist approaches that are helping to unearth more detailed understandings about the perspectives and motivations of key players and the complexities that shape policy change. Without the benefit of seeing the Indonesia case through a discourse analysis lens, we would have been left only with the standard narrative as advanced by the Indonesian Government and some international players that *panti asuhan* policy change was driven mainly by international factors, that is, as a beacon for international children's rights compliance and a model for the deinstitutionalisation of children's institutions in the Global South. Without finer-grained analysis facilitated by discourse analysis techniques, we would not have seen that other factors, such as government concern over the rising cost of subsidising *panti asuhan* at a time of heightened sensitivity about overall government expenditures after the Asian financial crisis, also played a decisive role in precipitating policy change. And, we could not have understood the compromises in policymaking that, in all probability, will underpin the success or failure of policy implementation.

As well as helping to illuminate substantive aspects of Indonesian policymaking on *panti asuhan*, the study has also provided an opportunity to critically assess possible limitations to Hajer's discourse analysis approach. In Chapter 3 it was noted that Hajer's methodology has become increasingly popular amongst epistemologically interpretivist researchers, especially in relation to environmental policy issues in the Global North. Its application has, more recently, also spread to other topic areas in these countries, as well as in relation to policy topics in some countries of the Global South. Yet, these studies have not discussed in any depth the pros and cons of applying Hajer's methodology in non-Global North contexts, including whether or not Hajer's preference for an examination of discourses in relation to written materials such as parliamentary

records in countries where these may not be as readily available reduces the applicability of his method.

Applying Hajer's approach to the case of Indonesia highlighted some important issues from the perspective of the researcher. It will be recalled that Hajer emphasised the importance of understanding how discourse-coalitions vied for policy dominance by analysing materials such as parliamentary hansard and written committee proceedings. These sources, he contended, had the potential to show how the argumentative discourse occurred as policy players each holding particular story lines engaged one another. In the case of Indonesia, however, such written information was scant. No written parliamentary or committee records were available for analysis. This led to a situation where the main primary source of information about discourses, story lines and metaphors came from interviews.

Yet, I conclude that, even in the absence of written secondary materials such as records of parliamentary proceedings as Hajer might have preferred, Hajer's discourse analysis methodology was clearly applicable in the case of Indonesia. A plausible chain of events the led to the policy change was discernible on the basis of interviews with a diverse range of policymakers, policy advocates and observers considered in light of the wider social, political, economic and cultural context in which policymaking occurred. I contend, therefore, that perceived limitations in applying Hajer's methodology in countries which do not have extensive published parliamentary and other written sources are unlikely to hinder a thorough understanding of the policy development process provided that interviewees are selected from as wide a range of perspectives as possible and care is taken to analyse the broader contexts in which policymaking takes place. Thus, I contend that Hajer's approach is highly likely to be applicable in understanding policymaking with regard to the deinstitutionalisation of children's institutions in many other countries of the Global South. On this basis, I recommend that interested policymakers and policy advocates, especially INGOs, invest in developing and applying such policy analytic skills in other country contexts.

A third main contribution made by this dissertation is to understandings about Indonesian social policy and, specifically, about *panti asuhan*. It has shed light on the reasons why Indonesia embarked on a policy change process about *panti asuhan*. Prior

to this study, there was no academic investigation of the processes behind the formation of this policy. Neither has any previous study brought together such a comprehensive account of the historical development of *panti asuhan* from the advent of the orphanage model under the Dutch to its major expansion under Suharto and beyond. Such an empirical study should thus interest scholars of Indonesia, and help to expand inquiry into social policy which stands relatively neglected compared with areas such as economics and security studies.

Finally, the study has revealed important gaps in research about almost every aspect of *panti asuhan*, such as the short and longer impacts of institutions on children and nature and how communities interact with various *panti asuhan* across Indonesia. Future research could usefully focus on areas such as the nature and quality of care provided to children and young people living in *panti asuhan*, the emotional, psychological, social and physical impacts of institutionalisation on children and young people, evaluating the implementation of the new *panti asuhan* policy, especially in terms of the effectiveness of family support activities and rates of relinquishment of children to institutions, and, finally, the emotional, psychological, social and other consequences for adults who, as children, were placed in *panti asuhan*.

Epilogue

By early 2015, some eight years after the Indonesian Government began to announce initiatives that signalled a new policy direction on *panti asuhan*, Save the Children Indonesia advised that, in total, only 250 children who had been living in *panti asuhan* in West Java and Yogyakarta areas had been reunited with their families and that 30 children previously living in *panti asuhan* had been placed in foster care or had been adopted (2015, pers. comm., 2 March).

Moreover, the pace of the Indonesian Government's implementation of its new policy on *panti asuhan* has continued to attract concern at international levels. As recently as 2014, the UN Committee on the Rights of the Child considered Indonesia's compliance with provisions in the UN Convention on the Rights of the Child relating *inter alia* to children who live without parental care. The Committee (UN Committee on the Rights of the Child 2014, pp. 9-10) expressed concerns about several matters, thus:

> Poor families who may still be unable to meet their children's basic needs and who find themselves obliged to give up the care of their children…The small number of family-based placements of children and the continued widespread use of institutionalization…The very limited requirements for obtaining a license to run an alternative-care institution…The lack of compliance by most institutions with the standards introduced in the National Standard for Child Care; the absence of compliance monitoring; frequent incidences of violence within institutions; and children living in institutions lacking the possibility to meet their families…The lack of an adequate system of disaggregated data collection on children living in institutions.

It is, of course, early days in terms of the implementation of the new *panti asuhan* policy in a country of Indonesia's size. On the basis of this study, however, one wonders whether the new policy, which treads a cautious line between pro-reform and *status quo* agendas, can offer the clarity of purpose that is needed to realise a key policy goal any time soon, that is, in the words of the Indonesian Government to the UN Committee on the Rights of the Child (2012b), 'prioritizing family-like and community-based care as the first alternative' to the placement of children in *panti asuhan* (p.23). Evaluating the

implementation of the new policy will, therefore, be an important next step, and one that may provide valuable insights not only for Indonesia but for other countries that are either contemplating or undertaking deinstitutionalisation policy reform.

Organisations consulted, 2012-14

In Indonesia

Bahtera Foundation (Bandung)

Dinas Sosial Kota Bandung/Social Affairs Office, Municipality of Bandung

International Labour Organization (Jakarta)

Komisi Perindungan Anak Indonesia/Indonesian Commission on Child Protection (Jakarta)

Komisi VIII (Commission Eight) for People's Welfare, House of Representatives (Jakarta)

Kompas media (Jakarta)

Lembaga Penelitian SMERU Research Institution (Jakarta)

Muhammadiyah (Jakarta)

Plan International Indonesia (Jakarta)

Government of Indonesia, Badan Perencanaan Pembangunan Nasional/National Development Planning Agency (Jakarta)

Government of Indonesia, Ministry of Social Affairs (Jakarta)

Government of Indonesia, Kementerian Pemberdayaan Perempuan Dan Perlingdungan Anak/Ministry of Women's Empowerment and Child Protection (Jakarta)

Pimpinan Pusat 'Aisyiyah Majelis Kesejahateraan Sosial/Social Welfare Council of Central Board of 'Aisyiyah (the women's section of Muhammadiyah) (Jakarta)

Sekolah Tinggi Kesejahteraan Sosial Bandung/School of Social Work (Bandung)

Save the Children Indonesia (Jakarta)

UNICEF Indonesia (Jakarta)

Universitas Atma Jaya (Jakarta)

World Vision Indonesia (Jakarta)

Yayasan Kesejahteraan Anak Indonesia/Indonesian Child Welfare Foundation (Jakarta)

Yayasan Semai Jiwa Amini Foundation (Jakarta)

Outside Indonesia	Save the Children Australia (Melbourne) Former child protection/rights consultant to Save the Children UK/Indonesia

Summary of interviews, 2012-14

Sector	Code	February 2012 Interviews held all in Jakarta except as marked (see explanatory notes, below)	January 2013 Interviews held all in Jakarta except as marked (see explanatory notes, below)	March 2013 Interviews in Australia	August 2014 Interviews in Australia	Total number of interviews held except as marked (see explanatory notes, below)	Number of interviewees
National Parliament	NP	-	1	-	-	1	1
National government bureaucracy	G	3	11 (but 2 interviewed twice) (2*)	-	-	14 (2*)	12
Local provincial or district government bureaucracy	LG	-	2 (2*)	-	-	2 (2*)	2

INGO	IN	3 (1*)	6 (but 2 interviewed twice) (1*) (1^)	1^	-	10 (2*) (2^)	8
NGO	N	2	5 (but 2 interviewed twice) (1*)	-	1 (interviewed in Australia as well as twice previously in Indonesia)	8 (1*)	5
Academia	A	2 (1*)	2 (but 1 interviewed twice)	-	-	4 (1*)	3
Media/journalism	J	-	1	-	-	1	1
UN	UN	2	1	-	-	3	3
Total		12 (2*)	29 (but 7 interviewed twice)	1 (1^)	1 (interviewed in Australia	43 (8*) (2^)	35

		(6*)		as well as		
		(1^)		twice		
				previously in		
				Indonesia)		

Explanation of symbols used:

* indicates that interview was conducted in Bandung, Indonesia

^ indicates that interview was conducted by telephone

Indonesia: key laws, decrees and regulations relating to children and reports to the UN Committee on the Rights of the Child

Laws, decrees and regulations

1945-67 (Sukarno Presidency)	Constitution of the Republic of Indonesia (1945) (especially, Articles 20, 20A(1), 21, 28B(2), and 34)
1967-98 (Suharto Presidency)	Law 4/1979 on children's welfare
	Law 7/1984 on the Convention on the Elimination of all Forms of Discrimination against Women
	Presidential Decree 36/1990 on the ratification of the UN Convention on the Rights of the Child
	Law 3/1997 on the juvenile court
	Law 4/1997 on disabled persons
	Law 22/1997 on drugs
1998-99 (Habibie Presidency)	Law 5/1998 on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
	Regulation 2/1998 on social welfare efforts for children in crisis situations
	Law 20/1999 on International Labour Organisation Convention 138 concerning the minimum age for admission to employment
	Law 29/1999 on the International Convention on the Elimination of All Forms of Racial Discrimination
	Law 39/1999 on human rights

1999-2001 (Wahid Presidency)	Law 1/2000 on the ratification of International Labour Organisation Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour
2001-2004 (Megawati Presidency)	Law 23/2002 on child protection
2004-2014 (Yudhoyono Presidency)	Law 40/2004 on social security
	Law 11/2009 on social welfare
	Regulation of the Minister for Social Affairs, Number 107/HUK/2009, on the Accreditation of Social Welfare Institutions
	Regulation of the Minister for Social Affairs, Number 108/HUK/2009, on the certification of professional social workers and social welfare workers
	Decree of the Minister for Social Affairs, Number 30/HUK/2011, on National standards of care in Child Welfare Institutions

Reports to the UN Committee on the Rights of the Child

The Indonesian Government has issued four reports to the UN Committee on the Rights of the Child, as follows:

First periodic report: UN doc. CRC/C/3/Add.10 issued in November 1992; and, UN doc. CRC/C/3/Add.26 issued on 8 March 1994.

Second periodic report: UN doc. CRC/C/65/Add.23 issued on 5 February 2002.

Combined third and fourth periodic reports: UN doc. CRC/C/IDN/3-4 issued on 14 October 2010.

In response, the UN Committee on the Rights of the Child has issued six reports with respect to Indonesia (in addition to working papers and summary records), as follows:

On the Indonesian Government's first periodic report: UN doc. CRC/C/3/Add.10 issued on 14 January 1993; UN doc. CRC/C/15/Add.7 issued on 18 October 1993; and UN doc. CRC/C/15/Add.25 issued on 24 October 1994.

On the Indonesian Government's second periodic report: UN doc. CRC/C/15/Add.223 issued on 26 February 2004.

On the Indonesian Government's combined third and fourth periodic reports: UN doc. CRC/C/IDN/3-4 issued on 14 October 2010; and, UN doc. CRC/C/IDN/CO/3-4 issued on 13 June 2014.

(United Nations Committee on the Rights of the Child 1993a, 1993b, 1994a, 1994b, 2003, 2004a, 2004b, 2012b, 2014).

Panti asuhan: prevalence and subsidisation

This Appendix provides information about: (a) the amount of fuel subsidy reduction compensation paid by the Indonesian Government to *panti asuhan* between 2001 and 2007; (b) the estimated number of *panti asuhan* between 1990-91 and 2006-07; and, (c) the estimated number of children in *panti asuhan* between 1990-91 and 2006-07:

(a) **The amount of fuel subsidy reduction compensation paid by the Indonesian Government to *panti asuhan* between 2001 and 2007.** Three figures are provided: Figure D.1 on the amount of fuel subsidy reduction compensation funding to *panti asuhan*, 2001-07; Figure D.2 on the number of *panti asuhan* in receipt of fuel subsidy reduction compensation, 2001-07; and Figure D.3 on the estimated number of children who received fuel subsidy reduction compensation, 2001-05. These figures use unpublished data provided by the Ministry of Social Affairs about fuel subsidy reduction compensation provided to *panti asuhan.* In Figure D.1 it will be noted that the amount of fuel subsidy reduction compensation paid to *panti asuhan* rose from IDR25.8 million in 2001 to IDR126 million in 2007. Figure D.2 shows that the number of *panti asuhan* in receipt of fuel subsidy reduction compensation rose from 2,327 in 2001 to 5.053 in 2007. Figure D.3 indicates that the number of children who received fuel subsidy reduction compensation rose from 95,500 in 2001 to 150,000 in 2007.

(b) **The estimated number of *panti asuhan* between 1990-91 and 2006-07.** Two figures are provided: Figure D.4 on the estimated number of *panti asuhan*, 1990-91 to 2006-07; and Figure D.5 on the estimated annual growth rate of *panti asuhan*, 1991-92 to 2006-07. Both figures use the same data for the period between 1990-91 and 1997-98 provided by the Indonesian Government to the UN Committee on the Rights of the Child in 2003 (United Nations Committee on the Rights of the Child 2003, p. 42). Figure D.4 provides three estimates for the decade after 1997-98: estimate 1, based on Indonesian Government data provided to the UN Committee on the Rights of the Child and fuel subsidy reduction compensation data; estimate 2, based on Indonesian Government data and thereafter Save the Children's estimate

(2007) that known fuel subsidy reduction compensation recipients represented 82 per cent of all *panti asuhan* (total *panti asuhan* 5,250); and, estimate 3, based on Indonesian Government data and thereafter Save the Children's estimate (2007) that known fuel subsidy reduction compensation recipients represented 50 per cent of all *panti asuhan* (total *panti asuhan* 8,610). Thus, we see estimates that the number of *panti asuhan* rose from 983 in 1990-91 to either 5,053, 5,250 or 8,610 in 2006-07. Figure D.5 provides three estimates for the decade after 1997-98 based on the same parameters as in Figure D.4. Thus, we see estimates of the average annual growth rate in the number of *panti asuhan* rose from four per cent in 1991-92 to either 11, 14 or 20 per cent in 2006-07. The strong rate of increase during the 1997-98 Asian financial crisis will be noted.

(c) **The estimated number of children in *panti asuhan* between 1990-91 and 2006-07.** Two figures are provided: Figure D.6 on the estimated number of children in *panti asuhan*, 1990-91 to 2006-07; and Figure D.7 on the estimated annual growth rate in the number of children in *panti asuhan*, 1991-92 to 2006-07. Based on Ministry of Social Affairs and Save the Children data, Figure D.6 shows five estimates for the number of children in *panti asuhan* during the period 2000-01 to 2006-07. It will be observed that all these estimates indicated increases, ranging from 95,458 to 161,302 in 2000-01 to 150,075 to 516,000 in 2006-07. Also based on Ministry of Social Affairs and Save the Children data, Figure D.7 shows five estimates for the annual rate of growth in the number of children in *panti asuhan* during the period 1997-98 to 2006-07. All estimates indicated substantial increases in annual rates for this period when compared with the decade prior to the Asian financial crisis. Between 1990-91 and 1996-97, annual growth ranged from 7.5 per cent to minus one per cent. In 1997-98 alone, growth peaked at 32 per cent. Between 1997-98 and 2006-07, average annual growth rates ranged from four to 21 per cent.

Figure D.1 **Fuel subsidy reduction compensation to *panti asuhan*, 2001-07**
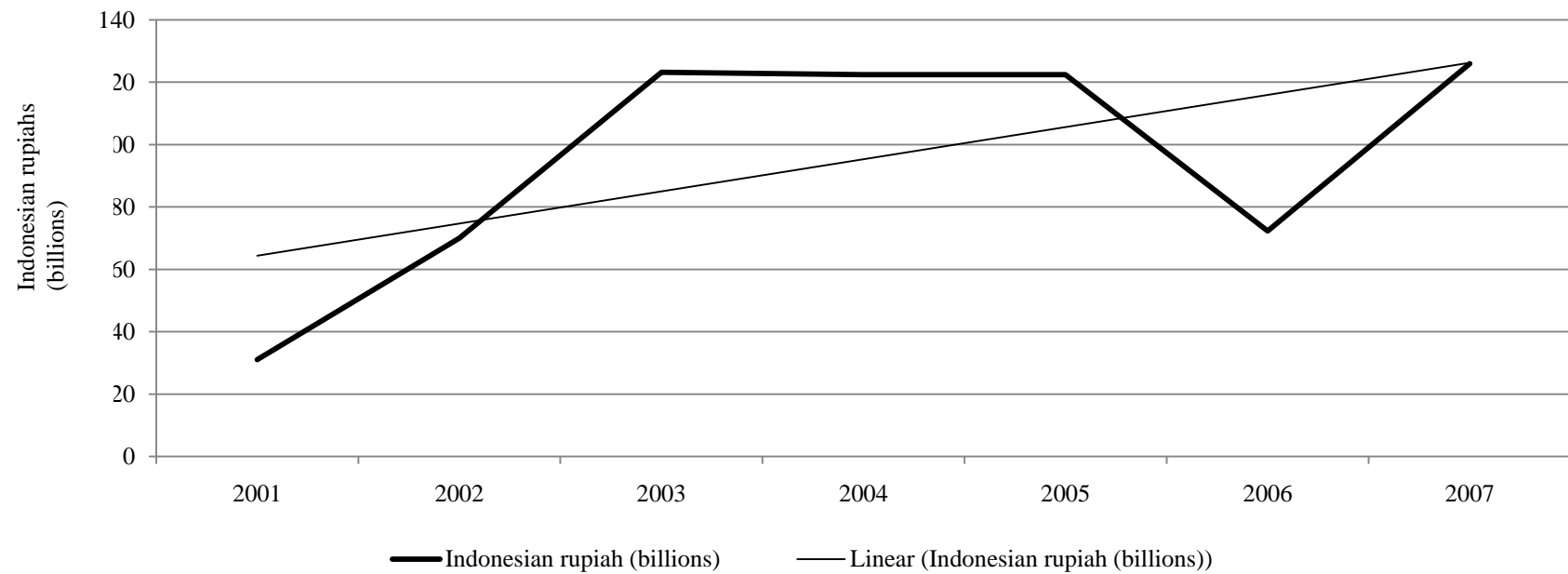
Source: Government of Indonesia Ministry of Social Affairs (2013).

Figure D.2 *Panti asuhan* **in receipt of fuel subsidy reduction compensation, 2001-07** (number)

Number of panti asuhan that received fuel subsidy reduction compensation
Linear (Number of panti asuhan that received fuel subsidy reduction compensation)
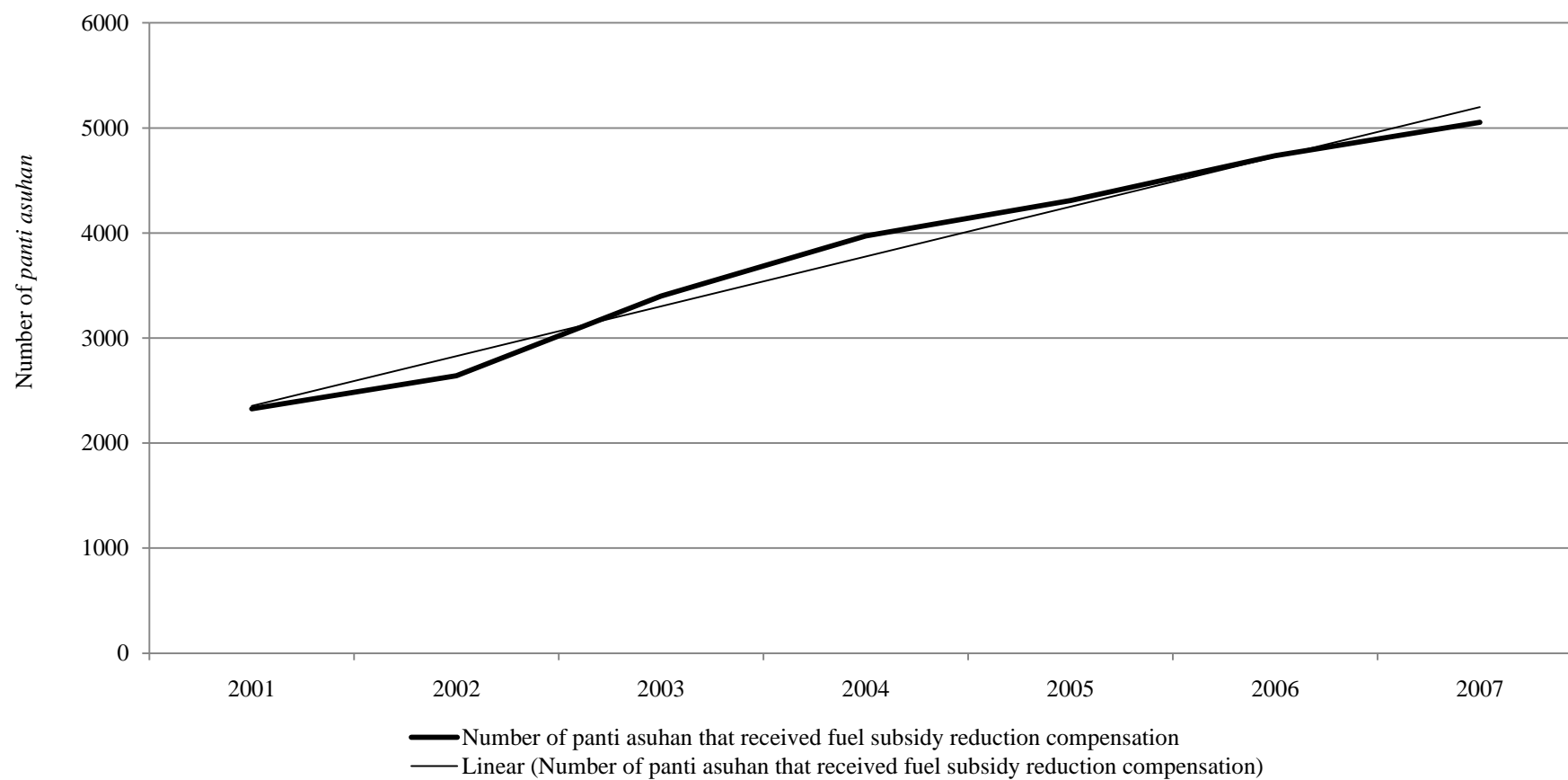
Source: Government of Indonesia Ministry of Social Affairs (2013).

Figure D.3 **Children living in *panti asuhan* supported through fuel subsidy reduction compensation, 2001-07** (estimated number)

Number of children who received fuel subsidy reduction compensation (thousands)

Linear (Number of children who received fuel subsidy reduction compensation (thousands))
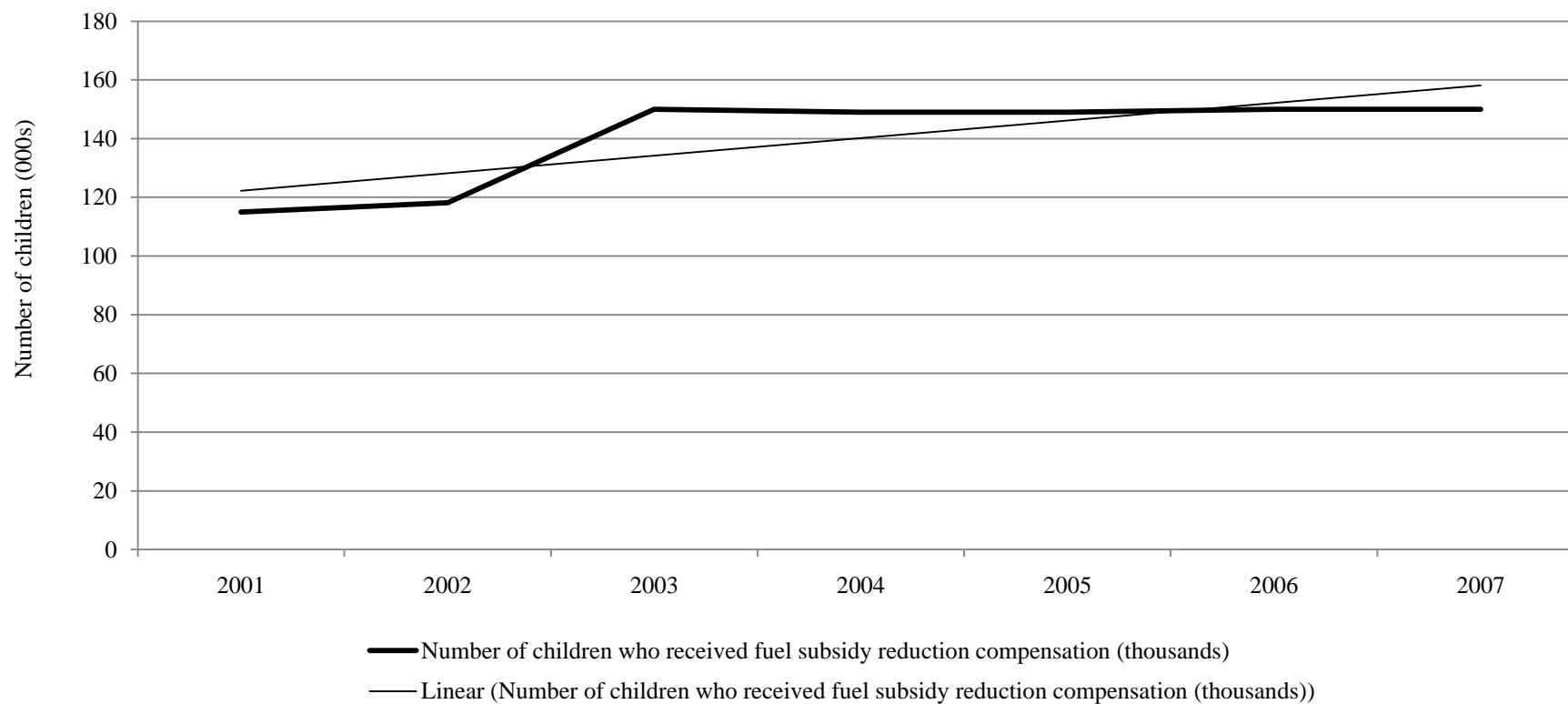
Source: Government of Indonesia Ministry of Social Affairs (2013).

Figure D.4 *Panti asuhan*, **1990-91 to 2006-07** (estimated number)
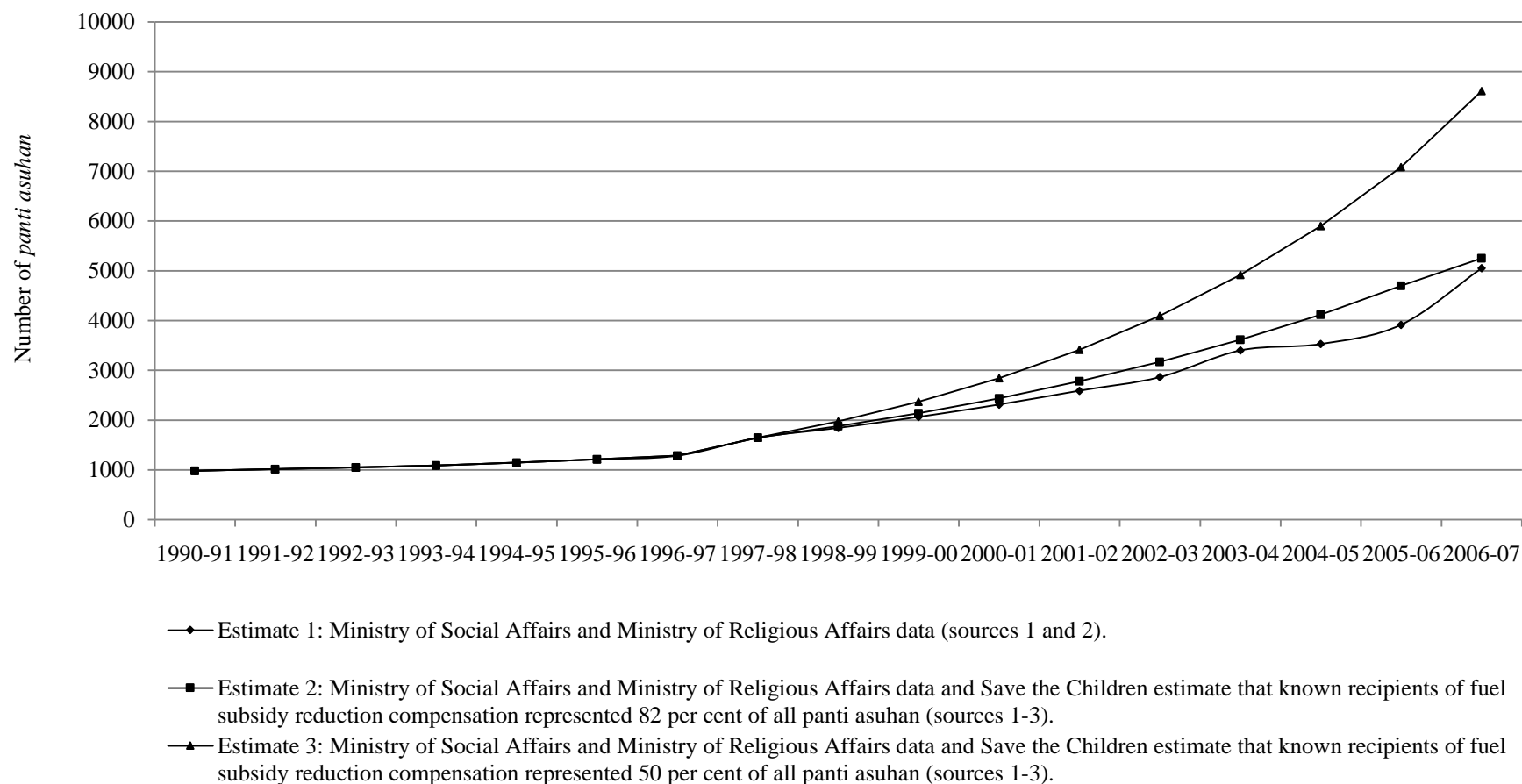
—◆— Estimate 1: Ministry of Social Affairs and Ministry of Religious Affairs data (sources 1 and 2).

—■— Estimate 2: Ministry of Social Affairs and Ministry of Religious Affairs data and Save the Children estimate that known recipients of fuel subsidy reduction compensation represented 82 per cent of all panti asuhan (sources 1-3).

—▲— Estimate 3: Ministry of Social Affairs and Ministry of Religious Affairs data and Save the Children estimate that known recipients of fuel subsidy reduction compensation represented 50 per cent of all panti asuhan (sources 1-3).

Sources: 1. Government of Indonesia, Ministry of Religious Affairs, cited in Report by the UN Committee on the Rights of the Child: Indonesia (United Nations Committee on the Rights of the Child 2003, p. 42); 2: Fuel subsidy reduction compensation data supplied by the Ministry of Social Affairs (Government of Indonesia 2013b); 3: Fuel subsidy reduction compensation data supplied by the Ministry of Social Affairs and estimates by Save the Children UK et al. (2007, pp. 18-19).

Figure D.5 **Number of *panti asuhan*, 1991-92 to 2006-07** (estimated growth rates)
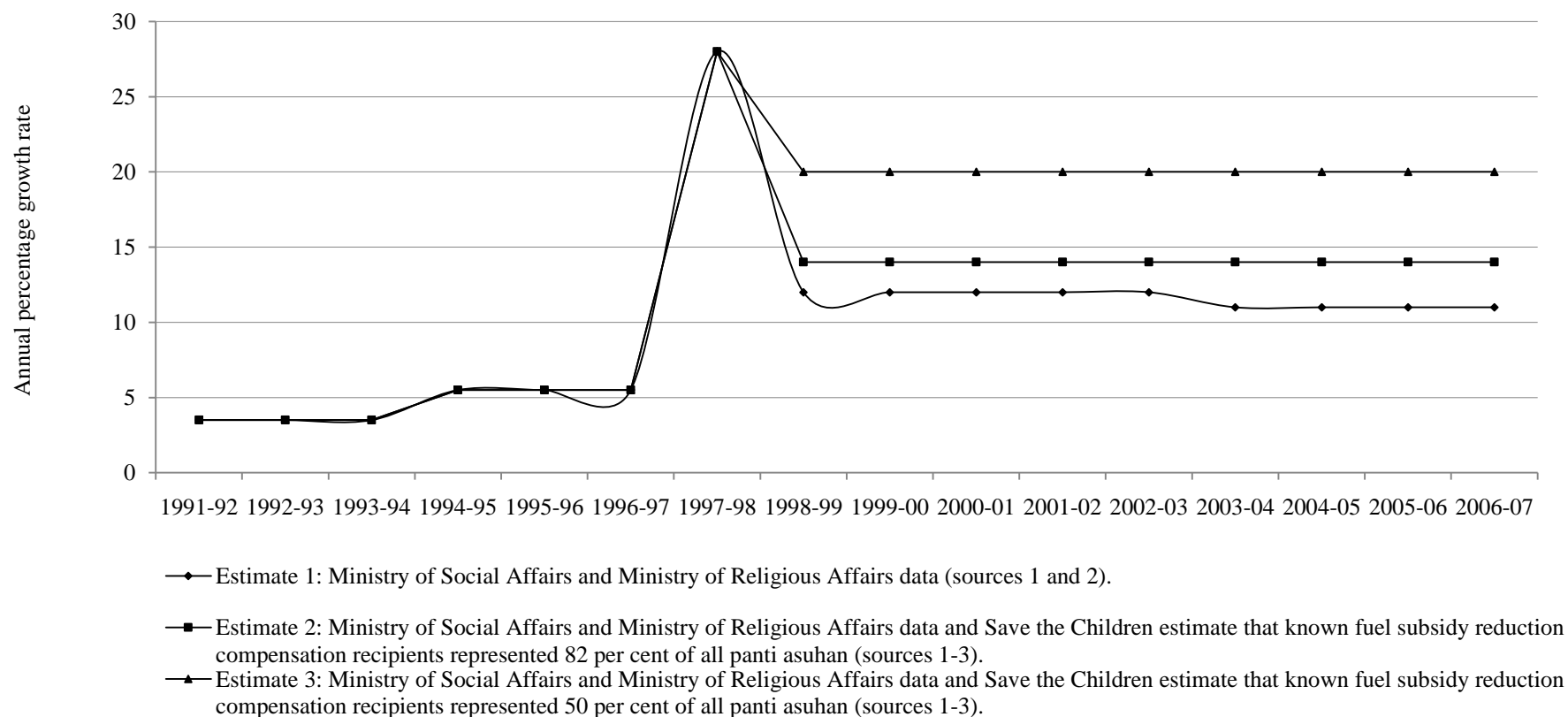
—◆— Estimate 1: Ministry of Social Affairs and Ministry of Religious Affairs data (sources 1 and 2).

—■— Estimate 2: Ministry of Social Affairs and Ministry of Religious Affairs data and Save the Children estimate that known fuel subsidy reduction compensation recipients represented 82 per cent of all panti asuhan (sources 1-3).

—▲— Estimate 3: Ministry of Social Affairs and Ministry of Religious Affairs data and Save the Children estimate that known fuel subsidy reduction compensation recipients represented 50 per cent of all panti asuhan (sources 1-3).

Sources: 1. Government of Indonesia, Ministry of Religious Affairs, cited in Report by the UN Committee on the Rights of the Child: Indonesia (United Nations Committee on the Rights of the Child 2003, p. 42); 2: Fuel subsidy reduction compensation data supplied by the Ministry of Social Affairs (Government of Indonesia 2013b); 3: Fuel subsidy reduction compensation data supplied by the Ministry of Social Affairs and estimates by Save the Children UK et al. (2007, pp. 18-9).

Figure D.6 **Children in *panti asuhan*, 1990-91 to 2006-07** (estimated number)

— Estimate 1: Ministry of Social Affairs and Ministry of Religious Affairs data (sources 1 and 2).

— Estimate 2: Ministry of Social Affairs and Ministry of Religious Affairs data to 1997-98 and thereafter Save the Children's estimate that there were an average of 43 children per institution in 5,250 institutions (sources 1-3).

— Estimate 3: Ministry of Social Affairs and Ministry of Religious Affairs data to 1997-98 and thereafter Save the Children's estimate that there were an average of 60 children per institution in 5,250 institutions (sources 1-3).

— Estimate 4: Ministry of Social Affairs and Ministry of Religious Affairs data to 1997-98 and thereafter Save the Children's estimate that there were an average of 43 children per institution in 8,610 institutions (sources 1-3).

— Estimate 5: Ministry of Social Affairs and Ministry of Religious Affairs data to 1997-98 and thereafter Save the Children's estimate that there were an average of 60 children per institution in 8,610 institutions (sources 1-3).
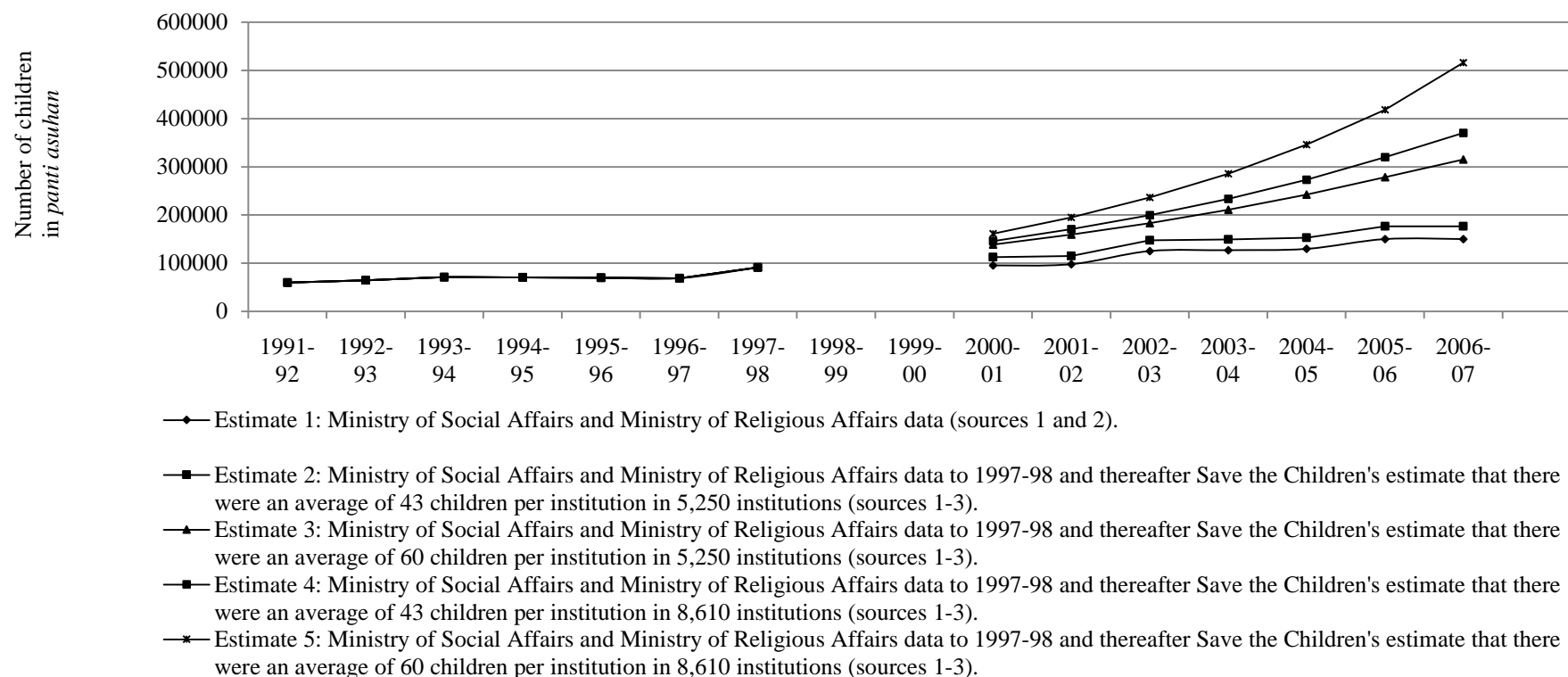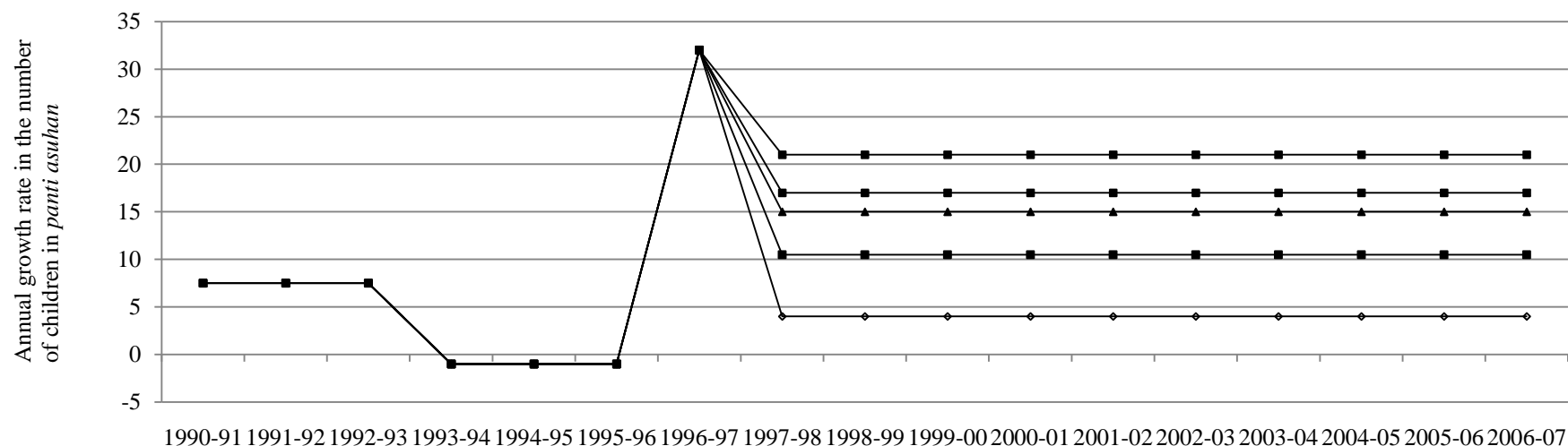
Sources: 1. Government of Indonesia, Ministry of Religious Affairs, cited in Report by the UN Committee on the Rights of the Child: Indonesia (United Nations Committee on the Rights of the Child 2003, p. 42); 2: Fuel subsidy reduction compensation data supplied by the Ministry of Social Affairs (Government of Indonesia 2013b); 3: Fuel subsidy reduction compensation data supplied by the Ministry of Social Affairs and estimates by Save the Children UK et al. (2007, pp. 18-9). NB: data are unavailable for the period between 1998-99 and 2000-01.

Figure D.7 **Number of children in *panti asuhan*, 1991-92 to 2006-07** (estimated growth rates)

————— Estimate 1: Ministry of Social Affairs and and Ministry of Religious Affairs data (sources 1 and 2).

——■—— Estimate 2: Ministry of Social Affairs and Ministry of Religious Affairs data to 1997-98 and thereafter Save the Children's estimate that there were an average of 43 children per institution in 5,250 institutions (sources 1-3).

——▲—— Estimate 3: Ministry of Social Affairs and Ministry of Religious Affairs data to 1997-98 and thereafter Save the Children's estimate that there were an average of 60 children per institution in 5,250 institutions (sources 1-3).

——■—— Estimate 4: Ministry of Social Affairs and Ministry of Religious Affairs data to 1997-98 and thereafter Save the Children's estimate that there were an average of 43 children per institution in 8,610 institutions (sources 1-3).

——■—— Estimate 5: Ministry of Social Affairs and Ministry of Religious Affairs data to 1997-98 and thereafter Save the Children's estimate that there were an average of 60 children per institution in 8,610 institutions (sources 1-3).

Sources: 1. Government of Indonesia, Ministry of Religious Affairs, cited in Report by the UN Committee on the Rights of the Child: Indonesia (United Nations Committee on the Rights of the Child 2003, p. 42); 2: Fuel subsidy reduction compensation data supplied by the Ministry of Social Affairs (Government of Indonesia 2013b); 3: Fuel subsidy reduction compensation data supplied by the Ministry of Social Affairs and estimates by Save the Children UK et al. (2007, pp. 18-9).

Location and number of *panti asuhan* receiving fuel subsidy reduction compensation, 2007

Province	Population according to 2000 census (Source 1)	Number of *panti asuhan* receiving fuel subsidy reduction compensation, 2007 (Source 1)	Number of people per *panti asuhan* (Source 1)	Number of *panti asuhan* per 100,000 people (Source 1)	Percentage of poor rural and urban people, 2007 (Source 2)
Nanggroe Aceh Darussalam	3,930,905	187	21,021	4.8	26.65
North Sumatera	11,649,655	90	129,441	0.8	13.90
West Sumatera	4,248,931	93	45,687	2.2	11.90
Riau	4,957,627	63	78,692	1.3	11.20
Jambi	2,413,846	55	43,888	2.3	10.27
South Sumatera	6,899,675	100	68,997	1.4	19.15
Bengkulu	1,567,432	14	111,959	0.9	22.13
Lampung	6,741,439	149	45,245	2.2	22.19
Bangka Belitung	900,197	23	39,139	2.6	9.54
Jakarta special capital region	8,389,443	87	96,430	1.0	4.61
West Java	35,729,537	652	54,800	1.8	13.55
Central Java	31,228,940	380	82,181	1.2	20.43
Yogyakarta special region	3,122,268	55	56,769	1.8	18.99

East Java	34,783,640	794	43,808	2.3	19.98
Banten	8,098,780	169	47,922	2.1	9.07
Bali	3,151,162	50	63,023	1.6	6.63
West Nusa Tenggara	4,009,261	211	19,001	5.3	24.99
East Nusa Tenggara	3,952,279	102	38,748	2.6	27.51
West Kalimantan	4,034,198	95	42,465	2.4	12.91
Central Kalimantan	1,857,000	38	48,868	2.0	9.38
South Kalimantan	2,985,240	67	44,556	2.2	7.01
East Kalimantan	2,455,120	96	25,574	3.9	11.04
North Sulawesi	2,012,098	43	46,793	2.1	11.42
Central Sulawesi	2,218,435	98	22,637	4.4	22.42
South Sulawesi	8,059,627	268	30,073	3.3	14.11
Southeast Sulawesi	1,821,284	59	30,869	3.2	21.33
Gorontalo	835,044	21	39,764	2.5	27.35
Maluku	1,205,539	20	60,277	1.7	31.14
North Maluku	785,059	24	32,711	3.1	11.97
Papua	2,220,934	78	28,474	3.5	40.78
Total Indonesia	206,264,595	4,305	47,913	2.1	16.58

Sources: 1. Save the Children UK et al. (2007, p. 20); 2. Government of Indonesia, Statistics Indonesia, number and percentage of poor people, poverty line, poverty gap index, poverty severity index by province, March 2007 (Government of Indonesia 2013a).

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