



THE INFLUENCE OF LEGISLATIVE CANDIDATES' EDUCATION LEVEL ON THE QUALITY OF THE LEGISLATION PRODUCED IN INDONESIA

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Abstract

In a modern democratic system, legislative institutions play a central role in the formation of laws, policy oversight, and representation of the people's aspirations. However, the minimum educational standards for legislative candidates as stipulated in Article 240 paragraph (1) letter e of Law Number 7 of 2017 concerning Elections, which only requires an equivalent of high school education, raises critical questions regarding the intellectual readiness of legislative candidates to face the complexity of legislative tasks. This study uses a descriptive qualitative method with a normative juridical approach, through a literature review and documentation of regulations, scientific literature, and empirical data to examine legislative candidacy regulations, as well as the relationship between the level of education of legislative candidates and the quality of legislation produced in Indonesia. The results of the study indicate that there is a significant correlation between the level of formal education and the capacity of legislative members to carry out legislative functions. Higher education contributes to increased analytical skills, legal understanding, communication skills, and the quality of the process of formulating and supervising the implementation of laws. Therefore, the level of education has a significant influence on the quality of legislation. Legislators with higher levels of education tend to have better analytical skills and understanding of complex issues, thus producing higher-quality legislative products.

Keywords : Legislature, Election Law, Regulation, Education Level, Legislative Quality

INTRODUCTION

In the process of establishing a nation, its founders strive to find a standard form for its governmental system. This is done with the aim of building and improving the quality of the nation. It can be concluded that a nation needs to fulfill elements that have great potential to build and maintain its integrity. In general, these basic components serve as the foundation for building a nation. The processes within this governmental system have various functions and uses for the nation itself. This system of government plays a crucial role in a nation. Without a system of government, the nation would be in chaos, as there is no determination as to who will be the leader, representative of the people, and holder of the highest power within the nation.

The selection and determination of the subjects or actors of government itself is carried out through the election of members of an institution in a general election. A general election is a process held to choose individuals who will occupy government positions. The general election system is a method that regulates and enables citizens to choose or vote for representatives from among their own citizens. General elections are a means of exercising people's sovereignty in choosing their representatives in state institutions that will shape public policy.

Legislative elections are a general election process aimed at electing members of the People's Representative Council (DPR), the Regional Representative Council (DPD), and the Provincial and Regency/City Regional Representative Councils (DPRD). These elections are a vital part of Indonesia's democratic system, where the people have the right to elect their representatives who will represent their interests in legislative bodies. Legislative elections provide a means for the people to actively participate in the political and governmental system.

The legislature, as a representative of the people's aspirations, also plays a role as legislators, thus making the legislature a central figure in the Indonesian state system. It is crucial for elected representatives to hear and implement the people's aspirations, as this is one of the people's greatest expectations of the legislature as representatives of the people themselves. In practice, the competence and quality of legislative members are among the factors influencing the legislative institution in carrying out its functions.

In line with the high complexity of the duties and authorities to be carried out by prospective legislative members, especially in the legislative function or making laws and regulations involved in government institutions should have an attitude that is proportional, professional and high integrity. In carrying out their functions and authorities, prospective legislative members who are elected will exercise their rights and obligations as representatives of the people who have the responsibility to convey the aspirations and hopes of the community to government institutions. The proportional and professional attitude that should be possessed by prospective legislative members refers to the principle of Proportionality which prioritizes the balance between the rights and obligations of state administrators, and the principle of Professionalism which prioritizes expertise based on the code of ethics and provisions of Laws and Regulations.

The educational level of legislative candidates influences the quality of their performance and understanding of their duties and responsibilities as members of the legislature. Higher education can improve reasoning skills, critical thinking, and analytical problem-solving skills, and foster a better understanding of the role and function of legislative institutions, including the lawmaking process, government oversight, and budget preparation. Education can also improve communication skills and the ability to represent public interests more effectively, foster more rational decision-making, and enhance public credibility and trust in legislative candidates.

Essentially, education isn't the sole determining factor in the quality of legislative candidates, but a good education can be a crucial asset in carrying out their duties and responsibilities as representatives of the people. Their educational background and work experience are crucial attributes for legislative members. Understanding a legislative member's educational background allows them to determine the appropriate legislative position for their role, enabling them to better carry out their duties and functions. The logical consequence of building a productive legislative body that produces sound legal products is, of course, the high competence and quality of its members. Education is fundamentally key to a nation's development, and as civilization develops and advances, education should be accompanied by an ever-increasing and improving quality.

The legislative process is a crucial foundation in the formation of laws that serve as the basis for regulating national and state life. The formation of these laws is a crucial element of the Indonesian legal system. In its formation process, legislation must be of good quality to produce laws that meet the needs of society, align with the principles of justice, and guarantee legal certainty. The primary purpose of the legislative institution is to carry out its legislative function, which includes the formation of laws and oversight of their implementation. Furthermore, the legislative institution also aims to strengthen and maintain democracy, represent the voice of the people, and serve as a forum for channeling public aspirations.

Legislative quality refers to the success of a legal product (law) in fulfilling legal principles such as clarity of purpose, clarity of formulation, and effective enforcement. Legislative quality is a concept that refers to the excellence or level of perfection of a law in achieving its desired goals and meeting applicable legal standards. It encompasses various aspects such as effectiveness, efficiency, clarity, accuracy, and compliance with legal norms.

Legislative quality refers to the extent to which the resulting laws are effective, efficient, clear, and in line with their intended objectives. Improving the quality of legislation will positively impact various aspects of social and national life. Good legislative quality will produce legal products that benefit society, create legal certainty, and encourage development.

Based on the results of a Kompas Research and Development (Litbang) survey, the legislative performance of the House of Representatives (DPR) during the last period, 2019-2024, has been in

the public spotlight. Of the 263 proposed bills in the 2019-2024 National Legislation Program (Prolegnas), only 10% were completed. Some bills were discussed very quickly, while others took so long that they remained unfinished even at the end of the 2019-2024 DPR term, despite their importance to the public.

To become a member of the legislature, a representative of the people must be truly honest and responsible in their field, possessing extensive knowledge, one of which is through education. Education makes a person better able to face and solve the various problems that arise in today's modern era. With this knowledge, in carrying out their duties and responsibilities, regulations will be formed that benefit the welfare of the Indonesian nation. As a member of the legislature, they not only carry out a representative function but also have the primary responsibility of drafting and overseeing the implementation of laws. Therefore, an understanding of legal aspects, public policy, and the regulatory formulation process is a crucial requirement for prospective legislators who will assume this responsibility.

Based on the description of the material outlined in this background, the author is interested in examining the topic of discussion regarding "how does the level of education of legislative candidates influence the quality of legislation produced in Indonesia?"

METHOD

The method used in this paper is a descriptive qualitative research method with a normative juridical approach. This approach was chosen because the research focuses on the study of applicable legal norms, particularly those related to legislative nomination regulations, as well as the relationship between the level of education of legislative candidates and the quality of legislation produced in Indonesia. Data collection techniques were carried out through Library Research and Documentary Study, namely by reviewing and analyzing existing library materials and documents related to this research field regarding the level of education of legislative candidates and the quality of legislation produced in Indonesia.

The legal sources used are primary legal materials, secondary legal materials, and tertiary legal materials, consisting of related laws and regulations, books, journal articles, dictionaries, and encyclopedias. In this study, the researcher used a qualitative research type, where after the data was collected, it was presented using an informal method in the form of description. Descriptive research is a method aimed at describing existing phenomena, both those occurring currently and in the past, which are then analyzed by conducting data reduction, data presentation (data display), and drawing conclusions.

RESULTS AND DISCUSSION

Minimum Education Standards for Legislative Candidates in Elections

Legislative elections are a general election process aimed at electing members of the People's Representative Council (DPR), the Regional Representative Council (DPD), and the Provincial and Regency/City Regional People's Representative Councils (DPRD). These elections are an important part of Indonesia's democratic system, where the people have the right to elect their representatives who will represent their interests in legislative institutions. Legislative elections are a means for the people to actively participate in the political and governmental system. Fair, free, and transparent elections are crucial to maintaining the integrity of democracy and ensuring that elected representatives truly represent the interests of the people. Legislative candidates are individuals selected by political parties to participate in legislative elections as representatives of those parties.

They are the people who will compete for votes from the public in order to be able to sit in parliament and become representatives of the people.

Based on the provisions of Article 240 paragraph (1) letter e of Law Number 7 of 2017 concerning Elections, which states that candidates for members of the DPR, provincial DPRD, and district/city DPRD are Indonesian citizens and must meet the following requirements: having a minimum education of high school, Islamic high school, vocational high school, vocational Islamic high school, or other equivalent school. Basically, this does not conflict with existing laws and regulations, however, the regulation is felt to have a weakness where the institution that has the function and authority to create and produce a product of laws and regulations may nominate itself as a candidate for DPR members with a minimum educational background of high school or equivalent.

Essentially, the minimum educational requirement of a high school diploma or equivalent for legislative candidates under the law is based on several legal and political considerations. One such consideration is the effort to provide broad opportunities for people from various educational backgrounds to participate in the political and governmental process. By establishing a minimum high school diploma, legislators seek to ensure that the requirement does not hinder individuals who may possess relevant skills and experience, even if they do not possess a college degree.

Meanwhile, in Article 182 paragraph (2) letter j of the draft Election Law (RUU) states that candidates for President, Vice President, Members of the DPR, Members of the DPD, Governor, Deputy Governor, Members of the Provincial DPRD, Regent and Deputy Regent/Mayor and Deputy Mayor and Members of the Regency/City DPRD as referred to in paragraph (1) must meet the following requirements: have a minimum education of a graduate of higher education or equivalent. In line with this, if viewed based on historical reasons, there is logic behind the determination of a minimum high school requirement for legislative candidates where during the early reform period and before, the number of college graduates was still limited. So that political participation is more inclusive, the education standards are made looser. However, along with the development of the times and the development of science and technology, the determination and establishment of minimum education standards should be more adjusted and need to be improved.

Based on data released by the General Elections Commission (KPU), 56 members (9.7%) of the elected members of the House of Representatives (DPR) in the 2019-2024 elections are high school graduates. Furthermore, 6 members (1%) are D3 graduates, 198 members (34.4%) are D4/S1 graduates, 210 members (36.5%), and 53 members (9.2%) are S3 graduates. Meanwhile, 52 members (9%) have pursued other education. Therefore, it can be concluded that higher levels of education serve as a basis for comparison in selecting legislative candidates as representatives appointed by the people who are considered more competent in conveying the people's aspirations to the government.

The ideal concept of determining educational level as a requirement for becoming a member of the Indonesian House of Representatives is also contained in the fourth principle of Pancasila, which states, "Democracy guided by the wisdom of deliberation/representation," meaning that the people are led by just and wise individuals. Because the ethical orientation of "wisdom" also requires a deep knowledge of the subject matter being discussed that transcends time and space. Representatives engage in dialogue based on their knowledge and wisdom, not on their group interests. With the guidance of wisdom, ethical behavior will develop in representative institutions, where representatives debate, insist on the truth of their opinions, but uphold political ethics and a spirit of kinship.

To maintain and improve the quality of legislative members, in addition to basic academic education, supporting education is also required to carry out their duties and responsibilities. Here are some theoretical aspects of education for legislative candidates:

1. Political Education:

- a. Understand political theory, government systems, and legislative processes.
- b. Mastering current political issues and their impact on society.
- c. Increase understanding of the roles and responsibilities of a member of the legislature.
- d. Providing a forum for constructive discussion and dialogue on political issues.

2. Formal education:
 - a. Requires legislative candidates to have adequate formal education, such as a bachelor's degree or equivalent.
 - b. Formal education provides a broader foundation of knowledge and skills.
 - c. Improving the quality of legislative candidates in carrying out legislative functions, such as making laws.
3. Informal Education:
 - a. Practical experience and learning from the surrounding environment.
 - b. Learning from political and community figures.
 - c. Experience in political or civil society organizations.
 - d. Participate in various social and political activities.
4. Special Education:
 - a. Specialized education regarding legislation, such as laws, budgets, and legislative procedures.
 - b. Education on the procedures for debate and drafting laws.
 - c. Education on political ethics and the behavior of legislative members.

Thus, the requirements for prospective legislative members in terms of minimum educational standards need to be improved because later the legislative members who will represent and fight for the aspirations of the community are people who truly have the quality and capability which of course will influence and encourage each legislative member in determining policies and making decisions that are the main priority is the quality itself, namely the content and weight of the proposals submitted by legislative members supported by knowledge and insight.

The Influence of Prospective Legislative Members' Education on Improving the Implementation of Legislative Functions

The legislative function is the most fundamental function of a legislative institution. It is implemented as a manifestation of the House of Representatives (DPR), the authority to create legislation. Through the DPR, public aspirations are captured, and their will is then implemented in laws, representing the people at large.

Education is an investment in human resource development, including in the political sector. According to the Big Indonesian Dictionary (KBBI), education is the process of changing the attitudes and behavior of an individual or group of people in an effort to mature humans through teaching and training. Law Number 20 of 2003 concerning the National Education System states that education is a conscious and planned effort to create a learning and teaching atmosphere so that students actively develop their potential to possess spiritual religious strength, self-control, personality, intelligence, noble character, and the skills needed by themselves and society.

Educated people also respect others regardless of power and status, take responsibility for the results or impact of their actions, and use common sense to fulfill their needs, whether personal, family, organizational, or societal. According to Sutanto, humans are expected to always develop insight and knowledge, be skilled at communicating knowledge and solving problems. In the implementation of an organization or institution, in this case the government, human resources are very strategic and determine success. There are several dimensions inherent in human resources, namely competencies in the form of skills, abilities, experience, and education that are ready to be contributed to the organization.

Next is the human itself, namely how the organization places humans as fairly and objectively as possible so that they can achieve prosperity and independence. In this case, it is in the form of clear authority, meaning that an employee who is placed or given a task must have clear authority so that there is no doubt in carrying out his duties, trust in the employee concerned, that someone who gives the task authority with careful consideration from various aspects so that the person concerned is given full trust to carry out his duties, and responsibility, meaning that employees carry out tasks always followed by responsibility so that they can work effectively and efficiently.

Political education plays a crucial role for individuals because it seeks to change their political understanding, attitudes, and behavior. This means that through the process of political education, individuals will not only acquire political knowledge but also develop awareness and feelings that enable them to actively participate in political activities or demonstrate political behavior that supports their desired political goals.

Educational theory for legislative candidates emphasizes the importance of preparation and improving the quality of relevant knowledge and skills to enable them to effectively carry out legislative duties. This theory also addresses various aspects of education, including political education, formal education, and informal education.

The education of legislators significantly influences their positions and performance in parliament. Relevant education, particularly in law or political science, can enhance legislators' understanding of the legislative process, laws and regulations, and governance. This enables them to play a more effective role in deliberations and decision-making, as well as to better carry out their oversight function.

Legislative education is also significantly influenced by improving the quality of legislation, although it does not guarantee its full potential. Adequate education, particularly regarding law, can help legislators understand legal concepts, the lawmaking process, and the importance of laws' impact on society. Good legislative education can provide legislators with a deeper understanding of the law, the lawmaking process, and the potential impacts of legislation. This can help them make more informed and effective decisions in the legislative process.

Education is a crucial factor that can influence the position and performance of legislative members. Relevant and high-quality education can improve legislative members' understanding, analytical skills, and effectiveness in carrying out their duties and functions. Therefore, it is crucial for legislative members to continuously improve their education and utilize it as a valuable asset in carrying out their duties as representatives of the people.

Thus, the quality of legislation depends heavily on the competence and capacity of its members. As members of the legislature, they not only fulfill their representative function but also have primary responsibility for drafting and overseeing the implementation of laws. In this context, formal education level is one indicator of a prospective legislator's intellectual ability and technical skills.

Challenges in Improving the Quality of Legislation Related to the Educational Background of Legislative Members in Indonesia

Legislation is one of the main pillars of a democratic system of government. The legislative process is a crucial foundation for the formation of laws that serve as the basis for regulating national and state life. The formation of these laws is a crucial element of the Indonesian legal system. In its formation, legislation must be of high quality to produce laws that meet the needs of society, align with the principles of justice, and guarantee legal certainty.

Legislation is the process of creating laws in order to produce positive law, the stages of which start from planning the creation of laws, drafting, formulating, discussing, ratifying, promulgating, and socializing legal products.

Legislative quality refers to the success of a legal product (law) in fulfilling legal principles such as clarity of purpose, clarity of formulation, and effective enforcement. Legislative quality is a concept that refers to the excellence or level of perfection of a law in achieving its desired goals and meeting applicable legal standards. It encompasses various aspects such as effectiveness, efficiency, clarity, accuracy, and compliance with legal norms.

Improving the quality of legislation in its implementation is closely linked to education. Quality legislation can create a supportive environment for educational development, while good education will produce citizens who are better able to understand, critique, and participate in the legislative process.

In its implementation, the legislative process often faces various challenges that affect the quality and effectiveness of the resulting laws. A good legislative process should be able to produce laws that are appropriate to the needs of society, align with the principles of justice, and guarantee legal certainty. However, in reality, the formation of laws is often colored by certain political interests, a lack of public participation, and often overlapping regulations that ultimately hamper the effectiveness of the law itself. Certain political agendas also dominate the substance of laws, ultimately reducing their support for the wider public interest. Furthermore, the issue of transparency and public participation in the legislative process remains limited, even though, in principle, public involvement is essential to produce laws that are aspirational and meet public needs.

Other challenges in the dynamics of legislation include limited human resources with a deep understanding of legal substance, an inability to adapt to rapid social and technological changes, and pressure to expedite the legislative process without regard for the quality of the resulting laws. Furthermore, technical and administrative challenges also pose obstacles, such as a lack of synchronization between various regulations, slow deliberations in parliament, and limited human resources with a grasp of legal complexity. These conditions often result in overlapping regulations, legal inconsistencies, and laws that are not applicable in practice.

Therefore, concrete solutions are needed to improve the legislative process. One possible approach is to increase transparency and accountability in lawmaking, and involve academics, legal practitioners, and the public at every stage of the lawmaking process. Furthermore, there is a need to review legislative mechanisms to make them more responsive and adaptive to social, economic, and technological changes.

Furthermore, strategies that can be implemented beyond these aspects to improve the quality of legislation are also significantly influenced by legislative education, although it does not completely guarantee quality improvement. Adequate education, particularly regarding law, can help legislators understand legal concepts, the law-making process, and the importance of laws' impact on society. Good legislative education can provide legislators with a deeper understanding of the law, the law-making process, and the potential impacts of laws. This can help them make more informed and effective decisions in the legislative process. Improving the quality of legislation and education are two interrelated and crucial aspects of a nation's development. Good legislation creates the foundation for quality education, and quality education produces citizens who are better able to participate in the legislative process, creating a sustainable positive cycle.

CONCLUSION

The educational level of legislative candidates influences the quality of their performance and understanding of their duties and responsibilities as members of the legislature. Higher education can improve reasoning skills, critical thinking, and analytical problem-solving skills, and foster a better understanding of the role and function of legislative institutions, including the lawmaking process, government oversight, and budget preparation. Legislative quality refers to the success of a legal product (law) in fulfilling legal principles such as clarity of purpose, clarity of formulation, and effective enforcement. To become a member of the legislature, a representative of the people must be truly honest and responsible in carrying out their duties and functions, as well as possessing extensive knowledge, particularly through education.

In the provisions of Article 240 paragraph (1) letter e of Law Number 7 of 2017 concerning Elections, which states that prospective members of the DPR, provincial DPRD, and district/city DPRD are Indonesian citizens and must meet the following requirements: having a minimum education of high school, Islamic high school, vocational high school, vocational Islamic high school, or other equivalent schools. This is based on several legal and political considerations, namely efforts to provide broad opportunities to people from various educational backgrounds to be involved in the political and governmental process. Education is an investment in human resource development, including in the political sector. Education is an important factor that can influence the position and performance of legislative members. Relevant and quality education can improve the understanding,

analytical skills, and effectiveness of legislative members in carrying out their duties and functions. As legislative members not only carry out a representative function, but also have the main responsibility in drafting and overseeing the implementation of laws. In this context, the level of formal education is one of the indicators that shows the extent of the intellectual abilities and technical skills of a prospective legislative member.

Quality legislation can create a supportive environment for educational development, while good education will produce citizens who are better able to understand, critique, and participate in the legislative process. In its implementation, the legislative process often faces various challenges that affect the quality and effectiveness of the resulting laws. Efforts to improve this include increasing transparency and accountability in the drafting of laws, involving all relevant parties, reviewing implementation mechanisms, and improving the educational quality of legislators themselves. Therefore, improving the quality of legislation in its implementation is closely linked to education.

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