

Independent Reporting Mechanism

Indonesia Co-Creation Brief 2022

Open
Government
Partnership



Independent
Reporting
Mechanism

Introduction

This brief from the OGP's Independent Reporting Mechanism (IRM) serves to support the co-creation process and design of the seventh action plan and to strengthen the quality, ambition, and feasibility of commitments. It provides an overview of the opportunities and challenges for open government in the country’s context and presents recommendations. This brief does not constitute an evaluation of a particular action plan and its purpose is to inform the planning process for co-creation based on collective and country-specific IRM findings.

The Co-Creation Brief draws on the results of the research in prior [IRM reports for Indonesia](#) and draws recommendations from the data and conclusions of those reports. The brief also draws on other sources such as [OGP National Handbook](#), [OGP Participation and Co-creation Standards](#), and IRM guidance on [online OGP repositories](#) and [the minimum threshold for “involve”](#), to ensure that recommendations provided are up to date in light of developments since those IRM reports were written, and to enrich the recommendations by drawing on comparative international experience in the design and implementation of OGP action plan commitments as well as other context-relevant practice in open government. The Co-Creation Brief has been reviewed by IRM senior staff for consistency, accuracy, and with a view to maximizing the context-relevance and actionability of the recommendations. Where appropriate, the briefs are reviewed by external reviewers or members of the IRM International Experts Panel (IEP).

The IRM drafted this Co-Creation Brief in May 2022.

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Section I: Action Plan Co-Creation Process

Snapshot of previous co-creation processes in Indonesia

	Action Plan 1	Action Plan 2	Action Plan 3	Action Plan 4	Action Plan 5	Action Plan 6
Iterative dialogue between civil society and government					Blue	Blue
Government provides reasoned response					Blue	Blue
Civil society could provide input	Blue				Blue	Blue
Civil society was informed of the plan	Blue		Blue	Blue		
No consultation	Blue		Blue	Blue		

As a founding member of the OGP, Indonesia has consistently demonstrated leadership on open government initiatives. Indonesian action plans have achieved impact on beneficial ownership transparency, budget transparency, and public services monitoring. However, overall, the IRM has found that commitments’ ambition and completion rates have declined in recent cycles. To raise the ambition of Indonesia’s upcoming seventh action plan, opportunities could be made available to engage a broad range of stakeholders in developing commitments that introduce a new focus on civic space, and build on previous initiatives on access to justice, beneficial ownership, and transparency of welfare payments. The IRM is also available to provide a design workshop on drafting results-oriented commitments.

To strengthen the co-creation process, the IRM recommends the following:

1. Expand information on the Open Government Indonesia website.
2. Increase civil society representation on the multi-stakeholder forum (MSF) steering committee.
3. Involve high-level government representatives in co-creation.
4. Design commitments with concrete and ambitious targets.

RECOMMENDATIONS

Recommendation 1: Expand Information on the Open Government Indonesia Website

Over the past year, Open Government Indonesia (OGI) has made positive progress developing the OGI website to include information and evidence on implementation of the action plan’s commitments. An up-to-date OGP website and repository are necessary to meet Standards 2 and 3 of the OGP’s [Participation and Co-Creation Standards](#), and will facilitate Indonesia’s ability to meet the remaining standards. Moving forward, the IRM recommends the following for the OGI website:

- **Publish the MSF’s basic rules**, including its mandate and structure, as well as evidence that it meets at least every six months (for examples, see [Australia](#), [Morocco](#), and [New Zealand](#)’s websites).
- **Update the repository** at least every six months, to ensure that information on implementation and the co-creation process is up to date (for examples, see [Australia](#), [Jordan](#), [New Zealand](#), and [the Philippines](#)’ repositories).
- **Publish the co-creation timeline** and an overview of the opportunities for stakeholder participation at least two weeks before the action plan development process begins (for examples, see [Romania](#) and the [Netherlands](#)’ timelines).

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- **Publish documentation of all input** received from stakeholders on the action plan, as well as detailed feedback on how these contributions were considered (for examples, see [Canada](#), [Finland](#), and [Morocco](#)'s documentation).

Recommendation 2: Increase Civil Society Representation on the MSF Steering Committee

Indonesia's MSF Steering Committee would benefit from shifting its composition to reflect an even balance of governmental and non-governmental representatives. During the previous action plan cycle, the MSF Steering Committee included fewer civil society representatives than government representatives. Improving civil society representation can contribute to improvements in collaboration throughout the process – from development to implementation and monitoring of reforms. It can help support the identification of issues of most concern to a diversity of citizens and promote joint problem-solving. It may be useful to draw on the OGP's [handbook on designing and managing an MSF](#).

Recommendation 3: Involve High-Level Government Representatives in Co-Creation

For the seventh action plan, the IRM recommends proactively seeking attendance from decision makers at relevant ministries during co-creation. In the previous two action plans, effective participation by ministries was sometimes limited by insufficient engagement with high-level government officials with decision-making powers. The aim of their presence is to facilitate more efficient decision-making, increase the visibility of OGP, motivate civil society to be more involved, and introduce priority policy areas into the action plan. Direct involvement of high-ranking officials could help clarify what policy areas are realistic for OGP commitments versus what may be too politically challenging. As an example, [Croatia](#)'s MSF largely consists of high-level representatives of state authorities, with either decision-making powers or easy access to decision makers.

To support government engagement in the co-creation of the seventh action plan, the government point of contact (POC) could initiate meetings with senior officials at relevant ministries. Ahead of outreach meetings with government stakeholders, the POC could prepare a memo summarizing the background of OGP in Indonesia to set the context. [Nigeria](#)'s engagement strategy, in which the POC met with each ministry head to explain opportunities for engagement in the co-creation process, may be worth considering as a way to engage officials. Engagement meetings should be maintained at regular intervals through the action plan cycle.

Recommendation 4: Design commitments with concrete and ambitious targets

The previous action plan addressed a diverse thematic focus. However, commitments did not all set ambitious or concrete targets. In the upcoming co-creation process, commitment design can clearly outline ambitious numeric and geographic targets, as well as financial or other resources to be made available. To draft specific and clear milestones, after broad consultations have defined thematic priorities, the IRM recommends bringing together policy experts, implementing agencies, and CSOs with technical knowledge to identify the specifics of activities that would contribute to the commitment's policy objectives. Before final validation of the action plan, a review of the draft commitments can verify that milestones describe concrete activities with a clear connection to the overall policy aim. The draft action plan can be shared for input with OGP Country Support. The IRM is also available to provide a design workshop on drafting results-oriented commitments. It may be useful to draw on the [OGP National Handbook](#).

Section II: Action Plan Design

AREAS OF OPPORTUNITY FOR COMMITMENTS

Some areas of opportunity for ambitious commitments in the seventh action plan include civic space, access to justice, beneficial ownership, and welfare data.

AREA 1. Civic Space

The previous action plan introduced Indonesia's first commitment on civil society's operating environment. This commitment aimed to produce roadmaps on the right to information, the right to expression, and the right to assemble and organize, but may be too broad to sufficiently address civic space concerns. At present, CIVICUS defines Indonesia's civic space as [obstructed](#). In 2021, the Co-Chairs of OGP issued a [global call-to-action](#) for all OGP members to use their new and existing action plans to make ambitious commitments that address core challenges on civic space.

Indonesia could respond by including a commitment in the upcoming action plan to revise Law No. 11/2008 on Electronic Information and Transactions. The Law's provision criminalizing internet-based insults and defamation is [seen to restrict](#) civic space and freedom of expression. Given some momentum in parliament on revising the law, the next action plan could incorporate the Ministry of Communications in the revisions process, as well as engaging civil society leadership.

Useful resources:

- OGP Democratic Freedoms Learning Network
- OGP: [Actions to Protect and Enhance Civic Space](#)
- OGP: [Civic Space Fact Sheet](#)
- ICNL: [Opening Civic Space Through the Open Government Partnership in Kenya](#)
- Related Commitments: Nigeria ([2019–2022](#)), Mongolia ([2021–2023](#)), and Luxembourg ([2019–2021](#))
- Partners that can provide technical support: [International Center for Not-for-Profit Law](#) (ICNL), [CIVICUS](#), and the [Organisation for Economic Co-operation and Development](#) (OECD)

AREA 2. Access to Justice

Through the engagement of a coalition of CSOs, Indonesia's previous action plans have included a number of commitments to improve access to justice. These commitments address a critical national need for improving provision of legal aid. The [2019 Index of Access to Justice in Indonesia](#) found that 64 percent of potential beneficiaries did not use legal aid. This decision related to concerns about a complicated process (60 percent) and low expectations for satisfactory legal aid services (39 percent). Meanwhile, among the potential beneficiaries who did not use legal aid, 60 percent were women, exposing a gender gap in legal aid provision. Of those who used legal aid, only 11 percent worked with a legal aid organization. In terms of challenges with legal aid service quality, many beneficiaries did not receive assistance on creating legal documents (52 percent) and collecting evidence (40 percent).

The upcoming action plan could strengthen previous efforts to increase the number of legal aid organizations and paralegals, particularly in underserved regions. Building on the previous action plan, a commitment could set concrete and ambitious targets for the number and

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geographic distribution of legal aid service providers and paralegals. This can be coupled with an increase in government funding for legal aid, commensurate with necessary expansion of service provision. In particular, these efforts can continue to target improving access to legal aid for vulnerable groups. To support uptake, the action plan could also include measures to raise potential beneficiaries' awareness of legal aid services available, and introduce new transparency mechanisms to the legal dispute settlement process.

Useful resources:

- [OGP Coalition on Justice](#)
- OGP: [Justice Policy Series](#)
- OGP: [Justice Fact Sheet](#)
- Related Commitments: Kenya ([2020-2022](#)), Moldova ([2018-2020](#)), and North Macedonia ([2018-2020](#))
- Partners that can provide technical support: [International Development Law Organization](#), [Namati](#), [Open Justice Initiative](#), and [Taskforce on Justice](#)

AREA 3. Beneficial Ownership Transparency

Indonesia launched a beneficial ownership portal in 2019, under its fifth action plan. The sixth action plan has made efforts to introduce public access to the database. If there are delays in making the database publicly available, Indonesia could carry forward its commitment on beneficial ownership transparency to the next action plan, as well as continuing to increase the number of companies disclosing beneficial ownership. Making the database publicly accessible can ensure that civil society, corporate due diligence officers, and procurement officers are better able to expose corrupt practices. It can also enable improved corporate transparency norms. [The Beneficial Ownership Transparency Disclosure Principles](#) may be useful in planning Indonesia's next commitment.

In combination with open access, the next action plan can also encourage use of beneficial ownership data to exercise public oversight. This is particularly important for sectors with high corruption risks, such as industries that contribute to deforestation. This oversight should capture insights from stakeholders affected by extractive, forestry, and plantation industries, including indigenous rights advocacy groups, miners, farmers, environmental advocacy groups, industry associations, and corruption watchdogs. Media use of the database can also lead to more coverage of which companies have disclosed their beneficial ownership information and which have not. To that end, the commitment could incorporate workshops to engage with media organizations and investigative journalists on using beneficial ownership data.

Useful resources:

- [OGP Beneficial Ownership Leadership Group](#)
- OGP: [Beneficial Ownership](#)
- OGP: [Beneficial Ownership Fact Sheet](#)
- Open Ownership: [Beneficial Ownership Data Standard](#)
- Related Commitments: Armenia ([2018-2020](#)), Kenya ([2016-2018](#)), and Nigeria ([2019-2022](#))
- Partners that can provide technical support: [Publish What You Pay](#), [the Extractive Industries Transparency Initiative](#), [the Financial Action Task Force](#), [the G20 Anti-Corruption Working Group](#), and [Open Ownership](#)

AREA 4. Welfare Data

Through the previous two action plans, the Social Welfare Information System - Next Generation ([SIKS - NG](#)) has integrated data from major national social assistance programs, Contribution Aid Recipients (PBI), the [Non-Cash Food Assistance Program](#) (BPNT) and the [Family Hope Program](#) (PKH). The [Cekbanos](#) portal and application provides public access to this information, with a recent feature allowing the public to check the names of program recipients and address inclusion and exclusion errors. Although this is a promising step, there has not yet been wide public uptake.

The next action plan could focus on user uptake of Cekbanos, to facilitate the provision of social assistance to eligible beneficiaries who currently do not have access. This can dovetail with efforts to engage citizens in monitoring the effectiveness of social assistance programs. Building on progress under the sixth action plan, initiatives to promote uptake can expand the number of targeted provinces and municipalities. This renewed commitment could engage media, rights groups, and local leaders at the provincial and municipal level to improve collaboration on shared workstreams for government and civil society stakeholders.

Useful resources:

- OGP: [Public Service Delivery](#)
- The World Bank: [Investing People: Social Protection for Indonesia's 2045 Vision](#)
- OECD: [Social Protection System Review of Indonesia](#)
- Related Commitments: Kaduna State, Nigeria ([2018-2020](#)), Philippines ([2019-2022](#)), and Denmark ([2012-2013](#))
- Partners that can provide technical support: [Open Data for Development](#), [Asian Development Bank](#), and [Integrity Action](#)