

**DEALING WITH POLITICAL CRISIS:  
HOW UK PARLIAMENT ADDRESSES  
THE EXPENSES SCANDAL**

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*Abstrak*

*Negara Inggris baru saja memiliki parlemen baru. Sebagai 'ibu' parlemen dunia, parlemen Inggris terus berupaya untuk menunjukkan aspek-aspek parlemen yang baik setelah menghadapi kasus skandal keuangan di tahun 2009. Tulisan ini akan menampilkan pelajaran apa yang bisa dipetik oleh DPR dalam menghadapi skandal serupa: tindakan cepat dan langkah-langkah jangka panjang apa yang semestinya dilakukan. Reformasi politik ini amat diperlukan untuk memulihkan kembali kepercayaan rakyat terhadap institusi parlemen. Kajian dalam tulisan ini memperlihatkan bagaimana dengan penanganan krisis yang tepat, parlemen Inggris dapat kembali mendapatkan kepercayaan publik terhadap institusi ini.*

*Abstract*

UK just has formed a new parliament. As the 'mother' of world's parliaments, the British Parliament should highlight the good aspects of parliament after having faced a money scandal in 2009. The paper demonstrates lesson learnt that could be studied by DPR in tackling a scandal—dealing with questions: what immediate steps and what kind of long term reform to conduct. The writer argued that political reform is needed to regain people's trust in the parliament. Her study shows that handling the crisis in the right ways could lead to recovering public confidence towards the parliament.

**Keywords:** British/UK Parliament, (Money) Scandal, Parliamentary Reform

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## **I. Introduction**

This paper is edited based on my final report for the Hansard Scholars Program, conducted in 1 May to 31 July 2009, when I had an opportunity to study British politics at London School of Economics and Political Science (LSE) and to work at the House of Lord. During my short time in the British Parliament, just before my programme started, the international news informed about an expenses scandal in the British Parliament. The scandal of 2009 had made both public and media questioning the legitimacy of the institution. The situation encouraged me to write something on the scandal and reform, and could be a lesson-learnt for Indonesian parliament (DPR) in tackling the scandal issue. Most importantly, I think if the experience could be applied within the parliament, the public could have different perspective towards DPR and its members.

Coming from Indonesia, with great expectations about seeing a good parliamentary exercise in the British Parliament, I was surprised to learn that expenses scandal could happen in this institution, which lead to people's disbelief in Westminster Parliament. Different from the British Parliament scandals and corruptions, commonly accused in DPR had led to political crisis. Therefore, apart from disbelief, I am curious to know how both government and parliament of British politics tackled this issue and regain the people's trust to the parliament. This could be a good lesson learnt for Parliament to restore the public confidence to the parliament again, showing how the scandal could happen and how to move on after the crisis.

I believe that parliament can do more than legislating and enacting laws, especially when parliamentary members were elected and reflected the people's choice in politics. Indonesia is still on-going with its democracy and as a developing country, it needs a role model from a developed country, and British parliament could serve as a prime example for good-exercise parliament. Despite the differences between the systems in the United Kingdom and Indonesia, the Westminster had showed good examples on how the parliament could work together with the government, showing the effective relations between the executive and legislative institutions in democratic contexts, and most notably the parliament as an institution itself. The British Parliament shows us that the members should be known and have intensive communication to the constituents; the effective legislative institution; and the oversight mechanism to the government.

The expenses scandal in the parliament in 2009 had turned into a full fledged political crisis: starting with the resignations of several executive ministries in Gordon Brown's cabinet and leading to the outcast of the Speaker of the House of Commons, Mr. Michael Martin. Outside the parliament, most people were very upset about the scandal. As taxpayers, they would expect that their contribution to the government would ease members in their parliamentary works, not turning the money for MP's personal amusement, such as plasma television, house renovation and holiday trips<sup>1</sup>. Thus, besides condemning the parliament, people were also eager to know how the government solved the issue. The media supported this by informing this scandal news every day, so most people well informed of what's going on and this somewhat 'pushed' the government in doing what they should do in timely manners.

The parliamentary reform on handling members' expenses is on the agenda throughout 2009, and people are waiting what movement that the government would take as any policy taken would certainly affect to the voting behavior in the election of 2010. The Government party, Labour, has suffered from the European Parliament result—conducted in 4 June 2009- as it lost and only got 16%<sup>2</sup> of national vote from previous election. Although these numbers do not appear to be too big, this showed that public support is swinging votes to another political party.

This article wants to discuss the steps taken by the British Parliament (and government) in handling the expenses scandal, in order to regain the citizens' confidence in both the parliament and government. Despite of political crisis, I would argue that there is good chance for the parliament to be 'saved and empowered' as Moore states in his opinion in *The Daily Telegraph* newspaper. Parliament should remain an important institution and must regain people's confidence even though the public is outraged with the MPs' behaviour.<sup>3</sup> The scandal and political crisis actually came at a good time and has fostered the government for parliamentary (or even constitutional) reform. Thus, there is a positive side from the political crisis, and this could be a good lesson-learnt for other parliaments.

<sup>1</sup> "The Expenses Files Investigation", *The Daily Telegraph*, 16 May 2009.

<sup>2</sup> <http://www.guardian.co.uk/politics/2009/jun/07/european-elections-gordon-brown>, Summer, Deborah. "European elections: Brown faces leadership battle amid Labour meltdown and BNP success": BNP's Nick Griffin elected to EU parliament; Labour share of national vote could slump to just 16%, accessed on July 15, 2009.

<sup>3</sup> Moore, Charles. "The House of Commons is ours, not theirs. Don't ruin it, reclaim it." *The Daily Telegraph*, 16 May 2009, p. 26.

In showing this, first, I will describe the story behind the expenses scandal from the newspapers, by describing a parliament and British parliament in general. Then, secondly, I will discuss the steps taken by the British parliament and Gordon Brown's Government in handling this issue. This will be demonstrated through the analysis of excerpts from government speaking time in the parliament, newspaper articles, political commentary and suggestions from organizations such as the Hansard Society. Finally, before the conclusion, I will discuss what lessons-learnt derived from these issue, especially for Indonesia's DPR.

## **II. British Parliament in General**

The British political system has two chambers in Parliament: the House of Commons and the House of Lords, and each has their unique characteristics. The House of Commons, known as the Lower Chamber, has constituents, from 651 constituencies all across the UK.<sup>4</sup> This means that each MP derives legitimacy from the people in their constituency. In fact, the House of Commons is the only institution in the UK political system that has legitimacy directly from voters.

Another chamber, the House of Lords, consists of hereditary peers, Bishops and appointed figures. Even though the members are appointed, however, the House of Lords scheme shows members' expertise and knowledge. Lords members also tend to be in detail for legislation process and scrutiny. Apart for the criticism of the House of Lords should be abolished, until now, both chambers, Commons and Lords, build strong relationship in British politics. In fact, the House of Lords has the power to delay legislation: one month for money bill and for other bills for a year.<sup>5</sup>

Britain is also said to be a "parliamentary democracy or parliamentary government" (Thomas, 2000: 4) meaning that all the members of the government are taken from the members of the parliament, notably from the Commons. This is another distinction of British politics, that when the government members are from the parliamentary members, it is responsible to Parliament. According to Thomas,<sup>6</sup> this brings two implications:

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<sup>4</sup> Norton, Philip. *Does Parliament Matter?*, New York: Harvester Wheatsheaf. 1993, p. 147.

<sup>5</sup> Lijphart, Arend, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. New Haven and London: Yale University Press. 1999, p. 18.

<sup>6</sup> Thomas, Graham P. *Parliament in an Age of Reform*, Sheffield: Sheffield Hallam University. 2000, p. 5.

Firstly, that the government as a whole can be held responsible by the Commons for its actions and if the government is defeated on a motion of No Confidence it must resign. Secondly, those ministers are individually responsible to Parliament for their own actions and those of their department.

However, it should be noted that although in theory, the parliament 'can vote a cabinet out of office', as described above, in reality, as the cabinet is 'composed by the party leaders', the executive is dominant compared to parliament.<sup>7</sup> The government thus could be said to have greater legitimacy, but as British government is parliamentary government, so each minister have legitimacy from their own electorate by being elected as MPs, and all members, both in the cabinet and in the parliament are responsible to all citizens. The point is, all MPs have accountability for their own constituent as a MP, even have greater accountability to all citizens as government members.

Similarly to most parliaments in the world, British Parliament is also responsible for functions such as legislation, representation, scrutiny and oversight to government. According to Heywood<sup>8</sup>, however, for the British parliament, legislative power actually rests upon the executive, and the parliament largely reacts to the executive's legislative proposals. While for the representation function, most members act mostly as representation of the party, obeying the party whip, and following the party line. This statement is likely to show that members are representatives of the party instead of the people or the constituents. Parliament always matters both for the government and the citizens while MPs have task to inform the constituents about the Government's activity, legislative roles in the parliament and as party support.

In contrast to the statement above, survey and research conducted<sup>9</sup> shows that the most important role for MPs is to protect the interests of the constituents, among other things. The whole function of Parliament is seen in the figure below:

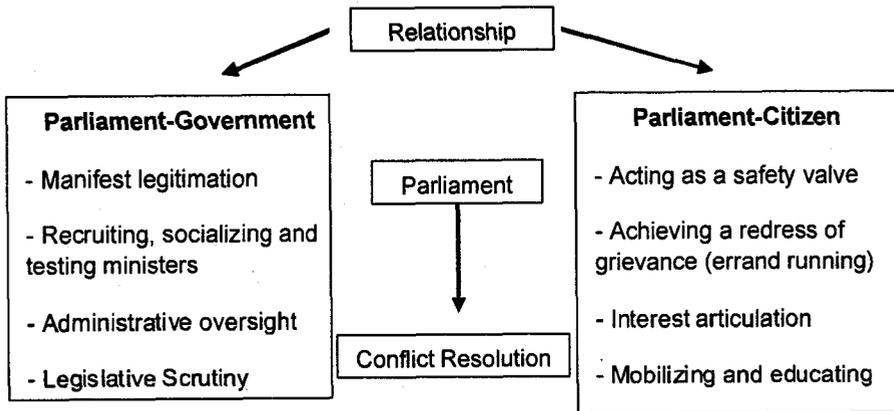
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<sup>7</sup> Lijphart, 1999, *op.cit.*, p. 12.

<sup>8</sup> Heywood quotation was taken in Thomas' book, 2000, *op.cit.*, pages 2-3.

<sup>9</sup> Norton, Philip. *Parliament in British Politics*, New York: Palgrave Macmillan. 2005, p.249 and Rosenblatt, Gemma. *A Year in the Life: From Member of Public to Member of Parliament*, Great Britain: Hansard Society. 2006, p. 38-9.

**Picture 1.**  
The Function of the UK Parliament



Source: Norton, Philip. *Parliament in British Politics*, New York: Palgrave Macmillan. 2005 page 249.

The figure shows that it is important for MPs to have both relations between government and citizens. In fact, these relationships between the two groups shows the legitimacy of the MPs to sit in the position as MP, while relationships between the government is relatively formality as government is formed from the parliament members.

We learned that the most important task of MPs is preserving the constituents' aspiration, and the constituents also feel the same way towards their MPs. They felt happy if they could contact the MPs and discuss matters with their representatives in the parliament. Those whom write to their MPs realized that even though the problems reported may not be resolved, while writing something to the MPs, and even better if the MPs send them 'the complimentary notes' with the name of the MP as the letter head, people think that at least something has been done. This is actually show special bound between MPs and the constituents.

People also expect that MPs should participate in chamber debates and conduct the oversight function to the government. Indeed, in the Westminster Parliament, there is a session to scrutinize the government in Prime Minister Questions Time every Wednesday at noon in the House of Common's debate chamber. During the Questions Time, the Prime Minister is quizzed about the policy he has taken. With limited time, not all questions raised can be answered in this arena, but there is another mechanism for oversight, that is allowing MPs

to write questions in written format. These questions later will be answered by the ministers in each chamber. This could be a form of accountability of the MPs to both to the constituents (raising the issues of constituents' interest) and to the government (asking the policy taken for issues being asked). MPs' questions could be checked in the parliamentary website.

Representing the people is actually the role of MPs as the Member of Parliament is chosen or elected to act on behalf of the people she/he represents, and then works for those elected her/him. In this context, an MP in Britain is a parliamentary representative from his/her constituents.<sup>10</sup> While the Member of Parliament has no job description and have no employers, it is quite hard to perform 'independent evaluation' of MPs, they are actually 'free to decide their own priorities'.<sup>11</sup> However, the priorities for MPs' work should be the constituents, and covered in MPs performance as part of 'principal accountabilities'.

Thomas<sup>12</sup> grouped MPs' accountabilities, including pointed out the working for the constituents. They are:

1. Furnishing the personnel for parliamentary democracy
2. Monitoring, stimulating and challenging the executive
3. Legislating
4. Understanding their constituency
5. Assisting constituents
6. Helping formulate party policy
7. Promoting their party's interests

While the principles above should be the key guidance for MPs, and while the constituents should be the priority, when discussing about money and allowances, unfortunately, MPs simply forgot about this, and that is why the scandal erupted.

### **III. Parliamentary in Crisis: the Expenses Scandal**

According to *The Green Book: A guide to Members' allowances*, MPs receive allowances to ensure that all "MPs are able to work effectively in Parliament and in their constituencies"<sup>13</sup> and such allowances are covered for "employing staff, servicing MPs' offices, overnight stays away from home while

<sup>10</sup> Thomas, 2000, *op.cit.*, p. 96-7.

<sup>11</sup> Rosenblatt, 2006, *op.cit.*, p. 41.

<sup>12</sup> Thomas, 2000, *op.cit.*

<sup>13</sup> According to *Parliamentary Standards Bill, explanatory notes, the House of Commons on 2<sup>nd</sup> July 2009* [HL Bill 60].

on Parliamentary duties, communicating with constituents, House stationary and postage, and travel<sup>14</sup>. Allowances exist to ensure that all parliamentary works runs smoothly, and the numbers of allowances actually tend to increase following the inflation rate, and the amount is similar to the middle rank manager's salary.

In accordance to the allowances, the Committee on Standards in Public Life identified seven principles of public office<sup>15</sup>, this is notably for reminder that the MPs using public money. These principles are: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. These principles should be in mind of all MPs in claiming their expenses, but clearly that was not happened, when the scandal come up abruptly.

It is *The Daily Telegraph* newspaper that revealed the story behind the scandal. In its issue on May 16, 2009 page 10, *The Daily Telegraph* informed that "the biggest parliamentary scandal in British History" was started on May 8, 2009 when the deputy political editor of the newspaper, Robert Winnett called the Prime Minister's director of communications, Michael Ellam, for sending secured email for Mr. Brown's personal attention concerning "expenses". The *Telegraph's* email to Mr. Brown revealed "uncensored copies of his expenses claims, at least his cleaner receipts for £ 6,577. Soon afterwards, Mr. Brown learned that at least 12 members of the Cabinet had received similar emails "setting out details" and MPs would be caught embarrassed. The news reported that MPs claimed whatever expenses they could. It is not all against the rules, but *ethically*, they should not claim personal things that they could cover using their own salary.

The worst revelation of this scandal was the "flipping", a new term introduced by the newspaper. 'Flipping' means having "more than one house at taxpayers' expenses by switching their designated second home from London to their constituency". MPs are indeed entitled for a house (or accommodation) when they are away from home. So when members were elected from certain area of constituency, mostly they were lived in London. MPs are entitled for accommodation in areas they are visiting, either in London or to the areas of constituencies. However, by flipping, most members flipped their original address in London into their 'main' home at constituency areas, which were usually "only a poky flat or rented bedrooms", and claimed their house allowances to

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<sup>14</sup> *Ibid.*

<sup>15</sup> Source Standards: <http://www.parliament.uk/about/how/members/standards.cfm>, accessed on July 20, 2009 at 2.46 pm.

London. Allowances to London were actually paid for renovation or to cover the expensive mortgage interest payment and households bills of their houses in London. It means that the MPs "main/first" houses at London were paid by the taxpayers' money. In fact, the biggest claim occurred at the scandal came from this "flipping address" and house refurbishment.

The news was bombarded with how much money claimed by MPs and bills or receipts to be paid by the taxpayers. From the huge amount of money: £ 500,000 for the second home, or £ 16,000 mortgage that did not exist, to 5 pence of bag claim or even £5 of donation has been revealed with the specific name of MPs. Overall, the story shown in newspaper were that most MPs only want to live in luxury, differed from the constituents they are represented and show how greedy they are to claim everything.

Under the terms of the Freedom of Information Act, documents for MP expenses would be released in July 2009, but details such as "addresses of MPs' second homes", signature and names, are supposed to be sealed to limit from the public view. However due to the scandal, and thanks to the press, people had already knew 3 months before the official report in July 2009. The flipping and the expenses scandal were reported, mentioning to the names of MPs did such shameful behaviours.

On 16 May 2009, there are expenses revealed of 51 MPs from Labour, 34 MPs from Conservative, 12 MPs from Liberal Democrats publicized by the *Telegraph*. When the MPs expenses scandal was revealed soon afterwards, the Cabinet members, one by one, resigned. Starting on 14 May 2009 when Mr. Andrew Mackay, the Conservative MP, resigned as senior parliamentary advisor to Mr. David Cameron when both he and his wife claimed for their homes; Mr. Elliot Morley, a former minister was suspended from the parliamentary Labour party after he claimed for £ 16,000 for a mortgage that no longer existed; then the Justice Minister Mr. Shahid Malik (15 May 2009) resigned his post after the revelation on his rental arrangement which was against the ministerial code of conduct, followed by Mr. David Chaytor, a Labour backbencher, 'flipping' his second home for 5 different properties. Other ministers also quit, notably Mr. Jacqui Smith, the Home Secretary; Ms. Patricia Hewitt, former Health Secretary; Beverly Hughes, Children's minister; and Mr. Tom Watson, Cabinet office minister, all were 'jumped' from the 'sinking boat' of Gordon Brown's Labour government<sup>16</sup>.

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<sup>16</sup> Source: *the Guardian*, 3 June 2009, page 1.

In 9 June 2009, most newspaper reported that there were already 13 ministers resigned from their ministerial posts.

This shows that the scandal then also lead to the crisis in the Labour party. Most members revealed of not liking the leadership of Prime Ministers, which is interesting issue, but it won't be discussed further in this paper<sup>17</sup>.

Due to the scandal, the Speaker of the House, Mr. Michael Martin MP, was outcast from the parliament. The Speaker's resignation was set as the 'scapegoat' that in order to save the face of the Westminster parliament, the figurehead of the House of Commons should be shown to be responsible for this. He is not the only one whom has wrongdoing, but as the symbol of the parliament, he has no choice other than resigned. The Speaker's resignation showed an example that at least something has been doing to tackle the scandal issue. The Speaker was actually, accused of 'being partisan, could not manage the institution and resistant of the information and ways of transparency' and he was suspected of wasting taxpayers' money too. Unfortunately, due to the system, the Speaker could not be impeached. Thus, it is a good timing to get rid of unreformed Speaker while there is a scandal issue, even though his leave would only be a scapegoat and seen as symbolic change in the Commons. Mr. Martin was the first speaker to be forced out in 300 years. The last time something similar occurred was in 1697 with the trial and execution of Speaker Sir John Trevor<sup>18</sup>. Now in 2009, the Speaker of the House of Commons in Westminster Parliament was stepped down due to this political crisis.

Seeing the issue of the Speaker's resignation, the scandal indeed has created the positive situation for sacking the person reluctant for reform and transparency, and due to this course, the House of Commons would have a chance to elect their own Speaker in secret ballots, showing the more legitimate Speaker rather than being appointed as the previous one. While there is a positive view on the Speaker's resignation, the steps of reform should not stop at this stage.

Another interesting aspect from this scandal is that MPs are actually allowed to claim the expenses and this is not against the law. MPs claiming is

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<sup>17</sup> There was no direct relations between the scandal and the dislike of Prime Minister's leadership. However, although based on the scandal, the controversy of resigning the post, was linked somehow to the dissatisfaction of Prime Minister's leadership. It seemed common to show this attitude, but most people knew that resigning was due to embarrassment of the behaviour.

<sup>18</sup> *The Guardian*, 20 May 2009 page. 3 reported that Sir John Trevor was outcast as 'he accepted a 1,000-guinea bribe from the City of London to put through an orphans bill.

within the rules and it is not illegal. It is only not good in the view of citizens, using public money for their own interests, even living in the luxury more than the constituents that he/she represents. The expenses covered by office, notably only costs that supported the works as MPs, such travel and housing. When travelling, all MP would be taken allowances: car mileage or travel cost used and it is up to MPs how much costs they want to claim. Since 2002, the total figures of claims are publicized but not very open. People only know how much the total money each MPs has spent but it is unclear how much money to spend of. For example in claiming expenses for staff, it is not clear whether MPs have 1 or 3 staffs altogether, so the numbers vary. However, since May 2009, all censored papers (copies and receipts for the last 4 years) could be accessed and this is what created the expenses domestic scandal in UK. The receipts and expenses claimed covers personal claims such as claiming for plasma television for £8000, for gardening, and for moat cleaning.

Based on the explanation above, it seems that the scandal shadowing the Westminster Parliament is related to the system of expenses and the control of individual MPs. The system of claiming is already stated clearly in the Green Book, but the Fees Office still pay the furniture or the cost of cleaning part of the house (moat cleaning etc), which could be related to the cost of the second house, but it is clearly not being covered by the taxpayers' money. MPs have also a reasonable salary, and they are supposed to pay for the maintenance of their house themselves if they want to live comfortable in such homes. Therefore, while the system could not reject the unusual claims, there is also no control from the MPs to use only money that they need in parliamentary duties. Buying a plasma television, even though, it could be claimed as part of parliamentary duties. Most people know, though, that the TV is for entertaining and luxury of the individual MPs and this amusement is not supposed to be reimbursed by the taxpayers' money.

For controlling the MPs' attitude, people may simply not elect the same person whom abused the system. At the same time, the administrative system, the Fees Office, should be independent and may pay only moneys used for the duties in parliamentary fields. It is serious but as long as the steps of reform are forced, the people confidence on parliament would be back again. There are some MPs who still have personal interests in making the most from the financial system for themselves, a part of that is public money.

Learning from the case, it seems common for MPs to conduct wrong doing in terms of expenses. It might not be against any regulation, but morally

it seems unwise for MPs to perform such things, especially as MPs should set an example for the people they represent. To update what happened afterwards, for example, a prominent MP from Labour Party, Shahid Malik was appointed again as Minister for Communities and Local Government<sup>19</sup>, after he resigned from his post as the Justice Minister due to breaching on the claimed expenses. Mr. Malik said that he was cleared from breaching ministerial code of conduct. The cases clearly have not settled down according to what people wanted, but public may use another 'weapon', that is, not electing the same person or the same party in the next election. The most important is the reform at the Fees Office that this institution only could pay according to the rules and outside claims for personal amusement.

#### **IV. Steps Taken for Reform**

The MPs' expenses scandal has led to further decline in public trust in politics and government. However, it allowed the government to return to its agenda of reforming Parliament or even the constitution. Since the Labour party was elected in 1997, the statement of reform has been introduced but up until now, there has been no significant change with the way Westminster Parliament operates. Reforms introduced are associated with the parliament empowerment, changing "the balance of power from the executive towards the legislative; the efficiency of the legislative processes; the time allotted for debate; and the opportunity for scrutiny the executive".<sup>20</sup>

When Labour party sits in the government in 1997, the steps for reform has been in the agenda, but the reform was considered slow as there is no significant changes happen to parliament especially with the way parliament performing the oversight to the government, the scrutiny time. At that time, the Modern Committee in the House of Parliament was set up to address the issue of legislative reform such as timetable for approving the bill, the House of Lords reform, but all of the agenda remained unfinished. Therefore, with the expenses scandal rises, there is a possible way to proceed the process of reform in the parliament, and it is good timing in Gordon Brown government to proceed this,

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<sup>19</sup> <http://www.shahidmalikmp.org/News/Shahid-Malik-appointed-to>, accessed on 26 July 2009.

<sup>20</sup> McHugh, Declan. "Parliament, Government and the Politics of Legislative Reform" in Brazier, Alex (ed) *Parliament, Politics and Law Making*, London: Hansard Society. 2004, p. 109.

especially when the performance of Gordon Brown as Prime Minister, according to You Gov Polling (23-25 June 2009) showed the greater number of public dissatisfaction by 71%, compared to those satisfied in the number of 19%<sup>21</sup> (with 'don't know' statement of 10%). This could be alarming if the Brown's government did not do anything against the scandal expenses issue.

There have been two waves of reform in the Gordon Brown era, as shown by the Table below:

**Picture 2**

**Gordon Brown and Agenda of Reform in the House of Commons**

	<b>WAVE 1 Governance of Britain June 2007</b>	<b>WAVE 2 Post-Crisis Agenda June 2009</b>
<b>House of Commons</b>	<p>Moving Royal Prerogative powers to Parliament</p> <p>Greater role in some senior appointment to Public Bodies.</p> <p>Strengthen parliamentary scrutiny of the Intelligence and Security Committee</p> <p>· Advanced Commons scrutiny of government's legislative programme</p> <p>Modification to the rules for debates and questions in the chamber</p> <p>Suggests the creation of nine regional select committees</p>	<p>Shift from self-regulation to external independent statutory regulation (creation of the Parliamentary Standards Authority)</p> <p>Publication of all expenses</p> <p>Reform parliamentary expenses framework</p> <p>Statutory Code of Conduct for all MPs</p> <p>Creation of a Parliamentary Commission on Commons reform</p> <p>· Election of select committee members</p> <p>· More non-government time in House</p> <p>· Public initiation of Commons debates.</p>

Source: Flinders, M and Kelso, A, 2009: 17.

<sup>21</sup> Source from [http://www.yougov.co.uk/extranets/vgarchives/content/pdf/DT-toplines\\_JUNE.pdf](http://www.yougov.co.uk/extranets/vgarchives/content/pdf/DT-toplines_JUNE.pdf) accessed on July 20, 09 at 11.20.

It could be learnt from the Table that Brown's government has moved toward giving a greater role to the Parliament's committees and to improve how relations work between Parliament and government in the first reform in 2007. Hazell<sup>22</sup> noted, however, that 'Parliamentary reform started with a bang but has ended with a whimper' as the reform agenda has been quiet, possibly due to disclosure of this agenda from the public scrutiny. Now, thanks to the expenses scandal and public acknowledgement the agenda of reform could proceed again. Today, the reform moved towards self-procedures for Parliament to be more accountable to public, even involving public more in parliament's activities such as debates in Commons. It could be said that in Parliament tries to regain the public confidence over the parliament.

The agenda of reform introduced after the crisis, shown in the figure, and each will be discussed below.

## **V. Immediate Action**

As discussed above, the immediate action taken by the parliament for handling the issue of MPs expenses scandal is the outcast of the Speaker of the House, Mr. Michael Martin. Even though he is not the only MP who conducted the wrong doings, as the head figure, he sets the example to step down. He most likely was reluctant to do so, as he said his 'resignation speech' only in 30 seconds, and he did not say any apology. The demand of both public and MPs from inside on immediate action for the parliamentary crisis, however, have resulted in the Speaker's outcast was enough to show public that the parliament is doing something as reaction to the political crisis in parliament.

The immediate action for sure is needed but it should be followed by other steps to ensure that parliament in the process of reform and change from the previous ill-behaviour. How public would know if there is no steps taken following the outcast of the Speaker?

## **A. Government Policy Reform**

As government members are from MPs, and the parliament only gives 'dissent' to the legislation process, only react by government proposal/ bill, the parliamentary reform could not run without the initiation from the Downing Street.<sup>23</sup>

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<sup>22</sup> Hazell, Robert, "Reforming the Constitution" *Political Quarterly*, 72 (1), 2001, p. 39-50.

<sup>23</sup> *Ibid.*

Realizing this, during the Prime Minister Question Time, On June 10, 2009, in the document of 'Check against Delivery', the Prime Minister, Mr. Gordon Brown mentioned about the plan to reform on the conduct of MPs.

Mr. Brown emphasized the key points that "[MPs] are in politics not for what they can get but for what they can give" and "none of us [MPs] can do the job without trust and legitimacy sent by the constituents". He started his remarks mentioning how important the people's legitimacy for the parliament, conveying that indeed the role of parliament is the constituents' supports.

Mr. Brown sets up that the first step for reform agenda is to have transparency. Transparency would be conducted by publishing expenses (especially the second house claims) in the last 4 years and "must be scrutinized by the independent led panel". Although, he did not mention what panel does he refers to as when the agenda of reform starts, at least his idea of transparency build up the people's confidence that the government would do something towards this scandal.

Meanwhile, during 1997-2005, a Modernization Committee has established. The work report from this committee is unknown apart that it had "Modernization of the House of Commons: A Reform Programme".<sup>24</sup> While having this committee, actually it is not necessarily to establish a new committee, as long as the 'old' committee runs effectively in addressing the scandal. However, the establishment of the new panel is probably necessary for building the new perspective for reform, especially in tackling the MPs expenses scandal.

Furthermore, in the transparency program, the government emphasized that expenses claims should be restricted only for parliamentary duties and the accountability of the second jobs. The transparency is part of freedom of information practices, the greater transparency and accountability is needed for spending public money as people should know how it is spent. This is actually not a new policy as the Green Book has covered which items could be claimed, and which are not. It depends on the MPs themselves (the ethics and moralities of the MPs) whether what they claimed are considered under parliamentary duties or not, and this is so subjective. Therefore, the transparency should also cover the *additional role of the Fees Office* so that the personnel or the team panel in the Fees Office could judge items claimed by the MPs, as sets below.

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<sup>24</sup> Brazier, Alex, Matthew Flinders and Declan McHugh, *New Politics, New Parliament?* London: Hansard Society. 2005, p. 90.

If the transparency is still handed at the MPs consents, it is likely that the abuses of expenses will happen again in the future.

Apart from transparency, which highlighted the policy reform, the Prime Minister also informed that reform agenda covers:

1. The establishment of "Parliamentary Standards Authority with delegated power to regulate the system of allowances" in both the House of Commons and the House of Lords. This should end the way the members set up rules and operate them among themselves. The proposal sets as follows: take over the role of the fees office in authorizing members' claims; oversee the new allowance system-following proposals from the Committee on Standard in public Life; maintain the register of members' interests; disallow claims, require repayment and apply firm and appropriate sanction in cases of financial irregularity. The steps will allow the process of scrutiny efficiency and value money in parliament's expenditure;
2. Agreement on "a statutory code of conduct for all MPs". This code would clarify MPs role in relation to their constituents and parliament, detailing what the electorate can expect from their MPs and the consequences that will follow for those who fail to deliver. It will codify much more clearly the different potential offences that must be address and the options available for the sanction. This is should be a short self-standing bill, and expected to be the first stage of legislation on constitutional renewal. The sanction available against financial misconduct or corruption and this should be update to meet the needs of the times. This regulation also affects the House of Lords for increasing the Lords' accountability, transparency and reduces costs. Thus, for the first time, there will be legislation for new disciplinary sanction for the misconduct of peers in the House of Lords;
3. Necessary reforms, including making Select Committee processes more democratic, scheduling more and better time management for non-government business in the house, and enabling the public to initiate directly some issues for debate.

The government promised that all steps would require engaging citizens, as the top down policy could not run without the supports from most people. The reform mentioned above is likely to be good in papers. What people want to know is the 'real action' for such agenda. The Committee is so often established, yet there is no significant change as, again, the MPs set the rules for themselves.

Quoted Brown's demands, the press<sup>25</sup> exceeded that what people expected was such as:

1. Claims for mortgage interest or rent on second home will be capped at £ 1,250 per month and will be reduced in coming years;
2. Mortgage claims must be accurate, for interest only and on a continuing loan;
3. "Flipping" will be banned for the rest of the 2009-10 parliamentary year, meaning MPs cannot switch the designation of the main and second homes—other than in 'exceptional circumstances';
4. MPs who are married or live together will get allowances on one second home only;
5. There will be a ban on MPs claiming for items such as furniture, household goods, gardening, cleaning and stamp duty on their second homes;
6. Only rent, hotel expenses, overnight subsistence, mortgage interest, council tax, utility bills and insurance will be permitted;
7. MPs will be instructed to be 'completely open' with the tax man about whether a property is a second home and liable to capital gains tax;
8. A new 'reasonableness' test will be brought in to better scrutinize and block dubious claims;
9. There will be an independent body to regulate MPs' expenses;
10. Claims will be turned down if there are any doubts about them;
11. Details of claims will be posted online every three months;
12. A separate investigation will look into the £ 18 million claimed by the members of the House of Lords.

These steps somehow addresses on what people's expectation from their MPs. If the parliamentary duties are necessary, they could claim it in modest way, not for buying furniture and luxury stuffs, the MPs are expected to use their own salary, which is already more than enough. Thomas stated that:

"There is much criticism of MPs in connection with their outside interests. MPs are commonly accused of having their noses in the through, seeking to enrich themselves at the public expense and going on jaunts paid for by dubious commercial interests. As we have seen, the rules have been strengthened to deal with the abuses highlighted by the Nolan Committee".<sup>26</sup>

<sup>25</sup> Source: *Metro*, 20 May 2009, p. 4.

<sup>26</sup> Thomas, 2000, *op.cit.*, p. 99.

The government therefore had little choice but to come forward with the reform agenda. The government creates "a Parliamentary Standards Authority, a statutory Code of Conduct for MPs, the publication of all expenses, and the establishment of a Parliamentary Commission on Commons Reform".<sup>27</sup>

The pressure on Brown's government becomes higher as there is no much time for the government unless to react now, as his official term is not long before the election time possible before May 2010. The MPs expenses scandal changed the way parliament behave and it is expected that before the sitting session in October 2009, the parliament may start the new day with the 'fresh' start.

## **B. Parliamentary Reform**

The government has set up the agenda reform would accordingly affect to all members of parliament. Within the parliament itself, the debate is on reforming the working hours in the parliament [Commons] (Moran: 2005: 214).

Furthermore, as continuous plan of the reform, there is a debate whether MPs should work full time or may have second jobs. Having a full time MPs would certainly made them focus on what they are doing in legislation and oversight the government, but this arguably that even if MPs have stayed in the parliament house, it is unsure that the product of legislation would be better than now. They are would be weaker, but Lord Ahmed<sup>28</sup> said that he would like to see full-time MPs in the Westminster Parliament. Dealing with work in the house of Parliament and visiting constituents are already hard, so you won't have time to think about second job. That is why the salary in the Parliament house is similar to middle class rank in the job market.

Another argument is like the present situation where MPs may have their outside activities in order to help them better-informed and more effective. "If they were to become full-time MPs, exclusively dedicated to Westminster, they would lose touch with the wider world and less able to fulfill the multitude of tasks that they are required to perform".<sup>29</sup> Moreover, Moore<sup>30</sup> also pointed out

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<sup>27</sup> Flinders, Matthew and Alexandra Kelso, *Institutional wedges: Understanding spillover dynamics and the role of crises in a legislative context*, the paper presented to the Parliaments and Legislatures Specialist Group Annual Conference, Department of Political Science, University College London, 24 June 2009.

<sup>28</sup> Interview with Lord Ahmed of Rotherham, the first Muslim peer in the House of Lord (June-July 2009).

<sup>29</sup> Thomas, 2000, *op.cit.*

<sup>30</sup> Moore, 2000, *op.cit.*

that in order to have better legislation process once again, "MPs should have almost no allowances, and modest wages. In return, they should be free to earn money by other means, so long as we know what those means are. They will learn much more about the rest of life than if they sit in Westminster all day and all night. The privileges they should be granted are of power, not money".

Those whom favor of the view, is supported again in the The Nolan Committee Report,<sup>31</sup> stating that:

1. MPs could only take up outside employment that did not directly relate to their parliamentary role;
2. There should be a ban on MPs working for lobbying companies;
3. Although there should be a blanket ban on MPs working as political consultants, each case should be considered on its merit. Each MP should declare payments received for consultancy work;
4. MPs should be required to list their interests in the Register in a much clearer and more comprehensive fashion. The Register should be regularly updated and the information made more widely available;
5. Ex-Cabinet ministers should seek permission to take jobs within two years of leaving office.

Based on those views, it is likely that MPs are allowed to take second jobs as long as it is accountable meaning that it is not breached the parliamentary role and could be accountable. I tend to agree on this view because MPs works is based on dedication to public. The works are supposed to be for public service works, and it could be without payment. The salary for the Mps should be modest, similar to most people they represented. If MPs want to seek money, they should not be an MP, but taking another job.

Perhaps the most significant recommendation was that an independent Parliamentary Commissioner for Standards should be appointed, who would administer a code of conduct for MPs, handle complaints about their conduct and clarify the legal position concerning bribery. This is a breakthrough in Westminster Parliament, and the plan is in process including experts and academicians in the team recruitment.

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<sup>31</sup> Thomas, 2000, op.cit., p. 88.

## VI. Lesson Learnt for Parliament in Handling the Crisis

Parliament faced many criticisms that they have interested in things outside their main roles. They are accused of "having their noses in the through, seeking to enrich themselves at the public expense,<sup>32</sup> and this MPs expenses scandal confirm this view. While the criticism is quite strong, it actually cannot be said that MPs are 'all the same' or 'just in it for themselves',<sup>33</sup> there is an individual character driven the ambition. The expenses scandal reported by the newspaper also has two stories. While reposting the 'greedy' MPs, there are also MPs which is clean and prefer not to claim their expenses even though it is for parliamentary duties. They are never claimed for second home allowances even though according to the rule they are admitted to do so.

Furthermore, there are also factors beyond the control of individuals. The system in claiming expenses and allowances could be the cause why there are so many MPs did similar things: claiming furniture and amusement. If the system, and the Fees Office refused the expenses outside what is stated in the Green Book (a guide to Members' Allowances), the scandal would probably not happen. It is already clear that cleaning the moat, buying luxury furniture or television set are not covered as the expenses claim.

The political scandal has happened, but there is always lesson derived from this. In its editorial note, *The Daily Telegraph* shows that while "level of greed, deception, self-deception and in some cases dishonesty (of the MPs) are covered", it could be said confidently that "parliament could be saved" and it could start with "the clean house". The optimism is quite natural as the revelation of this scandal as Moore pointed out that people as voters can choose and list MPs: 'the good, the bad, and the in-between' and later could ask the political parties to list only clean MPs, and this could also be conducted in election day, in the ballot paper in order to get MPs that we want.

The breaking point that the parliament does is that the bill of Parliamentary Standard Bill. This bill will "create new system for administration of salaries, allowances, and the registration of financial interest of members of House of Commons"<sup>34</sup>. The bill proposes to establish the Independent Parliamentary Standards Authority (IPSA) and a Commissioner for Parliamentary Investigations. This will replace the existing, non-statutory office of Parliamentary Commissioner

<sup>32</sup> Thomas, 2000, *op.cit.*, p.99.

<sup>33</sup> Rosenblatt, 2006, *op.ct.*, p.8.

<sup>34</sup> The Parliamentary Standard Bill from The House of Lord, dated on 2 July 2009.

for Standards set up in 1995, by the recommendation from the Committee on Standards in Public Life.

The bill also discusses many issues, among others, on recommendations to the government on amending clauses on the code of conduct, to recognize the principle of self-regulation in the House of Lord, the membership of IPSA, publishing a draft bill and accountability. With this kind of accountability, MPs would be careful in their conduct as there a necessary review of the creation of new criminal if MPs breaching the expenses regulation. In the bill, the indicators of accountability are inserted in the appendix, in separated from the bill.

In addressing this issue, the parliament represented by Gordon Brown, showed the humility<sup>35</sup>, and asked for mercy, stated that he needed to 'play to [the] strengths and address [the] weaknesses'. Humility is likely worked very well. Brown survived as Prime Minister, and the demand for him to step down was reduced after he admitted to have done wrong doings.

The disclosure of humility, in contrast to show weakness, turned effectively for Brown, so people saw him a 'human being' who does not free from mistakes. Thus, as long as he admitted his wrongdoings and not too stubborn to deny them, then it could work perfectly. Gordon Brown saved his position, at least as an MP.

Another value that could be derived from this issue is that acceptance of the accusation. Gordon Brown in his speech admitted that he is wrong. He showed in humbleness that what MPs did was wrong and then, both government and people should work together to address this issue. Based also from his speech above on steps for reform, he emphasizes this on "proving that MPs have learnt and changed". He asked citizens to move on from this, and do not revolve on this issue and steps of reform is on the way.

Norton<sup>36</sup> has conveyed that "parliament matters in the relations to government formulation and citizen". Therefore, parliament as institutional could not be dissolved just like even though the political crisis hit really hard. Parliament is distinctive and in order to save it, we could empower it, not with money, but with clear guidelines of how parliament should perform towards the government.

Point to be emphasized here is that while there is MPs expenses scandal, with public scrutiny, it is likely that the reform agenda would run in the parliament. In fact, according to Hansard Society Report, the scandal which

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<sup>35</sup> *The Times* newspaper dated on 9 June 2009 p.1.

<sup>36</sup> Norton (1993), *op.cit.*, p. 202.

affected to the public satisfaction and perception towards MPs and parliament, has not reduced the trust towards politicians and politics.<sup>37</sup>

What can DPR learn from this? The answer is many. As we know that in the middle of 2008, DPR was also alleged of money scandal or bribery scandal related to the election of Miranda Swaray Goeltom as senior deputy of the central bank for the second term back in 2004<sup>38</sup>. This scandal was opened due to the confession of a former legislator from the Indonesian Democratic Party of Struggle (PDI-P), Agus Condro, who admitted to have received traveler's checks worth a total of 500 million *rupiah* right after Miranda was elected in the post. Agus Condro admitted that members of the Finance and Banking Commission (*Komisi IX*), mostly from PDIP faction, received the bribed money. Later, Hakam Naja, DPR member from National Mandate Party (PAN) also revealed such scandal supported to what Agus Condro had said. Hakam Naja's statement indicated that the bribery scandal was likely affected to most members in the Commission. This allegation was big as it implicated one of the biggest political parties in DPR and the DPR Commission (*Komisi IX*), thus indirectly it related to the whole DPR as parliamentary institution. According to Husodo (2008) from ICW-Indonesian Corruption Watch, money scandal in DPR is hard to disclose if the members did not admitted the case themselves, just like Agus Condro did. However, as often in Indonesia's case, most money scandal (or corruption allegation) in DPR was 'swept under the carpet'<sup>39</sup> and remained to be unresolved. The bribery case was conducted in 2004, and revealed in 2008, but yet until now in 2010, the case is yet to be finished.

Despite the differences of UK's parliamentary system and Indonesian's presidential system, there are some kinds of similarities between the two. Both Westminster and DPR are parliament institution, meaning that as a parliament, they perform legislating, budgeting and oversight function to the state.

Furthermore, as discussed above, the parliamentary members at Westminster are composed by party leaders, or public figure at the national level. We all realised that recent members of DPR members are figures also from Jakarta, instead of prominent figures in the regions. This explained why

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<sup>37</sup>[http://www.hansardsociety.org.uk/blogs/press\\_releases/archive/2010/03/03/mps-expenses-scandal-has-mixed-results-march-3-2010.aspx?utm\\_source=September+2008+newsletter+list&utm\\_campaign=b735b37b65-eNewsletter\\_March\\_2010\\_3\\_19\\_2010&utm\\_medium=email](http://www.hansardsociety.org.uk/blogs/press_releases/archive/2010/03/03/mps-expenses-scandal-has-mixed-results-march-3-2010.aspx?utm_source=September+2008+newsletter+list&utm_campaign=b735b37b65-eNewsletter_March_2010_3_19_2010&utm_medium=email). MPs' expenses scandal has mixed results - March 3, 2010, the decline in relevance of Parliament - but Parliament 'worthwhile'.

<sup>38</sup> Source *Koran Tempo*, 5 September 2008, and many newspapers sources: *Kompas*, *Antara*, *Tempo* online etc.

during the election time, and within the new election system (elected based on party and popularity votes), most candidates ran to the constituency regions in order to be noticed by voters, as most of them are not native residents to the regions.

Last but not least, the similarity comes from the legislation product is normally rest upon executive's agenda. This is normal in UK as it is parliamentary government and government prefers products of legislation supported its policy come in advance. However, in Indonesia's DPR, despite its presidential system, legislations also come from the executive. This mechanism is mentioned in the Constitution (article 20) that legislation process is conducted between the President (government) and DPR to reach common agreement. This kind of system involved both party to discuss every matters, and to cover complete issue, the bill come mostly from the government's drafts.

Thus, based on common similarity, DPR could apply this reform mechanism from British parliament if there is an expenses scandal or corruption issues. It is quite often to hear corruption news from DPR members, and people fed up with such corrupt attitude, yet there is no significant change to tackle this issue. Most politicians and government tend to *ignore* this matter, despite President Yudhoyono's persistence in tackling the corruption issues.

Regarding to the bribery scandal stated above which affected to DPR members and Commission, PDIP opposed to the fact and discharged Agus Condro from the party's membership. Most names of PDIP members suspected to the case, such as Panda Nababan (Secretary Faction of PDIP) and Tjahjo Kumolo (Head of PDIP Faction) denied to be related to the case. Even worse, the PDIP leadership, Megawati stated that what Agus Condro- the whistle-blower of the case, said was not from the official party statement<sup>40</sup>. This attitude showed us that members within the political party, which still favour the leadership kinship and network, reluctant to reform and risk to be involved in money scandal. Moreover, the leadership did not showed humility, like Gordon Brown. While Gordon Brown confessed, Megawati denied the case. While most members in British parliament resigned from the post, most members in DPR denied that they were involved in the scandal. With these differences, it is quite obvious that DPR could not be cleaned from money scandal and it always risks in political buying as there is mechanism of electing persons sitting in important position, such as senior deputy of the central bank etc.

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<sup>40</sup> Tempo Online, edisi 30/XXXVII/15-21 September 2008, [www.tempo.co.id/hq/mbmtempo/free/utama.html](http://www.tempo.co.id/hq/mbmtempo/free/utama.html), accessed on March 31, 2010.

While money scandal mostly happened in DPR and people are fed up with the corruption case, it is so ashamed that such cases did not change the attitude of DPR members. While the accused members denied to the corruption happening, it is unlikely to affect the position of DPR Speaker. As described above, in UK parliament, when the money scandal happened, the Speaker stepped down as sign of immediate action and reform in parliament. In Indonesia, with the example of the bribery case, the Speaker did not, or did not want to, leave from the post.

DPR could do, for example, to outcast a corrupt person from the membership of parliament if s/he alleged to corruption case. DPR could also set up a committee to scrutinize the expenses scandal, without waiting for police of any institution to set a committee. A committee in parliament set up for the sake of parliamentary constitution that once committed to the reform and clean institution should be free from scandal and misbehaviour, especially expense scandal. The committee in the parliament, later, would be able to put transparency program both in the parliament and the secretariat and revised the Code of Conduct for better parliament. If lesson is indeed learned in the parliament, we could see what happened in the British parliament, that while there is a confession to the wrong doings, and showed the willingness and commitment for the (better) reform, public would welcome such steps. Indonesia perhaps need more time to adjust this kind of policy and people should be patient to wait the reform action in parliament.

## **VII. Conclusion**

The expenses scandal has humiliated the British parliament but this does not mean that parliament should be abolished. Instead it shows that scandal could be a step for parliament to reform for better.

To sum up this paper, I would like to conclude that: *first*, the expenses scandal stands the bases for parliament to reform for better. The reform agenda for parliament has been 'announced' in 1997 but no significance change since then, and this scandal could be the start as the scandal not only affected the MPs (and political parties) but the people also watch and monitor the development of resolving the issue. Resolving the issues of the expenses scandal would determine the future of British Parliament as the citizens only tend to vote the 'clean' MPs. This was proved in the election this year (May 2010) that due to the money scandal in 2009 Labour party was lost in election against the coalition party (Conservative and Lib-Dem) so that the parliament starts with the clean

and new members. The vote-swing to another political party was possible thanks to the scandal.

*Second*, in addressing the money scandal, the government put action quickly in handling this issue by: requested the Speaker to step down as a symbol of parliament to reform; set-up a committee for reform including to amend the regulation for financial accountability and Pay Office regulation.

*Third*, MP's alleged to the money scandal resigned from their post both as members of parliament and ministers, and the party leadership said sorry and admitted the humility to all citizens. And *fourth*, despite the good lesson-learn for addressing the money scandal, Indonesia's DPR could not follow such conduct. In the money scandal, the members of parliament at Westminster resigned but DPR members refused, even though the tendency to be involved was quite strong. While the party leadership admitted the wrong doings to all people, in Indonesia, the political party leadership did not admitted, even condemned the 'whistle-blower' to ruin the party reputation. Therefore, while in Westminster, the Speaker stepped down from his position, the case of DPR Speaker would resign amidst to the money scandal is likely to be only a little chance.

Finally, I would argue that the different ways of handling the similar scandals by the two parliaments reflect different political cultures and systems despite the similarity as parliamentary institutions.

Based on the conclusion, it would be pleasant to provide recommendation for DPR to follow conduct as what British parliament did in overcoming the case of money scandal. However, this is not adequate as the political culture is different. As a consequence, the resign and admittance from the DPR members involved in the money scandal, even the resigning of the Speaker as a result of the scandal will need more time to do, probably if Indonesia has mature democracy as in developed countries.

Indonesia still needs time to follow the step in 'reforming' the parliament's DPR. The point could be noted also from this article is that "parliament could be saved" and after tackling some issue, such as the enactment (it is still in the discussion now) of the Parliamentary Standard Bill later, could set as a breakthrough. The content of the Parliamentary Standard Bill has consisted clauses that most citizens wants from their MPs. Political crisis may turn into positive and British parliament could start with the 'clean house' afterwards. If only Indonesia' DPR arrived this stage, parliament in Indonesia could start the 'clean house' from scandal and corruption too.

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