Independent Reporting Mechanism

Indonesia Co-Creation Brief 2024

Open Government Partnership

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Introduction

This brief from the OGP's Independent Reporting Mechanism (IRM) serves to support the co-creation process and design of Indonesia's eighth action plan and to strengthen the quality, ambition, and feasibility of commitments. It provides an overview of the opportunities and challenges for open government in the country's context and presents recommendations. These recommendations are suggestions, and this brief does not constitute an evaluation of a particular action plan. Its purpose is to inform the planning process for co-creation based on collective and country-specific IRM findings. This brief is intended to be used as a resource as government and civil society determine the next action plan's trajectory and content. National OGP stakeholders will determine the extent of incorporation of this brief's recommendations.

The co-creation brief draws recommendations from prior IRM reports for Indonesia, the *OGP National Handbook*, *OGP Participation and Co-Creation Standards*, and IRM guidance on the assessment of OGP's minimum requirements. The brief aims to provide up-to-date recommendations with lessons from comparative international experience in the design and implementation of OGP action plans as well as other context-relevant practices in open government. The brief was reviewed by IRM senior staff for consistency, accuracy, and with a view to maximizing the context-relevance and actionability of the recommendations. Where appropriate, the briefs are reviewed by external reviewers or members of the IRM International Experts Panel (IEP).

The IRM drafted this co-creation brief in October 2024.

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Section I: Action Plan Co-Creation Process

As a founding member of the OGP, Indonesia has demonstrated leadership on open government initiatives. Indonesian action plans have achieved impact on public services monitoring and transparency of beneficial ownership, government budget, and public procurement. However, the IRM found that commitments' ambition and completion rates have declined in recent cycles. In the seventh action plan, only one commitment had substantial potential for results. The plan's co-creation process improved outreach and reasoned response to civil society, but engagement centered on the stakeholders already involved previously. To raise the ambition of Indonesia's upcoming eighth action plan, opportunities could be made available to engage a broad range of stakeholders in developing commitments that introduce a new focus on civic space, and build on previous initiatives on digital governance, nutritional assistance, and anti-corruption through beneficial ownership transparency. The IRM is also available to provide a design workshop on drafting results-oriented commitments.

To strengthen the co-creation process, the IRM recommends the following:
1. Deepen government and public engagement on OGP.
2. Strengthen the legal basis for open government.
3. Design commitments with ambitious targets.

RECOMMENDATIONS

Recommendation 1: Deepen government and public engagement on OGP

The IRM recommends deepening the investment of government ministries and new sectors of the public in the co-creation process. Indonesia has faced challenges in convening cross-government consultation, reaching high-level officials, and ensuring ownership of commitments. Co-creation would benefit from greater attendance of decision makers at relevant ministries, and engagement of more line ministries on the multistakeholder forum. Within ministries, outreach by the Open Government Indonesia (OGI) National Secretariat could help build the sustainability of institutional knowledge about OGP. This in turn, could ensure that commitments and OGP engagement are embedded in ministerial agendas, rather than the purview of an individual within the ministry. In addition, as widespread public engagement remains difficult beyond familiar civil society organizations, the OGI could widen efforts to enhance public awareness about open government and welcome more extensive public engagement. OGI could draw on approaches used in Brazil's workshops or Finland's dialogues, which developed commitments by gathering input from underrepresented groups across the country.

Recommendation 2: Strengthen the legal basis for open government

A presidential regulation on open government could help clarify the status of OGI within the government structure and its procedures. It could empower OGI to monitor implementation of OGP commitments and could provide a stronger legal basis to engage other government agencies in furthering the open government agenda. The regulation could also protect and strengthen civil society's role as an equal partner to government on the multistakeholder forum and multistakeholder forum steering committee. This could facilitate greater sustainability of Indonesia's open government platform, provide a framework for OGP Local, and improve ministerial buy-in on the monitoring of commitments. It may be advisable to link this regulation to relevant existing legislation, such as the Public Information Disclosure Law (UU No. 14/2008) on public rights to information and public monitoring, the Public Service Law (UU No. 25/2009)

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on the participatory, accountable, and openness principles of public service delivery, and the Local Government Law (UU No. 23/2014) on mainstreaming openness and accountability at the local level. The Philippines' process for passing an Executive Order to institutionalize their OGP Secretariat can be a useful reference. Spain's regulation also offers an example approach to formalizing the OGP process and incorporating representation across levels of government.

Recommendation 3: Design commitments with ambitious targets

OGP aims to promote ambitious open government reforms that stretch the government beyond its current state of practice and significantly improving the status quo. While the previous action plan addressed a diverse thematic focus, the IRM found that not all commitments set ambitious targets. In the upcoming co-creation process, commitment design can clearly outline steps to build from preliminary activities to concrete policy reforms. For example, if commitments plan to develop analysis, guidelines, regulations, or legislative bills, milestones can also plan to pass bills or implement recommendations. In other cases, commitments can extend the reach of their reforms by targeting a wider scope. Commitments that focus on local government initiatives, for instance, could be scaled up by replicating them in a wider set of regions. Reformers could also consider incorporating more coordination between government and civil society milestones. The draft action plan can be shared with OGP country support for input, and the IRM is available to provide a design workshop on drafting results-oriented commitments. Ambitious flagship reforms can also be submitted to the Open Gov Challenge.

Section II: Action Plan Design

AREAS OF OPPORTUNITY FOR COMMITMENTS
Some areas of opportunity for the eighth action plan include digital governance, civic space, nutritional assistance, and anti-corruption.

AREA 1. Digital Governance

As the Indonesian government moves forward to develop the new INA Digital platform, the next OGP action plan could help the platform enhance the efficiency of public service delivery. The platform intends to consolidate the 27,000 applications currently managed by ministries and local administrations. Following the INA Digital pilot, an OGP commitment could ensure strong multistakeholder leadership in the platform's development, providing the public with direct decision-making roles to keep this important step in digital governance centred on users' needs. It could embed strong mechanisms into the platform for citizens to provide feedback on the quality of government services and ensure accountability in government responses to this input. In addition, stakeholders could consider co-creating data management standards to protect citizens when processing their personal information on INA Digital.

Useful resources:
- OGP: Actions for Transparent and Accountable Digital Governance and Strengthening Democracy and Protecting Civic Rights in the Digital Era
- Related Commitments: Estonia (2018-2020) and Uruguay (2018-2020)
- Partners that can provide technical support: World Wide Web Foundation, Center for Democracy and Technology, and Luminate

AREA 2. Civic Space

Protecting civic space is an important policy area for Indonesia's open government process. Open government reforms are only possible when there is space for people to think and speak freely, act in coordination, and advocate for change. Respecting civic freedoms can support healthy economic growth and improve human development outcomes. While Civicus monitor assessed Indonesia's civic space as obstructed, the previous action plan did not fully take up the opportunity to strengthen civic space. For instance, proposals on the Electronic Information and Transactions (ITE) Law articles that limit civic space and freedom of expression were not included in the final plan. The eighth action plan provides the opportunity to introduce ambitious commitments that protect civic space. They could institutionalize opportunities for civil society stakeholders to participate in shaping the laws that impact civic space, for instance the Broadcasting Law, the Police Law, and the ITE Law – particularly articles on freedom of expression online. Other key issues are how police respond to demonstrations – including violence against journalists and physical coercion, violence, and jailing of protesters. Ambitious commitments under this thematic area can also be submitted to the Open Gov Challenge.

Useful resources:
- OGP: Free Association, Free Assembly, Free Expression and Media Freedom, and Democratic Freedoms Learning Network
- OECD: Civic Space
- Related commitment: Nigeria (2019–2022)
- Partners that can provide technical support: International Center for Not-for-Profit Law (ICNL), Civicus, and Organisation for Economic Co-operation and Development (OECD)

AREA 3. Nutritional Assistance

Open government mechanisms can strengthen delivery of government priorities to improve provision of social services ranging from schools to nutritional assistance, housing infrastructure, medical services, and agricultural support. During the previous two action plans, commitments focused on opening information on welfare programs, to help channel provision of aid toward Indonesians who had previously been overlooked and reduce misallocation of funds. OGP commitments could help new government priorities, like free school lunches, achieve their objectives. For instance, commitments could guarantee public access to information on intended allocation and actual provision of government services. They could engage citizens and civil society organizations in monitoring delivery of these services, for example by providing feedback mechanisms for the public to report instances of corruption or issues with service delivery, so that the appropriate government authorities could ensure accountability.

Useful resources:
- OGP: Public Service Delivery
- Related Commitments: Columbia (2015-2017), Philippines (2017–2019), Italy (2012–2013), and Kaduna State, Nigeria (2018–2020)
- Partners that can provide technical support: Open Data for Development, Asian Development Bank, and Integrity Action

AREA 4. Anti-Corruption

President Prabowo Subianto vowed to combat corruption in his first speech to parliament in October 2024. Managing the relationship between politicians and businesses is essential for proactively preventing corruption, stemming illicit financial flows, and fighting tax evasion. This requires disclosing those who ultimately control or profit from a business — its beneficial

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owners. During the previous three action plans, Indonesia developed its beneficial ownership database—making groundbreaking progress on an important anti-corruption resource. The eighth action plan offers the opportunity to develop a comprehensive verification system to conduct enhanced manual checks of higher-risk submissions and work towards automated checks of the register against other state registers. Given that only about one-third of companies comply with publishing their beneficial ownership information, it would be valuable to consider more effective sanctions for non-disclosure, late submission, incomplete submission, or falsifying information. A commitment could also widen free access to further elements of beneficial ownership information, allow bulk data search, and engage CSOs, journalists, and the public in data use for targeted monitoring efforts. Ambitious commitments under this thematic area can also be submitted to the Open Gov Challenge.

Useful resources:
- OGP: Beneficial Ownership, Company Beneficial Ownership, and Beneficial Ownership Leadership Group
- Open Ownership: Verification of Beneficial Ownership Data
- International Monetary Fund: Unmasking Control: A Guide to Beneficial Ownership Transparency
- United Nations Office on Drugs and Crime: Implementation of Beneficial Ownership Transparency in ASEAN Member States and Timor-Leste
- Related commitments: Albania (2020–2022), Armenia (2018–2020), and Nigeria (2019–2022)
- Partners that can provide technical support: Transparency International, Financial Action Task Force, G20 Anti-Corruption Working Group, and Open Ownership