

Country Report
Civil Society Research Assessment of Compliance
with Sustainable Development Goal Indicator
16.10.2

INDONESIA

Submitted by AJI Indonesia
April 2019

LIST OF CONTENT

LIST OF CONTENT	1
Background	2
Application	3
Overall Analysis	3
Analysis by Result Area	6
Proactive Disclosure	6
Institutional Measures	9
Processing of Request	10
Recommendations	11
References	11

Background

Law Number 14 Year 2008 on Public Information Disclosure grants public information access to all public agencies in Indonesia, unless information with exception. It is intended to encourage public participation in decision-making process, to maintain good governance, as well as to boost service quality and management of public agencies. With this law people are expected to become aware of the importance of public policies that affect the lives of many. In short, it aims to support the realization of transparent, effective, efficient, and accountable governance.

Even though this “Freedom of Information Law” has been enacted for more than a decade, it is not widely known. The chairman of Indonesian Commission of Public Information, Gede Narayana, affirms that many people do not know they have the law that guarantees their rights to obtain public information, moreover on the presence of Commission of Public Information (KIP)—an apparatus mandated to implement the law.”

KIP, as an oversight body in national and provincial level, has three main functions: carrying out the Public Information Disclosure Law and its implementing regulations; establishing technical information service standards on public information; and resolving public information disputes through mediation and/or non-litigation mechanism.

Narayana argues that the implementation of Public Information Disclosure is still far from what is expected. Many Indonesians cannot optimally utilize the law to retrieve public information they need. On the other hand, there are a number of public agencies that have yet to provide the capacity to implement the regulation. Nevertheless, progress is being made. For the past few years, KIP noted that there have been encouraging developments related to the implementation of this law. This can be seen by the increasing number of received reports by public agencies that actively participate in the implementation monitoring and evaluation of the law.

Monitoring and evaluation are one of the key performance indicators used by KIP to assess the implementation of Public Information Disclosure Law. KIP offers assistance and supervision to public agencies facing technical difficulties in comprehending and implementing the law. In 2018, 62 percent of 400 public agencies filed implementation reports to KIP. It is an increase from the previous year’s 32 percent.

It is clear that monitoring and evaluation is an important process in an effort to optimize the implementation of Public Information Disclosure. In line with that spirit, the Alliance of Independent Journalists (AJI) Indonesia conducted a research addressed to measure the enactment of right-to-information (RTI) in twelve public agencies in Indonesia. The research investigated how the public agency proactively disclose public information, put in place the implementation of the law, and properly respond to the request for information.

Application

The research is not designed to generalize Indonesian public agency adoption of Public Information Disclosure Law. There are numerous public agencies that spread across categories such as government institutions, higher education schools, political party organizations, civil societies, and NGOs. The research measures a small fraction of these groups. It will serve as a snapshot of the law's implementation as a starting point for further and more comprehensive research in the future.

The research sample is focused on government institutions. Twelve public agencies were selected: eight in the national level and four in provincial ones. The different level of sample is employed to see the comparison between national and local governments.

To extend the scope of public agencies covered, the sample is further broken down by types of government institutions according to Indonesian Constitution. Five samples were taken from the State Institutions: Ministry of Education, Ministry of Health, Ministry of Law and Human Rights, Corruption Eradication Commission (KPK), and Election Supervisory Agency (Bawaslu). House of Representative (DPR), Constitutional Court (MK), and Supreme Audit Agency (BPK) were the three samples from High State Institutions. Finally, the samples from Regional Institutions were City Council of Jakarta (DPRD DKI Jakarta), Jakarta District Court, Yogyakarta Provincial Health Office, and Yogyakarta Provincial Education Office.

Overall Analysis

This research measures proactive disclosure of public agency's performance, including efforts to publicly promote the right to information. It also assesses public agency's capacity to provide resources in response to public information request. It followed a methodology outlined in FOIANet Steering Committee—a compliance metric measuring Sustainable Development Goal (SDG) Indicator 16.10.2 urging all States to adopt and implement RTI laws.

Table 1 displays the overall measurement of public agency's performance in implementing Public Information Disclosure Law. Three criteria were assessed: Proactive Disclosure, Institutional Measures, and Responding to Request.

Overall, public agencies have medium range scores in enacting the law. It means that they have started to implement them, but there are still rooms for improvement. Compared to the local public agencies, national public agencies had better average score. The contrasting difference can be seen from the proactive disclosure measure. The capacity of local public agencies to

make important institutional information publicly available was less than their national counterparts.

Table 1. Measures of Public Information Disclosure Score by Public Agencies

Name of Public Agency	Scoring				Final Score
	Proactive Disclosure	Institutional measures (1)	Institutional measures (2)	Processing of requests	
Ministry of Education	89.58	62.5	100	0	63.02
Ministry of Health	81.25	62.5	80	100	80.94
Ministry of Law & Human Rights	85.42	62.5	30	0	44.48
Supreme Audit Agency (BPK)	83.33	62.5	80	100	81.46
Corruption Eradication Commission (KPK)	93.75	62.5	100	0	64.06
Constitutional Court (MK)	72.92	62.5	90	100	81.35
Indonesian House of Representative (DPR)	95.83	62.5	100	100	89.58
Election Supervisory Agency (Bawaslu)	91.67	62.5	100	100	88.54
City Council of Jakarta (DPRD DKI Jakarta)	39.58	62.5	0	0	25.52
Jakarta District Court	56.25	62.5	10	0	32.19
Yogyakarta Provincial Health Office	14.58	62.5	70	100	61.77
Yogyakarta Provincial Education Office	20.83	62.5	80	100	65.83
Average Score for National Public Agency					74.18
Average Score for Local Public Agency					46.33
Average Score for all					64.90
	Red	Yellow	Green		
	0-33	34-66	67-100		

There is some encouraging news: several public agencies have been making breakthroughs in implementing the law. Some of them tried to create a more interesting and interactive website. Some others created mobile and web application to channel publicly available information and aggregate public inquiries on them.

Table 2. Overall Analysis of Performance

Name of Public Body	Proactive Disclosure	Institutional Measures	Processing of Request
Ministry of Education	Having almost Full disclosure and particular section on public information disclosure that easy navigates.	Excellent, has almost all of the necessary measures in place, except a dedicated information officer.	Providing online services for information request. Information request were not provided.

Ministry of Health	Having almost Full disclosure and particular section on public information disclosure that easy navigates.	Excellent, has almost all of the necessary measures in place, but does not conduct formal training for staff.	Providing online services for information request. Information request were fulfilled within the statutory 10-day timeframe and provided in full.
Ministry of Law & Human Rights	Having almost Full disclosure and particular section on public information disclosure that easy navigates.	Poor implementation, information officer did not work properly.	Information request were not provided.
Supreme Audit Agency (BPK)	Having almost Full disclosure and particular section on public information disclosure that easy navigates.	Excellent, has almost all of the necessary measures in place, but does not conduct formal training for staff.	Providing online services for information request. Information request were fulfilled were received within the statutory 10-day timeframe and provided in full.
Corruption Eradication Commission (KPK)	Having almost Full disclosure and particular section on public information disclosure that easy navigates.	Excellent, has almost all of the necessary measures in place.	Providing online services for information request in both of web base and apps. Information request were not provided.
Constitutional Court (MK)	Having almost Full disclosure and particular section on public information disclosure that easy navigates.	Excellent, has almost all of the necessary measures in place, except information officer did not work properly.	Information request were fulfilled were received within the statutory 10-day timeframe and provided in full.
Indonesian House of Representative (DPR)	Having almost Full disclosure and particular section on public information disclosure that easy navigates.	Excellent, has almost all of the necessary measures in place.	Providing online services for information request. Information request were fulfilled were received within the statutory 10-day timeframe and provided in full.
Election Supervisory Agency (BAWASLU)	Having almost Full disclosure and particular section on public information disclosure that easy navigates.	Excellent, has almost all of the necessary measures in place.	Providing online services for information request. Information request were fulfilled were received within the statutory 10-day timeframe and provided in full.

City Council of Jakarta (DPRD DKI Jakarta)	Having partial to none disclosure. Limited data and uneasy to navigates.	Poor implementation, information officer did not work properly.	Information request were not provided.
Jakarta District Court	Having partial to none disclosure. Limited data and uneasy to navigates.	Poor implementation, information officer did not work properly.	Information request were not provided.
Yogyakarta Provincial Health Office	Having partial to none disclosure. Limited data and uneasy to navigates.	Fair enough, some of the necessary measures in place, still lack in some part.	Information request were fulfilled were received within the statutory 10-day timeframe and provided in full.
Yogyakarta Provincial Education Office	Having partial to none disclosure. Limited data and uneasy to navigates.	Fair enough, some of the necessary measures in place, still lack in some part.	Information request were fulfilled were received within the statutory 10-day timeframe and provided in full.

Analysis by Result Area

Proactive Disclosure

In this metric, public agencies should release public information without request. To measure this, the research constructed the following minimum proactively-released public information categories:

- Information regarding the organization
- Operational details
- Links to relevant legislation
- Budget details
- Public procurement and contracts
- Information regarding access to information
- Guidance on how to file information requests
- Costs of publications
- Lists of previously fulfilled access to information requests

Table 3. Overall Result for Proactive Disclosure

Name of Public Body	Availability of institutional information	Availability of information about the Right to Information
---------------------	---	--

Ministry of Education	Partial to full, lacking full contact information for key organizational members, lacking full copies of contracts information including reports on completion of contracts.	Partial to full, no data of information request granted and refused.
Ministry of Health	Partial to full, lacking full copies of contracts information including reports on completion of contracts, lacking legislation data that govern the institutions.	Partial to full, lacking data of information request granted and refused, including the costs/fee for copy of document.
Ministry of Law & Human Rights	Partial to full, lacking full copies of contracts information including reports on completion of contracts.	Partial to full, lacking data of information request granted and refused, including the costs/fee for copy of document.
Supreme Audit Agency (BPK)	Partial to full, lacking full contact information for key organizational members, lacking full copies of contracts information including reports on completion of contracts.	Partial to full, lacking data of information request granted and refused, including the costs/fee for copy of document.
Corruption Eradication Commission (KPK)	Partial to full, lacking full copies of contracts information including reports on completion of contracts.	Full
Constitutional Court (MK)	Partial to full, lacking full contact information for key organizational members, lacking full copies of contracts information including reports on completion of contracts.	Partial to full, lacking data of information request granted and refused, including the costs/fee for copy of document.
Indonesian House of Representative (DPR)	Partial to full, lacking full information of budget, lacking full copies of contracts information including reports on completion of contracts.	Full
Election Supervisory Agency (BAWASLU)	Partial to full, lacking full copies of contracts information including reports on completion of contracts.	Full
City Council of Jakarta (DPRD DKI Jakarta)	Partial to none, lacking the authority strategies and policies, lacking full copies of contracts information including reports on completion of contracts, lacking	None

	legislation data that govern the institutions.	
Jakarta District Court	Partial to none, lacking the authority strategies and policies, lacking full copies of contracts information including reports on completion of contracts, lacking legislation data that govern the institutions.	Partial to none, lacking full information on Right to information.
Yogyakarta Provincial Health Office	Partial to none, only providing the organisational structure and policies.	Partial to none.
Yogyakarta Provincial Education Office	Partial to none, only providing the organisational structure and policies.	Partial to none.

One of the factors impacting the efficacy of the law's implementation in many state institutions is due to the sub optimum performance of Information Management and Documentation Officer (PPID). Most public agencies, especially Ministries and State Institutions in national level, have PPID in place. However, the transparency and accountability of their functions are not evaluated properly.

Some illustrations of the cases encountered during the research emphasize this point. In Ministry of Law and Human Rights, the direct information request was only served by security officers, arguing that the PPID officer was away. This happened for two consecutive days. In Ministry of Health, the same request was handled by public relation officer because PPID officer was 'not available'. While in the Constitutional Court (MK) the information service window was empty, and the PPID officer was only available after being inadvertently called.

Many public agencies do not publish in their official websites information that should be regularly displayed. The public agencies, according to the law, must at least publish their profile, organizational structure, programs and activities, performance, budgets, procurement of goods and services, and rights and procedures for obtaining public information. Even if they are published, sometimes they are incomplete or the outdated. There are also some public agencies who do not have online services to accommodate information requests. In Corruption Eradication Commission (KPK) and the Ministry of Law and Human Rights, online information request services are not functioning.

According to KIP Chairperson, Gede Narayana, it is still hard to invite public agencies to be more transparent and accountable. He speculated that it is rooted from the culture and mindset that public agencies are exclusive and uncomfortable when asked to answer to outsider's requests. This fact is worsened by the lack of political will to the implement the Public Information Disclosure Law.

Institutional Measures

This area looks at the institutional measures that have been put in place to support implementation of RTI laws. It is divided into two sections. The first focuses on the overall framework for implementation. The second focuses on measures by individual authorities.

Table 4. Overall Result for Institutional Measures

Name of Public Agency	Implementation by Individual Public Agency
Ministry of Education	Full. Has access to information officer, has implementation plan on RTI, has guideline for receiving and response the information request, and has provided training to employees in the past.
Ministry of Health	Partially. Has access to information officer, has implementation plan on RTI, has guideline for receiving and response the information request, unless there is no training to employees.
Ministry of Law & Human Rights	Partially to none, has information officer but does not work properly, has no plan and training for capacity building.
Supreme Audit Agency (BPK)	Partially. Has access to information officer, has implementation plan on RTI, has guideline for receiving and response the information request, unless there is no training to employees.
Corruption Eradication Commission (KPK)	Full. Has access to information officer, has implementation plan on RTI, has guideline for receiving and response the information request, and has provided training to employees in the past.
Constitutional Court (MK)	Partially. Has access to information officer but does not work properly, has implementation plan on RTI, has guideline for receiving and response the information request, has provided training to employees in the past.
Indonesian House of Representative (DPR)	Full. Has access to information officer, has implementation plan on RTI, has guideline for receiving and response the information request, and has provided training to employees in the past.
Election Supervisory Agency (BAWASLU)	Full. Has access to information officer, has implementation plan on RTI, has guideline for receiving and response the information request, and has provided training to employees in the past.
City Council of Jakarta (DPRD DKI Jakarta)	None.
Jakarta District Court	None.
Yogyakarta Provincial Health Office	Full. Has access to information officer, has implementation plan on RTI, has provided training to employees, has no guideline for receiving and response the information request.

Yogyakarta Provincial Education Office	Full. Has access to information officer, has implementation plan on RTI, has provided training to employees, has no guideline for receiving and response the information request.
--	---

The Government of Indonesia has not established an RTI Nodal Agency. However, it does have the Open Government Indonesia (OGI). A number of initiatives made by the OGI include: LAPOR! (or REPORT!), a channel for public aspirations and complaints; Portal Satu Data (One Data Portal), to facilitate public institutions in providing credible data as a resource for public policy making; Initiative Satu Peta (One Map Initiative) to make available special data that is closely correlated to development planning. OGI was also behind the issuance of 2018 Presidential Regulation No. 95 on electronic-based government system (e-Government). The regulation will ensure that government institutions will proactively provide public data. So far, OGI's initiatives are still limited to provision of data by public institutions and has not yet targeted the understanding towards public access to information as well as the execution of request for information from the public.

The Government of Indonesia has established the Central Information Commission (KIP). Its functions are to carry out the Law on Freedom of Public Information and its implementing regulations, establish standard technical guidelines for Public Information services as well as to resolve Public Information Disputes via Mediation and/or non-litigation Adjudication. KIP has been carrying out its mandated functions, however its effectiveness still needs to be optimized especially at the regional government institution level.

Processing of Request

In this metric, two requests for information for a public agency are created. The scores are evaluated by two main criteria: whether a request is responded within 10-days (with 7-days extension if needed) and if the response to the request is “acceptable” (in terms of the information provided).

The information disputes in KIP has been decreasing. But it does not mean that there is an increasing awareness among public agencies– they become more transparent and accountable. It happens mainly due to people request for basic information which are already published in public agency’s official pages.

IDEA, a civil society organization who notoriously request for public agency’s budget regularly, asserts that many public agencies do not properly comply with the law, since they do not provide mandated periodic information and public information lists in their websites. The non-compliance also happens in the way they response to the information request. During the research, there were public agencies that provided data in accordance with the standards of public information request. For example, the Bantul District Health Office sent the request response the day after the information request was filed. Others, however, did not. DIY BPKD

was the public agency providing the longest response for public information request and their written answers were also of poor details.

At the national level, apparent efforts to comply with the law are observed in a number of public agencies. One of them is the Supreme Audit Agency (BPK) which provides online services for public information request. Other institutions also provide similar strains of online services, but some of them have technical problems and not fully-functional, preventing the users to make the best use of it. Online services can reduce the cost of requester and make easier for people who were living in remote area. This initiative was considered effective, rather than direct request.

Recommendations

- Proactive Disclosure is very important to fulfill public right to information. It is also would lighten up the works of public body in servicing information for public. Public institution should prioritize the availability proactive disclosure information including the list of information that provided.
- Public authority should provide online services for public information request, in addition to reduce the cost and to cover of the people who were living in remote area.
- The National Public Agencies should support the Local Public Agencies in implementing Public Information Disclosure Law, particularly in providing disclosure information.
- Public authority should monitor and evaluate their progress in implementing the Public Disclosure Act, including regular improvement for better services.
- Indonesian Government through BAPPENAS (Indonesian Ministry of National Development Planning) should adopted the voluntary national reviews (VNRs). It will strengthen of policies and institutions of governments in implementing the Public Disclosure Act by facilitate the sharing of experiences, including successes, challenges and lessons learned from multi-stakeholder participations.
- The research should be follow up with similar methodology by adding more public agency. It will portrayal more comprehensive and get general condition on the Indonesian public agency adoption of Public Information Disclosure Law.

References

<https://komisiinformasi.go.id>

<https://www.opengovindonesia.org/about/1/open-government-indonesia>

<https://foiadvocates.net>

<https://www.kemdikbud.go.id>

<http://www.depkes.go.id>

<https://www.kemenkumham.go.id>
<https://www.kpk.go.id>
<https://www.bpk.go.id>
<https://www.mkri.id>
<https://www.dpr.go.id>
<https://www.bawaslu.go.id>
<http://dprd-dkijakartaprovo.go.id>
<http://pn-jakartapusat.go.id>
<http://www.dinkes.jogjaprovo.go.id/dinkes/home>
<https://dikpora.jogjaprovo.go.id/web/>