

EXECUTIVE SUMMARY

INDEPENDENT REPORTING MECHANISM (IRM): INDONESIA PROGRESS REPORT 2014-2015

The third Indonesian national action plan expanded the scope of activity in a variety of areas. Progress has been made in increasing public participation, though more outreach is needed to align citizen-driven commitments with open government solutions. The government needs to formalize a new OGI structure to ensure action plan implementation is protected from political changes.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a biannual review of the activities of each OGP participating country.

Indonesia officially began participating in OGP in September 2011, when President Obama declared the government's intent to join.

Prior to the July 2014 elections, OGP activities were coordinated by the Open Government Indonesia (OGI) "Core Team" comprised of seven ministries and seven select CSOs and led by the UKP-PP/ UKP4. The UKP-PP/UKP4 was dissolved in December 2014. Since its dissolution, there remains no definitive lead agency for OGP initiatives in Indonesia.

The new administration has indicated plans to create a joint secretariat comprised of the National Planning Agency (Bappenas), the Executive Office of the President, and the Ministry of Foreign Affairs. However, at the time of writing, the government has not released plans for a lead agency for OGP activities.

OGP PROCESS

Countries participating in the OGP follow a process for consultation during development of their OGP action plan and during implementation.

The development of the third Indonesian National Action Plan sought to address criticism from previous IRM reports that the process was too exclusive by creating a 9-step development process. The most notable change was the creation of the SOLUSIMU contest where citizens could submit ideas for improving public services for inclusion in the Action Plan. However, the lack of advance notice, lack of evidence of consultation events, and lack of clarity on the incorporation of citizen-generated ideas in the action plan undermined the government's increased public participation efforts.

AT A GLANCE

MEMBER SINCE: 2011
NUMBER OF COMMITMENTS: 19
NUMBER OF MILESTONES: 60

LEVEL OF COMPLETION

COMPLETED:	1 of 19
SUBSTANTIAL:	5 of 19
LIMITED:	8 of 19
NOT STARTED:	2 of 19
UNCLEAR:	3 of 19

TIMING

NOT REVIEWED

MILESTONE EMPHASIS

ACCESS TO INFORMATION:	15 of 19
CIVIC PARTICIPATION:	8 of 19
PUBLIC ACCOUNTABILITY:	4 of 19
TECH & INNOVATION FOR TRANSPARENCY & ACCOUNTABILITY:	9 of 19
UNCLEAR:	2 of 19

NUMBER OF MILESTONE THAT WERE:

CLEARLY RELEVANT TO AN OGP VALUE:	17 of 19
OF TRANSFORMATIVE POTENTIAL IMPACT:	0 of 19
SUBSTANTIALLY OR COMPLETELY IMPLEMENTED:	6 of 19

ALL THREE (👍): 0 of 19

During the implementation period, Core Team meetings served as the multi-stakeholder consultation forum. Stakeholders interviewed found there was very little meaningful consultation and collaboration between government and wider civil society on commitment implementation. Core Team meetings focused on raising awareness of the OGP process and increasing participation in the SOLUSIMU context. The Core Team did not publicize or track progress on commitments.

The draft government self assessment report was published in April 2015 and a two-week public comment period was observed. However, the IRM researcher found that public comments were not included in the final self-assessment report published in May 2015.

COMMITMENT IMPLEMENTATION

As part of OGP, countries are required to make commitments in a two-year action plan. The Indonesian action plan contained 19 commitments, most of which contained further detailed milestones. There were a total of 60 milestones in the action plan. Table 1 summarizes each commitment, its level of completion, its ambition, and whether it falls within Indonesia's planned schedule, and the key next steps for the commitment in future OGP action plans.

The Indonesia action plan contained no starred commitments. Starred commitments are measurable, clearly relevant to OGP values as written, of transformative potential impact, and substantially or completely implemented. Note that the IRM updated the star criteria in early 2015 in order to raise the bar for model OGP commitments. In addition to the criteria listed above, the old criteria included commitments that have moderate potential impact. Under the old criteria, Indonesia would have received 5 additional stars (commitments 2, 4, 6, 8, 10, 14). See (<http://www.opengovpartnership.org/node/5919>) for more information.

Table 1 | Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
★ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
THEME 1. STRENGTHEN OPEN GOVERNANCE INFRASTRUCTURE TO SUPPORT BETTER PUBLIC SERVICES									
1. Strengthening Transparency Infrastructure of Public Bodies									NOT REVIEWED
1.1. SOP and list of public information services website									NOT REVIEWED
1.2. Availability of public information									NOT REVIEWED
1.3. Publish results of public information use									NOT REVIEWED
2. Strengthening Infrastructure of Central and Local Information Commission									NOT REVIEWED
2.1. Regional information commission in 24 provinces									NOT REVIEWED
2.2. Guidelines for Central Information Commission applicants									NOT REVIEWED
2.3. Revised UU KIP study									NOT REVIEWED
3. Strengthening Institutional and Human Resources Infrastructure for Public Services									NOT REVIEWED
3.1. Infrastructure Strengthening the Implementation Mechanism of Public Service which adheres to the principles of Transparency and Public Participation									NOT REVIEWED
3.2. The development of public participation through media optimization of public complaints									NOT REVIEWED

Commitment Short Name	Potential Impact				Level of Completion				Timing
Commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
3.3. Publication of data is the roof through the Open Data Portal system									NOT REVIEWED
3.4. Encouraging public participation in monitoring the quality of public services					UNCLEAR				NOT REVIEWED
3.5. Improving the quality of public services to encourage public satisfaction					UNCLEAR				NOT REVIEWED
THEME 2. IMPROVE QUALITY OF OPENNESS IN BASIC PUBLIC SERVICES									
4. Improve Quality of Openness in Health Services									NOT REVIEWED
4.1. Clean Water									NOT REVIEWED
4.2. Community Involvement in health services									NOT REVIEWED
4.3. Integrated public services									NOT REVIEWED
4.4. Integrated emergency services									NOT REVIEWED
5. Improve Quality of Openness in Education Services									NOT REVIEWED
5.1. Promote transparency in higher education									NOT REVIEWED
5.2. Increase quality of lecturers through visual material					WITHDRAWN				NOT REVIEWED
5.3. Access to research activities and technology	UNCLEAR				WITHDRAWN				NOT REVIEWED

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
★ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
THEME 3. ACCELERATE OPEN AND GOOD GOVERNANCE PRACTICES IN CORRUPTION-PRONE AREAS									
6. Accelerate Open and Good Governance Practices in Law Enforcement									NOT REVIEWED
6.1. Follow-up of reports / complaints from the public									NOT REVIEWED
6.2. Improving the quality of public services in the scope of Police									NOT REVIEWED
6.3. Monitoring public service in traffic management									NOT REVIEWED
6.4. Prevention of traffic fatality accident									NOT REVIEWED
7. Accelerate Open and Good Governance Practices in Goods and Services Procurement									NOT REVIEWED
8. Accelerate Open and Good Governance Practices in Business Development and Investment Sector									NOT REVIEWED
8.1. Business licensing services									NOT REVIEWED
8.2. Regional Information System and Stock Price Commodity									NOT REVIEWED
8.3. Strengthen private sector-government relations					WITHDRAWN				NOT REVIEWED
8.4. PTSP automation					WITHDRAWN				NOT REVIEWED
8.5. Youth in development activities					WITHDRAWN				NOT REVIEWED
8.6. Increasing the role of youth in development									NOT REVIEWED

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
★ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
9. Accelerate Open and Good Governance Practices in Land Affairs									NOT REVIEWED
9.1a. Improve infrastructure and services for land affairs									NOT REVIEWED
9.1b. Land affairs data integration									NOT REVIEWED
9.2. Compile land laws and regulations									NOT REVIEWED
10. Accelerate Open and Good Governance Practices in Management of Migrant Workers									NOT REVIEWED
10.1. Statistical data on TKI									NOT REVIEWED
10.2. TKI job vacancies portal									NOT REVIEWED
10.3. Publication of reports on complaints and follow-up complaints received									NOT REVIEWED
11. Accelerate Open and Good Governance Practices in Hajj Management									NOT REVIEWED
11.1. Transparency and accountability in Hajj management									NOT REVIEWED
11.2. Transparency and accountability of KUA									NOT REVIEWED
12. Accelerate Open and Good Governance Practices in Natural Resources Management									NOT REVIEWED

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
★ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
12.1. Transparency in natural resources management									NOT REVIEWED
12.2. Real time publication of oil/ gas/ mineral/ coal mining									NOT REVIEWED
12.3. Publication of results of contract renegotiation for COW and PKP2B									NOT REVIEWED
12.4. E-procurement for upstream oil and gas									NOT REVIEWED
12.5. Publish information/ spatial data to One Map Gas and Mining									NOT REVIEWED
12.6. Publish Social Responsibility Program (TJS/CSR) KKKS Gas and KK/ IUP PKP2B Mining documents in every stage									NOT REVIEWED
12.7. Publish documents on mine closures and reclamation									NOT REVIEWED
12. 8. Forest products permits management					WITHDRAWN				NOT REVIEWED
THEME 4. IMPROVE QUALITY OF OPENNESS IN COMMON PUBLIC INTEREST AREAS									
13. Improve Public Participation in Development Planning					UNCLEAR				NOT REVIEWED
14. Improve Public Participation in House of Representative and Regional Representative Council									NOT REVIEWED
14.1. Publish Parliament information									NOT REVIEWED
14.2. Transparency and accountability in Parliament institutions									NOT REVIEWED

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
★ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
15. Improve Public Participation in Environmental Preservation									NOT REVIEWED
15.1. Inform public of rights regarding pollution/ environmental damage									NOT REVIEWED
15.2. Establish list of public information on the environment					UNCLEAR				NOT REVIEWED
15.3. Public participation in environmental policy formation					UNCLEAR				NOT REVIEWED
16. Community Empowerment to Handle Poor Society and People with Disabilities and Special Needs									NOT REVIEWED
16.1. Rights of persons with disabilities national action plan									NOT REVIEWED
16.2. Protection of persons with mental disabilities									NOT REVIEWED
16.3. "My Village Awaits" project									NOT REVIEWED
17. Community Empowerment to Support Environmental Sustainability					UNCLEAR				NOT REVIEWED
17.1. Public participation in coastal area protection					UNCLEAR				NOT REVIEWED
17.2. Public participation in micro-scale development					UNCLEAR				NOT REVIEWED
17.3. Public participation in waste management					UNCLEAR				NOT REVIEWED

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
★ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
18. Community Empowerment to Strengthen Agriculture Sector									NOT REVIEWED
18.1. Educating public on equitable distribution of agriculture									NOT REVIEWED
18.2. Collaborate with farmers to improve agricultural production									NOT REVIEWED
19. Community Empowerment to Develop Creative Sector					UNCLEAR				NOT REVIEWED
19.1. Public participation in special space utilization					WITHDRAWN				NOT REVIEWED
19.2. Strengthen tourism and creative industry public services					WITHDRAWN				NOT REVIEWED
19.3. Tourist activities website					UNCLEAR				NOT REVIEWED

Table 2 | Summary of Progress by Commitment

NAME OF COMMITMENT	SUMMARY OF RESULTS
THEME 1. STRENGTHEN OPEN GOVERNANCE INFRASTRUCTURE TO SUPPORT BETTER PUBLIC SERVICES	
1. Strengthening Transparency Infrastructure of Public Bodies • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Substantial	This commitment, carried over from the 2013 action plan, sought to improve access to information and ensure greater accountability to the public by providing standardized, relevant, and up-to-date public information available on the Coordinating Ministry for People's Welfare's website. Overall, the commitment was evaluated as substantially complete though of minor potential impact because the milestones focused on replicating existing standard operating procedures (SOPs) and much of the information available on the website were incomplete or out of date in areas critical to government accountability and transparency. Milestone 1.3 had the potential to stretch existing government practices by creating a feedback mechanism to evaluate the ease of accessing information, but at the time of writing was not started. The IRM researcher recommends that missing information on the website be updated as soon as possible and that publishing the results of the public-reuse of information evaluation be made a priority.
2. Strengthening Infrastructure of Central and Local Information Commission • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial	This commitment sought to address problems related to the implementation of the 2010 Indonesian Freedom of Information (Fol) Law. This commitment targeted three areas: the establishment of provincial Freedom of Information (Fol) Commissions, guidelines on criteria for "vexatious requests," and study for and subsequent implementation of the revised Fol Law. While CSOs interviewed agreed that the milestones addressed important issue areas, they found that the government strategy for implementation had either stagnated after the 2013 action plan (milestone 2.1) or focused on technical reforms rather than engaging government agencies who were better positioned to implement reforms. The IRM researcher recommends that if future action plans include Fol law reform, Parliament and relevant agencies should be appropriately engaged and listed as institutions responsible for implementation.
3. Strengthening Institutional and Human Resources Infrastructure for Public Services • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited	In Indonesia, operating procedures and service standards vary widely across agencies and citizens are not able to easily provide feedback on public service delivery. This commitment focused on improving public service delivery by streamlining and standardizing infrastructure, establishing public complaint/feedback mechanisms, creating an open data portal, and implementing citizen-driven innovations for improving public satisfaction with public services (the SINOVIK competition). As written, the milestones focused on increasing target rates of completion, however due to changes in administration and the dissolution of UKP4, progress on implementation stalled. Moving forward, stakeholders recommend a shift in focus towards activities to enhance accountability such as prioritizing the publication of essential publications beyond SOPs and enabling citizens to track government action on the online public complaint platform (LAPOR).
THEME 2. IMPROVE QUALITY OF OPENNESS IN BASIC PUBLIC SERVICES	
4. Improve Quality of Openness in Health Services • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited	With the launch of the Universal Health Coverage system (BPJS) in 2014, health and healthcare services have become a major public concern. This commitment included four distinct milestones addressing different aspects of health and healthcare using community-based projects and complaint systems to enhance civic participation and accountability in the policy area. Overall, the IRM researcher found this commitment to be of moderate potential impact due to the focus on creating strong feedback mechanisms where citizens could report and track complaints using a variety of platforms. However, implementation of this commitment suffered either due to jurisdictional issues (milestone 4.2) or stalled implementation due to a lack of higher-level coordination of OGP activities after the dissolution of UKP4.

NAME OF COMMITMENT	SUMMARY OF RESULTS
5. Improve Quality of Openness in Education Services • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Not Started	This commitment aims to improve the quality of education services through a mix of transparency and oversight measures (Milestone 5.1), making teaching and training resources available to teachers (Milestone 5.2), and making research facilities open to the public (Milestone 5.3). The goal was to increase the quality of teachers and lecturers through online study and visual tools. Milestones 5.2. and 5.3 were officially withdrawn by their implementing agency after the change in administration and the IRM researcher was unable to find evidence of completion for Milestone 5.1. Indonesia faces many challenges around ensuring high quality secondary education including lack of resources and adequately educated professors. Higher education is a priority for Indonesia and is a good area for open government to tackle. Some future commitments might include pro-active publication of university finances coupled with redress mechanism/complaint mechanism and making university audits publicly available.
THEME 3. ACCELERATE OPEN AND GOOD GOVERNANCE PRACTICES IN CORRUPTION-PRONE AREAS	
6. Accelerate Open and Good Governance Practices in Law Enforcement • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial	This commitment sought to improve the quality of policing and minimize potential areas for corruption in the criminal justice system by transparency in resolution of public complaints, development of online facility for traffic violations settlement, and provide information to prevent accidents. Overall, the IRM researcher found that substantial progress has been made in improving the quality of policing, though additional work is required on the projects that comprise individual milestones to be completed. Some CSO stakeholders interviewed consider this commitment (involving the national police) to be less strategic in terms of corruption eradication, although it may be important for increasing public service quality while other stakeholders felt that the National Police should also focus on the transparency of criminal justice system. Moving forward, stakeholders strongly recommend the continued involvement of the national police in the OGP process –particularly on commitments related to corruption eradication and transparency at all stages of the criminal justice system.
7. Accelerate Open and Good Governance Practices in Goods and Services Procurement • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Complete	In Indonesia, public procurement is one of the most corruption-prone areas. The objective of this commitment is to increase transparency and public accountability by creating regulations for publishing blacklist information and provide the public with real-time information regarding blacklisted companies/personnel. According to an official interviewed, there were no obstacles to implementing this commitment. This is due in part to the fact that the work plan regarding publishing blacklist regulations was finalized in 2011 and the blacklist website has been operational since 2012. Unfortunately, this commitment, as written, does not address the underlying issues preventing the blacklist website from serving as an effective transparency and accountability because in practice, procurement committee members do not check the blacklist website during the bidding process nor does the PPK (commitment-making officials) verify the status of goods and services providers before signing contracts. Stakeholders recommend that procurement contracts be made publicly available and that the blacklist website include a clear channel for citizens to report violations to make the citizen participation aspect of this commitment more meaningful.
8. Accelerate Open and Good Governance Practices in Business Development and Investment Sector • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited	A recent assessment from the IFC-World Bank ranked Indonesia as 120 out of 183 in terms of ease of doing business. This commitment seeks to improve transparency and public participation in combating corrupt business practices through a series of measures designed to standardize business-related procedures and promote youth participation in development. Milestones 8.3, 8.4, and 8.5 were withdrawn by their respective implementing agencies, stating that the activities fell outside their scope and therefore could not be implemented. This agenda to increase openness and good governance practice in Business and Investment sector should be included in the next action plan but the next action plan must coordinate with implementing agencies to ensure that these activities are properly placed so that commitment implementation is not hindered by bureaucratic issues.

NAME OF COMMITMENT	SUMMARY OF RESULTS
9. Accelerate Open and Good Governance Practices in Land Affairs • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited	Land administration in Indonesia is complicated with overlapping titles, unofficial fees, complicated process, significant delays, and fraudulent certificates. This commitment expands the geographical coverage of previous OGP commitments to improve ease of buying and selling real property in Indonesia by reducing fraud, centralizing regulations, and reducing unofficial fee collection in previous OGP action plans. It would also make sure that appropriate services and data are available through a government website for land registration and use. The IRM researcher found that little progress has been made on this commitment since the previous IRM report. Moving forward stakeholders recommend updating and enhancing data available on the website (including creating a complaint mechanism), and harmonizing national and local regulations.
10. Accelerate Open and Good Governance Practices in Management of Migrant Workers • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial	According to government statistics from October 2013, there are 360,063 Indonesian migrant workers overseas, 45% of which are considered "informal" (working as household assistant). Migrant workers (Tenaga Kerja Indonesia or TKI) are prone to abuse, there are various cases where they overworked, underpaid or mistreated. There are three main activities in this commitment: uploading statistical data on TKI, the creation of a verified jobs platform and finally, the creation of complaint platform to address TKI abuse. Overall, this commitment has the potential to significantly transform migrant worker protections and significant progress has been made in compiling statistical data and creating a jobs portal. However, additional work is needed in publishing follow-ups on the complaint mechanism. One CSO stakeholder recommend that TKI-related commitments in the next OGP Action Plan be focused into (i) better information provision for TKI, (ii) prevention of extortion and (iii) acceleration of passport extension at Indonesian Embassy abroad.
11. Accelerate Open and Good Governance Practices in Hajj Management • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited	The hajj, or pilgrimage to Mecca, is one of the fundamental religious tenets for observant Muslims. As one of the world's most populous Muslim countries, there is high demand for Indonesians to go on hajj at least once in their lives. This commitment is in part a continuation of the 2013 Action Plan on Hajj Management and Office of Religious Affairs, in which it aimed at publishing information about hajj costs (BPIH) in addition to hajj departure and queue status, departure and travel plans. The 2013 and 2014 APs also sought to publish marriage information services and publication of marriage services. Overall, the IRM researcher was unable to verify if additional implementation has taken place on this commitment since the 2013 Action Plan, though a stakeholder noted that posters on marriage services are on display in several regions. The IRM researcher recommends that this commitment be carried over to the next Action Plan and focus on user-friendly improvements to enhance access to information.
12. Accelerate Open and Good Governance Practices in Natural Resources Management • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited	Constitutionally, earth, water and the natural resources inside Indonesia are controlled by the state and used for the benefit of the people. These commitments build on and expand the EITI commitments elsewhere by including them in the OGP National Action Plan. These commitments have been included, in various forms, since the first National Action Plan. Indonesia was found EITI compliant in 2014 but is currently listed as "suspended" on the EITI website due to delayed reporting. Besides the EITI Reports, Indonesia also has made the publication of data retrieval and production of oil and gas as well as minerals and coal in real time. Most of the milestones were not complete, withdrawn, or had not started. A CSO stakeholder commented that some in the government bureaucracy may not be supportive of the EITI scheme which may have affected commitment implementation. The IRM researcher considered that EITI should be dropped from the OGP Action Plan, as it already has an established system, independent of the OGP. While OGP can add an additional layer of visibility and accountability, it best serves as a platform for commitments around extractives that go beyond the requirements of EITI.

NAME OF COMMITMENT	SUMMARY OF RESULTS
THEME 4. IMPROVE QUALITY OF OPENNESS IN COMMON PUBLIC INTEREST AREAS	
13. Improve Public Participation in Development Planning • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Unclear	Indonesia adheres to a bottom-up planning framework, known as Musrenbang. In practice, however, there is little opportunity for public participation in development planning. The goal of this commitment was to enhance public participation in development planning creating ministerial guidelines for online and offline participation. There already exist numerous guidelines on public participation in development planning, the commitment as written does not appear to stretch existing government practice. The IRM researcher was unable to verify whether these guidelines were created and requests for interviews with officials went unanswered. This commitment could have “moderate” potential impact if it includes a platform and infrastructure for offline and online participation in the next action plan.
14. Improve Public Participation in House of Representative and Regional Representative Council • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial	This commitment originated from one of the winners of the Solusimu (Your Solution) Contest. This commitment seeks to enhance legislative transparency and accountability by publishing accurate biographical and contact information for Parliament members and guidelines for establishing closed parliamentary sessions. While progress has been made on publishing Parliamentary information and creating guidelines, this commitment's overall potential impact is undermined by the fact that the guidelines have no legal basis because the implementing institution does not control amendments to Parliamentary rules. Additionally, CSO stakeholders noted that the scope of both milestones was too vague and did not adequately take into account privacy or security concerns. The IRM researcher recommends that both milestones be included in the next action plan, though the language should be amended to narrow the scope and ensure the proper agency and institutions are responsible for implementation.
15. Improve Public Participation in Environmental Preservation • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Not Started	Little notable progress has been made on this commitment, which aimed to improve the environmental management regime through improved access to information and public participation. Indonesia has been rapidly industrializing over the past several decades. One consequence of this is increased pollution. Transparency and participation measures, which contribute to more effective management of pollutants, have not been effective. The actions contained under this commitment would have an overall moderate potential impact, if implemented. The IRM researcher recommends including activities on managing hazardous waste materials and the EIA law in the next action, though the language should be revised to require publication of all documents and enhance public participation opportunities.
16. Community Empowerment to Handle Poor Society and People with Disabilities and Special Needs • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited	The main problem of disability issue is invisibility phenomenon. Disability used often used to separate persons with disabilities from the rest of the population. This commitment is composed of three separate activities: the implementation of activities from the Indonesia Disabilities National Action Plan on disabilities data, a mental health public awareness campaign, and the “My Village Awaits” program that re-establishes beggars from urban areas to their local villages. For milestone 16.1 the IRM researcher found that while the website for information on persons with disabilities is live, it replicates the work of an existing disability information system and there are many features that are not operational. For milestone 16.2, the IRM researcher found evidence of some mental health awareness campaigns, but it was unclear how this milestone relates to OGP-values. For milestone 16.3 the government self-assessment report indicated that a pilot project had been successfully completed but the IRM researcher was unable to verify the findings of the pilot project. Milestone 16.3 was also of unclear relevance to OGP values. The IRM Researcher recommends disability information system to be retooled to include data at the village level and regularly updated so that it can be a useful resource for citizens, CSOs, and government agencies. In order for milestones 16.2 and 16.3 to be more OGP-relevant, the IRM researcher recommends revising the language of the milestones so as to include project accountability mechanism.

NAME OF COMMITMENT	SUMMARY OF RESULTS
17. Community Empowerment to Support Environmental Sustainability • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Unclear	With this commitment, the government of Indonesia seeks to increase public participation in environmental conservation efforts by strengthening the role of communities in preserving mangrove forests and piloting a solid waste management project. Milestone 17.1 aims to empower communities in preserving mangrove forests and introduce new business-related development in coastal areas by conducting pilot project in 5 regions. The government self-assessment report found that this pilot project was complete but the IRM researcher was unable to evaluate completion of the milestone and government officials declined requests for interview. Milestone 17.2 attempts to build local capacity and public participation for farming, by inventarizing process and success stories of P4S (Self-Reliant Agriculture and Village Training Center). The government self-assessment report referred to a classification website as evidence of completion but the IRM researcher was unable to find evidence concerning the completion of the pilot project. Milestone 17.3 seeks to develop community based traditional market solid waste management by issuing a Ministerial Circular and one pilot project. The government self-assessment report indicated that the pilot project was complete but the IRM researcher was unable to verify the existence of the Ministerial Circular on the pilot project. As written, the milestone does not appear to be relevant to OGP values. Overall, this commitment suffered from a lack of relevance to OGP values and unclear levels of completion. The IRM researcher recommends that the commitment be reformulated to include open government activities such as the publication of a minimum service standard to increase access to information. One CSO stakeholder recommended linking milestone 17.3 with an existing Clean City Award (Adipura) program to enhance transparency.
18. Community Empowerment to Strengthen Agriculture Sector • OGP Value Relevance: Unclear • Potential Impact: None • Completion: Limited	The Indonesian government is determined to strengthen the agriculture sector by optimizing the function of the Counseling Center at the district level, and building capacity of the younger generation in this sector. This commitment includes activities aimed at changing the perception of farming and agriculture by educating citizens on the equitable distribution of agriculture and facilitating workshops for youths on technical assistance, mentoring, and job training for agricultural jobs. Despite the importance of this program for food security, this commitment as written is not relevant to OGP values. It is thus impossible to measure the impact of such program to OGP. If stakeholders and the government consider it appropriate to include agriculture and food security in the next national action plan, it must focus on how to use open government activities to improve agricultural and food security policy areas.
19. Community Empowerment to Develop Creative Sector • OGP Value Relevance: Unclear • Potential Impact: None • Completion: Unclear	The goal of this commitment is to enhance and protect the creative economy in Indonesia by creating specialized spaces and supporting the tourism sector. Milestones 19.1 and 19.2 were developed by the public through the SOLUSIMU competition but were withdrawn by their respective implementing agencies due to being outside their scope. Milestone 19.3 would include the development of a website, a mobile application, and a tourism industry logo for connecting tourists with potential tourism activities. According to the government self-assessment report, the milestone is completed. However, the IRM researchers found that the tourism website was created in 2009 and pre-dates the action plan. The IRM researcher could not find evidence of any significant overhauls to the website or the creation of a mobile application. There are areas where opening government can help promote tourism, however as written this commitment does not address OGP values and has no potential impact. The IRM researcher recommends consulting with industry experts on how to apply open government practices to tourism industry issues.

PUBLIC COMMENT VERSION: NOT FINAL

RECOMMENDATIONS

TOP FIVE "SMART" RECOMMENDATIONS

1. The Fourth National Action Plan should include fewer, more ambitious commitments and focus on increasing ownership of the commitments among implementing agencies and CSO partners
2. When developing the Fourth National Action Plan, Open Government Indonesia should reflect stakeholder priorities by including commitments that provide open government solutions to the following policy areas
 - One Map Policy and the recognition of indigenous land rights, including its utilization in regional development plan;
 - Implementation of the Village Law;
 - Implementation of the National Health System;
 - Transparency of the fishery and marine sector;
 - Privacy and Protection of Personal Data
3. An online platform should be developed to enable the public to track progress on and participate in the development, implementation, and evaluation of commitments in OGP action plans.
4. In order to increase public participation and enhance transparency in action plan implementation, the OGI National Secretariat should develop and enact "Rules of Procedure" for CSO and public participation in the Secretariat
5. The government should immediately approve the draft OGI Secretariat structure to ensure that OGP Action Plan implementation and the day-to-day workings of the OGI Secretariat is insulated against regime changes.



Dr. Mohamad Mova Al'Afghani is a researcher and an open government expert, leading the Center for Regulation, Policy and Governance (CRPG), a research institution based in Universitas Ibn Khaldun, Bogor. He conducted research in collaboration with various organizations on the issue of transparency, environmental information, freedom of information, utilities regulation, and water services. The author would like to thank Mr. Pius Widiyatmoko for his assistance in writing this report and Siti Annisa Chairri, Puji Prasetyawati and Muhammad Afif, who provided tremendous assistance.

Open Government Partnership aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans in order to foster dialogue among stakeholders and improve accountability

ELIGIBILITY REQUIREMENTS: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, visit: www.opengovpartnership.org/eligibility

	2011	CURRENT	CHANGE	EXPLANATION
Budget Transparency	4	4	No Change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to Information	4	4	No Change	4 = Access to information (ATI) law in force 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration	4	4	No Change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Civic Engagement (raw score)	3 (7.06)	3 (7.35)	Change	1 > 0 2 > 2.5 3 > 5 4 > 7.5
TOTAL/POSSIBLE (PERCENTAGE)	15/16 (94%)	15/16 (94%)	No Change	75% of possible points to be eligible

Indonesia

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I. National participation in OGP

History of OGP participation

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government.

As one of the founding members of OGP, the Indonesian government submitted its first OGP action plan in September 2011.

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Objective, third party indicators are used to determine the extent of country progress on each of the dimensions. See Section IX: Eligibility Requirements for more details.

All OGP participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Action plans should set out governments' OGP commitments, which move government practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete on-going reforms, or initiate action in an entirely new area.

Indonesia developed its first National Action Plan (NAP) between July 2011 and September 2011. The plan covered the period of September 2011 through December 2013, though the effective period of implementation of the first NAP was 1 January 2012 through 31 December 2012. The IRM progress report of the first action plan was published in January 2014.

The second NAP was released in 2013, with commitments for 2013-2015. In September 2014, the Indonesian government released its third OGP action plan one year ahead of schedule. Due to the early release of the third action plan and a change in administration during the evaluation period, the IRM in consultation with the Indonesian government and civil society, opted to release a Special Accountability Report to evaluate progress made on the second action plan.

Indonesia developed its third national action plan beginning in October 2013 through July 2014. The effective period of implementation for the action plan [submitted in July 2014](#) was officially 28 May 2014 through 31 December 2015. This mid-term progress report covers

the first year of implementation for this period, from 28 May 2014 through 31 December 2014. The government published its self-assessment in April 2015.

The IRM researcher notes the “Action Plan narrative” deposited in the OGP portal in July 2014⁶ is a general document that does not include details on how the commitments would be implemented. On 24 March 2015, in response to an email query by the IRM researcher, the government provided an internal document that outlined specific details on milestones and commitment implementation. This internal document was not made publicly available until after the government released their self-assessment report in April 2015. At the time of writing, an English version of the internal document was not available.

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Mohamad Mova Al’Afghani of Center for Regulation, Policy and Governance (CRPG), who carried out this evaluation of the development and implementation of Indonesia’s third action plan. It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP participating country. Methods and sources are dealt with in a methodological annex in this report.

Basic institutional context

On 9 July 2014, Indonesia held its third presidential election. The new administration took office on 20 October 2014 and subsequently reorganized several ministries and agencies, including the Presidential Delivery Unit for Development Monitoring and Oversight (UKP-PP/UKP4), which had previously coordinated OGP action plan implementation and programmatic activities.

Prior to the July 2014 elections, OGP activities were coordinated by the Open Government Indonesia (OGI) “Core Team.” From 2013 to 31 December 2014, the “Core Team” comprised of seven ministries and seven select Civil Societies Organizations (CSOs) and was led by the UKP-PP/ UKP4. The UKP-PP/UKP4 was dissolved in December 2014. Since its dissolution, there remains no definitive lead agency for OGP initiatives in Indonesia.

The new administration has indicated plans to create a joint secretariat comprised of the National Planning Agency (Bappenas), the Executive Office of the President, and the Ministry of Foreign Affairs. However, at the time of writing this report, no such secretariat exists nor has the government released a plan for creating a lead agency for OGP activities.

Methodological note

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP participating government. In Indonesia, the IRM partnered with Center for Regulation, Policy and Governance (CRPG). CRPG reviewed the government’s self-assessment report, gathered the views of civil society, and interviewed appropriate government officials and other stakeholders. OGP staff and a panel of experts reviewed the report.

This report covers the first year of implementation of Indonesia’s third action plan, 7 November 2014 through 31 July 2015. Beginning in 2015, the IRM also publishes end of term reports to account for the final status of progress at the end of the action plan’s two-year period. This report follows on two earlier reviews of OGP performance, “Indonesia Progress Report 2011-2013” and “Indonesia Special Accountability Report 2013.” These reports covered the development and implementation of the first action plan as well as the

development and implementation of the second action plan from 1 January 2013 through 31 December 2013.

To gather the voices of multiple stakeholders The IRM researcher, in partnership with a civil society organization (CSO), Medialink, organized one stakeholder forum in Jakarta, which was conducted according to a focus group model. CPRG also reviewed three key documents prepared by the government: a report on [Indonesia's third action plan](#) submitted to the OGP portal in 2014, the internal document detailing action plan commitments and milestones published in Bahasa Indonesian in April 2015, and the government self-assessment report (GSAR) published in April 2015. Numerous references are made to these documents throughout this report.

⁶ <http://www.opengovpartnership.org/blog/melissa-mina/2014/07/24/indonesian-government-released-47-action-plans-2014-2015>

II. Process: Action plan development

The development of the 2014 National Action Plan (NAP) sought to address criticism of previous action plans as “too exclusive” with only select CSOs allowed to participate in the consultation process and had the potential to be more inclusive and more transparent. However, the lack of advance notice, lack of evidence on consultation events, and lack of clarity on the incorporation of citizen-generated ideas in the action plan undermined the government’s increased public participation efforts.

Countries participating in OGP follow a set process for consultation during development of their OGP action plan. According to the OGP Articles of Governance, countries must:

- Make the details of their public consultation process and timeline available (online at minimum) prior to the consultation
- Consult widely with the national community, including civil society and the private sector; seek out a diverse range of views and; make a summary of the public consultation and all individual written comment submissions available online
- Undertake OGP awareness raising activities to enhance public participation in the consultation
- Consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

A fifth requirement, during consultation, is set out in the OGP Articles of Governance. This requirement is dealt with in the section “III: Consultation during implementation”:

- Countries are to identify a forum to enable regular multistakeholder consultation on OGP implementation—this can be an existing entity or a new one.

This is dealt with in the next section, but evidence for consultation both before and during implementation is included here and in Table 1 for ease of reference.

Table 1: Action Plan Consultation Process

Phase of Action Plan	OGP Process Requirement (Articles of Governance Section)	Did the government meet this requirement?
During Development	Were timeline and process available prior to consultation?	No
	Was the timeline available online?	No
	Was the timeline available through other channels?	No
	Was there advance notice of the consultation?	No
	How many days of advance notice were provided?	N/A

	Was this notice adequate?	No
	Did the government carry out awareness-raising activities?	Yes
	Provide any links to awareness-raising activities.	http://bit.ly/1MJQOVQ
	Were consultations held online?	Yes
	Provide any links to online consultations.	http://bit.ly/1i1SWj0
	Were in-person consultations held?	Yes
	Was a summary of comments provided?	Yes
	Provide any links to summary of comments.	http://bit.ly/1MJQS7R
	Provide any links to summary of comments.	Yes
	Were consultations open or invitation-only?	Invite only
	Place the consultations on the IAP2 spectrum. ¹	Consult
During Implementation	Was there a regular forum for consultation during implementation?	No
	Were consultations open or invitation-only?	N/A
	Place the consultations on the IAP2 spectrum.	N/A

Advance notice and awareness-raising

During the action plan development phase, the government sought to enhance public participation and transparency by creating a nine-stage action plan development process. The Open Government Indonesia (OGI) website (<http://opengovindonesia.org/>) served as the primary platform for announcements and publications relating to OGP programs including action plan development. A chart outlining nine action plan development stages was published in the OGI website on 26 February 2014 in an article titled “Safeguarding the Working Stages on the Development of OGI 2014-2015 Action Plan.”² The nine stages are as follows:

Stage 1: Solusimu contest (described below)

Stage 2: Preliminary Draft

Stage 3: National Planning Agency (Bappenas) Discussion

Stage 4: First and Second Plenary

Stage 5: Revision of Drafts

Stage 6: Discussion with Line Ministries and Agencies (twice)

Stage 7: Final Draft of the Action Plan

Stage 8: Enactment of the OGP Action Plan

Stage 9: Monitoring and Evaluation

The public was encouraged to participate in the nine stages above by providing comments by email or online. The article also explained that the public may monitor OGP implementation through the Layanan Aspirasi dan Pengaduan Online Rakyat (Public Online Aspiration and Complaint Service) or LAPOR platform and an SMS number³. At the time of publication of the article, the government claimed it had reached Stage 4: First Plenary. However the article did not include exact dates or deadlines for each of the stages, which made independent verification of the consultation stages difficult.

The article references an 18 February 2014 meeting between civil society and academics at Bappenas and included a link to a document containing an early draft of the action plan with comments from the Bappenas and two CSOs: Pusat Telaah dan Informasi Regional (PATTIRO) and ICEL (Indonesian Center for Environmental Law). However, the article did not provide a list of stakeholders invited nor issues discussed. The IRM researcher was able to confirm in an interview with a government official that a consultation meeting took place.⁴ However, the IRM researcher was unable to independently confirm the stage at which the consultation meeting took place, nor whether the nine consultation stages were completed. The IRM researcher did not receive documentation and letters related to the consultation meeting(s) due to technical problems with the handover of OGP initiative from UKP4 to the President's Executive Office after the July 2014 elections.

The most notable change in the action plan development process was the creation of a contest called "Solusimu Ayo Berinovasi!" ("Your solution, Let's innovate") where participants could submit an infographic or ideas on how to improve public services in Indonesia. As the first of the nine stages of the action plan development process⁵, the contest aimed at the "improvement of public service." It was not made clear how the improvement of public services would translate to enhanced transparency and accountability, though a government official interviewed clarified the purpose of the Solusimu initiative as a response to criticism of previous OGP action plan development processes as "too exclusive."

The contest ran from 17 October through 6 December 2013⁶ and was open to individuals and groups with government awarding prizes to winners. Public awareness campaigns (promotions) for Solusimu contest were conducted online and offline, including roadshows to 10 major cities in Indonesia. The contest generated 3,000 submissions and 10 finalists were selected.

The Solusimu website clearly indicates that it is a part of OGI, however, it is not explicitly clear from the Solusimu website how the winning ideas would be incorporated in the 2014-15 action plan. The government's twitter campaign indicated that results would be submitted to relevant ministries and agencies for further consideration, however, this is less clear from the Solusimu platform itself.⁷ A government website quoted UKP4 officials suggesting that results from the 10 finalists were directed to 8 ministries and the legislature.⁸ In the OGP action plan published to the OGP portal in November 2014, commitments 5, 6, 13, and 19 include milestones taken directly from winning Solusimu entries. However, the government self-assessment report (GSAR) did not indicate which milestones were derived from the Solusimu contest.

Unfortunately, the majority of the Solusimu-milestones incorporated into the Action Plan were either reported as withdrawn by the government in the GSAR or determined to be of unclear relevance to OGP values by the IRM researcher. While the Solusimu contest should be applauded for enhancing public participation, additional work is required to educate the

public on how open government can be used to address issues so that future citizen-driven commitments can take a more prominent role in OGP action plans.

Compared to the 2013 action plan, the development of the 2014-15 action plan had the potential to be more inclusive and more transparent, since it introduced the Solusimu platform and clearly identified a nine-stage process for consultation. One CSO stakeholder commented that that UKP4 held two consultation forums, one in Bandung and the other in Jakarta.⁹ Unfortunately, while the stages for action plan development were publicly available, the information contained no exact dates and was only made available at the fourth stage of the process. This does not constitute a “timeline” as required by OGP bylaws. Presumably, such timeline is available through other channels, using internal correspondence between the OGP secretariat Core Team. Unfortunately, due to technical problems during the handover of OGI data to the new administration, the IRM researcher was not provided with evidence of any correspondence indicating a timeline for consultation. As such, the IRM researcher was unable to evaluate if any advanced notice of a consultation exists, whether it was adequate, and what issues were discussed during the consultation event. When there is no evidence of advance notice, the IRM codes this as “No”.

¹ “IAP2 Spectrum of Political Participation”, *International Association for Public Participation*, <http://bit.ly/1kMmLYC>

² Editor, ‘Mengawal Tahapan Kerja Perumusan Rencana Aksi OGI 2014-2015’ (*Open Government Indonesia*, 2014) <<http://opengovindonesia.org/mengawal-tahapan-kerja-perumusan-rencana-aksi-ogi-2014/>> accessed March 12, 2015

³ <https://www.lapor.go.id/>

⁴ IRM Researcher, *Interview with Fithya Findie, Bappenas, Jakarta, May 22, 2015* IRM Researcher, *Interview with Dedi Nurcahyanto, Bank Indonesia, Jakarta, May 29, 2015*

⁵ Open Government Indonesia, *Laporan Pelaksanaan Open Government Indonesia/Open Government Indonesia Self Assessment Report Tahun 2014* (Jakarta, 30 April 2015, 2015)

⁶ Admin, ‘Kontes Inovasi Solusi 2013 “SOLUSIMU, Ayo Berinovasi!”’ (*UKP4*, 2013) <<http://opengovindonesia.org/kontes-inovasi-solusi-2013-solusimu-ayo-berinovasi/>> accessed January 10, 2015

⁷ See the twitter campaign <http://chirpstory.com/li/222718>, accessed February, 3, 2015

⁸ Admin, ‘Kontes Inovasi Solusi 2014: “SOLUSIMU, Ayo Berinovasi!”’ (*Data.go.id*, 2014) <<http://data.go.id/konten/kontes-inovasi-solusi-2014-solusimu-ayo-berinovasi/>> accessed February 9, 2015

⁹ IRM Researcher, interview with Ilham Saenong (Transparency International), October 15, 2015

III. Implementation of action plan

Regular multi-stakeholder consultation

During the implementation period, Core Team meetings served as the multi-stakeholder consultation forum. While Indonesian CSOs were consulted in the nomination of the seven Core Team civil society representatives, there was very little meaningful consultation and collaboration between government and wider civil society on commitment implementation. Core Team meetings were closed to the public and full meeting notes were not published online nor were they made available to the IRM researcher.

Stakeholders interviewed described the UKP4 as very dominant within the Core Team, with little opportunity for CSO representatives to co-manage or offer meeting agenda items. Additionally, the focus of these meetings was more on “mainstreaming” OGP issues, discussing “events” at regional and international scale¹ than tracking progress on action plan commitments. The main activities of the Core Team revolved around raising awareness of the OGP process and increasing participation in the Solusimu contest. The CSO members of the Core Team focused on raising awareness among CSOs, while the government elements focused on the bureaucracy. As a result, the Core Team did not publicize or track progress on commitments and even Core Team members are unable to report on commitment progress.² The Action Plan published to the OGP portal in November 2014 planned to hold regular meetings (in June, August, October, and December 2014) between seven government ministries/agencies and seven CSOs to track progress on commitment implementation. However, the IRM researcher was unable to verify if these meetings took place.

While awareness-raising activities are critical to ensuring meaningful public participation in the OGP process, the IRM researcher recommends that a separate, multi-stakeholder consultation forum be enacted. Such a forum must contain provisions on public and CSO involvement on the tracking, monitoring and analysis of Action Plan implementation.

Finally, since the internal document detailing Action Plan commitments and milestones was only published with the release of the government self-assessment report, it was impossible for the general public to monitor government action on OGP activities. The IRM researcher found that one version of this internal document was circulated among select CSOs though it is unclear if CSOs outside this select group had access to the document.

¹ Ilham Saenong, FGD with CSO, Jakarta, Sunday August 23, 2015.

² DE Prayitno, FGD with CSO, Jakarta, Sunday August 23, 2015.

IV. Analysis of Action Plan Contents

All OGP participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments begin their OGP country action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs. Action plans then set out governments' OGP commitments, which stretch practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Commitments should be appropriate to each country's unique circumstances and policy interests. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP participating countries. The IRM uses the following guidance to evaluate relevance to core open government values:

Access to information

Commitments around access to information:

- Pertain to government-held information, as opposed to only information on government activities. As an example, releasing government-held information on pollution would be clearly relevant, although the information is not about "government activity" per se;
- Are not restricted to data but pertain to all information. For example, releasing individual construction contracts and releasing data on a large set of construction contracts;
- May include information disclosures in open data and the systems that underpin the public disclosure of data;
- May cover both proactive and/or reactive releases of information;
- May cover both making data more available and/or improving the technological readability of information;
- May pertain to mechanisms to strengthen the right to information (such as ombudsman's offices or information tribunals);
- Must provide open access to information (it should not be privileged or internal only to government);
- Should promote transparency of government decision making and carrying out of basic functions;
- May seek to lower cost of obtaining information;
- Should strive to meet the 5 Star for Open Data design (<http://5stardata.info/>).

Civic participation

Commitments around civic participation may pertain to formal public participation or to broader civic participation. They should generally seek to "consult," "involve," "collaborate," or "empower," as explained by the International Association for Public Participation's Public Participation Spectrum (<http://bit.ly/1kMmlYC>).

Commitments addressing public participation:

- Must open up decision making to all interested members of the public; such forums are usually “top-down” in that they are created by government (or actors empowered by government) to inform decision making throughout the policy cycle;
- Can include elements of access to information to ensure meaningful input of interested members of the public into decisions;
- Often include the right to have your voice heard, but do not necessarily include the right to be a formal part of a decision making process.

Alternately, commitments may address the broader operating environment that enables participation in civic space. Examples include but are not limited to:

- Reforms increasing freedoms of assembly, expression, petition, press, or association;
- Reforms on association including trade union laws or NGO laws;
- Reforms improving the transparency and process of formal democratic processes such as citizen proposals, elections, or petitions.

The following commitments are examples of commitments that would **not** be marked as clearly relevant to the broader term, civic participation:

- Commitments that assume participation will increase due to publication of information without specifying the mechanism for such participation (although this commitment would be marked as “access to information”);
- Commitments on decentralization that do not specify the mechanisms for enhanced public participation;
- Commitments that define participation as inter-agency cooperation without a mechanism for public participation.

Commitments that may be marked of “unclear relevance” also include those mechanisms where participation is limited to government-selected organizations.

Public accountability

Commitments improving accountability can include:

- Rules, regulations, and mechanisms that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.

Consistent with the core goal of “Open Government,” to be counted as “clearly relevant,” such commitments must include a public-facing element, meaning that they are not purely internal systems of accountability. While such commitments may be laudable and may meet an OGP grand challenge, they do not, as articulated, meet the test of “clear relevance” due to their lack of openness. Where such internal-facing mechanisms are a key part of government strategy, it is recommended that governments include a public facing element such as:

- Disclosure of non-sensitive metadata on institutional activities (following maximum disclosure principles);

- Citizen audits of performance;
- Citizen-initiated appeals processes in cases of non-performance or abuse.

Strong commitments around accountability ascribe rights, duties, or consequences for actions of officials or institutions. Formal accountability commitments include means of formally expressing grievances or reporting wrongdoing and achieving redress. Examples of strong commitments include:

- Improving or establishing appeals processes for denial of access to information;
- Improving access to justice by making justice mechanisms cheaper, faster, or easier to use;
- Improving public scrutiny of justice mechanisms;
- Creating public tracking systems for public complaints processes (such as case tracking software for police or anti-corruption hotlines).

A commitment that claims to improve accountability, but assumes that merely providing information or data without explaining what mechanism or intervention will translate that information into consequences or change, would **not** qualify as an accountability commitment. See <http://bit.ly/1oWPXdl> for further information.

Technology and innovation for openness and accountability

OGP aims to enhance the use of technology and innovation to enable public involvement in government. Specifically, commitments that use technology and innovation should enhance openness and accountability by:

- Promoting new technologies that offer opportunities for information sharing, public participation, and collaboration.
- Making more information public in ways that enable people to both understand what their governments do and to influence decisions.
- Working to reduce costs of using these technologies.

Additionally, commitments that will be marked as technology and innovation:

- May commit to a process of engaging civil society and the business community to identify effective practices and innovative approaches for leveraging new technologies to empower people and promote transparency in government;
- May commit to supporting the ability of governments and citizens to use technology for openness and accountability;
- May support the use of technology by government employees and citizens alike.

Not all eGovernment reforms improve openness of government. When an eGovernment commitment is made, it needs to articulate how it enhances at least one of the following: access to information, public participation, or public accountability.

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details

each of the commitments that Indonesia included in its Action Plan, and analyses them for the first year of implementation.

While most indicators used to evaluate each commitment are self-explanatory, a number deserve further explanation.

1. **Specificity:** The IRM researcher first assesses the level of specificity and measurability with which each commitment or action was framed. The options are:
 - High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)
 - Medium (Commitment language describes activity that is objectively verifiable, but does not contain clearly measurable milestones or deliverables)
 - Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)
 - None (Commitment language contains no verifiable deliverables or milestones)
2. **Relevance:** The IRM researcher evaluated each commitment for its relevance to OGP values and OGP grand challenges.
 - OGP values: To identify OGP commitments with unclear relationships to OGP values, the IRM researcher made a judgment from a close reading of the commitment's text. This judgment reveals commitments that can better articulate a clear link to fundamental issues of openness.
3. **Potential impact:** The IRM researcher evaluated each commitment for how ambitious commitments were with respect to new or pre-existing activities that stretch government practice beyond an existing baseline.
 - To contribute to a broad definition of ambition, the IRM researcher judged how potentially transformative each commitment might be in the policy area. This is based on the IRM researcher's findings and experience as a public policy expert. In order to assess potential impact, the IRM researcher identifies the policy problem, establishes a baseline performance level at the outset of the action plan and assesses the degree to which the commitment, if implemented, would impact performance and tackle the policy problem.

All of the indicators and method used in the IRM research can be found in the IRM Procedures Manual, available at (<http://www.opengovpartnership.org/about/about-irm>). Finally, one indicator is of particular interest to readers and useful for encouraging a race to the top between OGP-participating countries: the starred commitment. Starred commitments are considered to be exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

1. It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have medium or high specificity.
2. The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of access to information, civic participation, or public accountability.
3. The commitment would have a transformative potential impact if completely implemented.
4. Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of substantial or complete implementation.

Based on these criteria, the Indonesia action plan contained no starred commitments.

Note that the IRM updated the star criteria in early 2015 in order to raise the bar for model OGP commitments. Under the old criteria, a commitment received a star if it was measurable, clearly relevant to OGP values as written, had moderate or transformative impact, and was substantially or completely implemented.

Based on these old criteria, the Indonesia action plan would have received four starred commitments:

- Commitment 2: Strengthening Infrastructure of Central and Local Information Commission
- Commitment 6: Accelerate Open and Good Governance Practices in Law Enforcement
- Commitment 10: Accelerate Open and Good Governance Practices in Management of Migrant Workers
- Commitment 14: Improve Public Participation in House of Representative and Regional Representative Council

Finally, the graphs in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Indonesia, and all OGP-participating countries, see the OGP Explorer.¹

¹ The OGP Explorer provides the OGP community—civil society, academics, governments, and journalists—with easy access to the wealth of data that OGP has collected. It is available at <http://www.opengovpartnership.org/explorer/landing>

Theme 1. Strengthen Open Governance Infrastructure to Support Better Public Services

1. Strengthening Transparency Infrastructure of Public Bodies

Ministries/agencies understand that the responsibility to provide information services to the public is an essential effort to improve service quality. Kemenko Kesra through their site will publish List of Public Information (DIP) along with the Standard Operating Procedures (SOP) for Public Information Services. Ministries/agencies will then provide public information as stated in the DIP for the benefit of the greater public.

Milestones/KPIs (2014):

1. Publication of SOP for Public Information Service and List of Public Information at the Ministry for People's Welfare Coordinating Ministry of Public Welfare website
2. Availability of public information in accordance with the list on the website of Public Information Ministry for People's Welfare
3. The publication of the implementation and utilization of the results of evaluation of public information on the website Ministry for People's Welfare.

Responsible Institution: Coordinating Ministry for People's Welfare (Kemenko Kesra)

Supporting Institution(s): None

Start: 28 May 2014

End: 31 December 2014

	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public Accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
1. Overall		✓			✓					✓					✓	
1.1. SOP and list of public information services website		✓			✓			✓	✓							✓
1.2. Availability of public information		✓			✓				✓						✓	
1.3. Publish results of public information use			✓		✓		✓	✓		✓			✓			

What Happened?

This commitment sought to improve access to information on public services by standardizing and centralizing public service information available on the Coordinating

Ministry for People's Welfare's website. This commitment is carried over from the 2013 action plan, though the scope of the commitment has narrowed to focus exclusively on the activities of the Coordinating Ministry for People's Welfare. Overall, the commitment was evaluated as substantially complete. However Milestone 1.3, the only milestone found to have a moderate potential impact on improving public information services, was not started.

Milestone 1.1 included the publication of a Standard Operating Procedure (SOP) and a list of available public information services on the Coordinating Ministry for People's Welfare website. The IRM researcher found that the SOP for public information services has been published on the website since 30 June 2011¹. The website also lists thirty types of public information available on the website. Requests from the IRM researcher for more information went unanswered.

Milestone 1.2 builds on the previous commitment to ensure that the information listed as available on the Coordinating Ministry for People's Welfare website is indeed publicly available. From thirty types of information that listed on List of Public Information of Ministry for People's Welfare², thirteen were accessible through the website or soft copy and sixteen were web-accessible in hard copy. Only information about officials' wealth report and procedures for complaints of abuse were not clearly presented on the website. Of the thirteen types of information accessible through the website in soft copy, the short profiles of ministerial officers³ are not complete. Of the seventeen types of information available in hard copy on the website, the financial report summary has not been not updated since 2012⁴ and the summary on the complete report of public information access, which consists of five types of information, is not displayed.⁵

Milestone 1.3 seeks to publish information on how public information at the Ministry of People's Welfare's site (*Kemenko Kesra*) is being utilized. Unfortunately, Ministry officials did not respond to several requests for interview by IRM researchers. Thus, the IRM researcher is unable to verify the original intention of this milestone and how it was implemented. The GSAR does not mention whether this milestone was implemented. The IRM researcher could not find any evidence of activities related to the publication of public re-use of information on the website.

The IRM researcher would like to note that none of these milestones in this commitment were included in the 100-commitment version of the Action Plan circulated in 2014⁶, but were added after the revision process by the Ministry of People's Welfare⁷.

Did It Matter?

Most of the actions contained in milestones 1.1 and 1.2 are similar to point 31 of Presidential Instruction number 2 years 2014⁸ on the Prevention and Eradication of Corruption. The List of Public Information is also mentioned in the commitment number 53 (See Part IV Section 15 of this report). Yet despite a pre-existing SOP and List, the information available on the Coordinating Ministry for People's Welfare website is incomplete or out of date in areas that are critical to government accountability and transparency. Since the IRM researcher was unable to find evidence of an improved SOP and List, milestones 1.1 and 1.2 were found to have no potential impact as they do not change the status quo.

Milestone 1.3 had the potential to stretch existing government practices but at the time of writing the report, it had not been started. The activities included in milestone 1.3 were

intended to serve as a feedback mechanism for the Coordinating Ministry for People's Welfare to evaluate the ease of accessing information and ensure greater accountability to the public by providing relevant, up-to-date public information. This public information re-use evaluation was also meant to serve as a means to improve how effectively information is conveyed on the website. However, since the Ministry did not respond to requests for interview, the IRM researcher was not able to verify what activities would have taken place to evaluate access to information and greater accountability in releasing public information. Without more information on the specific activities, the IRM researcher found this milestone to have only minor potential impact.

Moving Forward

The IRM researcher recommends that the information missing from the Coordinating Ministry for People's Welfare website be completed as soon as possible. The IRM researcher also recommends that the Head of Information and Trial, as the Documentation and Information Management Main Officer (PPID),⁹ make the evaluation of public re-use of information a priority and that the document is easily searchable on the website.

¹ See <http://bit.ly/1hbbRrL>

² See <http://bit.ly/1ET0BWq>

³ See number 4, 8, 13, 26, <http://bit.ly/1PPmGLU>

⁴ See <http://bit.ly/1EfRzrH>

⁵ See <http://bit.ly/1JgFwqR>

⁶ See <http://bit.ly/1WQddsA>

⁷ IRM Researcher received the 72 commitments version from the CSO core team which corresponded with Dedi Nur Cahyanto of UKP4. The version was not published on the OGI's website.

⁸ See page 13 <http://bit.ly/1V6ZMCS>

⁹ See <http://bit.ly/1KhxDfS>

2. Strengthening Infrastructure of Central and Local Information Commission

In accordance with the Law of Access to Public Information No.14/2008 (UU KIP), every public institution is obliged to provide information service to the society. As a follow up to the Law, Local Information Commission (KID) needs to be established at the provincial and district/city level. In addition to that, technical guidance for the Information Commission that sets criteria for applicants for public information is also necessary. Currently KID is still not available in all provinces, thus necessary regulations are required to accelerate the establishment of KID in all provinces.

Milestones/KIPs (2014):

1. The formation of the Regional Information Commission in 24 Provinces
2. Issuance of regulations / guidelines of the Central Information Commission set criteria for applicant information
3. A study on the revision of Indonesian Freedom of Information Law (Undang Undang Keterbukaan Informasi Publik)

Responsible Institution: Central Information Commission (KIP)

Supporting Institution(s): None

Start: 28 May 2014

End: 31 December 2014

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
2. Overall			✓		✓						✓				✓	
2.1. Regional Information Commission in 24 Provinces			✓		✓						✓					✓
2.2. Guidelines for Central Information Commission applicants			✓		✓					✓					✓	
2.3. Revised UU KIP study				✓						✓						✓

What happened?

The Indonesian Freedom of Information (FoI) Law was enacted in 2008 and came into force in 2010 – after several years of relentless effort by civil societies and FoI supporters. The law, a product of the 1998 reform, was regarded as a cornerstone of transparency in Indonesia.¹ There have been problems relating to the implementation of the FoI Law: weak institutions, lack of experience, lack of enforcement powers, lack of independence.² This commitment consists of four milestones: the establishment of provincial Freedom of Information (FoI) Commissions (*Komisi Informasi Daerah*), guidelines on criteria for “vexatious requests,” (repeated, unjustified use of FoI requests) and study for and subsequent implementation of the revised FoI Law (separated into two milestones).

During its early years, the caseload of the Central FoI Commission was heavy. The formation of provincial FoI Commissions is expected to reduce administrative burdens on the Central FoI Commission and enable applicants to have better access to FoI Commissions to settle disputes. The Indonesian Freedom of Information Legislation (*Undang-Undang No.14 Tahun 2008 tentang Keterbukaan Informasi Publik*) mandated that all provinces in Indonesia should establish Provincial FoI Commission³. Milestone 2.1 was included in the 2012 OGP action plan, with a target of 19 out of 34 provinces with regional FoI Commissions established.⁴ However, this was not continued in the 2013 Action Plan. At the time of writing, 27 out of 34 provinces had formed regional FoI Commissions.

The second milestone concerns FoI requesters with bad intentions (known also as “vexatious” request in other jurisdictions). Vexatious FoI requests were not properly dealt with under the 2008 Indonesian FoI Law and this has created problems and heavier workloads for FoI Commissions, in addition to burdening public expenditure. The Central FoI Commission attempts to tackle this problem through the creation of guidelines. Central FoI Commission Regulation 1 Year 2013 on the procedure of public information dispute settlement obligate the enactment of a decree about handling FoI requesters with bad faith.⁵ The draft for a decree had been prepared by late 2013.⁶ In October 2014, a public evaluation was conducted on the draft decree, which sparked a controversy over whether vexatious requests fall under the authority of Central FoI regulation or commissioners adjudicating a dispute. The controversy had not been resolved at the time of writing and the IRM researcher has not been able to obtain a copy of the draft decree for review.⁷

The third milestone concerns the “study” and the enactment of a revised FoI Law. Unfortunately, the text of the commitment does not outline which parts of the law are under review, though stakeholders interviewed have indicated that the position and status of the FoI Commission’s secretariat is among the central issues in the FoI Law reform agenda. Since 2013, civil society and the FoI Commission have discussed the agenda for reforming the secretariat position through a national coordination meeting.⁸ In addition to revising the law, the option was to conduct *Judicial Review* of Article 29 (4) and (5).

The idea to revise the law was stipulated in the Central FoI strategic plan 2013-2017, which aimed at completing the FoI Law amendment process in 2015. Amongst other things, the position of Central FoI Secretariat shall be elevated into “Secretariat General.” Under Indonesian bureaucracy, this move would elevate the FoI Commission to the same level as ministries⁹. Ideas for revision resurfaced in a coordination meeting in Mataram in 2014.¹⁰ On 10 November 2014, several commissioners from the Central FoI Commission

sent petition a judicial review of the FoI Law to the Constitutional Court.¹¹ At the time of writing, the FoI Law was still under review.

Did it matter?

Milestone 2.1 appears to have fulfilled its mandate of 24 regional Commissions with 26 out of 34 provinces having formed regional FoI Commissions during the implementation period. The IRM researcher was informed that during the first stages of the action plan, this milestone targeted the remaining 11 regional FoI Commissions that had not yet been formed by the end of 2013. It was mentioned that in the 2014 action plan, Milestone 2.1 would have had a target of 6 regional FoI Commission.¹² However during the drafting process, the actual target of 6 new regional FoI Commissions was discarded in lieu of a target of 24 regional Commissions in total¹³. Thus, the Central Information Commission only needed to form one regional Commission during the action plan implementation period in order to achieve in their target. This demonstrates that such action is not really the priority of the Central FoI Commission.

Additionally the “establishment” of regional FoI Commissions is considered achieved at the point of inauguration.¹⁴ However, inauguration does not in itself guarantee that the FoI Commission is operational. Thus, although this step is important, the IRM researcher does not consider this milestone, as written, to have transformative potential impact.

Vexatious requests can potentially drain judicial resources and public budget – and thus, may impede the FoI system as a whole. According to a CSO stakeholder, Yasin, vexatious requests could be regarded as restricting human rights, and thus must be regulated in primary legislation (*Undang-Undang*) rather than FoI Commission Regulation.¹⁵ Former FOI Commission Chief, Saragih, agrees with this suggestion, but remarked that temporary regulation by the FoI Commission is essential until appropriate legislation is codified.¹⁶ However, the IRM researcher found that there already exists a FoI Commission regulation with a clause on vexatious requests, and in practice, the Central FoI Commission has overturned vexatious FoI requests.¹⁷ While additional guidelines may clarify areas of jurisdiction and strengthen the powers and roles of the regional Commissions vis-à-vis the Central Commission, the IRM researcher found that it would only have a minor impact on the FoI policy area at-large.

Milestone 2.3 attempts to remedy existing loopholes in the FoI Law through legislative reforms; however the language of the commitment is vague and does not specifically mention which aspects of the FoI Law will be amended. Through interviews with stakeholders, the IRM researcher has determined that one of the main agenda items in the FoI Law revision is institutional independence, primarily through reorganization of the Central FoI Office from the Ministry of Communication and Information to the Secretariat General. Indeed, separating the Central FoI secretariat from the Ministry of Communication and Information and elevating it into Secretariat General may guarantee some bureaucratic independence; especially in terms of budgeting and recruitment. However, this should not be the main focus of the FoI Law reform as there are many other issues regarding the language of the law that require scrutiny and reform.

Milestone 2.3 falls outside of the FoI Commission's authority; as such reform requires action by the Legislature and the President. However, the legislative program for 2015-2019 does not include an agenda item on the revision of the FoI Law.¹⁸ An official from the Central FoI Commission interviewed told the IRM researcher that a formal request for revision will be submitted to the Parliament on October 2015.¹⁹ Without the support of the Legislature or a clear agenda for amending specific aspects of the FoI Law, the milestones as written have little potential impact.

Moving forward

As of 10 March 2015, 27 out of 34 provincial FoI commissions have been formed. However the IRM researcher recommends more steps, such as capacity building, training, staff recruitment, be taken in order for the Commissions to be operational and able to appropriately adjudicate FoI cases. In addition, since the Central FoI Commission has no direct authority in the formation of provincial FoI Commission (the authority falls under the purview of regional governments), the IRM researcher recommends that future action plans involve provincial government and the regional parliaments.²⁰ The Ministry of Internal Affairs, local legislators and the civil society should also be consulted with regards to best practices for establishing effective regional Commissions.

With respect to the milestone 2.2 on vexatious requests, the IRM researcher recommends that the issue should be regulated through legislation.²¹ Since Freedom of Information requests are a human right, the denial of such request on "vexatious request" grounds must be stipulated clearly through legislation. Regulation through the Central FoI Commission may not be sufficient for such purpose and is vulnerable to legal challenges.

As for milestone 2.3 pertaining to the FoI Law amendment, the IRM researcher recommends that any effort on FoI Law reform be made transparently. A book by civil society with a focus of reforming FoI bureaucracy has outlined a reform agenda.²² One of the main challenges to FoI law reform would come from the Parliament. The IRM researcher recommends that if future action plans include FoI law reform, Parliament and relevant agencies should be appropriately engaged and listed as institutions responsible for implementation.

¹ Mohamad Mova Al'Afghani, 'Welcoming the freedom of information law' *The Jakarta Post* (Jakarta, April 10, 2010) <<http://www.thejakartapost.com/news/2010/04/10/welcoming-freedom-information-law.html>> accessed January 3, 2011

² Mohamad Mova Al'Afghani, 'FoI commission needs strengthening' *The Jakarta Post* <<http://www.thejakartapost.com/news/2013/07/16/foi-commission-needs-strengthening.html>> accessed May 29, 2013

³ Article 60 UU No.14/2008
http://sipuu.setkab.go.id/buka_puu.php?id_puu=16132&file=UU%2014%20Tahun%202008.pdf

⁴ See page 8, no.2 Action Plan OGI Non Inpres

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- ⁵ See <http://komisiinformasi.go.id/regulasi/view/peraturan-komisi-informasi-nomor-1-tahun-2013>
- ⁶ See <http://www.komisiinformasi.go.id/news/view/fgd-ki-pusat-dilema-menakar-kesungguhan-dan-itikad-baik-pemohon-sengketa-informasi> (7/26/2015 9:59 AM)
- ⁷ Widiyatmoko, Pius, interview with John Fresly, commissioner of Central Information Commission, July 14, 2015
- ⁸ See <http://www.komisiinformasi.go.id/uploads/documents/c04701c42239cd46cb906abcad42f51a19ea8609.pdf> (7/26/2015 3:18 PM)
- ⁹ <http://www.komisiinformasi.go.id/site/download/id/41>
- ¹⁰ See <http://www.komisiinformasijakarta.net/berita/detail/143> (7/26/2015 3:27 PM)
- ¹¹ See <http://www.mahkamahkonstitusi.go.id/index.php?page=web.Berita&id=10369#.VbScFX342So> (7/26/2015 3:42 PM)
- ¹² See <http://opengovindonesia.org/wp-content/uploads/2014/02/Draft-Renaksi-Kompilasi-Lengkap-2014.xls>, action plan no. 2
- ¹³ Widiyatmoko, Pius, interview with John Fresly, July 14, 2015
- ¹⁴ Widiyatmoko, Pius, interview with John Fresly, July 14, 2015
- ¹⁵ IRM discussion with Muhammad Yasin (Hukumonline), August 3, 2015
- ¹⁶ IRM Discussion with Alamsyah Saragih (Former Foi Commission Chief), August 23, 2015
- ¹⁷ See <http://www.komisiinformasi.go.id/news/view/kip-tolak-pemohon-tak-beritikad-baik> (7/26/2015 10:31 AM) ; also Discussion with Prayitno (ICEL), August 2, 2015
- ¹⁸ <http://www.dpr.go.id/uu/prolegnas-long-list>
- ¹⁹ Widiyatmoko, Pius, interview with John Fresly, commissioner of Central Information Commission, July 14, 2015
- ²⁰ Widiyatmoko, Pius, interview with John Fresly, commissioner of Central Information Commission, July 14, 2015
- ²¹ See for example Freedom of Information Act 2000, 2000 c.36 s.14
- ²² http://issuu.com/muhammadmukhlisin/docs/buku_pembaharuan_komisi_informasi (7/26/2015 4:40 PM)

3. Strengthening Institutional and Human Resources Infrastructure for Public Services

Open government values, such as transparency and public participation, are essential to improve public services. The development of Standard Operating Procedures and Service Standards will engage the public in every public service center. Public participation is also enhanced through the development of an integrated public complaint media throughout all provinces and the issuance of Government Regulations (PP) on public complaints. In addition, the public is also expected to be able to use and take advantage of Open Data Portal that is currently being developed.

Milestones/KIPs (2014):

1. *Strengthening the Infrastructure of Public Service which adheres to the principles of Transparency and Public Participation*
 - a. *75% Ministries/ Agencies enact and publish SOP (Standard Operating Procedure) and SP (Service Standard) public services.*
 - b. *A Ministerial Circular on SOP and SP in each public service post (which involves the public in its enactment) is issued.*
 - c. *Pilot Project in 5 Ministry/Agencies in the making of SOP and SP – involving the public – in trade, industry and forestry sector Ministries/ Agencies*
2. *The development of public participation through optimization of public complaints media*
 - a. *LAPOR is connected and utilized as a medium of public complaints in 25 provincial / district / municipal government*
3. *One-roof data publication through the Open Data Portal*
 - a. *Establishment of an Open Data portal system, integrated in 20 Ministries/Agencies.*
 - b. *Evaluation on the use of Open Data by the public at 20 Ministries/Agencies.*
4. *Encouraging public participation in monitoring the quality of public services*
 - a. *Integrated Public Service Complaint Infrastructure in 4 provinces/regencies/city as Pilot Project*
 - b. *Implementation of pilot project on the integration of public service complaints in 4 provinces / district / city*
 - c. *Evaluation on the use of such public services complaints .*
5. *Improving the quality of public services to encourage public satisfaction*
 - a. *The implementation of public service innovation competition.*
 - b. *Enactment of the strategy on the publication of the results of SINOVIK competition*
 - c. *Publication of SINOVIK result*
 - d. *Commitment from 5 Ministries/Agencies/Regional Government to replicate SINOVIK result*
 - e. *Report on the use of unit cost in service standard based budgeting by the Central Government*
 - f. *70% of Local Government (Provincial / District. / City) published service standards (SP)*

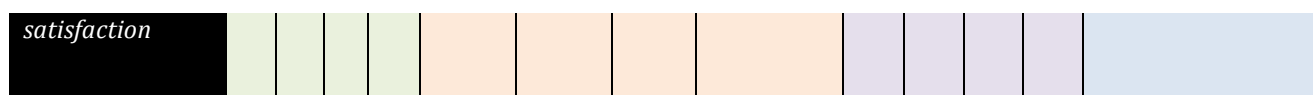
Responsible Institution: Ministry of Administrative and Bureaucracy Reform (KemenPAN & RB), President's Delivery Unit for Development Monitoring and Oversight (UKP4)

Supporting Institution(s): None

Start: 28 May 2014

End: 31 December 2014

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
3. Overall				✓	✓	✓		✓			✓			✓		
3.1 <i>Infrastructure Strengthening the Implementation Mechanism of Public Service which adheres to the principles of Transparency and Public Participation</i>				✓	✓	✓					✓			✓		
3.2 <i>The development of public participation through media optimization of public complaints</i>				✓		✓		✓			✓			✓		
3.3 <i>Publication of data is the roof through the Open Data Portal system</i>				✓	✓			✓			✓				✓	
3.4 <i>Encouraging public participation in monitoring the quality of public services</i>			✓			✓			✓				Unclear			
3.5 <i>Improving the quality of public services to encourage public</i>				✓	✓					✓			Unclear			



What Happened?

Milestone 3.1.

This milestone aims to have 75% of Ministries/Agencies develop and enact Standard Operating Procedures (SOPs) and Service Standards (SSs). The IRM researcher assessed the milestone by comparing the actual number of Ministry/Agencies against the percentage target.

This milestone sought to implement existing legislation requiring ministries and agencies to develop and utilize SOPs¹ and SSs²³. In the report to UKP4,⁴ the Ministry of Administration and Bureaucratic Reform (KemenPANRB) revealed that a 2013 assessment of public service units⁵ found, 63 Ministries/Agencies and 154 units or about 85% have already enacted Standard Operating Procedures and Service Standards. However the 2013 assessment is based on PermenPANRB Number 38 Years 2012 about Guidelines on Assessment of Public Service Unit's Performance,⁶ which does not include provisions on the publication of Standard Service and Standard Operational Procedures. On July 16, 2014, the Deputy Head of Institutional and Governance issued a circular letter to monitor the implementation of SOP development and its application to all Ministries/Agencies and local governments.⁷ However, the IRM researcher was not provided a copy of this report and therefore cannot independently verify rate of completion indicated in the report to UKP4.

The IRM researcher calculated that based on the number of PPIDs, there are at least 163 ministries/agencies at the national level,⁸ which means that 123 Ministries/Agencies would have to implement the activities to meet the 75% target rate. However, the PAN RB Report to UKP4 states that only 63 Ministries/Agencies have implemented the action, which falls well below the 75% target rate. Therefore, the IRM researcher found this milestone to have only limited completion.

Milestone 3.2

The goal of this milestone is to expand coverage and use the online public complaint platform, LAPOR (*Layanan Aspirasi dan Pengaduan Online Rakyat* or Online Service for Public Complaint and Aspiration), to 25 municipal level governments. LAPOR features a complaint response tracking system, thus enabling complainants to follow-up and monitor government responses. Government response and action taken in connection with the report is informed to complainant through the platform.

Currently, 5 regional governments are connected to LAPOR⁹ though two of the regional governments, DKI Jakarta and Bandung, have been connected to the platform since 2013. This amount is still far from the target of connecting 25 regional governments to the platform. However at the national level, 81 government agencies and 44 state-owned enterprises are connected to the platform.¹⁰ The IRM researcher found that this milestone had limited completion.

Milestone 3.3

The Open Data Portal was intended to serve as a central portal for users in government agencies and local governments to upload data proactively. The Open Data Portal was initiated in late 2013 and came online in February 2014. In May 2014, a soft launching was held at the Asia Pacific OGP meeting. The Open Data Portal was officially launched in September 2014. By the end of 2014, 27 governmental bodies (23 ministry/agencies and 3 regional governments (City of Bandung, DKI Jakarta, and Bojonegoro) are connected to the Portal. However the IRM researcher found that, at the time of writing, only 20 agencies are connected to the platform and the portal contains 1,007 datasets¹¹.

However, *use* of the Open Data Portal by government agencies and local agencies is significantly less than the projected goal of 20 local governments and agencies included in the Action Plan. By the end of December 2014, there were 10 Ministry/Agency user accounts and 3 regional government users accounts. Stakeholders interviewed noted that not all agencies proactively provide data.¹² The IRM researcher found that only 2 government agencies and three regional governments consistently upload data to the portal.

Additionally, due to the change in administration, the UKP4 has yet to conduct an evaluation on the Open Data Portal and the effectiveness of voluntary, proactive data uploading by government agencies. Therefore, the IRM researcher found that progress on this milestone is limited.

Milestone 3.4

The goal of this milestone was to conduct four pilot programs on public participation in monitoring public services. KemenPanRB (Ministry of Bureaucratic Reform), the agency in charge of implementation, indicated that LAPOR (the application developed by UKP4 for milestone 3.2) was the “integrated public report infrastructure” to be evaluated in the pilot projects. This is problematic as it implies that an impact evaluation of LAPOR would take place while the program was simultaneously being implemented for a separate milestone. On December 2014, a page at the Ministry reported that already 80 Provinces/Districts/Cities were integrated with LAPOR.¹³ The IRM researcher found this statement to be incorrect since, as indicated in milestone 3.2, only 5 regional governments are connected to LAPOR. The IRM researcher was not able to independently verify that the four pilot programs were conducted therefore completion for this milestone is evaluated as unclear.

Milestone 3.5.

The purpose of this milestone is to design a program for improving citizen satisfaction with public service delivery capabilities. This milestone was to be realized in three ways; 1. through an online open competition, called SINOVIK, where the public was challenged to design better public service delivery initiatives, 2. The publication of a report on the use of unit cost in service standard based budgeting by the Central Government, and 3. A target of 70% of local governments publishing service standards.

The Public Service Innovation Competition (Sinovik) took place between late December 2014 and early April 2014. December 2013¹⁴ until approximately the first quarter of 2014. On 22 April 2014, nine initiatives were named as the “best public service innovations”.¹⁵ However, the OGP Action Plan came into force on 28 May 2014, thus this target was technically already complete.

The SINOVIK site¹⁶ only gives the information regarding the competition, which took place in 2014/2015. The result of the competition are only displayed on the banner of the website, but there is no description of which innovations were implemented by the government, nor does it indicate which of the candidates were selected as winners. As a result, it is difficult for Ministries/Agencies/local governments and the public to determine what innovations actually being offered by the SINOVIK program. According to the KemenPANRB, the SINOVIK replication of innovations happened with 3 units of public service. However, KemenPANRB report does not mention which public service units and which innovations were replicated, but this statement could not be independently verified by the IRM researcher. Though the Action Plan includes plans to help expand and replicate innovative ideas at various levels of government, the report to UKP4 on SINOVIK does not mention any replication efforts.

Regarding the target: *completion of the usage report of unit cost in the service-standard based budget prepared by the central government*, KemenPANRB, through the Assistant Deputy of Public Service Policy Preparation and Evaluation Program Coordinator, R. Dwiyo Prabowo Soediartha, deny they have this target as their action plan. The IRM researcher was unable to find evidence of completion for this target.

With regard to the 70% target of local government to publish service standards, the KemenPANRB report stated that 16 provincial governments and 236 district governments had already published service standards. However, the report did not specify which local governments had published the reports. The IRM researcher found that by July 2014, there were 531 provinces/regencies/cities in Indonesia¹⁷, thus the report found only 47.5% completion rather than the targeted 70%. However, since the report did not detail which local governments had published service standards, the IRM researcher was unable to independently verify the reported completion rate.

Due to the lack of verifiable information on targets identified for this milestone, the IRM researcher found this milestone to be of unclear completion.

Did it Matter?

Publication SPs and SOPs to be available for the public is a big step, because SP associated with public service units that are directly related to the user and until now, the construction of SOP has related to the internal of the public service providers. PermenPANRB Number 35 Years 2012 still asserts that SOP regarded as internal affairs.

According to a stakeholder interviewed, the publication of SOPs is not really essential compared to the publication of other standards. There are three kinds of standards in public service: minimum service standard, service standard and standard operating procedure. The first two are basic rights. For the third, the standard operating procedure, “by request” disclosure is adequate. The stakeholder argues that the government needs to prioritize the publication of more essential publications.¹⁸

Before the complaint system is nationally integrated,¹⁹ the evaluation of the pilot project is important because it will identify how far the user can trust the complaints infrastructure to help them to resolve the problem faced when they are receiving public services.

LAPOR’s feature, which enables complainants to track government action and responses to complaints, could have a transformative impact on increasing public engagement in the

public service sector. Similarly, the Open Data Platform enables civil society to improve their advocacy quality by building their arguments through open data.

However, Stakeholders regard the SINOVIK website as merely a competition rather than a tool for evaluation and reform. According to Rosdinar, the Ministry has previously organized the *Citra Pelayanan Prima* competition. The SINOVIK website should have gone beyond such competition to assess whether such competitions bring about real innovations and change in bureaucratic processes and whether public satisfaction increases as a result of the innovations.²⁰ Meanwhile, another stakeholder, Septyandrica, questions the extent to which the SINOVIK has had any systemic impacts on the public service sector.²¹

Moving Forward

Future action plans should include more specific targets for the total public service units in the Ministries/Agencies. KemenPANRB should develop a portal that compiles all the SPs and SOPs of public service units at the Ministry/Agency/local government levels, similar to that of the one door portal of UKP4.

LAPOR needs to add features on response times based on minimum service standards at each agency. This feature could be used as a reference point for complainants and serve as a benchmark for agencies' compliance with their own service standards.

For Open Data, the IRM researcher considers the PPID's role as central in publication and conversion of data standards into acceptable open data format. Thus, in future action plans, PPIDs must be involved in open data initiative.

Evaluation of the usage of SMS gateway in Banda Aceh and Yogyakarta has not taken place. In addition, it is necessary to narrow the scope of the complaint by including the option to enter the specific public services unit and not just the level of regional work units (SKPD).

The IRM researcher recommends refining the Sinovik website to add a description to each innovation in the competition.

¹ See <http://bit.ly/1Lrc69T>

² See <http://bit.ly/1Qci7Ls>

³ See <http://bit.ly/1ialwiE>

⁴ Correspondent result via e-mail on 27 July 2015 with Nadjamuddin Mointang.

⁵ "Units" are part of the bureaucratic structure in charge of public service. Note: The report to UKP4 does not detail the names of the units

⁶ See <http://bit.ly/1QzLBn3>

⁷ See Surat Edaran No. B/ 2790/D.II.PAN-RB/07/2014 tentang *Inventarisasi Kebijakan Penyusunan dan Penerapan Standar Operasional Prosedur (SOP) Administrasi Pemerintahan pada Instansi Pemerintah* <http://bit.ly/1UOS4QZ>

⁸ Observation of Ministry of Communication and Information to PPID K/L on 2 January 2013 <http://bit.ly/1MmbHLF>, 17 December 2013 <http://bit.ly/1Y2rL94>, and 1 July 2014

<http://bit.ly/1F8KwBy> that shown the total of K/L with 163 institutions. OGI Final Version Action Plan is 28 Mei 2014

⁹ DKI Jakarta Province, City of Bandung, Regency of Bojonegoro, Regency of Indragiri Hulu, and Regency of Gorontalo

¹⁰ Widiyatmoko, Pius, wawancara telepon dengan Gibran – Kantor Staf Presiden, 11 Juni 2015

¹¹ Lihat <http://data.go.id/dataset>

¹² Widiyatmoko, Pius, wawancara dengan Robertus, Kantor Staf Presiden, 22 Juni 2015

¹³ See Hendrina Dian Kandipi, *Kemenpan-RB Bersama UKP4 Kelola Sistem "LAPOR"*, 20 Desember 2014 <http://bit.ly/1KIKZkc>

¹⁴ See Surat Edaran MenPANRB Nomor 15 Tahun 2013 tentang *Kompetisi Inovasi Pelayanan Publik di Lingkungan Kementerian/Lembaga/Pemerintah Daerah*. This circular letter published on 27 December 2013

¹⁵ See Surat Keputusan MenPANRB Nomor 174 Tahun 2014 tentang *Penetapan Sembilan Inovasi Terbaik Pelayanan Publik Tahun 2014*.

¹⁶ <http://sinovik.menpan.go.id/>

¹⁷ Observation of Ministry of Communication and Information to PPID on July 1, 2014, there were 34 provincial governments, 399 district governments and 98 city governments <http://bit.ly/1F8KwBy>

¹⁸ Widiyatmoko, Pius, interview by phone with Hendrik Rosdinar (YAPPIKA), October 13, 2015

¹⁹ Lihat PermenPANRB Nomor 3 Tahun 2015 tentang Road Map Pengembangan Sistem Pengelolaan Pengaduan Pelayanan Publik secara Nasional <http://bit.ly/1Oq9Ox1>

²⁰ Widiyatmoko, Pius, interview by phone with Hendrik Rosdinar (YAPPIKA), October 13, 2015

²¹ IRM reserachers, interview by email, October 5, 2015

Theme 2. Improve Quality of Openness in Basic Public Services

4. Improve Quality of Openness in Health Services

Health is a basic need that has become a major public concern. Through this action plan, the government of Indonesia strengthens its commitment to improve quality in healthcare services through various means and innovation. Publication of available clean water data, community involvement in improving health care quality, integration of basic public services, and development of emergency service system are new actions committed by the government of Indonesia.

Milestones/KIPs (2014):

1. Improving the quality of public services in water supply
 - a. Completion strategy to optimize the utilization of pamsimas.org by the public
 - b. Availability of integrated geospatial maps in location of pamsimas; and service information of drinking water & clean water
2. Encourage community involvement in improving the quality of health services
 - a. Number of BPRS in Districts/Cities, increased by 10%
3. The development of integrated service infrastructure
 - a. Publication strategies for SIAP, hotline 500567, SMS gateway, email, and website SIAP by Ministry of Health
 - b. Completion of integrated strategies for public health services complaints.
 - c. Implementation of public communication through SIAP by 200 requests of information and complaints (from 16:00 s/d 08:00) per month.
4. Development of emergency services
 - a. 119 Call Center system on integrated among all ambulance services / vertical and regional hospitals in three provinces (DKI Jakarta, Banten and West Java).
 - b.

Responsible Institution: Ministry of Public Works (KemenPU), Ministry of Health (Kemenkes)

Supporting Institution(s): None

Start: 28 May 2014

End: 31 December 2014

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
4. Overall				✓	✓	✓	✓	✓			✓			✓		

4.1 Clean water				✓	✓							✓				✓
4.2 Community involvement in health services			✓			✓	✓				✓		✓			
4.3 Integrated public services				✓				✓			✓			✓		
4.4 The development of integrated emergency services infrastructure				✓	Unclear						✓				✓	

What Happened?

Milestone 4.1 deals with access to clean water and sanitation. The overall access to water supply and sanitation in 2012 is at 57.5%. The government sought to increase overall access to clean water supply and sanitation from 57.5% in 2012 to 62.4% by 2019 and achieve Universal Coverage by 2019. In a bid to accelerate access, the government has launched location geospatial map through pamsimas.org website.

Pamsimas.org is a government initiative to improve water and sanitation access through community-based projects. As the majority of Indonesian water utilities have not been performing well (despite showing signs of improvement), community-based projects are expected to rapidly increase water and sanitation coverage.¹

The Pamsimas.org website, operational since June 2014², is an innovative platform that provides both program achievement data and a complaint platform. The programmatic data consists of program coverage³ throughout Indonesia for 2014 and the geospatial map, showing all 1,948 participating villages. For each village, there are explanations of each program stage⁴ and its progress status. In terms of the complaint system⁵, concerned citizens (or local communities) can log complaints through an SMS number or online. Each complaint is published online and summarized in a table along with its progress status. Thus, the system provides some transparency for complaints and disputes.

One of the difficulties faced in developing the platform was the lack of Internet access in rural regions.⁶ Government officials interviewed indicated that the optimization strategy for the website is scheduled to be completed by December 2015.

Milestone 4.2 was intended to create municipal-level commissions to oversee health services. In 2014, Indonesia launched its first compulsory, universal health care system. However this transition has been plagued by scandal, with reports of hospitals rejecting poor patients and denying citizens access to free health treatments due to their economic condition.⁷ This milestone builds on an existing regulation (Peraturan Pemerintah Nomor 49 Tahun 2013 Tentang BPRS) established in 2013, requiring the creation of supervisory commissions, composed of experts and the public, at the ministerial and provincial level to

oversee hospital practices and provide governments with status reports and recommendations. The creation of these commissions aimed at improving the hospital supervision system by involving community members. The regulation however, required supervisory commissions to be formed only at the national and provincial level whereas the language of the milestone targets the formation of commissions at the municipality level (regencies/cities). This milestone is marked as “in progress” in the government self assessment report (GSAR). The GSAR notes that Ministry of Health sent a formal letter to UKP4 indicating that the regulation on health services commissions is required only at provincial and national levels therefore, they would not be able to fulfill the requirements of the milestone. The IRM researcher was unable to find any evidence of the creation of commissions at the municipal level.

Milestone 4.3 aims to develop and implement an integrated public information system composed of a “public information channel, feedback and complaint system” (*the Saluran Informasi Aspirasi dan Pengaduan* or “SIAP” Platform), a telephone hotline, an SMS gateway, an email address, and website⁸. The purpose of this integrated public information system is to create multiple channels and means for citizens to access public information house in a single, consolidated portal.

The GSAR refers to the Ministry of Health’s website⁹ as evidence of completion but the IRM researcher was unable to find evidence of a complaints system on the website. Nevertheless, the website contains a flowchart¹⁰ explaining the complaint system which must be provided through the Ministry’s inspectorate general. The IRM researcher considers the flowchart to be too complicated to be a useful resource for the general public. According to documents received from the Ministry, the integrated system of hotline, SMS gateway and email as mentioned above has been operational since July 2014. The commitment language set a target of at least 200 information requests and complaints to be received by the system each month. Based on the Ministry’s report, this number has been surpassed. The IRM researcher also found a link¹¹ used by the Ministry to manage the SIAP system.

Milestone 4.4 aims at developing an emergency call system in three provinces: DKI Jakarta, Banten and West Java. According to a report from Ministry of Health to UKP4, commitment emergency call only operates in Tangerang city and South Tangerang City. These two cities are in Banten province. The Jakarta call center first launched on March 1, 2013¹². The GSAR reported the commitment as “in progress”.

Did it matter?

The web platform enables stakeholders to assess, monitor and evaluate the progress of Pamsimas program. For donors, the geospatial tool enables them to scan for regions that are not covered by Pamsimas’ water program and allows them to refocus their targets on non-covered areas. It is possible to cross reference the program achievement report in the website, against results of financial audit from state audit agencies. The website enables financial, technical and anti-corruption oversight. Due to the amount of the data published, the usability of the website for various types of stakeholders—a transparent complaint platform – and the future potential for transparency and corruption eradication, the IRM researcher considers milestone 4.1 to be of transformative potential impact.

The potential impact of Milestone 4.2 suffers on two levels. First there is the discrepancy between the jurisdiction of the supervisory commissions and the targeted geographic focus of the milestone. As currently written, the regulation governing the creation of these commissions only extends to the ministerial and provincial levels, not the municipal level. Thus the commission cannot provide recommendations targeted at the municipal level. Additionally, the commissions can only provide recommendations to governments, and cannot sanction hospitals for failing to provide services to all citizens or rejecting patients due to their economic condition. Without enforcement or regulatory powers, the commissions are only effective if governments act upon their recommendations. Therefore, the IRM researcher found that this milestone has only minor potential impact. If responsibility for implementation is shifted to the correct jurisdictional level, this milestone has the potential to have a more significant impact on the policy area.

Milestone 4.3, which integrates complaint system into one platform, is an important step towards public health service in Indonesia. The system would enable the government to act and respond towards complaints from various interfaces (telephone, email, and SMS). The administrative link discussed above provides statistical data for complaint mechanism. The IRM researcher found that the system, if fully implemented, could have a moderate potential impact on opening the government in Indonesia.

Milestone 4.4, if completed, would be important for public service and healthcare system. However, this is limited to three provinces. More importantly, this commitment may not be that relevant for an open government program.

Moving forward

The government official interviewed explained that the next stage for the website is an optimization for post-construction stage.¹³ This plan is in line with the government's plan to achieve universal coverage by 2019. The IRM researcher recommends the government plan for website optimization be included in the next action plan. The IRM also recommends that similar initiatives be extended into other areas of water and sanitation, so as to include regional water utility (PDAM) and sanitation infrastructure.

With regards to milestone 4.2, future action plans can include activities related to revising the existing regulation so that commissions can operate on the municipal level. Commissions should also be allowed to publish their recommendations publicly so that discriminatory hospital practices can be addressed within a naming and shaming framework.

As for Milestone 4.3, the IRM researcher recommends that statistical data on complaints and the final resolution status be made publicly available so as to provide accountability to the public and 'close the loop'.

While integrated emergency services are important, the milestone as written is not directly relevant to open government. The IRM researcher recommends not continuing this action in the next action plan.

¹ Mohamad Mova Al'Afghani and others, *The Role of Regulatory Frameworks in Ensuring The Sustainability of Community Based Water And Sanitation (Forthcoming)* (AIIRA Project -- CRPG UIKA, 2015) also Bappenas and others, *Kebijakan Nasional Pembangunan Air Minum dan Penyehatan Lingkungan Berbasis Masyarakat* (2003)

² IRM Researcher, *Interview with an Endang Turyana from the Ministry of Public Works, June 25, 2015*

³

http://new.pamsimas.org/index.php?option=com_k2&view=item&layout=item&id=21&Itemid=137

⁴

http://new.pamsimas.org/index.php?option=com_k2&view=item&layout=item&id=21&Itemid=137

⁵

http://new.pamsimas.org/index.php?option=com_k2&view=item&layout=item&id=21&Itemid=137

⁶ IRM Researcher, *Interview with an Endang Turyana from the Ministry of Public Works, June 25, 2015*

⁷ <http://en.tempo.co/read/news/2014/01/09/055543409/Hospitals-Reject-Poor-Patients>

⁸ kontak@depkes.go.id

⁹ www.depkes.go.id

¹⁰ <http://www.depkes.go.id/article/view/13010100012/pengaduan-masyarakat-dan-pelayanan-publik.html>

¹¹ http://180.250.85.253/kemkes_new/chart_report_graph

¹² <http://www.depkes.go.id/article/view/2250/kemenkes-saksikan-peluncuran-spgdt-dki-call-center-119.html>

¹³ IRM Researcher, *Interview with an Endang Turyana from the Ministry of Public Works, June 25, 2015*

5. Improve Quality of Openness in Education Services

Improving the quality of education is one of the 11 National Priorities of the government of Indonesia. The action plan includes promoting financial transparency in the management of State Universities/Colleges (PTN). New ideas of innovation to improve the quality of education were received via public sourcing through 'SOLUSIMU' competition. One proposal to be executed through OGI is to develop information portal containing course materials for teachers and lecturers. Another innovation for education is the development of information portal on the availability of laboratory equipment at PTN which can be used by the public.

Milestones/KIPs (2014):

1. Promote transparency within the university / college
 - a. Reviewing ministerial regulation to conduct financial management in PTN through website (summary) and library (full report).
 - b. Socialization of the regulation in all PTN
 - c. Pilot project of 10 PTN to implement financial transparency
2. Increasing the quality of lecturers/teachers through online learning using video or other visual materials
 - a. Completion of pooling portal availability of learning materials teachers / lecturers and 500 visual learning material nature of teacher / best teachers to be uploaded in the website that can be accessed teacher / lecturer in remote / disadvantaged
3. Encourage research activities and the activities of applied technology applications
 - a. The development of a website I-LAB-U (Integrated Laboratory University) in the form of information portal of laboratory tools (along with application for the borrowing of lab tools) for Universities
 - b. Technical guidance on the implementation of I-LAB-U for the public.

Responsible Institution: Ministry of Public Works (KemenPU), Ministry of Health (Kemenkes)

Supporting Institution(s): None

Start: 28 May 2014

End: 31 December 2014

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall			✓		✓						✓		✓			
5.1 Promote transparency in higher			✓		✓						✓		✓			

education																	
5.2 Increase quality of lecturers through visual material			✓		✓							✓					Withdrawn
5.3 Access to research activities and technology			✓		✓									Unclear			Withdrawn

What happened?

This commitment aims to improve the quality of education services. It would do this through a mix of transparency and oversight measures (Milestone 5.1), making teaching and training resources available to teachers (Milestone 5.2), and making research facilities open to the public (Milestone 5.3). The goal was to increase the quality of teachers and lecturers through online study and visual tools. According to the government self-assessment, none of the milestones/action plans were completed, but an interview with a Ministry of Education official provided conflicting evidence for the first milestone.

The IRM researcher could not find evidence of completion for the first milestone, which would review and promulgate the regulations. During the IRM review process, the Minister of Education stated that the first milestone was completed and that monitoring data was available. If this data is available, however, no link was provided to the evidence of the review of regulation and oversight data from the 10 pilot projects is not easily discoverable through the Internet.

Milestones 5.2 and 5.3 were officially withdrawn. The Directorate General of Higher Education sent a formal letter dated June 3rd, 2015 Number 3032/E1.2/KP/2015 to BAPPENAS informing them that the commitments would not be completed. A meeting held in BAPPENAS on May 2015 reviewed the action plan. The letter and the interview did not give a reason for the withdrawal. According to the official interviewed, withdrawal could be related the rearrangement of the ministries following the recent presidential elections (moving the commitment from the Directorate General of Higher Education to the Ministry of Culture and Education). The official interviewed was not familiar with milestones 5.2 and 5.3 and indicated that milestone 5.1, though not started, would be completed in 2015.

Did it matter?

According to a recent article in the *Times Higher Education*, Indonesia faces many challenges around ensuring high quality secondary education. Among these are lack of resources and adequately educated professors¹. Out of 50 countries ranked for higher education, Indonesia ranked lowest according to the Universitas 21². This shows that this is a critical area for action overall, and improvements through open government can help to improve Indonesian higher education. The quality of education is one of the government's 11 National Priorities and milestone 5.3 was suggested by the public through the SOLUSIMU competition³.

According to the same sources, specific problems include connectivity, adequate resourcing and professor training. These are some of the issues that the milestones/action plans set out to address. The first milestone would increase financial transparency, which, presumably would help to ensure that more resources reach students and professors. The second goal would help to increase the quality of lecturers and teachers. The third commitment, which was suggested by members of the public, may not align as directly to the core problems of higher education, but it might help improve access to resources for advanced students and scientists.

Of these commitments, perhaps the first is most important, as it a necessary (but not sufficient) step toward reducing corruption in higher education. This is especially important as the government had committed in 2013 to build 500 new community colleges in the country and hire a large number of foreign, English-speaking professors⁴. For that reason, this commitment receives an ambition rating of “Moderate” which means, “A major step forward in the relevant policy area, but remains limited in scale or scope.” Recommendations on enhancing and making this commitment “Transformative” are in the recommendations section.

Given the small amount of resources, the second milestone could also serve to help university and college lecturers. The potential impact of the third milestone remains unclear from interviews, but the SOLUSIMU original idea was to create a repository of research and data connecting schools and university institutions. This might be transformative, but the final wording of the action plan does not reflect that ambition, and would not integrate the research process. For that reason it is “minor” potential impact.

Given that two of the milestones have been abandoned and one is not public, there is no evidence of existing impacts.

Moving forward

It is clear that higher education is a priority for Indonesia and is a good area for open government to tackle. Some future commitments that might contribute to transformative outcomes include:

- Pro-active publication of university finances coupled with redress mechanism/complaint mechanism
- Published materials (including audits) would need to be public and readable by the educated layperson.

One stakeholder highlights this commitment in conjunction with previous action plans on the transparency and accountability of *Bantuan Operasional Sekolah* (School Operational Budget or “BOS”). According to Septiandrica, the BOS commitment is not yet completed. She considered it important to include the issue of fees (in school), school performance and equal distribution of teachers/educators.⁵

¹ <https://www.timeshighereducation.com/news/indonesia-struggles-to-bridge-its-skills-gap/2008876.article>

² <http://www.universitas21.com/rankingcomparison>

³ Admin, 'Kontes Inovasi Solusi 2014: "SOLUSIMU, Ayo Berinovasi!"' (*Data.go.id*, 2014)
<<http://data.go.id/konten/kontes-inovasi-solusi-2014-solusimu-ayo-berinovasi/>> accessed
February 9, 2015

⁴ <https://www.timeshighereducation.com/news/indonesia-struggles-to-bridge-its-skills-gap/2008876.article>

⁵ IRM researchers, interview by email, October 5, 2015

Theme 3. Accelerate Open and Good Governance Practices in Corruption-Prone Areas

6. Accelerate Open and Good Governance Practices in Law Enforcement

The government of Indonesia is determined to eradicate corruption through several ways; one way is through law enforcement on the activities of the National Police. A variety of solution-based innovations to improve the quality of policing areas include: transparency in resolution of public complaints, development of online facility for traffic violations settlement, and provide information to prevent accidents.

Milestones/KIPs (2014):

1. *Follow-up of reports / complaints from the public*
 - a. *The existence of the publication platform follow-up information on the handling of public complaints.*
 - b. *Publication of data base management that the treated cases (still protecting the identity of the complainant) (2014)*
2. *Improving the quality of public services in the scope of Police*
 - a. *Development of Si-KATTON (Identity Card System Tilang and Loss Online) through coordinating meeting Mahkajapol (Mahkamah Agung, Kejaksaan Agung, Polisi) and MoU.*
 - b. *Implementation driving license (SIM) service online with information of status applicant in provincial police (Polda) of Kalbar, Kalteng, Kalsel, Kaltim, Maluku, Maluku Utara, Papua.*
 - c. *Implementation of SOP for SIM services, training of assessors /examiners for SIM, and certification for SIM assessors/examiners.*
 - d. *Implementation vehicle registration (STNK) and BPKB service online and vehicle statistic in provincial police (Polda) of Jabar, Banten, Jateng, DI Yogyakarta, Metro Jaya, Jatim, Bali, Kepulauan Riau.*
 - e. *The publication of the provisions concerning the payment driving license (SIM), vehicle registration (STNK) and BPKB must through bank whose information published via the website.*
 - f. *The publication of regulations governing training and testing system in place that has been recognized by the government.*
 - g. *Establishment of evaluation procedures / mechanisms driver's license accompanied recommendation.*
3. *Monitoring public service in traffic management*
 - a. *Publication of CCTV footage in the public service in the 1 provincial police (polda) website.*
 - b. *Implementation of control system in traffic flow through CCTV in 11 Polda (Polda Metro Jaya, Jateng, Jabar, Jatim, DIY, Bali, Sumsel, Riau, Jambi, Sumbar, and Lampung) and 6 Polda (Polda Kaltim, Sulsel, Kalbar, Kalsel, Sultra and NTB).*
4. *Prevention of traffic fatality accident*
 - a. *Published online data of fatality of accidents in 11 Polda/Regional Police (Polda Metro Jaya, Jateng, Jabar, Jatim, Banten, DIY, Sumut, Kalbar, Sulsel, Bali and Riau).*
 - b. *Traffic accident blank spot*
 - c. *Accident data integrated with relevant Ministry*

d. *Completion of strategic planning of accident prevention at the national level among relevant ministries*

Responsible Institution: National Police of Indonesia (POLRI)

Supporting Institution(s): Ministry of/National Development Planning Agency, Ministry of Transportation, Ministry of Public Works, and Ministry of Health

Start: 28 May 2014

End: 31 December 2014

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall				✓	✓			✓			✓				✓	
6.1 Follow-up of reports / complaints from the public			✓		✓						✓				✓	
6.2 Improving the quality of public services in the scope of Police			✓		✓			✓			✓			✓		
6.3 Monitoring public service in traffic management				✓	✓			✓	✓						✓	
6.4 Prevention of traffic fatality accident				✓	✓						✓					✓

What happened?

Milestone 6.1

The follow up of reports/complaints from the public is required by National Police chief Regulation No. 2 of 2012 on the handling citizen complaints procedures in the Indonesian National Police. The implementation itself involves the Office of the Inspector General (Itwasum), Profession and Security Division (Divpropam), as well as the Bureau of

supervision and investigation- The Criminal Investigation Department (Rowassidik Bareskrim).

The data referred to in this milestone is a summary of complaints published at the Management of Police Information and Documentation at www.humas.polri.go.id. In the “public service” feature, there’s a link of public complaints¹ and profession and safeguard (propam) complaints².

The Ditpropam summary of data published on the web is showing information regarding the follow up of complaints, however, as to whether such complain has been settled cannot be measured from the information presented. From a meeting with the National Police, the IRM researcher discovered that a quarterly recapitulation data as targeted (Jan-March, April-June, July-September, October-December 2014) exists in hard copies, however the data that’s published on the website is only the recapitulation for Jan-June 2014³. By contrast, the Rowassidik Bareskrim (another branch of the National Police forming a part of the Detective Service) provides recapitulation details of the data each month⁴. The recapitulation from Itwasum was not detail based by time⁵. The IRM researcher considered the target as not substantially complete since not all of them use the quarterly format as intended by the milestone.

Milestone 6.2

Si-KATTON (Online electronic system for traffic ticket and theft) is one of the winners of SOLUSIMU contest, created by Riska Melinda Hutari⁶. The National Police Traffic Corps (Korlantas) assumed that Si-KATTON is too complex, therefore they replace it with ELE (Electronic Law Enforcement) in year 2015. ELE uses CCTV to record vehicles that violate traffic rules then contact them with a database of the owner of the vehicle. The ELE system will help the police to monitor traffic, violations, include those related to the even-odd policy through CCTVs. However, one weakness of the ELE is that the owner of the vehicle is not necessarily the driver when the violation occurs⁷. The ELE itself is still in progress.

As for vehicle theft, Korlantas is developing a lost and found service of vehicles⁸. Unfortunately, the action plan intended by Si-KATTON covers also the theft of vehicle registration, driver’s license and related documents, not only vehicle theft. Since the Si-KATTON program was replaced unilaterally by the Korlantas in favor of the ELE program which does not fulfill all Si-Katton feature targets, the IRM researcher found that this milestone only had limited completion.

Milestone 6.3

As for the target on driving license services, this KPI targets all police departments in Kalimantan, Maluku, Northern Maluku and Papua. The IRM researcher found that only the Central Java Police website featured a ‘check application’ feature⁹. However the Central Java police department was not one of the regional departments targeted in this milestone. The IRM researcher did not find evidence of training for driver’s license evaluators, though there is evidence of certification program for driver’s license assessors¹⁰. The official website of the national police on driver’s license application and vehicle registration application does not contain information on bank transfer (for the license fee)¹¹. The IRM researcher was unable to find information on vehicle ownership certificates on the website.

The STNK (vehicle registration) and BPKB (vehicle ownership) system record all cycles relating to the identity of each vehicle, change of ownership, replacement of registration

card, extension of registration, etc.¹² The IRM researcher was not able to find any evidence of online services for STNK and BPKB.

Vehicle data on Polri's website only shows records through November 2014¹³. The information was also not easily accessible and data was not available on the regions targeted¹⁴. For the regulation on training and on-site evaluation on driver's licenses, legal requirements were already in place before the Action Plan was implemented in May 2014¹⁵. The IRM researcher also does not find any evaluation concerning driver's licence application. Overall, the IRM consider this target to be limited in its completion.

Milestone 6.4

At the time of writing, the supervision system of traffic is integrated through CCTV in 7 Regional Police Departments with some regional police districts also monitoring through CCTV. However, Korlantas Polri have not received any reports from police districts (Polda) regarding the development of supervision of CCTV, therefore they do not have final data on the traffic system¹⁶.

The traffic monitoring CCTV initiative was conducted before 2014. At the end of 2014, Korlantas is developing NTMC (National Traffic Management Center) TV, which is connected to the CCTVs. This application can be downloaded for free by the public. The Police launched this application on 22 June 2015, using a momentum before Idul Fitri to provide traffic information to the public along with the *Lebaran* Homecoming¹⁷. IRSMS (Integrated Road Safety Management System) was first launched on October 2013¹⁸ It should be noted that a 'fatal accident' is defined as an accident that results in the death or serious of more than 5 people¹⁹. The data and graphic of IRSMS did not show the allocation based on Polda (Regional Police) work areas²⁰. The public is unable obtain information on when the data was last updated.

Did it matter?

The public-service complaints should include information on how long the complaint took to get resolved and whether the complainant was satisfied and the complaint considered closed.

Si-KATTON and vehicle related document (SIM, STNK/BPKP) online has a significant potential impact since it may let users monitor the performance of the services provided by Polri continuously. The IRM researcher would like to note however that the Si-KATTON service has stronger relevance with efficient and e-government processes than open government. Having said that, the system can be improved so that it serves open government values.

The CCTV service helps the citizens particularly in urban areas to simplify the monitoring of traffic situation thus facilitates their journey. However, this may not have direct relevance to open government.

For the IRSMS, if the points where fatal accident can be identified and published, it may increase the awareness of all road users.

A CSO stakeholder, Saenong, consider this commitment (involving the national police) to be less strategic in terms of corruption eradication, although it may be important for increasing public service quality.²¹ Meanwhile, Sunaryanto from the Indonesian Corruption Watch felt that the National Police should also focus on the transparency of criminal justice system, by publishing in the police websites (from regions to the national police

headquarters) on the status of case²². This recommendation will be discussed further on Section VII.

Moving forward

The IRM researcher recommends:

- Public-service complaints include information on the length of the complain resolution process.
- Si-KATTON and driving licenses (SIM), vehicle registration certificates (STNK)/vehicle ownership documents (BPKP) online need to be reviewed in order to serve open government values. Publication of aggregated performance data and complain platform in SiKATTON may have moderate impact in open government.

The barrier in integrating CCTV service is the capacity of information technology infrastructure. The national police needs to arrange plans and budgets first, in order to provide decent infrastructure to accommodate the CCTV service.

Involvement of the national police in the OGP process should continue. Stakeholders strongly recommend that OGP action plan involving the national Police should have direct relevance to corruption eradication and the transparency of integrated criminal justice system. This should involve the transparency of all stages on criminal justice procedure including:

- publication of case status in police website that enables access to information for complainant and complaine (in order to prevent arbitrary determination and/or revocation of a person's status as suspect);
- publication on the frequency of case dossier being returned to prosecutor's office (in order to monitor the professionalism of state prosecutor's office);
- the publication of Criminal Court's agenda and sessions up to the moment a verdict is issued; the publication of rationale for "remission" (reduction or prison sentence).

The IRM researcher felt that these action plans will have a transformative impact on corruption eradication and criminal justice system.

¹ See <http://humas.polri.go.id/PengaduanMasyarakat.aspx>

² See <http://propam.polri.go.id/?mnu=pengaduan>

³ Pada pertemuan untuk wawancara di Mabes Polri, 16 Juni 2015, Peneliti IRM mendapatkan salinan *hardcopy* rekapitulasi triwulan.

⁴ See Rekapitulasi Penerimaan dan Penanganan Dumas Rowassidik Bareskrim Polri 2014 <http://bit.ly/1JUeLuT>

⁵ See hal.10 Tabel 1 : Rekapitulasi Surat Pengaduan Masyarakat yang Diterima Oleh Bag Dumas Rorenmin Itwasum Polri Selama Tahun 2014 <http://bit.ly/1FxmXq>

⁶ Pocket Book, SOLUSIMU Ayo Berinovasi, Kontes Inovasi Solusi 2014, page 41

⁷ Widiyatmoko, Pius, Interview with Mr. Dedi – Korlantas Polri in HQ Polri, June 16, 2015

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- ⁸ See Pelayanan Hilang-Temu Kendaraan <http://bit.ly/1FmxXq>
- ⁹ <http://sim-online.ditlantas-polda-jateng.zz.mu/>
- ¹⁰ Sertifikasi pengujian SIM tahap 1 (9-11 April 2014), tahap 2 (23-25 Juni 2014), tahap 3 (19-21 Agustus 2014), tahap 4 (29 September – 1 Oktober 2014) dan tahap 5 (28-30 Oktober 2014). See http://lsp-lemdikpol.org/?page_id=73
- ¹¹ See <http://www.humas.polri.go.id/SitePages/Pelayanan%20SIM.aspx>
<http://www.humas.polri.go.id/SitePages/Pelayanan%20STNK.aspx>
- ¹² See article 10 Peraturan Kepala Kepolisian Republik Indonesia No.5 Tahun 2012 tentang *Registrasi dan Identifikasi Kendaraan Bermotor* <http://bit.ly/1KTjhbd>
- ¹³ Data ini adalah data rekapitulasi kendaraan bermotor yang teregistrasi di 31 Polda seluruh Indonesia <http://bit.ly/1VpfVHs>
- ¹⁴ See <http://jatim.polri.go.id> , <http://kepri.polri.go.id/index.php> , www.polri.bali.go.id
- ¹⁵ The National Police already issued Regulation *Peraturan Kepala Polri No.9 Tahun 2012 tentang Surat Izin Mengemudi* and Decree *Keputusan Kepala Korps Lalu Lintas Polri No.KEP/70/XII/2013 tentang Standar Kompetensi Pengujian Surat Izin Mengemudi*.
- ¹⁶ Widiyatmoko, Pius, Interview with one of staff – Korlantas Polri in HQ Polri, June 16, 2015
- ¹⁷ Rizal, Fachrul, *Korlantas Polri Gelar Rakernis Fungsi Lalu Lintas dan Peluncuran NTMC TV*, 22 Juni 2015 <http://bit.ly/1K7djCp>
- ¹⁸ see http://korlantas-irsms.info/irsms_ais?lang=id
- ¹⁹ Widiyatmoko, Pius, Interview with one of staff – Korlantas Polri in HQ Polri, June 16, 2015
- ²⁰ Grafik Jumlah Kecelakaan <http://bit.ly/1UGCq4W> ,
- ²¹ IRM researchers, interview in online group discussion, October 8, 2015
- ²² Widiyatmoko, Pius, interview by phone, October 15, 2015

7. Accelerate Open and Good Governance Practices in Goods and Services Procurement

Procurement of goods and services has always been in the top-5 of corruption prone areas. In this action plan, the public is invited to supervise the process together. We expect to achieve that through publication of black listed company/personnel by the government that can be used as surveillance tool in the procurement of goods and services

Milestones/KIPs (2014):

1. *Encourage community involvement in monitoring the implementation of the procurement of goods and services*
 - a. *The existence of regulations governing the obligation to publish a black list*

Responsible Institution: Policy Institute for Procurement of Goods/Services (LKPP)

Supporting Institution(s): None

Start: 28 May 2014

End: 31 December 2014

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall				✓		✓	✓	✓			✓					✓

What happened?

This commitment came from Bappenas who directed the Policy Institute for Procurement of Goods/Services (LKPP) to include it in OGP action plan. In Indonesia, public procurement is one of the most corruption-prone areas. The objective of this commitment is to increase transparency and public accountability by creating regulations for publishing blacklist information and provide the public with real-time information regarding blacklisted companies/personnel.

The obligation to publish blacklisted providers online and in real time is part of Peraturan Presiden Nomor 54/2010 on government goods and services provision. The head of the LKPP first issued technical operational guidelines (Peraturan Kepala LKPP Nomor 7/2011)¹ for the blacklist in June 2011. The guidelines were updated in August 2014 to include a provision on the blacklist in Government Goods and Services Provision (Peraturan Kepala LKPP Nomor 18/2014)².

According to an official interviewed, there were no obstacles to implementing this commitment.³ This is due in part to the fact that the work plan regarding publishing

blacklist regulations was finalized in 2011 and the blacklist website has been operational since 2012⁴.

All parties involved in material and service procurement can view their status in real time and the public can search the information by the identities of material and service providers (name of company/person, name of director, tax number), address, validity period, date of publication, and the decision letter for the inclusion on blacklist. While the information on blacklisted companies/personnel is updated regularly, the searchable fields have not been updated since 2012.

Two types of information mandated in the 2011 and 2014 LKPP regulations, –the name of the work package and value of total HPS (individual estimated price) –are not included in the information fields on the blacklist website. The absence of these two pieces of information makes it difficult for the public to understand which goods and service provision project led to the provider being sanctioned and the monetary value of the sanction.

In addition, the information displayed on the website often does not include important data points including the name of the director, tax number of the director and tax number of the company. The government officials interviewed explained that this missing data is the result of human error on the part of the budget user (*Pengguna Anggaran* or PA)/ proxy of the budget user (*Kuasa Pengguna Anggaran* or KPA) who sent the *penetapan penyedia* (decision of winning bidder) to the system. The LKPP only serves as a data aggregator for information sent by the PA/KPA and does not currently have the capacity to verify blacklist information for completeness.⁵

The government self assessment report did not indicate any plans for resolving the incomplete data nor did it address the absence of the two types of information mandated by the 2011 and 2014 regulations.

Did it matter?

This commitment, as written, does not address the underlying issues preventing the blacklist website from serving as an effective transparency and accountability resource for the public and civil servants alike.

The most pressing problem is a lack of awareness and use of the blacklist website by government officials during the procurement process. While the LKPP aggregates and disseminates information on blacklisted companies/personnel, in practice procurement committee members do not check the blacklist website during the bidding process nor does the PPK (commitment-making officials) verify the status of goods and services providers before signing contracts. This leads to situations such as the case of construction of the Jalan Baru border of Sanggau-Sekada city in 2014⁶ where a blacklisted company was awarded a government contract. The government source interviewed indicated that public awareness blacklist website needs to be improved but that there is no dedicated budget for training civil servants to use the website as a resource⁷. One CSO stakeholder interviewed appreciated this commitment and highlights its importance in reforming government procurement.⁸ However, it is suggested that the blacklist could be extended to company shareholders and not only the companies (the IRM note that this could be possible when there is a clear evidence establishing shareholder's malicious intent and the company's operation).

The second problem is the lack of publicly disseminated information regarding the early removal of the provider names from the blacklist before the end of sanction period (2 years). The website should have informed the public if there are providers which are removed from the blacklist (due to Court's decision declaring them to be "clean"). The 2014 LKPP regulation created a cancellation mechanism for providers to be removed from the blacklist following a court ruling.⁹ In practice, LKPP directly deletes the record of the blacklisted provider once a ruling is issued and does not issue an explanation for why the provider was removed. It is therefore very difficult for the public to monitor the validity of the blacklist cancellation because there is no record on the court ruling explaining the basis for removing the provider from the blacklist. The public can submit questions regarding the matter to the LKPP information and documentation management officer (PPID) but there is no public record of the blacklist cancellation, which undermines transparency and accountability efforts.¹⁰

Finally, though the commitment seeks to involve the public in monitoring goods and services procurement, it is unclear from the language of the commitment *how* the LKPP intended to involve the public in using the information on the blacklist website. While the public could play an important role in verifying the status of providers, currently there does not exist a clear channel for citizens to report blacklisted providers competing for government contracts. It is unclear from the commitment language and the GSAR whether these issues will be addressed in future action plans.

In order to increase procurement transparency, one stakeholder, Sunaryanto recommends that procurement contracts be published and publicly available.¹¹

Moving forward

IRM researcher recommends the following steps:

1. In order for the public to better understand which work packages are easily violated, the portal should include information on name of work package and total HPS (self estimated price) value in portal, in order to create better public understanding about which work packages are more easily violated.
2. To create a comprehensive list of providers who were removed from the blacklist. This list would include the same personal identification information as the blacklist and include the final court ruling and a short description of the reason for removal from the blacklist.
3. Set an expiration period for information on providers who were removed from the blacklist to be removed from the website.
4. Report to the LKPP the name of the budget user/ budget holder who did not collect complete data.
5. The Monitoring and Evaluation agency in the Bureau of Organizational Planning and Implementation should provide on the blacklist webpage a complaint/ report channel for the public to report suspicious activities. This should include a corresponding duty to respond to such complaint in a timely manner.
6. Finally, the publication of procurement contracts could have a potentially transformative impact on governance if the government procurement agency (LKPP) formulates legislation that makes publication of such contracts binding for all public officials.

¹ See http://www.lkpp.go.id/v3/files/attachments/5_cSzLjfZtHnaCKJXRLaYeVsaxwwTLyySd.pdf (accessed 7/4/2015 3:26 PM)

² See http://www.lkpp.go.id/v3/files/attachments/5_QRgwAOsaCtxwxirfEMiFDGErJQsjgoqT.pdf (accessed 7/4/2015 3:28 PM)

³ *Interview with Tjipto Prasetyo Nugroho, 2015-06-08*

⁴ https://inaproc.lkpp.go.id/v3/daftar_hitam

⁵ Widiyatmoko, Pius, interview by phone with Tjipto Prasetya Nugroho, LKPP, July 23, 2015

⁶ See <http://lensakapuas.com/aneh-sudah-diblacklis-tapi-dapat-proyek/> (accessed 7/23/2015 12:38 PM)

⁷ Widiyatmoko, Pius, interview by phone with Tjipto Prasetya Nugroho, LKPP, July 23, 2015

⁸ IRM Researcher, interview with Ilham Saenong, October 15, 2015

⁹ See article 19, Head of LKPP Regulation No.18/2014

¹⁰ Widiyatmoko, Pius, interview by phone with Tjipto Prasetya Nugroho, LKPP, July 23, 2015

¹¹ Widiyatmoko, Pius, interview by phone, October 15, 2015

8. Accelerate Open and Good Governance Practices in Business Development and Investment Sector

The action plan in this category among others includes dissemination of the Investor Relations Unit to the provincial level. Up-to-date and accurate information on prices for basic goods will also be made available at the provincial level. As Indonesia is experiencing demographic bonus till 2035, it is therefore important to put focus on ensuring that the youth has access to information and infrastructure to build capacity for entrepreneurship.

Milestones/KIPs (2014):

1. *Improved quality of business licensing services*
 - a. *Public awareness on the existence of Investor Relation Unit (IRU)*
 - b. *A national IRU is connected to all provinces*
 - c. *IRU performance for year 2013 is completed and published at BKPM website*
 - i.
2. *Development of Monitoring System for Staple Commodity Market (SP2KP)*
 - a. *A valid, real time and continues information of staple commodity prices is available at the website of the Ministry of Trade*
 - b. *Publication of staple commodity prices through the website of the Ministry of Trade and in the website of Province/regency/city governments*
3. *Strengthening the role of the private sector to develop practices conducive in terms of interacting with the Government*
 - a. *Establishment of a strategy in encouraging the understanding of State/Regional Owned Enterprises and business association on the negative implication of "speed money" in business and economic activity*
 - b. *A report on awareness raising activity on speed money as a part of corruption conducted by 5 large state owned enterprise and 3 business association/chamber of commerce, Ministry of Trade and Ministry of Industry at the national and the region*
4. *Improved quality of service through automation in Office of Integrated Services (OSS/PTSP)*
 - a. *Implementation of an automated system of public services in the Office of Integrated Services (OSS) in 20 provincial and 150 district / city (Application Non SPIPISE)*
5. *Increasing the role of youth in development activities through the implementation of Government Regulation No. 41 Year 2011 (on the Development of Entrepreneurship, Pioneering, Provision of Facilities for Youth) and Government Regulation 60 Year 2013 (on the Composition of Organisation, Personnel and Mechanism of Venture Capital for Youth Entrepreneurship)*
 - a. *Completion and implementation of strategies and roadmap of action plans in developing spirit of entrepreneurship in 10 regencies/cities; including integrated portal information for SME establishment, development and marketing*
6. *Increasing the role of youth in development*
 - i. *Inventory and publication of the youth community database covering various fields of specialization (as well as the number of contact information that can be contacted) in 33 provinces, the website www.kemenpora.go.id*
 - ii. *Collaboration 10,000 youth organizations facilitated managers in leadership training, management, and program planning*

iii. *Helped 140 youth organizations facilitated in meeting the qualification standards based youth organizations*

Responsible Institution: BKPM (Investment Coordinating Agency), Ministry of Trade, National Development Planning Agency, KEMANPANRB (Ministry for Bureaucratic Reform), Ministry of Cooperatives and Small Medium Enterprise

Supporting Institution(s): None

Start: 28 May 2014

End: 31 December 2014

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall				✓	✓	✓	✓	✓			✓			✓		
8.1 Business licensing services				✓	✓		✓	✓			✓				✓	
8.2 Regional Information System and Stock Price Commodity				✓	✓		✓	✓		✓						✓
8.3 Strengthen private sector-government relations				✓	✓	✓	✓	✓		✓			Withdrawn			
8.4 PTSP automation				✓	✓		✓	✓		✓			Withdrawn			
8.5 Youth in development activities (entrepreneurship)			✓		✓	✓	✓	✓		✓			Withdrawn			
8.6. Increasing the role of youth in development				✓	✓					✓				✓		

What happened?

Investment climate of Indonesia is still far from good. Even an assessment from IFC-World Bank placed Indonesia in rank 120 from 183 countries that has been surveyed in the term of the ease of doing business.¹ In response to the above, in 2014 the government through BKPM, Ministry of Commerce (Kemendag), BAPPENAS, and KemenPANRB committed to increase the quality of transparency, public participation, and service in the sector of business and investment development in Indonesia.

One of the biggest problems that is ruining Indonesia's image, economic conditions, business and investment climate, and almost literally everything are bribery and corruption. The impact of bribery and corruption to business and a nation's economic interest need to be well understood, especially by business practitioners from BUMN, BUMD and private sectors. A massive awareness-raising about that to the business practitioners and state institutions is required. Also, since the revision of the Anti-Corruption Law is on progress, the regulation on Corruption must be better analyzed and made than the previous law.

In BKPM, the business licensing service would be integrated into a one-stop service scheme, and there would be creation and socialization of Investor Relations Unit (IRU) that can be connected with the whole provinces and cities. IRU itself is not a new initiative, so there also was commitment to publish the report of IRU work in 2013, in order to achieve transparency and accountability.

There would also be the development of The Monitoring System of Staple Commodity Market (SP2KP) by Ministry of Commerce. The creation of SP2KP is made in order to provide the accurate and reliable information about commodity prices, provide alert to government, and to provide alternative scenarios of problem solving that can be implemented if a basic commodity crisis happens.² It was also hoped that the citizen could gather more information about the price of the basic commodities, so that the actual price in the market could be stabilized easier.

In addition to that, there would be an improvement of public service quality, through the implementation of automation of integration service (PTSP) in provincial and districts level. PTSP is an activity of licensing and non-licensing management where all the management process, from the application phase until the issuance of the document, is being done in one place only.³ The PTSP system has been implemented in more than 30% of the provinces and districts in Indonesia.⁴ According to one CSO stakeholder, this commitment signifies a strong anticorruption effort and has been supported both by the present administration (President Jokowi) as well as the previous administration (President SBY).⁵

As Indonesia is experiencing demographic bonus until 2035, it is therefore important to put focus on ensuring that the youth has access to information and infrastructure to build capacity for entrepreneurship. Also, the participation of youth need to be increased in development sectors.

In order to do that, a roadmap of action plan to increase entrepreneurship capability of the youth is needed. Also, the coachings and improvement of management capability of youth organizations will help them to grow and function better.

Until September 2015, the IRU system has been built. The information about IRU's contact center is clearly posted in the BKPM's website, and can be easily accessed. But, it is not clear

whether the provinces and cities are connected within the IRU or not. Also, the one-stop services have been implemented for certain types of direct investment approvals.³

The SP2KP has also been created and is functioning well, and can be accessed online in <http://www.kemendag.go.id/en>, electronic media such as TVRI, RRI, and Radio Bahana, and there have been daily, weekly, and monthly reports of basic commodity prices published on the website, and the publication through electronic medias has already been done as well.

The program of awareness-raising about anti-bribery and corruption has not been completed, since it was deemed not related with the function of the responsible institution, BAPPENAS. The GSAR mentioned that BAPPENAS sent a letter to UKP4 on October 18 to clarify this.

The program of automation in PTSP has also not been implemented by KemenPANRB. Through a letter signed by R. Dwiyoga Prabowo Soediarso, (an official at the KEMENPANRB) the ministry did not acknowledge responsibility for implementing the milestone. The Ministry also sent a letter on 23 March 2015.⁶

The milestone on youth entrepreneurship program was withdrawn by Kemenko UKM (Ministry of Cooperatives and Small Medium Enterprise).⁴ The Ministry suggested the UKP4 to find relevant ministries – such as the Ministry of Youth and Sport -- to carry out the program.

As for the coaching of youth organizations program, a database of youth organizations is publicly available⁷. However, the information displayed is incomplete since the names of the officers were not included. The database have been published at Kemenpora (Ministry of Youth and Sport) since 2010 and the data has been updated ⁸ The IRM cannot verify 165 organisations facilitated to fulfill standard qualification of youth organization and cannot find 10.000 officers which obtain training.⁹ The IRM consider this commitment implementation is “limited”.

Did it matter?

In the context of economic development, investment holds an important role since it plays the determining key in a way of stimulating the increasing of the output significantly. Investment will also make input demand increased, so in a time it will also make the work chance and peoples' welfare increase.

At 2013, the level of economic growth of Indonesia was at 578%. ⁵ Increasing investment will increase economic growth and improve the business climate.

The first three programs mentioned above were trying to solve the problem of governance quality service and transparency, the lack of information availability, and the problem of corruption and bribery.

IRU is a service to provide information, facilitation and inquiries handling from existing and potential investors. The integration and connectivity from the national, provinces, and cities within IRU will automatically improve the business licensing service itself, since investors

³ See <http://www7.bkpm.go.id/contents/general/117215/our-services#.Ve28RBGqqko>

⁴ Based on Tabel Capaian Renaksi OGI 2014_280415_Publikasi.pdf

⁵ http://www.bi.go.id/id/publikasi/laporan-tahunan/perekonomian/Pages/LPI_2013.aspx

will obtain the information easier, the inquiries can be handled faster, and the range of the service will be wider.

However, the main problem of the business licensing service in Indonesia is not about the “call-center”, it is about the time needed for a license to get issued, the complexity of the process, and the costly unofficial fee (*pungutan liar*) that is demanded during processing of business licenses. Related to unofficial fee, it is a regret that the awareness raising of anti-bribery program to BUMN and private sectors has not been completed, since it would actually create substantial impact. In order to make investment climate in Indonesia better and friendly, there are still many things that needs to be done.

The one-stop licensing service was launched in late January 2015⁶ and it has been well received by the public. The existence of the one-stop licensing service has made the time spent to register a business license became 60% shorter and saving the cost until 30%, which improving the business and investment sector’s climate and gave positive or neutral impact into the regional and national state budget.⁷

For the commodity price database program/SP2KP, official Ministry of Commerce statement stated that this system has been a help to stabilize the market price.⁸ The making of price database was actually not something new, since many newspaper or website has made their commodity price list even before the existence of SP2KP. But, SP2KP has made public having greater access to commodity price nationally, more accurate, and the most important is more official. It is now made as one of the main references.⁹

Demographic bonus is a tricky situation that should be managed well. The existence of database of youth organizations in Kemenpora’s website make the communication between organizations and community, and also other parties (like donors) easier.

Moving forward

Business and investment sector is one of the most important sectors in a country’s economy. In terms of creating an ideal, competitive investment climate, Indonesia still has a long way to go. The agenda to increase openness and good governance practice in Business and Investment sector still needs to be included in the next action plan. Licensing procedures need to be simplified; the quality of the service needs to be upgraded, the time spent to make a license need to be shortened.¹⁰

The SP2KP could be improved to include the data on goods volume in stock – as there has been controversy over whether for several commodity imports are required. The availability of data would help create transparency over decision-making process in this respect.

⁶ <http://www.indonesia-investments.com/id/news/todays-headlines/indonesia-s-one-stop-investment-licensing-service-at-bkpm-launched/item5256> accessed on 8 September 2015 18:15 WIB/

⁷ <https://asiafoundation.org/resources/pdfs/Indostreambizind.pdf> accessed on 8 September 2015 19:16 WIB.

⁸ Based on Tabel Capaian Renaksi OGI 2014_280415_Publikasi.pdf

⁹ See <http://beritagar.id/artikel/infografik/harga-daging-sapi-turun-tapi-tetap-mahal> and <http://www.medanbisnisdaily.com/news/read/2015/03/24/153906/harga-bawang-merah-naik-36persen-dalam-sebulan/#.VfOpjpfQOSc> for example

¹⁰ See <http://bisnis.liputan6.com/read/2181788/bkpm-ingin-urus-izin-usaha-di-ri-cuma-7-hari> for more info

IRM researcher recommends including KPK as the supporting institution for the agenda of raising awareness on the negative effect of bribery to BUMN, BUMD and private sector. KPK has already made the book of Indonesia anti-speed money (*Buku Indonesia Bersih Uang Pelicin*), which can be a good awareness raising material.¹¹ The IRM researcher believes that the program's material can be improved much, so that the program can be well-finished, and the goal to improving the understanding of bribery's bad effect and increasing the role of private sector in making a conducive business climate can be achieved.

For the future of the youth development program, the collaboration of Kemenpora (Ministry of Youth and Sport), KemenkoUKM (Ministry of SME) and Kemenristek Dikti (Ministry of Research and Higher Education) is needed. As Kemenristek Dikti has already have programs such as *PKM-Kewirausahaan* and *Program Wirausaha Muda*, the collaboration will make the program bigger, able to reach wider market, and have a greater impact.

¹ <http://data.worldbank.org/indicator/IC.BUS.EASE.XQ> accessed on 7 September 2015 23:55 WIB.

² "Tentang SP2KP," accessed September 14, 2015, <http://ews.kemendag.go.id/p2kbp/aboutportal.aspx?t=Tentang+SP2KP>.

³ "Bptsp.jakarta.go.id - Pelaksana Perijinan Pemprov DKI Jakarta," accessed September 14, 2015, <http://bptsp.jakarta.go.id/statis-1/profil.html>.

⁴ <https://asiafoundation.org/resources/pdfs/IDmeasuringOSSind.pdf> accessed September 14, 2015

⁵ IRM Researcher, Interview with Ilham Saenong, October 15, 2015

⁶ See Tabel Capaian Renaksi OGI nomor 29 <http://bit.ly/1Gnk81T>

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<http://kemenpora.go.id/pdf/DATABASE%20KOMUNITAS%20OKP%20TAHUN%202014%20%28UKP4%29.pdf>

⁸ Widiyatmoko, Pius, e-mail interview with Leny Kurnia, Ministry of Youth and Sport, June 18, 2015

⁹ Menurut Leny Kurnia yang dimaksud standar organisasi kepemudaan adalah merujuk pasal 43 Undang-Undang Nomor 40 Tahun 2009 tentang Kepemudaan, yaitu organisasi kepemudaan sekurang-kurangnya memiliki : 1. Keanggotaan, 2. Kepengurusan, 3. Tata laksana kesekretariatan dan keuangan, 4. Anggaran Dasar dan Anggaran Rumah Tangga.

¹¹ It can be accessed at <http://kpk.go.id/gratifikasi/images/pdf/IndonesiaBersih.pdf>

9. Accelerate Open and Good Governance Practices in Land Affairs

In many cases, there are still many people who do not know about information and regulations on land affairs such as transition renewal, merging and splitting up land rights. The government of Indonesia is committed to continuously improve the quality of public services in the land sector by providing more comprehensive information to the public on land services information, as well as to encourage business investment through the integration of land policies and regulations

Milestones/KIPs (2014):

1. **Improved infrastructure and quality of land services**
 - a. **Implement 5 types of the following public services online:**
 - i. **Checking Certificate**
 - ii. **Transfer of Rights**
 - iii. **Removal from the list of liens [Roya Tanggungan]**
 - iv. **Improving rights from Right to Build [Hak Guna Bangunan (HGB)] to Right of Ownership [Hak Milik (HM)]**
 - v. **Mortgage**
2. **Implementation of integrated land data with 2 Ministries/Agencies/Local Governments; and publication of online mapping at BPN website for areas of Java and Bali Encourage business investment through the integration of policies and regulations on land in Indonesia in the form of a single document**
 - a. **Publication of books / documents / files that integrate all regulations regarding the processing of the ownership and utilization of land on 5 types of services**

Responsible Institution: National Land Agency

Supporting Institution(s): None

Start: 28 May 2014

End: 31 December 2014

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall			✓		✓			✓			✓			✓		
9.1.a Improve infrastructure and services for land affairs (5 types of online service)			✓		✓			✓			✓		✓			

9.1.b. Land affairs data integration			✓		✓			✓			✓		✓			
9.2 Compile land laws and regulations			✓		✓					✓				✓		

What happened?

This commitment builds on commitments in previous OGP action plans. It would make sure that appropriate services and data are available through a government website for land registration and use. It would also improve the ease of buying and selling real property in Indonesia by reducing fraud, centralizing regulations, and reducing unofficial fee collection. Previous OGP commitments were limited in geographical coverage and this would expand to cover Java and Bali.

The website¹ has not been updated with new materials since 2013². As noted in the prior IRM report, there is still no means of filing a grievance. In addition, the online services outlined in the commitment have not been achieved, although the regulations and associated costs are made available on the website.

According to the government self-assessment, the website is completed. Additionally, the government self-assessment states that 1400 task forces received copies of the book on regulations. Requests for interviews with relevant officials from the IRM went unanswered and no evidence documenting distribution or training was supplied.

Did it matter?

Land administration is complicated in Indonesia with overlapping titles, unofficial fees, complicated process, significant delays, and fraudulent certificates. Other sources³ cite low registration of women, difficulty in registering communal land, and lack of transparency in expropriation processes.

This commitment, if implemented as written would go a long way in addressing many of the problems by making registration systems standard, transparent. It would also make it more efficient, cheaper, and standardize costs. In some cases, it may reduce social conflict. (See “moving forward” below.) If implemented, as written, this commitment would be transformative for land use and titling.

One stakeholder commented that protection of land tenure should go beyond the “legalization” of land titles, but also toward political issues such as protection of those who *de-facto* controlled land for a number of years.⁴

Moving forward

This is an important commitment that should be included and enhanced in the next OGP action plan. In addition to updating materials and building in the services on the website other, related commitments might include:

- **Improving communal land registration:** One of the problems in Indonesia is control over communal lands and forests. This commitment would not address those issues directly, although a future commitment might do so, helping to make the important issue of land management even more transformative through open government.
- **Complaint mechanism:** Enhancing and making available a complaint mechanism for when the system does not work.
- **Awareness Raising.** The government needs to promote and educate the public on how to use the online land services system and establish clear guidelines
- **Integration of agrarian data and information.** The government should ensure that the National Land Agency (BPN), The Ministry of Forestry and Environment, the Ministry for Mining, energy and Mineral Resources, The Agency for Geospatial Information and the Ministry of Public Works share data and information and share an integrated platform.
- **Harmonizing national and local regulation:** At the time of writing, the Basic Agrarian Law is under review in Parliament. A future OGP action plan could contain commitments around harmonizing regulation at the national and local level on land administration, spatial planning and zoning, and urban development. This may include dispute resolution mechanisms for local disputes (accountability and access to justice) and participation in urban planning and zoning.
- Transparency measures to protect individual with long term *de facto* access to land

¹ <http://www.bpn.go.id/>

² <https://web.archive.org/web/20131230230623/http://site.bpn.go.id/o/layanan-pertanahan.aspx>

³ http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Indonesia_Profile_0.pdf

⁴ IRM Researcher, interview with Ilham Saenong (Transparency International), October 15, 2015

10. Accelerate Open and Good Governance Practices in Management of Migrant Workers

The problem faced by migrant workers is the lack of infrastructure to respond to migrant workers' complaints quickly in order to provide the required level of protection for working overseas. Information on vacancies from official migrant worker agency, preparation procedures, as well as complete migrant workers information will be published through BNP2TKI websites. These innovations are expected to increase transparency and accountability in the management of public services for migrant workers, including transparency on the progress of complaint resolution.

Milestones/KIPs (2014):

1. Online publication that informs:
 - a. Statistical data about Indonesian Migrant Worker (TKI) placement by country;
 - b. Data about TKI return;
 - c. Data of problematic TKI;
 - d. Information about all the things that must be prepared by migrants when return back to Indonesia and procedures when arrived at Indonesia airport.
2. Website jobsinfo.bnp2tki.go.id as TKI job vacancies portal which connecting supply side (PPTKIS) and TKI candidates, consist of:
 - a. Publication of statistical data based on type of job positions and state locations;
 - b. Publication of applicants data for each job vacancies.
3. Publication of reports on complaints and follow-up of complaints received in the TKI BNP2TKI website and Provision of information and dissemination of BNP2TKI to the workers (including information service complaints, and follow-up)

Responsible Institution: National Agency for Placement and Protection of Indonesian Workers (BNP2TKI)

Supporting Institution(s): None

Start: 28 May 2014

End: 31 December 2014

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall				✓	✓	✓		✓			✓				✓	

10.1 Online publication statistical data about TKI				✓	✓						✓					✓
10.2 Website jobsinfo.bnp2tki.go.id as TKI job vacancies portal				✓	✓			✓			✓					✓
10.3 Publication of reports on complaints and follow-up of complaints received in the TKI BNP2TKI website				✓		✓					✓		✓			

What happened?

As of October 2013, according to government statistics, there are 360,063 Indonesian migrant workers overseas, 45% of which are considered “informal” (working as household assistant). The overall trend indicates a decline as the number for previous years are between 469 to 586 thousand people. This is presumably due to moratorium for sending migrant workers abroad.

Migrant workers (Tenaga Kerja Indonesia or TKI) are prone to abuse, there are various cases where they overworked, underpaid or mistreated. As of October 2013, there are 3,267 cases involving migrant workers, including – within that number – 393 deaths, 75 accidents and 57 in detention. The problem is complex, both in terms of supply, the quality of the workers themselves and from the demand side, the lack of protection in countries where they are stationed.

There are three main activities in this commitment: uploading statistical data on TKI, the creation of a verified jobs platform and finally, the creation of complaint platform to address TKI abuse. These milestones are quite large and should have been separated into three different commitments. One milestone, concerning the formation of PPTKIS representative (representative of recruiting company) in one country was dropped as it was considered to fall outside the competence of BNP2TKI.¹

The statistical data on TKI placement is available on [this link](#). According to our source, it was first uploaded on June 10, 2012. Thus, this commitment is not new. The data on TKI’s return from overseas is available on this [link](#). Our source told that it was first uploaded on June 11, 2012. Thus, this commitment is also not new. Data on cases and problems are located in the same document [as previous](#). This was first uploaded on June 11, 2012. Meanwhile, information on TKI arrivals are available through several articles on [BNP2TKI’s](#) website. This was uploaded on November 2014.

The milestone *Integrated services (business process) using online system between PPTKIS and BNP2TKI (Central and Regional)* is less-specific, as such, it would be difficult to evaluate. The

milestone should have detailed further the ways in which such integration is to be made. Nevertheless, the other three activities: Website jobsinfo.bnp2tki.go.id as TKI job vacancies portal which connecting supply side (PPTKIS) and TKI candidates; a. 50 companies open and announced job vacancies at jobsinfo.bnp2tki.go.id and more than 3,600 job vacancies at jobsinfo.bnp2tki.go.id are sufficiently specific.

One of the recurrent problems is the presence of intermediaries, who in turn exploit candidates and defraud employers. The job portal is aimed at reducing such occurrences.²The TKI's job portal, located at jobsinfo.bnp2tki.go.id has been around for three years. Thus, the milestone cannot be regarded as new. As of July 24, there are 59 companies advertising jobs, thus, the 50 companies target have been surpassed. The number of jobs advertised is around 7 to 8 thousand, thus surpassing the target. We consider that all targets pertaining jobsinfo website to have been completed.

In 2014, the Commission for the Eradication of Corruption and other authorities conducted unannounced inspection at the Soekarno Hatta Airport (CGK) and detained 18 officials suspected of blackmailing returning migrant workers. According to government official interviewed, this prompted the action plan for the transparency on the handling of migrant worker.³ The milestone seeks to inventory complain and publish them, including the follow up status on the BNP2KI website. The complaint platform for migrant workers is available at [this link](#). As only aggregate of statistics are published, the IRM researcher does not consider this milestone to have been accomplished.

Did it matter?

The statistics on TKI's placement and return enables the public to understand the distribution of TKI and countries with highest number of TKIs. This helps ensure that more resources are dedicated to those countries. The statistics on cases are useful, since they are segregated into countries, the worker's origin in Indonesia, and the recruiting companies along with the number of cases. This segregation enables the public to scrutinize (i) the country where most cases involving TKI occurs – which may indicate the lack of protection in that particular country, (ii) the region where TKI originates in Indonesia – which can help identify drivers of vulnerability such as the lack of education and supervision if data can be correlated with the number of cases and (iii) the recruiting companies – which may prompt further scrutiny if the same company has a pattern of abuse. It is to be noted however, that except for the TKI arrival none of the commitments above are novel. The information pertaining to arrivals contain various methods for complaints and a phone number to crisis center. This is useful, because a migrant worker is often blackmailed, threatened or subjected to illegal fee collection (*pungutan liar*) upon their arrival.

The jobsinfo website was created for prospective candidates, however, most of the vacancies advertised are aimed at higher skilled jobs. According to relevant official⁴, there are bureaucratic problems relating to the registration of candidates, which must go through the “primary” and “secondary” stage. Most candidates only filled the “primary” data and not the secondary and as such are not able to apply for the advertised position. There are problems relating to the supply and matchmaking operators in terms of verification of data. It was also suggested that the number of recruiting companies who entered the data on the

website is still low. This may be related with the fact that there is no legal obligation for companies to do so. Our source also commented that there are no follow-ups on registrations done via SMS.

With regards to the complaints platform, it has the potential to transform the services from business as usual. Detail publication concerning complaint and its response status would create transparency of how TKI services are being handled and thus – serve the intended action plan. It is unfortunate that only aggregate statistics are available.

One CSO stakeholder recommend that TKI-related commitments in the next OGP Action Plan be focused into (i) better information provision for TKI, (ii) prevention of extortion and (iii) acceleration of passport extension at Indonesian Embassy abroad.⁵

Moving forward

Relevant officials commented that the statistics on TKI's placement and return will be continuously updated along with information on TKI arrivals. Data on cases per recruiting companies can be used and improved for benchmarking and enforcement purpose. Information for migrants upon arrival is useful, but need to be improved so as to contain information pertaining to illegal fee collection by irresponsible parties upon their arrival at airport.

As for the jobsinfo platform, at present, the government is drafting a roadmap for future use. The platform is aimed to be simplified, and specialized operators might be hired to work on the website. The government may also issue specific regulation as a legal basis for jobsinfo website. An SMS gateway may be installed to provide additional services through SMS and there may be a help desk for those requiring information.⁶ If materialized, these plans will contribute tremendously to the development of the jobsinfo platform. It needs to be noted however that the use of web interface requires some degree of Internet literacy – whereas – most of the problems relating to migrant worker are related to education. The IRM researcher recommends that the jobsinfo development plan forms a part of the next OGP action plan.

The IRM researcher recommends that the complaint platform be made transparent by listing down individual complaint against service provision and detailing the government response towards such complain. Complaint mechanisms could be integrated with an inspectorate tasked with internal investigation.

¹ *Interview with officials from BNP2TKI*

² *Ibid*

³ *Ibid*

⁴ *Ibid*

⁵ Interview with Ilham Saenong (Transparency International), October 15, 2015

⁶ Ibid

11. Accelerate Open and Good Governance Practices in Hajj Management

Management of Hajj is perceived to be another area of public service with high exposure to corruption. To alleviate fears of corruption, the government of Indonesia continues to make management of hajj more transparent, easily accessible and understood by citizens. Moreover, the government of Indonesia also encourages transparency and accountability in the Office of Religious Affairs (KUA) specifically in marriage information services.

Milestones/KIPs (2014):

1. Hajj management is done in a transparent and accountable manner
 - a. Hajj and Umrah information published on the website, integrated with Open Data / SIP PPID accompanied by explanation in the form of infographics (additional information service module).
2. Promote transparency and accountability of public services in the Office of Religious Affairs (KUA)
 - a. The publication of wedding service information including the procedures, costs and timing services through posters and a website; the availability of complaints systems in the Office of Religious Affairs in regencies / municipalities across Java, Sumatra and Bali
 - b. Simkah.bimaislam.com connectedness with dukcapil. (The Ministry's website on Marriage Affairs is connected with the Civil Registry system)
 - c. The implementation of simkah.bimaislam (Information System on Marriage Management)

Responsible Institution: Office of Religious Affairs (KUA)

Supporting Institution(s): None

Start: 28 May 2014

End: 31 December 2014

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall			✓		✓			✓			✓			✓		
11.1 Transparency and accountability in Hajj management		✓			✓						✓			✓		

11.2 Transparency and accountability of KUA				✓	✓				✓				✓		✓		
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What happened?

The hajj, or pilgrimage to Mecca, is one of the fundamental religious tenets for observant Muslims. As one of the world's most populous Muslim countries, there is high demand for Indonesians to go on hajj at least once in their lives. As a result, the hajj sector in Indonesia generates large annual revenues. As of February 2015, the Indonesian government manages a 170.2 trillion IDR (4.855 billion USD) fund dedicated to hajj.¹ Due to the annual hajj quota system imposed by the government of Saudi Arabia, these funds are held in a government account until they can be used by individual citizens. In 2006, a former religious minister was convicted of misappropriating hajj funds and in 2014 another former religious minister was declared a suspect in relation to misused hajj funds.² Additionally, the costs associated with Hajj in Indonesia (BPIH) are the most expensive in Asia. This high cost often does not correspond to the services provided.

This commitment is in part a continuation of the 2013 Action Plan on Hajj Management and Office of Religious Affairs, in which it aimed at publishing information about hajj costs (BPIH) in addition to hajj departure and queue status, departure and travel plans. The 2013 also sought to publish marriage information services and publication of marriage services information through posters and operationalize reporting/complaint system in the Office of Religious Affairs in every Regency/Municipality of Java, Sumatera, and Bali. As explained in the 2013 Indonesia Special Accountability Report, there was no clarity as to the actual cost and fees associated with marriage registrations and there did not exist registration or complaint procedures.

Milestone 11.1 seeks to publish hajj information in open data format to better integrate the Documentation and Information Management Officer (PPID). The milestone activities also include utilizing infographics. The Government self-assessment report (GSAR) evaluated milestone 11.1 as "completed" and refers to the hajj website³ as the evidence of completion. However, the IRM researcher is unable to relate the homepage with the action plan. The link provided directs one to the "news" section of the ministry's website and it is unclear as how the news section relates to publishing information open data format and better integration with the PPID. The IRM researcher was not able to locate additional infographics on the website. Requests to the Ministry of Religious Affairs for interviews went unanswered.

As for the Office of Religious Affairs (KUA), milestone 11.2 sought to publish information pertaining to mechanisms/procedures, costs, time of services for marriage services and create a complaint system in districts/municipalities across provinces of Java, Sumatera, and Bali. Milestone 11.2 activities also included connecting municipal marriage services to the *dukcapil* (Civil Register System)⁴. Milestone 11.2 is marked as "completed" in the GSAR, and refers to the 2014 Government Regulation 48 Year 2014⁵, which stipulates that marriage registration, when conducted at the office of religious affairs, is free of charge. However, when it is conducted outside the office of religious affairs, will be charged at around USD 42. The KUA website also includes a news ticker with the information from the 2014 regulation included. Unfortunately, when the IRM researcher attempted to access the

KUA page, a technical error prevented the graphic of marriage services flowchart from being displayed.⁶ The IRM researcher was not able to find any evidence to support integration with *dukcapil* (Civil Register). Additionally, the IRM researcher was unable to confirm if posters or a reporting/complaint system was established as requests for interview with KUA officials went unanswered. However, a stakeholder⁷ notes that various posters on gratis marriage service (if conducted in KUA office) have been on display in several regions⁸.

The Simkah (Marriage Management Information System) is accessible to the public⁹. The Simkah system is intended to enable online marriage registration service (does not appear to be functional), marriage certificate search (functional), directory of KUA (marriage service/functional) as well as few others minor features.

Did it matter?

Milestone 11.1 is not particularly clear in how it seeks to integrate the website with open data and SIP PPID, so it is difficult to determine what policy problem this milestone seeks to address. Milestone 11.2 has potentially transformative impact on standardizing and regulating the costs of marriage services. The cost structure of marriage has been simplified through Government Regulation 48 Year 2014: it is either free (in-house) or USD 42 (outside). Nevertheless, there needs to be clarification on the procedure and the commitment – if fully implemented – will materialize that. The IRM researcher considers the activities related to creating a complaint system and integration with *dukcapil* critical as they create incentives for relevant officials to carry out public services properly and centralize marriage services. Meanwhile, the Simkah system enables user to search for marriage certificate (only display the number, but nevertheless important to prevent fraud and promote honesty of a person's marital status).

Moving forward

The IRM researcher recommends that these commitments be carried over to the next action plan. A specific webpage containing infographic of hajj information can be created for hajj services.

For the marriage service, the KUA webpage¹⁰ should contain easy access to posters and infographics explaining the procedure to obtain services. The complaint system must be made available through Ministerial Regulation and integrated into Public Service Law, the Ombudsman system, and the Religious Ministry's Inspectorate General Office. The complaint system must contain clear channels for individuals to report issues and mechanisms for investigating and resolving complaints in a timely manner.

The Simkah system could have transformative impact if properly implemented. The web page should be improved to provide user-friendly interface, a guideline/frequently asked question should be available. Non-functional features should be fixed.

¹ 'Optimalkan Triliunan Dana Haji, Jokowi Bentuk Badan Khusus'

<<http://www.cnnindonesia.com/ekonomi/20150607103621-78-58230/optimalkan-triliunan-dana-haji-jokowi-bentuk-badan-khusus/>> accessed 18 September 2015. See also Norimitsu Onishi, 'In Indonesia, Many Eyes Follow Money for Hajj'

<<http://www.nytimes.com/2010/08/06/world/asia/06hajj.html>> accessed 18 September 2015.

² 'Indonesian Ex-Minister Jailed over Hajj Corruption' (*ABC News*, 7 February 2006) <<http://www.abc.net.au/news/2006-02-07/indonesian-ex-minister-jailed-over-hajj-corruption/794250>> accessed 18 September 2015; Indonesia correspondent George Roberts and wires, 'Indonesian Minister Suspect in Corruption Case' (*ABC News*, 24 May 2014) <<http://www.abc.net.au/news/2014-05-24/an-indo-pilgrimage-corruption/5475546>> accessed 18 September 2015.

³ <http://haji.kemenag.go.id/v2/publikasi/berita>

⁴ <http://simkah.bimaislam.com>

⁵ <http://bimasislam.kemenag.go.id/site/layanan-masyarakat/nikah>

but the file returned a 404 error.

⁷ IRM Interview with Ilham Saenong (Transparency International), October 15, 2015

⁸ http://3.bp.blogspot.com/-xBQ4mbipnP8/VKm6D2FeRII/AAAAAAAAAB9Q/nkMliXfbzPM/s1600/biaya-nikah-10918923_894019250630759_4119513688878170322_o.jpg

⁹ <http://simkah.kemenag.go.id/awal.php>

¹⁰ <http://bimasislam.kemenag.go.id/site/layanan-masyarakat/nikah>

12. Accelerate Open and Good Governance Practices in Natural Resources Management

Indonesia has vast natural resources for both renewable and non-renewable energy. However, management and utilization of natural resources in Indonesia are still vulnerable to corruption, collusion, and nepotism.

Therefore, the government of Indonesia continues to promote open and good governance in the extractive industry among others by applying EITI standards. Information of production volume and spatial information in the extractive industry, renegotiation of the Contract of Work (Kontrak Karya), PKP2B, implementation of Social Responsibility Programs (Tanggung-Jawab Sosial), procurement of upstream oil and gas and mining, will be made available to the public.

Milestones/KIPs (2014):

1. Transparency in the Management of Natural Resources within EITI Scope

- a. Publication of reconciliation report of extractive industries transparency initiative (EITI) for Indonesia's oil and gas and mining sectors for FY 2010, FY 2011.*

2. Transparency of information regarding Volume Production of Extractive Sectors (Oil, Gas, and Mining), Oil and Gas Contracts (PSCs), Mineral and Coal (KK, PKP2B and IUP) and granting of mining license (IUP) in each stages.

- a. The publication of revenue and production data of oil and gas as well as minerals and coal in real time and classified according to the producing region and the production unit (unit contract / permit)*

- b. The publication of the document of oilgas contracts (PSC) as well as mining (KK / PKP2B / IUP)*

3. Transparency in implementing renegotiation Contract of Work (KK/Kontak Karya) and PKP2B as mandated by the Mining Law; implementing and monitoring of downstream post January 13, 2014

- a. The development and publication of the results of the renegotiation of the contract of work (COW) and PKP2B - related to the implementation of the Mining Law (No. 4/2009)*

- b. The publication of the development and supervision of the implementation of the obligations of processing and refining of minerals by mining industry per January 12, 2014 - related to the implementation of the Mining Law (No.4 / 2009)*

4. The implementation of e-procurement of upstream oil and gas and mineral/coal using online system (e-procurement) that can be monitored by the public development in each stage (50%)

5. Publication of information / spatial data to One Map Gas and Mining/Coal through the Ministry website with updated data

6. Publication of documents related to the implementation of the Social Responsibility Program (TJS / CSR) KKKS Gas and KK / IUP / PKP2B Mining in every stage (from planning to accountability)

7. Publish documents related to reclamation and mine closure ranging from planning to accountability (includes information regarding the amount and use of funds or fund Reclamation Guarantee -Minerba- -Migas- ASR)

8. Improved quality control management permits forest products

Publication of data and information production and distribution of forest products, and the contribution of forest products (PSDH & DR), as well as the operation of the timber tracking system in 100 management units (companies)

Responsible Institution: Coordinating Ministry for Economic Affairs (KemenkoPereko), Ministry of Energy and Mineral Resources (KESDM), Ministry of Forestry (Kemenhut)

Supporting Institution(s): None

Start: 28 May 2014

End: 31 December 2014

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall			✓		✓			✓			✓			✓		
12.1 Transparency in natural resources management			✓		✓						✓			✓		
12.2 Real time publication of oil/gas/mineral/coal mining			✓		✓							✓		✓		
12.3 Publication of results of the contract renegotiation for COW and PKP2B			✓		✓						✓		✓			
12.4 E-procurement for upstream oil and gas			✓		✓			✓	✓							✓
12.5 Publish			✓		✓			✓		✓			✓			

information / spatial data to One Map Gas and Mining through the site with the data MEMR renewable (up dated)																	
12.6 Publish documents related to the implementation of the Social Responsibility Program (TJS / CSR) KKKS Gas and KK / IUP / PKP2B Mining in every stage			✓		✓					✓				✓			
12.7 Publish documents on mine closures and reclamation			✓		✓						✓				✓		
12.8 Forest products permits management			✓		✓							✓		Withdrawn			

What Happened?

Constitutionally, earth, water and the natural resources inside Indonesia are controlled by the state and used for the benefit of the Indonesia's people. For the sake of carrying out the mandate of the Constitution, natural resources management, such as petroleum, gasoline and mining must be served right, in conformity with the rules of just administration. This commitment aimed at providing access to information to several key documents involved in natural resources exploitation.

Indonesia has expressed its commitment to implement transparency to an independent institution called the Extractive Industries Transparency Initiative (EITI) and join as a member since 2008. By October 2014, Indonesia was designated as an EITI Compliant Country.¹ These commitments build on and expand the EITI commitments elsewhere by including them in the OGP National Action Plan. These commitments have been included, in various forms, since the first National Action Plan.

After Indonesia declared its commitment to become an EITI implementing country, in 2010, the Indonesian government issued Presidential Decree 26 (2010) on State and Local Revenue Transparency of Extractive Industries as a legal basis to execute those commitments. Presidential Decree 26 (2010) stated that extractive industries transparency is implemented by a team consisting of representatives from the government, representatives of oil, gas, and mining companies, representatives of local governments, as

well as representatives of civil society. In other words, this work is a cross-ministry and among stakeholders.

Indonesia was found EITI compliant in 2014 but is currently listed as “suspended” on the EITI website due to delayed reporting. EITI Reports Phase I and Phase II, covering 2009, 2010, and 2011 have been approved, but the process of preparation of the Phase III report (calendar years 2012 – 2013) is currently underway. Phase III would meet the new EITI Standards (EITI Standard 2013), which in addition to aspects of the revenue reconciliation (revenue streams), would provide contextual information about extractive industry in Indonesia.[] The EITI Indonesia webpage² states that the documents to bring it into compliance should have been ready by August 2015, but there is no evidence of this on the website at the time of writing (September 2015).

Besides the EITI Reports, Indonesia also has made the publication of data retrieval and production of oil and gas as well as minerals and coal in real time. But work remains as classification based on producing region and production unit has not been published yet.³

Milestone 12.1 would make available the reconciliation reports for extractives revenue. These allow one to compare the stated amount paid by extractive enterprises with the revenue collected by government. Currently, these documents, are not available on either the international EITI website or the Indonesian official website. A scoping study for carrying out the actual reconciliation analysis is available, however, so a completion of “limited” is given.⁴

Milestone 12.2 aimed at providing transparency for volume production, oil and gas production sharing contracts and Mining licenses. The data for oil⁵, coal⁶, and mineral⁷ production from January to July 2014 has been made public by the government. As for the access to Production Sharing Contract (PSC/KKKS) and Mining License (IUP) the GSAR mentioned that the document is exempt from disclosure under the current Indonesian FoI law. The IRM researchers found it especially difficult to obtain information from IUP (mining license agency) because the mining companies were reluctant to disclose and such actions are protected under current tax law. As a consequence, only a small portion of the total data was published and therefore this milestone was evaluated as having limited completion.

Milestone 12.3 attempts to establish transparency on the renegotiation of mining contracts in accordance with the Mineral Law 4/2009 and publication of the obligation to build smelter. Although the renegotiation process of the contract of work (COW) and PKP2B has been conducted, the detail progress report on contract renegotiation was not published, though results of renegotiation are publicly available. The results have been published to the Ministry website since 2013. As for the development and supervision of obligations of processing and refining of minerals implementation, the data has been published on the web since 2013.⁸ The GSAR marked the access to renegotiation data as “incomplete” (currently still in progress). The smelter data⁹, however, is published. Since the scope of this IRM report covers only 2014 and all of this data was publicly available before this time, the IRM researchers note no progress has been made on this milestone.

Milestone 12.4 attempts to build transparency in the procurement sector, related to extractive industry through the procurement platform¹⁰. According to interviews with government officials, the site has been operational since 2013 and there were no new features added during this action plan cycle. Furthermore, according to the GSAR, there were no procurements undertaken in the oil, gas, mineral and coal sector during 2014. While this milestone could be considered “complete,” it has no impact as no new data was published.

Milestone 12.5 would integrate extractive industries data into the “One Map” system for land and forestry partially carried out in previous action plans. The GSAR referred to a website¹¹ which provides one map for the latest data in oil, gas, minerals and coal. The website requires login information to be provided (and no obvious means for obtaining a login), which means that for the time being, the website provides no practical public access to information. For that reason, the commitment is rated as “not started,” at least from a public access to information perspective.

Milestone 12.6 attempts to create transparency in the oil and gas and the minerals/coal sector by concerning all stages of Corporate Social Responsibility (CSR), from planning to execution. This is an important step because the body in charge of CSR in oil, gas and mining has been embroiled with corruption scandal in which Rp126 billion aimed at schools and tree planting has been reported missing¹². Despite the commitment’s importance, the government’s self-assessment report marked this commitment as incomplete as documents are available in hardcopy and efforts are underway to enhance the web capacity. According to the government, while hard copies of the relevant documents exist in hard copy, they are not available to the public. Consequently, for all intents and purposes, this commitment is not started in terms of providing access to information to the public.

Milestone 12.7 attempted to create transparency in post-mining activities, including site restoration, by publishing all relevant documents. This too could have been an important step as post-mining activities has been the focus of the anti corruption agency¹³. The GSAR marked this milestone as incomplete as only hard copies of documents are provided. Overall statistics are available¹⁴ however, this does not fulfill the language of the commitment, which requires all documents to be published. As a consequence, this milestone made only limited progress.

Milestone 12.8 attempts to enhance access of information on forest production. According to the GSAR, milestone is withdrawn. This action similar to action plan 2013 OGI2P1A2, which targets operationalization timber tracking system in 88 management unit (companies)¹⁵. The relevant ministry official refused to provide information and requested that letters be sent directly by the Bappenas (who is in charge of OGP). However, PSC and KK/PKP2B/IUP cannot be brought out due to its confidentiality. From the renewable natural resources, forestry, Indonesian government has made PSDH & DR published real time, along with PUHH. The government called it the Indonesia Timber Tracking System. The system could track the logs until very specific detail like the log’s legal origin and legal compliance, which is imposed in Indonesia, at once.¹⁶ The data provided on the web are segregated based on province of log origin.

Did It Matter?

As stated above, most of the milestones were not complete, withdrawn, or had no impact. Consequently, few impacts could be foreseen from this plan.

Some positive steps have been taken to ensure greater access to information for the public. For example, data from EITI report has been converted into an open data format¹⁷, which allows every person to gain reuse the data. Moreover, EITI Indonesia Secretariat actively socializes the program.¹⁸

At the same time, a transparency-only approach, even if implemented might have a limited potential impact. Currently, some government offices claim exemption on legal grounds for the publication of information. They claim “confidentiality” exemptions under the Public Information Disclosure Act, Article 17. This claim is, however, controversial, and in the view of many, including the IRM researchers, does not outweigh the huge public interest for such disclosure.¹⁹ For this commitment to be impactful, such claims for exemption will need to be dismissed. Further, information related to the extractive industries contract and licenses (such as PSCs and CoW/PKP2B/IUP), has not demonstrated any harm and is consistent with the practice in most of their EITI countries²⁰. While some technical information may require refinement before public disclosure in order to avoid misunderstanding by the public, it is not clear that this should be the source of major delays.

If the public disclosure is done correctly, many countries have enhanced natural resources management, and have reduced the potential for corruption and conflict greatly and increase the economic growth significantly.²¹

A CSO stakeholder, Saeonong, commented that some in the government bureaucracy may not be supportive of the EITI scheme.²² Furthermore, according to Saenong, the new mining regime could make the EITI process more difficult and could take 1-2 years for adjustment.

Moving Forward

As previously discussed, the IRM researcher considered that EITI should be dropped from the OGP Action Plan, as it already has an established system, independent of the OGP. While OGP can add an additional layer of visibility and accountability, it best serves as a platform for commitments around extractives that go beyond the requirements of EITI. Future action plans can focus on commitments that have additional outcomes beyond EITI compliance.

Meanwhile, efforts to publish contractual and licensing related data need to continue. A research has been undertaken by UKP4 to map and evaluate the confidentiality of every single document involved in mining and plantation licenses and contract according to the Indonesian FoI Law. This research would be more than sufficient to answer any doubt as to whether a particular document can sufficiently be declared confidential. Including such actions in the next action plan would advance the goals of OGP in Indonesia. Such an initiative should be led by the Executive Office of the President, which would communicate the importance of such commitments to OGP and EITI.

¹ See <http://eiti.ekon.go.id/indonesia-recognised-as-compliant-country/>

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- ² <http://eiti.ekon.go.id/en/timeline-report-2012-2013/>
- ³ Interview Report with Ministry of Natural Resources about Open Government Indonesia Action Plan 2014
- ⁴ <http://eiti.ekon.go.id/en/scoping-2012-2013/?aid=859&sa=1>
- ⁵ <http://kip.esdm.go.id/pusdatin/index.php/data-informasi/data-energi/minyak-dan-gas-bumi/produksi-minyak-bumi-dan-kondensat-indonesia>
- ⁶ <http://kip.esdm.go.id/pusdatin/index.php/data-informasi/data-energi/data-batubara/data-produksi-dan-ekspor-batubara>
- ⁷ http://kip.esdm.go.id/pusdatin/images/pusdatin/pengolahan_data_mineral/statistik_mineral/produksi_mineral_per_komoditas.pdf
- ⁸ Interview Report with Ministry of Natural Resources about Open Government Indonesia Action Plan 2014
- ⁹ <http://minerba.esdm.go.id/public/38776/paparan/-peta/-dll/>
- ¹⁰ <http://eproc.esdm.go.id/eproc/lelang>
- ¹¹ <http://maps.djmbp.esdm.go.id/home/>
- ¹² <http://en.metrotvnews.com/read/2015/09/01/164738/suspicion-on-csr-fund-corruption-at-pertamina-foundation>
- ¹³ <http://regional.kompas.com/read/2015/03/03/04261041/Biaya.Reklamasi.Tambang.di.Kalbar.Hanya.400.Ribu.Per.Tahun>
- ¹⁴ <http://www.skkmigas.go.id/statistik/statistik-asr>
- ¹⁵ see also Indonesia Special Accountability Report 2013
- ¹⁶ See http://puhh.dephut.go.id:7777/itts/home_default
- ¹⁷ See http://data.go.id/dataset?_organization_limit=0&organization=eiti-indonesia
- ¹⁸ See <http://eiti.ekon.go.id/category/sosialisasi/>
- ¹⁹ See
Laporan Hasil Riset Kepada Unit Kerja Presiden Bidang Pengawasan dan Pengendalian Pembangunan – UKP4 Jakarta -- 2014
- ²⁰ See
Laporan Hasil Riset Kepada Unit Kerja Presiden Bidang Pengawasan dan Pengendalian Pembangunan – UKP4 Jakarta -- 2014
- ²¹ See http://www.resourcegovernance.org/sites/default/files/nrgi_Transparansi-dan-Akuntabilitas_bahasa.pdf
- ²² IRM Researcher interview with Ilham Saenong (Transparency International), October 15, 2015

Theme 4. Improve Quality of Openness in Common Public Interest Areas

13. Improve Public Participation in Development Planning

The government of Indonesia plans to increase transparency of public participation in the formulation of national and regional development plans, through online and offline approach. This action plan is a result from one of the ideas in 'SOLUSIMU' competition. The proposal is to create a public open forum between citizen and government to exchange ideas and discuss new innovations to support national and regional development.

Milestones/KIPs (2014):

1. *Transparency and Public Participation in the formulation of national and regional development plans*
 - a. *The issuance of a ministerial regulation / technical reference for the formulation of development plans that involve people actively using online and offline methods*

Responsible Institution: Coordinating Ministry for Economic Affairs (KemenkoPereko), Ministry of Energy and Mineral Resources (KESDM), Ministry of Forestry (Kemenhut)

Supporting Institution(s): None

Start: 28 May 2014

End: 31 December 2014

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall			✓			✓				✓			Unclear			

What happened?

Indonesia adheres to a bottom-up planning framework, known as *Musrenbang* (Forum for Development Planning) from the regions (village levels or district) up to the central level. There exists a mandate in the law of public services No 25/2009 and law 25 Year 2004 on regarding National Development Planning System for public participation in development planning. In practice, however, there is little opportunity for public participation in development planning. The goal of this commitment was to enhance public participation in development planning creating ministerial guidelines for online and offline participation. The IRM researcher was unable to verify whether these guidelines were created and requests for interviews with BAPPENAS officials went unanswered. The government self assessment report indicates that progress on this commitment is on-going but does not provide evidence of draft guidelines.

Did it matter?

Several regulations and guidelines for public participation in development are already available. For the regions, there is Government Regulation 8/2008 on the stages, ways of formulation, control and evaluation of the implementation of regional development plans. The Bappenas recently enacted a decree on the formation of public consultation team for a 5 year development plan¹. Since there already exist numerous guidelines on public participation in development planning, the commitment as written does not appear to stretch existing government practice. The current guidelines do not necessarily extend to online public participation, therefore the commitment, if fully implemented, could add minor value to public participation online. However, without a clear platform and infrastructure that ensures public participation, this good intention would be difficult to materialize.

Moving forward

This commitment could have “moderate” potential impact if it includes a platform and infrastructure for offline and online participation in the next action plan. This platform could take the form of an interactive website employed at every planning stage from the regional level up to the national level, to enable the public to convey their aspirations to the government and track the government’s response to such aspirations.

¹ cite NOMOR KEP.57/M.PPN/HK/06/2014

14. Improve Public Participation in House of Representative and Regional Representative Council

The House of Representative (DPR)/ the Regional Representative Council (DPRD) are the form of representation of the public's aspiration in the parliament level. Public has the form of representation of the public's aspiration in the parliament level. Public has the right to know about the activities done by DPR/DPRD. The government of Indonesia is committed to improve transparency and accountability of DPR and DPRD by publication of institutional information and work mechanism of DPR/DPRD. Public can also find out information about the meetings of DPR/DPRD and provide immediate comment.

Milestones/KIPs (2014):

1. Improved performance of the institution of Parliament and Parliament through the publication of information to the public
 - 1) Completion of the website of House of Representatives that contains information on: institutional data (organization, duties and membership), attendance data and participation DPD / DPR on every meetings taking place, a report on the proceedings, public comments on each meetings, report on how meeting was conducted, publication of results of the sessions to the public.
2. Promote transparency and accountability of the Parliament Institutions
 - 1) Publication of criteria concerning closed sessions
 - 2) The publication of the new provisions concerning documentation and publication model of decision-making (including by way of voting) that ensure ease of access, standardized and timely publication)

Responsible Institution: Secretariat General of the House of Representatives

Supporting Institution(s): None

Start: 28 May 2014

End: 31 December 2014

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall					✓			✓			✓				✓	
14.1 Publish Parliament information			✓		✓						✓				✓	
14.2 Transparency and accountability in Parliament institutions			✓		✓			✓			✓				✓	

(Guideline on closed session with strict criteria)																	
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What happened?

This commitment originated from one of the winners of the Solusimu (Your Solution) Contest, Bayu Adi Persada from Bekasi¹. The feature that was suggested was direct report, public comment, supervision of legislative product, absence control, participation and publication of sessions results.

The process for drafting this action plan involves Head of the Public Relations of DPR Secretariat which has now been rotated to another position.² The present PR Chief is still trying to figure out the actual achievement parameter.³

Eventually, for **Milestone 14.1** (Publication of Parliamentary Information), the PR Bureau interpret the action plan as *sharing of website link*⁴, although in May 2015 meeting, which discusses 2014 achievement target, Bappenas require that the project goes beyond link share⁵. At the present website, link sharing occurs only with DPD⁶.

Improvement of DPR's website is already a part of Secretariat General which started on October 2014. In general, there is not much feature that has been improved, except for the web design with softer colors and that users require less click (only 1 or 2) before getting to the features they need. What is quite new is that each DPR member is provided with interactive channel to engage the community.⁷

This improvement, according to relevant official, is aimed towards building a modern parliament, which are representative, opening space for public participation, accessible, open and transparent, and utilize digital technology. The agenda is to respond to challenges of public trust towards the House of Representative. Such participation is expected to increase public trust.⁸

Information regarding institutions, role and functions, member profiles are made available on the website.⁹ However, the IRM researcher cannot locate information concerning Parliament's Special Committee¹⁰ ("Panitia Khusus") although it is a public knowledge that at least two special committees have been formed at the end of 2014.

Information pertaining attendance and absentee is contained in meeting notes documents.¹¹ However, not every sections at the DPR publishes meeting notes¹² and when published, some notes are not updated.¹³ The Public will face difficulties in discovering attendance/absentee list since information pertaining schedules or agenda cannot be found¹⁴ or is not updated¹⁵.

Information pertaining sessions are broadcasted in parliament TV.¹⁶ The public can access the streams at <http://tvparlemen.com/> and a youtube channel¹⁷. Public broadcasts have begun since 2013. However, uploaded videos cannot be categorized based on DPR's sections and consist also of activities of parliament's members.

The milestone on the publication of information on the supervision of legislative products was interpreted by the DPR Secretariat General as meeting notes, concerning DPR's role in supervising the government.¹⁸ As previously mentioned, not every meeting notes are uploaded.

Public comments pertaining sessions is not found on the website, and there is no channel to do so. Publications on sessions have been carried out in each sections of the DPR although in some cases they are incomplete.

As for **Milestone 14.2**, the DPR's house rules contain some provisions on closed session at Articles 246, 247 and 248 (DPR Regulation no 1 Year 2014 concerning House Rule)¹⁹. However, there is no provision concerning criteria on when closed sessions can be held. Also, the strict guidelines on closed session is not included in the plan to reform DPR House Rule²⁰.

At the moment, closed sessions are solely determined by members present during the session. In closed sessions, only members and invited parties can attend (See Article 246). With such minimum provision, there are no standard criteria as to when close sessions can be invoked – other than the approvals of members. DPR's public relation officer told the IRM researcher that the criteria for holding closed sessions are already available²¹, however, the IRM researcher is unable to verify that it exists. Likewise, the the guidelines on the model. Documentatin and publication of all decision making contained in this milestone cannot be verified.

Did it matter?

Organisationally, the Secretariat General of the House of Representative (DPR) has no structural relationship with the Regional Representative Council (DPD – somewhat equal to the "Senate"). The DPD has its own secretariat general. The DPRD (Regional House of Representative) has its own secretariat in each provinces or municipalities. This entails that any reform policies (including publication of information and transparency activities in this action plan) undertaken by the DPR's Secretariat General will not be binding for DPRD or DPD. Thus, the commitment language is not precise since it should have included DPD Secretariat General in addition to DPRDs.

Since the scope of the institutions covered in the commitment is confusing, the impact is hard to measure. Provision of information may not directly improve institutional performance. The breadth of the information presented also becomes problematic since the action plan was rather ambiguous. For example, information concerning meeting/party sessions in the DPR does not always reach the PR Bureau. Data on attendance goes from the secretariat of sections (Alat Kelengkapan Dewan or AKD) up to the head of Sessions Bureau and then to the Deputy of Session and then to the Secretary General of the DPR up to the DPR Chairman and Vice Chairman. Meanwhile, data on sessions can be directly uploaded by each sections (AKD) secretariat to the website.

Hanafi from Indonesia Parliamentary Center (a CSO) commented that there is an increase of transparency in DPR's website, compared to before. He shares the same opinion with the IRM researcher concerning the lack of coordination among DPR's apparatus in the publication of information on the website. Hanafi also recommend that all information updates, including from faction secretariat (*Sekretariat Fraksi*) is coordinated with PPID²².

Guidelines on closed session are important for the transparency and accountability of DPR as it prevents sessions to be held *in camera* arbitrarily.

Rofiandri, a CSO stakeholder from *Pusat Studi Hukum dan Kebijakan* commented that the present DPR House Rules has not regulated *in camera* sessions. Such procedure needs to be regulated in order to limit DPR's discretion. According to Rofiandri, meetings concerning State Budget, meetings concerning DPR's internal budget should be included in meetings that should be opened to public. He added that the scope restriction in closed sessions must be strictly determined; whether the location that is closed to public, whether it is the schedule, whether it is the materials and documents used in the meeting or whether it is the output and outcome of the meeting²³.

Moving forward

The IRM researcher recommends that DPR leadership and the secretariat general provide authorities to PPID/PR Bureau to audit and correct information provided by Section's secretariat in order to ensure the accuracy and completeness of information. Guidelines for closed sessions need to be a part of plan to amend DPR Regulation on House Rules. Without including it in a DPR regulation, the guideline for closed session will have no legal basis. The criteria for *in camera*/closed sessions must to be carefully formulated and kept narrow in its focus. The primary concern would be in determining which information pertaining restriction should be deemed restricted. Information concerning past/historical sessions (to the extent available since the DPR's first session) should also be opened to public. The IRM researcher recommends that both milestones be included in the next action plan, notwithstanding these recommendations.

¹ Pocket Book, SOLUSIMU Ayo Berinovasi, Kontes Inovasi Solusi 2014, page 8

² Widiyatmoko, Pius, interview by phone with Djaka D. Winarko, July 27, 2015

³ Widiyatmoko, Pius, interview with Zoel Arief Iskandar, Public Relation staff, Public Relation Office DPR-RI, July 14, 2015

⁴ Widiyatmoko, Pius, interview by email with Zoel Arief Iskandar, July 28, 2015

⁵ Widiyatmoko, Pius, interview with Zoel Arief Iskandar, Public Relation staff, Public Relation Office DPR-RI, July 14, 2015

⁶ See <http://bit.ly/1JD3YXm>

⁷ Widiyatmoko, Pius, interview by phone with Djaka D. Winarko, July 27, 2015

⁸ Widiyatmoko, Pius, interview by email with Zoel Arief Iskandar, July 28, 2015

⁹ Look table below :

Institution	Function and Authority	Organization and Members
Pimpinan	http://bit.ly/1HdkN54	http://bit.ly/1VSLWoS , http://bit.ly/1lvGUJl
Badan Musyawarah	http://bit.ly/1Hdklnh	http://bit.ly/1DhjfvD , http://bit.ly/1JWW32M
Komisi 1	http://bit.ly/1VSOLq1 , http://bit.ly/1I9V29G	http://bit.ly/1OGsUN6 , http://bit.ly/1LWawR0
Komisi 2	http://bit.ly/1VSOLq1 , http://bit.ly/1SqYggT	http://bit.ly/1hc425b , http://bit.ly/1MAMc85
Komisi 3	http://bit.ly/1VSOLq1 , http://bit.ly/1hc43WS	http://bit.ly/1SRamL3 , http://bit.ly/1KFWNiW
Komisi 4	http://bit.ly/1VSOLq1 , http://bit.ly/1OUDDUV	http://bit.ly/1I9X0qB , http://bit.ly/1MZ61nF
Komisi 5	http://bit.ly/1VSOLq1 , http://bit.ly/1DY4FUQ	http://bit.ly/1IAEdGv , http://bit.ly/1MZ6mXk
Komisi 6	http://bit.ly/1VSOLq1 , http://bit.ly/1MDmwZj	http://bit.ly/1DY4XuZ , http://bit.ly/1MDmGjz
Komisi 7	http://bit.ly/1VSOLq1 , http://bit.ly/1KHcnaN	http://bit.ly/1OGtVoc , http://bit.ly/1KFY7IE
Komisi 8	http://bit.ly/1VSOLq1 , http://bit.ly/1Sr2Agh	http://bit.ly/1IAF7md , http://bit.ly/1KHcBiq
Komisi 9	http://bit.ly/1VSOLq1 , http://bit.ly/1eJd5Zu	http://bit.ly/1MAOIAc , http://bit.ly/1leSg0K
Komisi 10	http://bit.ly/1VSOLq1 , http://bit.ly/1HwtWw5	http://bit.ly/1VSOUN4 , http://bit.ly/1KHd302
Komisi 11	http://bit.ly/1VSOLq1 , http://bit.ly/1KHd302	http://bit.ly/1JWXZIM , http://bit.ly/1DgqeWb
Badan Legislasi	http://bit.ly/1HdRi0	http://bit.ly/1LWc3Xo , http://bit.ly/1eJeq2A
Badan Anggaran	http://bit.ly/1IAGZeM	http://bit.ly/1VSOZxx , http://bit.ly/1MDocC4
Badan Urusan Rumah Tangga	http://bit.ly/1DgqO60	http://bit.ly/1gwEGPF , http://bit.ly/1KHdTK6
Badan Kerja Sama Antar Parlemen	http://bit.ly/1KHdTK6	http://bit.ly/1JCJqOR , http://bit.ly/1LWcsJs

Mahkamah Kehormatan Dewan	http://bit.ly/1Uex7es	http://bit.ly/1M2YLtG , http://bit.ly/1KHevPU
Panitia Khusus	-	http://bit.ly/1MDrh5a

¹⁰ Look <http://bit.ly/1hc4jVO>

¹¹ For example See <http://bit.ly/1Uel9AE>

¹² For example See <http://bit.ly/1LWhmGg>, <http://bit.ly/1hc5bk2>, <http://bit.ly/1JCXNT5>

¹³ For example See <http://bit.ly/1OUNMB5>, <http://bit.ly/1IajHec>

¹⁴ For example See <http://bit.ly/1OGBz23>, <http://bit.ly/1MDz9Uk>, <http://bit.ly/1SReVFh>,
<http://bit.ly/1OUOIW3>, <http://bit.ly/1KGcvdz>, <http://bit.ly/1VSXska>, <http://bit.ly/1MZnRXC>,
<http://bit.ly/1SRf0sl>, <http://bit.ly/1MZo2SE>, <http://bit.ly/1VSXGaZ>

¹⁵ For example See <http://bit.ly/1HdMGtG>, <http://bit.ly/1eJwE4b>

¹⁶ Widiyatmoko, Pius, interview by email with Zoel Arief Iskandar, July 28, 2015

¹⁷ <https://www.youtube.com/user/TVParlemen/>

¹⁸ Widiyatmoko, Pius, interview by email with Zoel Arief Iskandar, July 28, 2015

¹⁹ Look <http://bit.ly/1PFMoT3>

²⁰ Baca laporan singkat 17 Februari 2015 <http://bit.ly/1JbTtsf> dan laporan singkat 31 Maret 2015 <http://bit.ly/1hzGNm8>

²¹ Read *Laporan Hasil Pertemuan Pembahasan Penajaman Rencana Aksi (Renaksi) Open Government Indonesia (OGI) Tahun 2015 dengan DPR*, Rabu, 13 Mei 2015 – Bappenas

²² Widiyatmoko, Pius, interview by phone, October 13, 2015

²³ IRM researchers, interview by email, October 8, 2015

15. Improve Public Participation in Environmental Preservation

The threat of continuous environmental damage, low surveillance of environmental conditions, and the emergence of conflicts between society with government and private sector are among the challenges faced by Indonesia in protecting the environment. The action in this sector aims to enhance public understanding on protecting the environment, and also to encourage public participation in environmental policy related decision making.

Milestones/KIPs (2014):

1. *Encouraging public understanding of their right concerning the impact of pollution/environmental damage through timely and accurate information*
 - a. *KLH guidelines regarding disclosable documents related to water and air pollution, including information on the release and transfer of hazardous waste and materials into the environment (soil, water, air);*
 - b. *The publication of the Ministry of Environment guidelines on collection and publication of information about the release and transfer of hazardous waste and materials into the environment (water, soil, air) in accordance with the context and readiness in Indonesia.*
 - c. *KLH MoU with 10 Companies in Jakarta (Ciliwung) to disclose information regarding pollutants released into the environment; as well as the publication of clear information from The Ministry/Regional Environmental Agency/Regional Government related to Pilot Project in Serang, Banten. Information delivered interactively on the Ministry website.*
 - d.
2.
 - a. *List of public information based on in depth research pertaining all documents/information controlled by public bodies, together with document verification and mandate of sectoral rules, published in Ministry website.*
 - b. *Relevant public bodies responds 80% of FoI Request*
3. *Encourage public participation in the formulation of policies concerning the environment*
 - a. *The publication of baseline public involvement in the implementation of EIA and Environmental Permit process at the national level;*
 - b. *Availability of user friendly products (eg infographics, posters, media public campaign) regarding Community Involvement in the process of EIA and Environmental Permit published to the public in locations that will be / is in the process of making the EIA / Environmental Permit.*

Responsible Institution: Ministry of Environment (Kemen LH)

Supporting Institution(s): None

Start: 28 May 2014

End: 31 December 2014

	Specificity	OGP value relevance	Potential Impact	Completion
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	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall			✓		✓	✓	✓				✓		✓			
15.1 Inform public of rights regarding pollution/ environmental damage			✓		✓		✓			✓			✓			
15.2 Establish list of public information on the environment			✓		✓						✓		Unclear			
15.3 Public participation in environmental policy formulation			✓		✓	✓					✓		Unclear			

What Happened?

Little notable progress has been made on this commitment, which aimed to improve the environmental management regime through improved access to information and public participation.

Milestone 15.1 attempts to create transparency in the management of hazardous waste and materials by enacting guideline of documents which needs to be disclosed and guideline on the system for collection and publication of information on hazardous materials. The commitment also seeks to secure Memorandums of Understanding between the Ministry and ten companies in Jakarta to release information on polluters.

The government self-assessment refers to the Ministry's JDIH¹ (an agency's law and regulation database) but no specific reference was made with respect to the two guidelines above. Thus it is unclear what further steps were taken to fulfill the specific commitments above.

As for the MoUs, the self-assessment referred to the Ministry's PROPER (**Program** for Pollution Control, Evaluation, and Rating)². PROPER has been an ongoing approach to voluntary reporting by companies in Indonesia. The program has been criticized for its lack of enforceability and the inaccessibility of underlying data. Consistent with this, when the IRM researchers went to access PROPER, the database still requires login³, denying public access to publicly held information. The Ministry of Environment and Forestry, responsible for the MoUs, did not respond to multiple requests for interviews call and required that all

correspondence be addressed from the Bappenas to the Ministry. Consequently, the IRM researchers were unable to identify which 10 companies entered into MoU with the government.

This commitment has been marked as “not started.”

Milestone 15.2 aimed at creating an information assets register consisting of a list of documents controlled by public bodies in accordance with the FoI Law and to conduct satisfaction survey to evaluate Public Bodies’ response for information request. The GSAR refers to a list of documents⁴ under the Ministry’s control. The IRM researcher, however, were unable to verify the result of the survey activity. This milestone also sets an 80% FoI target response rate at the Ministry. The GSAR marked all milestones, including this one, as completed, however, IRM researcher is unable to verify this claim. The Indonesian Center for Environmental Law (ICEL), an Indonesian CSO, has previously conducted a research to compile a list of public information as a strategy to support the Ministry in carrying out the action plan⁵.

Milestone 15.3 attempt to enhance transparency and public participation in EIA (Environmental Impact Assessment) and Environment permit regulated in Ministry of Environmental Regulation No.17/ 2012 by establishing a baseline of implementation of public participation in EIA process at the national level and creating posters of public involvement at EIA sites. The GSAR marked the commitment as “completed” however the IRM researcher is unable to verify such completion. The IRM researcher cannot find the evidence of an “implementation baseline” for EIA participation. The other sub-milestone on EIA posters is less specific as it does not mention how many sites are targeted for the publication of such posters. Moreover, the IRM researcher is unable to find any samples indicating the publication of such posters at EIA sites. Requests for interview were refused by relevant officials.

Did It Matter?

Indonesia has been rapidly industrializing over the past several decades. One consequence of this is increased pollution. The pollution control regime, however, has not been able to keep up. Transparency and participation measures which, in other countries, contribute to more effective management of pollutants have not been effective. This is not because Indonesia lacks the appropriate laws - a recent study by Haryani Turnip of Indonesian Center for Environmental Law⁶ shows that there are few exemptions under the Indonesian Freedom of Information Act applicable to environmental matters and that proactive release of information is required under most of the relevant air, land, and water laws. Both the Indonesian Constitution and Freedom of Information Law guarantee the access to environmental information. Article 28F of Indonesia’s Constitution (UUD 1945), guarantees that every citizen of Indonesia has the right to receive information.⁷ Furthermore, Indonesia ensures for such rights to be respected by creating the Act 14 (2008) *Public Information Disclosure*, and people have the right to receive environmental information in Act 32 (2009) Article 62, Paragraph 2.⁸ Also, the response from the government to the information submission is still minimum. The condition is exacerbated by the high cost of the information and the language used is too advanced so it is hard for citizens to understand.⁹

Additionally, citizens are entitled to comment on Environmental Impact Assessments (EIAs), when major development projects are assessed for information. The citizens can be those who are impacted (or potentially impacted by the projects), have concern to the environment, and/or are influenced by any form of decision in the process of EIA. In practice, according to the same study, the laws are seldom implemented fully, with little collection and publication of key data and little responsiveness to public participation in EIA. These milestones would go some way in addressing the implementation gap by socializing the law with officials and citizens in various ways. This is consistent with the Indonesian government's recent endorsement of the *Jakarta Declaration for Strengthening the Right of Information for People and the Environment*.¹⁰

The actions contained under this commitment would have varying impacts, if they were implemented.

With regard to guidelines on access to environmental information from the government side itself, the Ministry of Environment (KLH) has consistently provided guidance on presenting the information for citizens.¹¹ Since 2002, KLH already provided the report on Indonesia Environment Status (SLHI) in the national level, which is conducted every year. Due to the Act of Regional Autonomy, each province should provide the report of Regional Environment Status (SLHD). And to produce good reports, KLH gives updated complete guidance every year in their data and information portal.

This information, however, is different from the regular reporting on hazardous waste and materials committed to under this commitment, but shows that the capacity exists to make more granular, real-time data available. The publication of guidelines (milestone 15.1) would provide companies and other stakeholders with reference point as to which documents should be published, in relation to their activities in managing hazardous and dangerous substances and materials. The publication of such guideline, although important, will have minor impact for environmental disclosure without further actions to ensure an adequate reporting and enforcement regime for company disclosure of pollutants.

Meanwhile, the publication of the required information list (milestone 15.2) would enable the public to gain overview of documents and data controlled by the ministry. This step is important and required by the Indonesian FoI Law. By itself, this action would have a moderate impact by enabling the public to make more relevant FoI requests. So far, a list of Public Information, which will require over 111 documents, maps, and reports to be made "proactively available periodically" has been released in our country.¹² The survey project is important in measuring how the public bodies perform by responding to information request but has no direct relevant to OGP value.

Establishing a baseline for EIA (milestone 15.3) and making available posters on EIA sites is an important step towards the transparency of EIA. With some minimum baseline for EIA participation established, the government might be motivated to pursue and enhance public participation in EIA. Posters would enable local citizen to request information and participate at EIA processes. However, both commitments have minor impact since it would require more steps to ensure that participation in EIA is actually implemented and that

participation was meaningful. This would include introducing requirements for early and informed consultation as well as guidance on response to public inputs during participation. In addition, in many countries, public participation under EIA is a justiciable right of the public, and citizens may bring complaints to courts when there has been no public participation in EIA. Strengthening this right in Indonesia would help to make these reforms transformative in environmental management.

Moving Forward

Information pertaining to B3 (Hazardous Waste and Materials) is important and a vital human right agreed to by the Government of Indonesia. Commitments around this important area should be included in the next action plan, but, in order to create transformative impact, should be improved beyond providing mere guideline. In addition to guideline, the commitment should enable the public to gain information on specific locations, publication of all relevant documents on hazardous waste and materials including acute and long-term B3 exposure as well as incidents relating to B3.

The publication of information assets register could be improved by providing links (for download) to each information listed whenever possible.

Finally, public participation in EIA should also be included in the next action plan. Specific commitments to fully implement the law should include:

- Providing early public access to all documents related to each EIA;
- Publication and storage of all final EIA documents;
- Issuance of guidelines on response to public comment;

Improve justiciability for appeals of EIA on procedural grounds (such as denial of access to information and public participation) through implementing regulations consistent with the Environmental Protection Management Act No. 32/2009 Article 93.

In terms of environmental permit, the IRM researcher agrees with stakeholder suggestions whereby specific commitments to fully implement the law should include:

- summary of permits and recommendations
- identity (name and address) of the environmental permit applicants
- type of the planned businesses and/or activities;
- scale of the planned businesses/activities¹³

¹ <http://jdih.menlh.go.id/>

² <http://proper.menlh.go.id/portal/>

³ <http://proper.menlh.go.id/swapantaw/>

⁴ <http://www.menlh.go.id/wp-content/uploads/downloads/2014/11/informasi-publik.pdf>

⁵ Widiyatmoko, Pius, Interview by phone with Margaretha Quina, September 28, 2015

⁶ [<http://www.environmentaldemocracyindex.org/country/idn>]

⁷ See http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_174556.pdf

⁸ See <http://faolex.fao.org/docs/pdf/ins97643.pdf>

⁹ See <http://www.hukumonline.com/berita/baca/lt54916ca8a7c97/implementasi-regulasi-keterbukaan-informasi-lingkungan-masih-lamban>

¹⁰

[http://pdf.wri.org/jakarta_declaration_for_strengthening_right_to_environmental_information.pdf]

¹¹ See <http://silh.menlh.go.id/slhd/penyusunan/>

¹² See <http://www.accessinitiative.org/event/2015/06/stripe-partners-meeting>

¹³ IRM researcher, interview by email with Dyah Paramita, September 29, 2015

16. Community Empowerment to Handle Poor Society and People with Disabilities and Special Needs

This action plan aims to provide easy access to information on people with special needs and its related support and health infrastructure. The establishment of community based program to support people with mental illness will be endorsed in 10-15 provinces by 2015

Milestones/KIPs (2014):

1. Implementation and publication of information on National Action Plan for the Fulfillment of Rights of the Disabled (2014-2023)

a. National Action Plan: Establishment of National Action Plan (NAP) for Rights of Persons with Disabilities 2014-2023.

b. Implementation of the program in 2014 RAN.

c. Publication RAN's Rights of Persons with Disabilities in 2014 to 2023.

d. Operation of an online information system on the data of persons with disabilities, including how to handle them.

1. **Mental disabilities:** Protection of persons with mental disabilities through community empowerment
 - a. Development of community care people with mental disorders in 5 regions.
 - b. **Public campaign** on mental health in 5 provinces
2. **"My Village Awaits":** Development of the poor is rampant in urban areas through a centralized location guidance
 - a. Implementation of the **pilot project** "My village is Waiting" to 35 families (136 People) include debriefing and counseling programs of social and economic independence to be more empowered, through collaborative management of public (TKSK).
 - b. **Evaluation** of the implementation of the pilot project publication "My Village Is Waiting"

[Emphasis added]

Responsible Institution: Ministry of Social Affairs (Kemensos), Kemenkes

Supporting Institution(s): None

Start: 28 May 2014

End: 31 December 2014

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall			✓		✓						✓			✓		

16.1 Publication of rights of persons with disabilities national action plan			✓		✓							✓		✓		
16.2 Protection of persons with mental disabilities			✓		Unclear						✓				✓	
16.3 “My Village Awaits” project			✓		Unclear						✓				✓	

What happened?

National Action Plan for Persons with Disabilities 2014 – 2023 is a manifestation of *Incheon Strategy to Make the Right Real for Persons with Disabilities in Asia and the Pacific* which mark the third decade of promoting the rights of persons with disabilities¹. According to this agreement, national coordination mechanism should develop, monitor and report the implementation of the national action plan in order to reach the goals of Incheon Strategy². This National Action Plan is the continuation of the National Action Plan for Persons with Disabilities 2004 – 2013³, which marked the second decade of promoting the rights of persons with disabilities. The preparation of this National Action Plan has been started since June 2013⁴. In mid-2014, Agus Diono, Head of Social Rehabilitation Outside the Orphanage, Persons With Disabilities Directorate, Ministry of Social Affairs, confirmed that the National Action Plan for People with Disabilities 2014 – 2022 will be formulated⁵. However, in the development of this National Action Plan, the plan that emerged is the National Action Plan for People with Disabilities 2014 – 2019, which was organized by Bappenas.⁶

This National Action Plan will be formalized in the form of a presidential decree. The plan has been criticized by the organization of persons with disabilities for the lack involvement from disabled rights organizations⁷[vii]. At the end of the 2014, the presidential decree of the National Action Plan for Persons with Disabilities 2013 – 2019 was not completed⁸[viii]. In early 2015, the formulation of the National Action Plan is still ongoing and will be combined with the National Action Plan on Human Rights 2015 – 2019[ix]. Presidential Decree number 75 years 2015 about Rencana Aksi Nasional Hak Asasi Manusia Tahun 2015 – 2019 was promulgated on 23rd of June 2015.⁹

Persons with Disabilities Matters are explicitly accommodated in 3 out of 6 strategies. These strategies are the Strategy 3: Regulation preparation, harmonization of plan and evaluation of the legislation from a human rights perspective, Strategy 4: Education and enhancement civil awareness about human rights, and Strategy 5: Implementation of human rights norm and the standard, which is including the rights to live, family rights, rights to self-development, rights for security, welfare rights, rights for participating, women’s rights, and children’s rights.¹⁰

According to this presidential decree, for executing the National Action Plan on Human Rights, Joint Secretariat will create Human Rights action which materials will be provided

by the Ministry, Institute and Regional Government. This human rights action will be formalized in the form of Presidential Instruction¹¹ and the first is Human Rights Action 2016.

In Government Self Assessment Report 2014, the success parameter of the execution of online system information of persons with disabilities is <http://asodkb.org/>¹²

The featured data in web asodkb.org is the data from 2013. In the guidelines, Social Assistance activity for persons with severe disabilities has been underway since 2006. As of 2013, the activity already helped more than 22,000 people with severe disabilities¹³. This amount is equal to that shown in web asodkb.org.

The IRM Researcher believes that the disability data should not be limited to persons with severe disabilities. Indeed, there already exists a disability information system that collects disability data.¹⁴ Unfortunately, there are a many of features that do not work. The data in the disability information system for 2013 appears periodically on the website ppdkemensos instead.¹⁵

Milestone 16.2 (Mental Disability community empowerment and public campaign) and Milestone 16.3 (Relocation and counselling program for poor urban citizen) does not have clear relevance with OGP values.

For milestone 16.2 the Mental Health Community invited by the Ministry of Health to sponsor these campaigns was Komunitas Peduli Schizophrenia Indonesia (KPSI)¹⁶[xviii]. At the end of 2014, Jakarta, Yogyakarta, West Java (Bandung), Central Java (Magelang), East Java (Surabaya) and West Sumatera (Padang) were recorded as the places where the campaigns on mental health were held¹⁷.

The IRM researcher was able to confirm that the following campaigns took place:

- Jakarta: Screening “Shadow of the Past”, February 14th, 2014 at Senayan XXI Jakarta
- West Java: Press conference “Lighting the Hope for Schizophrenia”, March 27th 2014 at Trans Studio Bandung¹⁸[xx]

The IRM Researcher cannot verify the rest of the mental health campaigns, which were reportedly held in another four provinces.

The activities in milestone 16.3 “My Village Awaits” (Desaku Menanti)” program was originally proposed by the staff of the General Directorate of Social Rehabilitation, Ministry of Social Affairs, Arif Rohman, for the first 100 working days of Ministry of Social Affairs back then in 2009.¹⁹ Work plan implementation of Desaku Menanti has been completed since 2013²⁰. However, the overall implementation of the program began in 2012, which is a collaboration of the Ministry of Social Welfare, Social Service and the East Java Provincial Social Welfare Institution (LKS) Sahabat Harapan Mandiri Sejahtera.²¹

This program aims to restore the vagrants and beggars from urban areas to their villages through social rehabilitation in an integrated manner. The goal is to assist individuals in becoming independent and functional members of society. The Desaku Menanti program was supported by funds sharing of Ministry of Social Affairs with Regional Government where the local government agrees to provide infrastructure such as the providing the land for relocation, roads, electric lighting, water supply system, Warga Binaan Sosial (WBS), mentoring and socialization. Meanwhile, the Ministry of Social Affairs does the coordination, verifying data, social and skills counselling assistance, Bantuan Bahan Rumah (BBR), Life Assurance help, and Bantuan Usaha Ekonomi Produktif (UEP).

This pilot project takes place in Prodo Village, Winongan, Pasuruan, East Java. Implementation of this pilot project was completed in 2014. But the IRM researcher assessed the implementation of the pilot project publication evaluation as not started. Neither does the implementation report nor General Directorate of Social Rehabilitation website²², which is responsible for this project, reveal any evaluation of this pilot project.²³

Did it Matter?

The main problem of disability issue is invisibility phenomenon²⁴. In many cultures and society, the existence of persons with disabilities is not seen as a celebration of human diversity. Disability used to separate them from the rest of the population. Therefore, presenting the data of persons with disabilities is regarded as one of the measures against the invisibility phenomenon.

The target of 8a Incheon Strategy, specifically main indicator 8.3 stated the importance of disaggregating data on women disabilities and children disabilities²⁵[xxvi]. There is no possibility in asodkb.org to reconcile the disability data based on gender and ages simultaneously. Besides age, variables included child, adult and elderly categories but did not contain explanations about the age range as categorized. This is different from the disability information system on the website ppdkemensos. On this site, the data is summarized based on 13 age group categories and further categorized by gender.

To increase community empowerment in terms of mental health, we need to invite other communities beside KPSI.

The main constraints to implementation of the program of Desaku Menanti are the readiness of the region in preparing the location for Desaku Menanti and the ability to share the activities²⁶. The IRM researcher believes the commitment is not ambitious enough since there is no current plan to scale up the pilot project.

The community empowerment is also difficult to sustain because the program relies on the support of the Government. LKS involvement (Institute of Social Welfare) and TKSK (The District Social Welfare Workers) role as a companion, appears to be no more than program implementers²⁷[xxviii]. The effectiveness of the program also cannot be seen, (i.e. whether the beneficiaries return to the city or not).

Moving Forward

The superiority of web asodkb.org compared to the “disability information system” is its depth that can reach until village level. Disability information system can only reach until district level. Both of these websites suffer from a lack of regular updates. The IRM Researcher recommends disability information system to be retooled to include data at the village level and be regularly updated. In order to execute the National Action Plan on Human Rights 2014 – 2019, which included persons with disabilities, IRM Researcher recommend Ministry of Social to follow the schedule of preparation of Human Rights Action which will be formalized in the form of Presidential Instruction in 2016.

The IRM Researcher recommends the inclusion of other mental health care community in order to protect people with mental disorders. The other communities, such as the Association of Mental Health (PJS), Mental Health Community (KSJ), Bipolare Care Indonesia, Bipolar Center Indonesia, Indonesia Bipolar, Bipolar Solutions, Brotherhood of Indonesian Drug Victims and Autisma Indonesia Foundation (YAI), etc. The IRM researcher also recommends the government to evaluation of the effectiveness of the Desaku Menanti

immediately. In order for Milestones 16.2 and 16.3 to be more OGP-relevant, the milestones could be revised so as to include project accountability mechanism.

According to a stakeholder, government documents, publications and disclosures are still not presented in a format accessible to disabled groups.²⁸ For instance, disabled persons are unable to access materials and documents at *Musrenbang* (Forum for Development Planning, discussing budget and planning priorities in each region) and as a result are often excluded from government stakeholder participation forum. The IRM researcher recommends the government to expand access to information in development planning to disabled communities by presenting information in manners that are accessible to them.

¹ [i] See *Pertemuan Para Menteri UNESCO Dalam Membahas Masalah Disabilitas di Korea*, 4 November 2012, <http://bit.ly/1hkbaw9>

[ii] See page 38 number 25 b, *Icheon Strategy to "Make The Right Real" for Persons with Disabilities in Asia and the Pacific*, 2012, UNESCO <http://bit.ly/1JnsuaY> The translation is available <http://bit.ly/1JBniE0>

[iii] See <http://bit.ly/1MZ9qWT>

² [iv] See *Rencana Aksi Nasional Mengedepankan Kesetaraan Bagi Disabilitas*, June 3, 2013, <http://bit.ly/1V7qifh>

³ [v] See page 22, Agus Diono, *Program Rehabilitasi Sosial Penyandang Disabilitas dan Pergeseran Paradigma Penanganan Penyandang Disabilitas*, Buletin Jendela Data & Informasi Kesehatan, Semester 2 – 2014 <http://bit.ly/1Un4VEq>

⁴ [vi] See Berita Harian Bappenas, *Bappenas Bersama Sejumlah K/L Matangkan Draft RAN Disabilitas*, October 21, 2014, <http://bit.ly/1hJgUjT>

⁵ [vii] See *Organisasi Penyandang Disabilitas Mengkritisi Rancangan Aksi Nasional (RAN) 2014-2019*, February 28, 2015 <http://bit.ly/1JAYwj4>

⁶ [viii] See <http://bit.ly/1NVPTUe>

⁷ [ix] See antaranews.com, *Kemensos Siapkan RAN Penyandang Disabilitas*, 29 January 2015 <http://bit.ly/1IcKjrB>. In May 2015, RAN Socialization about disabilities was held by Minister of Social Service. See *Disabilitas Merupakan Cross Cutting Issues (Persoalan Lintas Sektor)*, May 7, 2015 <http://bit.ly/1JwNz6n>

⁸ [x] See <http://bit.ly/1MSxA3E>

⁹ [xi] See <http://bit.ly/1Ke6rcE>

¹⁰ [xii] See <http://bit.ly/1KS5T6w>

¹¹ [xiii] See number 54, attachment II : Table of achievement Open Government Indonesia's Action Plan 2014 <http://bit.ly/1IxBmcr>

¹² [xiv] Look <http://bit.ly/1ie0gsI>

¹³ [xv] Look Kata Pengantar *Pedoman Pelaksanaan Kegiatan Pemberian Asistensi Sosial Bagi Penyandang Disabilitas Berat 2014*

¹⁴ [xvi] Look <http://bit.ly/1VqtliX>

¹⁵ [xvii] Look *Laporan Rekapitulasi Penyandang Cacat* <http://bit.ly/1UgTd3I>

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- ¹⁶ [xviii] On 22 September 2014, Direktorat Bina Kesehatan Jiwa and Komunitas Peduli Skizoprenia signed a partnership contract. Look <http://bit.ly/1K2cpeN>
- ¹⁷ [xix] B12 Reports from Minister of Health to UKP4. Correspondence by email with Khalil Gibran on June 24, 2015. Laporan B12 Kementerian Kesehatan kepada UKP4. Korespondensi email dengan Khalil Gibran, 24 Juni 2015.
- ¹⁸ [xx] B06 reports from Minister of Health to UKP4. Correspondence by email with Khalil Gibran on June 24, 2015 Laporan B06 Kementerian Kesehatan kepada UKP4. Korespondensi email dengan Khalil Gibran, 24 Juni 2015.
- ¹⁹ [xxi] Rohman, Arif, *Program Penanganan Gelandangan, Pengemis, Anak Jalanan Terpadu melalui Penguatan Ketahanan Ekonomi Keluarga Berorientasi Desa*, 2010 <http://bit.ly/1ECH3ek>
- ²⁰ [xxii] Widiyatmoko, Pius, Interview by e-mail with Dian Setiawan, June 15, 2015
- ²¹ [xxiv] See Direktorat Rehabilitasi Sosial Tuna Sosial, *Laporan Pelaksanaan Pengembangan Model Rehabilitasi Sosial Gepeng dan Pemulung Melalui Program Desaku Menanti Provinsi Jawa Timur*, 2014 <http://bit.ly/1JOLKRn>
- ²² <https://rehsos.kemsos.go.id/>
- ²³ [xxv] See Gerard Quinn, Theresia Degener, *Human Right and Disability : The current use and future potential of United Nations human rights instruments in the context of disability*, 2002, UN New York and Geneva <http://bit.ly/1UgTd3I>
- ²⁴ [xxiii] See Dinas Sosial Jawa Timur, *Kampung "Desaku Menanti"* <http://bit.ly/1i7zMcl>, Diskominfo Jawa Timur, *Penerima Program Desaku Menanti Peroleh Dana Jadub*, June 19, 2014 <http://bit.ly/1i7Ak2e>
- ²⁵ [xxvi] See Target number 8A, page 40 <http://bit.ly/1JnsuaY>
- ²⁶ [xxvii] Widiyatmoko, Pius, Interview by e-mail with Dian Setiawan, June 15, 2015
- ²⁷ [xxviii] Based on Social Service Minister's Regulation Number 3 2013 about *Tenaga Kesejahteraan Sosial Kecamatan* (Social welfare workers in Districts Level) or shorten as TKSK, the TKSK defined as someone that given the task, function, and authority by Minister of Social Service and/or department or institution of province or department or social institution of distric over a certain period for organizing or helping the implementation of social welfare in accordance with areas of deployment in district
- Peraturan Menteri Sosial Nomor 3 Tahun 2013 tentang ***Tenaga Kesejahteraan Sosial Kecamatan***, pengertian TKSK adalah *seseorang yang diberi tugas, fungsi dan kewenangan oleh Kementerian Sosial dan/atau dinas/instansi social provinsi, dinas/instansi social kabupaten/kota selama jangka waktu tertentu untuk melaksanakan dan/atau membantu penyelenggaraan kesejahteraan social sesuai dengan wilayah penugasan di kecamatan.* <http://bit.ly/1C4vhVf>
- ²⁸ IRM Researchers, interview in online group discussion, October 7, 2015

17. Community Empowerment to Support Environmental Sustainability

Through this action plan, the government of Indonesia seeks to increase public participation in environmental conservation efforts by strengthening the role of communities in preserving mangrove forests. The action plan in this sub-group also aims to implement a community based waste management system at a pilot traditional market.

Milestones/KIPs (2014):

1. Encouraging public participation in the preservation and utilization of the environment of coastal areas
 - a. Empowering communities to maintain / preserve the mangrove plants and the introduction of new business related to the development of mangroves in coastal areas in 5 municipality
2. Encouraging public participation through the development of micro-scale integrated area.
 - a. Classification of regions successful with P4S. (Self-Reliant Agriculture and Village Training Center)
 - b. Publication of process, success of, and contact person of P4S through the website
 - c. Optimization of P4S function in encouraging the strengthening of the local economy through the program: empowering communities to form an integrated region (containing dairy farms, inland fisheries, poultry, biogas production, the production of organic fertilizers or pesticides), the pilot in 2 pilot areas
3. Empower the public in waste management / waste and the area around the location of waste management
 - a. The issuance of Circular of the Director General of Domestic Trade for waste management in the public market.
 - b. Determination of the Pasar Agung as a pilot waste management project.

Responsible Institution: KemenLH, Ministry Agriculture (Kementan), Kemendag

Supporting Institution(s): None

Start: 28 May 2014

End: 31 December 2014

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall			✓		✓	✓					✓			✓		

17.1 Public participation in coastal area protection			✓			✓						✓		Unclear
17.2 Public participation in micro-scale development			✓		✓	✓						✓		✓
17.3 Public participation in waste management			✓			✓						✓		Unclear

What Happened?

As an archipelagic state with approximately 81,000km in length and 17,504 islands, the preservation of mangrove forests is vital to protect shorelines, prevent seawater intrusion into the land, fixation of mud banks, dissipation of winds, tidal and wave energy.

Presidential Decree No. 73 of 2012 on the National Strategy On Mangrove Ecosystem Management (SNPEM) is the latest mangrove management policy, which mandates stakeholders formulate a strategic plan in mangrove ecosystem management. Some mangrove forests have already been destroyed by various causes. In order to facilitate their recovery, the Indonesian Government seeks collaboration with stakeholders in the restoration of those destroyed mangroves.

Milestone 17.1 aims to empower communities in preserving mangrove forests and introduce new business-related development in coastal areas by conducting pilot project in 5 regions, City of Sorong (West Papua), Regency of Northern Halmahera (Northern Moluccas), Regency of Kotabaru (Southern Kalimantan), Regency of Situbondo (East Java), and Regency Ogan Komering Ilir (Southern Sumatera).

Milestone 17.2 attempts to build local capacity and public participation for farming, by inventarizing process and success stories of P4S (Self-Reliant Agriculture and Village Training Center). According to officials, the purpose of the action plan is to enable a space/institution to increase farmer's knowledge and therefore, their income.¹ P4S are owned and managed by farmers themselves, individually or in groups, and the P4S are classified as beginners, intermediate and advanced.² The GSAR refers to <http://pertanianwadaya.com> as evidence of completion. The overall recapitulation of P4S classification for 2014 is available.³ However, from the website, the IRM researcher is unable to find classification of regions successful with P4S. Such information is also not available from interviews. There are information pertaining contact persons of P4S⁴, but the IRM researcher is unable to find information concerning pilot project.

Traditional industries are important for the livelihood of merchant and the lower to middle economy. In Indonesia, its existence is currently being threatened by franchising from foreign retailers. One of the reasons why they fail to compete is because of garbage problem. Typically, there are two types of waste management for traditional market, (1) solid waste is removed from permanent market areas by the Market Authority using open trucks and is taken to temporary or final disposal sites, and (2) waste from temporary markets is usually collected by local government workers using handcarts and taken to the nearest temporary storage site.¹²

Milestone 17.3 seeks to develop community based traditional market solid waste management by issuing a Ministerial Circular and one pilot project in Denpasar, Bali. The GSAR marked this commitment as “completed”. However, the IRM researcher is unable to verify the existence of such Ministerial Circular or the completion of the Denpasar Pilot Project. Requests for interview from relevant government officials went unanswered⁵.

Did it matter?

The GSAR marked Milestone 17.1 – community empowerment for preservation of Mangrove through 5 pilot project – as completed. Unfortunately, the Ministry of Environment refused to answer IRM researchers call for interview and suggest that any contact are made Government to Government, directly from Bappenas to the Ministry.⁶ Thus, the IRM researcher is unable to evaluate if this milestone has been completed. While the Milestone is important, the IRM researcher is of the opinion that it is not directly relevant for OGP.

Milestone 17.2 provides access to some recapitulation data, thus relevant with OGP value “access to information”. If this milestone were fully implemented, it would enable the public to access data of successful P4S. While this enhances access of information, its value to open government would be minor.

Finally, milestone 17.3 attempts to improve solid waste management at traditional market through issuing circular and developing a pilot project in Bali. The IRM researcher does not believe that a circular would be adequate to improve solid waste management in traditional market. A pilot project for a community based solid waste management at traditional market might be important an important step for a clean and healthy traditional market—provided that it works, however, the IRM researcher does not believe that it is relevant for OGP.

Moving Forward

Since milestones 17.1 and 17.3 is not relevant to OGP and milestone 17.2 only provides minor value, the IRM researcher recommends the government to develop the commitment in such a way that it carries weight within the OGP framework. For solid waste management for example, publication of minimum service standard would be beneficial for citizens.

One stakeholder suggest linking milestone 17.3 with ongoing Adipura (Clean City Award) program in the future by improving the assessment indicators of Adipura program and make it transparent for the public⁷. Adipura, the clean city program is a national program that

¹² <http://www.unesco.org/csi/pub/papers/mega10.htm>

has been implemented since 1986. It stopped in 1997 due to financial crisis but it has started again in 2002. It involves the assessment of physical and non physical indicators including the waste management at the traditional market, public participation and budget expenditure¹³. Nevertheless, the Adipura program lacks of transparency¹⁴. It also criticised for its top down approach and not promoting sustainability in the waste management e.g the traditional market in Kupang appears clean only when it is being assessed by Adipura team¹⁵. The overall report regarding the assessment is not open for the public and the decision making process does not involve public participation.

¹ Widiyatmoko, Pius, e-mail interview with Dewi Darmayanti, July 7, 2015

² See Peraturan Menteri Pertanian 03/Permentan/PP.410/1/2010 Tentang Pedoman Pembinaan Kelembagaan Pelatihan Pertanian Swadaya. <http://bit.ly/1YiEXqF>

³ <http://pertanianswadaya.com/database/klasifikasi?p4s55fbdbc08a16d>

⁴ See <http://bit.ly/1iTQzjm>

⁵ IRM Researcher sent written interview request to Widianoro, 9 June 2015

⁶ E-mail reply from Edy Purwanto Bakri, 30 June 2015

⁷ IRM researchers, interview with Dyah Paramita by email, September 29, 2015

¹³ http://hukum.unsrat.ac.id/men/menlh_14_2006.pdf

¹⁴ <http://bola.kompas.com/read/2011/01/14/03462774/KPK.Geledah.Kementerian.LH>

¹⁵ <http://beritapalu.com/blog/genjot-kebersihan-pasar-saat-akan-penilaian-adipura/>

18. Community Empowerment to Strengthen Agriculture Sector

Agriculture sector plays an important role in Indonesia's economy, and this sector absorbs about 30% of Indonesian workers. The challenge is that young people are starting to leave the agriculture sector. The Indonesia government is determined to strengthen the agriculture sector by optimizing function of Counseling Center at the district level, and building capacity of the younger generation in this sector.

Milestones (2014):

1. The implementation of the program in 10 Agri Training Camp Training Center for Agriculture, with the target audience of each student elementary school, junior high school is 30 people per Center for Agricultural Training
2. Encourage the contribution of farmers in improving the quality of agricultural production in the region
 - a. Facilitating the implementation of Agricultural Counselling Centers at the district level as agricultural development post in 1000 units

Responsible Institution: Ministry Agriculture (Kementan)

Supporting Institution(s): None

Start: 28 May 2014

End: 31 December 2014

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall			✓		Unclear				✓					✓		
18.1 <i>Encouraging public understanding of agriculture and the equitable distribution</i>			✓		Unclear				✓						✓	
18.2 <i>Encourage the contribution of farmers in improving the quality of agricultural production in</i>			✓		Unclear				✓					✓		



What happened?

The agriculture sector plays an important role in Indonesia's economy and absorbs about 30% of Indonesian workers. The challenge is that young people are starting to leave this sector. The Indonesian government is determined to strengthen the agriculture sector by optimizing the function of the Counseling Center at the district level, and building capacity of the younger generation in this sector.

Farmer empowerment is one of the government efforts to create the change of perception, behavior and attitude of the farmers. The purpose of this action is to create the high-quality farmers so that they can effectively manage their businesses and are able to organize agribusiness activities through the process of continuous learning, especially for those who live in remote areas.¹

The actualization of this action plan is creating SMD program in order to meet the needs of agricultural experts in remote areas. The R&D division of the Ministry of Agriculture has signed the MoU with General Directorate of Community Development as an agriculture technology provider back then in 2013. The scope of the MoU is to explain clearly and unequivocally that the government is ready to provide technical assistance, mentoring, provision and use of expertise in human resources, training, workshop or internship for the administrator of Posyantek, including providing management skills and TTG information service training.² However, the IRM researcher cannot find any evidence of monitoring and evaluation document for this program by the related institutions.

Agri Training Camp (ATC) program was reported to have conducted in six trainings at centers for Agriculture in 2014.³ This ATC program does not meet the quota given by the government in the commitment language that requires 10 ATC within one year. The overall ATC participants reached 270 persons, which consist of only junior and high school students.⁴ The target number of participants for each Training Center is sixty elementary through senior high school students.

Did It Matter?

In terms of national economic development, empirical evidence shows that the agricultural sector has an important role in the national economy, which can be seen from the contribution to gross domestic product, absorbing labor, trade balance, provider of the food, energy materials, food and raw industrial material, as well as source of income in rural communities. The amount of a role in the national economy has yet to be enjoyed proportionately by the agricultural business adequately.

Indonesia as an agricultural country should have adequate technology to be able to do produce high-yield, sustainable food products. But so far, despite much research has been obtained and quite available, the distribution to villagers is not optimal. It is triggered by several factors, such as issues to access the information, access to capital and access to assistance that is not evenly distributed. Also, to improve the quality of the food products, the quality of human resources needs to be improved too, especially the knowledge for processing the food, beside the technology.

Despite the importance of this program for food security, this commitment as written is not relevant to OGP values. It is thus impossible to measure the impact of such program to OGP.

Moving Forward

The IRM researcher acknowledges the importance of agriculture and food security. If stakeholders and the government consider it appropriate to include agriculture and food security in the next national action plan, it must focus on how to use open government activities to improve agricultural and food security policy areas.

¹ See Background section of Permentan Number 46/Permentan/OT.140/4/2014

² See <http://www.litbang.pertanian.go.id/berita/one/1547/>

³ Interview Report with Ministry of Agriculture

⁴ Interview Report with Ministry of Agriculture

19. Community Empowerment to Develop Creative Sector

Various innovations are carried out to improve community development in the tourism and creative industries sector. This action plan encourages youth in using of special spaces/locations for graphic art creations. Meanwhile, the tourism sector will be strengthened by providing on-line information and mobile application for tourists activities and services.

Milestones/KIPs (2014):

1. Action Plan for Kemenpora:
 - a. Publishing Kemenpora regulations/rules so that local government can dedicate special space for graphic arts and advertising in the city, with strict supervision.
2. Completion of roadmap for batik development through establishing special areas as a centre of batik
3. Developing website and mobile application containing information that tourist needs for their tourism activities

Responsible Institution: Kemenpora, Ministry of Tourism and Creative Economy (Kemenparekraf)

Supporting Institution(s): None

Start: 28 May 2014

End: 31 December 2014

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall			✓		Unclear				✓				Unclear			
19.1 Public participation in special space utilization			✓		Unclear				✓				Withdrawn			
19.2 Strengthen tourism and creative industry public services			✓		Unclear				✓				Withdrawn			
19.3 Tourist activities			✓		Unclear				✓				Unclear			

Moving forward

If tourism is an important sector during public consultations for the next action plan, industry experts should be consulted for best practices in opening government for tourism promotion.

V. Process: Self-assessment

The Indonesian draft government self-assessment report (GSAR) was published on 6 April 2015 and circulated to stakeholders via email. A public comment period was held until 20 April 2015. The final GSAR was published on 4 May 2015 though the IRM researcher found that public submissions were not included in the final report.

Table 3: Self Assessment Checklist

Was the annual progress report published?	Y
Was it done according to schedule? (Due 30 Sept. for most governments)	N
Is the report available in the administrative language(s)?	Y
Is the report available in English?	N
Did the government provide a two-week public comment period on draft self-assessment reports?	Y
Were any public comments received?	Y
Is the report deposited in the OGP portal?	Y
Did the self-assessment report include review of consultation efforts during action plan <u>development</u> ?	Y
Did the self-assessment report include review of consultation efforts during action plan <u>implementation</u> ?	N
Did the self-assessment report include a description of the public comment period during the development of the self-assessment?	N
Did the report cover all of the commitments?	Y
Did it assess completion of each commitment according to the timeline and milestones in the action plan?	Y
Did the report respond to the IRM key recommendations (2015+ only)?	Y

Summary of additional information

The draft government self-assessment report (GSAR) was published to the OGI website on 6 April 2015¹. The IRM researcher received an email from the government² announcing the draft GSAR and requesting input from civil society and the public by 20 April 2015. Thus, the two-week public comment period was fulfilled. The IRM researcher received several emails from civil society organizations (CSOs) responding to the GSAR – an indication that the report had spread throughout the CSO community. The final report was published on OGI (Open Government Indonesia) website on 20 April 2015, along with a table of each commitment's status and progress at the mid-term.³ The website stated that the “final” version of the GSAR incorporated public comments, but the website does not contain a summary or detail of public submissions.

Follow-up on recommendations (Starting in 2016)

Due to the shortened action plan cycle, the findings of the 2013 Special Accountability Report, published in May 2015, were not available during the development of the 2014 Indonesian Action Plan. Nonetheless, the GSAR refers to the recommendation in the 2013 Special Accountability Report for more inclusive action plan development. The GSAR states that the response to this recommendation was the creation of the Solusimu contest. In addition to recommending greater participation in action plan development, the IRM researcher gives the following recommendations⁴:

- A formal decree or binding internal policy should accompany commitments on government services that include operationalizing complaint mechanisms in their deliverables.
- Efforts are underway to foster more collaboration between CSOs and the government in the planning and execution of OGP action plans but that civil society should have greater access to implementing agencies for monitoring, evaluation, and advocacy purposes.
- All processes leading to the adoption of the action plans, especially individual submissions from CSOs and the proceedings of stakeholder events should be published on the OGP Indonesia website with an adequate time frame for stakeholders to express their opinions.
- Future OGP action plans should be coordinated by the Information and Documentation Management Officials (PPIDs), who would be in charge of OGP implementation in each public agency, to preserve the “institutional memory” for OGP activities.
- And finally the creation of an executing for OGP initiatives in Indonesia to insulate the OGP process from regime changes and to help ensure that OGP commitments would not become too influenced by political transitions.

While the recommendations were not available during the 2014 action plan development, the IRM researcher found that the proposal to create National Secretariat, with the Bappenas as the lead executive agency and the Executive Office of the President is in line with the IRM researcher's recommendations from the 2013 Special Accountability Report.

¹ <http://opengovindonesia.org/laporan-pelaksanaan-ogi-2014/>

² Fithya Findie, email to IRM, “Dibuka untuk komentar publik: Rancangan Awal Laporan Pelaksanaan OGI 2014” (Opened for public comment, preliminary draft of Government Self Assessment Report)

³ <http://opengovindonesia.org/laporan-pelaksanaan-ogi-2014/> accessed April 23, 2015

⁴ <http://www.opengovpartnership.org/country/indonesia/comment-report/2013-indonesia-special-accountability-report-public-comments>

VI. Country context

Country context

For Indonesia, 2014 was marked by regime change following the election of President Joko Widodo from the PDI-P party. Open government played an important role in the presidential elections and the OGP process in Indonesia was greatly affected by the change in administration.

For the first time, the General Election Commission published a C-1 form, a summary of voting results, from *every* polling station in Indonesia, in JPEG format.¹ Using various social media tools and platforms, citizens organized various crowdsourcing mechanisms to scrutinize each C-1 form for accuracy and report irregularities to the Election Supervisory Body (Bawaslu).² The most popular and widely supported initiative was the KawalPemilu.org, which used crowd-sourced volunteers to input the C1 form data to publish individual polling station results in real time and compare against reported results.³ This open data initiative was never a part of an OGP Action Plan, but was considered by the media to be the most important citizen engagement and transparency initiative of the year. These initiatives significantly contributed to strengthening the legitimacy of the results of a highly polarized election.

The change in administration led to a period of transition for Indonesia's Open Government Initiative (OGI). As elaborated in the 2013 Special Accountability Report, the agency responsible for OGP action plan implementation, Presidential Unit for Supervision and Monitoring (UKP4) was disbanded in January 2014. Since the UKP4's dismissal, the OGP process in Indonesia has lacked a lead, coordinating agency and implementation of commitments has fallen to line ministries. Thus, little progress has been made on new and pre-existing OGP commitments. A new OGI structure has been proposed by the government with Executive Office of the President acting as the Chair of an "Advisory Board" with CSO representatives, five ministries, the Indonesian Freedom of Information Commission and private sector representatives acting as co-chairs. Bappenas (The National Planning Agency) would serve as Director for the OGI Secretariat and oversee implementation. Within the Secretariat, there would be 6 divisions with programmatic responsibilities. At the time of writing, the proposal was still under government review.

This new structure would address two structural issues identified in the 2013 Special Accountability Report. The President's Executive Office role in the Advisory Board reflects high-level political commitment to the OGP process needed to ensure that OGP activities remain a priority policy. Additionally, placing oversight responsibilities for the OGI Secretariat under a more permanent, bureaucratic structure like Bappenas helps to ensure that the OGI remains functional in the event of governmental transition. However, the IRM researcher notes that in order to ensure more ownership and institutional buy-in, it is important to ensure that the Secretariat involves CSO representatives and the private sector. Such representation is important to ensure that data and knowledge produced by the Secretariat is distributed to stakeholders and their networks.

Additionally two important policy reforms –that of the national health system and the Law of Villages—came into force in January 2014. Village governance becomes important since the new law guarantees independence of villages in terms of its governance and budgeting,

thus providing opportunities for development but also vulnerable to the threat of corruption. Health system becomes an important issue since this is the first time Indonesia implemented a universal healthcare system. The new government has identified them as priority policies, which may affect both the content and importance of future OGP action plans in Indonesia.

Stakeholder priorities

During a recent workshop on OGP activities, CSO representatives highlighted eight priority areas for continued work in the next action plan^{4 5}:

- Social Services (Health)
- Protection of vulnerable citizens
- Law enforcement
- Licensing (in terms of investment, basic services, ownership)
- Fiscal transparency (including participatory budgeting and tax transparency)
- Participatory database and information system creation
- Village governance
- Parliamentary reform

Three of these priority areas were included as commitments in the first and second action plans. During the drafting of the 2014 Action Plan, one CSO proposed that Extractive Industry Transparency Initiative (EITI) no longer be included in OGP Action Plan, since it already has an established system. It should be noted that EITI has been included in all three OGP action plans and EITI activities tend to score well in IRM assessments. The IRM researcher agrees with the suggestion to remove EITI from future OGP action plans in order to promote other priority policy areas that could benefit from inclusion in national-level policy agendas.

Scope of action plan in relation to national context

Almost all of the commitments evaluated here are relevant to Indonesia's current national context (notwithstanding some commitments that were found to not be relevant to OGP values as written) . However, there is one nationwide event not included in the action plan: the general election. As discussed in previous and later section, the general election sparked public enthusiasm and triggered various engagements. The 2014 OGP Action Plan should have included transparency and open data mechanism for general election.

Law No. 11/2008 on Information and Electronic Transaction (ITE Law) contains hefty restrictions on access and dissemination of information. The ITE Law prohibits internet content which is in contravention with morality; gambling; contains defamatory materials; contains threat and/or extortion; spreading the fabricated stories that cause damage or loss to consumers; incitement of hatred and violent material.⁶ The implementation of the law has been very arbitrary; consumers, patients and activists have been put to jail for expressing their views on social media.⁷

According to an interview conducted with Suwahju from the Institute for Criminal Justice Reform, the provisions on insult and defamation in legislations other than the Criminal Code such as in the Law on Presidential Election, Regional Heads Election and Broadcasting Law does not consider the severity of the deed and the magnitude of impact caused by the

criminal action. A simple, minor insult is often equalized with a major slander. This is a threat to freedom of speech and results in miscarriages of justice whereby if the complainant in defamation cases is a public figure or high-ranking official, the case goes forward to Court, but cases involving person with equal economic or social status do not proceed.⁸ The IRM researcher perceives the ITE and other defamation legislations outside the Criminal Code to be in contradiction with Open Government values as it discourages and threatens public participation. Ideally defamation provisions should be replaced by financial penalties and the law should be amended to distinguish between a minor insult and slanderous speech.

In addition, recent court rulings around the *Law on Societal Organizations* are unclear in terms of impact. The law prohibits societal organizations “from propagating an ideology that conflicts with state principles (*Pancasila*) and from conducting activities that disrupt public order and well-being.”⁹ The Court has variously upheld parts of this law as constitutional. While there is a clear need for ensuring national security in the face of extremist threats, the law, as interpreted, must also balance the values of freedom of association, assembly, and expression (Article 28 of the Indonesian Constitution).

As an OGP founding country, the laws on organizations and electronic transactions seem, on their face, inconsistent with Open Government Declaration signed by the Government of Indonesia upon founding the OGP. This is especially important since Indonesia has seen a dip in its Civil Liberties score for 2013, one of the four eligibility requirements for OGP. The administration may take actions to ensure that enforcement and protections are consistent with its commitments to Freedom of Association, especially under OGP. The next action plan can address these issues directly through commitments on civic space.

¹ Go to <https://pilpres2014.kpu.go.id/c1.php>

² See ‘In Polarized Poll, Citizens Step Forward to Guard Count | The Jakarta Post’ <<http://www.thejakartapost.com/news/2014/07/15/in-polarized-poll-citizens-step-forward-guard-count.html>> accessed 14 September 2015.

³ ‘Kawal Pemilu 2014’ <<http://www.kawalpemilu.org/2#0>> accessed 14 September 2015.

⁴ UKP4, ‘Draft Renaksi Masukan LSM Pattiro ICEL’ <http://opengovindonesia.org/wp-content/uploads/2014/02/Draft_Renaksi_Masukan_LSM_Pattiro_ICEL_180214.xls> accessed 14 September 2015.

⁵ ‘Notulensi

Lokakarya Penyusunan Rencana Strategis Dan Rencana Aksi Open Government Indonesia (OGI) 2016--2019, Steering Committee CSO OGP.’

⁶ Undang Undang Nomor 11 Tahun 2008 Tentang Informasi dan Transaksi Elektronik Articles 27-30

⁷ [<http://www.icnl.org/research/monitor/indonesia.html>]

⁸ Widiyatmoko, Pius, interview by phone, October 12, 2015

⁹ [<http://www.icnl.org/research/monitor/indonesia.html>].

VII. General recommendations

Crosscutting recommendations

The IRM researcher has the following recommendations for future action plans:

- The government needs to immediately enact and formalize the Open Government Indonesia (OGI) structure, to reflect the OGP requirement of “highest political commitment” and ensure that action plan implementation is protected from political changes. The IRM researcher is of the opinion that the proposed draft structure, in which the Executive Office of the President (*Kantor Staf Presiden*) serves as Chair of the Advisory Board and Bappenas as the Director of the OGI Secretariat is an appropriate balance.
- Notwithstanding the above, the IRM researcher strongly recommends that civil society elements be integrated in the day-to-day operations of the OGI Secretariat. OGP data and information should be equally distributed among the members of OGI Secretariat.
- The IRM researcher strongly recommends that all meeting notes and public submissions pertaining to Action Plan development and implementation be published on the OGI website
- Implementation of OGP Action Plans is often hindered due to high turnover of officials. The IRM researcher recommends that the Minister/Head of Agency appoint responsible person in charge of the Action Plan in the event of mutation and publicly announce such occurrence.
- Documentation and Information Management Officers (PPID) – which exist in every public body—should be involved in action plan development and implementation. This recommendation is particularly relevant to the commitment on the Indonesian Freedom of Information as this is related to their statutory function under the existing law.
- The future OGI Secretariat should create a dedicated online platform where the public can trace the progress of action plan commitments, from planning to implementation, and evaluation. This platform should enable the public to assess and evaluate OGP Action Plan commitments as well as increase transparency and accountability in the OGP process in Indonesia.
- The IRM researcher recommends reducing the number of commitments and milestones in future action plans to focus on commitments with clearer relevance to OGP, higher ambition, clearer relevance to OGP values, and strengthening ownership of commitments for both the implementing Ministries/Agencies and their CSO partners.
- Future Action Plans need to engage the Commission for Eradication of Corruption (KPK) as commitments are related to corruption eradication. The IRM researcher considers KPK engagement to be vital in two aspects: broadening OGP support base into KPK-related issues broadening KPK agenda to find open government solutions to corruption.

Top SMART recommendations

TOP FIVE 'SMART' RECOMMENDATIONS

1. The Fourth National Action Plan should include fewer, more ambitious commitments and focus on increasing ownership of the commitments among implementing agencies and CSO partners.
2. When developing the Fourth National Action Plan, Open Government Indonesia should reflect stakeholder priorities by including commitments that provide open government solutions to the following policy areas:
 - One Map Policy and the recognition of indigenous land rights, including its utilization in regional development plan;
 - Implementation of the Village Law;
 - Implementation of the National Health System;
 - Transparency of the fishery and marine sector
 - Privacy and Protection of Personal Data
 - Fiscal Transparency
 - Transparency at all stages of the Criminal Justice System (publication of case status by the police, publication on the frequency of dossier returned to Prosecutor's Office, publication of Court Sessions and Verdicts, publication of rationale in granting remission/reduction of prison sentence)
 - Procurement Transparency by enacting contract disclosure policy and publishing procurement contracts
3. An online platform should be developed to enable the public to track progress on and participate in the development, implementation, and evaluation of commitments in OGP action plans.
4. In order to increase public participation and enhance transparency in action plan implementation, the OGI National Secretariat should develop and enact "Rules of Procedure" for CSO and public participation in the Secretariat.
5. The government should immediately approve the draft OGI Secretariat structure to ensure that OGP Action Plan implementation and the day-to-day workings of the OGI Secretariat is insulated against regime changes.

VIII. Sources

Focus Group

The IRM Researcher, in conjunction with MediaLink who facilitated the meeting, conducted a group discussion in Jakarta, on Sunday, August 23, 2015. The group discussion was attended by CSO members. The detail of the Focus Group is the following:

- Source. Focus Group Meeting
Date of interaction: August 23, 2015
Attendees:
 - Mujtaba Hamdi (MediaLink)
 - Ilham Saenong (Transparency International)
 - Choky Ramadhan (MaPPI)
 - Deassy Eko Prayitno (ICEL)
 - Danardono Siradjudin (Prorep)
 - Bedjo Untung
 - Herman
 - Tenti
 - Tarmidji

Format of interaction

Presentation and Group Discussion

Synopsis of meeting

The meeting was opened by MediaLink Chair Mujtaba Hamdi and Ajeng Kusumaningrum acted as facilitator. IRM Researcher Mohamad Mova Al'Afghani elaborate the IRM process, methodology and progress and outline several key issues that needs to be discussed with stakeholders. In this meeting, only sections pertaining to preparation, drafting and monitoring and evaluation of the action plan was discussed. This meeting does not discuss individual action plan implementation. Meeting note was made available by MediaLink and distributed to attendants.

Interviews

IRM Researcher conducted interviews with the following government officials:

Coordinating Ministry for People's Welfare	Mr. Taufik Rakhman
Central Information Commission	Mr. John Fresly
Ministry of Administrative Reform and Bureaucratic Reform	Mr. Nadjamuddin Mointaus
UKP4	Mr. Gibran

Ministry of Public Works	Mrs. Asterlia Fitri/Mr. Singgih Raharja
Ministry of Health	Mrs. Rarit Gempari
Ministry of Health	Mr. Yan/Mr. Susiyo/Mrs. Rarit Gempari
Ministry of Education and Culture	Mr. Budhi Mulyawan
Indonesia National Police	Mrs. Meilina D.Irianti
LKPP	Mr. Tjipto
BKPM	Mr. Ade Maulana
Ministry of Trade	Mr. Widianoro
Minister of National Development Planning	Mrs. Siliwanti
Ministry of Cooperation, Small Medium Enterprise	Mr. T. Muh. Razi
Ministry of Youth and Sports Indonesia	Mrs. Leny Kurnia
National Land Agency	Mrs. Tanti W.
BNP2TKI	Mr. Yunafri
Ministry of Religious Affairs	Mrs. Tati Yuliaty
Ministry of Religious Affairs	Mr. Gunadi
Minister - Coordinator for Economic Affairs	Mr. Ronald Tambunan/ Tri Wicaksono
Ministry of Energy and Mineral Resources	Mr. Isa Budiwan
Secretariat General of DPR-RI	Mr. Djaka D. Winarko
Ministry of Forestry	Mr. Dedi Haryadi
Ministry of Environment	Mr. Edy Purwanto
Ministry of Social Affairs	Mrs. Yanti Damayanti

Ministry of Social Affairs	Mr. Dian Setiawan
Ministry of Agriculture	Mrs. Dewi Darmayanti
Ministry of Agriculture	Mr. Hasan Latu Consina
Ministry of Tourism and Creative Economy	Mr. Paiman
Ministry of Tourism and Creative Economy	Mr. Eko Saputro/Mr. Paiman

Some of the interviews are conducted by direct meeting, some by phone discussion and others through email. Civil society stakeholders were interviewed during the Focus Group Discussion (details above).

CSO activist interviewed/inquired separately (through direct meeting, telephone and emails) are as follows:

- Ilham Saenong – TI Indonesia
- Tenti – IDEA Yogyakarta
- Anggaran – Institute for Criminal Justice Reform
- Margaretha Quina – ICEL
- Ahmad Hanafi – Indonesia Parleментарy Center
- Hendrik Rosdinar – YAPPIKA
- Ronald Rofiandri – Pusat Studi Hukum dan Kebijakan
- Dyah Paramitha – environmental activist
- Agus Sunaryanto – Indonesia Corruption Watch
- Chitra Retna Septyandrica – Article 33 Indonesia
- Dessy Eko Prayitno, Indonesian Center for Environmental Law
- Muhammad Yasin, Hukumonline
- Alamsyah Saragih (Former FoI Commission Chief)

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a bi-annual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts' Panel is:

- Anuradha Joshi
- Debbie Budlender

- Ernesto Velasco-Sánchez
- Gerardo Munck
- Hazel Feigenblatt
- Hille Hinsberg
- Jonathan Fox
- Liliane Corrêa de Oliveira Klaus
- Rosemary McGee
- Yamini Aiyar

A small staff based in Washington, D.C. shepherds reports through the IRM process in close coordination with the IRM researcher. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

IX. Eligibility Requirements

In September 2012, OGP decided to begin strongly encouraging participating governments to adopt ambitious commitments in relation to their performance in the OGP eligibility criteria.

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.¹ When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

	2011	Current	Change	Explanation
Budget Transparency ²	4	4	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to Information ³	4	4	No change	4 = Access to information (ATI) law in force 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration ⁴	4	4	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Civic Engagement (raw score)	3 (7.06) ⁵	3 (7.35) ⁶	Change	1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percentage)	15 / 16 (94%)	15 / 16 (94%)	No change	75% of possible points to be eligible

¹ For more information, see <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>

² For more information, see Table 1 at <http://internationalbudget.org/what-we-do/open-budget-survey/> as well as <http://www.obstracker.org/>

³ The two databases used are Constitutional Provisions at <http://www.right2info.org/constitutional-protections> and Laws and draft laws <http://www.right2info.org/access-to-information-laws>

⁴ This database is also supplemented by a published survey that the World Bank carries out biannually. For more information see <http://publicofficialsfinancialdisclosure.worldbank.org>

⁵ Economist Intelligence Unit, "Democracy Index 2010: Democracy in Retreat" (London: Economist, 2010). Available at: [://bit.ly/eLC1rE](http://bit.ly/eLC1rE)

⁶ Economist Intelligence Unit, "Democracy Index 2010: Democracy in Retreat" (London: Economist, 2010). Available at: [://bit.ly/eLC1rE](http://bit.ly/eLC1rE)