



SCORECARD REPORT

LAW AND POLICY

OF OPEN GOVERNANCE IN INDONESIA

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Transparency International is the global civil society organisation leading the fight against corruption. Through more than 90 chapters worldwide and an international secretariat in Berlin, we raise awareness of the damaging effects of corruption and work with partners in government, business and civil society to develop and implement effective measures to tackle it.

Transparency International Indonesia (TII) established in 2000 is one of the Asia Pacific leading chapters and a Core Team member of the Open Government Indonesia since 2012.

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FOREWORD

Over the past few years, public and media continue to highlight corruption as the interplay between power and capital to abuse power and public resources. The Global Corruption Barometer 2013, published by Transparency International, for example, alarms a distressing signal. The report measuring the effectiveness of corruption eradication and identifying prone-to-corruption public sectors finds that 72% people in Indonesia think corruption is increasing and 65% see that corruption eradication efforts have not been effective. In addition, people also see that the police, parliament, judiciary and bureaucracy are the most corrupt institutions in Indonesia.

The high abuse of political and bureaucracy positions, and the weak law enforcement in transactional and predatory political-economy system, continue to make Indonesia's performance in the Corruption Perception Index moving very slowly. In 2013, Indonesia score 32, the same as the previous year score, despite moving to 114th ranking out of 177 countries from 118th rank in the previous year. The score reflects that corruption is still systemic, especially in politics and legal affairs.

The figure is in contrast to condition of laws, regulations and policies in Indonesia. This Scorecard Assessment Report by Transparency International Indonesia even indicates that the legal framework ensuring transparency, participation, and accountability has provided a solid foundation to implement open governance principles. In each measured dimensions and sectors of governance, the indicators are always met more than a half. Around 58% of the indicators are fully met, 22% are partially met, while only 20% that are not met at all. We may say that only the tool indicators that are still weak.

Why is corruption still rampant and, in turn, citizens remain impoverished? The answer is that the implementation of these principles faces serious obstacles, namely political-economy oligarchy that has become stronger during the last ten years. In addition, legislators and bureaucracy have produced or potentially produce contra-policies to the progressive legal framework previously built. The parliament continue to deliberate and issue new regulations against the spirit of open governance, such as the Intelligence Law, the State Secrecy Bill, the Mass Organization Act, the MD3 (MPR, DPR, DPRD and DPD) Bill, the Code of Criminal Procedure and Criminal Code Bills and various other. In the same tone, we can understand the lack of policies governing technological innovation which are under the bureaucracy power.

Some progressive legal frameworks should be seen as the legacy of the *Reformasi* since 1998. However, how these laws and directives perform in reality remain to be seen. These achievements will be pushed back if the strategic state institutions with supervisory functions are co-opted and controlled by corrupt forces.

The report is a modest contribution to the discourse of open governance and corruption eradication which gain an increasing popularity in recent years. It reflects progress and loopholes in laws and policies, as it provides recommendation to open governance advocacy.

Once we conclude this assessment, the next question remains the same: How the laws and policies are enforced and implemented? Considering our position in the recent CPI and GCB, we can say that the parliament and government have yet optimally performed in implementing requirements established in the Constitution and other legal frameworks. Therefore, efforts to reform the laws and regulations must be coupled with democratizing political spaces and

combating corruptive actors whose agenda to sabotage the direction and outcomes of the reform. []

Jakarta, March 28, 2014



Dadang Trisasongko
Secretary General

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GLOSSARY

AIE	: Access Info Europe
APBD	: Local Budgets
APBN	: State Budget
API	: Application Programming Interface
BPK	: Supreme Audit Agency
BUMD	: A City Enterprise
BUMDes	: The Village Community Business Agency
BUMN	: State-owned Enterprises
CPI	: Corruption Perception Index
DPD	: Regional Representative Council
DPR	: House of Representatives
DPRD	: Provincial Legislative Council
GCB	: Global Corruption Barometer
HAM	: Human Rights
ICT	: Information and Communications Technology
KI	: Information Commission
LHKPN	: Public Official's Full Asset Statement
MD3	: MPR, DPR, DPD and DPRD
MPR	: People's Consultative Assembly
OECD	: The Organisation for Economic Co-operation and Development
OGP	: Open Government Partnership
PPID	: Infrastructure Development Acceleration Program
RUU	: Rancangan Undang-undang
TAI	: Transparency and Accountability Initiative
TIK	: Information and Communications Technology
TIS	: Transparency International Secretariat
UNDP	: United Nations Development Program

EXECUTIVE SUMMARY

The concept of open governance is intended to improve the way the power is exercised to manage public resources in order to improve the lives of citizens. One of the prerequisites to make it happen is by providing proper laws and policies to ensure¹ the rights to access information and to participate in decision making processes; providing the institutional architecture for development of transparency, accountability and participation; and investment in information and communication technology (ICT) and other supporting infrastructures.

Transparency International Indonesia, in assessing the condition of open governance through the Scorecard, finds that most of laws and policies in Indonesia support the principles of transparency, participation and accountability. Of the 127 indicators assessed, 74 (58%) are met, 28 (22%) are partially met, and only 25 (20%) are not met at all.

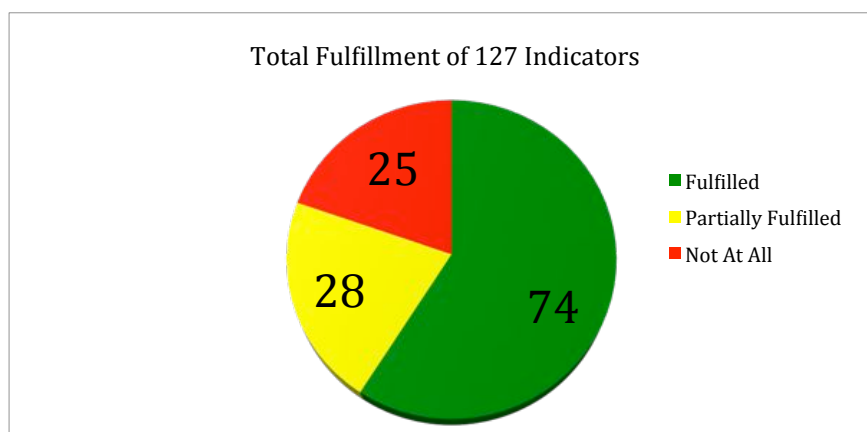


Figure 1 . The Fulfillment of Open Governance Indicators

Indonesia is very advanced in regulating transparency sector since the right information is acknowledged in the 1945 Constitution and the Freedom of Information Act. Those legal instruments guarantee access to information and require proactive publication by all public bodies², political parties, state, local and village-owned enterprises and NGOs.

The 1945 Constitution also recognizes the rights to participate, and participation is further regulated in the Law of National Development Planning System, the Law on Public Service and other sectoral legal instruments requiring participation in policy making and public service provision.

¹Please refer to the Open Governance formula in the Standard Open Governance, Transparency International 2013, p. 5.

²Public Body is the executive, legislative, judicial, and other body whose functions and duties are substantially related to the organization of the state, whose some or all of the funds is derived from the State Budget Revenue and Expenditure, or Local Budget Revenue and Expenditure; or non-governmental organizations whose most or all of the funds is derived from the State Budget Revenue and Expenditure, or Local Budget Revenue and Expenditure, public donations, and/or overseas.

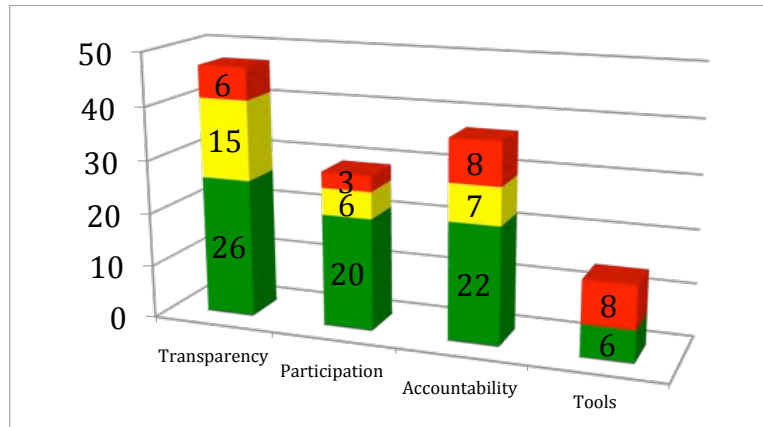


Figure 2. The Fulfillment of Indicators by Sector

Accountability sector is also developed in many regulations. Indonesia provides various independent state agencies and accountability mechanisms, such as the Supreme Audit Institution (BPK), protection of whistleblowers, the ombudsman, procurement mechanism, and financial disclosure of state administrators, and recognition of social accountability. However, Indonesia is still weak in some areas, such as accountability of the House of Representatives, lobbying, and conflict of interest.

For the tools and other supporting infrastructures, Indonesia has yet been much developing relevant regulations and policies, as in the case of Open Data and supporting institutions concerning ICT.

From the other perspective, we can also conclude that Indonesia provides a strong recognition to the dimension of civil rights as freedom of information and participation guaranteed in the Constitution and established in laws. It is a very strong foundation for the realization of good governance. So is for the dimension of institutional architecture, there are many laws and directives mandating the establishment of institutions and mechanisms to support transparency, participation and accountability. Indonesia however is still lacking policies on tools and other supporting infrastructures.

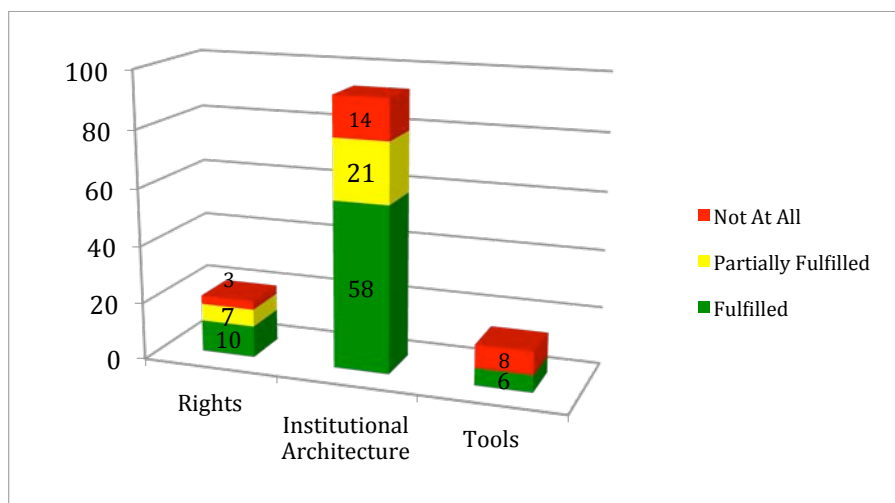


Figure 3. The Fulfillment of Indicators by Dimension

The overall figures reflect the spirit of transition to democracy in the country. Many laws and policies formulated in the early phase of reforms have been intended to democratize the system of national leadership and strengthen the elements of good governance. But due to the consolidation of the old regime, these policies and rules have been perverted in practice and constantly threatened by efforts to regulate new policy and legal instruments that provide incentives for corruption and abuse of power.

This calls to empowerment and people engagement to counter de-reformation and de-democratization process. Without promoting and protecting political spaces by concerned citizens, sectoral actors and other interest groups, at all levels of government, and strengthening auxiliary state bodies, then support for change will set back and citizens' interests will be marginalized. []

METHODOLOGY

OPEN GOVERNANCE

A concept that goes beyond the traditional notion of government to focus on the relationships between leaders, public institutions and citizens, including the processes by which they make and implement decisions. The term can also be applied to companies and NGOs.³ The term comprises of three main elements: rights, institutions, and tools.

<p>RIGHT TO ACCESS INFORMATION AND PARTICIPATE IN GOVERNMENT + INSTITUTIONAL ARCHITECTURE AND POLICIES TO PROMOTE AND REALIZE TRANSPARENCY, PARTICIPATION AND ACCOUNTABILITY + TOOLS AND SUPPORTING INFRASTRUCTURE TO CARRY OUT THESE POLICIES = OPEN GOVERNANCE, AND IMPROVEMENTS IN PEOPLE'S LIVES</p>

Figure 4. Open Governance Formula

Open governance should be formed from these three elements in place in order to improve people's lives.

PILOT SCORECARD IMPLEMENTATION

This pilot Open Governance Scorecard was developed between January and March 2014, by Transparency International Secretariat's (TI-S) Public Sector Integrity Programme in collaboration with its Research Department, TI national chapters and external experts. This is the first pilot implementation of the Scorecard, which will be subsequently revised in consultation with experts and other stakeholders. Please refer to the end of this document to provide comment.

The results of the Scorecard should:

- identify gaps in a country's legal framework hindering transparency, accountability and participation;
- help TI national chapters and other civil society organisations to shape and strengthen their advocacy activities aimed at governments;
- givenational chapters and other civil society organisations a tool to track progress in promoting open governance in each country in the medium and long term.

To date, five Transparency International national chapters: United Kingdom, Ukraine, Peru, Ghana, and Indonesia, respectively representing Europe, Latin America, Africa and Southeast Asia have piloted the Scorecard. These pilots took place between February and March 2014.

METHODOLOGY

The Open Governance Scorecard is a 'baseline' assessment of whether the legal requirements for open governance are in place. The Scorecard does not assess, however, how well the legal framework is enforced or implemented in practice.

³Transparency International (2009), *The anti-Corruption Plain Language Guide*.

The legal conditions are enablers for more elaborated efforts to fulfill transparency, accountability and participation. Strong legal framework will uphold various initiatives, best practices and the way authority being exercised to bring about justice and people prosperity.

The Scorecard indicators are based on a set of 35 Open Governance Standards along the four categories of transparency, participation, accountability and tools. The Open Governance Standards developed drawing on a number of international standards already published in these individual areas.

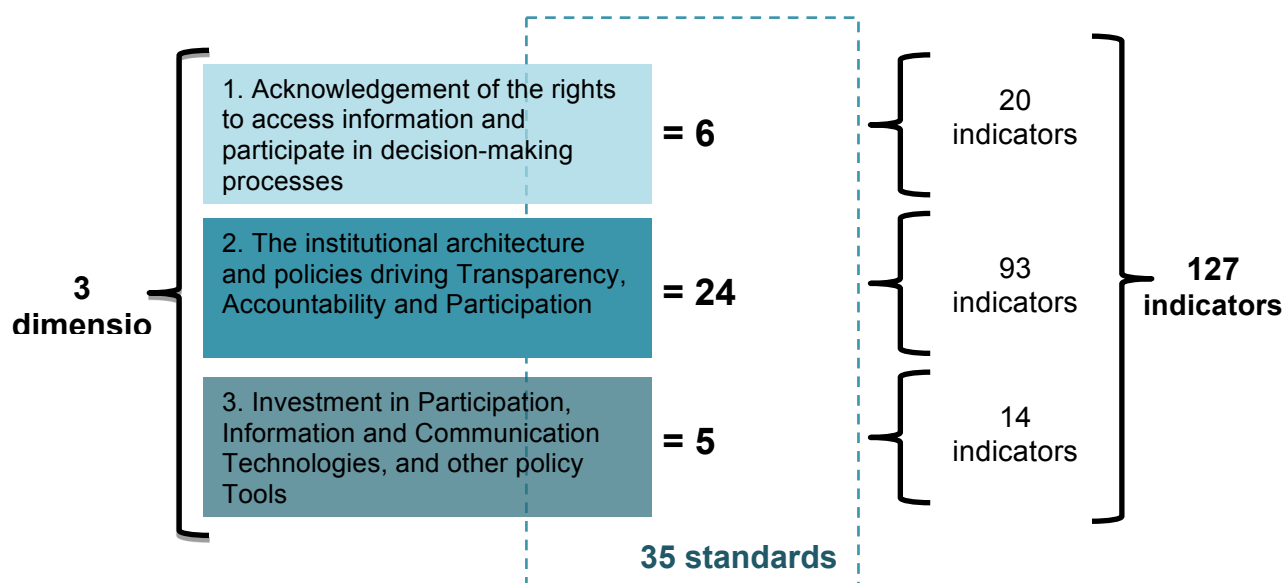


Figure 5. Standards and Indicators of Open Governance

To assess how far the Open Governance Standards have been met in a country, this Scorecard comprises 127 indicators, which are specific tests for a researcher to assess their country's legal framework against. 60 of these indicators are drawn extensively on pre-existing and published indicators,⁴ while 67 indicators are newly developed for this Scorecard.

The research was undertaken by an in-country researcher and reviewed by government agencies and civil society organization. All indicators assess whether conditions are met in law or secondary regulations and policies. Full source information for each indicator and all sources is available at the end of the report.

As pilot indicators, in all countries the results will be presented to external stakeholders, including researchers, government officials and partner civil society organisations, who will be requested to comment on the indicators and the assessment results. []

⁴In developing the Open Governance Scorecard indicators, we have used and made reference to various existing research including the right to information legislation rating developed by Access Info Europe and the Canadian Center for Law and Democracy; the Global Integrity Report; the World Bank's Public Accountability Mechanisms Initiative; and the Organization for Economic Cooperation and Development (OECD) Indicators for measuring openness in government, developed by Involve.

THE RESULT

A. ACKNOWLEDGEMENT OF THE RIGHT TO ACCESS INFORMATION AND PARTICIPATE IN DECISION-MAKING PROCESSES (6 STANDARDS, 20 INDICATORS)

Summary

The Constitution and legal framework in Indonesia explicitly recognize the right to access information and participate. Out of 20 indicators of rights, there are only three indicators of access to information which are not fulfilled.

The right to access information covers publication of investigation process and result of human rights violations, corruption or crimes against humanity, but it leave 'severability clause' indicating that when only part of a record is covered by an exception, the remainder must be disclosed through a 'public version'.

The indicators of the right to participate particularly do not consider the equal access of vulnerable groups, sufficient period for participation notice, and unavailability of adequate time responses for consolation.

1. The Standard of the Right to know

1.1. Legal recognition of the right to know. The right to access information is recognized in the country's constitution or relevant laws, and the existing legal framework that enable citizens to access information. (TAI)

FACT: The 1945 Constitution of the Republic of Indonesia Article 28F establishes "Every person shall have the right to communicate and to obtain information for the purpose of the development of his/her self and social environment, and shall have the right to seek, obtain, possess, store, process and convey information by employing all available types of channels. The provision is established further in Law 14/2008 on Freedom of Information. From human rights stance, Law 39/1999 on Human Rights recognizes and guarantees freedom of information as parts of fundamental rights.

1.2. Scope. The right to access information applies to all information held by national and supranational bodies, including all bodies performing public functions and operating with public funds. (AIE)

FACT: The right to access information applies to all information held by national and local bodies, political parties, state-owned/region-owned/village-owned enterprises and all bodies exercising public resources at national and sub-national level. The legal framework covers all institutions delivering services to the public⁵ at the national and local level, (including all branches of government, oversight institutions), political parties, state-owned/region-

⁵ Public bodies are branches of executive, legislative and judiciary and all bodies performing roles and functions to govern the state whose budget is partially or entirely from the state; or CSOs whose sources of funding are from the state, people contribution and/foreign aid.

owned/village-owned enterprises and other entities using public resources. The legal framework affords requesters access to some draft, academic/background documents but does not cover legislative proceedings.

1.3. Limited and Clear Exceptions to the right to access information. Exceptions are narrowly construed in law and applied judiciously in practice, subject to a well-developed public interest test elaborated through guidance from the information commissioner and courts. (TAI)

FACT:

The legal framework explicitly establishes that access standards trump restrictions, it lists permissible exceptions in detail, and lays out a harm test that applies to all exceptions, so information can only be refused where disclosure poses a risk of actual harm to a protected interest. But, the basis for information disclosure and restriction is so purely to protect public interest, that the legal framework creates a mandatory 'public interest override'. It establishes that information must be disclosed where this is in the overall public interest, even when a protected interest may be harmed.

Information must be released as soon as an exception ceases to apply. The Law on Right to Information or equivalent legal framework explicitly states that information must be released as soon as an exception ceases to apply, and considers a time limit of no more than 20 years to secret information.

In law enforcement, the Law on Right to Information or equivalent legal framework does not consider 'hard overrides' mandating the publicity of information in specific cases of great relevance to the public interest, for example in case of grave human rights' violations, in cases of corruption or crimes against humanity. As long as considered harmful to the legal proceeding, it remains exception. This kind of information is only made public after being appealed to the court, except particular cases such as crimes involving child.

The legal framework does not explicitly lay out a clause mandating the release of public versions where only part of a record must remain secret ('severability clause'), albeit disputes and appeal to the Information Commission and the court. The legal framework requires public authorities to state the legal grounds and reasons for refusal, but it does not require them to inform requesters on the relevant appeals procedures.

2. The Standard of the Right to participate

1.1. Legal recognition of the right to participate. The right to participate in decision-making processes is recognized in the country's constitution and relevant laws. The existing legal framework enables citizens to participate in public affairs, and in the formulation, implementation, monitoring and evaluation of policies at the local and national levels of government.

FACT: The right to participate in policy and decision-making processes is explicitly acknowledged in the legal framework, and specific provisions are laid out to foment participation in monitoring the delivery of public services, in policy planning, policy evaluation and in accountability mechanisms.

1.2. Scope. The right to participate in decision-making processes includes the legislative and policy processes, different stages of the policy process and all relevant levels of government, including the local and service delivery level.

FACT:

The legal framework establishes a general requirement mandating government agencies at the national, local and service delivery levels to consult with citizens and stakeholders in their decision-making processes.

The legal framework allows citizens and the public (corporations, civic organizations) to provide input to parliament, but it does not make any provision regarding equal access, sufficient notice and time to receive this input.

All autonomous public agencies, including oversight institutions, are required by law to allow citizens and the public (corporations and civic organizations) to provide input regarding items under consideration, with sufficient notice and time incorporated in the decision-making process to receive this input.

The legal framework establishes provisions for public participation in council meetings at the national, local and service delivery level. The legal framework does not consider citizen participation in the budget process.

There are indigenous groups in the country, and the legal framework acknowledges the right to prior consultation, and lays out the mechanisms, procedures and timelines to consult groups affected by policy.

1.3. Limited and Clear Exceptions. The procedures and means for participation in public affairs are clearly laid out, and when participation is limited in time, scope or demographic criteria, these limitations are duly justified, and made explicit in law and regulations. (TAI)

FACT: There is a framework (legal or in secondary regulations) establishing the mechanisms for participation in some policy process, but the framework does not consider exceptions and limitations explicitly. In limiting participation, the legal framework justifies limitation of participation base on procedural reason.

B. INSTITUTIONAL ARCHITECTURE AND POLICIES DRIVING TRANSPARENCY, ACCOUNTABILITY AND PARTICIPATION (24 STANDARDS, 93 INDICATORS)

Summary

Most indicators in the institutional architecture and policies driving transparency, participation, and accountability are met. Out of 93 indicators, as many as 58 are met, 21 are partially met, and only 14 which are not met. Here, there are many laws and directives which support the strengthening of quasi-state institutions, the Information Commission, the Ombudsman, along with the Supreme Audit Institution that support open governance.

In the indicators of transparency, the Information Commission (KI) is independent, and in responding to information complaints and disputes, KI does not charge any fee, easy to access and provide a clear timetable. However, KI does not oversee overall access to information, and has not been mandated to oversee open data policy. The funding source of KI still depends on ministerial budget. It is not authorized to ensure compliance, and cannot impose sanction. KI is not particularly responsible to promote the right to information.

The Information and Documentation Management Officer (*PPID*) is obligatory to all public bodies or to private bodies performing public functions or exercising public authority, such as non-governmental organizations and political parties. All public bodies are required to proactively publish information and the requests for information can be facilitated through any means of communication. Public bodies are also required to provide assistance to people with special needs, including disability and illiteracy as well as lay out simple, clear, free procedure to appeal completed within clear timelines

The downside are the legal framework still require requesters to provide reasons for accessing information, no obligation for particular public institution to transfer the request to others which have the information.

The Supreme Audit Institution (BPK) is required to guarantee that citizens can access the BPK audit report that shall be published. Yet the legal framework does require internal supervisory agency. BPK can accept external complaints, but not so with the internal supervisory agency.

The legal framework does not afford requesters access to decision-making processes and legislative proceedings. Though there is a principle that all policy formulation in the House is open, but there is a clause for discretion. In contrast, in judiciary branches, trials, verdict, schedule, and financial statements shall be published, as well as the organization of the courts.

In the indicators of participation, legal frameworks are established to strengthen participation in decision-making and public service provision. Laws and directives acknowledge the ombudsman as an institution to protect the rights of citizens' participation and public complaints.

Although the laws require multistage consultation and provides space for participation in the policy making, a preliminary consultation for vulnerable people to ensure equality is not set. The retribution to restrictions of participation has yet been laid out. No provision is established to ensure that the participation results are accommodated and no obligation to publish report evaluation of participation, although regulations require promotion of participation.

In connection with participation in public service, arrangement has been created to accommodate complaints and provide assistance to vulnerable/confined groups.

In the indicators of accountability, there are many rules in favor of strengthening supervisory function. Indonesia guarantees the independence of BPK, including its budget, selection of audit issues, and widespread access to audit public bodies' documents. However, BPK can only release findings and recommendations, without imposing sanction.

There are several legal frameworks that require public officials to obey the code of conduct, provide financial reporting, and deny gratification. However, declaration of conflict of interest is not set, the financial disclosure of public authority are only verified, no financial audit report. No particular legal framework that creates restrictions for high level public officials and legislators entering the private sector after leaving government.

Interaction (lobbying) between public officials and private interests is not explicitly regulated, except judicial branches. The legal framework does not consider a registry of meetings, or the interaction of public officials with private interests is not explicitly regulated. However, there is recognition and protection towards whistleblower.

In procurement, the government's Goods and Services Procurement Agency (LKPP) is responsible for procurement of policy and oversight, along with the recognition of social accountability mechanism. However, the procurement is not formulated in law, but in directives.

1. The Standard of Transparency

- 1.1. The right to access information is overseen by an independent body with a broad mandate. It can review compliance, it may undertake ex officio investigations, receive and rule complaints from the public, and it is empowered to ensure compliance and impose sanctions, where appropriate. (AIE)**

FACT:

Law 14/2008 on Freedom of Information authorizes the agency, the Information Commission, to be in charge of overseeing access to information with a mandate that includes all records in the hands of public authorities, receive and rule public complaints. The responsible officers (commissioners) are appointed and removed by parliament, but they are not mandated to oversee and ensure compliance, nor open data. The agency is unable to submit its own budget requests to parliament/the legislative and has no power to impose sanction.

- 1.2. Promotion. Significant power and funding is provided to a central body to promote the right to information. This should include a substantial budget for public education on the right to access information and the ability to require public authorities to take measures to address structural problems. (TAI)**

FACT: The law does not explicitly gives overall responsibility for promoting the right to access information, and it requires public awareness efforts be carried out. In practice, the agency carries out its own initiative to promote freedom of information in various ways, such as rating openness of public institutions through assessing their websites. The Information Commission is not required to report annually on the actions of public institutions to implement their disclosure obligations, to the legislative. It only report what has been mandated in the law on its own performance.

- 1.3. Clear procedures. The rules and mechanisms to access information, to review decisions made regarding the publication of information and contest exceptions are established in the law, along with the timeframes and mechanisms to introduce these requests for review and legal recourses.**

FACT: The law on Right to Information or equivalent legal framework lays out detailed procedures for making requests, and requests can be submitted by any means of communication (written, face-to-face request, electronics). Public officials are also legally required to provide assistance to help requesters, particularly the ones with special needs, when they are illiterate or disabled. Yet, requesters are still bound to provide reasons for filing a request.

The Law on Right to Information or equivalent legal framework requires an authority to which a request is directed to inform the requester that the information is not held by it, when that is the case, and refer the requester to another institution. But the legal framework does not require the public authority to transfer the request to the instance where the information is held, when the authority is aware of its existence.

1.4. Right to appeal and reasonable timelines – The adjudication processes to determine access to information are structured to ensure information can be accessed promptly by requesters, and all internal and external appeal mechanisms are clearly laid out, simple, free and completed within clear timelines (AIE).

FACT:

The Law on Right to Information considers a timeline of no more than 10 working days to respond a request. It limits the extension to respond to no more than 7 working days, and requires that authority notify requesters of the extension, and provide them with the reasons for it.

The law explicitly states that filing all requests is free of any charge, and access fees are limited to the cost of reproduction of the information requested, and related delivery costs.

The Law on Right to Information also explicitly considers a free and accessible mechanism for internal appeals, and appeals procedures are simple, free of charge and have clearly established timelines. A free and accessible mechanism also applies to appeals to an external body (information commission). But in the case of appeals to the court, there will be small charge, yet for poor requesters, the court may rule out the charge.

1.5. Proactive Publication. Access to information laws explicitly require public institutions to proactively publish relevant information, and include a list of program and sectoral information that must be made public. (AIE)

FACT:

The legal framework explicitly requires the publication of some documents in the budget process, including: the budget proposal, the approved budget, and a year-end report. It does not require publication of a mid-year review, quarterly in-year reports. The legal framework requires independent overseeing body, the Supreme Audit Institution (BPK) and Legislative, to publish all of their reports, but this does not include internal overseeing body(BPKP).

Public institutions (all sector and level) are required to proactively publish information on policy actions, outcomes and results; all the organizational information listed: information detailing the structure of authority in the agencies and institutions under the sector, an organogram of the different agencies and bureaus in the sector, and the operational rules under which agency functions are carried out, including program specific rules, when policy programs are subjected to specific rules.

The legal framework requires national authorities in the sectors indicated above to publish the administrative information listed, including a list of responsible officers and key personnel for each agency, and the salary information for each post. It requires national authorities to publish the program information listed, including a comprehensive list of policy programs and actions, information on the geographic and demographic reach of public services provided, updated budget information for all programmatic activities and a detailed account of public subsidies allocated.

1.6. Accessibility and publicity of external audit reports – The Supreme Audit Institution should provide free and equal access to all its reports (OECD-Involve).

FACT: The legal framework requires the SAI to publish all of its documents and reports, including but not only the global Audit Report with the annual attestation audit for the executive's Year-End Report.

1.7. Accessibility and publicity of the legislative process – Parliament should proactively publish its administrative and organizational information. Documentation relating to the scheduling of parliamentary business shall be provided to the public. Parliament shall provide public access to preparatory analysis and background information to encourage broad understanding of policy discussions about proposed legislation. (DPO)

FACT: The law explicitly requires parliament to publish organizational information, including: information detailing the structure of authority in its administrative and legislative work, an organogram of the administrative offices working under parliament / congress, the structure of committees and the operational rules under which committee, legislative and administrative proceedings and processes are carried out. It also requires parliament to publish administrative information, including a list of responsible officers and key personnel in all offices working under parliament; a detailed account of committee, research and supporting staff, including the salary information for each post; and a detailed account of the public procurement processes carried out by parliament. The legal framework requires that parliamentary schedule information be made public in general terms, but it provides no specificity. In Law 27/2009 on MPR, DPR, DPD, and DPRD (Congress, Legislative, Regional Representative and Local Parliament) there is a set back in term of transparency. It establishes that all meetings in the house are open to public in principle until considered otherwise. It indicates no particular measures on which one is open and not.

The law explicitly mandates that all background information and preparatory analysis considered by legislators in their deliberation be made public. But its parliament internal regulation limit the parliament to only publish the audited version of its financial information on budget allocations and expenses.

1.8. Accessibility and publicity of the justice procurement process. The judicial branch should proactively publish its organizational and administrative information, its judgments and related background information, a schedule of judicial hearings and detailed financial information of its budget allocations and expenses.

FACT:

The legal framework requires the judicial branch to publish detailed organizational information, including an organogram of its administrative offices, the structure of its deliberation process, and the operational rules governing administrative processes and judicial deliberations. It also

requires the judicial branch to make its judgments and related background information public, schedule of judicial hearings and detailed financial information of its budget allocations and expenses.

1.9. Free of Charge – All information must be made public without charge (excluding reasonable charges on delivery) and without limits to reuse. (AIE)

FACT: The law explicitly states that filing all requests is free of any charge, and access fees are limited to the cost of reproduction of the information requested, and related delivery costs. The law explicitly exempts reuse of information from any limitation.

1.10. Clear and Comprehensive – All support materials available to public officials involved in a decision-making process must be made available. Key data and analysis should be presented in a form that is accessible and comprehensible to citizens. There is a public, comprehensive listing of all information holdings. (TAI, SF, AIE)

FACT:

The law explicitly considers that information made public should be accessible and comprehensible to citizens. The law also requires public authorities to create and update detailed lists of the information in their possession but it does not specifically consider support materials used in decision-making processes.

2. Participation Standard

2.1. Institutional independence and protection of the right to participate in decision making processes – Citizens excluded from participation in decision-making processes have options available to challenge and contest that exclusion. When citizens face retribution for participating in public affairs, they have access to a public defender, oversight and accountability mechanisms for preventing retribution, and seeking redress.

FACT: The legal framework establishes a national ombudsman, public protector or equivalent agency (or collection of agencies), in charge of protecting the rights of citizens. It provides citizens with the right to sue the government for infringing upon their rights. The legal framework governing the policy process explicitly lays out the mechanisms and procedures for filing complaints related to citizen participation in the policy process.

Regarding indigenous groups or groups demanding prior consultation, the legal framework governing the policy process does not create specific mechanisms for preventing policy action when prior consultation is not carried out. There are provisions for redress of citizens and communities unable to participate in the policy process, but they does not lay out clear procedures.

2.2. Clear Procedures for participation in service delivery. Opportunities to participate directly in the provision of public services and monitoring the existing public services; and they are easily accessible for different stakeholders, citizens, organizations and groups. The rules for participation are inclusive, detailed and explicitly stipulated in the legal and policy framework. (AIE).

FACT: There is a specific regulatory framework considering various means for public participation in the delivery of public services, including mechanisms to participate in the

implementation of services, mechanisms for joint private. public provision of public services and mechanisms for citizen and community monitoring of the public services provided.

Public participation in the delivery of public services is authorized across sectors, not only for the following sectors: Health, Education, Environmental regulations, Agriculture, Police and Business regulation. The legal framework establishes rules for public participation in the delivery of public services, including criteria for selection, timelines, and mechanisms to gather information from interested citizens, groups, corporations and civic organizations.

The legal framework establishes rules for public participation in the delivery of public services, including criteria for selection, timelines, and mechanisms to gather information from interested citizens, groups, corporations and civic organizations. The legal framework explicitly requires public authorities to issue reports and evaluations on citizen participation in public service delivery, but it does not require specific information to be included.

2.3. Clear mechanisms for consulting citizens and groups affected by policy -- Public bodies are proactive in their interaction with citizens and stakeholders affected by policy, they (?) establish multiple channels to gather information and they are required to ensure all relevant stakeholders having voice, and an equal opportunity to participate.

FACT:

The legal framework requires public authorities to consult stakeholders, citizens and groups affected by the policies they formulate and implement, and specific mechanisms to gather information from these groups are laid out in law. It considers specific rules and timelines governing the consultation of stakeholders, citizens and groups affected by policy; public access to preparatory analysis and background information is required, to afford the public a broad understanding of the policy discussions, and sufficient time to consider this information and feedback.

The legal framework requires authorities to gather information on policy implementation and results directly consulting affected citizens, groups and stakeholders. The legal framework considers specific and diverse mechanisms for gathering this information. Yet there are no provisions requiring public authorities to explain whether and how they have considered participation, or there is no participation allowed.

The legal framework explicitly requires public authorities to issue reports and evaluations on feedback, participants, public hearings, and submissions made by citizens, groups, corporations and civic organizations participating in policy consultations. It explicitly requires public authorities to ensure equal participation by all affected groups and stakeholders in the consultation process.

2.4. Reasonable timelines - Participation processes are structured so as to ensure sufficient time to allow interested stakeholders to learn about, review the materials considered in the decision making process, and prepare quality and considered input. (AIE)

FACT:

The legal framework requires public authorities to adhere to timelines that allow participants in the provision and monitoring of public services sufficient time to consider the information provided to citizens, and submit and inform opinion. Also they adhere to timelines that allow

citizens, groups, corporations and civic organizations consulted by government sufficient time to consider the information they have been given, and provide informed feedback.

- 2.5. Promotion – The right to participate in public affairs is actively promoted with funds, resources and outreach activities by government agencies in all levels of government; participation is promoted through the most appropriate mechanisms, including public announcements, local assemblies, via the Internet, mailing lists, and through media outreach, encouraging everyone, and particularly key stakeholders, to engage. (AIE)**

FACT: The legal framework governing the policy process explicitly mandates the allocation of resources to promote public participation in the delivery of public services, and in policy consultations, and they consider diverse means of promotion to reach the affected or desired groups. It requires all government agencies to report annually on the actions they have taken to promote participation, but exclude basic geographic and socio-demographic information of participants and basic information on the results of participation.

- 2.6. Inclusiveness -- mechanisms must be provided to ensure the participation of all stakeholders, including children and youth, differently abled, illiterate and vulnerable populations.**

FACT:

The law requires public authority provide assistance where needed, but only in the context of public services, including to citizens who wish to participate but facing limitations arising from special needs, including disability, illiteracy, children, and other conditions of vulnerability, like destitution and fear of retribution.

3. Accountability Standard

- 3.1. Effective oversight – Clear oversight functions over policy allocations and results are attributed to the legislative and an independent Supreme Audit Institution in all levels of government. (TAI)**

FACT: The legal framework enables parliament or the legislative with oversight functions over the executive's budget allocations and policy, and the legal framework explicitly lays out how those oversight functions are carried out, including committee work and procedures.

It also establishes a Supreme Audit Institution whose head is appointed by the parliament, it lays out explicit conditions for the removal of the SAI head, and the SAI can submit its own budget requests to the legislature.

- 3.2. Capacity of the SAI – The Supreme Audit Institution should have the capacity to sanction public officials, and the mandate to access information and appropriate resources to audit and report on the use of public funds, and the results of policy. The SAI should operate in an independent, accountable and transparent manner. (GIFT)**

FACT:

The legal framework authorizes the SAI to obtain timely, unfettered, direct, and free access to all necessary documents and information for the proper discharge of their statutory responsibilities. There are no time or scope constraints limiting the SAI's work, or audits.

It authorizes the SAI to audit: the use of public monies, resources, or assets, by a recipient or beneficiary, regardless of its legal nature; the collection of revenues owed to the government or public entities; the legality and regularity of government or public entities accounts; the quality of financial management and reporting; and the economy, efficiency, and effectiveness of government or public entities operations.

The legal framework explicitly considers follow-up mechanisms by external authorities on SAI recommendations. The law does not authorize the SAI to either follow-up or sanction, it can only issue findings and recommendations.

It establishes that SAI is free from direction or interference from the Legislature or the Executive in the selection of audit issues; in planning, programming, conducting, reporting, and following-up their audits; organization and management of their office; but it does not obtain authority to enforce their decisions nor it apply sanctions as part of their mandate. The legal framework requires the SAI to develop a plan and issue public reports of its work and findings each year.

3.3. Codes of conduct – Clear codes of conduct should exist that require public officials to keep a true and complete record of their actions. (AIE)

FACT: A 'code of conduct' for public officials exists. The legal framework incorporates regulations requiring an impartial, independent and fairly managed civil service, and it considers explicit restrictions to nepotism, cronyism and patronage. All public officials are explicitly required to keep a true and complete record of their actions. The legal framework considers auditing mechanisms to determine when public officials do not keep a true and complete record of their actions, as well as sanctions.

3.4. Conflict of interest and financial disclosure – All branches of government shall enact clearly the defined rules to ensure disclosure of information needed to protect against actual or perceived conflicts of interest and ethical violations. Systems should be created to ensure financial disclosure of public officials and their family members' assets. (WB-PAM, AIE and DPO)

FACT: All public officials including legislators and judges, as well as their family members, are required to file a financial disclosure form periodically, at least once a year. The legal framework prohibits incompatible outside interests in the exercise of public authority, and discusses specific conflict of interest provisions. Only legislators and judges are required to file interest declarations. Not all public authorities are explicitly required by law to recuse themselves from decisions where their personal interests may be affected, such as legislative members. But the law does not explicitly require that interest declaration forms be made public.

The legal framework mandates that all financial disclosure forms be accessible to the public (LHKPN). The law does not consider audits of financial disclosure forms, but verification. The legal framework considers the verification and enforcement of financial disclosure and conflict of interest regulations, but not by independent oversight bodies. It also considers some financial and administrative sanctions for both violations to its conflict of interest and financial disclosure regulations, but not penal sanctions.

The law limits the gifts and hospitality that can be offered to public authorities in all three branches of government. The legal framework forbids some (like judge and legislative members), but not all forms of concurrent employment while holding public office. The legal framework does not consider employment consequences for public officials convicted of

corruption. The legal framework does not restrict employment in the private sector for public officials and legislators after leaving government.

3.5. Transparency in lobbying – All branches of government shall enact rules regulating the interaction of public officials, civil servants, legislators and judges with lobbyists and pressure groups. Registration and reporting provision should be made explicit, and apply to contacts made by third parties with the executive, legislative and judiciary branches of power, and to private bodies performing public functions or exercising public authority. All registries and reports should be made public. (AIE)

FACT: Interaction (lobbying) between public officials and private interests is not explicitly regulated, except judicial branches. The legal framework does not consider a registry of meetings; or the interaction of public officials with private interests is not explicitly regulated.

3.6. Protection of whistle-blowers – There are channels and mechanisms to promote and protect persons to reveal wrongdoing within governance frameworks. (AIE)

FACT: The law considers an internal mechanism through which citizens and public officials can report corruption. The legal framework explicitly creates mechanisms to protect public officials who report cases of corruption, graft, abuse of power or abuse of resources. It also explicitly creates mechanisms to protect private sector employees and citizens who report cases of corruption, graft, abuse of power or abuse of resources.

3.7. Sound procurement -- All goods, works and services acquired by the government go through open tendering procedures adhering to the principles of competition, fairness, economy, efficiency, transparency and accountability in the use of public funds.

FACT: The legal framework explicitly acknowledges the principles governing the procurement process and includes competition, fairness, economy, efficiency, transparency and accountability in the use of public funds among those principles. It considers the following provisions: wide advertising of bidding opportunities; maintenance of accurate records related to the procurement process; broad and timely pre-disclosure of all criteria for contract award; the award of contracts based on objective criteria to the lowest evaluated bidder; public bid opening rules; access to a bidder complaints review mechanism; and disclosure of the results of the procurement process. It distinguishes between the authorities responsible for implementing procurement (including preparation of bid documents and the decision on contract award), and the authority with oversight functions, responsible for the proper application of the procurement rules; and it considers specific sanctions when the implementation or oversight are not properly carried out.

3.8. Social accountability mechanisms -- There are legal and institutional means to enable citizen participation in directly overseeing and auditing policy programs and results.

FACT:

The legal framework creates specific complaints mechanisms for public service provision, attention and policy broadly, and it lays out a variety of ways to lodge a complaint. It explicitly establishes mechanisms authorizing citizen participation in formal oversight and accountability procedures, including audits, at the service delivery level. The legal framework allows only SAI

but not internal agencies to receive complaints and requests for audits from citizens and the public.

C. INVESTMENT IN INFORMATION AND COMMUNICATION TECHNOLOGIES, AND OTHER POLICY TOOLS (14 INDICATORS)

Summary

Information and technology (ICT) and other supporting infrastructure still gains less attention. Of the 14 indicators assessed, only 6 which can be met, the remaining 8 are not met at all, while none (0) is partially fulfilled.

The regulation mandates the existence of a central body responsible for overseeing the Government's ICT policy. The Law explicitly identifies the importance of ICT policy including in facilitating procurement, documentation, and complaints mechanism in procurement and policy making and public services provision through ICT.

There is no provision, however, which consider open data, including directives that govern private organizations, regardless whether they use public funds or perform public functions. []

ICT Standards and other policy Tools

4.1. There are government-wide policies on open data and the use of ICT, developed through an inclusive process. (TAI)

FACT: The regulatory framework governing information and communication technology is organized under a government-wide policy. The government wide ICT policy includes technologies to facilitate transparent procurement, e-procurement software and easily accessible complaints mechanisms related to procurement processes. It also includes technologies to facilitate citizens raising complaints associated with the policy process or the quality of the public services and technologies to promote social accountability.

There are no open data provisions in the laws or secondary regulations, including agency directives. The ICT policy is not developed in participatory manner.

4.2. Information should be delivered to those who request it electronically and in open format, and governments provide Application Programming Interfaces that allow third parties to automatically search, retrieve, or download information directly from databases online. (AIE)

FACT: There is no requirement to provide APIs to make online databases searchable.

4.3. All new government generated data published proactively shall be open, and published in a non-proprietary, searchable, sortable, platform-independent, machine-readable format, independently of other formats used. There is a mandate requiring all new data to be created, collected and released in open format. (AIE, TAI, SF)

FACT: An ICT policy document or secondary government regulation requires all government data and information proactively published to be progressively updated to an open format, and published in a non proprietary, searchable, sortable, platform independent machine readable format. But, there is no legal mandate requiring new data to be created, collected and released in neither open format nor requirement to issue an action plan to update closed format and

non-electronic data to open. The regulatory framework does not consider provisions for auditing government agencies' data management policies.

4.4. There is a central agency in charge of ICT policy implementation.

FACT: The law explicitly identifies an agency responsible for overseeing the government's ICT policy.

4.5. Open data commitments apply to all organizations operating with public funds or performing a public function, including private enterprise and civil society organizations. (TAI)

FACT: There are no provisions extending open data policies and regulations to private organizations, independently of whether they use public funds or perform a public function.

CONCLUSION AND RECOMMENDATION

Indonesia has been developing a relatively firm laws and policy on transparency, accountability, participation as a condition to open governance (OG). Each dimension and sector indicators are always met more than half. It is only the tools indicators which are still quite weak and need further development.

The constitution and legal framework recognize the rights to information and participate. This recognition provides a strong foundation for the realization of good governance. So is for the dimension of institutional architecture, there is a lot of laws and regulations mandating the establishment of institutions and mechanisms to support transparency, participation, and accountability.

Laws and policies in Indonesia, once enacted, binds public agencies, at all level and sector. However, there are many sectoral regulations which overlap and collided with the more general laws. The Law on the Freedom of Information, for example, is distorted by regulation on information disclosure in Parliament. Indonesia also gives more emphasize to the by law regulation and directives, such as in procurement and financial matters.

A. TRANSPARENCY

1.1. Conclusion

Indonesia is very advanced in regulating transparency sector since the right information is acknowledged in the 1945 Constitution and the Law on the Freedom of Information . Those legal instruments guarantee access to information and require proactive publication by all public bodies, political parties, state, local and village-owned enterprises and NGOs.

1.2. Recommendation

Legal framework and policy need to further strengthen the openness regime by strengthening the authority of the Information Commission and guarantee its independence (budget and secretariat) to oversee the implementation and promotion of openness (indicator 4.2; 5.1). In contrary, Indonesia needs to reduce the confidentiality of the legal processes which can help uncovering cases of corruption, crimes against humanity and human rights violations (indicator 3.3).

Law or equivalent legal framework need to establish a 'severability clause'. The best practice of the Information Commission verdict on 'severability clause' should be established in law (indicator 3.5). For information request, reasons should not be required for any request for information to promote access to information as well as encouraging government's preparedness to information services (indicator 6.1). In practice, we should also be careful for particular trend in Indonesia to abuse information request to obtain material gain, instead of encouraging accountability.

B. PARTICIPATION

2.1. Conclusion

The 1945 Constitution recognizes the right to participate, and participation is further regulated in the Law of National Development Planning System, the Law on Public Service and other sectoral legal instruments requiring participation in policy making and public service provision.

2.2. Recommendation

Participation is the best way to ensure transparency, can be used to hold the power-holder accountable. More effort is to be made in strengthening citizens' engagement in decision making process at national, local, and service provision. The legal framework does not guarantee citizens participation in the budget process (15.5), that regulations are to be made in ensuring participation in budgeting government programs. This will ensure their proposal gains supports, rather than just a wish list.

A legal framework or policy directives should be formulated by requiring authorities to justify their decision to limit participation when that limitation is warranted (indicator 16.2), requiring the complaint mechanism in the policy-making (17.3), and providing a compensation mechanism for violations against the right to participate (17.5), including delaying implementation of the policy should the preliminary consultation to vulnerable groups yet to be made (17.4).

Indonesia needs to provide sufficient time to announce participation and consolation for decision-making process (indicator 15.2, 3, 6), particularly in law making, policies which directly affect the lives of citizens or in the form of mega projects. To ensure the consultation is not a formality, the legal framework explicitly requires public authorities to provide a detailed justification on why and how citizen opinions have or have not been taken into account in policy and decision-making processes after consultation (19.4). The legal framework should mandate establishment of a central agency to promote and protect public participation in decision-making and delivery of public services (21.1-22.1).

C. ACCOUNTABILITY

3.1. Conclusion

Accountability sector is also developed in many regulations. Indonesia provides various independent state agencies and accountability mechanisms, such as the Supreme Audit Institution (BPK), protection of whistleblowers, the ombudsman, procurement mechanism, and financial disclosure of state administrators, and recognition of social accountability. However, Indonesia is still weak in some areas, such as accountability of the House of Representatives, lobbying, and conflict of interest.

3.2. Recommendation

Accountability prevents abuse of power and corruption. In strengthening financial supervision and performance of public bodies, the SAI should be given the authority to follow up the findings and impose sanction (indicator 24.4-5).

Greater attention to be made to empower citizens and protecting them in delivering complaints toward service delivery, improving their leverage in negotiating public policy and decision, as well as protection to whistleblowers of corruption and irregularities. The above mention quasi state institutions that are mandated to handle complaints, provide protection, and obtain supervisory power are so vital to the citizens effort to hold the government to account that there will be a very strong connection between access to information, participation, and accountability.

Regulations related to conflict of interest, however, need improvement (26.3), to also include all public officials and their families, stepping back from decision-making if involved in conflict of interest. Financial reports of public officials need to be audited, instead of merely be verified (26.7), and may be subject to sanctions related to the false financial statements (26.9). Concurrent employment in any position while holding public office is also forbidden by law or directives (26.11). The perpetrators of corruption need to be halted for any position for a certain amount of time after their indictment (26.12), that any high-ranking officials and

legislators are restricted from entering the private sector after leaving government (26.13). A legal framework is to be established to regulate lobby and lobby groups (27.1-3) in public institutions, including private companies performing public function. It is intended that there will be more control over state power and funds during the administration tenure and in collaboration with business and interest groups.

Recognition of the social accountability mechanisms must also be connected to external oversight agencies. In this case, the SAI needs to be specifically requested to receive complaints and audit request from public and private (30.3).

D. TOOLS – SUPPORTING INFRASTRUCTURE

4.1. Conclusion

ICT policy and legal framework in Indonesia is regulated in the Law and related regulations, such as the Law on Electronic Information and Transaction (IETE), Law of Archives and Presidential Decree on Procurement of Goods and Services. Although aware of the importance of ICT, Indonesia has yet developed more the rules relevant to the crucial issues, as in the case of Open Data, ICT-related institutions.

4.2. Recommendation

Indonesia should seriously and carefully pay attention to the development of high-end information and communication technology (ICT). ICT should be directed to facilitate open governance, which aims to create a more prosperous society. To that end, the policy of open data and the supporting infrastructure must contain the strategies and arrangement in implementing the latest information technology for the accountability of public resource management. ICT policy can not be partial (35.1), and must govern critical areas such as Open Data (31.5-32.2 , 32.2-33.4), developed by paying more attention to the equality of technology infrastructure throughout the country, as well as compatible with the principles of freedom of information.

Concluding this assessment, Indonesia needs to face the recurring challenges despite how good its legal framework and policies:

Firstly, the gap between rules and implementation. The spirit of reform has opened more opportunities to institutionalize democracy and good governance elements in the regulations. Therefore, there is no guarantee of the enforcement and implementation, for now it is highly dependent on the political will and government leadership.

Second, the reform began 15 years ago and the battles still continue when powerful efforts persist to undo the progressive regulation and create the decadent regulations. Indonesia has always been under the shadow of a set back to the corrupt and authoritarian regime through the Intelligence Law, State Secrets bill, Mass Organizations Act, and some bills which are being discussed in the parliament.

Indonesia's political and legal landscape is a contestation of the power groups in pushing their respective agendas. The contest occurs to concur strategic state institutions and regulatory changes. Therefore, efforts to improve the regulation and policy should only be done by carefully considering the interplay of the corrupt versus the anti-corruption power. []

ANNEX

1. THE INDICATORS OF TRANSPARENCY

STANDARDS	INDICATOR	VALUES	CITATION & COMMENT	SOURCE
Legal recognition of the right to know. The right to access information is recognized in the country's constitution or relevant laws, and the existing legal framework that enable citizens to access information.	1.1. The fundamental right to access information is established in the country's legal framework.	The legal framework acknowledges the right to access information.	Article 28F of the 1945 Constitution. Article 14 of Law No. 39 Year 1999 on Human Rights. Article 3, Article 4 of Law No. 14 of 2008 on Freedom of Information.	Adapted from AIE. CLD Right to Information legislation rating
		The right to access information is recognized, but the legal framework has yet made this right in operation.		
		The right to access information is not acknowledged.		
Scope. The right to access information applies to all information held by national and supranational bodies, including all bodies	2.1. The scope of the law or relevant legal framework covers all institutions delivering services to the public at the national level.	The legal framework covers all institutions delivering services to the public at the national level, including all three branches of government, autonomous and oversight institutions, parties, state owned enterprises and other entities using public resources.	Article 1 paragraph (3), article 14, article 15, and article 16 of Law No. 14 of 2008 on Freedom of Information. Article 3 of Information Commission Regulation No. 1 Year 2010 on the Public Information Service Standards	Adapted from OECD Involve 1, and AIE. CLD Right to Information legislation rating

performing public functions and operating with public funds. (AIE)		The legal framework covers some, but not all institutions delivering services to the public at the national level.		
	2.2. The scope of the law or relevant legal framework covers all institutions delivering services to the public at the local level.	The legal framework covers all institutions delivering services to the public at the local level, including all branches of government, oversight institutions, parties, state owned enterprises and other entities using public resources.	Article 1 paragraph (3), article 14, article 15, and article 16 of Law No. 14 of 2008 on Freedom of Information.	Adapted from OECD Involve 1, and AIE. CLD Right to Information legislation rating
		The legal framework covers some, but not all organizations and institutions delivering services to the public at the local level.	Under Indonesian legal system, law is applicable at all level throughout Indonesia. .	
	2.3. The law or relevant legal framework incorporates provisions to access both general information and specific documents and records.	The legal framework considers explicit provisions to access general information and to request specific documents and records.	Article 9, Article 10, Article 11 of Law No. 14 Year 2008 on Freedom of Information. Information Commission Regulation No. 1 Year 2010 on Information Services Standards. Chairman of the Supreme Court Decision on Guidelines 1-144/KMA/SK/I/2011 Number Information Service at the Court. Parliament Regulation No. 1 Year 2010 on Freedom of Information in the House of Representatives.	Adapted from OECD Involve 1, and AIE. CLD Right to Information legislation rating

		The legal framework considers explicit provisions to access general information, but it does not include access to specific documents and records.		
2.4. The law or relevant legal framework affords requesters access to draft and enacted legal instruments, including records of decision-making processes and legislative proceedings.		The legal framework affords requesters access to draft and enacted legal instruments, including records of decision-making processes and legislative proceedings.	Article 9, paragraph 2, letter b of Law No. 14 Year 2008 on Freedom of Information. Article 11, paragraph 1, letter f, Article 13, paragraph 1, letter b of Regulation Commission on Standards Information Services of Public Information. Article 5 g of Law 12 Year 2011 on the Establishment of legislation. Article 200 of Law 27 Year 2009 on the MPR, DPR, DPD and DPRD. Parliament Regulation No. 1 Year 2010 on Public Information in the House of Representatives.	Adapted from WB-PAM-FOI in law, and Declaration on Parliamentary Openness
		The legal framework affords requesters access to some draft and enacted legal instruments, records of decision-making processes and legislative proceedings, but not all of these.	In principle, all policy formulation in the House is open, but there is a clause that is made to exclude the forum or meeting, including the results as confidential information. There are no clear indicators of whether a forum or meeting declared open or closed.	
		The legal framework does not afford requesters access to draft and enacted legal instruments, records of decision-making processes and legislative proceedings.		

Limited and Clear Exceptions to the right to access information. Exceptions are narrowly construed in law and applied judiciously in practice, subject to a well-developed public interest test elaborated through guidance from the information commissioner and courts. (TAI)	3.1. The standards in the <i>Right to Information</i> Law or equivalent legal framework trump restrictions on information disclosure in other legislation, when there is conflict. The law lists permissible exceptions in detail, and lays out a harm test that applies to all exceptions, so information can only be refused where disclosure poses a risk of actual harm to a protected interest.	The legal framework explicitly establishes that access standards trump restrictions, it lists permissible exceptions in detail, and lays out a harm test that applies to all exceptions, so information can only be refused where disclosure poses a risk of actual harm to a protected interest.	Article 2 paragraph (4), Article 17, Article 19, Article 20 of Law No. 14 Year 2008 on Freedom of Information. Article 1 paragraph (9), chapter 3, Article 10, and Article 14 of Government Regulation No. 61 Year 2010 on the implementation of Law 14 Year 2008 on Freedom of Information.	Adapted from AIE. CLD Right to Information legislation rating
		The legal framework establishes some but not all of these provisions.		
		The legal framework does not explicitly consider any provisions for testing secrecy provisions in case of conflict, and restrictions on information disclosure are not trumped by access standards.		
	3.2. The Law on <i>Right to Information</i> or equivalent legal framework creates a mandatory ' public interest override ' establishing that information must be disclosed should this be in overall public interest, even when a protected interest may be harmed.	The legal framework explicitly considers a public interest override so information is disclosed when it is in the overall public interest, even when a protected interest may be harmed.	Article 2, paragraph 4 of Law No. 14 Year 2008 on Freedom of Information. Article 10 paragraph 2 of Government Regulation No. 61 Year 2010 on the implementation of Law No. 14 Year 2008 on Freedom of Information.	Adapted from AIE. CLD Right to Information legislation rating
		The law explicitly considers a public interest override but it does not lay out the provisions for it.	Arrangements in the legislation to consider a waiver of confidential information in the public interest. Principle information, open or not, should be based on public interest.	

		The law does not consider public interest overrides.	Mechanisms to disclose confidential information through the consequences test are further set in government regulations and other technical rules.	
3.3. The Law on <i>Right to Information</i> or equivalent legal framework considers 'hard overrides' mandating the publicity of information in specific cases of great relevance to the public interest, for example in case of grave human rights' violations, in cases of corruption or crimes against humanity.		The legal framework explicitly considers hard overrides in exceptional cases, and lays out provisions for its application.	Article 17, Article 20 of Law No. 14 Year 2008 on Freedom of Information. Article 5 of Government Regulation No. 61 Year 2010 on the implementation of Law No. 14 Year 2008 on Freedom of Information.	Adapted from AIE. CLD Right to Information legislation rating
		The legal framework considers hard overrides in general terms, but it does not establish specific guidelines and provisions for its application.	According to the law, the information likely harming law enforcement is exempt information. Including cases of human rights violations, corruption, and crimes against humanity. Such information will be halted for disclosure only when it has entered the proceedings, and/or have passed a maximum term of 30 years.	
		The law does not consider hard overrides.		
3.4. Information must be released as soon as an exception ceases to apply. The <i>Law on Right to Information</i> or equivalent legal framework explicitly states that information		The legal framework explicitly states that information must be released as soon as an exception ceases to apply, and considers a time limit of no more than 20 years to secret information.	Article 20 of Law No. 14 Year 2008 on Freedom of Information. Article 5 to Article 11 of Government Regulation No. 61 Year 2010 on the implementation of Law 14 Year 2008 on Freedom of Information.	Adapted from AIE. CLD Right to Information legislation rating

	must be released as soon as an exception ceases to apply, and considers a time limit of no more than 20 years to secret information.	The legal framework considers one, not both of these conditions for releasing information after a public interest test.	Period of exclusion shall terminate upon sectoral laws that regulate it. Exception relating to legal enforcement explicitly described in the regulation implementing the legislation (61/2010) that the information must be opened at the latest within a period of 30 years or has been opened in a hearing open to the public.	
		There are no provisions limiting the secrecy of information.		
	3.5. The <i>Right to Information</i> Law or equivalent legal framework establishes a 'severability clause' indicating that when only part of a record is covered by an exception, the remainder must be disclosed through a 'public version'.	The legal framework explicitly lays out a clause mandating the release of public versions where only part of a record must remain secret.	Article 46 of Law No. 14 Year 2008 on Freedom of Information.	Adapted from AIE. CLD Right to Information legislation rating
		The law does not explicitly lay out a 'severability clause'.	Documents or information that are subject to 'severability clause' only happen in cases based on the decision of the Information Commission. Information Commission can impose a decision that orders the public agency to provide some or all of the settled information.	
	3.6. When refusing to provide access to information, public authorities must state the exact legal grounds and	The legal framework explicitly mandates that public authorities state the exact legal grounds and reasons for a refusal, and inform the applicant of the relevant appeals procedures.	Article 17, Article 22, paragraph (7) letter c of Law 14 Year 2008 on Public Disclosure	Adapted from AIE. CLD Right to Information legislation rating

	reasons for the refusal, and inform the applicant of the relevant appeals procedures.	<p>The legal framework requires public authorities to state the legal grounds and reasons for refusal, but it does not require them to inform requesters of the relevant appeals procedures.</p> <p>The law does not require public authorities to state the legal grounds or reasons for refusal.</p>	Public bodies which refuse requests for information shall notify the applicant of information about the refusal by stating the reason. However, the law does not explicitly require public bodies to notify requesters about relevant appeals procedures.	
The right to access information is overseen by an independent body with a broad mandate. It can review compliance, it may undertake ex officio investigations, receive and rule on complaints from the public, and it is empowered to ensure compliance and impose sanctions, where appropriate. (AIE)	4.1. The Law on <i>Right to Information</i> or the equivalent legal framework authorizes a central body / agency to oversee the right to access information, and mandates its independence from the Executive.	The legal framework acknowledges an agency in charge of overseeing access to information, and makes it independent from Executive, in the following ways: the legal framework explicitly acknowledges the independence of the agency; in law, the responsible officers are appointed and removed by a body different than the Executive; and in law, the agency is enabled to submit its own budget requests to parliament / the legislative.	Article 23 to Article 34 of Law No. 14 Year 2008 on Freedom of Information. Article 23 paragraph (2) of the 1945 Constitution.	Adapted from AIE. CLD Right to Information legislation rating, and OECD. Involve 2
		Some but not all of these conditions are established in the law.	The law mandates the existence of the Information Committee at the central, provincial, district/city (if needed). Election of information commission members is carried by the open government committee formed, consisting of representatives of government and civil society. The government then submitted candidates to the Parliament to be elected based on the fit and proper test. It does not explicitly state that the information commission can submit budget directly to the	
		The legal framework does not acknowledge an agency in charge of overseeing access to information, or it does not grant it independence.		

			Parliament. According to the 1945 Constitution, submission of the draft of state budget to the DPR/DPRD(parliaments) is under the authority of the government (the president). Though the Information Commission budget follows this procedure.	
4.2. The mandate of the central body / agency overseeing access to information covers all records.	The legal framework authorizes the agency in charge of overseeing access to information with a mandate that includes all records in the hands of public authorities, in all three branches of government.	Article 23 of Law No. 14 Year 2008 on Freedom of Information	The Commission is only mandated tasks related to the preparation of the regulatory standards of public information and dispute resolution information. There is no agency that specifically oversees access of information.	Adaptation of OECD. Involve 2
	The legal framework limits the mandate of the agency in charge of overseeing access to information to some, but not all records in the hands of public authorities.			
	The legal framework does not acknowledge an agency in charge of overseeing access to information, or it does not grant it independence.			
4.3. The mandate of the central body / agency overseeing access to information includes overseeing open data	The mandate of the central body / agency overseeing access to information includes overseeing open data policies and guidelines.			Adapted from AIE. CLD Right to Information legislation rating

	policies and guidelines.	The mandate of the central body / agency overseeing access to information does not consider open data policies and guidelines; or there is no independent central body.		
	4.4. The mandate of the central body / agency overseeing access to information explicitly considers the capacity to undertake ex officio investigations, to receive and rule on public complaints; and considers the power to take appropriate action to ensure compliance, and impose sanctions.	The legal framework explicitly enables the agency in charge of overseeing access to information to carry out ex officio investigations, to receive and rule on public complaints and to take the necessary and appropriate action to include compliance, including sanctions.	Article 23, Article 51 to 57 of Law No. 14 Year 2008 on Freedom of Information	Adapted from AIE. CLD Right to Information legislation rating
		The legal framework allows some but not all of these functions.	The Information Commission is only authorized to determine the technical guidelines and standards of service of Public Information, as well as to resolve public information disputes through mediation and/or litigation. adjudication. Criminal sanctions are established by laws, but enforcement is not the authority of the Information Commission.	
		The legal framework does not acknowledge an agency in charge of overseeing access to information, or it limits its actions preventing it from carrying out these functions.		
Promotion. Significant power and funding is provided to a central body to promote the right to	5.1. A central body / agency is given overall responsibility for promoting the right to access information, and	The law explicitly gives a central body overall responsibility for promoting the right to access information, and it requires public awareness efforts be carried out.		Adapted from AIE. CLD Right to Information legislation rating

information. This should include a substantial budget for public education on the right to access information and the ability to require public authorities to take measures to address structural problems.	public awareness raising efforts are required to be undertaken by law.	The law considers one but not both of these conditions.		
		The law does not consider the promotion of the right to access information.		
	5.2. A central body / agency has the legal obligation to present a consolidated report to the legislature on implementation of the law. Public authorities are required to report annually on the actions they have taken to implement their disclosure obligations. This includes statistics on requests received and how they were dealt with.	The <i>Law on Right to Information</i> or equivalent legal framework considers both of conditions explicitly: it requires authorities to report annually on the actions they have taken to implement their disclosure obligations, including statistics on requests received and how they were dealt with; and it makes a central body responsible for presenting a consolidated report to the legislature on implementation of the law.	Article 28 of Law No. 14 Year 2008 on Freedom of Information	Adapted from AIE. CLD Right to Information legislation rating
		The law considers one, but not both of these conditions.	The Information Commission based on the levels (central, provincial, district/city) is to submit a report on the implementation of the functions, duties, and powers to the legislature (DPR/DPRD)	
		The law does not consider reporting on the actions undertaken by authorities to implement their disclosure obligations.		

Clear procedures. The rules and mechanisms to access information, to review decisions made regarding the publication of information and contest exceptions are established in the law, along with the timeframes and mechanisms to introduce these requests for review and legal recourses.	6.1. Requesters are not required to provide reasons for their requests, only the details necessary for identifying and delivering the information.	The Law on <i>Right to Information</i> or equivalent legal framework explicitly states that reasons are not required for filing a request, only the details necessary for identifying and delivering the information.	Article 4, paragraph 3, article 22 of Law No. 14 Year 2008 on Freedom of Information.	Adapted from AIE. CLD Right to Information legislation rating
		The condition is not explicitly laid out in the law, or it does not exist.	According to Law on the Freedom of Information, in filing a request for information, the applicant states the reason for requesting public information, including the identity and the information requested.	
	6.2. The procedures for making requests are laid out in clear guidelines. Requests can be submitted by any means of communication (written, electronic, and oral form) with no requirement to use official forms.	The Law on <i>Right to Information</i> or equivalent legal framework lays out detailed procedures for making requests, and requests can be submitted by any means of communication.	Article 21, Article 22 of Law No. 14 Year 2008 on Freedom of Information.	Adapted from AIE. CLD Right to Information legislation rating
		Requests can be submitted in some but not all formats, or they can be submitted in all formats, but the procedures are not clearly laid out by the legal framework.		
		The law does not explicitly consider procedures for filing requests.		

	6.3. Public officials are legally required to provide assistance to help requesters formulating their requests, or to contact and assist requesters when requests made are vague, unduly broad or otherwise need clarification. Public officials are also legally required to assist requesters who require it because of special needs, when they are illiterate or disabled.	The Law on <i>Right to Information</i> or equivalent legal framework considers all of these conditions explicitly: Public officials are legally required to provide assistance to help requesters formulating their requests, or to contact and assist requesters when clarification is needed; public officials are also legally required to assist requesters who require it because of special needs, when they are illiterate or disabled.	Article 22 of Law No. 14 Year 2008 on Freedom of Information. Article 29 of Law No. 25 Year 2009 on Public Service.	Adapted from AIE. CLD Right to Information legislation rating
		The law considers some but not all of these conditions.	The law explicitly allows a request for information to be made written or unwritten. For unwritten request, the public body must record the information requests. For group with special needs where public information is categorized as public service, the public servants shall provide additional facilities which allow vulnerable groups to access information. Vulnerable groups include people with disabilities, the elderly, pregnant women, children, victims of natural disasters, and victims of social disasters. The special treatment given to them is without extra charge.	
		The law does not consider assistance to requesters.		

	6.4. Procedures are in place for situations where the authority to whom a request is directed does not have the requested information. This includes an obligation to inform the requester that the information is not held, and to refer the requester to another institution or transfer him to the instance where the public authority knows the information is held, when that is the case.	The Law on <i>Right to Information</i> or equivalent legal framework requires an authority to whom a request is directed to inform the requester that the information is not held by it, when that is the case, and refer the requester to another institution. The legal framework also requires the public authority to transfer the request to the instance where the information is held, when the authority is aware of its existence.	Article 22, paragraph 7, letter b of Law No. 14 Year 2008 on Freedom of Information.	Adapted from AIE. CLD Right to Information legislation rating
		The law considers one but not both of these conditions.	Public bodies are only required to notify the applicant that the requested information is not under their control. There is no transfer of request of information to other institutions in which the information is provided, just notification.	
		The law does not consider assistance to requesters.		
The Right to appeal and reasonable timelines – The adjudication processes to determine access to information are structured to ensure that information can	7.1. The Law on <i>Right to Information</i> or equivalent legal framework lays out clear and reasonable maximum timelines for responding to requests (no more than 20).	The Law on <i>Right to Information</i> or equivalent legal framework considers a timeline of no more than 20 working days to respond to a request.	Article 22, paragraph 7 of Law No. 14 Year 2008 on Freedom of Information.	Adapted from AIE. CLD Right to Information legislation rating
		The maximum timeline considered by the law is more than 20 days.	The law provides a maximum period of 10 days for public bodies to respond to requests for information to the applicant's public information.	

be accessed promptly by requesters, and all internal and external appeal mechanisms are clearly laid out, simple, free and completed within clear timelines (AIE).		The law does not consider a limit to respond to requests.		
	7.2. The Law on <i>Right to Information</i> or equivalent legal framework lays out guidelines for time extensions (no more than 20 working days) including a requirement to notify requesters of the extension, and provides them with the reasons for the extension.	The Law on <i>Right to Information</i> or equivalent legal framework limits the extension to respond to no more than 20 working days, and requires that authority notify requesters on the extension, and provides them with the reasons for it.	Article 22, paragraph and paragraph 8 of Law No. 14 Year 2008 on Freedom of Information	Adapted from AIE. CLD Right to Information legislation rating
		The law considers one, but not both of these conditions.	Within a maximum period of 10 days, the public agency must respond to requests for information. However, the public body may extend the time to respond no later than 7 working days to provide reasons in writing.	
		The law does not consider a limit to respond to requests, or it does not consider limits to time extensions by authority.		
	7.3. Requesters have the right to appeal, and the Law on <i>Right to Information</i> or equivalent legal framework explicitly considers a free and accessible mechanism for internal appeal.	The Law on <i>Right to Information</i> or equivalent legal framework explicitly considers a free and accessible mechanism for internal appeals, and appeals procedures are simple, free of charge and have clearly established timelines.	Article 35, Article 36 of Law No. 14 Year 2008 on Freedom of Information. Article 30 to Article 35 Information Commission Regulation No. 1 Year 2010 on Public Information Services Standards	Adapted from AIE. CLD Right to Information legislation rating
		The law considers appeals procedures in general, but appeals procedures are not simple, free of charge or they do not have clearly established timelines.		

		The law does not explicitly consider appeals procedures.		
7.4. Requesters have the right to appeal, and <i>Right to Information</i> Law or equivalent legal framework explicitly considers a free and accessible mechanism for appeal to an external oversight body .	The Right to Information Law or equivalent legal framework explicitly considers a free and accessible mechanism for appeals to an external body , and appeals procedures are simple, free of charge and have clearly established timelines.	Article 37 to Article 46 of Law No. 14 Year 2008 on Freedom of Information. Information Commission Regulation No. 1 Year 2013 on Public Information Dispute Resolution Procedure.	Adapted from AIE. CLD Right to Information legislation rating	
	The law does not explicitly consider a free and accessible mechanism for external appeal.	In case the applicant is not satisfied with the information unit authority's objection to the requested information, she/he appeals dispute to the Information Commission. In resolving disputes, the Information Commission provides 2 stages of resolution procedure: non. litigation and adjudication. In proceeding the request, the Commission does not charge information.		
	The law does not consider the right to appeal.			
7.5. Requesters have the right to lodge a judicial appeal, in addition to the appeal before an external oversight body, and the Law on <i>Right to Information</i> or equivalent legal framework explicitly considers a free and accessible mechanism for judicial appeal.	The Law on Right to Information or equivalent legal framework explicitly considers a free and accessible mechanism for judicial appeals, and appeals procedures are simple, free of charge and have clearly established timelines.	Article 2, paragraph 4, Article 4, paragraph 2, and Article 56 paragraph 2 of Law No. 48 Year 2009 on Judicial Power. Article 47 to Article 50 of Law No. 14 Year 2008 on Freedom of Information. Indonesian Supreme Court Regulation No. 2 Year 2011 on Procedures for Settlement of Court Public Information.	Adapted from AIE. CLD Right to Information legislation rating	

		The law does not explicitly lay out a free and accessible mechanism for judicial appeal	There is a small amount of cost for bringing a case to the court. This applies to all cases brought to trial. But in terms of justice seekers is not capable, then the cost is borne by the state.	
		The law does not consider the right to appeal.		
Proactive Publication – The laws to access information explicitly require public institutions to proactively publish relevant information, and to include a list of program and sectoral information that must be made public. (AIE)	8.1. The legal framework explicitly requires the publication of the seven documents in the budget process for which the Executive and Legislative branches are responsible, including: the pre-budget report, the budget proposal, a citizen budget, the approved budget, a mid-year review, quarterly in-year reports and a year-end report.	Yes, the legal framework explicitly requires the publication of all seven documents stemming from the budget process, the pre-budget report, the budget proposal, a citizen budget, the approved budget, a mid-year review, quarterly in-year reports and a year-end report.		Open Budget Survey
		The legal framework requires the publication of some, but not all seven budget documents.		
		The law does not require the publication of any budget documents.		
	8.2. The legal framework requires that all oversight and accountability reports are carried out by internal and external control agencies, including legislative committees when they carry out oversight functions, be	The law explicitly requires that all oversight and accountability reports are carried out by internal and external control agencies, including legislative committees when they carry out oversight functions, be made public.	Article 7, paragraph 5 of Law Number 15 Year 2006 on the SAI. Article 19 paragraph 1 of Law Number 15 Year 2004 concerning State Financial Accountability. Article 73, paragraph 5 of Law No. 27 Year 2009 on the MPR, DPR, DPD and DPRD. Article 2, paragraph 1 Parliament Regulation No. 1 Year 2010 on Public	No source, TI formulation

	made public.		Information in the House of Representatives. Government Regulation No. 60 Year 2008 concerning the Government Internal Control System.	
		The law explicitly requires the publication of some, but not all oversight and accountability reports.	[Specific guidance note: This indicator requires looking at the oversight governing laws, and the parliamentary organization law(s)].	
		The law does not consider the publication of oversight and accountability reports.	Internal monitoring agency reports do not convey to the public the results of its supervision.	
	8.3. The legal framework requires national authorities in at least the following sectors to proactively publish information on policy actions, outcomes and results: education, health, social services, human rights, security, and development.	The legal framework requires national authorities to proactively publish proactive information for all sectors listed: education, health, social services, human rights, security, and development.	Act No. 14 Year 2008 on Freedom of Information. Information Commission Regulation No. 1 Year 2010 on Public Information Services standard.	No source, TI formulation
		The law requires some but not all of these sectoral authorities to proactively publish information.	The regulation does not apply sectoral approach. The information published includes all sectors. Proactively published information in the category of the requested information is published without the appropriate classification of public information, which is determined by the rule of law.	
		The law does not require sectoral specific information, or it does not require the proactive publication of information.		

	8.4. The legal framework requires national authorities in at least the sectors indicated above to publish the following organizational information: information detailing the structure of authority in the agencies and institutions under the sector, an organogram of the different agencies and bureaus in the sector, and the operational rules under which agency functions are carried out, detailed program information when national programs are implemented, and program specific rules, when they exist.	The legal framework requires national authorities in the sectors indicated to publish all the organizational information listed: information detailing the structure of authority in the agencies and institutions under the sector, an organogram of the different agencies and bureaus in the sector, and the operational rules under which agency functions are carried out, including program specific rules, when policy programs are subjected to specific rules.	Article 9, paragraph 2 of Law No. 14 Year 2008 on Freedom of Information. Article 11 and Article 13 of Information Commission Regulation No. 1 Year 2010 on the Public Information Service Standards	No source, TI formulation
		The law requires authorities in all of these sectors to proactively publish some of the information listed above, but not all of it; or it requires that some of the sectors, but not all, publish the information listed.		
		The law does not require sectoral specific information, or it does not require the publication of proactive information.		
	8.5. The legal framework requires national authorities in at least the sectors indicated above to publish the following administrative information: a list of	The legal framework requires national authorities in the sectors indicated above to publish the administrative information listed, including a list of responsible officers and key personnel for each agency, and the salary information for each post.	Article 9, paragraph 2, article 11 of Law No. 14 Year 2008 on Freedom of Information. Article 12 and Article 13 of Information Commission Regulation No. 1 Year 2010 on the Public Information Service Standards.	No source, TI formulation

	responsible officers and key personnel for each agency, including the salary information for each post, and a detailed account of public procurement processes.	The law requires authorities in all of these sectors to proactively publish some of the information listed above, but not all of it; or it requires that some of the sectors, but not all, publish the information listed.	Salary information is not specified as the published information. Including procurement account information. Information Commission Regulation only includes information about the procurement of information in accordance with the legislation.	
		The law does not require sectoral specific information, or it does not require the publication of proactive information.		
	8.6. The legal framework requires national authorities in at least the sectors indicated above to publish the following program information : a comprehensive list of policy programs and actions, including information on geographic and demographic reach of public services provided; updated budget information for all programmatic activities; process and results indicators for programs being implemented, when these indicators exist; monitoring and evaluation reports for programs, when they exist; and a detailed account of public subsidies allocated.	The legal framework requires national authorities in the sectors indicated to publish the program information listed, including a comprehensive list of policy programs and actions, information on the geographic and demographic reach of public services provided, updated budget information for all programmatic activities and a detailed account of public subsidies allocated.	Article 9, paragraph 2, article 11 of Law No. 14 Year 2008 on Freedom of Information. Article 12 and Article 13 of Information Commission Regulation No. 1 Year 2010 on the Public Information Service Standards.	No source, TI formulation
		The law requires authorities in all of these sectors to proactively publish some of the information listed above, but not all of it; or it requires that some of the sectors, but not all, publish the information listed.		
			The law does not require sectoral specific information, or it does not require the publication of proactive information.	

<p><i>Accessibility and publicity of external audit reports – The Supreme Audit Institution should provide free and equal access to all its reports (OECD-Involve).</i></p>	<p>9.1. The legal framework requires the Supreme Audit Institution (SAI) to publish all of its documents and reports, including but not only the global Audit Report with the annual attestation audit for the executive's Year- End Report.</p>	<p>Yes, the legal framework requires the SAI to publish all of its documents and reports, including but not only the global Audit Report with the annual attestation audit for the executive's Year- End Report.</p>	<p>Article 19 of Law No. 15 Year 2004 concerning Control and State Financial Accountability. Article 7, paragraph 5 of Law Number 15 Year 2006 on SAI. Article 11 paragraph 1 letter a of Law Number 14 Year 2008 on Freedom of Information.</p>	<p>OECD Involve, 3</p>
		<p>The legal framework does not require the SAI to make its documents public.</p>	<p>Audit reports that have been submitted to the House of Representatives (DPR/DPRD) is a document/information that is open to the public, unless the information is exempt or state secrets. So, according to the law on public disclosure, either SAI or the House shall publish the report since the documents are under the control of both institutions.</p>	
<p><i>Accessibility and publicity of the legislative process – Parliament should proactively publish its administrative and organizational information. Documentation relating to the scheduling of parliamentary</i></p>	<p>10.1. Parliament is required by law to publish <i>organizational information</i>, including information detailing the structure of authority in its administrative and legislative work, an organogram of the administrative offices working under parliament / congress, the structure of</p>	<p>The law explicitly requires parliament to publish organizational information, including: information detailing the structure of authority in its administrative and legislative work, an organogram of the administrative offices working under parliament / congress, the structure of committees, and the operational rules under which committee, legislative and administrative proceedings and processes are carried out.</p>	<p>Article 69 paragraph 2 of Law No. 27 Year 2009 on the MPR, DPR, DPD and DPRD and the explanation of Article 69 paragraph 2.</p>	<p>No source, TI formulation</p>

<p>business shall be provided to the public. Parliament shall provide public access to preparatory analysis and background information to encourage broad understanding of policy discussions about proposed legislation.</p>	<p>committees, and the operational rules under which committee, legislative and administrative proceedings and processes are carried out.</p>	<p>The law requires parliament to publish organizational information in general, but it does not specify the information detailed above.</p>	<p>The law does not explicitly relate to obligations of public disclosure. Regulation only mentions that the functions of Parliament (legislative, budgetary, and oversight) are carried out within the framework of the representation of the people. Therefore, the implementation is conducted through the opening of public participation, implementation of transparency and accountability in the parliament. However, the law does not specify what kind of information should be published. The law only specifies supporting institution/bodies of DPR and their duties to support the implementation of those functions.</p>	
		<p>There is no requirement for parliament to publish organizational information.</p>		
	<p>10.2. Parliament is required by law to publish detailed administrative information, including a list of responsible officers and key personnel in all offices working under parliament / congress; a detailed account of committee, research and support staff, including the</p>	<p>The law explicitly requires parliament to publish administrative information, including a list of responsible officers and key personnel in all offices working under parliament / congress; a detailed account of committee, research and support staff, including the salary information for each post; and a detailed account of the public procurement processes carried out by congress / parliament.</p>	<p>Law No. 27 Year 2009 on the MPR, DPR, DPD and DPRD</p>	<p>No source, TI formulation</p>

	salary information for each post; and a detailed account of the public procurement processes carried out by congress / parliament.	The law requires parliament to publish administrative information in general, but it does not specify the information detailed above.		
		There is no requirement for parliament to publish administrative information.		
	10.3. The legal framework mandates the publicity of the parliamentary business schedule and related information, including calendar, scheduled votes, the order of business and the schedule of committee hearings.	Yes, the legal framework requires that the scheduling of parliamentary business be made public, including calendar, scheduled votes, the order of business and the schedule of committee hearings.	Article 11, paragraph 1, letter b, Article 13 of Information Commission Regulation No. 1 Year 2010 on the Public Information Service Standards. Article 9, paragraph 1 (d) and subparagraph (c), Article 10 paragraph 1 (f) and subparagraph (g) Regulation of the House of Representatives on Public Information in the House of Representatives.	No source, TI formulation
		The legal framework requires that parliamentary schedule information be made public in general terms, but it provides no specificity.	Legal framework specific information in the form of programs, activities, work plan and agenda of the House.	

		The legal framework makes no mention of parliamentary schedule information.		
	10.4 The law mandates that all background information and preparatory analysis considered by legislators in their deliberation be made public.	Yes, the law explicitly mandates that all background information and preparatory analysis considered by legislators in their deliberation be made public.	Article 11 paragraph 1 letters b and c of Law No. 14 Year 2008 on Freedom of Information. Article 5 g of Law Number 12 Year 2011 on the Establishment of legislation.	No source, TI formulation
		The law does not mention background information and preparatory analysis considered by legislators.	The law means the Act. Law No. 12/2011 establishes among the principle that the formation of legislation is "open". So that establishment of legislation from planning, preparation, discussion, endorsement or final decision and promulgation is transparent and open. All people have the widest possible opportunity to provide input in the formation of legislation. If associated with the Law on Freedom of Information, all policy decisions and public bodies as well as supporting documents are part of public information.	

	10.5 The legal framework requires parliament to publish detailed financial information of all its budget allocations and expenses.	Yes, the legal framework explicitly requires parliament to publish detailed financial information of all its budget allocations and expenses.	Article 9 paragraph 1 letter f, paragraph 2, letter d Parliament Regulation No. 1 Year 2010 on Public Information in the House of Representatives. Article 11, paragraph 1, letter b number 5, letter d, Article 13, paragraph 1, letter d number 3, letter k Information Commission Regulation No. 1 Year 2010 on Public Information Services Standard.	No source, TI formulation
		The legal framework requires parliament to publish financial information of its budget allocations and expenses, but it is not detailed.	Information on the House budget that is classified as public is the audited financial statements. Whereas Information Commission Regulation mandates that the budget information shall be provided by a public agency (current year) including the name of the program/ activity, the amount of budget, resource of budget, implementation schedule. Parliament tends to make the rules in the internal regulations are not in sync with the Information Commission.	
		The legal framework does not require parliament to publish financial and budget information.		
Accessibility and publicity of the justice procurement process. The judicial branch should proactively publish its organizational and	11.1. The legal framework requires the judicial branch to publish detailed organizational information , including an organogram of its administrative offices, the	Yes, the legal framework requires the judicial branch to publish detailed organizational information, including an organogram of its administrative offices, the structure of its deliberation process, and the operational rules governing administrative processes and judicial	Decree of the Chairman of the Supreme Court Number: 1-144/KMA/SK/2011on Guidelines for Information Services at the Court (and attachments)	No source, TI formulation

administrative information, its judgments and related background information, a schedule of judicial hearings and detailed financial information of its budget allocations and expenses.	structure of its deliberation process, and the operational rules governing administrative processes and judicial deliberations.	deliberations.		
		The legal framework requires the judicial branch to publish organizational information in general, but it does not specify the information detailed above.		
		There is no requirement for the judicial branch to publish organizational information.		
	11.2. The legal framework requires the judicial branch to publish detailed administrative information , including a list of responsible officers and key personnel in its administrative offices; a detailed account of administrative and support staff, including the salary information for each post; and a detailed account of the public procurement processes carried out by the judicial branch.	Yes, the legal framework requires the judicial branch to publish detailed administrative information, including a list of responsible officers and key personnel in its administrative offices; a detailed account of administrative and support staff, including the salary information for each post; and a detailed account of the public procurement processes carried out by the judicial branch.	Decree of the Chairman of the Supreme Court Number: 1-144/KMA/SK/2011 on Guidelines for Information Services at the Court (and attachments)	No source, TI formulation
		The legal framework requires the judicial branch to publish administrative information in general, but it does not specify the information detailed above.		

		There is no requirement for the judicial branch to publish administrative information.		
	11.3. The legal framework requires the judicial branch to make its judgments and related background information (i.e. <i>Amicus</i> briefs and other public information considered in its deliberations) public.	Yes, the legal framework requires the judicial branch to make its judgments and related background information public.	Article 18, paragraph 1, letter a of Law Number 14 Year 2008 on Freedom of Information. Decree of the Chairman of the Supreme Court Number: 1-144/KMA/SK/2011 on the Guidelines for Information Services at the Court (and attachments).	No source, TI formulation
		The legal framework requires the judicial branch to make its judgments public, but not the background information.	The minutes of proceedings (related background) is not mentioned as part of the detailed public information	
		There is no requirement for the judicial branch to publish its judgments.		
	11.4. The legal framework requires the judicial branch to publish a schedule of judicial hearings.	Yes, the legal framework requires the judicial branch to publish a schedule of judicial hearings.	Decree of the Chairman of the Supreme Court Number: 1-144/KMA/SK/2011 on the Guidelines for Information Services at the Court (and attachments)	No source, TI formulation
		There is no requirement for the judicial branch to publish a schedule of judicial hearings.		

	11.5. The legal framework requires the judicial branch to publish detailed financial information of all its budget allocations and expenses.	Yes, the legal framework explicitly requires the judicial branch to publish detailed financial information of all its budget allocations and expenses.	Decree of the Chairman of the Supreme Court Number: 1-144/KMA/SK/2011 on the Guidelines for Information Services at the Court (and attachments)	No source, TI formulation
		The legal framework requires the judicial branch to publish financial information of its budget allocations and expenses, but it is not detailed.		
		The legal framework does not require the judicial branch to publish financial and budget information.		
Free of Charge – All information must be made public without charge (excluding reasonable charges on delivery) and without limits to reuse. (AIE)	12.1. The Law on <i>Right to Information</i> or relevant legal frameworks considers clear rules for assessing fees to access information. Filing all requests is free of any charge, and access fees are limited to the cost of reproduction of the information requested, and related delivery costs.	The law explicitly states that filing all requests is free of any charge, and access fees are limited to the cost of reproduction of the information requested, and related delivery costs.	Article 2, paragraph 3, Article 21, Article 2, paragraph 3 of Clarification Act No. 14 Year 2008 on Freedom of Information. Article 4 letter g, Article 27 of Information Commission Regulation No. 1 Year 2010 on Public Information Services Standards	Adapted from AIE. CLD Right to Information legislation rating
		The law does not explicitly state that filing requests is free, or it does not limit access fees to the cost of reproduction and delivery, or both.		
		The law does not mention fees.		
	12.2. There are no limitations on or charges for reuse of information	The law explicitly exempts reuse of information from any limitation.	Article 5 of Law No. 14 Year 2008 on Freedom of Information	Adapted from AIE. CLD Right to Information

	received from public bodies, except where a private third party holds a legally protected copy-right over the information.	The law does not consider reuse of information, or it explicitly forbids it.		legislation rating
Clear and Comprehensive – All support materials available to public officials involved in a decision-making process must be made available. Key data and analysis should be presented in a form that is accessible and comprehensible to citizens. There is a public, comprehensive listing of all information holdings. (TAI, SF, AIE)	13.1. The Law on <i>Right to Information</i> or relevant legal frameworks requires public authorities to create and update detailed lists of the information in their possession, and include all support materials in decision-making processes.	Yes, the Law on <i>Right to Information</i> or relevant legal frameworks requires public authorities to create and update detailed lists of the information in their possession, and include all support materials in decision-making processes.	Article 7, paragraph 2 of Law No. 14 Year 2008 on Freedom of Information. Article 9 d Information Commission Regulation No. 1 Year 2010 on Public Information Services Standard.	Adapted from AIE. CLD Right to Information legislation rating
		The law requires public authorities to create and update detailed lists of the information in their possession but it does not specifically consider support materials using in decision-making processes.	Updates on public information are not set explicitly in the law, but in the rule provided by the Information Commission.	
		The law does not consider update lists of information in the possession of authorities.		
	13.2. The law explicitly requires public authorities in all branches and levels of government to make public information accessible and comprehensible to citizens.	The law explicitly considers that information made public should be accessible and comprehensible to citizens.	Article 2, paragraph 3, Article 9, paragraph 4, the explanation of Article 2, paragraph 3 of Law No. 14 Year 2008 on Freedom of Information.	No source, TI formulation
		The law does not explicitly consider whether information should be accessible and/or comprehensible.		

2. THE INDICATORS OF PARTICIPATION

STANDARD	INDICATOR	OPTION	CITATION & COMMENT	SOURCE
<i>Legal recognition of the right to participate. The right to participate in decision-making processes is recognized in the country's constitution and relevant laws. A legal framework exists to enables citizens to participate in public affairs.</i>	14.1. The right to participate in policy and decision making processes is explicitly acknowledged in the legal framework, which considers specific provisions to foment participation in monitoring the delivery of public services, in policy planning, in policy evaluation and in accountability mechanisms.	Yes, the right to participate in policy and decision-making processes is explicitly acknowledged in the legal framework, and specific provisions are laid out to foment participation in monitoring the delivery of public services, in policy planning, in policy evaluation and in accountability mechanisms.	The 1945 Constitution Article 28. Paragraph 2 of Article 28C, 28D Article 3, paragraph 3 of Article 28E. Law No. 25 Year 2009 on Public Services: Article 18, Article 20 paragraph (2), paragraph (4), Article 35 paragraph (3) (a), Article 39 paragraph (1), paragraph (2), paragraph (3), and subsection (4). Law No. 25 Year 2004 on National Development Planning System: Article 2 paragraph (4) letter (d), Article 11 paragraph (1), Article 16 paragraph (2).	No source, TI formulation
		The right is acknowledged but there are no specific provisions laid out to make participation actionable.	In terms of planning policy, the public is included but there is no guarantee the people's aspirations will be accommodated. The evaluation of the policy also does not explicitly include the community.	
		The right is not acknowledged		
<i>Scope. The right to participate in decision-making processes includes the legislative and policy processes, different stages of the policy process and all relevant levels of government, including the local and service</i>	15.1. The legal framework establishes a general requirement mandating government agencies at the national, local and service delivery levels to consult with citizens and stakeholders in their decision-making processes.	Yes, the legal framework establishes a general requirement mandating government agencies at the national, local and service delivery levels to consult with citizens and stakeholders in their decision-making processes.	Article 96 of Law Number 12 Year 2011 on the Establishment of legislation. Article 20 of Law No. 25 Year 2009 on Public Service. Article 22, Article 23, Article 24, Article 26, Article 27, Article 28, Article 33, Article 41, Article 42, Article 43, Article 44, Article 45, Article 46 of Government Regulation No. 9 Year 2012 on the implementation of Law No. 25 Year 2009 on Public Service.	Adaptation of OECD. Involve 4

delivery level.				
		Some government agencies, but not in all levels of government, are so required.		
		The requirement to consult citizens and stakeholders is not expressly acknowledged in any law.		
	15.2. Parliament is required by law to allow citizens and the public (corporations and civic organizations) to provide equal input to members regarding items under consideration, with sufficient notice and time incorporated in the legislative process to receive this input.	Yes, parliament is required by law to allow the citizens and the public (corporations and civic organizations) to provide equal input to members regarding items under consideration, with sufficient notice and time incorporated in the legislative process to receive this input.	Article 206 paragraph 3 of the letter L Law Number 27 Year 2009 on the MPR, DPR, DPD and DPRD. Article 203 to Article 211 Regulation No. 1/DPR DPR RI/2009 concerning Internal Rules.	No source, TI formulation
		The legal framework allows citizens and the public (corporations, civic organizations) to provide input to parliament, but it does not make any provisions regarding equal access, sufficient notice and time to receive this input.	The legal framework provides space for the community (participation) to deliver inputs, aspirations, and the opinion of the workings of parliament. However there is no provision that provides assurance that the mechanism of participation is done in a balanced and sufficient time for the public to provide input.	
		The legal framework does not consider the provision of input to the legislative process.		

	15.3. Autonomous public agencies, including oversight institutions, are required by law to allow citizens and the public (corporations and civic organizations) to provide input regarding items under consideration, with sufficient notice and time incorporated in the decision-making process to receive this input.	Yes, all autonomous public agencies, including oversight institutions, are required by law to allow citizens and the public (corporations and civic organizations) to provide input regarding items under consideration, with sufficient notice and time incorporated in the decision-making process to receive this input.	Law No. 25 Year 2009 on Public Service.	Adaptation of OECD. Involve 4
		Some, but not all autonomous public agencies are required by law to consult citizens and the public (corporations and civic organizations) in their decision-making processes; or they are so required, but the law does not make any provisions regarding sufficient notice and time to receive this input.	In the context of public service is quite good, but in the policy making is generally not regulated in detail.	
		The requirement to consult citizens and the public (corporations, civic organizations) is not expressly acknowledged in any law.		
	15.4. The legal framework establishes provisions for public participation in council meetings at the national, local and service delivery level.	The legal framework establishes provisions for public participation in council meetings at the national, local and service delivery level.	Article 6, paragraph 2, Article 7, paragraph 2, Article 9, paragraph 1, letter b, letter c of paragraph 2 of Article 11, paragraph 1, Article 16, paragraph 2, of Law Number 25 Year 2004 on National Development Planning System. Article 151, paragraph 2 of Law No. 32 Year 2004 on Regional Government. Article 5, paragraph 3, Article 10, paragraph 3, letter b, Article 12, paragraph 2, letter b, Article 15, paragraph 3, the Government Regulation No. 40 Year 2006 on Procedures for the Preparation of the National Development Plan. Explanation PP 40 Year 2006. Article 3, Article 38, paragraph 1 and paragraph 2 of Government Regulation No. 8 Year 2008	Adaptation of OECD. Involve 5

			on stage, Procedures for Preparation, Control, and Evaluation of Regional Development Plan.	
		The legal framework establishes general provisions for public participation in council meetings but it does not detail participation at the national, local and service delivery level.		
		The legal framework does not consider participation in council meetings at any level of government.		
	15.5 The legal framework mandates citizen participation in the budget process.	Yes, the legal framework mandates citizen participation in the budget process.		No source, TI formulation
		No, the legal framework does not consider citizen participation in the budget process.		
	15.6. Where indigenous groups exist, the legal framework acknowledges the right to prior consultation, and lays out the mechanisms, procedures and timelines to consult groups affected by policy.	There are indigenous groups in the country, and the legal framework acknowledges the right to prior consultation, and lays out the mechanisms, procedures and timelines to consult groups affected by policy. /OR there are no indigenous groups in the country, and prior consultation is not a demand by affected groups.	Article 18B paragraph 2 of the 1945 Constitution. Article 29 of Law No. 25 Year 2009 on the Ministry.	No source, TI formulation
		There are indigenous groups in the country, and the legal framework acknowledges the right to prior consultation, but it does not lay out the mechanisms, procedures and timelines to consult groups affected by policy.		

		There are indigenous groups in the country, but the legal framework does not acknowledge the right to prior consultation.		
Limited and Clear Exceptions. The procedures and means for participation in public affairs are clearly laid out, and when participation is limited in time, scope or demographic criteria, these limitations are duly justified, and made explicit in law and regulations.	16.1. A legal framework and /or policy directives exists establishing the mechanisms for participation in the different stages of the policy process, and all exceptions and limitations to participation are explicitly laid out.	There is a framework (legal or in secondary regulations) establishing the mechanisms for participation in the different stages of the policy process, and all exceptions and limitations to participation are explicitly laid out in law.	Law No. 25 Year 2009 on Public Service.	No source, TI formulation
		There is a framework (legal or in secondary regulations) establishing the mechanisms for participation in some policy process, but the framework does not consider exceptions and limitations explicitly.	Participation in the policy process related to public services is set, but does not explicitly restrict participation.	
		There are no provisions made for participation in the policy process.		
	16.2. A legal framework and / or policy directives exists requiring authorities to justify their decision to limit participation when that limitation is warranted.	A legal framework and / or policy directives exists requiring authorities to justify their decision to limit participation when that limitation is warranted.	Law No. 25 Year 2009 on Public Service. Law No. 37 Year 2008 on the Ombudsman of the Republic of Indonesia	No source, TI formulation
		There are no provisions requiring authorities to justify their decision to limit participation.		
Institutional independence and protection of the right to participate in decision making processes – Citizens excluded from	17.1. The legal framework establishes a national ombudsman, public protector or equivalent agency (or collection of agencies), in charge of protecting the	Yes, the legal framework acknowledges an ombudsman, an institution or equivalent collection of agencies, and tasks it (or them) with protecting the rights of citizens.	Law No. 25 Year 2009 on Public Service. Law No. 37 Year 2008 on the Ombudsman of the Republic of Indonesia	Adapted from Global Integrity Report 55

<p>participation in decision-making processes have options available to challenge and contest that exclusion. When citizens face retribution for participating in public affairs, they have access to a public defender, oversight and accountability mechanisms for preventing retribution, and seeking redress.</p>	<p>rights of citizens, including the right of citizens to participate in decision making processes.</p>	<p>No, there is no ombudsman or equivalent agency acknowledged in the legal framework.</p>		
	<p>17.2. The legal framework provides citizens the right to sue their government for infringement of their rights.</p>	<p>Yes, the legal framework provides citizens with the right to sue the government for infringing their rights.</p>	<p>Law No. 25 Year 2009 on Public Service. Law No. 37 Year 2008 on the Ombudsman of the Republic of Indonesia</p>	<p>Adapted from Global Integrity Report 26</p>
		<p>No, the legal framework does not consider provisions for citizens to able to sue the government for infringing their rights.</p>		
	<p>17.3. The legal framework governing the policy process creates specific mechanisms for filing complaints related to citizen participation in the policy process.</p>	<p>The legal framework governing the policy process explicitly lays out the mechanisms and procedures for filing complaints related to citizen participation in the policy process.</p>	<p>Law No. 25 Year 2009 on Public Service. Law No. 37 Year 2008 on the Ombudsman of the Republic of Indonesia</p>	<p>No source, TI formulation</p>
		<p>There are provisions for receiving complaints related to citizen participation in the policy process, but they are incorporated in policy directives and other administrative documents, not in law.</p>	<p>Public participation is not detailed as the object of public complaints to the Ombudsman. Only if the public body neglects or does intentionally not involve the public in decision-making, then it becomes object of complaint to the Ombudsman.</p>	
		<p>The legal framework does not consider complaints related to citizen participation in the policy process, or it does not allow participation.</p>		
	<p>17.4. If there are indigenous groups in the country, or groups demanding prior consultation, the legal framework governing the policy process creates specific</p>	<p>Yes, there are indigenous groups in the country, or groups demanding prior consultation, and the legal framework governing the policy process creates specific mechanisms for preventing policy action when prior consultation is not carried out.</p>		<p>No source, TI formulation</p>

	mechanisms for preventing policy action when prior consultation is not carried out.	There are indigenous groups in the country, or groups demanding prior consultation, but the legal framework governing the policy process creates specific mechanisms for preventing policy action when prior consultation is not carried out.		
	17.5. The legal framework governing the policy process creates specific mechanisms for redress, when the right to participate in public affairs or the right to prior consultation is obstructed by governmental actions or omissions.	The laws governing the policy process explicitly lay out redress mechanisms related to citizen participation in the policy process, when the right to participate is obstructed by governmental actions and omissions.	Article 42 to Article 55 of Law No. 25 Year 2009 on Public Service.	No source, TI formulation
		There are provisions for redress of citizens and communities unable to participate in the policy process, but they are incorporated in policy directives and other administrative documents, not in the laws.	Compensation is stipulated in law, but the clear mechanism is not yet regulated. (Currently drafted in the President regulation).	
		The legal framework does not consider redress mechanisms related to citizen participation in the policy process, or it does not allow participation.		
<i>Clear Procedures for participation in service delivery. Opportunities to participate directly in the provision of public services and the monitoring of public services exist, and they are easily accessible for</i>	18.1. There is a specific regulatory framework that is clearly laid out in a law or a group of laws, various means for public participation in the delivery of public services, including mechanisms to participate in the implementation of policy,	There is a specific regulatory framework considering various means for public participation in the delivery of public services, including mechanisms to participate in the implementation of services, mechanisms for joint private. public provision of public services and mechanisms for citizen and community monitoring of the public services provided.	Article 39 of Law No. 25 Year 2009 on Public Service. Article 41 to Article 47 of Government Regulation No. 96 Year 2012 on the implementation of Law No. 25 Year 2009 on Public Service.	No source, TI formulation. loosely based on UNDP and OECD criteria

different stakeholders, citizens, organizations and groups. The rules for participation are inclusive, detailed and explicitly stipulated in the legal and policy framework. (AIE).	mechanisms for joint private. public provision of public services and mechanisms for citizen and community monitoring of the public services provided.	There is a specific regulatory framework considering various means for public participation in the delivery of public services, but not all the types are indicated.		
		There is no regulatory framework considering public participation in the delivery of public services.		
	18.2. Public participation in the delivery of public services (through participation in the implementation of policy, mechanisms for joint private. public provision of services or citizen and community monitoring) is authorized in at least the following sectors: Health, Education, Environmental regulations, Agriculture, Police and Business regulation.	Public participation in the delivery of public services is authorized in at least the following sectors: Health, Education, Environmental regulations, Agriculture, Police and Business regulation.	Article 13, Article 39 of Law No. 25 Year 2009 on Public Service. Article 41 to Article 47 of Government Regulation No. 96 Year 2012 on the implementation of Law No. 25 Year 2009 on Public Service.	No source, TI formulation. loosely based on UNDP and OECD criteria
		Public participation in the delivery of public services is authorized in some, but not all of the sectors indicated: Health, Education, Environmental regulations, Agriculture, Police and Business regulation.	Public Service Act does not regulate particular sectors, but it applies in general to all sectors as long as they meet the criteria of public service.	
		There is no regulatory framework considering public participation in the delivery of public services.		
	18.3. The legal framework establishes rules for public participation in the delivery of public services, including criteria for selection, timelines, and mechanisms to gather information from	The legal framework establishes rules for public participation in the delivery of public services, including criteria for selection, timelines, and mechanisms to gather information from interested citizens, groups, corporations and civic organizations.	Article 20 of Law No. 25 Year 2009 on Public Service. Article 42 paragraph 2, Article 45, Article 46 of Government Regulation No. 96 Year 2012 on the implementation of Law 25 Year 2009 on Public Service	No source, TI formulation

	interested citizens, groups, corporations and civic organizations.	The legal framework establishes rules for public participation in the delivery of public services, but no specific requirements are considered.		
		The legal framework does not consider rules for public participation in the delivery of public services, or there is no such public participation.		
	18.4. The legal framework explicitly requires public authorities to issue reports and evaluations on citizen participation in public service delivery, including the type of participation underway, the groups and citizen involved, sector, geographic and demographic information of who participates and results.	The legal framework explicitly requires public authorities to issue reports and evaluations on citizen participation in public service delivery, including the type of participation underway, the groups and citizens involved, sector, geographic and demographic information of who participates and results.	Article 7, paragraph 2 of Law No. 25 Year 2009 on Public Service. Article 32 of Government Regulation No. 96 Year 2012 on the implementation of Law No. 25 Year 2009 on Public Service.	No source, TI formulation
		The legal framework explicitly requires public authorities to issue reports and evaluations on citizen participation in public service delivery, but it does not require specific information to be included.	There is an obligation to make a report and evaluation of public service delivery, but not specifically on citizen participation.	
		There is no requirement to issue reports and evaluations on citizen participation in public service delivery.		
	<i>Clear mechanisms for consulting citizens and groups affected by policy -- Public bodies are proactive in their interaction with citizens and stakeholders affected</i>	19.1. The legal framework requires public authorities to consult stakeholders, citizens and groups affected by the policies they formulate and implement, and specific mechanisms to gather information from these	Yes, the legal framework requires public authorities to consult affected groups and stakeholders when formulating and implementing policy, and specific mechanisms to gather information from these groups are laid out in the law.	Article 22 to Article 26 of Law 32 Year 2009 on the Protection and Management of the Environment. Article 20 paragraph 2 of Law 25 Year 2009 on Public Service. Article 45 of Government Regulation No. 96 Year 2012 on the implementation of Law No. 25 Year 2009 on Public Service.

<p>by policy, they establish multiple channels to gather information and they are required to ensure all relevant stakeholders having voice, and an equal opportunity to participate.</p>	<p>groups are laid out in law.</p>	<p>There are some provisions regarding the consultation of groups and stakeholders affected by policy, but they do not consider specific mechanisms, or they are relegated to policy directives.</p>	<p>Involving affected communities over a policy in environmental issues are clearly illustrated. The law requires that any activities that have an impact on the environment shall have EIA (Environmental Impact Assessment). EIA requires owners to ask for input and feedback activities to affected communities on the activity and lists made in the EIA document. In asking these inputs, the owner must include activities information in a transparent and complete manner.</p> <p>In a wider context, for example in public service, drafting service standards should involve communities and stakeholders. They are directly related to the service as user, competent, and consider diversity of the community.</p>	
		<p>There are no provisions regarding the consultation of groups and stakeholders affected by policy.</p>		
	<p>19.2. When new policies are formulated, the legal framework considers specific rules governing the consultation of stakeholders, citizens and groups affected by policy; public access to preparatory analysis, support and background information</p>	<p>The legal framework considers specific rules and timelines governing the consultation of stakeholders, citizens and groups affected by policy; public access to preparatory analysis and background information is required, to afford the public a broad understanding of the policy discussions, and sufficient time to consider this information and provide informed feedback is allocated.</p>	<p>Article 20, paragraph 1 and paragraph 2 of Law No. 25 Year 2009 on Public Service. Article 45, Article 27 of Government Regulation No. 96 Year 2012 on the implementation of Law No. 25 Year 2009 on Public Service</p>	<p>No source, TI formulation. loosely based on UNDP and OECD criteria</p>

	is required, to afford the public a broad understanding of the policy discussions.	The legal framework considers specific rules and timelines governing the consultation of stakeholders, citizens and groups affected by policy, but it does not require public access to preparatory analysis and background information, or sufficient time to consider this information and provide informed feedback.	In the context of policy formulation on service delivery standards for example. The regulation identifies parties associated with the service and having the competence to service standards being formulated. This provision also sets a definite time in receiving input from the public.	
		The legal framework does not consider specific rules and timelines governing the consultation of stakeholders, citizens and groups affected by policy.		
	19.3. As policies are implemented, the legal framework requires authorities to gather information on policy implementation and results directly consulting affected citizens, groups and stakeholders. The legal framework considers specific and diverse mechanisms for gathering this information.	The legal framework requires authorities to gather information on policy implementation and results directly consulting affected citizens, groups and stakeholders. The legal framework considers specific and diverse mechanisms for gathering this information.	Article 18, Article 39 of Law No. 25 Year 2009 on Public Service. Article 43 of Government Regulation No. 96 Year 2012 on the implementation of Law No. 25 Year 2009 on Public Service.	No source, TI formulation. loosely based on UNDP and OECD criteria
		The legal framework requires authorities to gather information on policy implementation and results directly consulting affected citizens, groups and stakeholders, but it does not consider specific mechanisms for gathering this information.	In the context of public services, the evaluation of the implementation of policies on standards of public service is done by involving the community. However, the provision does not specify the existence of a special mechanism to evaluate the policy. The law even states that public has the right to oversee from the implementation of service standards, complain to the providers to improve services that do not fit standards, to evaluation of public service delivery.	

		The legal framework does not require authorities to gather information on policy implementation and results.		
	19.4. The legal framework explicitly requires public authorities to provide a detailed justification on why and how citizen opinions have or have not been taken into account in policy and decision-making processes after consultation.	Yes, the law explicitly requires public authorities to provide a detailed justification on why and how citizen opinions have or have not been taken into account in policy and decision-making processes after consultation.	Article 27, paragraph 3, Article 28 paragraph 1 of Government Regulation No. 96 Year 2012 on the implementation of Law No. 25 Year 2009 on Public Service	No source, TI formulation
		There are some provisions requiring public authorities to explain whether and how they have considered participation, but they are not specific, or they are relegated to policy directives.		
		There are no provisions requiring public authorities to explain whether and how they have considered participation, or there is no participation allowed.	Within public service, the legal framework is only mentioned that the community feedback and input are considered as materials to improve service standards. There is no provision that public authorities has to explain in detail that the input and community feedback received or not and why. However, the legal framework allows the public to submit complaints to the ombudsman if service standards that have been ratified are not in accordance with the aspirations of the people.	
	19.5. The legal framework explicitly requires public authorities to issue reports and evaluations on feedback, participants, public hearings, and submissions made by citizens, groups, corporations and civic organizations	Yes, The legal framework explicitly requires public authorities to issue reports and evaluations on feedback, participants, public hearings, and submissions made by citizens, groups, corporations and civic organizations participating in policy consultations.	Article 7, paragraph 2, letter b, Article 10, article 16, paragraph e of Law Number 25 Year 2009 on Public Service. Article 32 of Government Regulation No. 96 Year 2012 on the implementation of Law No. 25 Year 2009 on Public Service. Article 13 paragraph 1 letter k Information Commission Regulation No. 1 Year 2010	No source, TI formulation

	participating in policy consultations.		on Public Information Services Standards	
		There are some provisions requiring public authorities to issue reports and evaluations on feedback, participants, public hearings, and submissions made by citizens, groups and stakeholders, but they are not specific, or they are relegated to policy directives.	The legal framework does not specifically require public service providers to create a report and evaluation of public participation. But only the evaluation of the implementation and application of the standards of public service. For publication, refer to the information commission regulations on public information service standards.	
		There are no provisions requiring public authorities to issue reports and evaluations on citizen participation in policy consultations, or there is no participation allowed.		
	19.6. The legal framework explicitly requires public authorities to ensure equal participation by all affected groups and stakeholders in the consultation process.	Yes, the legal framework explicitly requires public authorities to ensure equal participation by all affected groups and stakeholders in the consultation process.	Article 40 to Article 47 of Government Regulation No. 96 Year 2012 on the implementation of Law No. 25 Year 2009 on Public Service	No source, TI formulation. loosely based on UNDP and OECD criteria
		Some provisions regarding the equal participation of affected groups exist, but they are not specific, or they are relegated to policy directives.		

		There are no provisions regarding the consultation of groups and stakeholders affected by policy.		
Reasonable timelines – Participation processes are structured so as to ensure sufficient time to allow interested stakeholders to learn about, review the materials considered in the decision making process, and prepare quality and considered input. (AIE)	20.1. The legal framework requires public authorities to adhere to timelines that allow participants in the provision and the monitoring of public services to consider the information provided them, and submit their opinions within sufficient time.	The legal framework requires public authorities to adhere to timelines that allow participants in the provision and monitoring of public services having sufficient time to consider the information provided them and submit and informed opinion.	Article 40 to Article 47 of Government Regulation No. 96 Year 2012 on the implementation of Law No. 25 Year 2009 on Public Service	No source, TI formulation
		The legal framework requires public authorities to adhere to timelines regarding citizen participation in the provision and monitoring of public services, but it does not require the time to be 'sufficient'.		
		There is no consideration regarding the time allotted to citizen participation in the delivery and monitoring of public services.		
	20.2. The legal framework requires that public authorities adhere to timelines that allow citizens, groups, corporations and civic organizations consulted by government having sufficient time to consider the information they have been given and provide informed feedback.	The legal framework requires that public authorities adhere to timelines that allow citizens, groups, corporations and civic organizations consulted by government having sufficient time to consider the information they have been given and provide informed feedback.	Article 40 to Article 47 of Government Regulation No. 96 Year 2012 on the implementation of Law No. 25 Year 2009 on Public Service	No source, TI formulation
		The legal framework requires that public authorities adhere to timelines, but it does not require the to time be 'sufficient'.		
		There is no consideration regarding the time for public consultations.		

<p>Promotion – The right to participate in public affairs is actively promoted with funds, resources and outreach activities by government agencies in all levels of government; participation is promoted through the most appropriate mechanisms, including public announcements, local assemblies, via the Internet, mailing lists, and through media outreach, encouraging everyone, and particularly key stakeholders, to engage. (AIE)</p>	<p>21.1. The legal framework governing the policy process explicitly mandates the allocation of resources to promote public participation in the delivery of public services, and in policy consultations, and they consider diverse means of promotion to reach the affected or desired groups.</p>	<p>The legal framework governing the policy process explicitly mandates the allocation of resources to promote public participation in the delivery of public services, and in policy consultations, and they consider diverse means of promotion to reach the affected or desired groups.</p>	<p>Article 27 paragraph 1, Article 30, paragraph 3 of Government Regulation No. 96 Year 2012 on the implementation of Law No. 25 Year 2009 on Public Service</p>	<p>No source, TI formulation</p>
		<p>Some provisions for the allocation of resources to promote public participation are incorporated in policy directives and other administrative documents (including policy programs, institutional plans and reports), but they are not mandated by law.</p>		
		<p>There is no provision made for promoting participation in the policy process.</p>		
	<p>21.2. All government agencies are required to report annually on the actions they have taken to promote participation including basic geographic and socio-demographic information of participants. Reporting includes basic information on the results of participation.</p>	<p>The law requires all government agencies to report annually on the actions they have taken to promote participation including basic geographic and socio-demographic information of participants. Reporting includes basic information on the results of participation.</p>	<p>Article 21 and Article 22 of Law No. 25 Year 2009 on Public Service.</p>	<p>Adapted from AIE. CLD Right to Information legislation rating</p>
		<p>The law considers some but not all of these conditions for reporting on participation in the policy process, or these provisions are relegated to policy directives and other administrative documents.</p>	<p>In terms of public service standards that have improved based on community input, the document is published and announced through a Notice of Services. But it does not specify that the standard is derived entirely or partially from public feedback. Nor detailing the geographic and demographic information about the participating communities where the input comes from.</p>	

		The legal framework does not consider reporting of citizen participation in the policy process, or it does not allow participation.		
Inclusiveness -- mechanisms must be provided to ensure the participation of all stakeholders, including children and youth, differently abled (disable or able-bodied?) , illiterate and vulnerable populations.	22.1. Public officials are legally required to provide assistance to children and youth who wish to participate, as well as for citizens who face limitations arising from special needs, including disability, illiteracy and other conditions of vulnerability, like destitution and fear of retribution.	The law requires public authority to provide assistance where needed, including to citizens who wish to participate but facing limitations arising from special needs, including disability, illiteracy and other conditions of vulnerability, like destitution and fear of retribution.	Article 29 of Law No. 25 Year 2009 on Public Service	Adapted from AIE. CLD Right to Information legislation rating
		The law considers some but not all of these conditions, or the requirement is relegated to policy directives	In the perspective of public service, the Public Service Act mandates that the service provider is obliged to provide special treatment to members of a vulnerable community as part of their right to participate, including people with disabilities, the elderly, pregnant women, children, victims of natural disasters, and victims of social disasters.	
		There is no provision regarding assistance to citizens and stakeholders participating in policy and decision-making processes.		

3. THE INDICATORS OF ACCOUNTABILITY

STANDARDS	INDICATOR	VALUES	CITATION & COMMENT	SOURCE
Effective oversight – Clear oversight functions over policy allocations and results are attributed to the legislative and an independent Supreme Audit Institution in all levels of government. (TAI)	23.1. The legal framework enables parliament or the legislative with oversight functions to oversee the executive's budget allocations and policy.	Yes, the legal framework enables parliament or the legislative with oversight functions to oversee the executive's budget allocations and policy, and the legal framework explicitly lays out how those oversight functions are carried out, including committee work and procedures.	Article 20A paragraph (1) and paragraph (2) of the 1945 Constitution, Article 96, Article 97 and Article 98 of Law No. 27 Year 2009 on the MPR, DPR, DPD and DPRD.	Adapted from OECD Involve 3
		The legal framework considers legislative oversight of the executive, but it does not specifically address how these functions are carried out.	One of the functions of the House of Representatives is the oversight role. To perform the function, supporting bodies/committees are formed in accordance with the scope of monitoring to be carried out. In terms of government policy and oversight of the implementation of the overall state budget, a commission formed in accordance with their respective working areas. This mechanism is described in the Law.	
		The constitution does not enable specific oversight of the Executive.		
	23.2. The legal framework establishes a Supreme Audit Institution that is independent of the Executive: its head is appointed by an independent body of the Executive, there are clear	Yes, the legal framework establishes a Supreme Audit Institution whose head is appointed by an independent body of the Executive, it lays out explicit conditions for the removal of the SAI head, and the SAI can submit its own budget requests to the legislature.	Article 23E, 23F and Article section 23G of the 1945 Constitution. The Law No. 15 Year 2006 on SAI. Law No. 15 Year 2004 concerning the Financial Management and Accountability	Adapted from OECD Involve 3

	conditions for the removal of the SAI head, and the SAI can submit its own budget requests to the legislature.	<p>The legal framework considers an audit institution but its head is not named by an independent body of the Executive, he or she can be removed at one of the branches' discretion, and/or the SAI cannot submit its own budget requests to the legislature.</p> <p>The legal framework does consider a supreme audit institution but it does not meet the criteria established above; or it does not consider an SAI.</p>	<p>The SAI is free and independent, its members are elected by the Parliament and considering the Council input. The SAI leadership election conducted by its members. Regarding the requirements to become members and SAI dismissal mechanism, they are regulated in a separate law No. 15 Year 2006 on SAI. In the case of the SAI budget, it is proposed by the SAI to Parliament in preliminary meetings. The results of these are then submitted to the Minister of Finance as materials for preparing the Bill on State Budget (Article 35 of the Law SAI).</p>	
Capacity of the SAI – The Supreme Audit Institution should have the capacity to sanction public officials, and the mandate to access information and appropriate resources to audit and report on the use of public funds, and the results of policy. The SAI should operate in an independent, accountable and transparent manner.	24.1. The Supreme Audit Institution has a broad legal mandate to carry out its work. The legal framework authorizes the SAI to obtain timely, unfettered, direct, and free access to all the necessary documents and information for the proper discharge of their statutory responsibilities. There is no time or scope constraint limiting the SAI's work, or audits.	<p>Yes, the legal framework authorizes the SAI to obtain timely, unfettered, direct, and free access to all the necessary documents and information for the proper discharge of their statutory responsibilities. There are no time or scope constraints limiting the SAI's work, or audits.</p> <p>The legal framework allows the SAI to authorize the SAI to obtain timely, unfettered, direct, and free access to all the necessary documents and information for the proper discharge of their statutory responsibilities, but there are some limitations to its work (including time constraints, the proviso that it can only audit concluded processes, or the inability to audit some public authorities).</p>	<p>Article 6 paragraph (3), Article 9, Article 26 of Law Number 15 Year 2006 on the SAI. Article 4 of Law Number 15 Year 2004 concerning State and Financial Accountability</p> <p>The law states that the SAI has the authority to request information and/or documents that must be given by any person and institution audited by the SAI. Information and/or documents are only used for the purpose of examination (Chapter 9). In carrying out such authority, SAI members can not be prosecuted in the courts, even the legal</p>	INTOSAI's 'Mexico Declaration of Independence'

(GIFT)		The legal framework does consider a supreme audit institution but it does not meet the criteria established above; or it does not consider the SAI.	protection and security is not only given to members of the SAI but also to the examiners and other persons working for and on behalf of the SAI (Article 26). In the legislation, the scope of SAI is also not limited to a particular context. The SAI/BPK work includes 3 (three) aspects: 1) audit, 2) performance examination, and 3) examination with a particular purpose.	
	24.2. The legal framework authorizes the SAI to audit: the use of public monies, resources, or assets, by a recipient or beneficiary, regardless of its legal nature; the collection of revenues owed to the government or public entities; the legality and regularity of government or public entities accounts; the quality of financial management and reporting; and the economy, efficiency, and effectiveness of government or public entities operations.	Yes, the legal framework authorizes the SAI to audit: the use of public monies, resources, or assets, by a recipient or beneficiary, regardless of its legal nature; the collection of revenues owed to the government or public entities; the legality and regularity of government or public entities accounts; the quality of financial management and reporting; and the economy, efficiency, and effectiveness of government or public entities operations.	Article 1 paragraph (1) and Article 2 of Law No. 17 Year 2003 on State Finance, Article 2 and Article 4 of Law No. 15 Year 2004 on Control of the State Finance. Article 6 of Law No. 15 Year 2006 on SAI	INTOSAI's 'Mexico Declaration of Independence'
		The legal framework authorizes the SAI to carry out some but not all the types of audits listed.	The SAI audit includes examination of financial management and audit of the state's financial accountability. The examination includes a financial audit, performance audit, and examination with a particular purpose. Audit is an examination of the financial statements. Performance audit is an examination of the management of public finance aspects	

		The legal framework does consider a supreme audit institution but it does not meet the criteria established above; or it does not consider the SAI.	of the examination consists of economy and efficiency and effectiveness aspects of the examination. While the examination of the specific objectives includes, among others, examination of other financial things, investigative examination, and examination of the internal control system of the government.	
	24.3. The legal framework explicitly considers follow-up mechanisms by external authorities on SAI recommendations.	Yes, the legal framework explicitly considers follow-up mechanisms on SAI recommendations.	Article 23E of the 1945 Constitution, paragraph (3). Article 7 and Article 8 of Law No. 15 Year 2006 on the SAI. Article 20 and Article 21 of Law No. 15 Year 2004 on Control of the State Finance.	OECD Involve, 3
		The law does not consider follow-up mechanisms.	SAI examination is followed by representative institutions and/or agencies in accordance with the law. The results are submitted to the DPR, DPD and DPRD to be followed by the authority of each institution. In addition, for purposes of following-up, the results of this examination are also submitted to the president, governors, and mayors/regents. Where the examination finds criminal element, the SAI files reports to the competent authorities in accordance with the provisions of the legislation no later than 1 (one) month from the known existence of the criminal element. The SAI report forms the basis of an investigation by the investigation authorities in accordance with statutory regulations.	

24.4. The legal framework authorizes the SAI to follow-up its findings and issue sanctions.	Yes, the legal framework authorizes the SAI to follow-up its findings and issue sanctions.	Article 8, paragraph 5 of Law 15 of 2006 on the SAI. Article 20 of Law 15 of 2004 on Management Audit and State Financial Responsibility	No source, TI formulation
	The legal framework authorizes the SAI to follow-up its findings, but it cannot issue sanctions.	The SAI monitor the implementation of the follow-up results of the examination conducted by the president, the governor, regent/mayor, and the result is notified in writing to the DPR, DPD and DPRD, and governments. In the event of the criminal element, the SAI may report it to the authorities. However, the SAI can not directly impose administrative sanctions if the recommendations in the audit report were not followed up. Administrative sanctions will apply to officials who do not follow the recommendations of the SAI.	
	The law does not authorize the SAI to either follow-up or sanction, it can only issue findings and recommendations.		
24.5. The legal framework establishes that SAI is free from direction or interference from the Legislature or the Executive in the selection of audit issues; in planning, programming, conducting, reporting, and following-up their audits; in organization and management of their office; and in the enforcement of their decisions where the application of sanctions is part of their mandate.	Yes, the legal framework establishes that SAI is free from direction or interference from the Legislature or the Executive in the selection of audit issues; in planning, programming, conducting, reporting, and following-up their audits; in organization and management of their office; and in the enforcement of their decisions where the application of sanctions is part of their mandate.	Article 24E Paragraph 1 of the 1945 Constitution. Article 9 of Law No. 15 Year 2006 on the SAI. Article 20, paragraph 5 of Law Number 15 Year 2004 concerning State and Financial Responsibility	INTOSAI's 'Mexico Declaration of Independence'
	The legal framework establishes some but not all of the listed criteria.	The 1945 Constitution establishes that the SAI is a free and independent institution. Its organization management is carried out by the SAI itself. The SAI has the authority to define the object of inspection, to plan and carry out the	

		The legal framework does not explicitly state that the SAI is free from direction or interference.	inspection, to determine the time and method of inspection as well as to prepare and present the inspection report. Sanctions do not become part of the SAI authority but the authority of a state agency or ministry mandated by law personnel.	
24.6. The Supreme Audit Institution develops a yearly plan and it issues public reports of its work and findings each year.		The legal framework requires the SAI to develop a plan and issue public reports of its work and findings each year.	Article 7, paragraph 5 and Article 9, paragraph 1 of Law Number 15 Year 2006 on SAI Article 7, paragraph 5). Article 19 paragraph 1 of Law Number 15 Year 2004 concerning Control and Financial Responsibility State. General explanation of Act No. 15 of 2004 on Control of the State Finance. Act No. 14 of 2008 on Freedom of Information	No source, TI formulation
		The legal framework requires the SAI to publish some, but not all of its reports.	The SAI is authorized to make the inspection plan to the state finances. According to the law, the results of the examination for the management and financial accountability of the state that have been submitted to DPR, DPD and DPRD are declared open to the public. As far the Law on Freedom of Information as concern, public is entitled to know the results of the investigation as part of the information that must be provided by a public agency, either by the SAI or the legislature.	
		The legal framework does not require the SAI to make its documents public.		

Codes of conduct – Clear codes of conduct should exist that require public officials to keep a true and complete record of their actions. (AIE)	25.1. A 'code of conduct' for public officials exists.	There is a 'code of conduct' of public officials.	Article 3 and Article 4 of Law No. 5 Year 2014 on the Civil Administrative Servants (ASN Law)	
		There is no 'code of conduct' of public officials, or equivalent document.	The law explicitly states that the code of ethics and code of conduct needs to be made so that the apparatus provides information correctly and not misleading to others who require information regarding the interests of official duty.	
	25.2. The legal framework incorporates regulations requiring an impartial, independent and fairly managed civil service, and it considers explicit restrictions to nepotism, cronyism and patronage. All public officials are explicitly required to keep a true and complete record of their actions.	Yes, the legal framework incorporates regulations requiring an impartial, independent and fairly managed civil service, and it considers explicit restrictions to nepotism, cronyism and patronage, and all public officials are explicitly required to keep a true and complete record of their actions.	Article 1 paragraph (5), Article 2 letter f, and article 12 of Law No. 5 Year 2014 on the Civil Administrative Servant. Law No. 28 Year 1999 on State Implementation of Clean Bureaucracy Free from Corruption, Collusion and Nepotism	Adapted from Global Integrity Report 44
		There are some regulations requiring an impartial and independent civil service, but they do not incorporate specific restrictions to nepotism, cronyism and patronage; or they do not explicitly require public officials to keep a true and complete record of their actions.	One consideration of the establishment of ASN Act is to establish a civilian state apparatus that has integrity, is professional, neutral and free from political interference, free from corruption, collusion, and nepotism. It also stipulates that the principle of neutrality became one foothold in the administration of personnel policies and management. Each apparatus is not in favor of any and impartial to the interests of anyone. In addition, personnel in carrying out their duties adhere to the basic value that is professional and impartial. In addition to the setting of the ASN Act, Law 28/1999 also establishes	
		There is no regulation or code of conduct explicitly referring to public officials in the legal framework.		

			the general principles of good governance.	
	25.3. The legal framework considers auditing mechanisms to determine whether public officials do not keep a true and complete record of their action, as well as sanctions.	The legal framework considers auditing mechanisms to determine whether public officials do not keep a true and complete record of their actions, as well as sanctions.	Government Regulation No. 8 Year 2006 on Financial Reporting and Performance of Government Agencies. Regulation of the Minister of State for Administrative Reform No. 25 Year 2012 on the Implementation Guidelines for Accountability of Government Performance Evaluation	Adapted from Global Integrity Report 44
		The legal framework considers auditing mechanisms to determine whether public officials do not keep a true and complete record of their actions, but not sanctions.		
		The legal framework does not consider provisions regarding whether public officials' keeping a true and complete record of their actions.		
<i>Conflict of interest and financial disclosure – All branches of government shall enact clearly the defined rules to ensure disclosure of information needed to</i>	26.1. All public officials including legislators and judges, as well as their family members, are required to file a financial disclosure form periodically, at least once a year.	Yes, all public officials, and their family members, are legally required to file a financial disclosure form at least once a year.	Article 5 paragraph (2) and paragraph (3) of Law Number 28 Year 1999 on State Implementation of Clean Bureaucracy Free from Corruption, Collusion and Nepotism Article 13 letter a of Law Number 30 Year 2002 on Corruption Eradication Commission.	Adapted from Global Integrity Report 46, WB-PAM In Law indicators for Conflict of Interest and Financial

<p>protect against actual or perceived conflicts of interest and ethical violations. Systems should be created to ensure financial disclosure of public officials and their family members' assets. (WB-PAM, AIE and DPO)</p>		<p>Public officials are legally required to file a financial disclosure form, but requirement does not extend to family members, or it does, but disclosures forms are not disclosed at least once a year.</p>	<p>There is an obligation for state officials to deliver the State Apparatus Properties Report (LHKPN) to the KPK (Corruption Eradication Commission). These obligations include, a) the reporting and examination of his wealth before, during, and after taking office, b) reported wealth when first serving, transfer, promotion and retirement, and c) declaring their wealth. Government agencies in this case are referred to Article 2 of Law No. 28 of 1999. The LHKPN then expanded under Circular Letter of Administrative Reform Minister No. : SE/03/M.PAN/01/2005 and Circular Number : SE/05/M.PAN/04/2005. Based on this circular, respective Governing Agencies are required to issue the Decree on the establishment of positions that are prone to corruption, collusion and nepotism (KKN). In addition, in order to test the integrity and transparency, particular candidates of high rank positions are also required to submit to the KPK, namely among others, Presidential Candidate and Potential Candidate for Vice President, and the candidates for Regional Head and Deputy Head . (http://kpk.go.id/id/layanan-publik/lhkpn/mengenai-lhkpn).</p>	Disclosure
		<p>The legal framework does not require financial disclosure.</p>		
	<p>26.2. The legal framework explicitly prohibits incompatible outside interests, and discusses provisions for specific conflict of interest. ['Incompatible outside interest' is all interest</p>	<p>Yes, the legal framework prohibits incompatible outside interests in the exercise of public authority, and discusses provisions for specific conflict of interest.</p>	<p>Article 5 paragraph (2) (a), Article 73 paragraph (7) of Law No. 5 Year 2014 on the Civil Administrative Servant. Article 17 paragraph (5) of Law No. 48 Year 2009 on Judicial Power. Law No. 27 Year 2009 on the MPR, DPR, DPD and DPRD.</p>	<p>No source, TI formulation</p>

	derived from engaging in any activity or transaction or acquiring any position or function that is incompatible with or is detracted from the proper performance of a public official's duties.]	The law prohibits incompatible outside interests generally, but it does not lay out provisions for specific conflict of interest.	Conflict of interest is regulated in a statutory provision that is intended for public officials (ASN, judges, and legislators). Especially for civil servants and legislators, the law does not contain the details of how conflicts of interest occur. It is just set in the code of ethics made by each institution. Even the related legislators only include a clause about "placing the interests of the country above personal or group interests ". In the judiciary, the conflict of interest forms are described in detail related to the handling of a case. Judges and clerks for example have to be withdrawn from the trial if they have a direct or indirect interest in the case being examined.	
		The law does not explicitly prohibit incompatible outside interests.		
	26.3. All public officials including legislators and judges, and their family members, are required to file interest declarations.	Yes, public officials including legislators and judges, and their family members, are required to file interest declarations.	Article 5 paragraph (2) (a), Article 73 paragraph (7) of Law No. 5 Year 2014 on the Civil Administrative Servant. Article 17 paragraph (5) of Law No. 48 Year 2009 on Judicial Power. Law No. 27 Year 2009 on the MPR, DPR, DPD and DPRD. Parliament Regulation No. 1 Year 2011 on the Code of Conduct. MA Joint Regulation No. 2/PB/MA/IX/2012 and No. KY 2/PB/P.KY/09/2012 on manual for Enforcement of Code of Ethics and Code of Conduct of Judges	Adapted from Global Integrity Report 46, WB-PAM In Law indicators for Conflict of Interest and Financial Disclosure

	Some but not all public officials are legally required to file a declaration of interest; or the requirement does not extend to family members.	For civil servants, no declaration of conflict of interest. For members of the legislature, there is no necessity to convey all participants before the meeting if there is a conflict of interest on the issue being discussed. Different arrangement in judiciary, specifically for judges and clerks who should resign if there is a conflict of interest with a lawsuit on the risk of invalidity of verdict. In violation of the code of ethics -related matters outside then there is no obligation for declaration. Ethical obligations are intended only to personnel officials, not to the members of his family.	
	The legal framework does not consider declarations of interest.		
26.4. The legal framework requires public authorities, including officials in government owned companies and private companies using public funds, recusing themselves from policy decisions where their personal interests may be affected.	Yes, all public authorities, in all branches of government, are explicitly required by law to recuse themselves from decisions where their personal interests may be affected.	Article 17 paragraph (5) and (6) of Law No. 48 Year 2009 on Judicial Power. Law No. 27 Year 2009 on the MPR, DPR, DPD and DPRD. Law Number 5 Year 2014 concerning civil servants.	Adapted from Global Integrity Report 46, WB-PAM In Law indicators for Conflict of Interest and Financial Disclosure
	Some, but not all public authorities are explicitly required by law to recuse themselves from decisions where their personal interests may be affected.	In judiciary, particularly for judges and clerks have to resign from the trial if they have a direct or indirect interest in the case being examined. Even if she/he (judge) is not complied, the verdict will be declared invalid and the judge or clerk will be punished with administrative sanction. For legislators, civil servants, it does not explicitly require them to resign if there is a conflict of interest.	
	No, the legal framework does not require that public authorities recuse themselves when their personal interests may be affected.		

26.5. The legal framework requires that all interest declaration forms filed by public officials and their family members be accessible to the public.	Yes, the legal framework mandates that all interest declaration forms be accessible to the public.		Adapted from Global Integrity Report 46, WB-PAM In Law indicators for Conflict of Interest and Financial Disclosure
	Some, but not all interest declarations are legally made public.		
	No, the law does not explicitly require that interest declaration forms be made public.		
26.6. The legal framework requires that all financial disclosure forms filed by public officials and their family members be accessible to the public.	Yes, the legal framework mandates that all financial disclosure forms be accessible to the public.	Law No. 30 Year 2002 on Corruption Eradication Commission. Law No. 14 Year 2008 on Freedom of Information	Adapted from Global Integrity Report 46, WB-PAM In Law indicators for Conflict of Interest and Financial Disclosure
	Some, but not all financial disclosure forms are accessible to the public.	The financial statement in LHKPN is associated with state officials referred to in the law, including nuclear family. Where an expansion of reporting serve for prevention of corruption from the lowest level is not to mandate the law. LHKPN also becomes a public document, but in a more general format. LHKPN is accessible to the public after being verified by the Commission.	
	No, the law does not explicitly require that financial disclosure forms be made public.		
26.7. The legal framework authorizes independent auditing of the financial disclosure forms of public authorities and their family members, and these audits are accessible to the public.	Yes, the legal framework allows the independent auditing of the financial disclosure forms of public authorities and their family members, and these audits are accessible to the public.	Article 13 letter a of Law 30 Year 2002 on the Commission.	Adapted from Global Integrity Report 46, WB-PAM In Law indicators for Conflict of Interest and Financial Disclosure
	The legal framework allows the independent auditing of financial disclosure forms, but no explicit requirement is considered, or audits are not accessible to the public.	No financial audit against the LHKPN, there is only an administrative inspection/verification by the Commission.	

		The law does not consider audits of financial disclosure forms.	
26.8. The legal framework authorizes independent auditing of interest disclosure forms and sanction violations to conflict of interest regulations.	Yes, the legal framework explicitly allows independent oversight bodies to verify and enforce financial disclosure and conflict of interest regulation.	Law No. 5 Year 2014 on the civil servants. Law No. 48 Year 2009 on Judicial Power. Law Number 22 Year 2004 in conjunction to Law No. 8 Year 2011 on the Judicial Commission. Law No. 30 Year 2002 on Corruption Eradication Commission. Law No. 27 Year 2009 on the MPR, DPR, DPD and DPRD	Adapted from Global Integrity Report 46, WB-PAM In Law indicators for Conflict of Interest and Financial Disclosure
	The legal framework considers the verification and enforcement of financial disclosure and conflict of interest regulations, but not by independent oversight bodies.	Conflicts of interest includes a realm of ethics enforcement by an ethic committee establishing pursuant to the Act of civil servants, comprising members of the government and non. government, work independently and free from political interference. In the context of legislators, ethics enforcement is done by the Honorary Body (HB) as part of the supporting bodies of DPR, not independent because the HB consisting of members of Parliament itself. In the judiciary, oversight of ethics and conduct is run by an independent Judicial Commission. Overall, enforcement of ethics is run by a particular agency either independently or not. In financial reporting, the Commission is not authorized to perform the verification and audit.	
	The law does not consider verification and enforcement mechanisms, or it does not regulate conflict of interest and / or financial disclosure.		

26.9 The legal framework considers specific sanctions for violations to its conflict of interest and financial disclosure regulations, including fines, administrative and penal sanctions.	Yes, legal framework considers specific sanctions for violations to its conflict of interest and financial disclosure regulations by public officials, including fines, administrative and penal sanctions.	Article 210 of Law No. 27 Year 2009 on the MPR, DPR, DPD and DPRD. Article 17, paragraph 6 of Law No. 48 Year 2009 on Judicial Power. Article 33 of Law No. 5 Year 2014 on the Civil Administrative Servant	Adapted from Global Integrity Report 46, WB-PAM In Law indicators for Conflict of Interest and Financial Disclosure
	The legal framework considers some financial and administrative sanctions for both violations to its conflict of interest and financial disclosure regulations, but not penal sanctions.	In general, sanctions for ethics violations are in the form of administrative sanction. Only judges that includes administrative and criminal sanctions for violations of the code of ethics as stipulated by law. Penalties are not adopted any rules related to ethical violations.	
	The legal framework does not consider specific sanctions for violations to its conflict of interest and financial disclosure regulations.		
26.10. The legal framework limits the gifts and hospitality that can be offered to public authorities in all three branches of government.	Yes, the law explicitly limits gifts and hospitality offered to all public authorities, in all three branches of government.	Law No. 31 of 1999 in conjunction with the Law No. 30 Year 2002 on Eradication of Corruption.	Adapted from Global Integrity Report 46, WB-PAM In Law indicators for Conflict of Interest and Financial Disclosure
	Some, but not all public authorities are considered in the regulation of gifts and hospitality.	Provisions in the law require every gift to an official or state officials to be reported to the Commission (KPK) within 30 days of receipt.. If not reported within that time period, then the gift can be considered as a bribe.	
	The law does not consider gifts and hospitality be offered to public authorities.		

26.11. The legal framework explicitly forbids concurrent employment in any position while holding public office.	The legal framework explicitly forbids concurrent employment in any position while holding public office.	Article 31 of Law No. 48 Year 2009 on Judicial Power. Article 208, Article 277, Article 237, and Article 378 of Law No. 27 Year 2009 on the MPR, DPR, DPD and DPRD. Article 38 of Law No. 5 Year 2014 on the civil servants.	No source, TI formulation
	The legal framework forbids some but not all forms of concurrent employment while holding public office.	Legislators, judges and civil servants Committee explicitly are forbidden for concurrent employment in any position. As for general civil servants in general is not set explicitly.	
	The legal framework does not explicitly consider concurrent employment.		
26.12. The legal framework prohibits the employment of public officials convicted of corruption for a certain amount of time after their indictment.	The legal framework forbids the employment of public officials convicted of corruption for a certain amount of time after their indictment.		Adapted from Global Integrity Report 44
	In law, public officials convicted of corruption face some limitations to future government employment, but there is no explicit ban.		
	The legal framework does not consider employment consequences for public officials convicted of corruption.		
26.13. The legal framework creates restrictions for high level public officials and	Yes, the legal framework restricts high-level public officials and legislators from entering the private sector after leaving government.		Adapted from Global Integrity Report 46, WB-

	legislators entering the private sector after leaving government.	The legal framework restricts one of these two groups but not the other from entering the private sector after leaving the government.		PAM In Law indicators for Conflict of Interest and Financial Disclosure
		The legal framework does not restrict employment in the private sector for public officials and legislators after leaving government.		
Transparency in lobbying – All branches of government shall enact rules regulating the interaction of public officials, civil servants, legislators and judges with lobbyists and pressure groups. Registration and reporting provision should be made explicit, and apply to contacts made by third parties with the executive, legislative and judiciary branches of power, and to private bodies performing public functions or exercising public authority. All registries and reports should be made public. (AIE)	27.1. The legal framework regulates the interaction of public officials in all branches of government with private interests (pressure groups, lobbyists and regulated industries).	Yes, the legal framework specifically regulates the interaction of public officials with private interests, in all branches of government.	Law No. 48 Year 2009 on Judicial Power. Joint Regulation MA and KY about the Code of Conduct and Code of Ethics of Judges	No source, TI formulation
		The legal framework regulates the interaction of public officials with private interests, but not for all branches of government (it excludes the legislative or judicial, or both).	Interaction or lobby is not set in all branches of government, judicial institutions only guidelines set out in the code of ethics and the law of judicial authority.	
		The interaction of public officials with private interests is not explicitly regulated.		
	27.2. The legal framework regulating the interaction of public officials and private interests explicitly requires that a registry of all meetings with private interests be kept and made public, and that basic information regarding	Yes, the legal framework regulating the interaction of public officials and private interests explicitly requires that a registry of all meetings with private interests be kept and made public, and that basic information regarding the object of the meeting and information exchanged be kept and made public.		No source, TI formulation

	the object of the meeting and information exchanged be kept and made public.	The legal framework requires a registry of all meetings be kept, but it does not require any specific information be added to the registry.		
		The legal framework does not consider a registry of meetings, or the interaction of public officials with private interests is not explicitly regulated.		
	27.3. The legal framework regulating the interaction of public officials and private interests applies to private bodies performing public functions, or exercising public authority.	Yes, the legal framework regulating the interaction of public officials and private interests applies to private bodies performing public functions, or exercising public authority.		No source, TI formulation
		No, the legal framework regulating the interaction of public officials and private interests does not apply to private bodies performing public functions or exercising public authority.		
Protection of whistle-blowers – There are channels and mechanisms to promote and protect persons who reveal wrongdoing within governance frameworks. (AIE)	28.1. The legal framework establishes an internal mechanism through which public officials and citizens can report corruption (i.e. phone line, email address, local office).	Yes, the law considers an internal mechanism through which citizens and public officials can report corruption.	Law No. 30 Year 2002 on the Commission. Law 31/1999 in conjunction to 20/2001 on the Eradication of Corruption. Law No. 13 Year 2006 on the Agency for Witness and Victim Protection	Adapted from Global Integrity Report 49
		No, the law does not consider any specific mechanism through which citizens and public officials can report corruption.		

28.2. The legal framework explicitly considers mechanisms to protect public officials who report cases of corruption, graft, abuse of power, or abuse of resources.	Yes, the legal framework explicitly creates mechanisms to protect public officials who report cases of corruption, graft, abuse of power or abuse of resources.	Law No. 30 Year 2002 on the Commission. Law 31/1999 in conjunction to 20/2001 on the Eradication of Corruption. Law No. 13 Year 2006 on the Agency for Witness and Victim Protection	Adapted from Global Integrity Report 48
	The law does not consider whistleblower protection mechanisms.		
28.3. The legal framework explicitly establishes mechanisms to protect private sector employees and citizens who report cases of corruption, graft, abuse of power or abuse of resources.	Yes, the legal framework explicitly creates mechanisms to protect private sector employees and citizens who report cases of corruption, graft, abuse of power or abuse of resources.	Law No. 30 Year 2002 on the Commission. Law 31/1999 in conjunction to 20/2001 on the Eradication of Corruption. Law No. 13 Year 2006 on the Agency for Witness and Victim Protection	Adapted from Global Integrity Report 48
	The legal framework allows the protection of citizens and private sector employees who report cases of corruption et al. But no specific mechanisms are considered.		
	The law does not consider whistleblower protection mechanisms.		

Sound procurement. All goods, works and services acquired by the government go through open tendering procedures adhering to the principles of competition, fairness, economy, efficiency, transparency and accountability in the use of public funds.	29.1. The legal framework lays out the principles governing the procurement process, including competition, fairness, economy, efficiency, transparency and accountability in the use of public funds.	The legal framework explicitly acknowledges the principles governing the procurement process and includes competition, fairness, economy, efficiency, transparency and accountability in the use of public funds among those principles.	Presidential Decree No. 54 Year 2010 in conjunction to Presidential Decree No. 35 Year 2011 in conjunction to Presidential Decree No. 70 Year 2012 on The Procurement of Government's Goods and Service	No source, based on WB and EBRD criteria.
		The legal framework explicitly acknowledges the principles governing the procurement process, but it does not consider all the principles listed.		
		The legal framework does not lay out principles governing procurement.		
	29.2. A legal framework governing procurement exists, and it considers the following provisions: wide advertising of bidding opportunities; maintenance of accurate records related to the procurement process; broad and timely pre-disclosure of all criteria for contract award; the award of contracts based on objective criteria to the lowest evaluated bidder; public bid opening rules; access to a bidder complaints review mechanism; and disclosure of the results of the procurement process.	A legal framework governing procurement exists, and it considers the following provisions: wide advertising of bidding opportunities; maintenance of accurate records related to the procurement process; broad and timely pre-disclosure of all criteria for contract award; the award of contracts based on objective criteria to the lowest evaluated bidder; public bid opening rules; access to a bidder complaints review mechanism; and disclosure of the results of the procurement process.	Presidential Decree 54 Year 2010 in conjunction with regulation 35 of Presidential Decree No. 70 Year 2011 in conjunction to 2012 on Government Procurement	No source, based on WB and EBRD criteria.
		A legal framework governing procurement exists, and it considers some but not all of the previously listed criteria.		
		There is no legal framework specifically addressing government procurement.		

29.3. The legal framework designates an agency responsible for overall procurement policy formulation and authorizes it to exercise oversight regarding proper application of the procurement rules and regulations.	The legal framework designates an agency responsible for overall procurement policy formulation and authorizes it to exercise oversight regarding proper application of the procurement rules and regulations.	Presidential Decree No. 54 Year 2010 in conjunction with regulation 35 of Presidential Decree No. 70 Year 2011 in conjunction to 2012 on Government Procurement	No source, based on WB and EBRD criteria.
	The legal framework designates an agency responsible for overall procurement policy formulation, but it does not authorize it to exercise oversight over the procurement process.	The Government's Goods and Services Procurement Agency (LKPP)	
	The legal framework does not designate an agency responsible for overall procurement policy formulation or oversight.		
29.4. The legal framework distinguishes between the authorities responsible for implementing procurement, including preparation of bid documents and the decision on contract award, and the authority with oversight functions, responsible for the proper application of the procurement rules; and it considers specific sanctions when the rules, implementation or oversight are not properly carried out.	The legal framework distinguishes between the authorities responsible for implementing procurement (including preparation of bid documents and the decision on contract award), and the authority with oversight functions, responsible for the proper application of the procurement rules; and it considers specific sanctions when the implementation or oversight is not properly carried out.	Presidential Decree No. 54 Year 2010 in conjunction with regulation 35 of Presidential Decree No. 70 Year 2011 in conjunction to 2012 on Government Procurement	No source, based on WB and EBRD criteria.
	The legal framework distinguishes between the authorities responsible for implementation and oversight, but it does not consider specific sanctions.	Authority to carry out procurement oversight is conducted by different institutions. However, no sanction is stipulated in Presidential Decree on procurement. Law 25 Year 2009 on Public Service. Law	

		The legal framework does not consider responsibilities nor sanctions tied to the procurement process specifically, or there is no legal framework governing procurement.	37 Year 2008 on the Ombudsman of the Republic of Indonesia	
Social accountability mechanisms -- There are legal and institutional means to enable citizen participation in directly overseeing and auditing policy programs and results.	30.1. The legal framework creates mechanisms for expressing citizen complaints related to the provision of public services, the quality of attention received in dealing with authority, and the policy process broadly. It is easy to access complaints mechanisms, and there are a variety of ways to lodge a complaint (in writing, in person, by phone, through an electronic interface).	The legal framework creates specific complaints mechanisms for public service provision, attention and policy broadly, and it lays out a variety of ways to lodge a complaint.	Law No. 25 Year 2009 on Public Service and No 37 Year 2008 on Ombudsman	No source, TI formulation
		The legal framework creates some specific complaints mechanisms but not all those listed above, or it does not consider a variety of ways to lodge a complaint.		
		The legal framework does not consider complaints mechanisms.		
	30.2. The legal framework explicitly establishes mechanisms authorizing citizen participation in formal oversight and accountability procedures, including audits, at the service delivery level.	Yes, the legal framework explicitly establishes mechanisms authorizing citizen participation in formal oversight and accountability procedures, including audits, at the service delivery level.	Law No. 25 Year 2009 on Public Service	No source, TI formulation
		The legal framework does not consider mechanisms authorizing citizen participation in oversight and accountability processes, including audits, at the service delivery level.		

30.3. The legal framework explicitly authorizes internal audit agencies and the Supreme Audit Institution to receive complaints and requests for audits from citizens and the public (including corporations and civic organizations)	The legal framework explicitly authorizes internal audit agencies and the Supreme Audit Institution to receive complaints and requests for audits from citizens and the public (including corporations and civic organizations).	Article 7, Article 8, and the explanation of Article 8 of the Law No. 15 Year 2004 concerning State Finance and Accountability. Article 52, Article 53, and Article 54 of Presidential Decree 103 Year 2001 which has been amended by Presidential Decree No. 3 Year 2013 on the Seventh Amendment of Presidential Decree 103 Year 2001 concerning Position, Duty, Function, Structure and Work of Non. Department.	No source, TI formulation
	The legal framework allows some but not all audit agencies to receive complaints and requests for audits from citizens and the public, or it does not consider requests from corporations and civic organizations.	In performing functions, the SAI does not only plan according to the task of inspection requests, advice, and opinion of representative institutions but may consider information from governments, central banks, and the public. Information from the government, including from independent agency is established in an effort to eradicate corruption, collusion, and nepotism, such as the Corruption Eradication Commission, the Supervisory Commission on Business Competition, and the Center for Financial Transaction Reports and Analysis. Information from the public, including the results of research and development, studies, opinions and information related to professional organizations, news media, complaints directly from the public. An internal audit institution (BPKP) is not specifically assigned to receive complaints and requests an audit of the public or private sector.	
	The legal framework does not authorize audit agencies to receive complaints and requests for audits.		

4. THE INDICATORS OF TOOLS

STANDARD	INDICATOR	OPTION	CITATION & COMMENT	SOURCE
There are government-wide policies on open data and the use of ICT, including e-procurement, complaints mechanisms and social accountability tools, developed through an inclusive process. (TAI)	31.1. The regulatory framework governing information and communication technology is organized under a government-wide policy.	The regulatory framework governing information and communication technology is organized under a government-wide policy.	Law No. 11 Year 2008 on Information and Electronic Transactions	No source, TI formulation
		There is a regulatory framework that creates ICT policies and guidelines, but this is not aggregated in a government wide policy.		
		There is no provision for ICT policy in the laws or secondary regulations, including agency directives.		
	31.2. The government wide ICT policy includes technologies to facilitate transparent procurement, e-procurement software and easily accessible complaints mechanisms related to procurement processes.	The government wide ICT policy includes technologies to facilitate transparent procurement, e-procurement software and easily accessible complaints mechanisms related to procurement processes.	Presidential Decree No. 54 of 2010 in conjunction with regulation 35 of Presidential Decree No. 70 Year 2011 in conjunction to 2012 on Procurement of Goods and Services	No source, TI formulation
		The government wide ICT policy includes technologies to facilitate transparent procurement, with no detailed software specifications.		
		The government wide ICT policy does not consider procurement software.		
	31.3. The government wide ICT policy includes technologies to facilitate citizens raising complaints associated with the policy process or the quality of	The government wide ICT policy includes technologies to facilitate citizens raising complaints associated with the policy process or the quality of the public services.	Article 22 , Article 23 of Law No. 25 Year 2009 concerning Public Service	No source, TI formulation

	the public services.	The government wide ICT policy does not consider technologies to facilitate citizens raising complaints associated with the policy process or the quality of the public services.		
	31.4. The government wide ICT policy includes technologies to promote social accountability.	The government wide ICT policy includes technologies to promote social accountability.	Law No. 25 Year 2009 on Public Service	No source, TI formulation
		The government wide ICT policy does not consider technologies to promote social accountability.		
	31.5. The regulatory framework governing access to information creates a government-wide open data policy.	The regulatory framework governing access to information creates a government-wide open data policy.		No source, TI formulation
		There is a regulatory framework that creates open data policies and guidelines, but this is not aggregated in a government-wide policy.		
		There is no open data provision in the laws or secondary regulations, including agency directives.		
	31.6. The legal framework requires that open data and ICT policies and guidelines be developed through a participatory process.	Yes, the legal framework requires that open data and ICT policies and guidelines be developed through a participatory process.		No source, TI formulation
		The legal framework requires that one but not both sets of policies and guidelines be developed through a participatory process.		

		There are no provisions for Open Data and ICT policy in the laws or secondary regulations, including agency directives.		
Information should be delivered to those who request it electronically and in open format, and governments provide Application Programming Interfaces that allow third parties to automatically search, retrieve, or download information directly from databases online. (AIE)	32.1. An ICT policy document or secondary government regulation requires that information stored electronically to be delivered in an open format.	There is a law requiring that information stored electronically to be delivered in an open format.		No source, TI formulation
		The requirement to deliver information stored electronically in an open format exists in policy directives or secondary regulations, but not in law.		
		There is no requirement to deliver information stored electronically in an open format.		
	32.2. An ICT policy document or secondary government regulation requires government agencies to provide API to make online databases searchable.	There is a law requiring government agencies to provide API to make online databases searchable.		No source, TI formulation
		The requirement to provide API to make online databases searchable exists in policy directives or secondary regulations, but not in law.		
		There is no requirement to provide API to make online databases searchable		
All new government generated data published proactively shall be open, and published in a non-	33.1. An ICT policy document or secondary government regulation requires all government data and information proactively published to be progressively updated to an open format, and	An ICT policy document or secondary government regulation requires <i>all</i> government data and information proactively published to be progressively updated to an open format, and published in a non proprietary, searchable, sortable, platform independent machine readable format.	Law 14/2008 on Freedom of Information, Law 11/2008 on Information and Electronic Transactions , Instruction 3, 2003, Presidential Decree No. 6 of 2001	No source, TI formulation

proprietary, searchable, sortable, platform-independent, machine-readable format, independently of other formats used. There is a mandate requiring all new data be created, collected and released in open format. (AIE, TAI, SF)	published in a non proprietary, searchable, sortable, platform independent machine readable format.	An ICT policy document or secondary government regulation requires <i>some, but not all</i> government data and proactively published information to be progressively updated to an open format, and published in a non proprietary, searchable, sortable, platform independent machine readable format.		
		There is no requirement to progressively make all government data and information made public open.		
	33.2. The regulatory framework requires that all new data be created, collected and released in open format.	Yes, the legal framework requires that all new data be created, collected and released in open format.		No source, TI formulation
		There are provisions requiring all new data to be created, collected and released in open format, but not in law.		
		There is no legal mandate requiring new data be created, collected and released in open format.		
	33.3. The regulatory framework requires the publication of an action plan to update non-electronic data to open.	The regulatory framework requires an action plan to be issued to update closed format and non-electronic data to open.		No source, TI formulation
		There is no requirement to issue an action plan to update closed format and non-electronic data to open.		
	33.4. The regulatory framework establishes provisions for auditing government agencies'	The regulatory framework establishes provisions for auditing government agencies' data management policies.		No source, TI formulation

	data management policies.	The regulatory framework does not consider provisions for auditing government agencies' data management policies.		
There is a central agency in charge of ICT policy implementation.	34.1. The legal framework identifies a central agency responsible for the government's ICT policy implementation.	The law explicitly identifies an agency responsible for overseeing the government's ICT policy.	Presidential Decree No. 47 Year 2009 on the Establishment and Organization of the Ministry of State	No source, TI formulation
		There is an agency responsible for ICT policies and guidelines, but it is identified in policy directives, not in law.		
		There is no specific agency responsible for ICT policy implementation.		
Open data commitments apply to all organizations operating with public funds or performing a public function, including private enterprise and civil society organizations. (TAI)	35.1. The legal framework explicitly mandates that all open government policies and regulations apply to private organizations operating with public funds or performing a public function.	The legal framework explicitly mandates that all open government policies and regulations apply to private organizations operating with public funds or performing a public function.		No source, TI formulation
		The provision extending all policies and regulations to private organizations operating with public funds or performing a public function exists in policy directives, but not in law.		
		There is no provision extending open data policies and regulations to private organizations, independently of whether they use public funds or perform a public function.		

FEEDBACK AND COSULTATION

The (pilot) indicators developed in this project are subject to comments and validation for improvement. To submit your comments on the indicators or the Indonesia results, please email ogScorecard@ti.or.id by referencing the indicator number.

Transparency International will collate all comments received internationally to improve and refine the indicators to achieve the highest quality possible in the final Open Governance Standards and Indicators.[]

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