

Independent Reporting Mechanism (IRM): Indonesia Design Report 2018–2020

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Executive Summary: Indonesia

Indonesia’s fifth action plan included a range of commitments that aimed to open government in a variety of sectors, with particular focus on information disclosure and data governance. The plan also included five commitments under the open parliament initiative. The collaborative action plan development process, led by civil society, yielded two commitments of nineteen with transformative potential impact. Future action plan development could benefit from clearer definition of the role of the multistakeholder forum, more frequent meetings of the forum, and stronger communication and outreach to ensure that the development process is open to all stakeholders.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Indonesia joined OGP as a Founding Member in 2011. Since, Indonesia has implemented five action plans. This report evaluates the design of Indonesia’s fifth action plan.

General overview of action plan

The Open Government Indonesia (OGI) National Secretariat is the coordinating agency for OGP activities Indonesia. The Ministry of National Development Planning (Bappenas) leads coordination with OGI and mandates a multi-stakeholder forum comprising representatives from both government and civil society stakeholders to oversee the action plan development.

Development of Indonesia’s fifth action plan began in May 2018 with a joint workshop to inform stakeholders of the process and gather feedback on the stages of development. OGI published all relevant information pertaining to the development of the action plan on a repository hosted on ogi.bappenas.go.id.

Collaborative working groups with government and civil society members drafted commitments within different themes for inclusion in the action plan. Consultation process was centralized in Jakarta with minimum participation from subnational governments and other local stakeholders. A series of bilateral meetings involving government, civil society, and other stakeholders helped

Table 1. At a glance

Participating since: 2011
Action plan under review: 2018–2020
Report type: Design
Number of commitments: 19

Action plan development

Is there a Multi-stakeholder forum: Yes
Level of public influence: Collaborate
Acted contrary to OGP process: No

Action plan design

Commitments relevant to OGP values: 19 (100%)
Transformative commitments: 2 (11%)
Potentially starred: 2 (11%)

Action plan implementation

Starred commitments: *N/A*
Completed commitments: *N/A*
Commitments with Major DIOG*: *N/A*
Commitments with Outstanding DIOG*: *N/A*

**DIOG: Did it Open Government?*



shape the commitments included in the action plan. However, beyond the early stage of action plan development, the multi-stakeholder forum was absent from the remainder of the process.

In December 2018, Indonesia submitted its fifth action plan with a total of 19 commitments, 5 of which are part of the open parliament initiative. These open parliament commitments were developed through an entirely separate process led by the House of Representatives (DPR) and the Indonesian Parliamentary Center (IPC), a civil society organization. Data governance and disclosure continued to be the major themes incorporated throughout the action plan, but the much-needed Presidential Regulation on One Data Indonesia had remained unsigned and stuck in a bureaucratic and political limbo.

Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle
<p>I. Improvement in Data Management and Compliance of Extractive, Forestry, and Plantation Sectors</p> <p>Expand the use of the Beneficial Ownership database, including the registration of beneficial ownership in the extractive, forestry, and plantation sectors.</p>	<p>The government could establish a clear mechanism for intragovernmental coordination in the implementation of the registry and ensure strong collaboration with civil society to advance to an open registry after the initial stages of implementation.</p>	<p><i>Note: this will be assessed at the end of action plan cycle.</i></p>
<p>I0. Quality Improvement on Public Service Complaints Resolution through LAPOR!-SP4N</p> <p>Integrate additional government institutions, increase complaint response rates, and enhance compliance with standards through LAPOR!-SP4N.</p>	<p>The government could engage the Information Commission to ensure transparency of the complaints management process; establish standard guidelines for government institutions to respond to public complaints; and raise awareness among the public to encourage greater use of the system and monitoring of public service delivery.</p>	<p><i>Note: this will be assessed at the end of action plan cycle.</i></p>

Recommendations

The IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan.

Table 3. Five key IRM recommendations

Strengthen the multistakeholder forum through a comprehensive government decree.
Establish a clear intragovernmental mechanism for coordination throughout action plan development, implementation, and evaluation processes.
Facilitate participation of local government and civil society stakeholders.
Include commitments responding to shrinking civic space and public disinformation in the next action plan.
Accelerate the implementation of the Presidential Regulation on One Data Indonesia across all policy sectors.

About the Author

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The Open Government Partnership (OGP) 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 (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



I. Introduction

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their own progress and determine if actions have made an impact on people's lives.

Indonesia joined OGP in 2011. This report covers the development and design of Indonesia's fifth action plan for 2018–2020.

The Independent Reporting Mechanism of OGP has partnered with Ravio Patra, an independent researcher, who carried out this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology please visit opengovpartnership.org/about/independent-reporting-mechanism.

II. Open Government Context in Indonesia

Indonesia submitted its fifth OGP action plan ahead of the 2019 election season.¹ The House of Representatives took a major step by declaring its Open Parliament initiative following verbal commitment made at the 2018 OGP Global Summit in Tbilisi, Georgia. However, a string of high-profile attacks on underrepresented groups and prosecutions of activists, journalists, and citizens using internet defamation law signalled shrinking civic space in the country.

Indonesia was one of the cofounding members of OGP along with Brazil, Mexico, Norway, the Philippines, South Africa, the United Kingdom, and the United States in 2011. Soon after cofounding the partnership, the government established the Open Government Indonesia (OGI) National Secretariat under the administration of the now-defunct Presidential Delivery Unit for Development Monitoring and Oversight (UKP4). In 2015, after changes in leadership following the 2014 election from Susilo Bambang Yudhoyono to Joko Widodo, the government moved OGI under the administration of the Ministry of National Development Planning (Bappenas), the coordinating OGP ministry in the country.

In December 2017, Indonesia hosted the Asia-Pacific Leaders Forum (APLF) on Open Government for Inclusive Development in Jakarta.² The forum exchanged knowledge and best practices from across the region on how open government can facilitate inclusive development. The forum discussed promoting economic growth, reducing poverty, delivering effective and efficient public services, and promoting sustainable development.

Overall, the action plan continues to focus on similar themes as the fourth action plan, such as information disclosure, data governance, citizen participation, and public service delivery. New commitments cover topics such as beneficial ownership, open contracting, access to justice, and open election. Additionally, following the country's Open Parliament declaration in August 2018,³ the action plan also includes commitments specifically related to opening up parliamentary processes.

Anticorruption remains a top priority with the Corruption Eradication Commission (KPK) maintaining a high level of trust from the public⁴ albeit not without opposition. Among the most critical voices is Deputy Speaker of the House of Representatives, Fahri Hamzah, who has repeatedly called for the disbandment of the KPK⁵ due to a perceived overlap in the KPK's law enforcement and prosecution functions. Hamzah has also led an attempt in Parliament to amend Law No. 30/2002 on the Eradication of the Criminal Acts of Corruption, popularly known as the KPK Law, as it is KPK's foundational law.⁶ On the other hand, during his state of the nation address in August 2018, President Joko Widodo reiterated his support for the KPK to continue the fight against corruption.⁷

Indonesia's vulnerability to corrupt public officials can be exemplified by recent corruption scandals that the KPK has exposed. The list includes the ongoing probe into the electronic ID graft scheme involving then-Speaker of the House of Representatives (DPR) Setya Novanto and many other politicians,⁸ as well as the arrests of 41 out of 45 members of the City House of Representatives (DPRD) of Malang in East Java related to the city's fraudulent 2015 budget amendment. Meanwhile, the government has cited Indonesia's slightly improved marks on Transparency International's Corruption Perception Index (CPI) from 37 in 2017⁹ to 38 in 2018¹⁰ to suggest that its anticorruption strategy has been successful.¹¹

In November 2017, the government issued Government Regulation No. 45/2017 on Public Participation in Local Government.¹² Along with Law No. 14/2008 on Public Information Disclosure,¹³ Law No. 25/2009 on Public Services,¹⁴ and the Circular of the Minister of Administrative and Bureaucratic Reform No. 56/2017,¹⁵ the regulation added another layer of legal framework to encourage public participation in policy-making, albeit with a focus on the subnational level.

Much of the government's public participation efforts have seen progress thanks to the inclusion of various e-government and open data commitments in its OGP action plans. The United Nations, through its E-Government Development Index (EDGI), noted Indonesia's improving e-government policy and implementation. In 2018, Indonesia rose 10 places to rank 107 for e-government and 22 places to rank 92 for e-participation.¹⁶

Similar to global trends, the Indonesian government has also been busy combating 'fake news' and hoaxes,¹⁷ especially as incumbent President Joko Widodo sought re-election in 2019.¹⁸ Among others, the government has often resorted to using Law No. 11/2008 on Electronic Transaction and Information, commonly referred to as the ITE Law, to prosecute people suspected of spreading false information.

The ITE Law, however, has attracted criticism from various organizations. Freedom House's 2017 Freedom on the Net Report¹⁹ and 2019 Freedom in the World Report²⁰ found that freedom of expression, particularly on the internet, has declined in Indonesia. The reports specify that defamation cases have seen steep increase because of the problematic ITE Law.²¹ In a broader context, the World Bank's Worldwide Governance Indicators (WGI)²² also reported a decline in voice and accountability between 2016 and 2017 in Indonesia. In addition to public participation in selecting government, this dimension also captures perceptions on freedom of expression, freedom of association, and a free media.²³

These reports are consistent with findings published by the Southeast Asia Freedom of Expression Network (SAFEnet). The advocacy group reported that a total of 264 defamation cases against internet users have been filed since the ITE Law was signed into law in 2008.²⁴ A large portion of these cases—194 (74%)—were filed during President Joko Widodo's administration. The vague²⁵ defamation clause included in the ITE Law has been frequently used to prosecute activists, members of the academic community, and journalists despite the country's 1945 Constitution guaranteeing freedom of expression and Law No. 40/1999 endorsing freedom of the press.²⁶ High-profile cases from 2019 include prosecutions of a sexual harassment victim for taping unwanted sexual advances intended to be used as evidence in West Nusa Tenggara,²⁷ a journalist investigating an allegation of a graft scheme involving a police official in North Sumatera,²⁸ and a board member of Amnesty International Indonesia for voicing criticism of the military during a human rights rally in Jakarta.²⁹

Off the internet, SAFEnet also reported at least 64 violations of freedoms of assembly and expression between January 2015 and 2018.³⁰ The majority of these incidents—53 out of 64 (83%)—involved intimidation, persecution, raids, and attacks targeting public discussions with survivors of the 1965 Communist Party of Indonesia's (PKI) disputed massacre and members of sexual minority groups. Another example included the launch of a government-sanctioned exorcism program³¹ targeting members of the LGBT+ community in the City of Padang in West Sumatera.

Despite evidence indicating shrinking civic space, particularly for underrepresented groups, members of the press, and voices critical of authorities, no commitments included in Indonesia's fifth action plan addressed these problems. This continued the government's lack of focus on civic space issues in the OGP process. Findings by the 2019 OGP Global Report³² also showed that Indonesia has not used the OGP process to address civic space concerns, particularly on freedom of assembly, freedom of association, and the defense of journalists and activists. Future action plans, therefore, need to better reflect the state of open government to truly use the OGP process to respond to major problems in priority areas.

¹ This report focuses on the political context that was relevant at the time of Indonesia's fifth action plan development process. The report aims to provide an accurate explanation of the prevailing priorities and dynamics that influenced both government and civil society stakeholders in designing commitments at that time.

² "Asia-Pacific Leaders Forum on Open Government 2017: Open Government for Inclusive Development" (Ministry of National Development Planning, 2017), <https://www.bappenas.go.id/id/berita-dan-siaran-pers/asia-pacific-leaders-forum-open-government-2017-keterbukaan-pemerintah-untuk-pembangunan-yang-inklusif/>.

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- ⁴ Alexander Haryanto, "ICW Sebut Masyarakat Puas terhadap Kinerja KPK" (Tirto, 3 Aug. 2017), <https://tirto.id/icw-sebut-masyarakat-puas-terhadap-kinerja-kpk-ctT8>.
- ⁵ Ronna Nirmala, "Ihwal Usulan Fahri Soal Pembubaran KPK dan Komnas HAM" (Beritagar, 2017), <https://beritagar.id/artikel/berita/ihwal-usulan-fahri-soal-pembubaran-kpk-dan-komnas-ham>.
- ⁶ Stanley Widiyanto, "Revisi UU KPK Bergulir Kembali, KPK Berpegang Komitmen Jokowi" (Tempo, 2017), <https://nasional.tempo.co/read/902687/revisi-uu-kpk-bergulir-kembali-kpk-berpegang-komitmen-jokowi>.
- ⁷ Kristian Erdianto, "Pidato Kenegaraan, Presiden Jokowi Tegaskan Dukungan terhadap KPK" (Tempo, 2018), <https://nasional.kompas.com/read/2018/08/16/11595271/pidato-kenegaraan-presiden-jokowi-tegaskan-dukungan-terhadap-kpk>.
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- ¹¹ Eva Mazrieva, "Indeks Persepsi Korupsi Indonesia Naik, Bukti Keseriusan Pemberantasan Korupsi?" (Voice of America, 2019), <https://www.voaindonesia.com/a/indeks-persepsi-korupsi-indonesia-naik-bukti-keseriusan-pemberantasan-korupsi-/4764712.html>.
- ¹² Government of Indonesia, "Peraturan Pemerintah No. 45/2017 tentang Partisipasi Masyarakat dalam Penyelenggaraan Pemerintah Daerah" (2017), <https://www.lhokseumawekota.go.id/aturan/PP%2045%202017.PDF>.
- ¹³ Government of Indonesia, "Undang-Undang No. 14/2008 tentang Keterbukaan Informasi Publik" (2008), <http://dpr.go.id/doksetjen/dokumen/-Regulasi-UU-No.-14-Tahun-2008-Tentang-Keterbukaan-Informasi-Publik-1552380453.pdf>.
- ¹⁴ Government of Indonesia, "Undang-Undang No. 25/2009 tentang Pelayanan Publik" (2009), <http://pelayanan.jakarta.go.id/download/regulasi/undang-undang-nomor-25-tahun-2009-tentang-pelayanan-publik.pdf>.
- ¹⁵ Ministry of Administrative and Bureaucratic Reform, "Surat Edaran No. 56/2017 tentang Pembentukan Forum Konsultasi Publik dalam Rangka Penyelenggaraan Pelayanan Publik" (2017), https://drive.google.com/file/d/1HsVfPbaFZ0B0qu7vuXVrbe0qYhxM34K_/.
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- ²² Daniel Kaufmann & Aart Kraay, "Worldwide Governance Indicators" (The World Bank, 2017), <http://info.worldbank.org/governance/wgi/index.aspx#reports>.
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- ²⁴ Southeast Asia Freedom of Expression Network, "Daftar Kasus Netizen yang Terjerat UU ITE" (2019), <https://id.safenet.or.id/daftarkasus/>.
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- ²⁹ Stanley Widiyanto, "Indonesian Rights Activist Arrest Is Reminder of Authoritarian Past" (Voice of America, 2019), <https://www.voanews.com/a/indonesian-rights-activist-arrest-is-reminder-of-authoritarian-past/4817205.html>.
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- ³¹ Gavin Butler, "Pemkot Padang Gelar Program Ruqyah Paksa Demi 'Sembuhkan' Komunitas LGBT" (Vice, 2018), https://www.vice.com/id_id/article/3k95x5/pemkot-padang-gelar-program-ruqyah-paksa-demi-semuhkan-komunitas-lgbt.
- ³² Open Government Partnership, "Open Government Partnership Global Report: Democracy Beyond the Ballot Box Volume 2" (2019), 111, https://www.opengovpartnership.org/wp-content/uploads/2019/06/Global-Report_Volume-2.pdf.

III. Leadership and Multistakeholder Process

Civil society took the lead in shaping the agenda and priorities of Indonesia's fifth action plan. The multistakeholder forum convened in the beginning of action plan development, albeit with minimal high-level government representation. Unclear roles and mechanisms led to the absence of the multistakeholder forum throughout the rest of the development process.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Indonesia.

To coordinate OGP activities, including the development and implementation of action plans, the government established the Open Government Indonesia (OGI) National Secretariat. The Ministry of National Development Planning coordinates with the OGI National Secretariat along with the Ministry of Foreign Affairs and the President's Executive Office.¹

The Deputy Minister of National Development Planning and the Deputy Chief of Staff of the President's Executive Office kicked off the co-creation process.² A representative of the Civil Society Secretariat for OGP Indonesia noted that engaging the Deputy Minister helped civil society remove several bureaucratic hurdles throughout the process.³ However, high-level participation was less consistent during commitment development and depended on the commitment's theme.⁴ This echoed challenges in the previous action plan cycle, although more rigorous advocacy by civil society prevented the action plan from completely losing momentum.

Eventually, this minimal participation by high-level government resulted in government confusion in detailing their implementation of commitments. For example, Commitment 1, stops short of establishing an open beneficial ownership registry. Commitment 9 which repeats a similar commitment from a prior action plan without accounting for the pre-existing consultation process already in place across different levels of government.

President Joko Widodo is known for his set of nine priorities commonly dubbed the “*Nawa Cita*” vision.⁵ This includes an aim to “establish a clean, effective, and trusted democratic governance.”⁶ This priority became one of the foundations of the 2015–2019 Mid-Term National Development Plan (RPJMN), which outlines policies regarding democracy, women's representation, transparency, bureaucratic reform, and public participation in government process.⁷ Although the government did not publish specific, itemized budget information for OGP activities, a small amount of funding was allocated to support staff members of the OGI National Secretariat under the Directorate of State Apparatus of the Ministry of National Development Planning.⁸

After hosting the Asia-Pacific Leaders Forum in December 2017, development of Indonesia's fifth action plan was significantly delayed following the resignation of all OGI staff members due to undisclosed reasons. Leadership transition also occurred within the Ministry of National Development Planning, with a new Director of State Apparatus replacing the former Director who had been engaged in OGP process since 2015.

The action plan development process did not resume until May 2018, when the government hired a consultant assigned to OGI and hosted a workshop with civil society.⁹ This workshop identified key priorities included in the government's 2019 Annual Work Plan (RKP)¹⁰ that were relevant to commitments in the action plan, including open data for poverty alleviation and health care, access to quality education, public service delivery, and government accountability.¹¹ After action plan development began, the government contracted a total of four new staff members to support the OGI National Secretariat in coordinating the plan's development.

Indonesia's fifth action plan also includes five additional Open Parliament Indonesia (OPI) commitments. This indicates an opening parliamentary process, although due to the separation of executive and legislative powers,¹² the development of these open parliament commitments occurred separately at the House of Representatives.

Overall, development of these OPI commitments did not have the same level of participation and co-creation as the process coordinated by the OGI National Secretariat. The Indonesian Parliamentary Center led the process with Parliament’s Inter-Parliamentary Cooperation Committee (BKSAP) without participation from any other stakeholders.¹³ These commitments mostly address issues within Parliament and are limited to internal consolidation of the open parliament initiative with heavy emphasis on access to information. As such, the scope and level of ambition of these commitments are relatively weaker compared to the other 14 commitments that were developed through the regular OGP process coordinated by the OGI National Secretariat.

3.2 Multistakeholder Process throughout Action Plan Development

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP’s Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to the OGP process. Indonesia did not act contrary to OGP process.¹⁴

Please see Annex I for an overview of Indonesia’s performance in implementing the Co-Creation and Participation Standards throughout the action plan development.

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.¹⁵ This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborate.”

Table 4. Level of public influence

Level of Public Influence		During Development of Action Plan
Empower	The government handed decision-making power to members of the public.	
Collaborate	There was iterative dialogue AND the public helped set the agenda.	✓
Involve	The government gave feedback on how public inputs were considered.	
Consult	The public could give inputs.	
Inform	The government provided the public with information on the action plan.	
No Consultation	No consultation	

Multistakeholder Forum

During the action plan development, the multistakeholder forum (MSF) met twice, in May¹⁶ and August¹⁷ 2018 to launch the co-creation process. The OGI National Secretariat invited key civil society representatives, partner organizations and donors, as well as government staff. Steering Committee members of the MSF, however, were largely absent in these meetings. (The MSF did not meet again,¹⁸ including when the action plan was finalized and submitted to the OGP Support Unit.) In these two meetings, the MSF discussed key areas covered by the action plan, but high-level government representatives were not directly involved in shaping commitments. Instead, they participated by giving general directives at the beginning of each meeting by breaking down how the OGP action plan can utilize the RPJMN to gain momentum and support.

Despite the MSF being largely absent in developing individual commitments, Indonesia's fifth action plan recorded a higher level of ambition. This is reflected by the involvement of more relevant institutions, inclusion of commitments in priority areas such as anticorruption and data governance, and clearer specificity in success indicators for each commitment. Evidence strongly indicates that direct engagement and advocacy between civil society and government leadership, albeit not always within the formal process, played a pivotal role in filling the gap left by the MSF's absence.

In June 2018, the Minister of National Development Planning issued a Ministerial Decree on the Formation of Strategic Coordination Team for the Implementation of Open Government Indonesia Action Plan.¹⁹ The Decree served as the legal basis for the MSF's leadership and membership. The Minister of National Development Planning chaired the forum with leaders from other government agencies and one civil society representative from the International NGO Forum on Indonesian Development (INFID) as cochairs.²⁰ As members of the forum, the Decree designated only seven civil society representatives compared to 17 government representatives from different offices. The civil society representatives included in the decree consisted of those who supported the co-creation process of Indonesia's previous action plan.

The government involved civil society in drafting the forum's mandates²¹ as outlined in the Decree. Members of the forum include key leaders from several government offices as well as a few civil society leaders appointed by this Decree. They are responsible for drafting an open government action plan, monitoring and evaluating its implementation, and facilitating communication between and coordinating stakeholders. Meanwhile, the MSF Steering Committee must develop an open government strategy and remove barriers that hamper the plan's implementation.

The Decree, however, did not provide any mechanism for the MSF to perform these strategic mandates. There was lack of clarity among stakeholders in terms of the meeting frequency, leadership, authorities, and budget allocation for the forum. While representatives from both government²² and civil society²³ expressed expectations for the MSF to actively lead the development of the action plan, the Ministry of National Development Planning did not convene the MSF beyond the early stage of the process.

Participation and Engagement throughout Action Plan Development

In May 2018, the government hosted a workshop with civil society to discuss action plan development. The government presented the themes, targets, policy directions, and priorities of the 2019 Annual Work Plan.²⁴ Additionally, the OGI National Secretariat presented a co-creation toolkit²⁵ for both government and civil society stakeholders.

The toolkit included a detailed timeline for the action plan development, procedures for drafting commitments, suggested thematic working groups, and possible participation methods which included formal discussions, internal workshops, teleconferences, in-person public consultations, and digital public consultations.²⁶

Civil society took a more active role in shaping the action plan development. While the OGI National Secretariat was in vacuum due to staffing issues, a group of civil society organizations (CSOs), which included MSF members as well as other groups involved in the previous OGP cycle, met monthly to discuss key themes to be proposed for the action plan.²⁷ Once the government launched the co-creation process, civil society proposed their action plan framework.²⁸

This framework shaped the themes that were selected for the working groups. Each working group was tasked to draft specific commitments within the selected themes to be considered for inclusion in the action plan. These themes included public service delivery, open data, public accountability, poverty alleviation, beneficial ownership, and subnational government.²⁹

After the kick-off meeting in August 2018, the action plan development process continued with a series of thematic meetings. A mix of government and civil society representatives met separately to discuss commitments they were drafting for the action plan. A number of stakeholders who

were not part of the regular OGP process, such as the TIFA Foundation, Wahana Visi Indonesia (WVI), the Indonesian Legal Aid Foundation (YLBHI), USAID, and the National Democratic Institute (NDI) also participated in this process.

At the end of the co-creation process, the action plan included all commitments put forward by the civil society, albeit with adjusted indicators of success after a series of discussions with government stakeholders. A proposed commitment to continue work on the OGI Roadmap and Strategic Plan was not included as both government and civil society representatives agreed it was not relevant³⁰ to OGP values given its lack of a public-facing element. However, work on the Roadmap and Strategic Plan would still continue as part of the Ministry of National Development Planning's internal process in consultation with civil society.

During the consultation process, most government entities were represented by staff from their Planning Bureau, which is in line with the coordination mechanism of the National Development Planning Ministry. According to the OGI National Secretariat, this was the best approach considering the role of the Ministry of National Development Planning in the process. However, the lack of high-level participation during commitment drafting received criticism from civil society. For example, some ministries and agencies sent different representatives to meetings throughout the process.³¹ A lack of coordination³² between these representatives resulted in inconsistencies of the government's approach to each commitment.

After consultations, the government published a draft action plan for an online public consultation period.³³ Seventeen responses were received,³⁴ with commitments on budget disclosure, local e-legislation, and public consultation forums receiving the most comments. A general response was published on the OGI website addressing key insights garnered from the public comments³⁵ and commitment-specific comments were brought to their relevant discussion groups, as recorded on OGI's online repository.³⁶ A representative from MediaLink who coordinates civil society participation in the OGP process stated that while the government suggested many adjustments of each commitment's success indicators to align with the government's work plan, the final action plan contains all the thematic priorities proposed by civil society.³⁷ In addition, efforts to engage civil society groups outside of the "usual suspects" paid off with the inclusion of an access to justice commitment championed by the Indonesian Legal Aid Foundation (YLBHI) and TIFA Foundation.

Overall, the 14 commitments included in the action plan represented the thematic priorities captured by civil society's proposed commitments.³⁸ However, after the consultation process, the multistakeholder forum failed to meet to provide feedback for the draft action plan. In December 2018, the government submitted the action plan without being preceded by a meeting of the multistakeholder forum.³⁹ Additionally, while some commitments continued efforts to open up subnational governments, the entire development occurred in the capital city of Jakarta without any participation opportunities for other regional government and CSO representatives. While there were opportunities to provide online feedback, it is important that the government actively engages stakeholders from outside the capital region, particularly given the inclusion of commitments focusing on subnational governments.

Additionally, the government created an internal non-OGP action plan commitment to enhance government processes at the subnational level through a series of smart city initiatives.⁴⁰ This decision allowed the fifth action plan to maintain better focus on the thematic priorities under the central government's coordination while at the same time continuing the process of establishing open governance at the subnational level. For this commitment, the OGI National Secretariat collaborates with the President's Executive Office, the Ministry of Communications and Informatics, and the Ministry of Home Affairs as well Transparency International Indonesia, Indonesia Corruption Watch, MediaLink, Indonesian Parliamentary Center, and the International NGO Forum on Indonesian Development (INFID).

Upon submission, the action plan included five additional commitments from the open parliament agenda. The House of Representatives created these open parliament commitments with the Indonesian Parliamentary Center (IPC), a civil society group, as a follow-up to the Open

Parliament Indonesia declaration in August 2018.⁴¹ The IPC shaped the agenda of the open parliament commitments with more focus on improving access to information on parliamentary processes as well as developing the framework to sustain the open parliament initiative. Since the commitments were developed separately from the regular government process, the process did not have a multistakeholder forum and also did not involve any stakeholders other than Parliament and the IPC.

Co-Creation and Participation Recommendations throughout Development

Indonesia showed evidence of achievement and strong performance in its multi-stakeholder mandate and composition. The Ministerial Decree appointed a group of key government and civil society leaders with clear mandates from a diverse range of sectors.

Some areas where Indonesia can improve are:

- Multistakeholder conduct and procedure, including ensuring regular meeting frequency as well as taking a more active and consistent role in overseeing the development of the action plan; and
- Communications and outreach during development, including publishing action plan information and documents on the OGI repository before the action plan is finalized and making the process open to all stakeholders.

In order to improve performance on these areas, the IRM researcher suggests to:

- Conduct a baseline study on the impact of OGP action plans to determine key priorities for the next plan and best approaches for its implementation;
- Develop a strategy to proactively disseminate information on public comment opportunities before finalizing the action plan;
- Establish clear mechanism and procedure for the conduct of the multistakeholder forum;
- Encourage more high-level participation from government to gain clearer strategy and consistency in action plan implementation; and
- Facilitate participation of subnational government and other local stakeholders by hosting satellite consultations outside Jakarta and/or enabling remote participation.

¹ Open Government Indonesia National Secretariat, “Peran Sekretariat Nasional OGI” (accessed Mar. 2019), <https://ogi.bappenas.go.id/about/2/sekretariat-nasional-ogi>.

² Tities Eka Agustine (Open Government Indonesia National Secretariat), interview by IRM researcher, 4 Mar. 2019.

³ Darwanto (Medialink), interview by IRM researcher, 7 Mar. 2019.

⁴ Agustine, interview.

⁵ General Elections Commission, “Visi, Misi, Program Aksi Joko Widodo-Jusuf Kalla,” (2014), https://www.kpu.go.id/koleksigambar/Visi_Misi_JOKOWI-JK.pdf.

⁶ Ibid.

⁷ UNDP Indonesia, “Converging Development Agendas: ‘Nawa Cita’, ‘RPJMN’, and SDGs” (2015), <http://www.id.undp.org/content/dam/indonesia/2015/doc/publication/ConvFinal-En.pdf>.

⁸ Agustine, interview.

⁹ Tities Eka Agustine (Open Government Indonesia National Secretariat), interview by IRM researcher, 12 Feb. 2019.

¹⁰ Government of Indonesia, “Peraturan Presiden No. 72/2018 tentang Rencana Kerja Pemerintah Tahun 2018,” <https://www.bappenas.go.id/files/rkp/PERPRES%20NO.%2072%20RKP%20TAHUN%202019.pdf>.

¹¹ Ministry of National Development Planning, “Tema, Sasaran, Arah Kebijakan, dan Arah Prioritas Rencana Kerja Pemerintah (RKP) Tahun 2019” (2018), <https://drive.bappenas.go.id/owncloud/index.php/s/KWHf5trDZmKfvMG#pdfviewer>.

¹² Ahmad Hanafi (Indonesian Parliamentary Center), interview by IRM researcher, 8 Mar. 2019.

¹³ Ibid.

¹⁴ Acting Contrary to Process - Country did not meet (1) “involve” during the development or “inform” during implementation of the NAP (2) government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.

¹⁵ IAP2 International Federation, “IAP2 Spectrum of Public Participation” (2018), https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf.

¹⁶ Open Government Indonesia National Secretariat, “Catatan Workshop” (2018), <https://drive.bappenas.go.id/owncloud/index.php/s/KWHf5trDZmKfvMG#pdfviewer>.

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- ¹⁷ Open Government Indonesia National Secretariat, “Notulensi Kegiatan Kick-Off Pembahasan Rancangan Rencana Aksi Nasional Keterbukaan Pemerintah Indonesia 2018–2020” (2018), <https://drive.bappenas.go.id/owncloud/index.php/s/wvOZD79dOglmqG2#pdfviewer>.
- ¹⁸ Tities Eka Agustine (Open Government Indonesia National Secretariat), interview by IRM researcher, 4 Mar. 2019.
- ¹⁹ “Keputusan Menteri tentang Pembentukan Tim Koordinasi Strategis Pelaksanaan Rencana Aksi Open Government Indonesia,” Ministry of National Development Planning, 2018, <http://jdih.bappenas.go.id/peraturan/detailperaturan/515>.
- ²⁰ Ibid.
- ²¹ Darwanto (MediaLink), interview by IRM researcher, 7 Mar. 2019.
- ²² Agustine, interview, 4 Mar. 2019.
- ²³ Darwanto, interview.
- ²⁴ Ministry of National Development Planning, “Tema, Sasaran, Arah Kebijakan, dan Arah Prioritas Rencana Kerja Pemerintah (RKP) Tahun 2019.”
- ²⁵ Open Government Indonesia National Secretariat, “Toolkit Rencana Aksi Nasional Open Government Indonesia” (2018), <https://drive.bappenas.go.id/owncloud/index.php/s/KWHf5trDZmKfvMG#pdfviewer>.
- ²⁶ Ibid.
- ²⁷ Darwanto, interview.
- ²⁸ Civil Society Organizations for Open Government Indonesia, “Rumusan Usulan Rencana Aksi Open Government Indonesia – CSO 2018–2020” (2018), <https://drive.bappenas.go.id/owncloud/index.php/s/KWHf5trDZmKfvMG#pdfviewer>.
- ²⁹ Open Government Indonesia National Secretariat, “Catatan Workshop.”
- ³⁰ Darwanto, interview.
- ³¹ Ibid.
- ³² Ibid.
- ³³ Open Government Indonesia National Secretariat, “Bagi Aspirasimu untuk Rencana Aksi Keterbukaan Pemerintah Indonesia 2018–2020” (2018), https://docs.google.com/forms/d/e/1FAIpQLSf1BbR_gN-84rH4yCm4R7EdyBPE_LOQV_i08wkTCQfSJOpnA/viewform.
- ³⁴ Open Government Indonesia National Secretariat, “Tahapan Penyusunan Renaksi 2018–2020: Konsultasi Publik Secara Online” (2018), <https://ogi.bappenas.go.id/renaksi/5/2018-2020>.
- ³⁵ Ibid.
- ³⁶ Ibid.
- ³⁷ Darwanto, interview.
- ³⁸ Hendrik Rosdinar (YAPPIKA-ActionAid), interview by IRM researcher, 9 Mar. 2019.
- ³⁹ Darwanto, interview.
- ⁴⁰ Open Government Indonesia National Secretariat “Rencana Aksi Keterbukaan Pemerintah Indonesia 2018–2020” (2018), 51, <https://drive.bappenas.go.id/owncloud/index.php/s/GQUMgWpFeeGBpPT#pdfviewer>.
- ⁴¹ Ahmad Hanafi (Indonesian Parliamentary Center), interview by IRM researcher, 8 Mar. 2019.

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each government's unique circumstances and challenges. 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.¹ The indicators and method used in the IRM research can be found in the IRM Procedures Manual.² A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
 - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
 - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
 - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - Public Accountability: Will the government create or improve public facing opportunities to hold officials answerable for their actions?
 - Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **Potential Impact:** This variable assesses the potential impact of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the IRM Implementation Report.
- **Did It Open Government?** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the IRM Implementation Report.

What Makes a Potentially Starred Commitment?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment is one that clearly describes the:

- I. **Problem:** Describe the economic, social, political, or environmental problem, rather than an administrative issue or tool (e.g., "misallocation of welfare funds" is more helpful than "lacking a website").

2. **Status Quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., “26% of judicial corruption complaints are not processed currently”)?
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment’s implementation (e.g., “doubling response rates to information requests” is a stronger goal than “publishing a protocol for response”)?

Starred Commitments

One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating governments. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Potential star: the commitment’s design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **substantial** or **complete** implementation.

This variable is assessed at the end of the action plan cycle, in the *Implementation IRM report*.

General Overview of the Commitments

Indonesia’s fifth action plan consisted of fourteen commitments from the government and an additional five commitments from Parliament. Themes such as enhancing transparency and accountability, enabling civic participation, strengthening access to information and quality of data governance, as well as improving public service delivery continued to be the major focus. Notably, this action plan also introduced Indonesia’s first commitment that specifically addressed beneficial ownership transparency.

¹ Open Government Partnership, “Open Government Partnership: Articles of Governance” (2012 (updated Mar. 2014, Apr. 2015, and Jun. 2019)), https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf.

² Open Government Partnership, “IRM Procedures Manual,” (2017), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

Open Government Indonesia Commitments

I. Improvement in Data Management and Compliance of Extractive, Forestry, and Plantation Sectors

Language of the commitment as it appears in the action plan:

Beneficial Ownership in the 2018–2020 commitment will be focusing on the provision and utilization of BO database. BO registration will be carried out in extractive, forestry, and plantation sectors. Furthermore, the use of BO database will be focusing on the permit applications in the extractive and palm oil industries as well as on the misuse of funding for money laundering and terrorism.

The implementation of BO in Indonesia is collaboratively managed by related ministries and institutions. Additionally, the coordinator role is technically carried out by National Strategy of Corruption Prevention Team. The commitment of BO in the Open Government Indonesia National Action Plan 2018–2020 will precisely adopt the same commitment in National Strategy of Corruption Prevention released by Presidential Regulation No. 54/2018 which operationalize further through National Action Plan on 2019–2020.

Milestones:

1. The implementation of Corporate Administration Management System.
2. The use of Beneficial Ownership database to prevent the misuse legal persons/arrangements for Anti-Money Laundering/Prevention of Terrorism Funding, and the Prevention of Tax Evasion.
3. The utilization of Beneficial Ownership database as a requirement for submission of permission in the extractive and palm oil industries.

Start Date: January 2019

End Date: December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Improvement in Data Management and Compliance of Extractive, Forestry, and Plantation Sectors		✓	✓			✓				✓	Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

In November 2018, following years of an extensive probe, a group of investigative journalists from Tempo, Malaysiakini, Mongabay, and Earthsight’s The Gecko Project released “The Secret Deal to Destroy Paradise.”¹ The report details a complex chain of investment headed by Malaysia-based

Menara Group who claimed to hold the rights to 4,000 square kilometres of land for oil palm plantations in the island of New Guinea,² including the Indonesian territory of Papua. The report found that the company acquired rights to this land through a maze of shell companies³ with unclear actual beneficiaries.

The report estimates that sales of the land rights generated at least 80 million USD for Menara Group.⁴ It involved a complex web of actors that included a former Chief of the National Police, a secretive Yemeni family, a notorious Borneo logging firm, and a conglomerate connected to the I Malaysia Development Berhad (IMDB) mega-corruption scandal into the project.⁵

On top of the financial irregularities and potential damage to Papuan native forests, the project brought multiple problems to the indigenous communities in the area. Pusaka, an indigenous rights advocacy group, reported incidents such as unresolved dispute over indigenous land rights, intimidation tactics in land acquisition processes, and discrimination against local workers on the project.⁶ Beyond these damages, the report outlines how a lack of transparency in the extractive sector allows corruption to persist.

Meanwhile, in April 2016, the International Consortium of Investigative Journalists (ICIJ)⁷ published an exhaustive list of suspected money launderers, tax evaders, and criminal funders in a series of document leaks dubbed the “Panama Papers.” A total of 2,961 names on that list are associated with Indonesia,⁸ many of whom are politicians and business figures with strong ties to the extractive sector. The report generated strong pressure for the government to act and spurred the creation of regulation of beneficial ownership transparency that was already being drafted before the scandal broke.⁹

In March 2018, the government issued the Presidential Regulation No. 13/2018 on the Application of Principles to Identify Beneficial Ownership of Corporations to Prevent and Eradicate the Criminal Acts of Money-Laundering and Terrorism Funding.¹⁰ A few months later, in July 2018, the government issued the Presidential Regulation on the National Strategy of Corruption Prevention.¹¹ These regulations provide the legal framework for the government to further the implementation of beneficial ownership transparency.

During the development of Indonesia’s fifth OGP action plan, the government committed to including a commitment on beneficial ownership transparency. This was in conjunction with one of the key recommendations included in the IRM progress report¹² for Indonesia’s fourth action plan published in 2018. The government and civil society studied beneficial ownership commitments from countries such as the United Kingdom (UK) and Ukraine while designing the commitment. Civil society groups involved in the process included the Indonesian chapter of Publish What You Pay (PWYP) as well as the Extractive Industries Transparency Initiative (EITI) Indonesia Secretariat.

The Ministry of Law and Human Rights, through its Directorate General of Public Law Administration, is the authority managing the Corporate Administration Management System, the database for beneficial ownership information. Therefore, the development of the beneficial ownership online registry also falls under the jurisdiction of the Ministry.

Given its voluntary nature, the government does not believe corporations will proactively disclose their data on a publicly available registry. Therefore, the government seeks to restrict registry access to law enforcement agencies and other relevant government institutions. The public, meanwhile, can access this data by filing an information request to the Public Law Administration Directorate General at a cost of 500 thousand rupiah (35 USD) as of March 2018.

The commitment, clearly, is different than other countries where the beneficial ownership registry is made public by default. The KPK explained that this is because Indonesia’s civil law system recognizes legal owners and beneficiaries of corporations as the same entity,¹³ unlike in a common law system. However, it remains unclear how the government aims to measure the success of this commitment in utilizing the registry to prevent money-laundering, terrorism funding, and tax evasion. Meanwhile, the aim of requiring beneficiary information disclosure for corporations in the extractive, forestry, and plantation sectors would require extensive ministry cooperation and

revisions of several laws, such as Law No. 4/2009 on Mineral and Coal Mining,¹⁴ Law No. 39/2014 on Plantations,¹⁵ and Law No. 41/1999 on Forestry.¹⁶

Following the issuance of the beneficial ownership regulations, any new corporations that seek to acquire permits to operate in Indonesia must disclose their beneficiaries' information. However, it does not apply to corporations established prior to the regulations coming into effect, therefore leaving a gap in the government's concerted efforts to combat financial crimes such as corruption, money-laundering, tax evasion, and terrorism funding.

According to the KPK,¹⁷ beneficial ownership transparency is one of the key priorities in the National Strategy of Corruption Prevention. As a law enforcement agency, the KPK has faced challenges in tracing the flow of funds involving corporations operating in Indonesia due to the complex and overlapping layers of corporation structures.¹⁸

Presently, in order to update and maintain their registration, corporations must go through a complex and costly legal procedure. To remove these barriers, the commitment aims to establish an online beneficial ownership registry where a corporation can submit, update, and maintain their beneficiary information as outlined and mandated by the Presidential Regulation No. 13/2018 on Beneficial Ownership Implementation.¹⁹ By doing so, the government hopes to facilitate corporations of any types to disclose their beneficiary information. By removing the complex and costly legal procedures, the online registry could help the government ensure that corporations disclose their data more proactively and regularly.

In a correspondence with the IRM researcher, a representative from Publish What You Pay (PWYP) Indonesia²⁰ noted that this commitment could "trigger" the government to implement the Presidential Regulation as an umbrella law to enhance beneficial ownership transparency not only in the extractive sector, but also across other industries. The potential for this commitment to result in a greater impact, according to them, is also supported by the simultaneous implementation of the Beneficial Ownership Roadmap²¹ led by the Extractive Industries Transparency Initiative (EITI) and the Coordinating Ministry for Economic Affairs.²²

PWYP also emphasized on the long-term impact of this commitment; during the co-creation process, the Ministry of National Development Planning pledged to take beneficial ownership transparency beyond the current action plan.²³ This is reflected in the commitment's focus on establishing framework and infrastructure to support the creation of a beneficial ownership registry to support law enforcement and, as confirmed by both government and civil society stakeholders, the future plan of making the registry open for public access.²⁴ In other words, given the recent introduction of beneficial ownership discourse in Indonesia, with proper implementation and multistakeholder collaboration, this commitment carries the potential to transform how and to what extent its implementation could enhance transparency in Indonesia.

Next Steps

Since the government only recently started regulating beneficial ownership transparency, it is important to establish a clear mechanism for intragovernmental coordination. To achieve the desired outcome, it is crucial for the following government institutions to be actively involved in the process along with the Law and Human Rights Ministry:

- Coordinating Ministry for Political, Legal, and Security Affairs,
- Coordinating Ministry for Economic Affairs,
- Ministry of Finance,
- Ministry of Trade,
- Ministry of Cooperative and Small-and-Medium Enterprises,
- Ministry of Land and Spatial Planning,
- Ministry of Agriculture,
- Ministry of Energy and Mineral Resources,
- Ministry of Environment and Forestry,
- Financial Transaction Analysis and Reporting Center (PPATK),

- Corruption Eradication Commission (KPK),
- Anti-Trust Commission (KPPU),
- Central Bank of Indonesia (BI), and
- Financial Services Authority (OJK).

The KPK²⁵ expressed some concern over different levels of understanding within the government that may hamper the implementation of beneficial ownership transparency. This stems from the OGP community's focus on the extractive industries and making registries public by default in contrast to the KPK's priority of establishing an online registry for use in law enforcement.²⁶ From the government's view, making the registry open by default at this stage will discourage corporations from voluntarily disclosing their beneficiaries information. Therefore, the parties involved in this commitment compromised to making the registry accessible only for legal enforcement purposes. However, the KPK specified that the goal is to eventually make the registry open by default.²⁷ Strong collaboration with civil society groups is an important element to overcome this issue by ensuring that the government remains committed to an open registry after the initial stages of implementation.

The IRM researcher urges the government to consider the following recommendations in implementing this commitment:

- Engage civil society and other stakeholders to capture insight from those affected by extractive, forestry, and plantation industries. Some of these stakeholders include corruption watchdogs, indigenous rights advocacy groups, miners, farmers, environmental advocacy groups, and industry associations.
- Provide clarity on the consequences and punishment for corporations that fail to comply with the Presidential Regulation on Beneficial Ownership Implementation by not disclosing their beneficial owners' information.
- Take measures to raise awareness and educate the public about the importance of disclosing beneficiaries' information.
- Assess how the government can facilitate public participation in improving transparency in these sectors, such as by filing public complaints and whistle-blowing against corporations that do not comply with the beneficial ownership transparency regulations.

¹ The Gecko Project, "The Secret Deal to Destroy Paradise" (2018), <https://thegeckoproject.org/the-secret-deal-to-destroy-paradise-715b1ffc0a65>.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Pusaka, "Perusahaan Menara Group Tidak Melaksanakan Kewajibannya" (10 Nov. 2016), <https://pusaka.or.id/2016/11/perusahaan-menara-group-tidak-melaksanakan-kewajibannya>.

⁷ International Consortium of Investigative Journalists, "The Panama Papers: Exposing the Rogue Offshore Finance Industry" (accessed Mar. 2019), <https://www.icij.org/investigations/panama-papers>.

⁸ Kompas, "Ada 2,961 Nama dari Indonesia di Bocoran 'Panama Papers'" (4 Apr. 2016), <https://internasional.kompas.com/read/2016/04/04/19113441/Ada.2.961.Nama.dari.Indonesia.di.Bocoran.Panama.Papers>.

⁹ Publish What You Pay Indonesia, "Memahami dan Mendorong Keterbukaan Data Beneficial Ownership di Sektor Ekstraktif" (2019), <https://pwybindonesia.org/id/memahami-dan-mendorong-keterbukaan-data-beneficial-ownership-di-sektor-ekstraktif/>.

¹⁰ Government of Indonesia, "Peraturan Presiden No. 13/2018 tentang Penerapan Prinsip Mengenali Pemilik Manfaat dari Korporasi dalam Rangka Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang dan Tindak Pidana Pendanaan Terorisme" (2018), <https://sipuu.setkab.go.id/PUUdoc/175456/Perpres%20Nomor%2013%20Tahun%202018.pdf>.

¹¹ Government of Indonesia, "Peraturan Presiden No. 54/2018 tentang Strategi Nasional Pencegahan Korupsi" (2018), <https://sipuu.setkab.go.id/PUUdoc/175551/Perpres%20Nomor%2054%20Tahun%202018.pdf>.

¹² Open Government Partnership, "Independent Reporting Mechanism (IRM) Indonesia Progress Report 2016–2017" (Open Government Partnership, 2018), 115–116, https://www.opengovpartnership.org/wp-content/uploads/2001/01/Indonesia_Mid-Term_Report_2016-2017_EN.pdf.

¹³ Putri Rahayu (Corruption Eradication Commission), interview by IRM researcher, 11 Mar. 2019.

¹⁴ Government of Indonesia, "Undang-Undang No. 4/2009 tentang Pertambangan Mineral dan Batubara" (2009), <http://eiti.ekon.go.id/v2/wp-content/uploads/2017/07/UU-4-TAHUN-2009.pdf>.

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- ¹⁵ Government of Indonesia, “Undang-Undang No. 39/2014 tentang Perkebunan” (2014), <http://www.jdih.kemenkeu.go.id/fullText/2014/39TAHUN2014UU.pdf>.
- ¹⁶ Government of Indonesia, “Undang-Undang No. 41/1999 tentang Kehutanan” (1999), <https://peraturan.bpk.go.id/Home/Details/45373/uu-no-41-tahun-1999>.
- ¹⁷ Ibid.
- ¹⁸ Ibid.
- ¹⁹ Government of Indonesia, “Peraturan Presiden No. 13/2018.”
- ²⁰ Maryati Abdullah (Publish What You Pay Indonesia), interview by IRM researcher, 29 Nov. 2019.
- ²¹ Rimawan Pradipto, Putu Sanjiwacika Wibisana, & Rafiazka Milanida Hilman, “A Roadmap of Beneficiary Ownership Transparency in the Extractive Industries in Indonesia” (Extractive Industries Transparency Initiative, 2016), https://eiti.org/sites/default/files/documents/final-bo_roadmap_eiti_indonesia.pdf.
- ²² Abdullah, interview.
- ²³ Ibid.
- ²⁴ Ibid.
- ²⁵ Freddy Reynaldo Hutagaol (Corruption Eradication Commission), interview by IRM researcher, 11 Mar. 2019.
- ²⁶ Ibid.
- ²⁷ Putri Rahayu (Corruption Eradication Commission), interview by IRM researcher, 11 Mar. 2019.

2. Transparency and Collective Participation in Renewed Data on Recipient of Health Contribution Assistance

Language of the commitment as it appears in the action plan:

The commitment aims to support the development of the application system and people's participation in updating the data. This application system will provide the recipient's personal information. In addition to that, all the process of updating data will be implementing by sub-districts. This commitment also encourages the involvement of women group, marginalized community, and indigenous people. The result of the participatory data updates will be doing with the issuance of a ministerial decree.

Milestones:

1. Information system application on social welfare provides all the process of updating the data as a result from the online verification. As a data platform, the system also provides accurate and valid data, enriched with their export and import features.
2. The implementation of public consultation meeting through city/village forum or any other platform for renewed data on Recipient of Health Contribution Assistance.
3. The availability of twelve ministerial decrees on renewed data of the HCA's recipients based on citizen participation inputs.

Start Date: January 2019

End Date: December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2. Transparency and Collective Participation in Renewed Data on Recipient of Health Contribution Assistance		✓	✓	✓					✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

In January 2014, the Government of Indonesia established the Social Security Agency for Health (BPJS Kesehatan) to continue efforts to ensure comprehensive, equal, and fair universal healthcare¹ for all citizens. BPJS Kesehatan succeeds Askes, a now-defunct government health insurance program which was only available to civil-sector members.

BPJS Kesehatan categorizes insurance recipients into two categories² based on their economic backgrounds. The government covers the premium for those who live in poverty through a premium assistance beneficiaries (PBI)³ insurance scheme. Those who do not meet the qualifications to be included in the PBI scheme are required pay their own premium. However, the law does not specify the poverty criteria in this context.

For the fiscal year of 2019,⁴ the government increased the number of PBI recipients to 96.8 million from 92.4 million in 2018. Consequently, the budget allocation also went up from 25.5 trillion rupiah (1.8 billion USD) to 26.7 trillion rupiah (1.87 billion USD). The government based this decision on the data provided by the Ministry of Social Affairs who collaborated with the Ministry of Home Affairs at the national level and Civil Registry Offices across the nation at the local level. According to the Ministry of Social Affairs, their data are updated on a yearly basis through a verification and validation process to ensure accurate distribution of PBI.⁵

However, studies conducted by MediaLink, a civil society group, in East Java (Wonosobo and Sidoarjo Regencies), Central Java (Brebes Regency), and the Jakarta Special Capital Region⁶ suggest that the PBI program does not always benefit the intended recipients. Representative from MediaLink⁷ detailed the following issues:

- Lack of transparency: The Ministry of Social Affairs does not regularly publish data on premium assistance beneficiaries, making it difficult to monitor its distribution.
- Lack of citizen participation: The Ministry of Social Affairs does not involve citizens at any stage of its yearly data verification and validation. The studies found multiple reports of duplicated, deceased, and unidentified recipients.
- Unclear methodology and criteria to determine poverty: The Ministry of Social Affairs does not disclose the methodology or criteria it uses to collect valid data of premium assistance beneficiaries. A major criticism has been that the Ministry uses the same criteria to determine poverty across the nation, which is not feasible considering the various factors that play into the fulfilment of basic needs in different locations.

President Joko Widodo himself has publicly criticized his own cabinet for providing conflicting data on poverty rates.⁸ The Central Bureau of Statistics (BPS) reported only 25.95 million people (9.82% of the total population size)⁹ living in poverty in March 2018—much lower than the 92.2 million figure from the Ministry of Social Affairs and the Ministry of Health to allocate the PBI program. Minister of Finance Sri Mulyani suggested that the BPS's statistic was the lowest poverty rate recorded in Indonesia's history.¹⁰ In contrast, however, the number of PBI recipients categorized as living in poverty by the Ministry of Social Affairs has consistently increased every year.¹¹

The Chief Statistician at the BPS has publicly admitted the government's statistical inconsistency. In an article released in October 2018,¹² the Chief Statistician explained that the Bureau measures poverty data using a standardized methodology based on the World Bank's Handbook on Poverty and Inequality. Meanwhile, the government collects data using a different methodology. This has resulted in the publication of contrasting figures as the government tends to see poverty relative to the relevant programs. However, this practice should not continue as it can hamper the efficiency and effectiveness of government programs and public service delivery.

This commitment has the potential to provide a solution to a long-running problem in Indonesia. Successful implementation could provide the government with a policy framework to use in other similar areas. Statistical incoherence is not a problem that is exclusive to poverty data. For example, in 2016, the Ministry of Agriculture¹³ reported a surplus of 13.03 million tons of rice. However, the BPS¹⁴ reported a surplus of only 2.85 million tons. Beyond confusion, data discrepancy can misdirect the government into enacting policies that do not meet the needs and demands of the citizens.

These inconsistencies are problematic in many ways. A portion of the poor population risks not receiving the much-needed assistance intended for them. It also opens up possibilities for people to trick the system, as indicated by findings of invalid entries of recipients included in the list of beneficiaries. Additionally, given the magnitude of budget allocation for the program, invalid beneficiaries data can result in corruption by public officials to direct funds for unintended recipients or uses.

This commitment intends to address all three aspects of these problems. The development of an information system application will allow citizens to access PBI recipient data with a built-in online

verification feature to enhance the efficiency of the government's data validation process. To support this, the government has committed to incorporating citizen participation elements in the data verification and validation process through existing consultation mechanisms such as the development planning forum (Musrenbang) as well as village forums (Musdes). This will allow citizens to provide feedback to the government by proactively reporting invalid entries and indicating those who live in poverty but have been excluded from the recipient list. To ensure continued improvement, the Ministry of Social Affairs committed to issuing a Ministerial Decree verifying an updated data of PBI recipients on a monthly basis.

With proper implementation, this commitment carries a moderate potential to prevent corruption and mismanagement of public funds. By making the process transparent and involving citizens, the government can ensure that those who benefit from the premium assistance actually qualify as recipients. By the end of this action plan cycle, this commitment might trigger some changes to the management of universal healthcare provision in Indonesia, especially with the government's commitment to update the recipient list on a monthly basis, a progress compared to the existing yearly update.

Next Steps

In order to properly address the problem that this commitment seeks to solve, the Ministry of Social Affairs should disclose the methodology and criteria that it has been using to assess poverty. The stark contrast between the Ministry's figure and the one reported by the BPS suggests that the two institutions are using different methodologies.

Public data discrepancies has also been one of the reasons behind the development of the One Data Indonesia policy with its three principles: one data standard, one standard metadata, and data interoperability.¹⁵ However, despite the draft having been complete for years,¹⁶ the Presidential Regulation on One Data has yet to be signed into effect.

In implementing this commitment, the government could consider focusing on the following aspects:

- Publish premium assistance beneficiary data (including allocation and distribution) to ensure transparency throughout the process;
- Optimize existing avenues of citizen participation such as village forums (Musdes) and development planning forums (Musrenbang) as well as public consultation forums (FKP) rather than develop a new mechanism;
- Proactively engage vulnerable and marginalized communities to ensure their inclusion in the premium assistance scheme; and
- Coordinate with the BPS as the authoritative government statistical bureau to streamline the methodology and criteria used in collecting poverty data.

¹ Social Security Agency for Health, "Sejarah Perjalanan Jaminan Sosial di Indonesia" (2018), <https://bpjs-kesehatan.go.id/bpjs/index.php/pages/detail/2013/4>.

² Government of Indonesia, "Undang-Undang No. 40/2004 tentang Sistem Jaminan Sosial Nasional" (2004), <http://www.depkes.go.id/resources/download/general/UU%20No.%2040%20Th%202004%20ttg%20Sistem%20Jaminan%20Sosial%20Nasional.pdf>.

³ Premium Assistance Beneficiaries (PBI) is the common translation used by multiple official documents to refer to the government's "Penerima Bantuan Iuran" insurance scheme (see National Team for the Acceleration of Poverty Reduction, "The Road to National Health Insurance (JKN)" (2015), http://www.tnp2k.go.id/images/uploads/downloads/FINAL_JKN_road%20to%20national%20health%20insurance.pdf).

The English translation of Indonesia's fifth action plan's original text refers to this term as "Health Contribution Assistance," a translation that is not found in any other publications. In this report, the IRM researcher uses "Premium Assistance Beneficiaries" (PBI) to refer to the same subject matter.

⁴ CNN Indonesia, "Jokowi Tambah 4 Juta Orang Miskin Penerima Bantuan Iuran BPJS" (9 Jan. 2019), <https://www.cnnindonesia.com/ekonomi/20190109131334-78-359541/jokowi-tambah-4-juta-orang-miskin-penerima-bantuan-iuran-bpjs>.

⁵ Ibid.

⁶ Darwanto (MediaLink), interview by IRM researcher, 7 Mar. 2019.

⁷ Ibid.

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- ⁸ Hendra Kusuma, "Jokowi Pertanyakan Simpang Siur Data Kemiskinan" (Okezone, 2016), <https://economy.okezone.com/read/2016/04/26/20/1372844/jokowi-pertanyakan-simpang-siur-data-kemiskinan>.
- ⁹ Central Bureau of Statistics, "Persentase Penduduk Miskin Maret 2018 Turun Menjadi 9.92 Persen" (2018), <https://www.bps.go.id/pressrelease/2018/07/16/1483/persentase-penduduk-miskin-maret-2018-turun-menjadi-9-82-persen.html>.
- ¹⁰ BBC, "Empat Hal di Balik Angka Kemiskinan Indonesia yang Disebut Mencatat 'Sejarah'" (18 Jul. 2018), <https://www.bbc.com/indonesia/trensosial-44861258>.
- ¹¹ CNN Indonesia, "Jokowi Tambah 4 Juta Orang Miskin Penerima Bantuan Iuran BPJS."
- ¹² Hendra Kusuma, "Kepala BPS Blak-Blakan Soal Data dan Fakta Angka Kemiskinan di RI" (Detik Finance, 2018), <https://finance.detik.com/wawancara-khusus/d-4160586/kepala-bps-blak-blakan-soal-data-dan-fakta-angka-kemiskinan-di-ri>.
- ¹³ Samuel Pablo, "Data Beras BPS dan Kementan Berbeda, Ini Penjelasannya" (CNBC Indonesia, 2018), <https://www.cnbcindonesia.com/news/20181025105653-4-38964/data-beras-bps-dan-kementan-berbeda-ini-penjelasannya>.
- ¹⁴ Ibid.
- ¹⁵ Open Government Indonesia National Secretariat, "Sosialisasi Rancangan Peraturan Presiden tentang Satu Data Indonesia" (2017), <https://ogi.bappenas.go.id/news/223/sosialisasi-rancangan-peraturan-presiden-tentang-satu-data-indonesia>.
- ¹⁶ CNN Indonesia, "Pemerintah Terbitkan Perpres Satu Data Akhir Tahun Ini" (27 Nov. 2018), <https://www.cnnindonesia.com/ekonomi/20181126142128-92-349299/pemerintah-terbitkan-perpres-satu-data-akhir-tahun-ini>.

3. Increasing the Access and Quality of Data Disclosures for Education, Health, Poverty Eradication Budget in Related Ministries/Institutions and All Regional Governments

Language of the commitment as it appears in the action plan:

This commitment encourages related ministries and institutions to publish budget data using the standard of State Budget (APBN) Portal managed by Ministry of Finance. In order to get all ministries to declare their budget data, it is strongly recommended to sign Memorandum of Understanding between Ministry of Finance, Ministry of Education and Culture, Ministry of Health and Ministry of Social Affairs.

Furthermore, this commitment encourages the Ministry of Home Affairs to develop a website. It accommodates centralized Regional Budget (APBD) database. This APBD Portal is different from the APBN Portal since both are managed by two different authorities.

Milestones:

State Budget

1. The availability of memorandum of understanding on budget publication for education, health, and poverty eradication among Ministry of Finance; Ministry of Education and Culture; and Ministry of Social Affairs.
2. Publication of budget information for education, health, and poverty eradication up to the activity cost in national budget data portal.

Regional Budget

1. The forming of local budget data portal (E-Budgeting) built by Ministry of Home Affairs.
2. The availability of budget data from 34 provinces in E-Budgeting portal.

Start Date: January 2019

End Date: December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
3. Increasing the Access and Quality of Data Disclosures for Education, Health, Poverty Eradication Budget in Related Ministries/Institutions and All Regional Governments		✓	✓			✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment is a continuation from Indonesia's fourth action plan. In the previous commitment, the government established data-apbn.kemenkeu.go.id, an online budget data portal. Through this portal, the Ministry of Finance publishes budget information from all ministries and public institutions, but not to the level of specificity that includes itemized costs of all activities.

Public information disclosure is mandated by Law No. 14/2008 on Information Disclosure. This law mandates that all public institutions funded by the state budget must disclose their budget information. However, it does not specify how the information must be disclosed. Consequently, different ministries have different policies in disclosing their budget information.¹ As a result, despite increased access to budget information through the budget data portal, citizens still face difficulties in accessing detailed, transparent information on the government's budget.

To ensure continued commitment from the Ministry of Education and Culture, the Ministry of Health, as well as the Ministry of Social Affairs who are respectively responsible for education, health, and poverty alleviation programs, this commitment will produce a memorandum of understanding between these ministries with the Ministry of Finance at the national level. The Ministry of Home Affairs will be responsible for budget information at the subnational level. The Ministry will develop a budget data portal for the 34 provincial governments that is similar to the national one developed by the Ministry of Finance. By the end of the action plan cycle, implementation of this commitment will be verified by the publication of education, health, and poverty eradication budget information on the Ministry of Finance's data-apbn.kemenkeu.go.id portal as well as a separate portal for local governments administered by the Ministry of Home Affairs.

According to a representative from the Indonesian Forum for Budget Transparency (FITRA),² this commitment could equip citizens with the necessary tools to reform how the government works in these three crucial sectors. However, it requires cooperation by the responsible ministries and local governments in disclosing their budget details. Specifically, FITRA hopes that the commitment will result in the government disclosing budget data that includes budget implementation checklist (DIPA) documents.³ Access to DIPA, according to FITRA, would not only provide the budget allocated to a specific activity, but also information of how and where the government spends each itemized budget item.⁴

In this commitment, the government aims to increase the quality of budget disclosure in accordance with the level of specificity and standards set by the Ministry of Finance, specifically in the education, health, and poverty alleviation sectors. The focus on these three sectors is based on the fact that these three sectors represent a large percentage of the total government's budget. Currently, citizens do not have access to detailed information on budget allocations. By the time citizens have the data, the budget is already passed and therefore there is no opportunity for citizens to demand changes to the budget. With increased transparency, citizens can scrutinize the state budget concurrently with the government.

For example, the government allocated 492.5 trillion rupiah or 20% for education of the total 2019 state budget.⁵ Of this 492.5 trillion rupiah, only 7.3% (35.9 trillion) is actually managed by the Ministry of Education and Culture.⁶ The Ministry of Religious Affairs receives the majority of funding at 10.5% (51.9 trillion), followed by the Ministry of Research and Higher Education at 8% (40.2 trillion).⁷ The rest of the education budget goes to a variety of other ministries in different sectors as well as local governments.

Similar inconsistency in budget allocation is also found in the health and poverty alleviation sectors. The government allocated 5% (123.1 trillion rupiah) for health in 2019.⁸ This amount included the budget for the government's premium assistance beneficiaries (PBI) program, which is also managed by the Ministry of Social Affairs. Meanwhile, according to Minister of Finance Sri Mulyani, budget allocation for the poverty alleviation program also increased to 381 trillion rupiah.⁹ This amount included the budget allocated for the PBI social protection program, which is also budgeted for the Ministry of Health. Additionally, the poverty alleviation budget also included allocations for small-and-medium enterprise development (managed by the Ministry of

Cooperative and Small-and-Medium Enterprises), land reforms (managed by the Ministry of Land and Spatial Planning), and forestry (managed by the Ministry of Environment and Forestry).¹⁰

One of the big challenges to this commitment comes in the form of inconsistent disclosure policy within the government. FITRA pointed at how each ministry has different interpretations between what types of information are public and therefore must be disclosed versus what types of information are privileged and can only be disclosed by filing an information request.¹¹ This policy inconsistency is particularly problematic in the government's budget data disclosure.

In a broader scope, civil society and media often help to direct public attention to education, health, and poverty budget data. They help raise public awareness to discrepancies in this data and how the government allocates its budget for specific purposes and regions. While it is difficult to be certain of how citizens engage with this data in a meaningful way, civil society and media have been successful at generating public interest in government spending on education, health, and poverty eradication. For example, in 2017, the public scrutinized the Provincial Government of Jakarta after reports from media and civil society revealed the increased education budget for 2018 was allocated mostly for salary, building renovations, and office support as opposed to initiatives that would improve access to and the quality of education in the province.¹²

Discrepancies in data management within the government not only causes confusion among the public, but can lead to the government implementing ineffective policies and misallocating the state budget. FITRA noted that government institutions have stated that they have to spend a big portion of their budget to collect their own data.¹³ However FITRA's research shows data can instead be sourced from the BPS. This would increase efficiency and decrease the opportunity for corruption through budget misallocation and mismanagement due to invalid data used in making policies.

Next Steps

Considering the complexity of budget management within these three sectors, the government can use this commitment as a pilot project to improve budget disclosures. In future action plans, the government is recommended to aim to implement a clearer strategy to improve budget disclosures across all ministries and government institutions.

In implementing this commitment, the government could focus on the following steps:

- Encourage participation from other relevant ministries beyond the Ministry of Education and Culture, the Ministry of Health, and the Ministry of Social Affairs to ensure comprehensive budget disclosure in the education, health, and poverty alleviation sectors;
- Work closely with relevant CSOs to develop a clearer mechanism to ensure the budget data portals, managed by both the Ministry of Finance and the Ministry of Home Affairs, adhere to the basic principles of budget transparency;
- Public participation could enhance budget monitoring. Opening a channel for public feedback on service delivery and project execution can complement budget information disclosed by the government on the budget data portals. This could be particularly helpful in sectors like education, health, public works, and infrastructure; and
- Develop a framework to harmonize budget management and disclosure policies across different ministries, government agencies, and local governments.

¹ Open Government Indonesia National Secretariat, "Indonesia OGP National Action Plan 2018–2020" (2018), 16, https://www.opengovpartnership.org/wp-content/uploads/2019/01/Indonesia_Action-Plan_2018-2020.pdf.

² Yenti Nurhidayat (Indonesian Forum for Budget Transparency), interview by IRM researcher, 18 Mar. 2019.

³ Ibid.

⁴ Ibid.

⁵ Government of Indonesia, "Bangun SDM, Pemerintah Alokasikan Rp 492,555 Triliun dari APBN 2019 untuk Pendidikan" (2018), <https://setkab.go.id/bangun-sdm-pemerintah-alokasikan-rp492555-triliun-dari-apbn-2019-untuk-pendidikan>.

⁶ Ibid.

⁷ Ibid.

⁸ Ministry of Finance, “Anggaran Kesehatan APBN 2019” (accessed Mar. 2019), <http://visual.kemenkeu.go.id/anggaran-kesehatan-apbn-2019>.

⁹ Merdeka, “Anggaran Pengentasan Kemiskinan Ditambah Jadi Rp 381 Triliun di 2019” (2018), <https://www.merdeka.com/uang/anggaran-penanggulangan-kemiskinan-ditambah-jadi-rp-381-triliun-di-2019.html>.

¹⁰ Ibid.

¹¹ Ibid.

¹² Mutfi Sholih, “Kritik untuk Sejumlah Alokasi Mata Anggaran Pendidikan di DKI” (Tirto, 29 Dec. 2017), <https://tirto.id/kritik-untuk-sejumlah-alokasi-mata-anggaran-pendidikan-di-dki-cCql>.

¹³ Ibid.

4. The Utilization of Regional Education Budget for Participatory Education Budget Plan

Language of the commitment as it appears in the action plan:

Recently, the government faced non-optimal distribution of education budget allocation. Therefore, the Regional Education Budget (REB) is used to identify the main problems in the regional education program. By using REB, the government can easily acknowledge the distribution of education budget, accreditation, classroom condition, national examination result, and national examination integrity index, teacher qualification, teacher competency test, gross enrolment rate, net enrolment rate, and education ratio.

Considering the benefit of REB, the commitments will address the use of REB as basic information for the people who are involved in the decision-making process to improve the quality of education in the regional area.

Milestones:

1. The socialization of REB to civil society and local government.
2. The consultation forum for the educational budget plan with civil society in regions.

Start Date: January 2019

End Date: December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
4. The Utilization of Regional Education Budget for Participatory Education Budget Plan		✓		✓					✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Article 49 of Law No. 20/2003 on the National Education System explicitly mandates that the government allocate a minimum of 20% of its budget for the education sector.¹ To ensure that this percentage goes to meaningful development of the education system, the law specifies that the 20% allocation is in addition to the budget for wages. This regulation applies not only for the central government, but also local governments.

Currently, government practice is not consistent with the law. While the central government has consistently allocated 20% of its budget (APBN) for education, a portion of this amount is distributed to local governments,² who have interpreted the law differently. As mandated, local governments are also required to allocate a minimum of 20% of its budget (APBD) for education on top of the contribution from the central government. However, many local governments allocate much less than the 20% minimum quota for education in their APBD by including the

central government's funding in the calculation.³ According to the OGI National Secretariat, this commitment was developed in response to these inconsistencies.

In 2017, for example, Minister of Education and Culture Muhadjir Effendy publicly criticized local governments for allocating less than 20% of their budgets for education.⁴ According to Effendy at the time, only the Jakarta Special Capital Region complied with the Law—allocating 22% of its budget for education. The remaining 33 provinces, according to his statement, allocated as little as only 1.4% of their budgets for education. However, it is difficult to hold local governments accountable on the allocation of a 20% minimum of APBD budget for education as well as on how they available funding is used appropriately. This is particularly due to gaps in the interpretation of the law by government leadership at the national and subnational levels.

The problem that this commitment addresses consists of two different components. The first component is the government's lack of transparency in education funding allocation both at the national and regional levels. The second component is the lack of accountability in how the government is using the allocated funds to improve education. At the same time, it is difficult for citizens to scrutinize the government given the limited access to education budget information as well as a lack of opportunity to participate in the process of determining the allocation and use of the funding.

To overcome these problems, the Ministry of Education and Culture developed the Regional Education Index (NPD).⁵ The index, available at npd.kemdikbud.go.id, discloses a variety of information pertaining to education development across all regions in Indonesia. In addition to providing education budget data,⁶ the index also provides an overview of key components of the education system in each province, city, and regency. These components include the accreditation status,⁷ facilities,⁸ testing scores,⁹ qualifications¹⁰ and competencies¹¹ of teachers, as well as teacher-to-student ratios¹² across all schools within a region.

The index is intended to enhance coordination between the Ministry of Education and Culture at the national level and its local counterparts at the city/regency/provincial levels which include Local Department of Education, Local Development Planning Agency, Local House of Representatives, and civil society groups. Despite the availability of this information, however, local governments do not use the index in allocating education budgets and developing education programs. As a result, a big portion of education budgets at the local level tends to be spent on building and renovating infrastructures¹³ without clear urgency and proper justification. In other words, despite its availability, local governments do not use the data on the index in devising their education budget and programs.¹⁴

This commitment, therefore, aims to raise awareness of the index among local governments, local civil society, and citizens. To do so, the Ministry of Education and Culture will conduct a series of workshops involving government and civil society stakeholders on how to use the Regional Education Index for education budgeting and programming. Through these workshops, citizens will be able to scrutinize how local governments utilize education budgets to ensure that education spending responds to the most urgent local needs. If implemented properly, this commitment could moderately change education budgeting and programming at local levels.

However, the government has also admitted that low budget allocation may also be related to low own-source revenue (PAD) generated by local governments.¹⁵ If the budget provided by the central government for education in a region does not meet the needs, local governments are responsible for filling the gap through their local budget. However, given different PADs generated by each local government, their ability is often limited. Additionally, lack of political commitment to fund education from local budgets may be a factor, as expressed by the Minister of Finance in a meeting with the Ministry of Research, Technology, and Higher Education.¹⁶ As such, the underlying problems may actually be far more complex than simply inadequate funding from the central government and a lack of transparency in education spending by local governments.

Next Steps

This commitment has the potential to increase awareness of the Regional Education Index, encourage greater public participation in the development and monitoring of education budgets, and enhance the accountability of local governments in complying with the National Education System Law. By raising awareness of the index and organizing regular consultations with civil society, local governments will be more open to public scrutiny in managing education funding.

To ensure implementation of this commitment, the Ministry of Education and Culture should first identify the challenges preventing local governments from allocating a minimum of 20% of their budget for education and develop an effective implementation strategy. Additionally, to encourage greater public participation in monitoring education budgeting and programming at the local level, the Ministry of Education and Culture needs to collaborate with the Ministry of Home Affairs in establishing a clear mechanism that mandates citizens be included in the process.

¹ Government of Indonesia, “Undang-Undang No. 20/2003 tentang Sistem Pendidikan Nasional” (2003), https://kelembagaan.ristekdikti.go.id/wp-content/uploads/2016/08/UU_no_20_th_2003.pdf.

² Ministry of Finance, “Anggaran Pendidikan APBN 2019” (accessed Mar. 2019), <http://visual.kemenkeu.go.id/anggaran-pendidikan-apbn-2019>.

³ Tities Eka Agustine (Open Government Indonesia National Secretariat), interview by IRM researcher, 18 Mar. 2019.

⁴ Mohammad Nadlir, “Mendikbud Prihatin Banyak Daerah Alokasikan Anggaran Pendidikan di Bawah 20 Persen” (Kompas, 23 Aug. 2017), <https://nasional.kompas.com/read/2017/08/23/17263051/mendikbud-prihatin-banyak-daerah-alokasikan-anggaran-pendidikan-di-bawah-20>.

⁵ To maintain consistency with official publications, this report will continue referring to the index as Regional Education Index (NPD) as opposed to Regional Education Budget (REB) as used in the original text of the action plan.

⁶ Ministry of Education and Culture, “Anggaran” (accessed Mar. 2019), <https://npd.kemdikbud.go.id/?appid=anggaran>.

⁷ Ministry of Education and Culture, “Akreditasi” (accessed Mar. 2019), <https://npd.kemdikbud.go.id/?appid=akreditasi>.

⁸ Ministry of Education and Culture, “Kondisi Ruang Kelas” (accessed Mar. 2019), <https://npd.kemdikbud.go.id/?appid=ruangkelas>.

⁹ Ministry of Education and Culture, “Hasil UN & IIUN” (accessed Mar. 2019), <https://npd.kemdikbud.go.id/?appid=hasilun>.

¹⁰ Ministry of Education and Culture, “Data Kualifikasi Guru” (accessed Mar. 2019), <https://npd.kemdikbud.go.id/?appid=kualifikasi>.

¹¹ Ministry of Education and Culture, “Data UKG” (accessed Mar. 2019), <https://npd.kemdikbud.go.id/?appid=ukg>.

¹² Ministry of Education and Culture, “Rasio Pendidikan” (accessed Mar. 2019), <https://npd.kemdikbud.go.id/?appid=rasio>.

¹³ Mohammad Bernie, “Penggunaan Anggaran Pendidikan Dinilai Belum Efisien” (Tirto, 26 Jan. 2019), <https://tirto.id/penggunaan-anggaran-pendidikan-dinilai-belum-efisien-dfcl>.

¹⁴ Agustine, interview.

¹⁵ Emanuel B. Caesario, “Alokasi Anggaran Pendidikan di Daerah Masih Banyak yang Belum Capai 20%,” (Bisnis, 2016), <https://kabar24.bisnis.com/read/20161218/255/612997/alokasi-anggaran-pendidikan-di-daerah-masih-banyak-yang-belum-capai-20>.

¹⁶ Mesha Mediani, “Sri Mulyani Kritik Penggunaan Dana Pendidikan Belum Maksimal” (CNN Indonesia, 5 Jul. 2018), <https://www.cnnindonesia.com/ekonomi/20180507153544-532-296298/sri-mulyani-kritik-penggunaan-dana-pendidikan-belum-maksimal>.

5. Encouraging More Accountable and Participative Village Government Planning

Language of the commitment as it appears in the action plan:

The limited access in the participation of Village Development Planning will cause incompatible development. Thus, this commitment encourages the participation of diverse livelihoods of people through the government's policy.

Regarding this commitment, there will be two ministries responsible to implement it.

1. Ministry of Home Affairs will take a role to give capacity building for village and province. Moreover, they will develop the Village Forum Guidance in 30 villages of three provinces.
2. Ministry of Village, Development of Disadvantaged Regions, and Transmigration will revise the regulation on Village Forum and Village Assistant.

Milestones:

Ministry of Home Affairs

1. Ministry of Home Affairs will be conducting the workshop on Village Budget in 30 villages.
2. The development of Village Forum Guidance held by Ministry of Home Affairs will be followed by Focus Group Discussion. This FGD will include the participation of civil society to enrich the content.

Ministry of Village, Development of Disadvantaged Regions, and Transmigration

1. The availability of the revised draft of ministry regulation related to village forum. In this milestone, the development of ministry regulation draft will involve the civil society and other stakeholders.
2. The availability of the revised draft of ministry regulation related to village assistant. In this milestone, the development of ministry regulation draft will involve the civil society and other stakeholders.

Start Date: January 2019

End Date: December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5. Encouraging More Accountable and Participative Village Government Planning		✓		✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Indonesia's fourth action plan included a commitment to strengthen village governance in terms of transparency, participation, and responsiveness. In the previous commitment, the Ministry of

Home Affairs aimed to establish pilot projects across 30 villages in the Provinces of West Sumatera, Maluku, and Central Java. The commitment fell short of ensuring implementation of public consultations and reviews of village development and budget plans.¹ However, it did set up a basic framework which was disseminated in the 30 villages through a series of workshops.

In this commitment, the Ministry of Home Affairs collaborates with the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration. The ministries have two different roles in implementing this commitment. The Ministry of Home Affairs is responsible for building local government capacity through workshops on how to involve citizens in development planning and budgeting. The Ministry of Villages, Development of Disadvantaged Regions, and Transmigration is responsible for renewing ministerial regulations No. 2/2015 on Village Forum² Mechanism³ and No. 3/2015 on Village Facilitation.⁴

Public participation in local governance, including at the village level, is mandated by Law No. 23/2014 on Local Governments.⁵ Local governments are responsible for encouraging public participation by disclosing information, building capacity for active participation, and institutionalizing a decision-making mechanism that enables effective public participation.⁶ The scope of public participation includes the development of local regulations (Perda), development planning, budgeting, implementation, monitoring, and evaluation, natural resource and asset management, as well as public service delivery.⁷

Currently, however, governance at the village level rarely involves members of the public. The government's assessment found that village forums (Musdes) often involve only the top leadership of village governments.⁸ Through this commitment, the government aims to establish a clear mechanism for public participation by revising existing regulations. At the same time, the government will continue organizing workshops for village government officials to build capacity in involving citizens in development planning and budgeting. The workshops will also involve civil society and the public. However, the commitment does not go beyond facilitating the workshops. Compared to the same commitment in the prior action plan, this commitment has only a minor potential impact.

Next Steps

This commitment is similar to the village governance commitment in the previous action plan. The government could ensure its continuation results in more concrete outcomes as the groundwork is already established. For example, the government could design a model implementation of the accountable and participatory village government planning through a series of pilot projects in select locations. Findings, comprising of existing best practices, regulatory and practical challenges, as well as potential new mechanisms can then be replicated in other villages. However, if this commitment is something that the government intends to continuously work on through the OGP process, the ambition must increase to actually result in significant changes to village government planning. For example, the government facilitate public consultation forums with village citizens and monitor how village governments respond to citizens in their finalized development plans and budgets.

Within the context of this commitment, the government should consider the following actions to achieve more substantial results:

- Collaborate with the Ministry of Administrative and Bureaucratic Reform to develop a standard mechanism for public participation in line with the public consultation forum commitment. This would help minimize confusion within governments at different levels due to inconsistent standards and mechanisms used for the same activities;
- Collect feedback from CSOs and citizens in the 30 pilot villages and incorporate their input into designing the public participation mechanism. This is important to capture the unique challenges faced by village citizens, such as lack of information technology infrastructure, lower access to information, and capacity gaps; and
- Beyond revising regulations and facilitating workshops, support village governments' initial attempts to involve the public in development planning and budgeting. Instead of creating

an entirely new mechanism, the government could utilize existing avenues such as village forums (Musdes) and village development planning forums (Musrenbang).

¹ Open Government Partnership, “Independent Reporting Mechanism (IRM) Indonesia End-of-Term Report 2016–2017” (2019), https://www.opengovpartnership.org/wp-content/uploads/2019/08/Indonesia_End-of-Term_Report_2016-2017_EN.pdf.

² Within the context of village governance, village forums (Musyawarah Desa or Musdes) are mandated by Article 54 of Law No. 6/2014 on Villages (Government of Indonesia, 2014, http://www.dpr.go.id/dokjdi/dokument/uu/UU_2014_6.pdf). The scope of the village forum, in accordance with the law, includes village governance, village development planning, village cooperation, incoming investment plans, formation of a village-owned enterprise, changes in village assets, and any extraordinary situations.

³ Ministry of Villages, Development of Disadvantaged Regions, and Transmigration, “Peraturan Menteri No. 2/2015 tentang Pedoman Tata Tertib dan Mekanisme Pengambilan Keputusan Musyawarah Desa” (2015), <https://ppidkemmkominfo.files.wordpress.com/2016/08/pm-desano-2-tahun-2015-tentang-pedoman-tata-tertib-dan-mekanisme-pengambilan-keputusan-musyawaharadesa.pdf>.

⁴ Ministry of Villages, Development of Disadvantaged Regions, and Transmigration, “Peraturan Menteri No. 3/2015 tentang Pendampingan Desa” (2015), <https://ppidkemmkominfo.files.wordpress.com/2016/08/pm-desano-3-ta-2015-tentang-pendampingan-desa.pdf>.

⁵ Government of Indonesia, “Undang-Undang No. 23/2014 tentang Pemerintah Daerah” (2014), <https://pih.kemlu.go.id/files/UU0232014.pdf>.

⁶ Ibid.

⁷ Ibid.

⁸ Open Government Indonesia National Secretariat, “Indonesia OGP National Action Plan 2018–2020” (2018) 22, https://www.opengovpartnership.org/wp-content/uploads/2019/01/Indonesia_Action-Plan_2018-2020.pdf.

6. The Enhancement of Civic Participation in the Process of Developing Local Legislation through E-Legislation Portal

Language of the commitment as it appears in the action plan:

The commitment of E-Legislation portal is not a new innovation because it is already implemented in Semarang and Makassar. For replicating reason, the purpose of this commitment is to accelerate the use of E-Legislation in other regions. The portal contains legislative programs, drafts of the new regulation, discussion agendas, minutes of the meeting, and online public consultation menu.

On this commitment, the Ministry of Home Affairs has to issue circular letters to the Secretariat of the Regional House of Representative. In parallel, the Ministry will develop the E-Legislation platform in the regions. This platform will provide the bill documents, comment box and the issuance of regulation in the regional level.

Milestones:

1. The availability of Ministry of Home Affairs' circular letters to the Secretariat of Regional House of Representative regarding participation on legislative process through E-Legislation portal.
2. The availability of E-Legislation platform on Regional House of Representative's website in 5 regions.

Start Date: January 2019

End Date: December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
6. The Enhancement of Civic Participation in the Process of Developing Local Legislation through E-Legislation Portal		✓	✓	✓		✓				✓	Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment follows the successful implementation¹ of a similar commitment from the City of Semarang in the previous action plan. Through this commitment, the Ministry of Home Affairs will develop an e-legislation portal to increase citizen participation in the legislative process as well as access to legislation information.

The House of Representatives (DPR) performs the legislative function at the national level, and the Local Peoples Representative Councils (DPRD) has a similar function at the local level. DPRD members can draft local regulations (Perda) with their government counterparts at the provincial,

city, and regency levels independent of the DPR, as long as they do not contradict regulations existing laws that take precedent.

In fulfilling its legislative function, every Local Peoples Representative Council must abide by Law No. 12/2011 on the Formulation of Regulatory Legislation.² Article 96 of this law explicitly requires public participation in forming legislation through a general hearing, direct visits to constituencies, socialization activities to disseminate information on how citizens can participate in local legislation process, and/or a seminar to gain feedback from citizens.³ To optimize public participation, the law mandates that every draft law formed by Local Peoples Representative Councils be easily accessible by the public.⁴

Despite this law, there are no clear mechanisms across local governments that regulate local public participation.⁵ Additionally, a lack of regulation and standards in data governance contribute to low availability of legislation data. This effectively limits the ability of citizens to hold their local representatives accountable during the legislative process. To improve this situation, the government aims to develop e-legislation portals in five regions as part of a pilot project with an emphasis on making legislative process information easily accessible online. The Ministry of Home Affairs will determine which five regions will participate in the project during the implementation stage.

The government's focus in this commitment is to ensure compliance with Law No. 12/2011 across the five Local Peoples Representative Councils selected for the pilot project. To do so, the Ministry of Home Affairs will ensure the development of publicly accessible e-legislation portals with a standardized menu configuration. The Ministry of Home Affairs already has an internal system named e-Perda where all Local Peoples Representative Councils across the nation regularly report their legislation activities and documents. However, this e-Perda platform is only accessible by government officials for monitoring and evaluation purposes. Through the e-legislation platform in this commitment, the Ministry aims to open up public access to legislation information while still maintaining the e-Perda platform for internal coordination between the central and local governments.

With proper implementation, this commitment has moderate potential to change the legislation process at the local level as an unclear mechanism for public participation continues to be a barrier in ensuring a truly participatory legislation process. The design of this commitment does not specify the extent of how public participation would influence legislation process. It is also difficult to determine the full extent of this commitment's ambition as the government has yet to decide the locations of the five pilot projects.

Next Steps

In implementing this commitment, the government should focus on the following steps to support the development of the e-legislation portal:

- Give citizens access to information throughout legislation process from early planning to finalization through the e-legislation portal to facilitate informed participation;
- Establish a clear mechanism that institutionalizes public consultation as an element in local legislation; and
- Develop a strategy to raise public awareness of the opportunities to participate and influence local legislation by ensuring easy access to comprehensive information.

¹ Open Government Partnership, "Independent Reporting Mechanism (IRM) Indonesia End-of-Term Report 2016–2017" (2019), https://www.opengovpartnership.org/wp-content/uploads/2019/08/Indonesia_End-of-Term_Report_2016-2017_EN.pdf.

² Government of Indonesia, "Undang-Undang No. 12/2011 tentang Pembentukan Peraturan Perundang-Undangan" (2011), <https://kelembagaan.ristekdikti.go.id/wp-content/uploads/2016/08/UU-12-Tahun-2011.pdf>.

³ Ibid.

⁴ Ibid.

⁵ Ahmad Hanafi (Indonesian Parliamentary Center), interview by IRM researcher, 8 Mar. 2019.

7. Data Integration to Increase Openness in the Management of National Election and Regional Election

Language of the commitment as it appears in the action plan:

The development of integrated electoral data with One Data aims to adopt the principle of One Data which are accessible, reusable, and able to be re-distributed by everyone. The data could be downloaded in an open format (e.g. CSV, XLS, XML, JSON). In result, the One Data principles facilitate people to access government data. The commitment also encourages publishing the vote counting result, legislative and executive candidates profile in one NEC official portal. So that, the people can find the information easily.

Milestones:

1. Publication of data on National Election 2019 voting results at polling stations online at the official NEC portal.
2. Integration of data election at one official NEC portal. This means that the integration of two portals (infopemilu.kpu.go.id and kpu.go.id) to provide one portal for election data.
3. Publication of data on Regional Election 2020 voting results at polling stations online at the official NEC portal.
4. The availability of data election information in One Data Portal.

Start Date: January 2019

End Date: December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
7. Data Integration to Increase Openness in the Management of National Election and Regional Election		✓	✓			✓		✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

General elections in Indonesia include the elections of the president and vice president, members of the House of Representatives (DPR), the Regional Representative Council (DPD), as well as Local Peoples Representative Council (DPRD) at the provincial and city and regency levels. In addition, each province, city, and regency across the country also conducts Local Elections (Pilkada) where voters vote for governor, mayor, or regent in accordance with their voter registration.

The General Elections Commission (KPU) is responsible for organizing each of these elections with the support from local offices. As such, the KPU plays a pivotal role in safeguarding the democratic process in Indonesia by ensuring fair and open elections. In this commitment, the government aims to improve public access to elections data by integrating the existing data

portals with the One Data Indonesia data.go.id portal. By integrating elections data onto the One Data portal, the government hopes to make navigation easier for citizens.

Currently, the KPU does not have a centralized elections data portal and does not have consistent data standards. Some data are available on the infopemilu.kpu.go.id portal, while some datasets are available on the kpu.go.id portal. For example, voters can find their voting location on both the infopemilu.kpu.go.id¹ and the lindungihakpilihmu.kpu.go.id². However, only the kpu.go.id site provides voters with information on how to change their voting location. Additionally, beyond these two portals, elections data are stored across a variety of other websites.

As noted by a researcher from the Association for Elections and Democracy (Perludem),³ the KPU stores its data on an offline server and manually updates online portals as opposed to storing data on an online server with real-time updates. This practice, according to Perludem,⁴ threatens the integrity of the elections data that are publicly available as it leaves room for human errors and time gaps between the offline and online databases.

Through this commitment, the KPU aims to integrate all datasets on the two portals (infopemilu.kpu.go.id and kpu.go.id) in a centralized data portal. By doing so, the KPU improves public access to information since it allows citizens to access elections data from a single source. Additionally, a centralized portal allows the KPU to be more consistent in its data collection, disclosure, publishing, and integrity.

At the same time, Perludem noted that the KPU's leadership has shown a strong commitment in opening up elections data.⁵ For example, the KPU signed a memorandum of understanding with civil society organizations to disclose its application program interface (API) to allow citizens to monitor the transparency of elections. However, a transition in the KPU's leadership has resulted in failure to disclose this API data. As a result, civil society groups have had to manually source elections data.⁶

Another problem with the KPU's current elections data is the lack of data standards enforcement. Legislative candidates' data, for example, are sourced from documents submitted by candidates themselves through the silon.kpu.go.id platform accessible only by registered legislative candidates. Consequently, data of legislative candidates on the portal vary in details and therefore cannot be used as the definitive source for information on track records, expertise, and experience that voters need in order to make informed decisions during elections process. In an interview with the IRM researcher, however, Perludem expressed concerns over the unclear data standards used in collecting and disclosing elections data.⁷ It is also important to develop a regulation or renew Law No. 7/2017 on Elections⁸ to mandate disclosure of elections data in accordance with the One Data Indonesia standard. This can be the entry point for the KPU to significantly improve its elections data governance to be more consistent with international open data standards: availability of data as a whole in convenient and modifiable formats, permits to reuse and redistribute data that are machine-readable, and universal access to use, reuse, and redistribute the data.⁹

Next Steps

The KPU oversees elections. To provide citizens with access to reliable and verifiable elections data, the KPU should adopt a clear data disclosure mechanism. To avoid recurring problems in making elections data accessible due to leadership transitions, the KPU also needs to institutionalize elections data disclosure through regulation. Thus, the practice would be more consistent regardless of any changes in leadership.

The KPU could also develop the consolidated portal to facilitate citizen participation via voting and monitor election results. For example, the KPU could enable voters to update their personal data, request a change in voting location, report violations of election regulation, file complaints of campaign misconduct, etc. Currently, all of these administrative procedures can only be done in person, limiting the opportunities of some citizens to participate in elections, such as the case with the lindungihakpilihmu.kpu.go.id portal which can be used to check a voter's registration status, but requires physical visit to the nearest KPU office to file data update request. By taking

these measures, the KPU could potentially remove barriers that prevent citizens from using their voting rights and increase participation in elections.

¹ General Elections Commission, “Cari Pemilih” (accessed Mar. 2019), <https://infopemilu.kpu.go.id/pilpres2019/pemilih/cari-pemilih>.

² General Elections Commission, “Lindungi Hak Pilihmu” (accessed Mar. 2019), <https://lindungihakpilihmu.kpu.go.id>.

³ Maharddhika (Association for Elections and Democracy), interview by IRM researcher, 19 Mar. 2019.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Government of Indonesia, “Undang-Undang No. 7/2017 tentang Pemilihan Umum” (2017), <https://rumahpemilu.org/wp-content/uploads/2017/08/UU-No.7-Tahun-2017-tentang-Pemilu.pdf>.

⁹ Open Knowledge Foundation, “What is Open” (accessed Jun. 2020), <https://okfn.org/opendata>.

8. Publication of Health Services Data in Government Health Facilities

Language of the commitment as it appears in the action plan:

In response to the matter above, this commitment aims to encourage hospitals to publish health facilities data in IIS and HMIS regularly. This data will consist of drugs availability, medical personnel, wards, and other health services in 366 government health facilities.

Milestones:

1. The availability of updated identity, wards, and personnel information in Puskesmas through health services data portal (the year 2018) on iHeff Application.
2. The availability of hospital application that can be accessed online in the Regional Health Department.
3. The availability of updated identity, wards, and personal information in Public Hospital through health services data portal.

Start Date: January 2019

End Date: December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
8. Publication of Health Services Data in Government Health Facilities		✓	✓			✓		✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The quality of healthcare frequently depends on the quality of healthcare facilities. In Indonesia, the Ministry of Health is responsible for providing basic healthcare services through government-funded healthcare facilities. To ensure that every citizen has basic healthcare, the government provides assistance through the Social Security Agency for Health (BPJS Kesehatan).

During the action plan development, the Ministry of Health expressed concerns over difficulties faced by citizens accessing healthcare using the BPJS Kesehatan program. Since its inception, the program has been the subject of national debate, facing claims that it's inefficient in providing healthcare.

An investigation conducted by Tirto in 2018¹ chronicled the problems related to the health insurance program. The report emphasized criticism over the program's two-step reference system where patients need a referral by a first-level healthcare facility such as a community health center (Puskesmas) in order to receive treatment from an advanced level healthcare facility. The system was intended to ensure efficiency by only allocating patients with certain conditions to advanced level healthcare facilities.²

To ensure availability of care in healthcare facilities, the Ministry of Health developed the Inpatient Information System (Siranap) and the Hospital Management Information System (SIMRS). Through

these systems, the Ministry could monitor the availability of services provided by all public healthcare facilities, such as patient diagnostics, medical records, medical bills, and personnel management. Additionally, the Ministry developed the Indonesia Health Facility Finder (iHeff), a mobile-based application to help citizens easily find the closest healthcare facility within a three-kilometre radius.³

However, these applications have not eliminated challenges for healthcare access. According to the government, healthcare facilities reject patients over the unavailability of beds, medical professionals, drugs, and other services.⁴ The Ministry, meanwhile, does not have accurate data to hold healthcare facilities accountable should they reject patients on unjustified grounds. Through this commitment, the government aims to open information on available facility services. Citizens can then verify claims made by healthcare facilities regarding service unavailability. This problem has also gotten the attention of the Ombudsman⁵ who has gone on the record to acknowledge disputes between healthcare facilities and the government's healthcare insurance program.

The commitment does not provide any mechanism to hold healthcare facilities accountable for improperly refusing services. As such, it remains unclear how this commitment will improve healthcare for recipients of the government's health insurance program.

Next Steps

Access to healthcare is a basic need that must be available to all citizens. While this commitment takes concrete steps toward providing reliable information to public, it falls short of addressing the multi-dimensional complexities with the healthcare system in Indonesia. Nonetheless, the government could take the following steps to ensure meaningful impact in implementing this commitment:

- Develop a transparent, clear coordination mechanism between the Ministry of Health, the BPJS Kesehatan, and healthcare facilities to ensure an accurate and reliable data portal of health service availability; and
- Incorporate a feature on the iHeff application that would enable citizens to submit feedback, including complaints when healthcare facilities refuse to provide services despite having the resources.

¹ Aditya Widya Putri, "Masalah Akut Sistem Rujukan dan Pembayaran BPJS Kesehatan" (Tirto, 28 Sept. 2018), <https://tirto.id/masalah-akut-sistem-rujukan-dan-pembayaran-bpjs-kesehatan-c26x>.

² Social Security Agency for Health, "BPJS Kesehatan Pentingkan Kualitas Faskes Tingkat Pertama" (2015), <http://bpjs-kesehatan.go.id/BPJS/index.php/post/read/2015/3/14/BPJS-Kesehatan-Pentingkan-Kualitas-Faskes-Tingkat-Pertama>.

³ Ministry of Health, "Kemenkes Luncurkan 4 Aplikasi Bidang Kesehatan" (2018), <http://www.depkes.go.id/article/view/18110900004/kemenkes-luncurkan-4-aplikasi-bidang-kesehatan.html>.

⁴ Tities Eka Agustine (OGI National Secretariat), interview by IRM researcher, 18 Mar. 2019.

⁵ Yunita Amalia & Henny Rachma Sari, "Dalih Rumah Sakit Sering Tolak Pasien Peserta BPJS" (Merdeka, 2017), <https://www.merdeka.com/peristiwa/dalih-rumah-sakit-sering-tolak-pasien-peserta-bpjs.html>.

9. Implementation of Minister of Administrative and Bureaucratic Reform Regulation Number 16/2017 on Guidelines on Public Consultation Forum Indonesian Government

Language of the commitment as it appears in the action plan:

Public Consultation Forum commitment appears twice in Open Government National Action Plan. In National Action Plan 2018–2020, Public Consultation Forum will focus on the socialization specifically in ministries and institutions level, along with registering government institutions which had already implemented Public Forum.

Public Consultation Forum should be done with face to face interaction such as joint meeting, focus group discussion, public hearing, academic workshop, and development planning conference. It also can be done indirectly by radio communication, a talk show on television, social media, online application, and survey and complaint channel. The list of stakeholders can be involved are media, the private sector, woman organization, civil society organization, and many more. As pilot projects of Public Consultation Forum, it will be focused on three sectors: Education, Health, and Poverty Eradication.

Milestones:

1. The socialization of Public Consultation Forum to 90 national and regional government institutions.
2. The development of the database to support the monitoring and evaluation of Public Consultation Forum.
3. The availability of three pilot projects on Public Consultation Forum in government institution specifically in Ministry of Education and Culture, Ministry of Health, and Ministry of Social Affairs.

Start Date: January 2019

End Date: December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
9. Implementation of Minister of Administrative and Bureaucratic Reform Regulation Number 16/2017 on Guidelines on Public Consultation Forum Indonesian Government		✓		✓					✓				Assessed at the end of action plan cycle.	Assessed at the end of action plan cycle.					

Context and Objectives

Laws No. 25/2004 on National Development Planning System¹ and No. 25/2009 on Public Services² mandate public participation in public service delivery. Additionally, the Ministry of Administrative and Bureaucratic Reform issued Ministerial Regulation No. 16/2017 on Public Consultation Forum for the Delivery of Public Service³ to establish a standard mechanism for public participation across government institutions and Ministerial Circular No. 56/2017 on the Formation of Public Consultation Forum for the Delivery of Public Service⁴ to reiterate the need for all government institutions, national and local, to incorporate public consultations in providing public services.

Similar to the prior plan's commitment on public consultation forums, this commitment encourages government institutions to conduct public forums when delivering public services. The objective of this commitment is for the Ministry of Administrative and Bureaucratic Reform to promote a public consultation forum mechanism to a total of 90 government institutions at both the national and local level, to develop a database to monitor and evaluate its implementation across government institutions, and to facilitate three pilot projects with the Ministry of Education and Culture, the Ministry of Health, and the Ministry of Social Affairs. The government noted that the socialization process is carried out to target government agencies gradually in three geographical divisions: western, central, and eastern regions. The government sets two basic rules for these forums: (a) focus on generating solutions for particular problems and (b) signing of a mutual commitment between the institution and the forum to follow up on the suggested plan of action. Additionally, implementation of these forums by government ministries/agencies as well as local governments will be included as a factor in the performance evaluation conducted by the Ministry for its public service index.

As indicated in the previous IRM report,⁵ public consultation forums are already a common practice across government institutions. In terms of regulation, the Ministry has set a mechanism that includes a set of possible format of the forum as well as the manners in which each institution has to report the results of the public consultation forums for evaluation purposes to the Ministry⁶. These reports will then be used to formulate improvement to existing policies. However, there is inconsistency in terms of what has been communicated to local stakeholders, such as in a socialization activity for local governments on 20 April 2017⁷ where local government stakeholders noted that they have already been implementing consultation forums across different sectors of public service. In response to this, the Ministry encouraged them to continue as is without suggesting any changes that would standardize the implementation.

A representative from YAPPIKA-ActionAid, a CSO that focuses on monitoring public service delivery, confirmed that public consultation is common in government at all levels.⁸ Many institutions conduct consultations to hear public needs for public service delivery although they are often called different names. Village governments, for example, organize village forums (Musdes) and village development planning forums (Musrenbangdes) in developing annual work and budget plans. The IRM researcher also found established forums among other government entities, such as water resource public consultation meetings with the Ministry of Housing and Public Works,⁹ and the "Sonjo Pendopo" weekly meeting between citizens and the Regent of Trenggalek in East Java.¹⁰

Given the different manifestations of public consultation, YAPPIKA-ActionAid therefore emphasized that the necessity is for the government to establish a clear and standardized mechanism for public consultation forums in accordance with the best practices.¹¹ The commitment further aims to establish a database of government institutions with public consultation forum activities and facilitate a pilot project for public consultation forum in three ministries. By developing the database, the Ministry hopes to actively monitor and evaluate public consultation forum implementation.

Next Steps

The public consultation forum is not an uncommon practice for government institutions in Indonesia. This commitment however does not go beyond existing measures. The commitment's

milestones focus on promotional activities despite evidence indicating the practice is already widespread across government, albeit using different names and mechanisms.

To improve public services by engaging citizens through public forums, the Ministry should consider action in these two areas:

- Closely monitor and facilitate the implementation of public consultation forums that are compliant with the mechanisms set by the corresponding Ministerial Regulation; and
- Create a regulation that requires government institutions to provide reasoned response as a follow-up to citizen input received during forums. The Ministry of Administrative and Bureaucratic Reform can factor this into the overall evaluation of public service delivery by government institutions.

¹ Government of Indonesia, “Undang-Undang No. 25/2004 tentang Sistem Perencanaan Pembangunan Nasional” (2004), <https://kemenag.go.id/file/dokumen/UU252004.pdf>.

² Government of Indonesia, “Undang-Undang No. 25/2009 tentang Pelayanan Publik” (2009), <http://pelayanan.jakarta.go.id/download/regulasi/undang-undang-nomor-25-tahun-2009-tentang-pelayanan-publik.pdf>.

³ Ministry of Administrative and Bureaucratic Reform, “Peraturan Menteri No. 16/2017 tentang Pedoman Penyelenggaraan Forum Konsultasi Publik di Lingkungan Unit Penyelenggara Pelayanan Publik” (2017), https://jdih.menpan.go.id/data_puu/16%20final.pdf.

⁴ Ministry of Administrative and Bureaucratic Reform, “Surat Edaran No. 56/2017 tentang Pembentukan Forum Konsultasi Publik dalam Rangka Penyelenggaraan Pelayanan Publik” (2017), https://drive.google.com/file/d/1HsVfPbaFZ0B0qu7vuXVrbe0qYhxM34K_/view.

⁵ Open Government Partnership, “Independent Reporting Mechanism (IRM) Indonesia End-of-Term Report 2016–2017” (2019), https://www.opengovpartnership.org/wp-content/uploads/2019/08/Indonesia_End-of-Term_Report_2016-2017_EN.pdf.

⁶ Ministry of Administrative and Bureaucratic Reform, “Peraturan Menteri No. 16/2017.”

⁷ Ministry of Administrative and Bureaucratic Reform, “Laporan Penyelenggaraan Rapat Sosialisasi Forum Konsultasi Publik Nasional 20 April Tahun 2017” (2017), 3–5, https://drive.google.com/file/d/1NF-02cPVNcSTUxG_852y_mwbPwxCqTf0/view.

⁸ Hendrik Rosdinar (YAPPIKA-ActionAid), interview by IRM researcher, 9 Mar. 2019.

⁹ Ministry of Housing and Public Works, “PKM” (accessed 27 Jun. 2019), <http://sda.pu.go.id/bbwsbengawansolo/portal/index.php/tag/pkm/>.

¹⁰ Bramanta Pamungkas, “Sonjo Pendopo, Ajang Pertemuan Masyarakat dengan Bupati Trenggalek” (Jatim Now, 2019), <https://jatimnow.com/baca-16990-sonjo-pendopo-ajang-pertemuan-masyarakat-dengan-bupati-trenggalek>.

¹¹ Hendrik Rosdinar (YAPPIKA-ActionAid), interview by IRM researcher, 9 Mar. 2019.

10. Quality Improvement on Public Service Complaints Resolution through LAPOR!-SP4N

Language of the commitment as it appears in the action plan:

Increasing the numbers of reports and the quality of resolution on Public Service Complaints through LAPOR!-SP4N. The increasing is marked by more public institutions are connected with LAPOR! and LAPOR!-SP4N supervision is categorized as good.

Milestones:

1. Increase LAPOR!-SP4N penetration in government institutions (target 500 institutions)
2. The complaint reports through LAPOR!-SP4N have been followed up (target increased by 25%)
3. Improvement of LAPOR management performance by government institutions (target increased by 15%)

Start Date: January 2019

End Date: December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
10. Quality Improvement on Public Service Complaints Resolution through LAPOR!-SP4N		✓		✓	✓	✓				✓	Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Multiple commitments in Indonesia's fourth action plan helped ensure the integration of LAPOR! and the National Public Service Complaints Management System (SP4N) into LAPOR!-SP4N. Through those commitments, administration of the LAPOR!-SP4N system was transferred from the President's Executive Office to the Ministry of Administrative and Bureaucratic Reform. The system saw continued increase in total complaints received and registered users.

During the consultation process,¹ the government identified several challenges to the continued development of LAPOR!-SP4N. All 34 ministries, 97 non-structural institutions, and 302 local governments have been connected to the LAPOR!-SP4N system.² However, only 50% comply with standard procedures and consistently respond to complaints.³ At the same time, LAPOR!-SP4N has continued to see an increase in the number of users and received complaints, 686,840 and 1,228,416 respectively by the end of 2017.⁴ Nonetheless, relative to the 143.26 million people with internet access (54.68% of the total population),⁵ LAPOR!-SP4N's penetration among the public is still marginal.

The government also does not have any existing standards that outline how government institutions respond to public complaints. As a result, the government has been inconsistent in

responding to public complaints. YAPPIKA-ActionAid, a CSO who co-created this commitment, also noted regression in the performance of LAPOR!-SP4N following the transfer of its management from the President's Executive Office to the Ministry of Administrative and Bureaucratic Reform.⁶ Problems included the Ministry's lack of capacity in managing public complaints, inadequate infrastructure, and unclear regulations.

Through this commitment, the government aims to integrate 500 additional government institutions into LAPOR!-SP4N, increase higher complaint-response rates by 25%, and enhance the compliance of government institutions with LAPOR!-SP4N standards by 15%. This commitment will encourage more citizens to use LAPOR!-SP4N in monitoring public services and improve government's responsiveness toward public complaints.

To achieve these objectives, the Ministry of Administrative and Bureaucratic Reform will collaborate with the President's Executive Office and the Ombudsman's office to develop a standard procedure for complaint management. This follows recommendations in a previous IRM report⁷ highlighting the need for a clear response procedure. To strengthen the capacity and accountability of government institutions in managing complaints, the three offices will form a joint task force to provide technical assistance for ministries, institutions, state-owned enterprises, and local governments.

To further ensure that public complaints effect improved public service delivery, this commitment will establish a strategic forum of government and civil society stakeholders. The forum will evaluate the quality of public service delivery by assessing public complaints and providing data to citizens that can be used to develop better policies. Additionally, as also recommended in the previous IRM report, the government will incorporate a new feature for citizens to evaluate government's response to their complaints in the form of a satisfaction rating system.

An aspect that was neglected during development of this commitment was the management of public information requests filed by citizens through the LAPOR!-SP4N system. As of December 2017, LAPOR!-SP4N has received a total of 145,573 public information requests,⁸ second only to service complaints among all categories of complaints in the system. In response to this, YAPPIKA-ActionAid expressed concerns over the Ministry's lack of engagement with the Central Information Commission.⁹ As the independent authority responsible to ensure compliance with the Information Disclosure Law, the Information Commission could play a pivotal role in ushering improved access to information for citizens related to public service complaints. The Information Commission has also expressed concerns over the government's lack of engagement with the Commission in resolving information requests on the LAPOR!-SP4N system.¹⁰

The scope of this commitment reaches multiple stages of the government's management of complaints. For citizens, there will be a clear mechanism to help them understand how the government responds to their complaints. For government institutions, there will be a clear procedure to respond better to public complaints and to take appropriate actions in response. This will represent a major improvement as there is currently no standard procedure governing how the LAPOR!-SP4N team must manage complaints and what constitutes a "resolved" complaint. At the end of the process, these data will also be used to influence the government's policies. Overall, if implemented properly, this commitment could transform the way that citizens are able to hold government accountable and effect policy changes.

According to YAPPIKA-ActionAid,¹¹ LAPOR!-SP4N is flawed in that it does not require government institutions to provide evidence on how they responded to and resolved a complaint. Government institution may mark a complaint as "resolved" as long as they have provided a response to the complaint. Therefore, this commitment to create a clearer mechanism to resolve complaints submitted to the LAPOR!-SP4N system could create a transformative change in its process.

Next Steps

To improve the quality of complaint-management through LAPOR!-SP4N, the government should:

- Coordinate between the Ministry of Administrative and Bureaucratic Reform, the President's Executive Office, and the Ombudsman's office, as well as civil society, to closely monitor the implementation of this commitment;
- Engage the Information Commission in ensuring transparency of the complaint-management process pursuant to the Public Information Service Law;
- Collect feedback from government institutions and citizens to identify the challenges that both government and citizens experience in using LAPOR!-SP4N;
- Develop a standard procedure and detailed complaint-management guidelines for government institutions to respond to public complaints; and
- Develop a comprehensive strategy with civil society to raise awareness of LAPOR!-SP4N among the public to encourage greater use of the system in monitoring public service delivery.

¹ Open Government Indonesia National Secretariat, "Pembahasan Rencana Aksi Keterbukaan Pemerintah 2018–2020: Peningkatan Kualitas Penyelesaian Pengaduan Pelayanan Publik dalam LAPOR!-SP4N" (2018), <https://drive.bappenas.go.id/owncloud/index.php/s/9EVHNJTsybFPnH9?path=%2FNutulensi%20Pertemuan%20Bilateral#pdfviewer>.

² LAPOR!-SP4N, "Sistem Penanganan Pengaduan Pelayanan Publik Nasional" (2017), <https://drive.google.com/file/d/1Is1jx3RmldZ5LysEv3EjafF0sHMraah/view>.

³ Ibid.

⁴ Ibid.

⁵ Indonesia Internet Service Provider Association, "Penetrasi & Perilaku Pengguna Internet Indonesia 2017" (2017), https://web.kominfo.go.id/sites/default/files/Laporan%20Survei%20APJII_2017_v1.3.pdf.

⁶ Hendrik Rosdinar (YAPPIKA-ActionAid), interview by IRM researcher, 9 Mar. 2019.

⁷ Open Government Partnership, "Independent Reporting Mechanism (IRM) Indonesia Progress Report 2016–2017" (2018), 52, https://www.opengovpartnership.org/wp-content/uploads/2001/01/Indonesia_Mid-Term_Report_2016-2017_EN.pdf.

⁸ LAPOR!-SP4N, "Sistem Penanganan Pengaduan Pelayanan Publik Nasional."

⁹ Rosdinar, interview.

¹⁰ Aditya Nuriya (Central Information Commission), interview by IRM researcher, 11 Mar. 2019.

¹¹ Rosdinar, interview.

11. The Development of Service System on Single Reference Complaint Management and Supervision in Environment and Forestry

Language of the commitment as it appears in the action plan:

There are three complaint portals for environmental issues in MEF. This commitment targets the optimization of the role of LAPOR! by issuing a General Secretary Decree Letter regarding the LAPOR management team within the MEF. In addition, to provide a clear path, in this commitment also issued a Standard Operating Procedure (SOP) of single reference Complaint System in the environmental and forestry area. Moreover, single reference complaint management commitment will ease people to make a complaint. It will also accelerate the management process in handling complaints and cut the coordination process as all directorates could access the report.

Milestones:

1. The issuance of General Secretary Decree Letter regarding the LAPOR management team within the MEF.
2. Formulation of SOP used as a single reference for complaint handling mechanism within MEF.

Start Date: January 2019

End Date: December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
11. The Development of Service System on Single Reference Complaint Management and Supervision in Environment and Forestry		✓			✓			✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Presidential Regulation No. 76/2013 on Public Service Complaints Management¹ mandates the creation of a system for the government to manage public complaints related to public service on a single reference system. Following the integration of LAPOR! and the SP4N, the government integrated complaints management across government institutions (including ministries, non-structural institutions, public universities, state-owned enterprises, and local governments) into the system. However, the government faced obstacles in integrating the complaints management system of the Ministry of Environment and Forestry into the LAPOR!-SP4N system.

A commitment in the previous action plan began integration of the Ministry's complaints management into LAPOR!-SP4N. However, the commitment ultimately failed. In this action plan,

the government hopes to establish a regulation and a standard procedure for the Ministry to manage public complaints related to the environment and forestry sectors received through LAPOR!-SP4N.

According to the Ministry of Administrative and Bureaucratic Reform, the Ministry of Environment and Forestry is already connected to LAPOR!-SP4N.² However, the Ministry has not responded to any complaints on the system. LAPOR!-SP4N reported a total of 509 complaints related to environment and forestry; none of which were addressed by the Ministry of Environment and Forestry.

The main problem causing inaction from the Ministry of Environment and Forestry is a lack of regulation within the Ministry. Aside from LAPOR!, the Ministry has already been operating multiple complaints systems independently, such as Gakum for complaints related to suspected illegal activities and PPSA for administrative violations.³ The Ministry also has different regulations specific to complaints management for different directorates within its organization. As a result, complaints management within the Ministry does not conform to a single standard procedure and mechanism.

With this commitment, the government hopes to integrate the Ministry of Environment and Forestry's independent complaints system into the LAPOR!-SP4N system. The government aims to establish a single reference procedure for all government institutions and eliminate confusion among citizens and inconsistency in government practice. To achieve these objectives, the Ministry of Environment and Forestry will appoint an official, via decree, within the Ministry to be responsible for complaints related to the Ministry's function on LAPOR!-SP4N. Additionally, the Ministry will develop a standard procedure to ensure that complaints management within the Ministry adheres to the same mechanism as other government institutions integrated to LAPOR!-SP4N.

This commitment carries minor potential impact to change government practice. In the previous IRM report,⁴ findings suggested that complaints received through the Ministry's Gakum system are different in nature because they focus on improving law enforcement's ability to protect the environment and forest resources. Therefore, complaints received through the Gakum system require immediate response that may not be met by using the LAPOR!-SP4N system. Regardless, the development of a regulation within the Ministry to establish clear procedures in managing complaints received through LAPOR! could potentially improve the Ministry's ability in responding to public inquiries.

Next Steps

In implementing this commitment, the government should:

- Develop a clear procedure for units within the Ministry of Environment and Forestry to follow in responding to public complaints received through LAPOR!-SP4N; and
- Establish a government-CSO mechanism to monitor the effectiveness of government's response to public complaints in the environment and forestry sectors.

¹ Government of Indonesia, "Peraturan Presiden Nomor 76/2013 tentang Pengelolaan Pengaduan Pelayanan Publik" (2013), <https://peraturan.bpk.go.id/Home/Details/41445/perpres-no-76-tahun-2013>.

² OGI National Secretariat, "Notulensi Pengaduan KLHK" (2018), drive.bappenas.go.id/owncloud/index.php/s/9EVHJNjTsybFPnH9?path=%2FNotulensi%20Pertemuan%20Bilateral.

³ Ibid.

⁴ Open Government Partnership, "Independent Reporting Mechanism (IRM) Indonesia Progress Report 2016–2017" (2018), 57–58, https://www.opengovpartnership.org/wp-content/uploads/2001/01/Indonesia_Mid-Term_Report_2016-2017_EN.pdf.

12. The Enhancement of Transparency and Participation on Government Procurement

Language of the commitment as it appears in the action plan:

The government recently issued a Presidential Regulation Number 16/2018 on Public Procurement which focuses on accelerating the easiness of the procurement process. The regulation mandate procurement system integration which consists of planning program process, budgeting, up to monitoring and evaluation. The system is called the Electronic Procurement System (EPS).

However, based on the regulation, there was no procurement document available to be published. Therefore, Open Government National Action Plan 2019–2020 will set a target for NPPA and KIP to release policy (regulation and decree) related to document list which can be accessed by the public.

Furthermore, to strengthen the monitoring system mandated by the regulation, NPPA should add monitoring component to the procurement of goods and services by involving civil society.

Milestones:

National Public Procurement Agency (NPPA)

1. The availability of Head of Institution Decree on information disclosure about government procurement which can be accessed by the public.
2. The utilization of Electronic Procurement System in all government procurement (Planning, Procurement Preparation, Election Preparation, Election, Contract Implementation, Commencement) in government institutions.
3. Workshop on Public Procurement Monitoring for civil society organizations in the national or regional level.

Central Information Commission

1. Public consultation to acquire people's response to public information disclosure referring to public information disclosure.
2. The availability of Information Commission Regulations on information disclosure about government procurement referring to the regulation issued by NPPA.

Start Date: January 2019

End Date: December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
12. The Enhancement of Transparency and Participation on Government Procurement		✓	✓	✓		✓				✓				Assessed at the end of action plan cycle.	Assessed at the end of action plan cycle.				

Context and Objectives

According to the Minister of Finance, Sri Mulyani, procurement of goods and services accounted for around 524 trillion rupiah (36.8 billion USD) or 36% of Indonesia's 2018 national budget.¹ The National Public Procurement Agency (LKPP) reported that the government suffers an average 15 billion USD² deficit every year due to a weak procurement process, including a lack of transparency.

In 2016, Web Foundation's Open Data Lab Jakarta released a report that looked into Indonesia's procurement transparency with support from Hivos. Findings in the report suggested that the procurement process lacked transparency across all six stages: planning, announcement, selection, awarding, performance, and termination.³ While the government has taken steps to increase transparency in the procurement process, the report found that most procurement documents are not available online,⁴ particularly in the critical stages of performance and termination.

The government has not been oblivious to this situation. Most recently, the government issued a new Presidential Regulation on Government Procurement of Goods and Services⁵ in March 2018. This new regulation mandates the integration of the complex layers of procurement system that is available on the government's electronic procurement system (SPSE) lpse.lkpp.go.id. The system was established in 2008 and has been adopted by public institutions across Indonesia, though the extent of its utilization varies throughout the stages of procurement process: planning, preparation, open call for proposals, proposal selection, contracting, and implementation.

According to Arif Adi Kuswardono, one of the Information Commissioners at the Central Information Commission (KIP), the problem is that the LKPP does not have a standardized information disclosure policy.⁶ This leads to inconsistent practices and confusion among citizens as to what procurement information is publicly available. To address this, the KIP believes that the LKPP should refer to the KIP's Public Information Service Standards Regulation rather than creating a new regulation.⁷ However, the LKPP would also need to develop an updated Public Information List (DIP) on the procurement process. This would clarify which procurement information is classified as open by default and which is privileged and therefore requires a formal public information request to be disclosed.

In doing so, the KIP will conduct public consultations to identify the areas where public access to procurement information is most needed. Public input from these consultations will help the KIP and also the LKPP in classifying procurement information as either open by default or privileged. This would in turn provide the KIP with a clear legal basis in adjudicating public information requests. According to one of the KIP Commissioners,⁸ unclear procurement information disclosure policy has resulted in contradictory public information request verdicts between the KIP and the state administrative court (PTUN).

Meanwhile, the KPK also pointed out that while transparency is an important aspect of the procurement process, the government must also focus on safeguarding the integrity of the procurement system from human and technical errors.⁹ In a 2015 report highlighting corruption in government procurement,¹⁰ the KPK expressed concerns over the electronic procurement portal's frequent system maintenance which often limited potential bidders from participating in a fair bidding process. The report showed that 138 out of the 454 corruption cases prosecuted by the KPK between 2004 and 2015 were related to procurement fraud, second only to bribery cases.¹¹ This figure indicated that in spite of the government's efforts to improve the integrity of the procurement process, it remains one of the most vulnerable areas to corruption in government practice. Given these findings, it is also important to note that despite its crucial role in tackling corruption in public procurement, the KPK was not involved in any capacity during the development of this commitment.¹²

Collaboration between the KIP and the LKPP in this commitment carries moderate potential impact to improve transparency in government procurement. By opening up public access to procurement information, the government is adding an extra layer of scrutiny to monitor the procurement process. However, as the KPK pointed out, improving transparency alone will not

reform government procurement without improvements in safeguarding the integrity of the electronic procurement system.

Next Steps

Considering the magnitude of the problem, commitments improving the procurement process should be prioritized for inclusion in future action plans. Within the scope of this commitment, the government should focus on the following:

- Involve the KPK and relevant CSOs such as Transparency International (TI) Indonesia and the Indonesia Corruption Watch (ICW) in developing the new procurement information disclosure regulations;
- Conduct awareness-raising initiatives to educate citizens of their important role in monitoring the government procurement process; and
- Establish a clear mechanism for intragovernmental coordination between the LKPP as the procurement authority, the KIP as the information disclosure authority, and the KPK as the relevant law enforcement authority in combating fraudulent procurement practices.

¹ Hendra Kusuma, "Sri Mulyani Cerita Pentingnya Pengadaan Barang dan Jasa bagi APBN" (Detik Finance, 2018), <https://finance.detik.com/berita-ekonomi-bisnis/d-4087734/sri-mulyani-cerita-pentingnya-pengadaan-barang-dan-jasa-bagi-apbn>.

² Open Government Indonesia National Secretariat, "Indonesia OGP National Action Plan 2018–2020" (2018), 41, https://www.opengovpartnership.org/wp-content/uploads/2019/01/Indonesia_Action-Plan_2018-2020.pdf.

³ Web Foundation's Open Data Lab Jakarta, "How Can Indonesia Achieve a More Transparent Procurement Regime? Open Contracting and the Future of Indonesia's Procurement System" (2016), 5–6, <http://labs.webfoundation.org/wp-content/uploads/2016/04/OCDs-Indonesia-Research-Note.pdf>.

⁴ Ibid., 7.

⁵ Government of Indonesia, "Peraturan Presiden No. 16/2018 tentang Pengadaan Barang/Jasa Pemerintah" (2018), <https://jdih.lkpp.go.id/regulation/1001/peraturan-presiden-nomor-16-tahun-2018>.

⁶ Arif Adi Kuswardono (Central Information Commission), interview by IRM researcher, 11 Mar. 2019.

⁷ Aditya Nuriya (Central Information Commission), interview by IRM researcher, 11 Mar. 2019.

⁸ Kuswardono, interview.

⁹ Putri Rahayu (Corruption Eradication Commission), interview by IRM researcher, 11 Mar. 2019.

¹⁰ Corruption Eradication Commission, "Kajian Pencegahan Korupsi pada Pengadaan Barang dan Jasa Pemerintah" (2015), <https://acch.kpk.go.id/id/berkas/litbang/kajian-pencegahan-korupsi-pada-pengadaan-barang-dan-jasa-pemerintah>.

¹¹ Ibid., 8–9.

¹² Rahayu, interview.

13. Strengthening Public Information Disclosure Based on One Data Indonesia Principles

Language of the commitment as it appears in the action plan:

The commitment aims to assist the digitalization of public information request by developing data request system through LAPOR! portal. Currently, LAPOR! has been used by 34 ministries and 303 local governments. So, this additional feature will simplify the process of requesting data and information. It will integrate LAPOR! with IDMO administrator in public institutions by One Data Indonesia principles. Furthermore, an integrated system through LAPOR! will facilitate people to easily propose the needed data to be published by the government.

The intended principles of One Data Indonesia are the data appliance in the same basic standards such as concept, definition, classification, measurement, unit, an assumption. Moreover, the data will have raw metadata in which the information will describe, explain, place, or facilitate the data search, use, and management.

To encourage the commitment, there should be a revised regulation of Information Commission Regulation Number 1/2010 on Public Information Service Standard. Furthermore, socialization is also needed to introduce standards and the principles of One Data Indonesia to both government and civil society.

Milestones:

1. The implementation of Public Institutions Rating by provincial Information Commission with One Data Indonesia principles as additional indicators.
2. Enabling Public Information Service request through LAPOR! (this feature to be available and served by selected cities/districts in 5 provinces).
3. The revision of Information Commission Regulation No. 1/2010 to support digital/electronic Public Information Service.

Start Date: January 2019

End Date: December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
13. Strengthening Public Information Disclosure Based on One Data Indonesia Principles		✓	✓			✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Public information disclosure is mandated by Law No. 14/2008.¹ Nationally, the Central Information Commission (KIP) is responsible for presiding over information disclosure disputes and ensuring the creation of information service desks (PPID) in all public institutions.

To assess compliance of public institutions with the Information Disclosure Law, the KIP publishes annual reports. The reports rate public institutions on a scale of “Not Informative,” “Insufficiently Informative,” “Sufficiently Informative,” “Towards Informative,” and “Informative.” In the 2018 report, however, only 15 out of 460 public institutions achieved the “Informative.”² While the report did not disclose its full methodology, it did outline several indicators:³

- Development of an information service desk website;
- Disclosure of public information that is included in the Public Information List (DIP);
- Public information service and delivery;
- Overall commitment, coordination, innovation, and implementation of public information disclosure;

Arif Adi Kuswardono, who is one of the seven Information Commissioners serving for the 2017–2021 term, admitted that the KIP does not have access to independent and up-to-date data of public institutions’ compliance.⁴ Therefore, the rating system relies mostly on self-assessments conducted through a set of questionnaires,⁵ which makes it difficult for the KIP to hold these offices accountable. Through this commitment, the KIP will develop a new assessment methodology that incorporates the principles of One Data Indonesia: one data standard, one standard metadata, and data interoperability.⁶ By doing so, the KIP hopes to provide a more accurate report of public institutions’ compliance with the Information Disclosure Law.

By enabling the public to file information requests through the LAPOR!-SP4N system, the KIP hopes to gain more information to assess and monitor information disclosure compliance across all public institutions. Based on a report published at the end of 2017, all ministries and a total of 302 local governments have already been integrated to LAPOR!-SP4N with a total of 145,573 information requests received through its system.⁷ However, the KIP does not have direct access to monitor how the information service desk (PPID) of an institution responds to these information requests. This commitment, therefore, will establish a procedure for the KIP to monitor PPIDs’ responses to information requests to improve compliance with the Public Information Disclosure Law.

In order to best use LAPOR!-SP4N to monitor information disclosure compliance, the KIP needs to revise Information Commission Regulation No. 1/2010 on Public Information Service Standards.⁸ For this commitment, the KIP will collaborate with LAPOR!-SP4N to monitor information requests received in five provinces as a pilot project. Furthermore, the KIP also plans to incorporate their Information Disclosure Index, which assesses the compliance of public institutions in disclosing information included in their Public Information List (DIP), into the Information Commission’s monitoring system that evaluates the overall level of public institutions’ compliance with the Public Information Disclosure Law.⁹

Overall, this commitment carries moderate potential impact. While the utilization of LAPOR!-SP4N may help the KIP in collecting more data on information disclosure compliance, the KIP still needs to coordinate with all PPIDs to gather definitive data. Findings in previous IRM reports¹⁰ have also indicated that LAPOR!-SP4N lacks a standard procedure in ensuring proper complaints resolution, which results in a high number of “resolved” complaints despite inaction from relevant authorities. Additionally, the government’s failure to sign into effect the Presidential Regulation on One Data, which has been tabled for years, presents another layer of challenges for the KIP to achieve the desired outcome of this commitment.

Next Steps

In implementing this commitment, the KIP should take the following steps:

- Given the narrow scope of this commitment’s pilot project—only covering five out of 34 provinces—the KIP could plan on how to replicate improvements in the Public Institutions Rating in other provinces, including at the national government level;
- Establish a clear procedure for all PPIDs to regularly report their management of information requests to the KIP;

- Develop a methodology that complies with the One Data principles in reconfiguring the information disclosure compliance rating system. This new methodology must focus more on evidence-based assessments of public institutions' accountability in managing information requests; and
- Collaborate with the LAPOR!-SP4N team to develop a clear follow-up mechanism for information requests and closely monitor how PPIDs respond to online information requests. The KIP could also consider revising the existing regulation on public information service standards to mandate public institutions conduct independent accountability reporting on an annual basis.

¹ Government of Indonesia, “Undang-Undang No. 14/2008 tentang Keterbukaan Informasi Publik” (2008), <http://dpr.go.id/doksetjen/dokumen/-Regulasi-UU-No.-14-Tahun-2008-Tentang-Keterbukaan-Informasi-Publik-1552380453.pdf>.

² Central Information Commission, “Hasil Pemeringkatan Keterbukaan Informasi di Badan Publik 2014” (2014), 3–4, <https://komisiinformasi.go.id/?portfolio=laporan-hasil-pemeringkatan-2014>.

³ Ibid.

⁴ Arif Adi Kuswardono (Central Information Commission), interview by IRM researcher, 11 Mar. 2019.

⁵ Central Information Commission, “Hasil Pemeringkatan Keterbukaan Informasi.”

⁶ Open Government Indonesia National Secretariat, “Sosialisasi Rancangan Peraturan Presiden tentang Satu Data Indonesia” (2017), <https://ogi.bappenas.go.id/news/223/sosialisasi-rancangan-peraturan-presiden-tentang-satu-data-indonesia>.

⁷ LAPOR!-SP4N, “Sistem Pengelolaan Pengaduan Pelayanan Publik Nasional” (2017), <https://drive.google.com/file/d/11s1jx3RmldZ5LysEv3EjafIF0sHMraah/view>.

⁸ Central Information Commission, “Peraturan Komisi Informasi No. 1/2010 tentang Standar Layanan Informasi Publik” (2010), <https://komisiinformasi.go.id/?portfolio=peraturan-komisi-informasi-no-1-tahun-2010>.

⁹ Aditya Nuriya (Central Information Commission), interview by IRM researcher, 11 Mar. 2019.

¹⁰ Open Government Partnership, “Independent Reporting Mechanism (IRM) Indonesia End-of-Term Report 2016–2017” (2019), https://www.opengovpartnership.org/wp-content/uploads/2019/08/Indonesia_End-of-Term_Report_2016-2017_EN.pdf.

14. The Expansion and Increase in Quantity and Quality of Legal Aid Services

Language of the commitment as it appears in the action plan:

The commitment to nurturing legal aid access for the community is encouraged through two aspects; through policies and also education to the community and LAO. Provision of regulations that guarantee the government to support access to legal aid will provide bases for legal aid organization to be able to provide legal assistance to the community. Furthermore, the education and socialization stages for the law awareness of the community also become one of the points so that the community understand the right to equality before the law. In the end, the goal of this commitment is to be able to improve the quality of legal aid organization services so that people get equal access before the law.

Milestones:

1. Increasing number of 100 legal aid regulations in district/city level.
2. The availability of 21 legal aid regulations at the provincial level.
3. Increasing number of legal aid services recipients (in terms of information, consultation and legal assistance) to 20,000 people.
4. The improvement of the satisfaction index of legal aid services recipients (target 50% quite satisfied or very satisfied).

Start Date: January 2019

End Date: December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
14. The Expansion and Increase in Quantity and Quality of Legal Aid Services	✓				✓			✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The 1945 Constitution of Indonesia guarantees the basic right of all citizens to justice and equality before the law. Law No. 16/2011¹ on Legal Aid reaffirms these rights by mandating the provision of legal aid, especially for those who cannot afford representation. The Law further mandates that legal aid services be provided on the principles of fairness, equality before the law, openness, efficiency, effectiveness, and accountability.² As such, the provision of legal services by legal aid organizations (LBH) must adhere to these principles.

Legal aid services in Indonesia face many challenges, such as disproportion between funding for legal aid organizations and their caseloads, varying legal aid availability across different regions, a lack of awareness about legal aid services, especially in poor communities, and weak institutional capacity of legal aid organizations.³

The process of developing this commitment was largely shaped by civil society, particularly the Tifa Foundation, in response to conversations involving the Indonesian government in improving access to justice in the country.⁴ The focus of this commitment is to gain government pledges to provide more funding for legal aid organizations who provide free legal services.

Objectives of this commitment include more local regulations (Perda) on legal aid services, increasing the number of individuals receiving legal aid services, strengthening the capacity of legal aid organizations to provide legal services, and achieving high satisfaction rates based on the quality of services provided by legal aid organizations.

A 2018 report⁵ from the Indonesia Legal Aid Foundation (YLBHI) noted that the National Law Development Agency (BPHN) has accredited a total of 405 legal aid organizations across 167 cities or regencies in 34 provinces. However, a large average percentage (71%) of poor people⁶ are not aware of legal aid services. This is in line with findings from CSOs who indicated a large gap between the availability and capacity of legal aid organizations to provide legal services.⁷

In the 2019 state budget, the government allocated 53 billion rupiah (3.73 USD) for legal aid services throughout Indonesia, an increase from the previous year's 48 billion rupiah (3.38 USD) allocation.⁸ This was followed by an increase in the number of legal aid organization accreditations from 405 to 524.⁹ The BPHN also monitors the performance of all accredited legal aid organizations through a Legal Aid Performance Index which measures the satisfaction rate of clients.

Despite an increase in funding, the capacity and availability of legal aid organizations still needs to increase significantly in order to guarantee access to legal services for poor citizens. To fill in the gap, this commitment aims to secure commitments from local government leaders in 100 cities or regencies by issuing local regulations on legal aid services. Using these regulations, local governments will have a basis to also allocate a portion of their budget to fund legal aid organizations. Through collaboration with civil society and the formation of community legal centers at the local level by the BPHN, this commitment will also raise public awareness of legal aid services.

Next Steps

Given the scale of the problem that this commitment addresses, the government and civil society are advised to collaborate to determine priority areas. The government plays a pivotal role in funding, monitoring, and raising public awareness of citizens' legal rights, including the availability of legal aid services for those in need. Meanwhile, civil society can help facilitate initiatives and efforts to build the capacity of legal aid organizations to continue increasing available legal aid services throughout the country.

In doing so, the government and civil society should consider the following actions:

- Establish a nationwide network of all legal aid organizations to build capacity;
- Develop a collaborative strategy involving legal aid organizations across the country to raise public awareness of the availability and importance of legal aid services; and
- Improve access to legal aid service information by creating an online platform where citizens can acquire basic legal information on their rights and connect with nearby legal aid organizations.

¹ Government of Indonesia, "Undang-Undang No. 16/2011 tentang Bantuan Hukum" (2011), <https://www.bphn.go.id/data/documents/11uu016.pdf>.

² Ibid.

³ Open Government Indonesia National Secretariat, "Indonesia OGP National Action Plan 2018–2020" (2018), 47, https://www.opengovpartnership.org/wp-content/uploads/2019/01/Indonesia_Action-Plan_2018-2020.pdf.

⁴ Darwanto (MediaLink), interview by IRM researcher, 7 Mar. 2019.

⁵ Indonesia Legal Aid Foundation, Tifa Foundation, Ministry of Home Affairs, and Ministry of Law and Human Rights, "Panduan Penyelenggaraan Bantuan Hukum di Daerah" (2018), <https://yibhi.or.id/bibliografi/panduan-penyelenggaraan-bantuan-hukum-di-daerah>.

⁶ Ibid.

⁷ Darwanto, interview.

⁸ National Law Development Agency, "Perluas Jangkauan, BPHN Loloskan 524 Organisasi Bantuan Hukum" (2019), <https://bphn.go.id/news/2019010413001183/Perluas-Jangkauan-BPHN-Loloskan-524-Organisasi-Bantuan-Hukum>.

⁹ Ministry of Law and Human Rights, "Lembaga/Organisasi Bantuan Hukum yang Lulus Verifikasi dan Akreditasi sebagai Pemberi Bantuan Hukum Periode Tahun 2019 s.d. 2021" (2018), <https://bphn.go.id/news/2019010202381490/LEMBAGAORGANISASI-BANTUAN-HUKUM-YANG-LULUS-VERIFIKASI-DAN-AKREDITASI-SEBAGAI-PEMBERI-BANTUAN-HUKUM-PERIODE-TAHUN-2019-SD-2021>.

Open Parliament Indonesia Commitments

I. Improvement of Data Management and Legislative Information Services

Language of the commitment as it appears in the action plan:

- To increase the data and information speed and quantity of ongoing legislative activities.
- Promoting public participation in legislative activities.

Milestones:

1. Formulation of Assessment Guidelines and Reports.
2. Advocacy of the recruitment of more functional staff members.
3. Capacity building of the Secretary General in the management of data and information.
4. Periodic monitoring and evaluation of publications of the legislative information system.
5. Serial Workshop, public testing, monitoring and evaluation of publications of the legislative information system.
6. Development of Sileg application.
7. Serial Focus Group Discussion (FGD), Workshop, Monitoring and Evaluation.

Start Date: September 2018

End Date: August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Improvement of Data Management and Legislative Information Services	✓	✓	✓			✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The House of Representatives (DPR) or the Parliament of Indonesia has three different functions: legislation, budgeting, and oversight of the government. As the legislative authority, the House incorporates public will into law. However, given Indonesia's archipelagic geography, determining the public will directly from its citizens is challenging for members of Parliament.

With technological advances, communicating with constituents has become easier. Citizens can access public information on Parliament's website at dpr.go.id and learn of legislation being drafted. However, the information on Parliament's website is mostly limited and outdated.¹ It is possible for Parliament to have already concluded legislation before citizens have access to information they need in order to participate in the process. Additionally, Parliament's information disclosure policy does not specifically regulate what legislative information should be made available concurrently with the legislation process.

Opening up public access to information is mandated by Law No. 14/2008 on Public Information Disclosure.² The Law explicitly states that the purpose of disclosing information to the public is important to encourage greater citizen participation in the process of policy-making.

Within Parliament, information disclosure is regulated further by House Regulation No.1/2010 on Information Disclosure.³ The regulation specifies that all information pertaining to the organizational structure, programs, activities and performance, as well as an audited report of the House budget are deemed public information⁴ that must be made available to the public. Exceptions⁵ are made only for sensitive information that (i) may endanger national security, (ii) private information, (iii) confidential information, and (iv) undocumented information. Despite this regulation, Parliament has not consistently provided the most updated and recent public information on its website. Therefore, it has remained difficult for citizens to comprehensively inform themselves of House legislation.

Despite the Law and the House Regulation mandating proper information disclosure, Parliament has never established a clear compliance mechanism. For example, as access to legislative information remains low, citizen participation has also been strictly limited to conventional means, such as in-person participation and mail correspondence.⁶

To overcome this problem, Parliament developed a Legislative Information System (Sileg). It was intended to make it easier for citizens to access up-to-date and comprehensive legislative information. However, Parliament has not maintained the application⁷ and its information is outdated and limited. A representative from the Indonesian Parliamentary Center (IPC)⁸, which helped develop this commitment, stated a main problem was the lack of an enforcement mechanism to ensure Parliament's compliance.

This commitment aims to redesign the Sileg application to better cater to the needs of an open parliamentary process. The current practice within Parliament is to publish legislative information after the legislative process has ended. This prevents the public voice from being considered during the legislative process. Therefore, the application will be designed to specifically ensure that Parliament publishes legislative information during the drafting stage, allowing citizens to access a draft law and form their opinions. The application will have a comment box for citizens to submit feedback directly.

Additionally, this commitment will build capacity of Parliament's secretariat staff in managing legislative information and data. The House Secretariat will conduct routine evaluations to ensure compliance across Parliamentary work units.

Next Steps

This commitment presents equal challenges for both Parliament and citizens. Parliament must improve its information disclosure compliance.

In implementing this commitment, Parliament should focus on the following:

- Develop a clear information disclosure mechanism for all Parliamentary work units and commissions. This includes a clear, standard procedure for all units to follow when producing, developing, and publishing legislative information through the website and Sileg. The mechanism could specify the detailed procedure for how each information is disclosed, the format of documents to be used, a reasonable time gap between the publication of a legislative information and the schedule of subsequent activity relative to that legislation, and the inclusion of a clear narrative of the legislation being drafted; and
- In conjunction with development of the public feedback features on the Sileg application, Parliament can consider establishing a procedure that requires members of Parliament to provide reasoned responses to public comments. Additionally, the application might enable citizens to request feedback on how their opinion was taken into account or incorporated into legislation.

Furthermore, Parliament could also look into opportunities to either improve or integrate the following existing portals to encourage greater citizen participation:

- Parliament’s online public complaints registration and tracking portal (pengaduan.dpr.go.id),
- Parliament’s information service desk (PPID) portal (ppid.dpr.go.id), and
- Parliament’s electronic procurement (LPSE) portal (lpse.dpr.go.id).

¹ Ahmad Hanafi (Indonesian Parliamentary Center), interview by IRM researcher, 8 Mar. 2019.

² Government of Indonesia, “Undang-Undang No. 14/2008 tentang Keterbukaan Informasi Publik” (2008), <http://dpr.go.id/doksetjen/dokumen/-Regulasi-UU-No.-14-Tahun-2008-Tentang-Keterbukaan-Informasi-Publik-1552380453.pdf>.

³ House of Representatives, “Peraturan DPR No. 1/2010 tentang Keterbukaan Informasi Publik di DPR RI” (2010), <http://dpr.go.id/doksetjen/dokumen/-Regulasi-Peraturan-DPR-RI-No.-1-Tahun-2010-Tentang-Keterbukaan-Informasi-Publik-di-DPR-RI-1552380559.pdf>.

⁴ Ibid., 3.

⁵ Ibid., 4.

⁶ Ibid.

⁷ Hanafi, interview.

⁸ Ibid.

2. Promotion of Utilization of Parliamentary Information Technology

Language of the commitment as it appears in the action plan:

- Improving integration of web-based data and information.
- Developing an application to improve services in information and public participation in legislative activities.
- Improving service delivery mechanism in information and public participation of the developed application.
- Developing a specific online application for public participation and information on parliamentary performance.

Milestones:

1. Research Assessment.
2. Website redesign.
3. Public launching of the application.

Start Date: September 2018

End Date: August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2. Promotion of Utilization of Parliamentary Information Technology	✓	✓	✓			✓	✓						Assessed at the end of action plan cycle.	Assessed at the end of action plan cycle.					

Context and Objectives

Parliament comprises a multitude of work units with a variety of functions. In carrying out their functions, each work unit is mandated by the Information Disclosure Law¹ and the House Regulation on Information Disclosure.² Parliament uses tech-enabled platforms such as websites, portals, and mobile-applications to disclose public information.

Parliament's website, dpr.go.id, publishes news, agendas, legislative programs, documentation, Parliament members' profiles, archives, and the recent addition of an Open Parliament section. However, throughout the website, the type and format of published information is inconsistent. According to the Indonesian Parliamentary Center (IPC)³ who co-designed this commitment, this inconsistency hinders citizen access to parliamentary information.

Overall, Parliament's website and other portals indicate an evident commitment to opening public access to information and providing opportunities to participate in the parliamentary process. However, as noted in the action plan, this commitment seeks to assess challenges that prevent citizens from accessing information and participating. Findings from this assessment will be the baseline to redesign the website and portals. While they conducted the assessment, Parliament was not yet able to confirm details for the public participation online application.⁴

This commitment carries minor potential to change parliamentary process. The main issue is that Parliament aims to improve use of these information websites and portals without any clear strategy to raise public awareness of these tools. Nonetheless, by streamlining disclosure mechanisms in the House, this commitment could potentially minimize disinformation of parliamentary processes.

Next Steps

Successful implementation of this commitment relies heavily on the internal process taking place within Parliament. In order to redesign its website for better user experience and easier access, Parliament needs to coordinate information managers across Parliamentary work units. This would minimize the number of duplicate publications from different work units.

Parliament should engage CSOs and think-tanks with parliamentary expertise to assess greater public participation in parliamentary processes. The Indonesian Centre of Law and Policy Studies (PSHK), for example, studied the extent and impact of public participation in parliamentary processes.⁵

While increasing access to information is important, there are other elements to ensuring that public participation in parliamentary processes is meaningful and impactful. Some steps that Parliament should take include:

- Collaborate with CSOs to develop online participation applications using the results from the assessment of current challenges to citizen access and participation in parliamentary processes;
- Expand efforts to promote the use of parliamentary information technology platforms to reach members of the general public; and
- Develop a clear mechanism to build the capacity of information managers across parliamentary work units to ensure compliance with Parliament's information disclosure policy.

¹ Government of Indonesia, "Undang-Undang No. 14/2008 tentang Keterbukaan Informasi Publik" (2008), <http://dpr.go.id/doksetjen/dokumen/-Regulasi-UU-No.-14-Tahun-2008-Tentang-Keterbukaan-Informasi-Publik-1552380453.pdf>.

² House of Representatives, "Peraturan DPR No. 1/2010 tentang Keterbukaan Informasi Publik di DPR RI" (2010), <http://dpr.go.id/doksetjen/dokumen/-Regulasi-Peraturan-DPR-RI-No.-1-Tahun-2010-Tentang-Keterbukaan-Informasi-Publik-di-DPR-RI-1552380559.pdf>.

³ Ahmad Hanafi (Indonesian Parliamentary Center), interview by IRM researcher, 8 Mar. 2019.

⁴ Ibid.

⁵ Ronald Rofiandri, "Memperluas Cakupan Partisipasi dalam Proses Legislasi" (Indonesian Centre of Law and Policy Studies, 2015) <https://pshk.or.id/blog-id/memperluas-cakupan-partisipasi-dalam-proses-legislasi>.

3. Promotion of Public Information Transparency of the Parliament

Language of the commitment as it appears in the action plan:

- Developing infrastructure for parliamentary transparency, in line with the Public Information Transparency Law.
- Increasing the amount of information uploads on the parliamentary website.
- Providing up-to-date minutes of meetings of at least the last 3 working days.
- Improving the delivery of web-based information service (e-PPID).
- Availability of information transparency rating tools for Complementary Organs of the House and Secretary General on a regular basis. This commitment will be demonstrated by the Information and Documentation Management Officials (PPID) collaborating with civil society.

Milestones:

1. Workshop on guidelines on public information management.
2. Development of evaluation tools.
3. Implementation of evaluation tools.
4. Launching of a rating tool.
5. Revision of Regulation of the Indonesian House of Representatives.

Start Date: September 2018

End Date: July 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
3. Promotion of Public Information Transparency of the Parliament	✓	✓	✓			✓							Assessed at the end of action plan cycle.	Assessed at the end of action plan cycle.					

Context and Objectives

Similar to the first two commitments in the open parliament action plan, this commitment also aims to improve public access to information. However, this commitment focuses on strengthening Parliament’s capacity to monitor and evaluate information disclosure within Parliament.

Prior to this commitment, Parliament had initiated efforts to develop an evaluation tool to measure the implementation of information disclosure by its work units. The initiative reached a trial stage, but was never institutionalized. Through this commitment, Parliament hopes to renew development of this tool and institutionalize it as an official mechanism.

The evaluation tool will come with standardized publication guidelines for all Parliamentary information managers. The tool will allow monitoring of meeting minutes to ensure they’re published within a certain period of time following the meeting. By doing this, citizens will have

access to more relevant information. (The current lag between a meeting and its minutes' publication leaves citizens with irrelevant information.)¹

To eliminate the long wait for publication of session and meeting notes, Parliament has been working on implementing a new method for note-taking. This new method allows minutes of meetings to summarize the most relevant information and omit repetitive or redundant details. Trial runs of this method resulted in a massive 2,726% increase in the number of minutes published by the eleven Commissions of the House from 183 briefs in 2016 to 5,171 briefs in 2017.²

Through this commitment, Parliament will implement this same policy across other Parliamentary work units and committees. To add incentive, the guideline will include a reward scheme for work units with the best information disclosure records as determined by the evaluation tool. The evaluation tool will be developed and implemented within the next two years as a peer-review mechanism³ with staff and Parliament members rating the performance of information managers.

By the end of this action plan cycle, the focus of this commitment will be to propose and pass a Revision to the House Regulation on Information Disclosure. With the declaration of the Open Parliament Indonesia initiative, Parliament believes that revising this regulation is imperative.

This commitment carries minor potential impact to improve parliamentary openness. While the activities are mostly internal, the trial runs of publishing briefs instead of verbatim minutes suggest a strong potential to increase the amount of information available for the public. However, the brief format could allow Parliament to omit and self-censor the information released.

Next Steps

Going forward, Parliament should focus on training information managers to comply with the guidelines that will be developed. Since one milestone is to revise the House Regulation on Information Disclosure, Parliament could prioritize the following aspects for inclusion in the revision:

- Update Parliament's Public Information List (DIP). It is important to carefully assess all types of information that are not currently included on the list. An impact assessment on parliamentary information could help ensure that Parliament properly complies with the principles of information disclosure;
- Update regulation around the structure, tasks, and functions of Parliament's PPIDs to reflect recent changes and also to match public demand for making more information available upon request;
- Establish a clear, standardized information management procedure for Parliamentary work units. Standardize the format of documents released to the public; and
- Incorporate public participation in monitoring and evaluating Parliament's information disclosure practice.

¹ Ahmad Hanafi (Indonesian Parliamentary Center), interview by IRM researcher, 8 Mar. 2019.

² Ibid.

³ Ibid.

4. Formulation of the Open Parliament Indonesia Roadmap

Language of the commitment as it appears in the action plan:

Formulating the Open Parliament Indonesia (OPI) Roadmap for the next 5 years. This Roadmap will be used in the formulation of OPI National Action Plan in the future.

Milestones:

1. A baseline survey on constituents.
2. Formulation of the roadmap document.
3. Discussions on Open Parliament Indonesia Roadmap.

Start Date: September 2018

End Date: August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
4. Formulation of the Open Parliament Indonesia Roadmap	✓	✓	✓	✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Commitments included in the open parliament action plan focus heavily on improving parliamentary transparency. This focus on improving information disclosure compliance can be understood by looking at Parliament's record of past transparency.

In 2014, the Central Information Commission (KIP)¹ ranked the House of Representatives twelfth among all public institutions in terms of information disclosure compliance. The report gave the parliament's information disclosure a 65.5% compliance score.² While the KIP did publish subsequent reports after 2014³, none included the House of Representatives in the ranked list.

During an interview with the IRM researcher, the Indonesian Parliamentary Center (IPC) reiterated the need to reform Parliament's information disclosure compliance.⁴ The first three commitments will improve information disclosure compliance within Parliament. This commitment will address the problem at the strategic and policy level. The Open Parliament Indonesia Roadmap will be a key component in the implementation of the open parliament initiative.

The Roadmap will cover a five-year period to align with the government's National Mid-Term Development Plan (RPJMN). It will be the reference strategic document for all programs and activities related to the objective of opening up Parliament. Currently, Parliament has had to resort to research provided by academia and think tanks. To streamline public will and input on improving parliamentary processes, multiple actors will be involved in developing this Roadmap. Additionally, the Roadmap will mandate the incorporation of a public participation element in parliamentary processes.⁵

The formation of the Roadmap will include a public survey. Through this survey, Parliament hopes to gather information on the most urgent needs and demands of the public as well as feedback on how citizens can participate meaningfully in parliamentary processes.⁶ The survey results will factor into the strategic direction of the Roadmap. Afterward, stakeholders involved in parliamentary processes will adopt the Roadmap to develop the strategies relevant to their respective functions. Beyond the survey, however, the scale and scope of the process are still unclear. Therefore, it is difficult to determine if this process will provide an opportunity for public voices from different groups and sectors to be included in the design of the Roadmap.

Next Steps

In implementing this commitment, Parliament could focus on the following aspects:

- Consult the Central Information Commission (KIP) to gather feedback on how Parliament can improve its information disclosure compliance;
- Consult the OGI National Secretariat to learn from its experience on developing the Open Government Indonesia Roadmap; and
- Proactively include voices from the academic community, civil society, government, private sector, and under-represented groups to capture their perspectives on how the Roadmap could contribute to improving the lives of citizens.

¹ Central Information Commission, “Hasil Pemeringkatan Keterbukaan Informasi di Badan Publik 2014” (2014), 12, <https://komisiinformasi.go.id/?portfolio=laporan-hasil-pemeringkatan-2014>.

² Ibid.

³ Central Information Commission, “Hasil Pemeringkatan Keterbukaan Informasi di Badan Publik Publik 2015” (2015), <https://komisiinformasi.go.id/?portfolio=keputusan-tentang-hasil-pemeringkatan-keterbukaan-informasi-publik-tahun-2015>; “Hasil Pemeringkatan Keterbukaan Informasi di Badan Publik 2016” (2016), <https://komisiinformasi.go.id/?portfolio=laporan-hasil-pemeringkatan-2016>; “Hasil Pemeringkatan Keterbukaan Informasi di Badan Publik 2017” (2017), <https://komisiinformasi.go.id/?portfolio=laporan-hasil-pemeringkatan-2017>.

⁴ Ahmad Hanafi (Indonesian Parliamentary Center), interview by IRM researcher, 8 Mar. 2019.

⁵ Ibid.

⁶ Ibid.

5. Establishing the Open Parliament Indonesia Institution

Language of the commitment as it appears in the action plan:

Establishing the Open Parliament Indonesia, which shall include Members of the Indonesian House, as well as representatives from the Secretariat General of the House and civil societies.

Milestones:

1. Formulation of a policy paper on OPI model institution.
2. Formulation of a Decree of the Organizational Structure of Open Parliament Indonesia based on the principles of collaboration and co-creation.
3. Formulation of the OPI implementation mechanism.
4. Monitoring and evaluation.
5. Making reports.

Start Date: September 2018

End Date: June 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5. Establishing the Open Parliament Indonesia Institution	✓		✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The House of Representatives of Indonesia declared the Open Parliament Indonesia (OPI) initiative in August 2018.¹ This marked a major step in furthering interparliamentary cooperation in Indonesia. Before joining the open parliament initiative, the House of Representatives was already active in other international frameworks such as the Inter-Parliamentary Union (IPU) and the Global Organization of Parliamentarians against Corruption (GOPAC).

Shortly following this declaration, Parliament created five open parliament commitments for inclusion in Indonesia's fifth action plan. In this particular commitment, Parliament aims to establish an Open Parliament Indonesia institution to support the implementation of the open parliament initiative.

According to the IPC, an OPI institution is necessary for a variety of reasons:²

- Sustaining open parliament implementation, regardless of transitions in House leadership, through a mechanism that mandates the parliament allocate budget and resources to enact and support open parliament activities;
- Creating an incentive for civil society to participate in open parliament initiatives through a clear mechanism for collaboration between Parliament and civil society; and
- Coordinating the development and implementation of open parliament action plans across Parliamentary work units and civil society representatives.

Before establishing the OPI institution, the House will collaborate with civil society to study open parliament implementation in other countries. In an interview, the IPC explained that Parliament has been exploring several options that can work for an OPI institution. Ideally, the institution would be incorporated as an official work unit within the parliament, such as with the Open Governance Permanent Parliamentary Council³ in Georgia. The OPI institution will then be formalized through a House Regulation. Additionally, the creation of an implementation mechanism could also help establish clear rules of procedure for future open parliament action plans.

This commitment carries moderate potential impact to change the landscape of citizen engagement in parliamentary process as well as establishing a clear avenue for civil society to collaborate with the parliament in achieving open parliament objectives. However, as this would mean establishing an entirely separate process from the existing OGI-coordinated mechanism, OPI would need to start building the open parliament framework in Indonesia from scratch. The 2019 election season could also bring leadership changes that restrict the implementation of this commitment.

Next Steps

Indonesia's participation and leadership in a wide array of international initiatives to open up parliamentary processes indicate Parliament's commitment to abide by global standards of openness and transparency. In November 2018, Deputy Speaker of the House of Representatives for 2014–2019 Fadli Zon met with Anthony Smith, Chief Executive Officer of the Westminster Foundation for Democracy (WFD) at the Indonesian Embassy in London.⁴ In this meeting, WFD reiterated its intention to continue the partnership with the House in improving parliamentary transparency and citizen engagement in Indonesia.

To achieve strong implementation, Parliament must continue to nurture such partnerships. Not only do they provide an opportunity to be part of a global forum working on a similar goal, but Parliament can learn from the best practices and failures that parliaments in other countries have experienced. By doing so, Parliament can ensure an effective and efficient implementation of open parliament in Indonesia.

In implementing this commitment, Parliament should consider the following steps:

- Explore the opportunities to streamline the open parliament process with the OGI National Secretariat by collaborating on the creation of standard references;
- Consult the OGI National Secretariat to learn from its experience in coordinating OGP process as well as in developing the National Strategy for the OGI National Secretariat; and
- Replicate a mechanism similar to OGP's multistakeholder forum to gain and maintain high-level support and engagement for the open parliament initiative.

¹ House of Representatives, "Open Parliament Dekatkan DPR dengan Rakyat" (2018), <http://www.dpr.go.id/berita/detail/id/21853/t/Open+Parliament+Dekatkan+DPR+Dengan+Rakyat>.

² Ahmad Hanafi (Indonesian Parliamentary Center), interview by IRM researcher, 8 Mar. 2019.

³ Parliament of Georgia, "Open Governance Permanent Parliamentary Council" (accessed Mar. 2019), <http://www.parliament.ge/en/saparlamento-saqmianoba/komisiebi-da-sabchoebi-8/ppcotg>.

⁴ Puguh Hariyanto, "DPR RI dan WFD Sepakat Dukung Keterbukaan Parlemen di Level Global" (Sindo News, 17 Nov. 2018), <https://nasional.sindonews.com/read/1355398/12/dpr-ri-dan-wfd-sepakat-dukung-keterbukaan-parlemen-di-level-global-1542384983>.

V. General Recommendations

This section aims to inform development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country or entity and, 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Recommendations

Overall, the OGP process during the development of Indonesia's fifth action plan saw improvement both in government stakeholder representation as well as opportunities for civil society to shape the agenda. Given multiple leadership transitions in key OGP roles within the government before and during the action plan development, the government needs to develop better knowledge management to avoid further setbacks in the future.

Strengthen the multistakeholder forum through a comprehensive government decree

As indicated throughout this report, the multistakeholder forum did not fulfil its role during the action plan development report. While the government institutionalized the forum through a decree, it did not specify anything about the procedure for the forum to fulfil its mandate as the overseeing steering committee of the OGP process in Indonesia.

As the coordinating OGP ministry, the Ministry of National Development Planning needs to showcase a more strategic leadership role in the process. Inclusion of high-government officials should not be treated as mere formality without any subsequent participation. High-level government officials need to actively engage all stakeholders throughout action plan development and implementation process to ensure that commitments are carried out to their full extent and potential. With better high-level government engagement, Indonesia's action plan could increase its level of ambition and impact in improving the lives of citizens.

The Ministry of National Development Planning must collaborate with civil society stakeholders as well other participating government institutions in designing a more inclusive multistakeholder forum. While the current decree includes civil society representatives, only one out of 10 designated with leadership roles in the forum was a civil society representative. Going forward, the composition of the multistakeholder must give government and civil society stakeholders equal representation and roles.

During the action plan's development, the multistakeholder forum only convened twice. In those meetings, civil society representatives sent representatives with decision-making authority. Meanwhile, government stakeholders were mostly represented by staff members. This resulted in a gap between civil society and government in the ability of the forum to make binding decisions. To properly fulfil its mandate, the forum must convene regularly within a clear time frame.

In order for the multistakeholder forum to have real and meaningful engagement in the OGP process, there needs to be a decision-making mechanism established within the forum. The government must also aim to facilitate an open line of direct communication between leadership and members of the multistakeholder forum.

Establish a clear intragovernmental mechanism for coordination throughout action plan development, implementation, and evaluation stages

Multiple government institutions participate in OGP process. At any point during the process, staff assigned to overseeing OGP activities in each institution can change due to restructuring and reassignment. To minimize gaps in coordination between all government institutions, the OGI National Secretariat, with support from the Ministry of National Development Planning, must develop a mechanism for continued coordination throughout all stages of OGP process: development, implementation, and evaluation.

The IRM researcher recommends the following actions to improve intragovernmental coordination:

- Develop an online repository that includes all documents and information on the OGP process in Indonesia dating back to the first action plan. The OGI National Secretariat could take an active role here in curating data and information and making them available for not just government stakeholders, but also the public;
- Develop a strategy with civil society on engaging new stakeholders in the OGP process. For example, the government and civil society could develop a guiding document to help new actors understand the OGP process without holding back the entire process; and
- Develop a mechanism for regular in-person meetings between government stakeholders (e.g., every three months). The OGI National Secretariat could assume the responsibility of scheduling and planning these meetings with different institutions hosting each meeting. This way, other government institutions could have the opportunity to also take ownership of the process rather than just participating in an OGI-led agenda.

Facilitate participation of local government and civil society stakeholders

Across all of Indonesia’s OGP action plans, local government has been consistently included in the design of several commitments. The fourth action plan, particularly, highlighted the role of local government by including commitments from the City Governments of Banda Aceh, Semarang, and the Provincial Government of Jakarta Special Capital Region. These local government commitments also provided an avenue for local civil society groups to actively participate in the OGP process.

In its fifth action plan, however, Indonesia did not create much space for local governments and civil society groups to contribute to the development process. While it is understandable for action plan development to be centralized in Jakarta for cost and time efficiency, the OGI National Secretariat could take a more inclusive approach by enabling remote participation during the action plan meetings and encourage local governments and civil society to participate in online consultations to voice their opinions. This is especially important for commitments addressing local governance.

Include commitments responding to shrinking civic space and public disinformation in the next action plan

The defamation clause included in the ITE Law has resulted in hundreds of prosecutions against critics of power over the past few years. Despite this disturbing trend, Indonesia’s fifth action plan largely ignored civic space. Particularly during election season, discourse on public disinformation requires significant attention. The OGP action plan could be a great platform for both government and civil society leaders to commit to address public disinformation without violating citizens’ civic space in expressing their opinions free from fear of prosecution. CSOs such as the Independent Journalists Alliance (AJI) and the Southeast Asia Freedom of Expression Network (SAFEnet) could support the government in making ambitious commitments in this particular area.

Accelerate the implementation of the Presidential Regulation on One Data Indonesia across all policy sectors

As continuously exemplified throughout Indonesia’s five action plans, data discrepancy is often one of the factors rendering government’s policies ineffective and inefficient. By introducing the principles of the one data standard, the one standard metadata, and data interoperability, the Presidential Regulation on One Data aims to address this discrepancy. However, despite a long, rigorous drafting process, the regulation has not been signed into effect. OGP action plans could be a useful platform to accelerate the implementation of the One Data principles across policy sectors through continued collaboration between government and civil society stakeholders.

Table 5. Five key recommendations

1	Strengthen the multistakeholder forum through a comprehensive government decree
2	Establish a clear intragovernmental mechanism for coordination throughout action plan development, implementation, and evaluation processes
3	Facilitate participation of local government and civil society stakeholders

4	Include commitments responding to shrinking civic space and public disinformation in the next action plan
5	Accelerate the implementation of the Presidential Regulation on One Data Indonesia across all policy sectors

5.2 Response to Previous IRM Key Recommendations

The government addressed all five recommendations in the previous IRM report and integrated three in this action plan. Staff members from the OGI National Secretariat consulted the IRM researcher during action plan development on how the government could improve its OGP process. The process was preceded by discussion between government and civil society on how the action plan could align with the government’s strategic plans. However, participants in the process expressed concern to the IRM researcher during the development of this report over a lack of engagement after the action plan was finalized.

The government institutionalized the multistakeholder forum through a Ministerial Decree with inclusion of high-level representatives from government stakeholders. However, these high-level representatives were largely absent throughout the action plan development. Instead, government stakeholders consisted of mostly staff members. Civil society was consulted on the development of the Decree and had relatively equal representation, but only one civil society representative had a leadership role compared to nine from the government side.

To continue localizing open government in Indonesia, the government and civil society created several commitments in Indonesia’s fifth action plan that focused on opening up government at the local level, such as through transparency of regional education budgets and the regional legislation process. This is in addition to an internal commitment not included in the action plan to work with local governments on a “smart city” initiative.

This action plan also included Indonesia’s first beneficial ownership commitment. However, the commitment was not designed to result in an open beneficial ownership registry. To gain access to this registry, citizens will still need to pay for and file an information request. The government justified this decision as a way to encourage compliance from corporations to voluntarily report their beneficiaries’ information and a lack of clarity on how an open registry benefits the public.

Table 6. Previous IRM report key recommendations

	Recommendation	Responded to?	Integrated into Current Action Plan?
1	Closely follow OGP guidelines for action plan co-creation, development, and monitoring	✓	X
2	Develop a strategy for localizing open government in Indonesia	✓	✓
3	Institutionalize the multistakeholder forum through government decree	✓	✓
4	Include strategic government plans and priorities in the OGP national action plan	✓	✓
5	Create an open online beneficial ownership registry	✓	✓

VI. Methodology and Sources

The IRM reports are written by researchers for each OGP-participating country or entity. All IRM reports undergo quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in Indonesia's OGP repository (or online tracker),¹ website,² findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations. At the beginning of each reporting cycle, IRM staff share a research plan with governments to open a seven-day period of comments or feedback regarding the proposed research approach.

Each IRM researcher carries out stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reserves the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.³

Interviews and Stakeholder Input

To gather information regarding the development process of Indonesia's fifth action plan, the IRM researcher interviewed stakeholders from both government and civil society. Given the large size of ministries, government agencies, and CSOs who participated in the action plan development, the IRM researcher could not interview all individuals, ministries, agencies, and CSOs who participated.

The following table lists all government and civil society stakeholders that were interviewed by the IRM researcher to support the development of this report.

Table 7. Stakeholder interviews

Date	Sources	Areas of Interview
12-02-2019	<p>OGI National Secretariat</p> <ul style="list-style-type: none"> • Tities Eka Agustine, Public Policy Analyst • Austenyta Sola Gracia, Graphic Designer 	Role of the OGI National Secretariat in the action plan development
04-03-2019	<p>OGI National Secretariat</p> <ul style="list-style-type: none"> • Tities Eka Agustine, Public Policy Analyst • Ulfah Fatmala Rizky, Public Policy Analyst • Austenyta Sola Gracia, Graphic Designer 	OGI leadership, status of the multistakeholder forum, consultation process during the action plan development, and commitments included in the action plan

05-03-2019	<p>OGI National Secretariat</p> <ul style="list-style-type: none"> • Daniel Oscar Baskoro, Former Consultant 	Action plan development, consultation between government and civil society, status of the multistakeholder forum, and the inclusion of the open parliament agenda in the action plan
07-03-2019	<p>MediaLink</p> <ul style="list-style-type: none"> • Darwanto, Program Manager & Coordinator of Civil Society for OGP Indonesia 	Civil society's role in the action plan development, status of the multistakeholder forum, action plan implementation strategy, challenges faced during co-creation activities, and commitments included in the action plan
08-03-2019	<p>Indonesian Parliamentary Center (IPC)</p> <ul style="list-style-type: none"> • Ahmad Hanafi, Executive Director 	Development of the open parliament action plan, parliamentary engagement, commitments related to opening up parliamentary process
09-03-2019	<p>YAPPIKA-ActionAid</p> <ul style="list-style-type: none"> • Hendrik Rosdinar, Program Manager 	Civil society's role in shaping action plan development agenda, status of the multistakeholder forum, commitments related to public service delivery
11-03-2019	<p>Central Information Commission (KIP)</p> <ul style="list-style-type: none"> • Arif Adi Kuswardono, Commissioner for Information Dispute Resolution • Aditya Nuriya, Special Adviser 	KIP's interests in open government, comments on multistakeholder forum, commitments related to information disclosure and procurement transparency
11-03-2019	<p>Corruption Eradication Commission (KPK)</p> <ul style="list-style-type: none"> • Putri Rahayu, Cooperation Specialist • Christy Afriani, Cooperation Specialist • Freddy Reynaldo Hutagaol, Cooperation Specialist 	KPK's stake in open government, comments on action plan development process, commitments related to transparency and accountability
12-03-2019	<p>Ministry of Administrative and Bureaucratic Reform</p> <ul style="list-style-type: none"> • Dian Oktasari, Bureau of Cooperation, Organization, and Performance Management 	Government's involvement in action plan development process, intragovernmental coordination, commitments related to public service delivery
18-03-2019	<p>Indonesian Forum for Budget Transparency (FITRA)</p> <ul style="list-style-type: none"> • Yenti Nurhidayat, Knowledge Manager 	Commitment on improving transparency of education, health, and poverty alleviation budget
18-03-2019	<p>OGI National Secretariat</p> <ul style="list-style-type: none"> • Tities Eka Agustine, Public Policy Analyst 	Commitments related to regional education budgets and transparency in health services
19-03-2019	<p>Association for Elections and Democracy (Perludem)</p> <ul style="list-style-type: none"> • Maharddhika, Researcher 	Commitment on improving transparency of general and regional elections
29-11-2019	<p>Publish What You Pay (PWYP) Indonesia</p> <ul style="list-style-type: none"> • Maryati Abdullah, National Coordinator 	Commitment related to beneficial ownership transparency

About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is:

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Fredline M’Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

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

¹ Open Government Partnership, “Indonesia” (2019), <https://www.opengovpartnership.org/countries/indonesia>.

² Open Government Indonesia National Secretariat, “Tahapan Penyusunan Renaksi 2018–2020” (2018), <https://ogi.bappenas.go.id/renaksi/5/2018-2020>.

³ Open Government Partnership, “IRM Procedures Manual” (2017), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

Annex I. Overview of Indonesia’s Performance throughout Action Plan Development

Key:

Green = Meets Standard

Yellow = In Progress (steps have been taken to meet this standard, but standard is not met)

Red = No Evidence of Action

Multistakeholder Forum	
1a. Forum established: There is a forum to oversee the OGP process	Green
1b. Regularity: The forum meets at least every quarter, in person or remotely	Yellow
1c. Collaborative mandate development: Members of the forum jointly develop its remit, membership, and governance structure.	Green
1d. Mandate public: Information on the forum’s remit, membership and governance structure is available on the OGP website/page.	Yellow
2a. Multistakeholder: The forum includes both governmental and non-government representatives	Green
2b. Parity: The forum includes an even balance of governmental and non-governmental representatives	Yellow
2c. Transparent selection: Non-governmental members of the forum are selected through a fair and transparent process	Yellow
2d. High-level government representation: The forum includes high-level representatives with decision making authority from government	Green
3d. Openness: The forum accepts inputs and representation on the action plan process from any civil society or other stakeholders outside the forum	Green
3e. Remote participation: There are opportunities for remote participation in at least some meetings and events	Yellow
3f. Minutes: The OGP forum proactively communicates and reports back on its decisions, activities, and results to wider government and civil society stakeholders	Green

Key:

Green = Meets Standard

Yellow = In Progress (steps have been taken to meet this standard, but standard is not met)

Red = No Evidence of Action

Action Plan Development	
4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published	Yellow
4b. Documentation in advance: The forum shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process	Green
4c. Awareness-raising: The forum conducts outreach and awareness raising activities with relevant stakeholders to inform them of the OGP process	Yellow
4d. Communication channels: The government facilitates direct communication with stakeholders to respond to action plan process questions, particularly during times of intense OGP activity	Yellow
4e. Reasoned response: The multistakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment	Green
5a. Repository: Government collects and publishes a document repository on the national OGP website/webpage, which provides a historical record and access to all documents related to the national OGP process, including (but not limited to) consultation documents, National Action Plans, government self-assessments, IRM reports and supporting documentation of commitment implementation (e.g., links to databases, evidence of meetings, publications)	Yellow

Editorial note: If a country “meets” the six standards in bold, the IRM will recognize the country’s process as a Starred Process.