

# Independent Reporting Mechanism

Action Plan Review:  
Indonesia 2022–2024

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Open  
Government  
Partnership



Independent  
Reporting  
Mechanism

## Introduction

In January 2021, the Independent Reporting Mechanism (IRM) rolled out the new products that resulted from the IRM Refresh process.<sup>1</sup> The new approach builds on the lessons learned after more than 350 robust, independent, evidence-based assessments conducted by the IRM and inputs from the OGP community. The IRM seeks to put forth simple, timely, fit for purpose, and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

IRM products are:

- **Co-Creation Brief:** Brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design.
- **Action Plan Review:** A quick, independent technical review of the characteristics of the action plan and the strengths and challenges IRM identifies to inform a stronger implementation process.
- **Results Report:** An overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product was rolled out in a transition phase in 2022, beginning with action plans ending implementation on 31 August 2022. Results Reports are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of the Indonesia 2022–2024 action plan. The action plan comprises 15 commitments. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data, see Annex 1. For details regarding the methodology and indicators used by the IRM for this Action Plan Review, see Section III.

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<sup>1</sup> “IRM Refresh,” Open Government Partnership, <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh>.

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## Section I: Overview of the 2022–2024 Action Plan

*Indonesia’s seventh action plan includes promising commitments on open contracting, access to justice, and combatting sexual violence. The implementation period offers an opportunity for targeted efforts to strengthen high-level government investment in open government reforms, and ownership from implementing agencies.*

Indonesia’s seventh OGP action plan contains 15 commitments. Most of these commitments build on previous plans and continue efforts in areas such as open contracting, beneficial ownership transparency, access to justice, election data transparency, and local governance social accountability. Other commitments introduce new initiatives focused on personal data protection, election disinformation, inclusive digital accessibility, sexual violence, natural resources data, and legal protection for environmental cases.

The Open Government Indonesia (OGI) Secretariat of the Ministry of National Development Planning led the action plan development process. A national civil society secretariat led by MediaLink mobilized civil society participation.<sup>1</sup> The House of Representatives did not submit an open parliament action plan concurrently as it had in the previous two cycles.

Co-creation followed a similar process to prior cycles but showed improvements in terms of outreach and reasoned response to civil society. Before the start of the formal co-creation process, the OGI Secretariat gathered input on strategic directions for the action plan through a survey that received 52 responses from government and civil society respondents. Through OGI Goes to Campus, the secretariat collected 361 problem statements and solution ideas from young people in Medan, North Sumatera. These proposals were categorized into several themes. During the first stage of the formal co-creation process, OGI opened a call for proposals from August to September 2022, receiving 27 commitment proposals from government and civil society. From September to December 2022, joint civil society and government working groups finalized the commitments—all of which emerged from civil society proposals.<sup>2</sup> Overall, OGI was more

### AT A GLANCE

**Participating since:** 2011  
**Action plan under review:** 2022–2024  
**IRM product:** Action Plan Review  
**Number of commitments:** 15

**Overview of commitments:**  
Commitments with an open government lens: 15 (100%)  
Commitments with substantial potential for results: 2 (13%)  
Promising commitments: 3

**Policy areas:**  
Carried over from previous action plans:

- Open contracting
- Beneficial ownership transparency
- Access to justice
- Elections
- Disability inclusion
- Social accountability

Emerging in this action plan:

- Personal data protection
- Sexual violence
- Natural resources data

**Compliance with OGP minimum requirements for co-creation:**  
Acted according to OGP process: Yes

proactive in facilitating opportunities for civil society and government meetings. However, engagement still primarily centered on the civil society and government stakeholders already involved in previous processes. OGI continued to face challenges in convening cross-government consultation, particularly in terms of reaching high-level officials and ensuring ownership of commitments.

Commitments are better designed compared to previous action plans. Each commitment addresses causes of its problem statement and analyzes what has been done thus far to solve them as well its relevance to open government values. They distinguish between proposed solutions and intended results and list expected outputs for each milestone, including stakeholders that will be involved. Some commitments could benefit if implementers were to revisit the milestones and identify more concrete targets (for example, Commitment 2).

Three commitments offer promising reforms in the areas of open contracting, judicial proceedings accessibility, and sexual violence. Commitment 1 would expand procurement information to be disclosed online by government bodies and support the implementation of a new public information service standard that mandates enhanced transparency. It also intends to improve the reporting procedures and support uptake of the e-complaints channel for public monitoring of government procurement. Commitments 11 and 14 build momentum to enhance the accessibility of the judicial system and policymaking process for marginalized groups. Commitment 11 aims to introduce guidelines on proper accommodation for persons with disabilities by the Attorney General's Office. As the commitment does not plan for a regulation, its results will depend on sufficient budget allocation and strong institutional support. Commitment 14 would carry forward opportunities to participate in the development of regulations on establishing restitution funds intended for victims of sexual violence and local government units responsible for providing support to them. The commitment's potential for open government results could be strengthened by substantially widening civil society involvement, compared to prior participation opportunities.

Several other commitments could strengthen their potential for results. Commitments 3, 4, 7, 10, and 13 touch on important policy issues, but do not clearly outline the necessary concrete steps to achieve their intended policy reforms. Beyond developing analysis, guidelines, regulations, and legislative bills, commitments could improve their potential by passing laws or implementing recommendations. Commitments 6, 8, 9, and 12, on the other hand, could widen their scope and extend the reach of their reforms. Commitments on local government social accountability, for instance, could be scaled up to reach a wider set of regions.

In 2021, the Co-Chairs of OGP issued a global call to action for all members to use their new and existing action plans to make ambitious commitments that address core challenges on civic space.<sup>3</sup> And while CIVICUS monitor has assessed Indonesia's civic space as "obstructed,"<sup>4</sup> the action plan does not fully take up the opportunity to strengthen civic space. Proposed commitments in this policy area that were not included in the final plan addressed restorative justice for citizen protests as well as decriminalization of Criminal Code and Electronic Information and Transactions (ITE) Law articles that limit civic space and freedom of expression. Commitment 5 plans to combat election disinformation, but risks incompatibility with international standards of free expression. As such, positive open government results will depend on careful measures to address potential civic space concerns.

The implementation period offers an opportunity for targeted efforts to strengthen government investment in the action plan among high-level and mid-level officials and raise awareness of OGP

across government institutions and among the public. Following the national election in 2024, responsible government and civil society stakeholders could come together to confirm the action plan program and promote its initiatives using traditional and social media channels.

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<sup>1</sup> Darwanto (MediaLink), interview by IRM researcher, 8 February 2023; "About," MediaLink, <https://medialink.or.id/category/about/>; "Finalisasi Penyusunan Renaksi OGI 2023–2025," [Finalization of OGI Action Plan 2023–2025], Indonesia Legal Aid Association, 5 August 2022, <https://pbhi.or.id/finalisasi-penyusunan-renaksi-ogi-2023-2025-bersama-masyarakat-sipil/>; "Usulan Pembentukan Working Group Renaksi OGI 2023–2024," [Proposal to Form Working Groups of OGI Action Plan 2023–2024], MediaLink, <https://medialink.or.id/6-usulan-pembentukan-working-group-renaksi-ogi-2023-2024>.

<sup>2</sup> See minute of meetings in every proposed commitment: "Proses Ko-Kreasi," [Co-Creation Process], Ministry of National Development Planning, <https://ogi.bappenas.go.id/en/kokreasiRANVII>.

<sup>3</sup> "Actions for a Secure and Open Civic Space," Open Government Partnership, <https://www.opengovpartnership.org/actions-for-a-secure-and-open-civic-space>.

<sup>4</sup> "Indonesia," CIVICUS, accessed 1 September 2023, <https://monitor.civicus.org/country/indonesia>.

## Section II: Promising Commitments in Indonesia’s 2022–2024 Action Plan

The following review looks at the three commitments that the IRM identified as having the potential to realize the most promising results. Promising commitments address a policy area that is important to stakeholders or the national context. They must be verifiable, have a relevant open government lens, and have modest or substantial potential for results. This review also provides an analysis of challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan.

**Table 1. Promising commitments**

Promising Commitments
<b>1. Transparency and participation in government procurement:</b> This commitment would expand online disclosure of procurement information by publishing emergency procurement information and supporting the implementation of a new public information service standard that mandates public procurement transparency. It also intends to enhance civic participation by improving the public e-complaint channel’s reporting procedures and supporting its uptake for public monitoring.
<b>11. Accessibility and accountability of judicial proceedings:</b> This commitment would introduce guidelines to guarantee proper accommodation for persons with disabilities by the Attorney General’s Office. It plans to pilot a process for monitoring and evaluating how women are treated in the legal system. It also aims to produce an evaluation of the digitization of judicial proceedings for vulnerable persons.
<b>14. Recovery mechanism for sexual violence crimes:</b> This commitment would carry forward civil society participation in development of the Sexual Violence Crimes Law (UU TPKS) by creating participation opportunities in the development of its implementing regulations on establishing restitution funds for victims and local government units responsible for providing support.

### **Commitment 1: Transparency and participation in government procurement**

*National Public Procurement Agency (LKPP), Central Information Commission (KIP), Indonesia Corruption Watch (ICW), Transparency International Indonesia (TII)*

For a complete description of the commitment, see Commitment 1 in Indonesia’s 2022–2024 action plan: [https://www.opengovpartnership.org/wp-content/uploads/2023/01/Indonesia\\_Action-Plan\\_2023-2024\\_EN.pdf](https://www.opengovpartnership.org/wp-content/uploads/2023/01/Indonesia_Action-Plan_2023-2024_EN.pdf).

### **Context and objectives**

Proposed by Indonesia Corruption Watch (ICW) and Transparency International Indonesia (TII), this commitment continues the previous two action plans’ efforts to improve transparency and participation in public procurement. Government procurement accounted for over half of all national public spending (1,214 trillion rupiah) in 2021,<sup>1</sup> and was the most frequent source of public corruption between 2004 and 2022.<sup>2</sup> In 2021, under the previous action plan, the Central Information Commission (KIP) revised its Regulation on Public Information Service Standards (Perki SLIP), which introduced stronger legal basis for transparency in public procurement. However, by early 2023, public bodies were still reluctant to release this information. Since the onset of the COVID-19 pandemic, the government has published narrow emergency procurement information on the national e-procurement portal.<sup>3</sup> Other central and local

government units were also not providing necessary information, and there was no implementing regulation on what types of procurement information should be disclosed during states of emergency.<sup>4</sup> Meanwhile, e-complaint channels are not sufficiently utilized<sup>5</sup> and citizens lack the capacity to make targeted complaints on suspicion of fraud, mismanagement, and criminal acts, or to follow up on these concerns.<sup>6</sup>

Following the issuance of a 2018 Presidential Regulation on Procurement of Goods and Services, the government has begun to institutionalize the management of Procurement Information Technology Service (LPSE) and further develop the E-Procurement System (SPSE).<sup>7</sup> Certain aspects of the SPSE are crucial to procurement reform and public monitoring. The e-catalogue<sup>8</sup> lists detailed specifications of goods and services that can be procured by the government through e-purchasing. The Provider Performance Information System (SIKAP)<sup>9</sup> lists information of potential providers of goods and services and their performance record. The National Public Procurement Agency (LKPP) uses its e-complaint portals<sup>10</sup> to gather public feedback on procurement irregularities and periodically emails these complaints to the government internal supervisor staff, who is responsible for investigating potential fraud. Separately, Indonesia Corruption Watch manages [opentender.net](https://opentender.net), a civil society portal that also collects public complaints related to government procurement.

This commitment aims to encourage government bodies to publish public procurement information in more detail by increasing accessible information on the e-catalogue and SIKAP, expanding government publication of emergency procurement information, and supporting the implementation of Perki SLIP. It also intends to facilitate civic participation by improving the e-complaint channel's reporting procedures and supporting its uptake for public monitoring. LKPP and KIP will lead the implementation of these reforms.

### **Potential for results: Substantial**

This commitment could improve the efficacy of the LKPP e-complaint channel as a mechanism for public participation in procurement monitoring. As of 2023, the LKPP website listed that out of the 296 complaints it had received, almost none had been resolved.<sup>11</sup> Planned improvements reportedly include routing complaints received through [opentender.net](https://opentender.net) as well as automatically forwarding complaints to the government internal supervisor staff, as opposed to relying on LKPP to do so manually. This is intended to speed up the management of complaints, increase the number of complaints forwarded to the government internal supervisor staff, and improve their use in potential fraud investigation. Under the commitment, it is also anticipated that LKPP will add a feature that allows the public to track progress and follow up on their complaints.<sup>12</sup> Implementers plan to support public uptake by disseminating information about the e-complaint channel to the public and conducting capacity building training on online monitoring of government procurement<sup>13</sup> to strengthen citizens' ability in monitoring government procurement and reporting suspicious activities.<sup>14</sup>

In terms of access to public procurement information, full implementation of Perki SLIP is considered to be a critical element, given that many government agencies are not yet compliant with disclosure requirements.<sup>15</sup> KIP conducted preliminary public dissemination and developed a monitoring and evaluation form for public bodies to self-assess their compliance with procurement information disclosure requirements following the issuance of the revised standard, which is available on [e-money.komisiinformasi.go.id](https://e-money.komisiinformasi.go.id). Under this commitment, KIP reports that it intends to create consultation opportunities for government agencies on the



implementation of the standard and facilitate dispute resolution related to the standards, which is within its mandate.<sup>16</sup>

Publication of detailed national and local government emergency procurement information under the commitment would close a significant gap in procurement transparency. To support this objective, the Ministry of Home Affairs, LKPP, and KIP are reportedly planning to issue a joint decree on open procurement in emergency situations.<sup>17</sup> Meanwhile, Transparency International notes that risk of fraud is exacerbated by the flexibility of emergency procurement process and overall lack of transparency. It suggests that efforts to enhance the transparency of emergency procurement information could focus on the publication of needs assessment documents, price standards, and providers on a specialized dashboard.<sup>18</sup>

The commitment intends to increase the number of providers of government goods and services on the Provider Performance Information System (SIKAP). While this centralized database was first launched during 2020 and 2021, there are still gaps in the information available. As of March 2023, there were 330,323 potential providers registered.<sup>19</sup> Information on 593 of these providers was linked to beneficial ownership information from [bo.ahu.go.id](https://bo.ahu.go.id),<sup>20</sup> although only 5 were verified. Verification ensures that the representation of ownership reflects the reality of who owns or controls a particular corporate vehicle.<sup>21</sup> Linked beneficial ownership information is based on a cooperation agreement between LKPP and the Ministry of Law and Human Rights.<sup>22</sup>

During the procurement process, providers registered on SIKAP get certain privileges, which include the ability to compete in quick tenders.<sup>23</sup> According to LKPP and Indonesia Corruption Watch, beneficial ownership information of providers is critical to ensure proper allocation of government procurement i.e., awarding contracts to entities with the qualifications and track record that are necessary to effectively provide goods and services.<sup>24</sup> Increasing the availability of information on SIKAP would also provide an avenue for public monitoring.<sup>25</sup>

Despite planned significant improvements, the commitment has certain limitations. Each milestone lists a key targeted improvement to public procurement, but the text does not specify the measures that will be taken to achieve these objectives. While stakeholders interviewed by IRM clarified plans for certain milestones, the specific indicators of expected results could be more concrete. For instance, the commitment intends to publish transaction information on the e-catalogue system but does not specify its scope (although Transparency International interprets this as adding transaction history).<sup>26</sup> In terms of ambition level, Indonesia Corruption Watch and the Open Contracting Partnership noted a gap in the commitment's design, which does not address post-tender activities. In particular, presently the public does not have access to information on payment processes, progress on mandatory work, and program handover.<sup>27</sup>

Overall, compared to the previous action plans, Indonesia Corruption Watch acknowledged that this commitment takes a more systematic approach and could generate substantial progress on the institutionalization of transparency and participation in government procurement.<sup>28</sup> Successful implementation of each milestone could lead to the development of a public procurement information system that is more accessible and user friendly. This could in turn minimize the need for civil society organizations to file freedom of information requests to monitor government procurement. Likewise, the envisioned improvements to the public complaints channel would automatically forward complaints to the responsible authorities, increasing accountability.<sup>29</sup>

### **Opportunities, challenges, and recommendations during implementation**

Civil society organizations (CSOs) have reported strong support from LKPP in developing strategies for more transparent and participatory procurement.<sup>30</sup> Given the progress in this policy area under previous action plans, implementation of this commitment can build on the long-term collaborative relationships between relevant CSOs and government agencies, particularly LKPP.

The commitment may face certain challenges in funding the process of improving procurement information systems and ensuring the compliance of local and national government bodies to disclosure requirements, especially given LKPP's lack of enforcement authority and initial resistance towards Perki SLIP from government officials.<sup>31</sup> Furthermore, the extent of accessible procurement information will depend on the centralization of its publication since not all public institutions are linked to the national e-procurement system. For example, government units link to LPSE while state-owned enterprises and political parties develop their own e-procurement systems. In the education sector, autonomous public universities (PTN-BH) are linked to LPSE while semi-autonomous public universities (PTN-BLU) are linked to different systems following their parent ministries, especially in managing non-tax income.

To optimize implementation, IRM recommends the following:

- **Identify organizations that will coordinate enforcement** to ensure compliance of local and national government bodies with disclosure requirements. The Ministry of Home Affairs could play the role for local governments but was not actively engaged in development of the commitment. It is essential the Ministry is centrally engaged by OGI in implementation.
- **Seek alternative funding** to finance the implementation of this commitment as a collaboration between CSOs and government agencies. Planned improvements to the e-procurement system will require the development of new features and programming to connect the different systems, which may not be covered fully by LKPP budget. The Ministry of National Development Planning could also provide support in securing the funding.
- **Revisit commitment milestones and agree on more concrete measures for implementation** in consultation with civil society. In particular, collaborate on defining the scope of public information on government procurement and location for publication. Implementation will benefit from more specific indicators on the elements required for procurement information disclosure in line with Perki SLIP. Collaborative workshops between experts on transparency, practitioners across relevant ministries and agencies (particularly the LKPP and KIP), local governments, and civil society organizations can overcome potential disagreement and maximize targeting actionable procurement information for publication.
- **Expand the scope of disclosure.** As next steps, publication of procurement information needs to adopt a more holistic approach and cover post-tender activities, such as payment process and progress on performed work.

### **Commitment 11: Accessibility and accountability of judicial proceedings**

*Supreme Court (MA), Attorney General's Office (AGO), National Police (Polri), Indonesia Judicial Research Society (IJRS), Indonesia Legal Aid Association (PBHI), Women's Association for Justice Legal Aid (LBH APIK)*

For a complete description of the commitment, see Commitment 11 in Indonesia’s 2022–2024 action plan: [https://www.opengovpartnership.org/wp-content/uploads/2023/01/Indonesia\\_Action-Plan\\_2023-2024\\_EN.pdf](https://www.opengovpartnership.org/wp-content/uploads/2023/01/Indonesia_Action-Plan_2023-2024_EN.pdf).

### **Context and objectives**

This commitment is aimed at improving access to justice and was proposed by civil society groups—the Indonesia Judicial Research Society (IJRS), Indonesia Legal Aid Association (PBHI), and Women’s Association for Justice Legal Aid (LBH APIK)—in line with government priorities. Building on the 2020 Government Regulation on Adequate Accommodation for Persons with Disabilities in Judicial Proceedings,<sup>32</sup> this commitment entails introducing an implementation guidance in the Attorney General’s Office,<sup>33</sup> which was already issued in June 2023 during the initial implementation phase.<sup>34</sup> It builds on the previous action plan which developed this guidance, as well as issuing a similar circular letter in the Supreme Court and regulation for correctional institutions guideline. The commitment also plans to pilot a process for monitoring and evaluating how women are treated in the legal system. It also aims to evaluate the digitization of judicial proceedings for vulnerable persons, which is part of a long-term strategy.<sup>35</sup> These efforts could enhance civic participation in order to ensure an inclusive judicial process for persons with disabilities.

In the status quo, there is insufficient accommodation in the legal system which limits access to justice for the most vulnerable populations. A recent legal study shows that persons with disabilities (be it as victims, perpetrators, or witnesses) face discrimination in the judicial system. Police, lawyers, and judges are not sufficiently aware of the needs of persons with disabilities and often do not offer necessary accommodation. Physical barriers impede access to police stations, court houses, lawyers’ offices, and healthcare facilities for forensic evidence. Many persons with disabilities are also not aware of their rights.<sup>36</sup>

The 2019 Access to Justice Index also found that, when faced with legal problems, women are somewhat less likely than men to resolve their issues through informal or formal mechanisms. More than one-third of women report they avoid taking legal action out of fear that it would complicate their problems. In discrimination and gender-based violence cases, 46% of victims are not able to take action.<sup>37</sup>

### **Potential for results: Modest**

IJRS expected the Attorney General’s Office guidance could improve the treatment for persons with disabilities in the judicial system by providing guidance and raising awareness on adequate accommodation among prosecutors, lawyers, and legal counsel.<sup>38</sup> OGI adds that this effort is grounded in a productive working relationship between the Attorney General’s Office and IJRS.<sup>39</sup> However, according to the Center for Inclusion and Disability Advocacy Movement (SIGAB), in the absence of a regulation, the guidance may not be a sufficient legal basis to secure necessary financial resources to make adequate accommodations, such as installation of physical accessibility features and hiring relevant expert support. The Supreme Court has faced similar budgetary challenges since issuing its own guidance (in the form of a circular letter) under the previous action plan. As such, the results of this commitment will depend on sufficient budget allocation and institutional support to concretely improve accessibility accommodation within the Attorney General’s Office.

The commitment’s other milestones plan for research to establish baseline and identify obstacles to women and vulnerable populations’ access to judicial proceedings. However, the

commitment does not include milestones to implement reform in response to research findings during the implementation period. Planned monitoring and evaluation of how law enforcers treat women in the judicial system will pilot a process that could be replicated by CSOs or other judicial institutions following the implementation period. The commitment does not offer specific information on how the monitoring and evaluation will be conducted, including whether it will be a collaborative process or whether the report will be publicly available. IJRS envisions that beyond the commitment, this could pave the way for adopting evidence-based regulations or developing necessary guidelines. For instance, if the monitoring and evaluation finds that law enforcers' level of awareness of women's issues is a major problem, policymakers could develop a solution focused on capacity building or training rather than issuing more regulations.<sup>40</sup> Finally, research on judicial proceedings' digitization for vulnerable persons would offer a baseline assessment. Beyond this commitment's planned milestones, this could contribute to the long-term digitization strategy. For each of these efforts, open government results will depend on uptake of research findings.

Despite limitations, this commitment lends momentum to an important effort to provide sufficient accommodation for persons with disabilities in judicial processes with strong government and civil society support. In the long term, investing in accessible justice institutions can allow all Indonesians to better defend their rights, demand equal access to public services, and protect their ability to participate in democratic processes.

### **Opportunities, challenges, and recommendations during implementation**

The Attorney General's Office has shown strong engagement in collaborating with CSOs and participating in the open government process.<sup>41</sup> The government's ability to provide sufficient resources for this commitment's implementation will likely depend on how milestones align with their work plans. Some officials at relevant institutions were not aware of the open government process, which could impact their support for implementation.<sup>42</sup> The IRM notes that fewer access to justice CSOs are engaged in this commitment compared to the previous action plan. Among those engaged, LBH APIK focuses on addressing gender-based violence. However, none of the CSOs involved specialize on advocating for persons with disabilities. With coordination across workstreams related to access to justice initiatives on disabilities and gender, the commitment could also generate support for the intersecting needs of these communities.

For strong implementation, the IRM recommends the following:

- **Strengthen engagement** in commitment implementation through CSO and OGI targeted communication efforts directed at relevant judicial institutions, including the National Police. The Attorney General's Office and other implementers can proactively offer opportunities for participation to CSOs specializing in disability advocacy.
- **Allocate sufficient budget** to implement the Attorney General Office's guideline or **issue relevant regulations** that provide sufficient legal basis to do so. Train judicial officers and lawyers on the guideline. If regulations are to be issued, develop these in consultation with representatives of the disabled community.
- **Develop the study on digitizing the judicial process** as a policy brief that provides short-term, medium-term, and long-term strategies for implementation, as well as highlights the different context and challenges of each judiciary institution. This could be done by, for instance, conducting a needs assessment for each of these institutions.<sup>43</sup>
- **Deliver a systemic approach to the monitoring and evaluation** of how law enforcers treat women in the judicial system based on the pilot project results.

### **Commitment 14: Recovery mechanisms for sexual violence crimes**

*Ministry of Women’s Empowerment and Child Protection (KPPPA), Witness and Victim Protection Agency (LPSK), Ministry of Law and Human Rights (Kemenkumham), International NGO Forum on Indonesian Development (INFID), Indonesia Judicial Research Society (IJRS), Ministry of Development Planning (Bappenas)*

For a complete description of the commitment, see Commitment 14 in Indonesia’s 2022–2024 action plan: [https://www.opengovpartnership.org/wp-content/uploads/2023/01/Indonesia\\_Action-Plan\\_2023-2024\\_EN.pdf](https://www.opengovpartnership.org/wp-content/uploads/2023/01/Indonesia_Action-Plan_2023-2024_EN.pdf).

### **Context and objectives**

Supported by active national-level civil society participation, the government drafted and passed the Sexual Violence Crimes Law in 2022. As next steps, CSOs proposed this commitment to continue civil society participation in drafting and issuing technical regulations related to the establishment of a Victim Assistance Fund (DBK) and the Local Technical Implementation Unit for Women and Child Protection (UPTD PPA), followed by the implementation and participatory monitoring of the planned UTPD PPA technical regulation. This marks the Ministry of Women’s Empowerment and Child Protection’s (KPPPA) first OGP commitment.

The planned regulations are intended to improve government response to rising sexual violence crimes.<sup>44</sup> According to the Coalition for Safe Public Space in 2019, three out of five women had experienced harassment in public spaces.<sup>45</sup> In a March 2022 report, the National Commission on Violence against Women had documented 338,496 cases of violence against women, including cyber gender violence.<sup>46</sup> The report further states that, in the last five years, the most common types of violence against women had been psychological violence (36%), sexual violence (33%), physical violence (18%), and economic violence (13%).<sup>47</sup>

### **Potential for results: Modest**

In implementing the Law, the Ministry of Women’s Empowerment and Child Protection plans to develop and issue five technical regulations in conjunction with five presidential regulations. This commitment focuses on two of those regulations which are critical to the recovery of sexual violence crime victims. To ensure participation in these efforts, the commitment plans for civil society research to be incorporated in the drafting process for these regulations. The International NGO Forum on Indonesian Development (INFID) expects this commitment to lead to an evidence-based and participatory approach to drafting.<sup>48</sup>

One of the two regulations will be on the establishment of a Victim Assistance Fund (DBK). Given the psychological and physical effects of sexual violence, perpetrators are legally obliged to pay restitution to their victims. However, in some cases, either the perpetrator is unable to pay, or the court holds the payment until a final verdict is made. The assistance fund is intended to allow the government to pay the restitution in cases where the perpetrator is unable to pay. The planned technical regulations are therefore needed to specify the establishment, designation, use, management, disbursement, inter-ministerial coordination mechanism, as well as sources of the fund—be it from non-tax revenue or private sector’s corporate social responsibility.<sup>49</sup>

The second component of the commitment is the Presidential Regulation on UPTD PPA, which will regulate the technical implementation unit at the local level.<sup>50</sup> Prior to the passing of the Law, the unit was already an institution where victims could report sexual violence and seek

protection. However, the Law expands the scope of the unit from 6 to 11 types of services. It will begin to serve as a one-stop provider that delivers services for victims and coordinates with the police, the women and children protection unit, and other relevant units at the local level.<sup>51</sup>

This commitment is well-designed and serves a positive example of how the OGP platform could be leveraged to ensure civil society participation in policy reforms. While it does not plan for a substantial change in civic participation practices, it intends to carry forward civil society participation from developing the Law to developing some of its subsequent technical regulations. At this key juncture, actively including the community in policymaking would allow the government to better respond to the lived realities of people impacted by sexual violence.

### **Opportunities, challenges, and recommendations during implementation**

For this commitment to succeed, it will need to extend engagement with a number of relevant government bodies and civil society actors. For instance, the management of the assistance fund would intersect between the Witness and Victim Protection Agency (LPSK), the Ministry of Women’s Empowerment and Child Protection, the Attorney General’s Office, and CSOs. Implementation led by UPTD PPA at the local level would also require coordination with several government units, including the police, local health authorities, women’s empowerment departments, healthcare facilities, representative offices of the Ministry of Law and Human Rights, LPSK, and the Ministry of Home Affairs.<sup>52</sup>

The IRM recommends the following to ensure successful implementation:

- **Convene targeted outreach and coordination meetings** organized by OGI to bridge relevant government and non-government stakeholders. Facilitate necessary engagement to ensure that technical regulations are developed and implemented effectively. Involve local civil society organizations and the public to improve the relevance of UPTD PPA at the local level.
- **Clearly define public participation channel to improve UPTD PPA.** The Ministry of Women’s Empowerment and Child Protection and other implementers can hold a series of coordination meetings to develop specific plans for feedback channels that institutionalize public and civil society input in implementing the planned ordinances on UPTD PPA and monitoring of its efficacy.
- **Publish the research produced by civil society** supporting the development of the technical regulations in the form of publicly available policy papers. Opportunities for public comments could further widen participation.
- **Raise public awareness** of rights under the technical regulations of the Law. A wide public awareness campaign by government and non-government stakeholders could magnify the commitment’s positive impact for victims of sexual violence.

### **Other commitments**

Other commitments that the IRM did not identify as promising commitments are discussed below. This review provides recommendations to contribute to the learning and implementation of these commitments.

Commitment 2 intends to strengthen the beneficial ownership information available on the Ministry of Law and Human Rights’ database but does not offer clear milestones. This reflects divergence between the Ministry of Law and Human Rights and CSOs on whether to narrowly focus on transparency or to engage in data verification and validation.<sup>53</sup> The IRM notes that data verification and validation are central issues with the beneficial ownership database. It

would be advisable to revise this commitment and plan for more concrete milestones, as this effort could achieve positive open government results building on the momentum generated by positive efforts in previous action plan cycles.

For Commitment 5, results will depend on implementers taking careful measures to address potential civic space concerns. It plans to combat election disinformation, but risks incompatibility with international standards of free expression. The International Center for Not-for-Profit Law found that regulations of this sort are likely to suppress protected forms of speech. Instead, it recommends an approach focused on education, independent fact-checking, media literacy campaigns, and other non-regulatory mechanisms.<sup>54</sup> The Association for Elections and Democracy (Perludem) proposes a multi-stakeholder forum in which civil society, election organizers, and social media platforms are equal partners in handling disinformation; although it cautions against building in power imbalance as civil society participation is often used to legitimize decisions taken by other parties. Perludem also suggests that regulatory reform to require transparency from candidates and social media platforms regarding political advertising and content moderation could be considered instead.<sup>55</sup>

Some commitments could expand their scope to improve the ambition of intended changes. Commitments 8 and 9 address social accountability at the local level but have limited geographic coverage. Commitment 12 plans for participation in establishing guidelines to operationalize legal aid service standards passed under the previous action plan but does not carry forward efforts to expand access to legal aid, which remains limited outside of large cities. Commitment 6 intends to make existing election data compliant with the open data format, which would be positive progress, but is a marginal change from what currently exists. To further this effort, it will be necessary to publish certain key datasets, convert data to non-proprietary formats, make available datasets available in single bulk download (across geographic divides and election years), and establish and maintain permalinks and time series datasets. Perludem encourages prioritization of datasets on electoral district maps, political party profiles, election participant profiles, campaign finance reports, and election results.<sup>56</sup> Implementers can draw on the examples of Canada's,<sup>57</sup> South Africa's,<sup>58</sup> or Australia's<sup>59</sup> approaches to opening election data. Making more systematic efforts on opening election data can foster participation in elections and improve their public legitimacy.

Commitment 15 addresses the important policy areas of access to natural resources and environmental data. However, by the end of the co-creation process, there was no buy-in from key government stakeholders on plans to open this data, which will be necessary for commitment implementation.<sup>60</sup> To support progress under this commitment, OGI can lead efforts to build buy-in from the Ministry of Environment and Forestry, the Ministry of Energy and Mineral Resources, as well as the Ministry of Agrarian Affairs and Spatial Planning. Additionally, Publish What You Pay suggests that the Central Information Commission's decision on the openness of permit documents can be used to encourage compliance with planned publication of natural resources and environmental data.<sup>61</sup> A number of other commitments in the action plan touch upon important policy issues, but do not clearly outline the steps to achieve concrete policy reforms. Overall, to maximize the results of each of these commitments on opening government, implementers could take measures that stretch the government beyond its current state of practice.

Commitments 3 and 10 intend to conduct studies about legal protection on environmental cases and the Truth and Reconciliation Commission Draft Law. However, they do not include

milestones to subsequently implement recommendations of the studies. Similarly, Commitment 7 focuses on the development of digital accessibility guidelines to improve public communication and information services for persons with disabilities but does not plan for how these guidelines will be embedded in government practices. Commitment 13 focuses on preparing input for the revision of the Legal Aid Law but does not offer steps towards passage of the amendment.

Commitment 4 plans to draft implementing regulations of the Personal Data Protection Law, but do not commit to taking actions that would ensure the passage of those regulation. Implementing actors from Tifa Foundation and the Ministry of Communication and Informatics could not be reached for comment.<sup>62</sup> Clarifying opportunities for civic engagement would strengthen the open government lens of this commitment, whereas implementers can draw on the experiences of other OGP members in establishing independent data governing bodies, such as Australia<sup>63</sup> and France.<sup>64</sup> France specifically has also organized stakeholder dialogues<sup>65</sup> on data use and protection that can be referenced.

<sup>1</sup> Vendy Yhulia Susanto, "Nilai Pengadaan Barang dan Jasa Pemerintah pada 2021 Mencapai Rp 1.214 triliun," [Government Goods and Service Procurement Value in 2021 Reaches Rp 1,214 trillion], Kontan, 21 February 2021, <https://nasional.kontan.co.id/news/nilai-pengadaan-barang-dan-jasa-pemerintah-pada-2021-mencapai-rp-1214-triliun>.

<sup>2</sup> "Modus Korupsi yang Paling Populer di Indonesia," [Most Popular Corruption Forms in Indonesia], Corruption Eradication Commission, 6 June 2022, <https://aclc.kpk.go.id/aksi-informasi/Eksplorasi/20220606-modus-korupsi-yang-paling-populer-di-indonesia>.

<sup>3</sup> "Portal Pengadaan Nasional," [National Procurement Portal], National Public Procurement Agency, <https://inaproc.id/>; "Layanan Pengadaan Secara Elektronik," [Electronic Procurement Portal], National Public Procurement Agency, <https://lpse.lkpp.go.id/eproc4>.

<sup>4</sup> Siti Juliantari Rachman (Indonesia Corruption Watch), interview by IRM researcher, 10 February 2023.

<sup>5</sup> LKPP Regulation No. 6/2022 identifies two complaint channels: "Whistleblowing System," National Public Procurement Agency, <https://wbs.inaproc.id> or <https://wbs.lkpp.go.id>; and "E-Pengaduan," [E-Complaint], National Public Procurement Agency, <https://pengaduan.lkpp.go.id>.

<sup>6</sup> Rachman, interview; Mira Erviana (National Public Procurement Agency), FGD with IRM researcher, 13 April 2023.

<sup>7</sup> SPSE covers procurement planning and preparation, provider selection, contract implementation, work handover, provider management, and also includes an e-catalogue. Supporting systems include the national procurement portal, human resource management in procurement, advocacy and settlement of legal issues management, public involvement management, learning resource management, and monitoring and evaluation (in accordance with Article 71 of Presidential Regulation No. 16/2018).

<sup>8</sup> "E-Katalog," [E-Catalogue], National Public Procurement Agency, <https://e-katalog.lkpp.go.id>.

<sup>9</sup> "Sistem Informasi Kinerja Penyedia," [Provider Performance Information System], National Public Procurement Agency, <https://sikap.lkpp.go.id>.

<sup>10</sup> "Whistleblowing System," National Public Procurement Agency; "E-Pengaduan," [E-Complaint], National Public Procurement Agency.

<sup>11</sup> "Grafik Penanganan Pengaduan," [Complaints Handling Graphs], National Public Procurement Agency, <https://wbs.lkpp.go.id/index.php?halaman=grafik>.

<sup>12</sup> Rachman, interview; Agus Sarwanto (Transparency International Indonesia), interview by IRM researcher, 24 March 2023.

<sup>13</sup> Erviana, FGD.

<sup>14</sup> Rachman, interview.

<sup>15</sup> "Independent Reporting Mechanism Results Report: Indonesia 2020–2022," Open Government Partnership, [https://www.opengovpartnership.org/wp-content/uploads/2023/07/Indonesia\\_Results-Report\\_2020-2022\\_EN.pdf](https://www.opengovpartnership.org/wp-content/uploads/2023/07/Indonesia_Results-Report_2020-2022_EN.pdf).

<sup>16</sup> Aditya Nuriya (Central Information Commission), interview by IRM researcher, 21 March 2023.

<sup>17</sup> Rachman, interview.

<sup>18</sup> Sarwanto, interview.

<sup>19</sup> "Jumlah Rekanan per Jenis Pekerjaan Terverifikasi," [Providers for Each Verified Job Category], National Public Procurement Agency, 19 April 2022, <https://web.archive.org/web/20220614081015/https://sikap.lkpp.go.id/statistik/?indonesia>; "Jumlah Rekanan per



- Jenis Pekerjaan Terverifikasi," [Providers for Each Verified Job Category], National Public Procurement Agency, National Public Procurement Agency, <https://sikap.lkpp.go.id/statistik/?indonesia>.
- <sup>20</sup> Muhamad Taufikurrahman (National Public Procurement Agency), FGD with IRM researcher, 13 April 2023.
- <sup>21</sup> Taufikurrahman, FGD.
- <sup>22</sup> "LKPP Teken Kerja Sama dengan Kemenkumham mengenai Pemanfaatan Data Perseroan Terbatas," [LKPP Signs Cooperation Agreement with Kemenkumham on Beneficial Ownership Information Use], National Public Procurement Agency, 16 January 2023, <https://jdih.lkpp.go.id/news/31/lkpp-teken-kerja-sama-dengan-kemenkumham-mengenai-pemanfaatan-data-perseroan-terbatas>.
- <sup>23</sup> Taufikurrahman, FGD.
- <sup>24</sup> Rachman, interview; Taufikurrahman, FGD.
- <sup>25</sup> Sarwanto, interview.
- <sup>26</sup> Sarwanto, interview.
- <sup>27</sup> Rachman, interview; Nanda Sihombing (Open Contracting Partnership), correspondence with IRM researcher, 2 February 2023.
- <sup>28</sup> Rachman, interview.
- <sup>29</sup> Rachman, interview.
- <sup>30</sup> Darwanto (MediaLink), interview by IRM researcher, 8 February 2023; Rachman, interview.
- <sup>31</sup> Rachman, interview.
- <sup>32</sup> "Gov't Passes Several Regulations on Persons with Disabilities to Realize Inclusive Development," Cabinet Secretariat, 3 December 2020, <https://setkab.go.id/en/govt-passes-several-regulations-on-persons-with-disabilities-to-realize-inclusive-development>.
- <sup>33</sup> Dio Ashar Wicaksana and Arsa Ilmi Budiarti (Indonesia Judicial Research Society), interview by IRM researcher, 24 February 2023.
- <sup>34</sup> "Pedoman Nomor 2 Tahun 2023 tentang Akomodasi yang Layak dan Penanganan Perkara yang Aksesibel dan Inklusif bagi Penyandang Disabilitas dalam Proses Peradilan," [AGO Guidance No. 2/2023 on Sufficient Accommodation and Accessible and Inclusive Case Handling for Persons with Disabilities], Attorney General's Office, June 2023, <https://ijrs.or.id/pedoman-nomor-2-tahun-2023-tentang-akomodasi-yang-layak-dan-penanganan-perkara-yang-aksesibel-dan-inklusif-bagi-penyandang-disabilitas-dalam-proses-peradilan>.
- <sup>35</sup> Wicaksana and Budiarti, interview.
- <sup>36</sup> Mutiah Wenda Juniar, Arini Nur Annisa, Nanda Yuniza, and Andi Dahsyat, "The Issues of Implementing the Right Access to Justice for People with Disabilities," *Awang Long Law Review*, 5 (1), November 2022, 215–244.
- <sup>37</sup> "Access to Justice Index in Indonesia 2019," Civil Society Consortium for Access to Justice Index in Indonesia, May 2022, <http://ijrs.or.id/wp-content/uploads/2022/05/FINAL-INDEKS-A2J-ENGLISH-2022.pdf>, 114.
- <sup>38</sup> Wicaksana and Budiarti, interview.
- <sup>39</sup> Theodurus Agustinus Hasiholan, Andrieta Rafaela Arifin, and Armita Tri Yuniasningrum (Open Government Indonesia Secretariat), FGD with IRM researcher, 21 February 2023.
- <sup>40</sup> Wicaksana and Budiarti, interview.
- <sup>41</sup> Hasiholan, Arifin, and Yuniasningrum, FGD; Wicaksana and Budiarti, interview.
- <sup>42</sup> Wicaksana and Budiarti, interview.
- <sup>43</sup> Wicaksana and Budiarti, interview.
- <sup>44</sup> Andi Misbahul Pratiwi and Nikodemus Niko, "'Spilling the Tea' on Sexual Violence," *Inside Indonesia*, 17 November 2021, <https://www.insideindonesia.org/spilling-the-tea-on-sexual-violence>.
- <sup>45</sup> "Koalisi Publik Ruang Aman," [Coalition for Safe Public Space], Coalition for Safe Public Space, <https://ruangaman.org>.
- <sup>46</sup> "Peluncuran Catahu Komnas Perempuan 2022," [Launch of Komnas Perempuan 2022 Annual Report], National Commission on Violence against Women, <https://komnasperempuan.go.id/kabar-perempuan-detail/peluncuran-catahu-komnas-perempuan-2022>.
- <sup>47</sup> "Peluncuran Catahu Komnas Perempuan 2022," [Launch of Komnas Perempuan 2022 Annual Report], National Commission on Violence against Women.
- <sup>48</sup> Bona Tua (International NGO Forum on Indonesian Development), interview by IRM researcher, 27 March 2023.
- <sup>49</sup> Wicaksana and Budiarti, interview.
- <sup>50</sup> "Pemerintah Susun Peraturan Pelaksana UU TPKS," [Government Develops Implementing Regulations of Sexual Violence Crime Law], Ministry of Women's Empowerment and Child Protection, 7 June 2022, <https://www.kemennppa.go.id/index.php/page/read/29/3941/pemerintah-susun-peraturan-pelaksana-uu-tpks>.
- <sup>51</sup> The unit's 11 services comprise (1) to receive reports or outreach to victims; (2) to provide information of victims' rights; (3) to facilitate delivery of health services; (4) to facilitate provision of psychological services; (5) to facilitate provision of psychosocial services, social rehabilitation, and social reintegration; (6) to provide legal services; (7) to identify the need for economic empowerment; (8) to identify the need for temporary shelter; (9) to facilitate the needs of victims with disabilities; (10) to coordinate the fulfillment of victims' rights with other institutions; and (11)

to monitor the fulfillment of victims' rights by law enforcement officials during the judicial process. See: "Fasilitasi Perempuan dan Anak Korban Kekerasan, Cakupan Layanan UPTD PPA Diperluas," [UTPD PPA Service Areas Expand to Facilitate Women and Children Victims of Violence], Ministry of Women's Empowerment and Child Protection, 25 April 2022, <https://www.kemenpppa.go.id/index.php/page/read/29/3883/fasilitasi-perempuan-dan-anak-korban-kekerasan-cakupan-layanan-uptd-ppa-diperluas>.

<sup>52</sup> Tua, interview.

<sup>53</sup> Darwanto, interview.

<sup>54</sup> Julie Hunter and Nikhil Dutta (International Center for Not-for-Profit Law), correspondence with IRM researcher, 9 February 2023.

<sup>55</sup> Maharddhika (Perludem), correspondence with IRM researcher, 28 February 2023.

<sup>56</sup> Maharddhika, correspondence.

<sup>57</sup> "Official Voting Results: Forty-Fourth General Election," Elections Canada, <https://www.elections.ca/res/rep/off/ovr2021app/home.html>.

<sup>58</sup> "2019 National and Provincial Elections," Electoral Commission of South Africa, <https://results.elections.org.za/dashboards/npe/app/dashboard.html>.

<sup>59</sup> "2019 Federal Election," Australian Electoral Commission, <https://results.aec.gov.au/24310/Website/HouseDefault-24310.htm>.

<sup>60</sup> Darwanto, interview; Hasiholan, Arifin, and Yuniasningrum, FGD.

<sup>61</sup> Mouna Wasef (Publish What You Pay Indonesia), correspondence with IRM researcher, 8 March 2023.

<sup>62</sup> IRM contacted Tifa Foundation and the Ministry of Communication and Informatics in February and March 2023, but did not receive replies to requests for comment.

<sup>63</sup> "Australia: Data Sharing (AU0018)," Open Government Partnership, <https://www.opengovpartnership.org/members/australia/commitments/AU0018>.

<sup>64</sup> "France: Improved Data Policies and Administration (FR0034)," Open Government Partnership, <https://www.opengovpartnership.org/members/france/commitments/FR0034>.

<sup>65</sup> "France: Engage in Dialogue with Civil Society on Data Protection Issues (FR0105)," Open Government Partnership, <https://www.opengovpartnership.org/members/france/commitments/FR0105>.

## Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation. It is intended as a quick, independent, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. The IRM highlights commitments that have the highest potential for results, a high priority for country stakeholders, a priority in the national open government context, or a combination of these factors.

The IRM follows a filtering and clustering process to identify promising reforms or commitments:

**Step 1:** Determine what is reviewable based on the verifiability of the commitment as written in the action plan.

**Step 2:** Determine if the commitment has an open government lens. Is it relevant to OGP values?

**Step 3:** Review commitments that are verifiable and have an open government lens to identify if certain commitments need to be clustered. Commitments that have a common policy objective or contribute to the same reform or policy issue should be clustered. The potential for results of clustered commitments should be reviewed as a whole. IRM staff follow these steps to cluster commitments:

- a. Determine overarching themes. If the action plan is not already grouped by themes, IRM staff may use OGP's thematic tagging as reference.
- b. Review commitment objectives to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
- c. Organize commitments into clusters as needed. Commitments may already be organized in the action plan under specific policy or government reforms.

**Step 4:** Assess the potential for results of the clustered or standalone commitment.

Filtering is an internal process. Data for individual commitments is available in Annex 1. In addition, during the internal review process of this product, the IRM verifies the accuracy of findings and collects further input through peer review, OGP Support Unit feedback as needed, interviews and validation with country stakeholders, an external expert review, and oversight by IRM's International Experts Panel (IEP).

As described earlier, IRM relies on **three key indicators** for this review:

### 3. Verifiability

- **Yes, specific enough to review:** As written in the action plan, the stated objectives and proposed actions are sufficiently clear and include objectively verifiable activities to assess implementation.
- **No, not specific enough to review:** As written in the action plan, the stated objectives and proposed actions lack clarity and do not include explicitly verifiable activities to assess implementation.
- Commitments that are not verifiable will be considered not reviewable, and further assessment will not be carried out.

## II. Open government lens

This indicator determines if the commitment relates to the open government values of transparency, civic participation, or public accountability as defined by the Open Government Declaration and the OGP Articles of Governance by responding to the following guiding questions. Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institution, or decision-making process more transparent, participatory, or accountable to the public?

The IRM uses the OGP values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will the government create or improve opportunities, processes, or mechanisms for the public to inform or influence decisions? Will the government create, enable, or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association, and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable legal, policy, or institutional frameworks to foster accountability of public officials?

## III. Potential for results

The IRM adjusted this indicator—formerly known as the “potential impact” indicator—to take into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, the IRM modified this indicator to lay out the expected results and potential that would be verified in the IRM Results Report after implementation. Given the purpose of this Action Plan Review, the assessment of potential for results is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** The commitment is aimed at continuing ongoing practices in line with existing legislation, requirements, or policies without indication of the added value or enhanced open government approach in contrast with existing practice.
- **Modest:** A positive but standalone initiative or change to processes, practices, or policies. The commitment does not generate binding or institutionalized changes across government or institutions that govern a policy area. Examples are tools (e.g., websites) or data release, training, or pilot projects.
- **Substantial:** A possible game changer for practices, policies, or institutions that govern a policy area, public sector, or the relationship between citizens and state. The commitment generates binding and institutionalized changes across government.

This review was prepared by the IRM in collaboration with Hasrul Hanif and was externally expert reviewed by Thomas Kalinowski. The IRM methodology, quality of IRM products, and

review process are overseen by IRM’s IEP. For more information, see the IRM Overview section of the OGP website.<sup>1</sup>

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<sup>1</sup> “IRM Overview,” Open Government Partnership, <https://www.opengovpartnership.org/irm-guidance-overview>.

## Annex 1. Commitment by Commitment Data<sup>1</sup>

<b>Commitment 1: Transparency and participation in government procurement</b>
<ul style="list-style-type: none"><li>• Verifiable: Yes</li><li>• Does it have an open government lens? Yes</li><li>• Potential for results: Substantial</li></ul>
<b>Commitment 2: Beneficial ownership data disclosure</b>
<ul style="list-style-type: none"><li>• Verifiable: Yes</li><li>• Does it have an open government lens? Yes</li><li>• Potential for results: Unclear</li></ul>
<b>Commitment 3: Legal protection on environmental cases</b>
<ul style="list-style-type: none"><li>• Verifiable: Yes</li><li>• Does it have an open government lens? Yes</li><li>• Potential for results: Modest</li></ul>
<b>Commitment 4: Implementing regulations for Personal Data Protection Law</b>
<ul style="list-style-type: none"><li>• Verifiable: Yes</li><li>• Does it have an open government lens? Yes</li><li>• Potential for results: Modest</li></ul>
<b>Commitment 5: Mechanism to handle election disinformation</b>
<ul style="list-style-type: none"><li>• Verifiable: Yes</li><li>• Does it have an open government lens? Yes</li><li>• Potential for results: Unclear</li></ul>
<b>Commitment 6: Openness of election data</b>
<ul style="list-style-type: none"><li>• Verifiable: Yes</li><li>• Does it have an open government lens? Yes</li><li>• Potential for results: Modest</li></ul>
<b>Commitment 7: Digital accessibility guidelines for inclusive public communication and information services for persons with disabilities</b>
<ul style="list-style-type: none"><li>• Verifiable: Yes</li><li>• Does it have an open government lens? Yes</li><li>• Potential for results: Modest</li></ul>
<b>Commitment 8: Social accountability of village budget openness</b>
<ul style="list-style-type: none"><li>• Verifiable: Yes</li><li>• Does it have an open government lens? Yes</li><li>• Potential for results: Modest</li></ul>
<b>Commitment 9: Social accountability on public services and village governance</b>
<ul style="list-style-type: none"><li>• Verifiable: Yes</li><li>• Does it have an open government lens? Yes</li></ul>

<ul style="list-style-type: none"><li>• Potential for results: Modest</li></ul>
<b>Commitment 10: Drafting of the Truth and Reconciliation Commission draft law</b>
<ul style="list-style-type: none"><li>• Verifiable: Yes</li><li>• Does it have an open government lens? Yes</li><li>• Potential for results: Modest</li></ul>
<b>Commitment 11: Accessibility and accountability of judicial proceedings</b>
<ul style="list-style-type: none"><li>• Verifiable: Yes</li><li>• Does it have an open government lens? Yes</li><li>• Potential for results: Modest</li></ul>
<b>Commitment 12: Provision of quality and accessible legal aid</b>
<ul style="list-style-type: none"><li>• Verifiable: Yes</li><li>• Does it have an open government lens? Yes</li><li>• Potential for results: Modest</li></ul>
<b>Commitment 13: Legal aid provision for vulnerable persons</b>
<ul style="list-style-type: none"><li>• Verifiable: Yes</li><li>• Does it have an open government lens? Yes</li><li>• Potential for results: Modest</li></ul>
<b>Commitment 14: Recovery mechanisms for sexual violence crimes</b>
<ul style="list-style-type: none"><li>• Verifiable: Yes</li><li>• Does it have an open government lens? Yes</li><li>• Potential for results: Modest</li></ul>
<b>Commitment 15: One Data system for natural resources and the environment</b>
<ul style="list-style-type: none"><li>• Verifiable: Yes</li><li>• Does it have an open government lens? Yes</li><li>• Potential for results: Modest</li></ul>

<sup>1</sup> **Editorial note:** Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Indonesia’s action plan: <https://www.opengovpartnership.org/documents/indonesia-action-plan-2022-2024>.

## Annex 2: Action Plan Co-Creation

OGP member countries are encouraged to aim for the full ambition of the updated OGP Participation and Co-Creation Standards that came into force on 1 January 2022.<sup>1</sup> IRM assesses all countries that submitted action plans from 2022 onward under the updated standards. OGP instituted a 24-month grace period to ensure a fair and transparent transition to the updated standards. During this time, IRM will assess countries' alignment with the standards and compliance with their minimum requirements.<sup>2</sup> However, countries will only be found to be acting contrary to the OGP process if they do not meet the minimum requirements, starting with action plans submitted to begin in 2024 and onward. Table 2 outlines the extent to which the countries' participation and co-creation practices meet the minimum requirements that apply during development of the action plan.

**Table 2. Compliance with minimum requirements**

Minimum requirement	Met during co-creation?	Met during implementation ?
<b>1.1 Space for dialogue:</b> The OGI Secretariat has a board of directors comprising 2 civil society and 10 government representatives (from ministries, the President's Executive Office, and state auxiliary institutions) which offers a multistakeholder space for dialogue. <sup>3</sup> During the co-creation process, this body met every month or two. <sup>4</sup> The secretariat also has an implementing team which comprises 7 civil society and 17 government representatives. <sup>5</sup> The Ministry of National Development Planning website published Ministerial Decree No. KEP.88/M.PPN/HK/06/2018 which outlines the responsibilities, composition, and structure of the secretariat. <sup>6</sup> The OGI website also provides updated information about the secretariat structure and composition. <sup>7</sup> Beyond the secretariat, a wider group of civil society and government stakeholders participated in virtual, in-person, and hybrid working groups on development of each commitment, most of which met twice during the co-creation process. <sup>8</sup>	Yes	<i>To be assessed in the Results Report</i>
<b>2.1 OGP website:</b> OGI maintains a publicly accessible website <sup>9</sup> which contains all of Indonesia's action plans, <sup>10</sup> along with information on OGI, news of outreach activities, and co-creation and implementation updates. It also includes information on OGP Local members in Indonesia.	Yes	<i>To be assessed in the Results Report</i>
<b>2.2 Repository:</b> The OGI website links to repositories that contains information on previous action plans' implementation <sup>11</sup> and the co-creation process. <sup>12</sup> It was updated during the action plan development process (August–December 2022).	Yes	<i>To be assessed in the Results Report</i>
<b>3.1 Advanced notice:</b> OGI published a co-creation timeline on the OGI website in early July, more than two weeks before the start of the co-creation process in mid-August. <sup>13</sup>	Yes	Not applicable
<b>3.2 Outreach:</b> OGI raised public awareness of the co-creation process through outreach activities such as Open Government Talk, Open Government Week, OGI Goes to Campus, and Open Government Local Learning. <sup>14</sup>	Yes	Not applicable



<p><b>3.3 Feedback mechanism:</b> Before the formal co-creation process began, OGI gathered input on strategic issues for inclusion in the action plan. A total of 191 problem statements and 170 solution ideas from young people in Medan, North Sumatera were collected via the OGI Goes to Campus event. Further stakeholder input was collected through a survey, which received 52 responses (27 from civil society and 25 from government representatives). The multistakeholder forum categorized the strategic issues into themes of public services, anti-corruption, justice, community empowerment, and digital governance. During the first stage of the formal co-creation process, OGI opened a call for proposals from August to September 2022 and received 27 proposals from government and civil society representatives. Joint civil society and government working groups then finalized the commitments.<sup>15</sup> Throughout the process, OGI also provided a freely accessible online comment form, which saw limited use by the public.</p>	Yes	Not applicable
<p><b>4.1 Reasoned response:</b> Stakeholders’ contributions were documented on the OGI repository. The government provided reasoned response to stakeholders during action plan development meetings. These were documented in the minutes uploaded to the OGI repository.<sup>16</sup> Quality of the government’s reasoned response varied across government institutions. Some responded positively to stakeholder contributions, while others showed little interest in responding and did not engage.<sup>17</sup></p>	Yes	Not applicable
<p><b>5.1 Open implementation:</b> The IRM will assess whether meetings were held with civil society stakeholders to present implementation results and enable civil society to provide comments in the Results Report.</p>	Not applicable	<i>To be assessed in the Results Report</i>

<sup>1</sup> “2021 OGP Participation and Co-Creation Standards,” Open Government Partnership, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards>.

<sup>2</sup> “IRM Guidelines for the Assessment of Minimum Requirements,” Open Government Partnership, <https://www.opengovpartnership.org/documents/irm-guidelines-for-the-assessment-of-minimum-requirements>.

<sup>3</sup> Darwanto (MediaLink), correspondence with IRM researcher, 31 May 2023.

<sup>4</sup> Andrieta Rafaela Arifin (Open Government Indonesia Secretariat), correspondence with IRM researcher, 10 February 2023.

<sup>5</sup> According to Darwanto, correspondence: Yanuar Nugroho (OGP Envoy) and a representative from civil society organization MediaLink were appointed to the board of directors in 2020. The board was re-elected in 2023. However, this has not been made official by a National Development Planning Ministerial Decree.

<sup>6</sup> “Pembentukan Tim Koordinasi Strategis Pelaksanaan Rencana Aksi Open Government Indonesia,” [Formation of Open Government Indonesia Action Plan Strategic Coordination Team], Ministry of National Development Planning, June 2018, <https://jdih.bappenas.go.id/peraturan/detailperaturan/515>; Andrieta Rafaela Arifin (Open Government Indonesia Secretariat), correspondence with IRM researcher, 7 June 2023.

<sup>7</sup> “Sekretariat Open Government Indonesia,” [Open Government Indonesia Secretariat], Ministry of National Development Planning, <https://ogi.bappenas.go.id/sekretariat>.

<sup>8</sup> “Proses Ko-Kreasi,” [Co-Creation Process], Ministry of National Development Planning, <https://ogi.bappenas.go.id/en/kokreasiRANVII>.

<sup>9</sup> “Open Government Indonesia,” Ministry of National Development Planning, <https://ogi.bappenas.go.id/en>.

<sup>10</sup> “Dokumen Rencana Aksi,” [Action Plan Documents], Ministry of National Development Planning, <https://ogi.bappenas.go.id/en/dokumen-rencana-aksi>.

<sup>11</sup> “Monitoring and Evaluation of the Action Plan,” Ministry of National Development Planning, <https://ogi.bappenas.go.id/monev>.

<sup>12</sup> “Proses Ko-Kreasi,” [Co-Creation Process], Ministry of National Development Planning.

<sup>13</sup> “Proses Ko-Kreasi,” [Co-Creation Process], Ministry of National Development Planning; Arifin, correspondence, 7 June 2023.

<sup>14</sup> “Kegiatan OGI,” [OGI Activities], Ministry of National Development Planning,  
<https://ogi.bappenas.go.id/en/kegiatan-ogi>.

<sup>15</sup> “Proses Ko-Kreasi,” [Co-Creation Process], Ministry of National Development Planning.

<sup>16</sup> “Proses Ko-Kreasi,” [Co-Creation Process], Ministry of National Development Planning.

<sup>17</sup> Theodurus Agustinus Hasiholan, Andrieta Rafaela Arifin, and Armita Tri Yuniasningrum (Open Government Indonesia Secretariat), FGD with IRM researcher, 21 February 2023; “Proses Ko-Kreasi,” [Co-Creation Process], Ministry of National Development Planning.