TRANSPARENCY INTERNATIONAL Indonesia
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OPEN GOVERNANCE PROJECT

CITIZEN ENGAGEMENT STORIES

Fighting Corruption from Campaign to Social Audit

Editor
Dadang Trisasongko

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FOREWORD

DISCLOSURE IS NOT A POLITICAL GENEROSITY

As part of the promotion of the open governance principles, we again publish a book on the experience of advocating public disclosure practiced by the activists of non-governmental organizations (NGOs). This book is very important to be read by the legislators, the bureaucracy of government, academia, and even by the NGO activists themselves.

After reading this book, we will increasingly believe that public information is the power, and public information disclosure is not a product of a condition born of state's generosity. Closure of public information is the mode of treating the inequality of power relations. Therefore, in reality, public information should always be fought by people themselves as part of their struggle to regain their sovereignty in a democratic country. Thus, the problem of public information disclosure should be seen as a political problem. More political approaches are needed to complement technocratic and legalistic approaches.

This book also reiterates the thesis of Amartya Sen in his book Development as Freedom that transparency has not been able to stand alone as a freedom. There are other interplay freedoms, namely political freedom, economic facility assurance, social opportunities, and protection of the marginalized. Thus, efforts to create open governance should always consider social, economic, and political context as well.

Such is the common thread of reflective writing anthology of the NGOs activists in this book. In addition to offering hope, this book also offers a variety of learning about the difficulty to promote public disclosure in the country that has been in political transition towards democracy.

Amid the least attention of the law makers on the effectiveness of the implementation of Public Information Disclosure Act, this book comes as the contribution of civil society to present evaluative notes from the field.

Appreciation and thanks are due to the authors, editors, and colleagues at secretariat of TI Indonesia who had spared their time and dedicate their mind to produce this book. May this be useful.

Jakarta,.....
Dadang Trisasongko
Secretary General
of Transparency
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INTRODUCTION

The development agenda and the strengthening of civil society in the prevention of corruption and the improvement of public services quality are often carried out by civil society groups and communities. These good images from both CSOs and the communities are certainly important to be documented. Thus, lesson in overseeing the development process and determining policy will be easily learned and used as a medium of communication with other communities.

The first story of this book emphasizes on how to realize the access to public information and promote public awareness on the right to public information. It describes the work of civil society in advocating the birth of Public Information Disclosure Act (PID Act) up to the initiative to encourage transparency in government, the strengthening of information-accessing community and the formation of information commission. The long journey of civil society coalition comes into fruition when President SBY endorsed the Public Information Disclosure Act on April 30, 2008 that was later commenced on May 1, 2010.

The second story tells about civil society support in assuring the right to information. Various issues of power abuse and rampant corruption are trying to be corrected by civil society movement. One of the efforts to correct the closure regime is by mainstreaming public disclosure. In an effort to document the resistance against the regime of information closure as well as resistance against corruption, this section will parse efforts of civil society to strengthen the Central Information Commission as the competent authority to decide information disputes.

Collaboration between Civil Society and Open Local Government becomes a point on the third story. A closed government and the exclusion of communities in policy making becomes the background of this story. We realize that Indonesian democracy is so young. Therefore, the "trial and error" form of its government and policies thickly colors its state administration. However, the open political system encourages the authorities and bureaucratic apparatus to open spaces for citizen participation.

The fourth story of this book tells about the budget advocacy experience, in particular on the efforts of civil society in conducting judicial review of Budget Law. The twists of this effort up to the birth of the Constitutional Court's decision can be a reflection material of the same effort forward.

In the fifth story, this book focuses on the movement of rural finance accountability building. Reading this section means reading a lot of experience of rural activists in Kebumen district. The passion to build the accountability of rural finance is an important issue in the Civil Society Forum, better known as FORMASI, in 2003 with the motto "Building the State from the Village". The motto is not just an empty slogan without passion, but as a reaction and bellowing of resistance to seize the rural rights in order to jointly enjoy reform by spirit of regional autonomy. It is the passion, solidity, commitment and consistency which deliver the villagers to succeed in fighting for their rural rights.

The fifth is the story on how civil society encourages disclosure of information in court. The enactment of PID Act recommends court institutions to open up the closure regime. Currently, public is able to see court decisions in Indonesia. LeIP records show that from 825 courts in Indonesia, there are at least 750 courts or 90.91% of the total number has already had websites. This condition is seen in contrast should this be compared to that in the pre-reform period, or in the early years of reform, in which to look for or ask for information in court had been very difficult. In this section will tell you a lot about the transformation process undertaken by the Supreme Court to open the closure of the courts, especially on the aspect of partnership between MARI and civil society in implementing strategic programs which have positive impacts in terms of increased transparency in the courts.

This book will also tell you a lot about improvement efforts undertaken by civil society in the drafting of legislation as the story is told in the sixth. In this section, there will be a lot about the practice of article trading in the discussion of the Act. Specifically, corruption in the legislative sector has also a new model; if then policy makers made policies which benefit themselves or their group, now they also begin to explore the alleged article or policy trading.

The story behind the movement Cicak vs Buaya (the House Lizard vs the Crocodile) is broken down in the seventh story. Still sticking in our memory the phrase "... Cicak kok mau melawan buaya..." ("... how come a house lizard wish to fight a crocodile ..."). The phrase came out of the Former Chief of Detectives and Criminal Agency of the National Police Headquarters, Com-

missioner General of Police Susno Duadji (Tempo Magazine 6-12, 2009). Another thing is the efforts of deteriorating the work of KPK in combating corruption by the police by arranging the arrestment scenario of two KPK leaders. Various conditions had been behind the CICAK movement initiated by social media activists. The movement had been gaining tremendous public support, both online and offline.

Focus on the eighth story is the effort to improve police public service, as an effort to strengthen accountability and transparency. This paper attempts to summarize and assess the extent of police achievement to work accountably and transparently in carrying out its duties and functions. The story is based on the experience of advocacy and mentoring of cases initiated by KontraS who realize that the Right to Public Information is a critical part of human rights (the right to seek, to receive, and to impart information and ideas).

The ninth story focuses on how civil society and a State-Owned Enterprise collaborate to create a clean company. Viewed from economics level, Indonesian economy continues to experience positive growth, but at the same time corruption remains high. Almost all sectors are affected by corruption. No exception is the electricity sector which consists of the generation, transmission, and distribution of energy. As a result, amidst the twist of the positive growth, corruption is perceived as a problem for the ease of doing business and in boosting the performance of the company itself.

The tenth story is a story of real struggle of Betawi Petukangan villagers over Jakarta Outer Ring Road (JORR) W2 North highway construction project. Governor's decision No. 195 of 1992 and Public Works Ministerial Decree No. 234 / KPTS / M / 2008, dated March 27, 2008 has brought catastrophe for Betawi Petukangan villagers. In fact, Betawi Petukangan Village is currently one of the remaining Betawi villages. The residents who feel aggrieved by the value of compensation offered by government was not involved in government decision-making, while they are important stakeholders in the land acquisition project. This is a story of seizing the space of decision-making and fate-fighting.

The next story takes us to the monitoring over residents and transparency post-tsunami disaster in Aceh. In this section, MaTA Aceh and the community took initiative to monitor the implementation of rehabilitation and reconstruction of Aceh in order to minimize humanitarian budget leakage.

At the end of the story, this book focuses on young people's participation efforts in the 2014 Elections. According to data held by KPU, it says that no less than 32% of voters in the 2014 Election are young people aged between 17 and 30 years. That is, a third of votes contested by election participants come from us, young people. From election participants (political parties and legislative candidates) to the organizers of the election (KPU), all target young people. Various creative up to fluffy invitations are offered. All the same, in order to hook the young voters. This story portrays a wide variety of action committed by young people to be more critical before making choices. Politically literate young people are the expectation of this story.

All the stories above are the stories of the civil society in various regions and sectors of issues. It is based on this civil society experience that this book is created. Many lessons on this civil society experience can be used as inspiration for the readers to fight against corruption and encourage transparent, accountable, and participatory government.

The (Still) Long Road to AchievePublic Information Disclosure in Indonesia

By: Dessy Eko Prayitno

A. Introduction

The advocacy of the birth of the Public Information DisclosureAct (hereinafter referred to as PID Act)has been a long struggle of civil society coalition in Indonesia in achieving the transparency of public information in the country. This long struggle then gained result whenPresident Susilo Bambang Yudhoyono on April 30, 2008, certified the PID Act that thencame into effect commencing on May 1, 2010. Four years into effect, the public information disclosure as wished by civil society is still far from expectation, still a lot of "homework" to be resolved. Thevarious homework among others are not all public bodies carry out legal mandates of thePID Act; there are still many Indonesian people who do not know and have not been utilizing the PID Act in requesting for information; the issue ofcommissioner capacity of the Information Commission (hereinafter referred to as IC); the issue of IC independence. Therefore, civil society coalition should encourage advocacy at three levels, namely supply side, demand side, and the IC.

B. The Long Road of Advocacy ofthe Birth of the PID Act

The long debate about the importance of information has long been underway in several countries. In Sweden, since the 17th century, a number of important figureshave already been thinking about the significance of legal guarantees for people to obtain information held by state officials.[1] It aimed at making peoplenot only be cognizant of the information in government's control, but also enable themto partake control of the running of government.

In the Indonesian context, when the advocacy of the Freedom of Accessing Public Information Act (FAPI Act) began in 2000, the struggle to realize a right assurance to information was not a major issue. The debate in media was

[1] Sudirman, Aa, et. all.,Kebebasan Informasi di Beberapa Negara, Koalisi untuk Kebebasan Informasi, no year,pp. 3–4

filled with struggles among non-governmental organizations which demanded the right to work, the right to political freedom, far from torture and the demand for fair trials.[2] However, the discourse of freedom to obtain information has emerged long before, and began to be discussed more in the late 1980s.

In 1988, WALHI filed a lawsuit against Inti Indorayon Utama Co.Ltd. (PT IIU), the Minister of Industry, the Minister of Forestry, the Minister of Home Affairs, the Minister of Environment, and the Governor of North Sumatra Province, in which one point of the complaint was the application of the right to information.[3] However, this point of the lawsuit was rejected, since the Act No.4 of 1982 on the Basic Provisions of the Environmental Management (Act 4/1982) did not regulate assurance over right to information. This lawsuit then underlaid attempt to insert assurance over right to information in the revision of Act 4/1982, namely Act No. 23 of 1997 on Environmental Management (Act 23/1997).[4]

Like a domino effect, recognition of the right to information under Act 23/1997 provided inspiration for environmental activists and human rights to further develop the recognition of the right to information that was not only limited to the aspect of environmental management. Like a tit for tat, Act No. 25 of 2000 on National Development Program 2000–2004 includedthe Target of Development Program of Information, Communication, and Mass Media, namely the creation of awareness and political maturity of the people through a free and transparent flow of information exchange, as well as amore open mechanism of political control.[5] Then in 2001, appeared the People's Assembly (hereinafter referred to as MPR) Decree No.VIII/MPR/2001 on Recommendations on Policy Direction of Eradication and Prevention of Corruption, Collusion and Nepotism (TAP MPR No.VIII/2001). Article 2 points 6 TAP MPR No.VIII/2001 mentions the following policies:

Forming legislation along with its implementing regulation to help the acceleration and effectuality of the implementation of eradication and prevention of corruption whose content includes... d. The Freedom to Access Information; ...

On September 8, 2000, prior to the birth of TAP MPR No.VIII/2001, Indonesian Center for Environmental Law (ICEL) issued a preliminary Bill on Freedom

[2] *Ibid.*
[3] Santosa,Mas Achmad, "Aktualisasi Kebebasan Informasi di Indonesia, Sebuah Perjalanan Panjang dan Mendaki",in Melawan Ketertutupan Informasi, Menuju Pemerintahan Terbuka,year: 2003,p. xvi.
[4] I*bid.*
[5] Ma'mun, A. Saefudin, Citra Indonesia di Mata Dunia, Gerakan Kebebasan Informasi dan Diplomasi Publik, AIPI Bandung: 2009, p. 157.

of Accessing Information (FAI Bill), which contained 37 articles. The initial bill was then jointly developedwith the Coalition for Freedom of Information (CFI)[6] to 58 articles on July 4, 2001.[7] The Bill prepared by CFIencouraged 10 (ten) important principles of freedom of accessing information, namely:[8]

Principle 1:
FAI Act serves as an "umbrella" or alignment for all legislations relating to access to public information.

Principle 2:
FAI Act guarantees the right to five types of information: (1) the right to know; (2) the right to inspect; (3) the right to obtain copy of a document or passive access; (4) the right to be informed or active access; (5) the right to disseminate information.

Principle 3:
Public information is the right of every person, therefore, a request needs no reason.

Principle 4:
Maximum access limited exemptions are realized through: (1) the application of the exemption must be based on the precautionary principle by using the consequential harm test and balancing public interest test; (2) the application of confidentiality status of information has a time limit (impermanent); and (3) the scope of public bodies which serve asinformation access providers is not limited to state institutions, but also outside state institutions which gain and use state budget (in regard with actualizing the principle of public accountability).

6 The Coalition for Freedom of Information (CFI) was officially formed in December 2000,consisting of 38 members of civil society organizations, namely: the Alliance of Independent Journalists, Bina Desa, CETRO, DESANTARA, Yogya NGO Forum, the Forum Rector-YPSDM, the Movement of Struggle Against Discrimination(GANDI), Indonesian Conference in Religion and Peace (ICRP), Indonesian Corruption Watch (ICW), Indonesian Center for Environmental Law (ICEL), Institute for Studies on Information Flow, Indonesia Media Law and Policy Center (IMLPC), KIPPAS Medan, The Committee of Regional Autonomy Concern (KPOD), the National Consortium for Law Reform(KRHN), Lakpesdam NU, Jakarta Legal Aid Institution, Medan Legal Aid Institution, Semarang Legal Aid Institution, Institute for Independent Judiciary (LeIP), Institute for Press and Development Studies (LSPP), Institute for Study and Society Advocacy (ELSAM), LSPS Surabaya, Indonesian Transparency Society (MTI), Center for Indonesian Law and Policy Studies (PSHKI), Center for Regional Studies and Information (PATTIRO), South East Asian Press Alliance (SEAPA), Voice Center, Indonesian Environmental Forum (WALHI), Foundation for the Strengthening of Initiatives Participation and Public Partnership of Indonesia (YAPPIKA), Foundation for Aesthetics Science and Technology of Indonesian Public Television Community. In addition to members of civil society organizations, CFI also consists of individual members, such as Prof. Koesnadi Hardjasoemantri (Professor of Faculty of Law of UGM), Atmakusumah (Chairman of the Press Council), and the National Law Commission, a government organization that focuses on national legal reform.

7 Santosa,Mas Achmad, op. cit.,p. xiv-xv.

8 *Ibid.*, p. xvi.

Principle 5:
Horizontal access (access among public bodies) is as important as vertical access (public access to public bodies).

Principle 6:
Access to information should be cheap, fast, complete, accurate, reliable, and timely.

Principle 7:
It is an obligation for public bodies to have good information management systems along with their public services.

Principle 8:
A fast, cheap, competent, and independent settlement of disputes through consensual or adjudicative process.

Principle 9:
A threat of punishment for those who impede access to information.

Principle 10:
In the framework of the autonomy principle, it is possible for regions to have policy on freedom of information that is more progressive than the FAI Act in interpreting important principles (the 9 above) of theFAI Act.

The efforts ofCFIin encouraging the birth of FAI Acthad been done through a variety of activities, such as drafting the articles of the FAI Bill; doing comparative studies in a number of countries; having discussion in various cities, lobbying members of the House of Representatives (DPR)—either through Legislative Body, commissions, fractions, and elements of leadership. These efforts were fruitful results. On February 23, 2001, the Plenary Session of the House Legislative Body approved the formation of the Working Committee for FAI Bill.[9] Two months after its formation, the Committee actively disseminated to a number of areas to get input and hold discussions with a number of experts to make improvements on the FAI Bill draft.[10] On October 19, 2001, the FAI Bill draftwas agreed as the Bill initiated by DPR, and in November 2001,the FAI Billwas submitted to the DPR leadership by 29 DPR members of the various fractions. The bill received support from major factions in DPR, namely PDI- P, Golkar, PPP, PKB, and Reform faction. And on March 20, 2002, DPR ap-

[9] Subagiyo, Henri, et. all.,Anotasi Undang-Undang Nomor 14 Tahun 2008 tentang Keterbukaan Informasi Publik, Komisi Informasi Pusat: 2009, p. 8.
[10] *Ibid.*

proved the FAI Bill as DPR-Initiative Bill.[11] Along with the approval of FAI Bill as DPR-Initiative Bill, the Government of Indonesia (GoI) was drafting a "counter-bill" initiated by the State Minister for Communications and Information Technology along with the State Information Agency upon the InitiativeLicense of President Megawati Sukarnoputri on December 7, 2002. [12]

However, the discussion on the FAI Billwas not done, since until the end of her term in 2004, President Megawati Sukarnoputri did not issue a Presidential Mandate (PM) referring to government representatives to discuss the bill. The PM on FAI Bill discussion was just issued during the reign of President Susilo Bambang Yudhoyono (SBY), precisely on October 19, 2005.[13] Nonetheless, the National Legislation Program (hereinafter referred to as Prolegnas) 2004–2009 just put the bill on the 9th under the State Secrecy Bill and Intelligence Bill, the bills which were considered as threats against the realization of open governance.

Although the FAI Billjust got itsPM on October 19, 2005 and was placed in the 9th of Prolegnas under the State Secrecy Bill and Intelligence Bill, the spirit of transparency carried out by the bill was actually implemented in advance in many areas in the period 2004–2005 through the birth of local regulations on transparency and participation. Some regions which have had regulations on transparency and participation, among others have been Solok Regency, Lebak Regency, Bandung Regency, Magelang Regency, Tanah Datar Regency, Kebumen Regency, Lamongan Regency, Boalemo Regency, Bolaang Mongondo Regency, Takalar Regency, Gorontalo City, Kendari City, and West Kalimantan Province.[14] In addition, in some areas such as Banda Aceh, Cirebon, Denpasar, West Lombok, East Flores, North Maluku, Samarinda, and Kendari, had occurred positive dynamics to identify capacity building needs to actualize access to information, including enhancing the capacity of the access demand, and the capacity of participation in the formulation of public policy, and the legal drafting ability.[15]

[11] Sastro, Dhoho A., et all,Mengenal Undang-Undang Keterbukaan Informasi Publik, LBH Masyarakat: 2010, p. 2.
[12] Santosa,Mas Achmad, op. cit., p. xx.
[13] Sastro, Dhoho A., et all,op. cit., p. 2.
[14] Ma'mun, A. Saefudin, op. cit.,p. 159–160.
[15] Santosa,Mas Achmad, op. cit., p. xxvii.

The following is a table showing the various regencies/cities/provinces which-have already had local regulations on transparency and participation

Regencies/Cities/Provinces which have already had Local Regulations on Transparency and Participation[16]

NO	NAME OF REGION	LOCAL REGULATION NO/DATE	ABOUT
1	Solok Regency	5 of 2004, dated on April 29, 2004	Transparency of Governance and Public Participation
2	Lebak Regency	10 of 2004, dated on June 01, 2004	Transparency and Participation in Government Administration and Development Management in Lebak Regency
3	Bandung Regency	06 of 2004, dated on March 15, 2004	Transparency and Participation in the Governing of Bandung Regency
4	Magelang Regency	10 of 2004, dated on March 15, 20044	Public Consultation Mechanism
5	Tanah Datar Regency	02 of 2005, dated on June 3, 2005	Transparency and Participation
6	Kebumen Regency	53 of 2004, dated on June 28, 2004	Public Participation in Public Policy Process
7	Lamongan Regency	07 of 2005, dated on August 1, 2005	Transparency in Government Administration and Public Participation in Lamongan Regency
8	Boalemo Regency	06 of 2004, dated on August 24, 2004	Transparency in Public Service in the Governing of Boalemo Regency
		07 of 2004, dated on August 24, 2004	Public Participation in the Development Implementation and Public Policy Process
9	Bolaan Mongondo Regency	04 of 2005, dated on April 14, 2005	Public Participation and Public Policy-Making Process
		05 of 2005, dated on April 14, 2005	Transparency of Regional Governance
10	Takalar Regency	02 of 2005, dated on August 19, 2005	Transparency of Governance and Public Participation in Development in Takalar Regency
11	Gorontalo Regency	03 of 2005, dated on March 13, 2005	Transparency of Governance of Gorontalo City
12	Kendari City	14 of 2003, dated on May 19, 2003	Freedom of Accessing Information
13	West Kalimantan Province	04 of 2005, dated on June 13, 2005	Transparency of Governance of West Kalimantan Province

Finally, on March 7, 2006, FAI Bill began officially addressed byDPRalong withGoI. In the first discussion, GoI provided an overview as follows: first, stated that FAI Bill was necessary for in line with Article 28F of the 1945 Constitution of the Republic of Indonesia. However, the bill should not hurt personal rights and human rights in general, the effectiveness of governance, the integrity of the Unitary State of the Republic of Indonesia (NKRI), and the global threat that may arise as a result of the FAI Act. Therefore, it was important to firstly make regulations governing the exclusion of information, so as to give certainty about exposed and excluded information. This was because the DPR-Initiative FAI Billhad principle that all information couldbasically be

[16] Ma'mun, A. Saefudin, op. cit.,p. 159–160.

accessed except ones defined as excluded. Second, changed the title of the-FAI Bill to be adjusted to Article 28 F of the 1945 Constitution, becoming the Bill to Access Public Information. Third, the definition of a public body should include the executive, legislative, judicial, state-owned enterprises, local enterprises, political parties, and including the civil society organizations (CSOs). Fourth, the implementation of the FAI Billwould be done 5 (five) years post-passed to allow time for Golto set up the system, device, infrastructure, and human resources. Fifth, information dispute resolution was conducted by Ombudsman, therefore, no need to form the Information Commission.

Against the general view of GoI, on March 13, 2006, CFI conveyed critical notes as follows: first, GoI applied double standards; on one hand,GoI recognized the importance of the bill since it was in line with Article 28F, but GoI wanted the regulations on excluded information prior to the existence of the FAI Act. Second, Golwas not keen in seeing the formulation of the bill, in which the excluded information had been clearly set,so that GoI's fearsthat the bill would violate personal rights, the integrity of the Republic of Indonesia, and soforth, should not be there. Third, GoI's wish torequest the bill to be applied five (5) years post - passed to allow time for Golto set up the system, device and infrastructure, as well as human resources,was considered too long. This showed that Golwas still reluctant to implement open governance through theFAI Act.

The over 8 years long debate ofFAI Billadvocacy finally met the end point after April 30, 2008, President Susilo Bambang Yudhoyono passed it to become-Act No. 14 of 2008 on Public Information Disclosure (PIDAct) and would be effective two (2) years since its enactment:May 1, 2010.

C. The (Still) Long Road of PID Act Implementation: The (Still) Need to be Completed Homework

The enactment ofthe PID Act on April 30, 2008 has brought significant paradigm shift in the implementation of public information disclosure in Indonesia. The following is comparison of the paradigm shift before and after the enactment of the PID Act:

ASPECT	BEFORE DIP ACT	AFTER DIPA ACT
The focus of Public Bodies	Identifying information that should be given (positive list).	Identifying excluded information (negative list), with limited exclusion.
The Certainty of Service	No standard procedures and deadlineof information services..	There is a standard procedure and deadline of information services.
The Certainty of Executor	No particular executor in public bodies to carry out the management and information services.	There is particular executor in public bodies to perform the management and information services, namely PPID.
The Legal Certainty	No penalty for those who impede people in obtaining information.	There are penalties for those inhibiting people in obtaining information, as well as penalties for any person who abuse information.
Accountability Services	No complaint procedure and lawsuit when people face obstacles in obtaining public information.	There is a complaint procedure and lawsuit when people face obstacles in obtaining public information, namely through the objection mechanism in the public bodies' internal; the information dispute resolution in the Information Commission and the court.

The use of PID Actas an instrument of advocacy by CSOs has also shown results. As mentioned in Article 2 Point 6 TAP MPR No.VIII/2001 that the formation of PID Act is one of the means to accelerate the eradication and prevention of corruption.

Forming legislation along with its implementing regulation to help the acceleration and effectuality of the implementation of eradication and prevention of corruption whose content includes... d. The Freedom to Access Information; ...

In the implementation, Indonesian Corruption Watch (ICW) and FITRA usePID Act to advocate the transparency in budget management and implementation of government public bodies, both central and local level. The advocacy was done by submitting a request for information regarding the DIPA–RKA of public bodies, the financial statements of the government's public bodies. ICW even usedPID Actto request information for financial reports of major political parties in Indonesia (PDI - P, the Democrat Party, Golkar, PAN, PKB, etc.), in addition, ICW also asked the transparency of accounts of 17 high-rank officers of Indonesian Police.

However, although there has been a paradigm shiftingafter thePID Act was passed, and some CSOs have used the PID Act to obtain information, the struggle of CFI—since 2008 has better known as the Coalition of Freedom of Information Network Indonesia (FOINI)—in realizing public disclosure in Indonesia has yet finished. There has still been much work to be done, such as:

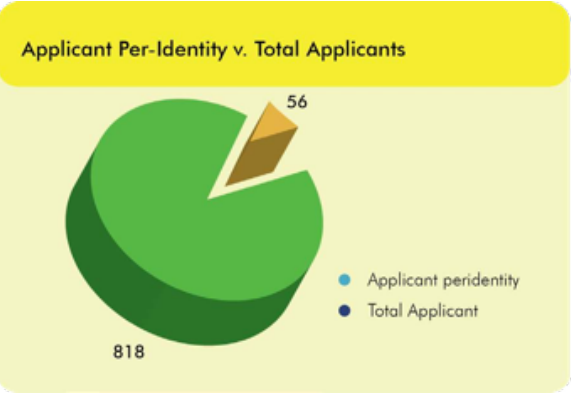
1. Ensuring the PID Actbesocialized to all corners of Indonesia;
2. Overseeing public bodies implementing information management and service obligations as mandated in the PID Act;
3. Ensuring the emergence of public demand for information through the implementation of the right assurance to information set out in the PID Act;
4. Encouraging, overseeing the establishment of Information Commission, as well as strengthening the institution.

Some data from the Ministry of Communications and Informatics, the Central Information Commission (hereinafter referred to as the CIC), and FOINI showed that the implementation of PID Act has still been far from expectation. First, from the implementation of the PID Act by public bodies, the data of Directorate General of IKP-Kominfo (DG IKP-Kominfo), December 17, 2013 showed that it was only about 39.83% of public bodies in Indonesia which have established Information and Documentation Officer (PPID). The details as follow:

NO	BADAN PUBLIK	JUMLAH	TELAH MENUNJUK	PERSENTASE
1	Ministries	34	34	100
2	LPNK/LNS/LPP	129	36	27.1
3	Provinces	33	24	72,73
4	Regencies	399	146	36.59
5	Cities	98	36	36.73
	TOTAL	693	276	39.83

It can be seen from the table above that the observance of public bodies to form PPID was still low at 39.83%. This percentage indicated that the degree of PPID compliance was still far from expectation. This data has yet includedthe non-state public bodies (NGOs, political parties, etc.) whose development of the PID Act application was not recorded in the recapitulation of DG IKP-Kominfo. In addition, this recapitulation data was still limited to PPID formation, has yet included other indicators, such as the preparation of standard operating procedures (SOP) of the information management and services, the preparation of a list of information, implementation reports of PID Act, etc. If the overall mandates were accumulated, it could be estimated that the level of compliance of public bodies in carrying out PID Act was much lower than their level of adherence to form PPID alone.

Second, the demand in community in requesting information usingPID Act alone is still limited to CSOs. Data on information disputes received bythe CIC showed that 71% of applicants of information disputeswas CSOs. The details of the data as follow:[17]



Source : compiled from the verdict ofThe CIC

Sizing up this data, it is seen that out of 818 disputes totally, the total applicants who has filed disputes repeatedlyare 56 (7 %). Then being viewedfrom the dispute applicant category, 71% of applicants is CSOs, 25% is individual applicants, and 4% of the applicants is community elements. This means that those who know and use the PID Act to obtain information are still dominated by CSOs. While the applicant of information from individual element who tends to be the actual user of information is still very small.

Third, related to the establishment of Information Commission. For the CIC, today has been formed the second period of the CIC. However, the formation of Provincial ICshas just occurred in 24 provinces out of 34 provinces in Indonesia. The main problems faced by theICshave been the capacity ofIVcommissioner, the capacity of ICsecretariat, the independence of ICbudget and institution. These issues affect the acceleration of the implementation of PID Act.

[17] Prayitno, Dessy Eko, et. all,Catatan Masyarakat Sipil terhadap Kinerja Komisi Informasi Pusat Periode 2009–2013, Indonesian Parliamentary Center: 2013, p. 20–21.

Various achievements of PID Act implementation has still been far from above expectation, FOINI and its network nodeshas been trying—and must keep trying— to resolve it through a variety of advocacies, in order to reach the ideintegrative advocacies, namely:

1. Supply side advocacy. This advocacy has been done by providing technical assistance to public bodies, eithersocialization, training, the establishment of PPID, the preparation of SOP of information management and services, the preparation of public information list, or others.

2. Demand side advocacy. This advocacy has been done by doing request for information or encourages the birth of public demand to request information using the mechanism set out inPID Act and KI Regulation.

3. The advocacy for KI. This advocacy has been done by performing mentoring and assistance to KI, both central and provincial, in carrying out theirduties, responsibilities, and authorities.

The three advocacies above have been performed integrally by involving CSOs and community individually. In addition, with the initiative of Open Government Partnership (OGP) initiated by the Government Working Unit for Development Monitoring and Control (referred to as UKP4), CSOs utilize the OGP initiative to accelerate public information disclosure throughout Indonesia. Through OGP as well, the Ministry of Communication and Informatics, the Ministry of Home Affairs, the Central Information Commission, the National Development Planning Agency, the Ministry of Foreign Affairs, the Ministry of State-Administrators Empowerment and Bureaucratic Reform, PATTIRO, ICEL, National Secretariat of FITRA, and Transparency International Indonesia have been synergized in promoting transparency in Indonesia.

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The Strengthening of Central Information Commission A Civil Society Effort to Promote the Right Assurance to Information

By : Desiana Samosir

A. Introduction

The regime of information closure in Indonesia has sparked opposition of civil society. Various issues of power abuse and rampant corruption have been trying to be corrected by civil society movement. An effort to correct the closure regime isby mainstreaming public information disclosure.

In an effort to record the resistance against the regime of information closure and corruption at once, this paper will analyze the efforts of civil society in strengthening Central Information Commission as an authorized body to decide the information dispute. The paper is divided into four sections, namely right assurance to public information, building the foundation of Central Information Commission, the institutional strengthening of Central Information Commission, and the lesson learned.

B. The Right Assurance to Information

The 1945 ConstitutionArticle 28F has guaranteed the right to information, however, its implementation has not been maximum. Various practices of information closure have prompted reform movement to correct governance which has been considerednot transparent and centralized. The not-transparent governance has led to the creation of opportunities for corruption, collusion, and manipulation. As if public has not been entitled to know how public bodies work and use the budget obtained from public tax deposits. Monopoly of information that continued to grow in the New Order era had made civil society uncomfortable. It had been the efforts of correcting governance which then encouraged civil society movement to fight for the right assurance to access public information.

The efforts to improve governance had been rollingthrough some political momentums. Of which was the emergence of the People's Assembly (MPR)

Decree No.VIII/2001 (TAP MPR VIII/2001) on Recommendations on Policy Direction of Eradication and Prevention of Corruption, Collusion and Nepotism. TAP MPR VIII/2001 Article 2, paragraph (6), states: "Forming legislation along with its implementing regulation to help the acceleration and effectuality of the implementation of eradication and prevention of corruption whose content includes...: a) the Corruption Eradication Commission; b) the Protection of Witnesses and Victims; c) Organized Crime; d) the Freedom to Access Information; e) Government Ethics; f) Money Laundering Crime; g) Ombudsman. The TAP MPR VIII/2011 becomes the amplifier of community's desires to correct the governance in Indonesia.

The presence of TAP MPR VIII/2001 Article 2 paragraph (6) point d about freedom to accessinformation was responded by drafting Bill on Freedom to Access Information (FAI Bill). In realizing the right assurance to information, civil society movement had played an active role in advocating the discussion of the FAI Bill. The process of discussion and advocacy that lasted about 10 years suggested that the Republic of Indonesia had still been difficult to be separated from the curb culture that had grownduring the New Order era. The debate over the term "freedom" even took up a lot of energy. Until then-the House of Representatives and GoI agreed that the term "freedom" was changed into "transparency".

To encourage good governance, an idea about the importance of right assurance to information was realized by a coalition of civil society through theBill ofFreedom of Accessing Public Information (FAPI Bill). In August 2000, a coalition of civil society began to communicate the FAPI Billto the House. In March 2002, the House approved the FAPI Bill as the House-Initiative Bill (Sastro, et. al. 2010: 2). During the leadership of President Megawati Sukarnoputri,Public Information Disclosure Bill (PID Bill)started to be discussed, but the discussion had once been halted. ThePID Bill was justre-discussed commencing on August 27, 2005 (Rifai, 2008:101).

In 2008, the long-discussed Bill was finally approved to be implemented in 2010. To ensure the fulfillment of the right to information, the Public Information Disclosure Act (PID Act)Article 23 mandated the establishment of the Central Information Commission. In accordance with the mandate of its formation, the CIC is expected to be managed independently and is functioned to run PID Act along with its Implementation Regulation and to resolve disputes of public information through mediation and/or non-litigation adjudication.

In the structure of Indonesian administrative, we are more familiar with trias politica, namely the executive, judicial, and legislative. However, after reform, have been emerged new institutions born through legislation. These institutions are designed independently and do not belong to the actors in trias politica. One of the state institutions born through legislation is the Central Information Commission. This institution is referred to as a state-auxiliary organ which is a supporting agency of the primary state institutions consisting of the executive, legislative, and judicial. The Information Commission is an assisting state agency that simultaneously perform the function of the executive, quasi-judicial (deciding cases), and quasi-legislative (forming regulation). Irman Putra Sidin said, being agreed or not, the presence of this supporting state institution is the development of extensive reaction of the historical failure of the night-watchman state (nachwachtaersstaat) concept (Tempo, September 7, 2006).

Under the administration with closure regime, the establishment of the CIC was also a reaction to the failure of the state in meeting the society's needs on information.Therefore, the existence of PID Act that gives right assurance to public information then raises suspicion of public bodies. Public bodies are likely to see demand for information as something that adds to their list of jobs. With the existing closure paradigm, despite having the right assurance to public information, the fulfillment of the right has not been fully carried out. With different viewpoints between public bodies as the creator and manager of public information and the community as the user/applicant of the public information, the existence and position of the Information Commission becomes important.

C. Building Foundation of the Central Information Commission Period 2009–2013

The deteriorated quality of actors in trias politica then underlaid the birth of quasi-state institutions. The phenomenon of the presence of quasi-state institutions was a reaction to the failure of trias politicathat presented two different realities. First, on the executive side, there was a reluctance to share power. The reluctance caused the formation of quasi-state institutions were doneby relying on the political psychology at the time the legislation was drafted. This was seen from the lack of standards in the formation of quasi-state institutions. For example, the term "independent" in PID Act. Second, on the community side, there were pretty high expectations for the presence of quasi-state institu-

tions. But civil society also realized that the correction of governance required hard work and long process. Therefore, it became important for civil society to help build a solid foundation for realizing the fulfillment of right to information through the Information Commission.

Viewing the two different growing realities had made civil society aware to support the Information Commission. The support was done in an effort to build a solid foundation of the CIC. Civil society movement was aware that the CIC was a prerequisite toward the fulfillment of right assurance to public information. In fact, the foundation built within the framework of PID Act was not perfect. The findings in the implementation of PID Act showed that the long process that had been through to lay the institutional foundations of the CIC faced constrained settings. Independent character attached to the CIC was not entirely valid. In the process of advocating the Bill, civil society could be said "missed" in the setting of the Information Commission. As a newly formed state agency, PID Act Article 29 paragraph (2) states that the secretariat of the Information Commission is held by the government. The Article clearly mandates part of the body of the CIC comes from the Ministry of Communication and Informatics. Similarly, the Provincial Information Commission, part of its body comes from the Department of Transportation or other work units governed by local regulations.

In other countries, the Information Commission is designed so, to be independent including capable in self-recruiting. While in Indonesia,with the mandate of the act stating that the secretariat comes from government, this turns out to cause problems. There was fear that the presence of government on this commission will only intervene the institution that is supposed to be independent. Such intervention may arise, sincein fact, the Information Commission must still rely on government funding. This issue continues to disrupt the Information Commission in general and the CIC in particular, despite having entered the second period.

With the potential of dependency, this became a challenge for the civil society movement who concerned with the independence of the Information Commission to jointly lay a solid foundation to maintain the existence of the institution. Along the way, there had been concrete efforts undertaken by FOI-NI members, either jointly or respectively by coalition member agencies. Such efforts included supporting the CIC in drafting regulations, developing the capacity of its commissioner in resolving information disputes, the preparation of its SOP, designing its information dispute handling system, facilitating the

preparation of strategic plans, as well as assessing performance of the CIC 2009–2013. The assessment of performance done was part of the efforts of civil society movement to continue ensuring that the CICwas running as the mandate of PID Act.

Civilians continued to oversee the implementation of Act No.14 of 2008 on Public Information Disclosure. Startingfrom the fulfillment of Article 59 which mandates the establishment of the CIC no later than April 30, 2009. After a long selection process, the Ministry of Communications and Informaticsinaugurated 7 (seven) Commissioners of the CIC. Based on the Presidential Decree No.48/P of 2009, the 7 (seven) Commissioners had met the requirements; the Decree also mandated the Minister of Communication and Informaticsto be the executor of the inauguration on June 2, 2009.

The Central Information Commission has an important role in bridging the needs of public in obtaining public information. The practice of public information fulfillment in the developed world allows harmed public to directly go to court. While in Indonesia, Public Information Commission bridges public bodies and information users in the event of disputes. When the information users feel aggrieved, they can file lawsuits to the court if the decision of the Information Commissionis not followed up by the public bodies.

The Civil Society Support for the Central Information Commission 2009–2013

In an effort to support the Central Information Commission in building its institutional foundation in the early days of its formation, the coalition of civil society (FOINI) through ICEL provided advocacy in the preparation of the Central Information Commission Regulation (PerKI).

[The situation of preparation of the Central Information Comission Regulation] Picture: courtesy of ICEL.

Post - establishment of the CIC of period 2009–2013, despite having an important role in the realization of the right to information, there had been limitations faced by the CIC,ranging from funding, facilities, infrastructures, secretariat,up to secretarial staff. As a new institution born with a mandate of ensuring the right to information, the limitations had been fairly well managed by elected commissioners. The support of civil society had been uninterruptedly either directly or indirectly. The coalition members of FOINI had shared the roles, for example, ICEL had helped from drafting technical guidelines, disseminatingthe technical guidelines, facilitating the preparation of a strategic plan up to drafting Information Commission Regulation (PerKI). Under certain conditions, FOINI coalition members had even involved in preparing technical activities of the CIC. This was a manifestation of the commitment of civil society in building the institutional foundations of the CIC.

The Act No.14 of 2008 concerning Information Disclosure gave mandate to Information Commission to establish a common policy to implement the PID Act. The policy that should be established by the CIC among others were regulationswhich specifies the standard technical guidelines for public information management and services,technical guidelines regarding the settlement mechanism of public information dispute. The existence of regulations regarding the standard of service is required by Public Bodies as a reference in public information management and service. Meanwhile, the existence of regulation of dispute resolution mechanism is necessary for the Information Commission as a guideline as well as a legal basis in carrying out one of its duties, namelyresolving information disputes through mediation and adjudication.

To be able to fulfill the obligation to comply with the PID Act, the CIC period 2009–2013 issued Information Commission Regulation No.1 of 2010 on Public Information Services Standards (abbreviated as PERKI 1). The regulation is a guideline for Public Bodies in providing public information. PERKI 1 was issued in conjunction with the implementation of the time agreed upon when the Act was passed.

To ensure that the function of the CIC as adjudication agency can be conducted, the existence of regulations governing the resolution procedures of information disputes becomes an urgent need. Hence, after preparing PERKI 1, then the CIC issued Information Commission Regulation No.2 of 2010 on the Resolution Procedure of Public Information Dispute (abbreviated as PERKI2). This regulation governs the proceedings in the resolution of information disputes.

The long journey taken to publish the two PERKIs was an effort that should be appreciated. With all limitations, both fund, infrastructure, and support system, the CIC along with civil society coalition successfully cooperated in the completion of the PERKIs. The CIC was even able to keep working and working, although it had only two secretarial staff indorsed by the Ministry of Communication and Informatics. The office of the CICstill hadless facility. The payroll had even been delayedfor several months. However, the support of civil society, of which was routinely-involved ICEL, was able to help the CIC in its early phases of its foundation, in form of availability of regulation and the implementation of other works.

At that time, FOINI felt the need to advocate even assist the CIC, due to its limited funds and other issues. The main consideration in providing such sup-

port was the importance of building institutional foundations of the CIC as the initial manifestation of public information disclosure in Indonesia. ICEL even placed 2 (two) of its Research Assistants to support the CIC work. FOINI's involvement later showed how civil society movement gave important contribution in laying the foundation of the CIC existence.

Based on the results of the strategic plan ofthe CIC period 2009–2013, the agency wished to "become an independent, credible institution, playing role as the icon ofthedevelopmentof transparency culturein Indonesia". This vision contained three main concepts to be achieved by the CIC. First,"an independent institution" is a state institution thatis apart from all interests related to transparency and disclosure of information. The independence desired by the agency includes self-reliance in managing the organization and internal funding, in developing programs and activities initiated by the agency, and in autonomy in the development of regulations related to the effort of developing a culture of transparency and openness in the entire community. Second, "a credible institution" is an institution that hasundoubted credibility in an effort of disseminating and developing cultural transparency and openness in Indonesian society. Third, "an institution that serves as an icon of the development of transparency culture in Indonesia" is an institution that always plays an active role in the development of transparency culture and openness in Indonesia.

With the three main concepts generated in the strategic plan of the CIC I, we can see that the CIC sought to layfoundation as an independent, credible institution, and to become an icon of transparency. The all three main concepts were done through four stages namely: development stage (2010), reinforcement (2011), stabilization (2012), and services (2013). In the 4 (four) stages, the civil society movement continued to support the CIC starting from building community's awareness and participation in doing access test, up to advocating issues of public information disclosure in various sectors undertaken by coalition members of FOINI. The access test done indirectly forged infrastructure and regulations formed by the CIC to be able to serve well, ranging from consulting to information dispute, up to resolution proceedings of information dispute.

In 2013, the leadership of the first Central Information Commission had ended. At the end of the period, the civil society movement prepared the performance appraisal of the CIC period 2009–2013. The performance assessment done by FOINI was not intended to strip the shortage but rather to ensure that the worksdone by the CIC had made a positive contribution to the accelera-

tion of implementation of PID Act, also to view the institutional foundation of the CIC.

In the records of civil society, at the implementation of information dispute resolution function, FOINI noted that in terms of quantity, the CIC had successfully completed 532 (64%) disputes, whereas 295 (35%) disputes have still been in the process of settlement, out of the total 818 existing disputes. In terms of quality, the decisions of the CIC were quite well. It was seen from the figure of objections (about the decisions) filed to the court, which was only 2%. While in the implementation of the quasi-legislative function, the first Central Information Commission had managed to set 3 (three) PERKIs which have become national references in the implementation of PID Act, namely: First, the Information Commission Regulation No.1 of 2010 on Public Information Service Standards; Second, the Information Commission Regulation No.2 of 2010 on the Resolution Procedure ofPublic Information Dispute; Third, the Information Commission Regulation No.1 of 2013, which is an amendment to the Information Commission Regulation No.2 of 2010 (Eko, Istiqomah, Arbain. 2013: 33–34).

In addition, FOINI also sorted notes based on the commissioners' reflections onthe journey of CIC period 2009–2013, among others were: a) the need to clarify and comprehensively elaborate the views of the commissioner candidates in term of the CIC institutional orientation; b) with the task of resolving disputes, formulating regulations, and socialization,socialization often got higher priority than the task of resolving information disputes; c) the need to encourage the independence of the CIC budget; d) The dependence on the Ministry of Communications and Informatics in the compliance of the secretarial Human Resources.

The four reflections expressed by the commissioners of the first period indicates that the CIC basic institutional foundation tried to be built in collaboration between civil society movement and the CIC ranks still needs to be advocated. There still remains fundamental issue that needs to be seen again and formulated its handling strategy. Therefore, the strengthening of the CIC-continues. At the moment of writing, the efforts of civil society to support the CIC continue to be conducted. If in the first period of the CIC, the support had been given through ICEL, then in the second period,the support is given through the IPC and other network members.

C. The Institutional Strengthening of the Central Information Commission Period 2013–2017

With the expiration of the leadership of the CIC period 2009–2013, a new round of the CICstarts. Although entering a new phase, the CIC II can be said easier in stepping. This is because the institutional foundations of the CIChave been quite well laid by the CIC I. In fact,has already been availablethe infra-structureand other working devices which can be assets in the realization of the right fulfillment to public information.

The efforts of FOINI to realize Integrity Commissioner

In order to construct the ideal criteria in the selection of the CIC Commissioner, FOINI held a workshop to develop eligibility criteria. Therecommendation of the workshop was presented to the CIC Selection Committee as a form of FOI-NI participation in encouraging integrity Information Commission.

[The situation of preparation of eligibility criteria] Picture: courtesy of IPC

For civil society, although the first period has been expired, the participation of civil society has not been also expired. Civil society movement has still been

loyal in ensuring that mandate of PID Act is implemented. The advocacy was done by actively involved in the selection process of the Information Commission period 2013–2017. The process began by developing criteria need to be owned by a commissioner. The coalition of civil society has prepared criteria proposed in the selection of the CIC, namely:

1. Integrity, with indicators:
   a. Law Obedience :
      i.No record of being convicted of common crime;
      ii.No record of being convicted of corruption;
   b. No record of being involved in unlawful acts as regulated in the Acts of Human Rights, environment, business competition, public information disclosure, public services, and others.
   c. Financial Integrity:
      i.Having record of obedience in reporting as a taxpayer;
      ii.Having record of honesty in reporting as a taxpayer;
      iii.Having record of a wealth report as an official;
      iv.Having record of a verified wealth report.
   d. Gender Sensitivity:
      i.No record of doing domestic violence;
      ii.No record of doing sexual harassment;
      iii.No record of doing trafficking offense.

2. Competence , with indicators:
   a. Having knowledge on state finances;
   b. Having knowledge on state administrative law;
   c. Having knowledge on the administrative procedural law;
   d. Having knowledge and technical skills in alternative dispute resolution (mediation and/or adjudication);
   e. Having knowledge on the management of government;
   f. Having knowledge on the legislation regarding public services;
   g. Having a basic knowledge on laws and regulations regarding land, oil, gas, and mining, water resources, and forestry;

3. Leadership, with indicators:
   a. Having ability to take decisions well;
   b. Having skills to build and maintain good relations with civil society, government, media, and private sector;
   c. Having ability to work as a team member;
   d. Having ability to work as a team leader;

e. Having ability to work under pressure;

4. Independence , with indicators:
   a. Having courage to take risks based on the believed truth;
   b. Having courage to side the citizens of information users;

The developed criteria then delivered by FOINI before the CIC Selection Committee and it then traced the track records of 41 candidates who had passed the written exam. The recapitulation of the track record results of the candidates done by FOINI was submitted to the CIC Selection Committee, and was used as interview material of commissioner candidates.

The Track Record Search of thProspective Commissionersof the Central Information Commission

The coalition of civilsociety (FOINI) searched the track records of the CIC commissioner candidates period 2013–2017. The trace result wassubmitted to the CIC Selection Committee, and was used by the Selection Committee as the interview material in the fit and proper test.

Figure 3 : The Presentation and Submission of Track RecordSearch results of the Commissioner Candidates

Picture: courtesy of IPC

The Fit and Proper Test process in the House of Representatives lasted for two days on June 25–26, 2013. Of the 20 (twenty) candidates following the Fit

and Proper Test, the Commission I of the House of Representatives decided seven (7) names chosen from the closed decision-making process, namely:

1. Abdul Hamid Dipopramono.
2. Dyah Aryani Prastyastuti.
3. Evy Trisulo Dianasari.
4. Henny S. Widyaningsih.
5.John Fresly.
6. Rumadi.
7. Yhannu Setyawan.

As civil society effort to support the CIC period 2009–2013, for the CIC period 2013–2017, the civil society continues to support the institution. In the first period, the challenge facedwas building the institutional foundation so as to be able to realize the right fulfillment to public information. In the second period, the challenge is to strengthen the established institution so as to be able to accelerate the implementation of the PID Act. In the FOINI's work meeting, civil society realizes that the implementation of the PID Act is not maximized. Therefore, the strengthening of the CIC needs to be done continuously.

Civil SocietySupportforthe Central Information Commission2013–2017

FOINI Support inthe implementation of CIC strategic plan wasconductedaspart of civil-societycoalition effortinthe accelerationof public information disclosurein Indonesia. Variousinputs ofFOINIbecame the consideration for the Central Information Commissionin preparinga strategic planto realize thedisclosure of informationin Indonesia.

Sumber : Dokumentasi IPC

To the CIC II, civil society support is done by facilitating the preparation of strategic planning and post-strategic-planning advocacy. One of the efforts done is providing strategic planning assistance to the CIC period 2013–2017. As of this writing, the institutional strengthening of the CIC is still ongoing. Ranging from strategic planning assistance and post-strategic-planning advocacy. The advocacy is still done to ensure that agreements and strategic plan that have been developed can be implemented.

The strategic planning preparation of the CIC period 2013–2017 was conducted to help formulate the vision, mission, and strategic program for the next 1 (one) year. In the implementation of the strategic plan, a variety of inputs and records compiled by the civil society became the main material. The inputs and records were also aligned with the mapping of this commission in view the challenges of implementation of the PID Act in Indonesia.

The CIC Strategic Plan was carried out with the support of IPC along with the consultant team from FOINI coalition. The active participation of the commissioners facilitated the implementation of the forum. The forum successfully mapped the challenges and opportunities which can be used by the CIC to support the acceleration of public information disclosure in Indonesia. However, in the performance of its duties and functions, the CIC experienced operational constraints. The constraints were due to several reasons, among others were: First, dependency in budget. Second, the limited quantity and quality of human resources. Structurally, even two leadership positions of the secretariat of the commission are still vacant.

In three days joint proceeding, the CIC successfully developed vision, mission, indicators and strategic programs designed for institutional strengthening and forcing the acceleration of public information disclosure in Indonesia. However, there is no doubt that as a new institution in the Indonesian state structure, it requires a conducive atmosphere to be able to stand tall and maximum in running its duties and functions

D. The Lessons Learned

In the context of institutional strengthening of the CIC, there are several lessons to be learned by civil society. First, in advocating the Bill, civil society needs to be careful in proposing the birth of new institutions. The simulation of institutional structure and logical consequence of the institutional structure needs to be done, so that the set up body is able to carry out the mandate properly. Reflecting on the CIC, of which its secretariat is "half-body" of the Ministry of Communications and Informatics, this has caused the commission as not independent in funding and not in its maximum. This is due to the provisions of laws which undermine its independence, including: a) the composition of the Information Commission must reflect government representatives in addition to public representatives (Article 24); b) administrative support, finance, and governance of the Information Commission is implemented by Government (Article 29). Meanwhile, the Secretary of the Information Commission is appointed by the Minister whose duties and responsibilities are in the field of Communication and Information.

The matter of the Secretariat that is a "half-body" of the Ministry of Communications and Informatics has been experienced by the CIC during two periods. The budget that depends on the Ministry of Communications and Informatics has been more or less influencing its performance outcomes. However, by the level of participation and support of the civil society, it is proven that this helps commission in accelerating the implementation of public information disclosure. This is seen from some cooperation between the CIC and members of FOINI coalition. For example, for the formulation of a regulation, if the financing of the state budget does not allow, the members of FOINI coalition can help the formulation process so that the regulation can be issued without ignoring the quality, although conducted within the financial constraints of the state budget.

Second, the advocacy of civil society in the selection of the CIC also show how the active participation of civil society in tracing the track record of the prospective commissioners influences the interview process of the Fit and Proper Test in the House of Representatives. However, the distribution of civil society input on the Selection Committee (the government) was not equivalent to the force in the Commission I of the House of Representatives. It becomes a reflection for us that the advocacy should be performed well both in government and Parliament. So that the criteria and track record search that has been made is capable in generating elected commissioners who meet the criteria

of civil society.

Third, the lesson learned is a collaboration of civil society coalition and quasi-state institutions. In the collaboration of the Information Commission with FOINI coalition, a good relationship can be established starting from the initial drafting of regulation up to drafting a CIC Strategic Plan. The collaboration has been going on for two periods of the CIC. Even in the formation of legislation, participation model developed is a Genuine Public Participation. Since the drafting up to legislation enactment, the participation of information users and providers had been managed through interviews, provision of written input to the implementation of Focus Group Discussions, as well as a public test.

Fourth, in doing collaboration, civil society should be careful in giving support to the quasi-state institutions. This should be considered, so that the collaboration of state officials and civil society can be returned to the right groove and track. Civil society organizations need to review the forms of cooperation, so the conducted collaboration will not emerge a new dependency, instead encouraging self-reliance, so that the intermediary function run by civil society is progressing well.

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Civil Society, Open Local Government, and Collaboration

By: Iskandar Saharudin[18]

"A great phrase to describe the stage of development of our nation today is that Indonesia is experimenting with democracy. Due to its dynamic nature, the form of democracy manifest through experiment and trial. The trial may contain error, which if addressed properly, it will be very good and necessary to be a lesson learned. However, the error should be prevented, so as not destroying what has already been in the grip". (Nurcholish Madjid, October 4, 2000).

source: www.google.com

The age of Indonesian democratic is very young. Therefore, the form of its government and policies which is trial and error thickly colors the administration of the state. A variety of democratic instruments is validated and practiced; until political and economic system tend to be liberalized; presenting all sorts of possibilities and opportunities for everyone, parties, and community; along with the connectedness of our economic system with the international economic system.

Indonesia becomes an open arena. The arena allows each person, each party, with a variety of ideas, requests, needs, and interests to engage in political processes and governance. Presenting themselves to each other with each charm. Competing or cooperating each other, and for influence. Influence to direct and regulate control over public resources held by government.

The actors at first ranged only among actors from the milieu of state apparatus and civil society activists, as well as business interest associations. Over time, this increases with the presence of overseas actors: the donor community, foreign investor corporations, and foreign government agencies (such as embassies, consulates, or special representatives).

As an open arena, it will be very dangerous if the arena does not have clear

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and firm rules. Rules that establish order to be orderly, neat, clean, honest, and fair. Rules that ensure that existing arena allows the actors and the audience to observe each other, check each other, offset each other, and influence each other. The arena that is set to encourage healthy interaction and connectivity. Some actors who play in the arena may benefit from the rules-absence arena. The absence of rules is benefit. Or the arena has its rules, but it is unclear, vague, and fuzzy. With the vagueness, ambiguity, and doubt, they get the benefit for themselves. Usually, the benefits gained from such situation of the arena are assaying. [19]

The closed, blurred, vague, full of doubt, unclear and unequivocal arena causes some parties to fish benefit, take a chance, by making use of public capital and public resources for his own gain. Or benefit their own groups.

As an illustration, can be presented here the results of PATTIRO Survey.[20] *The survey can provide an overview of the level of transparency of information on health care institution, namely Public Health Center (Puskesmas). Of the 1,500 respondents from the three regions (Semarang, Tangerang, and Malang), 56.6% expressed a lack of information about the tariff of medication in the health center. The same thing happens in the information about surcharge for obtaining medicines and types of medicines given to them. As many as 56.8% and 59.5% of respondents said the absence of such information. Even information about referral, the lack of information or ignorance of the respondents is very large. 71.3% of respondents do not know about this.*

The ignorance of residents on one hand is even used by the bureaucracy, public officials, to ask for reward, take fee randomly, and open connection from long service procedures. Information comes into something precious and valuable. It can only be provided to those in need through a specific mechanism. Mechanism which can only be passed or made by the haves, or people who have family-member-access, similar ancestry clan, or political network with government officials.

Such type of political, economic, and government arena reminds us of the situation in the New Order era. Of course it will be unethical if we wish to bring back such New Order situation. The attitude that keeps to be warned by Cak Nur.[21] *Our errors and mistakes in running the government should not*

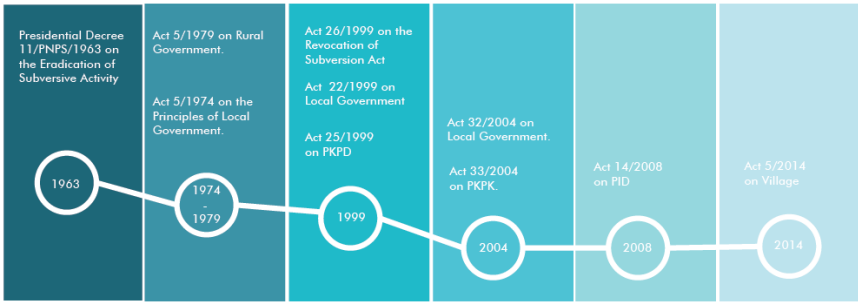
[19] See Didik J. Rachbini, Ekonomi Politik: Paradigma dan Teori Pilihan Publik (Jakarta: Ghalia Indonesia, May 2002), pp. 116–122.
[20] Sad Dian Utomo, et al, Mekanisme Komplain: Pendekatan untuk Pelayanan Publik yang Adil dan Berkualitas (Jakarta; PATTIRO, February 2005).
[21] International IDEA, Penilaian Demokratisasi di Indonesia (Jakarta; International IDEA, 2000).

even make us go back to the non-democratic or even anti-democratic system. Errors and mistakes in managing the state are valuable lessons to be more mature. Mature in managing policies and resources. Mature in managing conflicts and problems. Mature in making decisions and solving problems.

At least if we pay attention, the post-1998 journey of the nation has been initiated and is on the right track. Government arena has been built with an open foundation and construction. Each actor with their wide range of needs and interests can be well known one to another. Even by people who are often outside the arena.

Historically, the development of the open arena, open government—especially at the local level government (Open Local Government), is marked by several milestones. Milestones in form of rules or law. Some Laws cause controversy and political uproar. Taking most of the public attention. Several others take lonely paths. No publicity and public attention. But having fundamental implications for the foundation and construction of the government.

The milestones of development of the open local government arena can be seen in the picture below.



The time line above does not only show the historical process of the journey of the formation of open local government arena, but also shows the process of a paradigm shift or change of government. There are at least two paradigm shifts. First, a change of paradigm in the relationship between central and local government; and second, a change of paradigm in the relationship between government and society.

In 1974, when the Act No. 5 of 1974 on the Principles of Local Government was set, then has applied the principle: "All Affairs are Centralized, Except

Ones Declared as Local Affairs". The principle changed dramatically when we entered a new era, the era of reform, in 1999. The era that confirmed the fundamental difference. The new era was marked by the imposition of the Law No. 22 Year 1999 on Local Government. The law became a sign of application of a new principle, that "All Affairs are Decentralized, Except 6 Mandatory Affairs for Central Government". This paradigm shift was expressed as the Big Bang of reform in Indonesia, due to changes in the relationship and the wider degree of autonomy for the region. This milestone led to the wider and stronger authority and scope of local government.

While the second change occurred within the framework of relationship between government and society. Unlike the first change—in the framework of relationship between central and local governments, this second change confirmed the existence of public ingovernment framework. The change did not only concern with the shape of a new relationship between government and community. The change also encouraged changes in the way government worked in the management of public administration and services.

The changes marked as big milestones, or the second Big Bang in the reform era, were marked by major shifts in government's perspective and treatment towards information. At first, the perspective and treatment towards information had still been using the old way, the regime of secrecy. This regime was applied and reinforced by Presidential Decree, or Act, No.11/PNPS/1963 on Combating Subversive Activity. The Subversion Act introduced the principle of secrecy, i.e. "All Information is Confidential, Except Ones Declared as Open".

Then, in the reform era, which was marked by the revocation ofthe Subversion Act, through Act No. 26 Year 1999, began to apply the perspective and different procedures. The perspective and procedures favoring the values of good governance and decentralization.

To confirm this, a perspective and new procedure, with the new principle/paradigm was introduced. And this change the old paradigm, from a regime of secrecy, to the regime of transparency. The new regime is adhered to the fundamental principle: "All Information is Open, Except the Excluded Ones". The information regime is characterized by the presence of Act No. 14 of 2008 on Public Information Disclosure.

This Act No. 14 of 2008—hereinafter referred to as PID Act—has three main objectives, namely:

1. Increasing public participation in policy and decision making processes;
2. Achieving good governance;
3. Enriching the life of the nation.

Based on the three main objectives, the Act introduces a new form of government. Open government. The transparency of government introduced by the Act is divided into three (3) types of disclosure:

1. Government's transparency in policy-making process;
2. Government's transparency in state administration;
3. Government's transparency towards the development of knowledge.

The government's transparency inpolicy/decision making process includes four (4) aspects, namely:

1. Aspect of transparency in public policy making plans;
2. Aspect of transparency in the implementation of government programs;
3. Aspect of transparency in public decision-making process; and
4. Aspect of transparency in public decision-making rationale.

The coverage ofthe transparency types in the administration of the state consists of two (2) aspects:
1. Aspect of management of the state public bodies;
2. Aspect of public information services.

The government's transparency, introduced and built by the PID Act, requires full support of all government stakeholders—within the framework of this paper, local government stakeholders. Such support is not only in form of activities of citizen participation in public and official forums, but also in technocratic support from civil society. This technocratic support complements, even coversthe weaknesses or deficiencies owned by public officials of local governments.

To build the government's transparency, according to PID Act, some basic requirements should be met, condition sine qua non, namely:
1. The appointment of public officials acted as Information and Documentation Officer— hereinafter referred to as PPID—along with its regulations;
2. The preparation of public information service standards and standard operating procedures in the management of public information and services

controlled by the local government;
3. Collection and provision of Public Information List, along with the update;

The three requirements are minimalist in their characters—categorized as minimum requirements—which are inevitably obliged to be met. Their absence cancels the government'stransparency. Or the absence of some of the requirements marks government's noncompliance. Of course these arejust legal requirements taken fromthe PID Act. Other terms derived from international standards can also be developed.

Quantitatively, the amount of PPID grows significantly. Unfortunately, there is no data to determine the number of PPID of all government institutions in the previous yearsof 2013. The data for two other minimum requirements is not available. Thus, the linear development of government compliance towards the three minimum requirements can not be presented.

Therefore, as an illustration, the data presented here is expected to provide a sufficient overview of the development of the PPID number

From the table above, it can be seen that the amount of PPID accretion of all government agencies, at all levels, has only reached 32.76% (the data of the

NO	INSTITUTION	NUMBER	PPID	%	PPID	%	PPID	%
			The Ministry of [22] Com-Info		The Ministry [23] of Home Affairs		The Ministry [24] of Com-Info	
1	Ministries	34	34	100%	34	100%	34	100%
2	State Agencies/ LNS/LPP	129	35	27.13 %	35	27.13 %	36	27.91%
3	Provincial Government	33	18	54.55 %	18	66.67 %	23	69,70 %
4	Municipal Government	399	83	20.80 %	83	22.06 %	98	24.56 %
5	City Government	98	29	29.59 %	34	34.69 %	36	36.73 %
	TOTAL	693	199	28.72 %	213	30.74 %	277	32.76 %

[22] Lihat http://www.kemendagri.go.id/media/filemanager/2013/10/01/p/p/ppid_rekap.pdf
[23] http://ppidkemkominfo.files.wordpress.com/2013/01/rekapitulasi-jumlah-ppid-2-januari-2013.pdf
[24] This institution usually has merged its affairs and authority with the field of transportation, so it is often given the name of the Department of Transportation, Communications, and Information Technology.

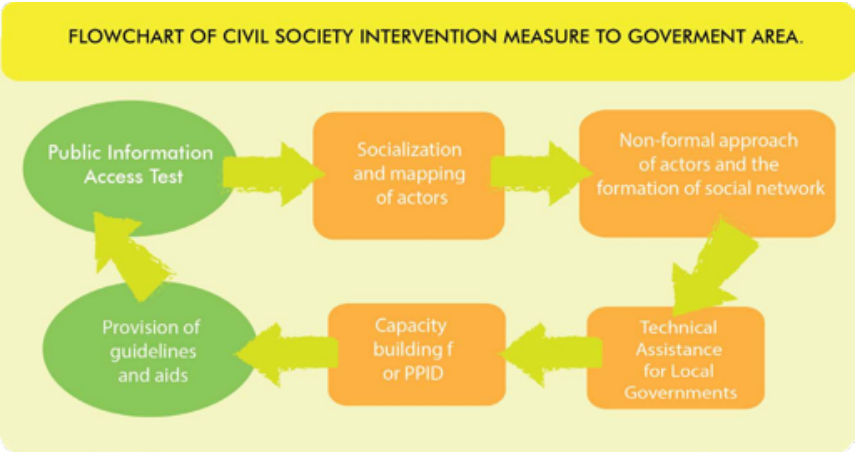
Ministry of Com-Info). Thus,the increase of PPID quantityonly slightly shifted nationally. Moving around 4.04% during 2013.

The low development of PPID setup and people's need for increased government transparency became enough reason for civil society to take initiative: doing intervention into government's arena. The intervention was intended to encourage and accelerate the formation of PPID, along with the devices, so that the form of open local government can immediately be reached.

In addition, the anxiety and worry over government neglect against implementation of PID Act had been increasing among civil society activists,especially in the civil society coalition organized in the Freedom of Information Network Indonesia (FOINI). The civil society coalition stood to encourage and oversee the implementation of the PID Act. One of the reasons was the transition given by the PID Act, which was two years since April 30, 2008 up to April 30, 2010, did not show positive signs. The government had strongly given impression offrivolousness. Instead of building the readiness for PID institutional infrastructure, government tended to ignore this fact.

The social intervention of civil society was at first carried out in form of InformationRequest Access Test. This method was chosen with consideration as a fairly effective method of Civil Society Review of the implementation of PID Act. This method was an effort to examine the compliance of government officials in implementing PID Act, through participatory observation technique,atechnique conducted by submitting a request for information and following the procedures that have been legally set up.

From the Access Test process, weaknesses and strengths could be known, as well as the readiness of government to run the PID Act. From this point, a course of action or intervention stages of civil society was built. The pattern of action coursebelow is a reflection of experience of civil society interventionprocess conducted by various NGOs of FOINI Coalition members, as well as PATTIRO.



source: www.google.com

After the Information AccessTest is done, the next step is to run the stages of intervention. The stages are: (i). Stage of socialization and mapping of actors in local government; (ii). Stage of non-formal approach and formation of social networks in local government; (iii). Stage oftechnical assistance tolocal governments' keyofficials who have been appointed as PPID; (iv). Stage of capacity building for PPID; and finally (v). Provision of guidelines and aids.

The first phase, post-implementation of Public Information Access Test, was Socialization and Mapping of Actors. The main targets of this stage werelocal government officials,especially top officials in the area of Local Secretariat—particularly the Legal Affairs and Public Relations Bureau (of the Provincial Government), or the Legal and Public Relations section (of the Municipal Government)—and the department of Communication and Informatics.[25] This step was crucial. Failure in identifying important actors can lead to the obstruction of the accelerated implementation of the PID Act.

The socialization was done in form of discussion, seminar, or workshop activities. Most participants were community leaders, religious leaders, government officials, and young activists. The event was held, as part of an effort to find figures who have strong will and desire to contribute to the advancement of their regions.

Rejection, resistance, due to substantial ignorance and unwillingness to respond to new things had beena strong color and often encountered. With

[25] This institution usually has merged its affairs and authority with the field of transportation, so it is often given the name of the Department of Transportation, Communications, and Information Technology.

The Decree of Trenggalek Mayor on the Organisation andWorkflow of PPID in the Local Government of Trenggalek].Source:PATTIRO, 2013.

these socialization activities, then public discourse could be increased and became a catalyst factor for government to provide a commensurate response to the transparency discourse. Moreover, should the transparency discourse be accepted asa public agenda.

The government acceptance of the transparency discourse was certainly not without obstacles and challenges. It was rarely that the discourse admissions process took place smoothly. Resistance has still been there. Dialectic with the new coming thesis sometimes progressed rapidly and loudly. Sometimes this also occurred very slowly and smoothly. One of the challenges within government has been the still-dominant values of patrimonialism.[26] Old values which have been settling in the work culture of bureaucracy and tending to be anti-reform should be a major concern.

Dialectics, debates, often appears between public officials and young activists. Pointy and hard debate is not really classified as strategic media in opening collaboration door. Such debates tend to provoke misunderstandings and emotions of local government officials. It can even strengthen the communication gap that has already been there, with the civil society. Indeed, such argument does not give any results, and not even be able to influence opinions and perspectives of the public officials. In fact, the approach by having harsh debate and discussion will bring consequences to the climate of increasing resistance of the bureaucracy internal.

Therefore, it is appropriate should the Right-Wrong, Black-White, approaches be avoided in socialization activities. There is no benefit gained from the debate winning. The debatewinning will actually lead us away from the successful implementation of government transparency.

To achieve the success of civil society intervention, a partnership or collaborative approach is needed. To change the patrimonialism values suffered by bu-

[26] See Hariandja, Denny BC, Birokrasi Nan Pongah: Belajar dari Kegagalan Orde Baru (Jogjakarta; Kanisius, 1999).

reaucracy, must be based on a relationship of mutual trust and contribution. This kind of approach is often more able to convince and change opinions and perspectives of bureaucracy. Collaboration becomes a keyword and a touchstone for critical relations between government and civil society.

Along with socialization activity, the mapping process of actors was also conducted. This mapping was intended to seek and findactors who had inclination and alignments on the value of transparency. The discovery of actors was certainly not easy. Often, the key actors and were willing to play roles as reformers of bureaucracy were public officials who did not hold strategic positions. It will be better, and of course the process will be faster, if the reformer actors are those who hold strategic positions, such as Regional Secretary, Regent, Bureau Chief, or Head of Department.

Sometimes the key actors are not classified as supporting party. They are even classified as those who oppose or be neutral. To encourage their attitude changes and to influence them, the collaboration of reformers—although not serving strategic positions—can be an effective lever or deliverer.

It will be faster if the approach is done through a small circle oflocal leaders. Getting a recommendation from important officials of department level, or a small circle of local heads, opens more rapid possibility to influence public decision-making.

Who plays what, who influences who, and who is affected by who, becomes important guiding map when doing social interventions.

This actor-mapping—accompanied by a personal approach—becomes guideline for the subsequent intervention of civil society. Success or failure of the intervention of civil society depends on the discovery of the key actors who will be the driver of the paradigm shift from within.

The discovery of the reformer key actors in the bureaucracy must be immediately followed by an effort to maintain good relations, to build trust, and begin to provide technical assistance and advocacy. The technical assistance and advocacy is done to speed up the process of fulfilling the three minimum requirements, as mentioned above.

For local government, raising PPID is a separate issue. The issue of organization management administrative faced is where PPID should be placed. The

policy options of PPID position present two polarizations of policy regimes: the echelons regime and the public relations regime. Each regime shows respective power and weaknesses.

The Table of Positions with Echelon

POSITION	ECHELON
PROVINCIAL GOVERNMENT	
Regional Secretary	1 B
Head of Department	2 A
Assistant to Regional Secretary	2 A
Head of Bureau	2 B
MUNICIPAL GOVERNMENT	
Regional Secretary	2 A
Head of Department	2 B
Assistant to Regional Secretary	2 B
Head of Section	3 A
Head of Sub-District	3 A
Head of Public Health Center	4 A

The trend and policy options depend on political leadership and the influence of bureaucracy apparatus within the government. The echelon regime argues that PPID should be placed on the Department of Transportation, Communications, and Information Technology, or the Office of Communications and Informatics—hereinafter referred to as Diskominfo. The reason is, if the Main PPID is held by the Head of Diskominfo, which has a better echelon, then the coordination process of cross-SKPD will be easier to do. The coordination across institutions, across departments, agencies, and offices, which have lasted equally, allows this to happen.

Lower echelon level and class is a weakness of PR regime. It is because the Main PPID is placed in Head of Public Relations (provincial level) or the Public Relations Department (district level), which is part of Regional Secretariat el-

ement. However, the position that is under the Regional Secretary, and works on behalf of the Regional Secretary, presents its own bargaining power in coordinating with other institutions within the government.

The discourse about the two policy regimes is a result of policy differences on the position of PPID of two ministries: between the Ministry of Communications and Informatics and the Ministry of Home Affairs.

After PPID is set, it is usually followed immediately by technical assistance of drafting Standard Operating Procedure (SOP). However, some areas followed the instructions of the Minister of Home Affairs Regulation (hereinafter referred to as Permendagri) No. 35 Year 2010 on Guidelines for the Management of Information and Documentation Services at the Ministry of Home Affairs and Local Government. The Permendagri asks local governments to prepare and establish regional head regulation on the governance of PPID. After regional head regulation is defined, then the SOP is drafted.
In addition to performing assistance to PPID, regional head regulation, and SOP, civil society intervention also reached the preparation and update of Public Information List (PIL). During the preparation of PIL, found two approaches in the formulation. The two approaches of the PIL preparation are based on the interpretation of the Excluded Information. Both approaches are: (i). Active approach; and (ii). Passive approach.

Active approach believes that not all information is open. Exception to certain information is done solely for the public benefit. From this point, it is placed that the Excluded Information is part of PIL. As an attachment of PIL, this type of information is placed in a separate list, called List of Excluded Information. The list is compiled by PPID proactively, by following the mechanism of consequences testing, along with those who produce and master the information. In contrast to active approach, passive approach rests on the belief that all information is open. There is no excluded information. However, an exception occurs when there is information that after going through the mechanism of consequences testing demonstrates its urgency and benefit for public if it is closed. The information meant is the information that does not exist in the PIL. Thus, in principle, any information to be included in the PIL is required to go through the mechanism of consequences testing.

The works of civil society intervention demand better mastery of technocratic topics. The works shift the orientation and present new faces of post-reform NGOs. At first, the NGOs are part of effective instruments for civil society in

doing control and correction over government. Over time, as government begins to open and admit its weaknesses and shortcomings, the new orientation of NGOs emerges: covering the lack of government in the implementation of the Act. The intervention of civil society is impossible to happen without the openness of government, thus presenting an effective collaboration. Collaboration between local government officials and organs of civil society to build open local government.

Like it or not, time has changed. And the openness of each party as part of state component, and its collaboration, becomes a necessity that should not be circumvented.

[Residents are being received information from the PPID services Pasir Putih district health center, Manokwari, West Papua province]. Photo Doc. PATTIRO, 2012.

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Act No. 14 of 2008 on Public InformationDisclosure.

The Budget Advocacy Bitterness; the Judicial Review of the Rejected Budget Act

By : Maulana Muhamad[27]

A. Pre-Discourse

The Budget of State Revenue and Expenditure commonly called as APBN is an Act serving as government instrument to enrich the people of Indonesia. Therefore, the management of APBN is actually implemented transparently and responsibly. The allocations are intended as much as possible for the prosperity of the people. This is what has been stated in Article 23 paragraph (1) of the 1945 Constitution which is often called the Indonesian constitution containing the basic norms of the Indonesian nation.

With reference to Article 23 paragraph (1) of the 1945 Constitution, the management of APBN has at least two major dimensions. First, the management dimension. Second, the dimension of allocation policy. In the first dimension, the Constitution mandates government to draw up the budget openly and responsibly. Legally, the terminology 'openly' in the budget management is not explained in the minutes of discussion session of the amendment of 1945 Constitution. Nor in the explanation Act No. 17 of 2003 on State Finance which is a derivative of Article 23 paragraph (1) of 1945 Constitution. Nevertheless, the word 'open' in the Great Dictionary of Indonesian Language (KBBI) is defined as 'not limited to certain people; not be kept secret'. Thus, the open budget management can be interpreted that the budget management is not only known by certain people, but also not to be kept secret.[28]

So is with the term 'responsible'. Minutes of the amendment hearing of 1945 Constitution and the explanation Act 17 of 2003 do also not explicitly describe the interpretation of 'responsibly' in the budget management. KBBI outlines the term 'responsibility' as an obligation to bear all things; if something happens, then can be prosecuted, blamed, or sued, and so on. So the definition of 'responsible' is obliged to bear responsibility. In the context of budget management, it is government and the responsible party who bear the management responsibility. Thus, the 'responsible' budget management indicates that management should be accountable, both formal and material. It

[27] The Research Manager of National Secretariat of FITRA, 2014
[28] www.kbbi.com, opened on April 15, 2014, at 10.00 local time

formally shows that government that is in charge of managing the budget can be prosecuted, blamed, even sued. Materially, government shall be accountable on budget allocation policies, as well as the usages.

The second dimension of budget management shows an overview of budget allocation policies drafted, discussed, and agreed upon by the government and the House of Representatives. In this dimension, Article 23 paragraph (1) of 1945 Constitution mandates that the budget is allocated for 'the overall prosperity of the people.' However, the term 'the overall prosperity of the people' is not also found explicitly in the minutes of the amendment of 1945 Constitution and explanations Act 17 of 2003. In a very general sense, prosperity indicates a state of life of a country whose people gain physical and spiritual happiness because their needs are met. Thus, the common interpretation of 'budget allocated for the prosperity of the people' can be interpreted that the state budget should be able to meet the needs of its people in order to achieve physical and spiritual happiness. Therefore, the APBN policy should be directed as much as possible to meet the needs of its people.

The APBN allotment mandate regulated in Article 23 paragraph (1) of 1945 Constitution is in line with the lofty ideals of the Indonesian nation as outlined in the fourth paragraph of the preamble of 1945 Constitution, "That the Indonesian state was established to promote the general welfare and enrich the national life".

1945 Constitution at least mandates the fulfillment of 40 citizens' constitutional rights to be met by the government. In the context of APBN, the budget allocation policy in APBN should include the constitutional rights of citizens. The 40 constitutional rights are organized into four major groups, namely:

I. The right to nationality;
II. The right to life;
III. The right to develop themselves;
IV. The right to freedom of thought and freedom of choice;
V. The right to information;
VI. The right to work and decent living;
VII. The right to ownership and housing;
VIII. The right to health and a healthy environment;
IX. The right to form a family;
X. The right to legal certainty and justice;
XI. The right to be free from threat, discrimination, and violence;
XII. The right to protection;

XIII. The right to fight for their rights;
XIV. The right to government;

Thus, government as the controller of Indonesia state organization is obliged to realize the noble ideals of the Indonesian state. As stated in the fourth paragraph of the preamble of the 1945 Constitution. Government is required to develop policies which can encourage the achievement of these goals. The APBN as an instrument of government policy actually allocates budget to meet all constitutional rights of the people of Indonesia. This is the mandate of Article 23 paragraph (1) of the 1945 Constitution. '... for the overall prosperity of the people.'. So, unallocated budget for the fulfillment of the constitutional rights of the people of Indonesia is a constitutional violation.

That was a bit of pre-discourse emerged in the discussion of the Civil Society Coalition for Welfare APBN. It is a coalition of NGOs working to realize that the state budget is allocated for the prosperity of the people through litigation advocacy. Filing a judicial review of the State Budget Act Amendment.

B. Building a Coalition

In budget advocacy movement, the National Secretariat of FITRA (hereinafter referred to as Seknas FITRA) always adheres to the availability of evidence. In this context, the evidence is the result of budget analysis. The analysis is done based on data of budget that has been planned, set up, or implemented. Budget data in budget analysis is the key. The absence of budget data closes the door of possibility of budget analysis. Therefore, the issue of public information disclosure, especially the budget information also becomes a focus of advocacy of Seknas FITRA.

As an NGO whose vision-mission is realizing people's sovereignty over the budget, Seknas FITRA very concerns to encourage government and Parliament, as policy-makers, to manage, organize, establish, implement, and be accountable publicly over budget, be responsible for the overall prosperity of the people. As the mandate of Article 23 paragraph (1) of the 1945 Constitution. The prosperity of the people is the fulfillment of the constitutional rights of citizens. The rights guaranteed and mandated by the 1945 Constitution.

Of the 40 constitutional rights of citizens, it is at least the right to education,

the right to health service, and the right to earn decent living, which is often advocated by Seknas FITRA. In many budget analysis, Seknas FITRA often shows that although the education budget is large and has reached more than 20%, the education budget is still very limited for poor students. Education budget is as 'trash budget'. On average 20% of the total education budget each year is for education of bureaucrats, not for people.

The health care budget has never complied with the mandate of the Health Act. For health care, the government should allocate at least 5% of the state budget expenditure. It is even out of personnel expenditure. In fact, since the Act No. 36 Year 2009 on Health was set in 2009, the trend of health functions budget in APBN is allocated 2% –3% only. In it, there is still a component of personnel expenditure. Health budget is still far from the truth. Malnutrition problems that still exist in some parts of Indonesia does not seem to be seriously resolved by government.

So is the budget for poverty alleviation that is still very minimal. The budget for the payment of debt is much larger than the budget for poverty alleviation.

In the record of advocacy journey, Seknas FITRA encourages the budget policies intended to the greatest prosperity of the people done through various strategies. Such as raising awareness of the political rights of people by doing advocacy, up to building public opinion through the mass media. A selection of these strategies has already been commonly done by many NGOs in policy advocacy. The options to build opinion through the mass media at least are backed by factor of government unwillingness to collaborate with civil society in the formulation of public policy in general, including in the preparation of budget. Work patterns often done by government in establishing political imagery also be other consideration. The government that is always willing to create a positive image is a thesis. While the budget analysis facts of Seknas FITRA is an antithesis. Although in general, the advocacy strategy encouraging the budget policy intended to the overall prosperity of the people is more likely to use strategy of building public opinion. The press conference activities become more frequent than "face to face" meetings with government and the House of Representatives. Sending the budget analysis results—packed into a press release— to the mass media both electronic and printed becomes more frequent.

In some cases, this advocacy strategy is successful. Although Seknas FITRA

acknowledges that the failed ones are more. In 2009, when the Audit Agency (BPK) had yet much touched the official travel budgets, Seknas FITRA had often send releases to the media about the waste of official travel, up to the facts of irregularities modes of the official travel budgets. After 2010, BPK often presents the findings of irregularities of official travel. In fact, BPK finally has courage to say that 30-40% of the official travel budget is fictitious.

The same year, when none of the observers or NGOs criticized the number one person in Indonesia, Seknas FITRA made critical notes on President's budget that was wasteful, ineffective, and inefficient. This note was delivered to the mass media, and had made headlines in some high circulation media such as Kompas and Tempo. The government allocated a budget for President official uniform as much as IDR 120 million. While on the other hand, the President who was then newly re-elected president for a second term campaigned to all government agencies to be efficient in using budget. The budget for official uniforms for the President was not comparable with the budget for the poor. Such as the budget allocated for JAMKESMAS (health security for people) that only IDR 7,000 per month per person. The budget for President's official uniform violated the value of propriety and fairness that becomes the principle of public finance management. As stipulated in the Act No. 17/2003 on state finances.

Seknas FITRA judged, the President was just doing imagery. The fact on the amount of President's uniforms budget revealed to many mass media encouraged the President to issue a Presidential Instruction ordering to cut official travel spending. In addition, the Instruction also orders government to reduce spending on routine goods and services, such as for procurement of office stationery. The efficiency of official travel spending and stationery shopping isan issue which have been long advocated by Seknas FITRA. Both could potentially be benefit for bureaucrats, but harming people.

In addition to advocacy in encouraging efficiency of official travel spending and stationery shopping, Seknas FITRA also advocates in encouraging the increase of budget to fulfill other people's constitutional rights. Such as encouraging an increase in the health budget.

The enactment of Act No. 36 of 2009 on Health mandated health budget to be allocated at least 5% of the APBN outside personnel expenditure. But in fact, until 2010–even up to this writing—health budget has never reached 5% of the APBN expenditure. In 2010, the health budget expenditure was al-

located only 2.2% of the total APBN expenditure. In it still includes personnel expenditure. As of this writing, the health budget is still in an average of 2–3% annually.

As a legal product, APBN is set by law. In the Indonesian legal system, a legislation should not be against the rules above it. Therefore, the Budget Act must not conflict with the 1945 Constitution which contains the basic legal norms, in which mandates the fulfillment of 40 constitutional rights of citizens to be met by government. This includes the provision of health services. As mandated in Article 28 H, paragraph (1) of the 1945 Constitution. That "Everyone has the right to live in prosperity physically and spiritually, to reside, and to get a good and healthy environment, and to receive medical care".

C. From the Non-Litigation to the Litigation Advocacy

In early 2010, emerged an idea to do litigation advocacy. That was encouraging policy change through justice. Seknas Fitra intended to apply for a judicial review on Law No. 47 of 2009 on APBN for Fiscal Year 2010 (read: UU APBN 2010). The lack of health budget as outlined earlier has become one of the principal problems. But it was realized that Seknas FITRA capacity as an organization was less strong. No experience in advocating litigation budget.

This condition became one of Seknas FITRA motivations to work with a number of other NGOs in order to build greater strength. Building Coalition was preferred. Together with a number of NGOs consisting of Indonesian Human Rights Committee for Social Justice (IHCS), Community Initiative for the State Welfare and Development Alternatives (Prakarsa), Bandung Initiative Association, the Association of Pesantren and Community Development (P3M), the Association of Women's Small Business Advocates (Aspuk), and the Publish What You Pay (PWYP), Seknas FITRA initiated Civil Society Coalition for Welfare Budget (read: Coalition).

The discussions of Coalition were conducted intensively. The APBN 2010 was dissected together. Seknas FITRA acted as a budget data provider. While other Coalition members shared the task of preparing analysis based on three focuses of issues, namely wasteful spending, education and health sector budget, and the budget for poverty reduction. The then discussion agreed that Seknas FITRA made the search of potential wasteful spending and education budget analysis. Aspuk along with PWYP and IHCS compiled critical notes for

poverty budget. IHCS, Prakarsa, and Bandung Initiative Association prepared the critical notes on health budget.

However, the intention to apply for a judicial review of the 2010 Budget Act (read: 2010 UU APBN) was not reached. The UU APBN had particular time limit. It applied only for six months. Afterward, it was revised to UU APBN Amendment. So that happened in the year 2010. The Coalition had yet finished compiling the results of analysis, but the government had filed the Draft of 2010 Budget Amendment. There was not enough time available to apply for judicial review. Until finally the Coalition agreed to file a judicial review of Act No. 2 of 2010 on the Amendment of Act No. 47 of 2009 on the State Budget for Fiscal Year 2010 (read: 2010 Revised UU APBN).

With the results of the analysis of the APBN 2010, the Coalition did not find much trouble to prepare materials of a judicial review application of 2010 Revised UU APBN. The Coalition reasonably adjusted the budget data. Not much data was changed.

A major challenge in the preparation of the petition for judicial review of UU APBN was to find a legal link that UU APBN was contrary to 1945 Constitution. The result of budget analysis conducted by the Coalition found a lot of budget allocation policy which were unfair. At least the findings focused on three focuses of analysis, namely the education, health, and poverty alleviation budget. But not everything can be materials for a judicial review application. IHCS as an NGO with judicial experience became a qualified facilitator. While Bandung Initiative Association, Prakarsa, and other NGOs had greatly contributed in preparing the legal logic of the application for judicial review of UU APBN.

The discussion of Coalition agreed to apply for formal and material application over the UU APBN 2010. The formal application showed that there was a violation conducted by the government and the Parliament in drafting the Act. While the material application showed that there was Act that was contrary to the constitution. The petition for judicial review filed on August 16, 2010 was listed in Constitutional Court in case No. 57/PUU-VIII/2010.

The applicants stated in the application for judicial review were:
1. Seknas FITRA represented by Yuna Farhan, Secretary General of FITRA;
2. Indonesian Human Rights Committee for Social Justice (IHCS) represented by Gunawan, Secretary General of IHCS;

3. Community Initiative for the State Welfare and Development Alternatives (Prakarsa) represented by Adil Purnama Marata, as Interim Executive Director/ Secretary of the Governing Body of Prakarsa;
4. Initiative Association represented by Dhony Setiawan, as the Director of the Initiative Association;
5. The Association of Pesantren and Community Development (P3M), represented by Abdul Waidl, as Secretary of P3M; and
6. The Association of Women's Small Business Advocates (Aspuk), represented by Rhamadhaniati, as the Executive Secretary of the National Aspuk.

The applicants of this judicial review application provided authorities to 11 people who acted as legal counsels. They were: Ecoline Situmorang, S.H., Janses E. Sihaloho, S.H., M. Taufiqul Mujib, S.H., Riando Tambunan, S.H., Ridwan Darmawan, S.H., Ah. Maftuchan, SHI, M. Zaimul Umam, S.H, M.H, B.P. Beni Dikty Sinaga, S.H., Anton Febrianto, S.H., Priadi Talman, S.H., Henry David Oliver Sitorus, S.H..
In the formal petition, the Coalition stated that the preparation of 2010 Revised UU APBNbore flaw procedure due to opposing the Article 22A of the 1945 Constitution on the establishment of legislation. That "Further provision on the procedure of law formation is regulated by law".

The Bill on State Budget Amendment is specifically stipulated in Act No. 27 of 2009 with the MPR, DPR, DPD and DPRD. Article 161 paragraph (1), (2), and (5) of this Act authorizes government to submit the Bill on Budget Amendment if there is/are
1. Changes in macroeconomic assumptions;
2. Significant change in APBN posture;
3. A decrease of the economic growth at least 1% under the predetermined assumption and/or other macroeconomic deviation of at least 10% of the predetermined assumptions.

However, the fact was there was no significant change in the posture of 2010APBN which was considered necessary to be amended. The change only occurred in oil price deviation that increased 12% from USD 65/barrel to USD 77/barrel. This change was even only one of seven economic assumptions of APBN macroeconomic. The Coalition considered that the change of these macro assumptions could not be reason for government to file a change of the APBN/state budget. Precisely, the change of 2010APBN increased the APBN deficit.
In the judicial review of 2010 Revised APBN filed by the Coalition, there were

at least five applications of main materials, namely:

1. The Act No. 2 of 2010 was contrary to Article 23 paragraph (1) of the 1945 Constitution and Article 34 paragraph (3) of the 1945 Constitution;

2. Act No. 2 of 2010 on the 2010 Revised APBN allocated only as much as 2.2% of the health budget, or IDR 24.7 trillion. While the total state budget expenditure reached IDR 1,127.15 trillion. The lack of health budget kept at bay the spirit of APBN allocated for the greatest prosperity of the people (Article 23 paragraph (1)) and the provision of adequate health services (Article 34 paragraph (3)).

3. The Act No. 2 of 2010 was contrary to Article 34 paragraph (2) of the 1945 Constitution;
Article 34 paragraph (2) mandates government to provide and develop a system of social security for all Indonesian people. "The state developes a system of social security for all people and empower the weak and unable to fit human dignity." While the 2010 Revised State Budget did not explicitly allocate funds for the development of social security as mandated by Article 34 paragraph (2) of the 1945 Constitution. The Revised APBN only allocated budget for health insurance (read: Jamkesmas) that was still very low, IDR 7,000 per month per person.

4. The Act No. 2 of 2010 was contrary to Article 28h paragraph (1) of the 1945 Constitution;
Article 28H Paragraph (1) of 1945 Constitution expressly guarantees the constitutional rights of the people, one of which is to receive medical care. Article 171 of Act No. 36 of 2009 on Health requires health budget to be allocated 5% of the APBN, beyond the personnel expenditure. Meanwhile, the 2010 Revised APBN still allocated health budget only 2.2% of the total APBN expenditure.

5. The Act No. 2 of 2010 was contrary to Article 22a and 23, paragraph (1) of the 1945 Constitution;
The Article 22a and 23 paragraph (1) mandates that the establishment UU APBN is carried out in accordance with the procedure of provisions of legislation. In terms of budgeting planning, at least there are several laws which form the basis. Those are Act No. 17 of 2003 on State Finance and Act No.25 of 2004 on National Development Planning System. However, the Coalition judged, the preparation practice of 2010 Revised APBN was not under the

provisions of the legislation.

6. The Article 20 paragraph (9) of Act No. 2 of 2010 was contrary to Article 18a paragraph (2) of the 1945 Constitution.
The Article 18A paragraph (2) mandates that the relationship of central and local government finances is conducted fairly. "Financial relations, public services, the utilization of natural resources, and other resources between the central and local governments are organized and conducted fairly and proportionately by law".

In fact, the Act No. 2 of 2010 allocated the budget of regional transfer unfairly. Beyond the provision of transfer funds stipulated in Act No. 33 of 2004 on Financial Balance between Central and Regional, namely the Special Allocation Fund (hereinafter referred to as DAK), the General Allocation Fund (hereinafter referred to as DAU), and the Profit Sharing Fund (hereinafter referred to as DBH), the government allocated other transfer budget. Such as the Fund for the Acceleration of Infrastructure of Regional Development (hereinafter referred to as DPIPD) and other similar funds established under the Regulation of the Minister of Finance. The transfer funds were not regulated in the Act on Financial Balance between Central and Regional. In practice, the allocation of the DPIPD was unfair. It was because the budget search result over the fund showed that the allocation was unfair. There was no clear formulation. Poor areas got smaller budgets compared to the areas with better fiscal capacities.

The material of judicial review application submitted by the Coalition gained a lot of advice from constitutional judges on the first trial, October 13, 2010. Judge Haryono who was chairman at the trial advised the following:

a. The legal standing of the applicant. Judge considered the Coalition had yet specifically explained the legal standing, the interests of each organization, and the losses they experienced, thus entitled to apply for judicial review. Where the differences of each organization were. It was because the applicant for judicial review application consisted of a number of NGOs. It should be clear where the differences of interests of each organization were, and where the similarities were. In this case, has to be seen the similarities as jointly filed a judicial review of a legislation.

b.The legal construction of the judicial review. Judge Haryono, Akil Mokhtar, and Muhammad Alim considered that the legal construction of the materials of judicial review application on the 2010 Revised APBN was yet clear. The

application was deemed less consistent in finding touchstone article by article. For example, by questioning the law that was contrary to other laws. In this case was the UU APBN which allocated 2.2% of the health budget versus Act No.36 of 2009 on Health.

c. The formal request had passed the deadline. According to Judge Muhammad Ali, based on the decision of the Constitutional Court No. 27/PUU.D-VII/2009 that a formal request can be made 45 days after an Act is set. While the 2010 Revised APBN had passed the work days.

The second trial was held on November 11, 2010. At this trial, the Coalition conveyed about revoking the formal application of judicial review of the 2010 Revised APBN. In accordance with the jurisdiction of the Constitutional Court that had passed the 45 days time limit. The Coalition, through its legal counsel Zaimul Umam M., Janse E. Sihaloho, and Ridwan Darmawan, conveyed the results of material improvement in accordance with the advice of judges at the first trial. Particularly related to the testing of Act by Act, instead by the 1945 Constitution. In this regard, the Coalition's attorney said that there was legal uncertainty on the 2010 Revised UU APBN which allocated health budget as only 2.2%, since the Health Act mandates 5% outside personnel expenditure. Even the health care is a constitutional right of the people to be provided by the government. How could the government be able to provide good health care, if the budget was not available.

Nevertheless, the trial judges still gave a note. The application that should have entered the stage of the examination was still considered incomplete and in need of improvement by the applicant. This was disclosed by Judge Achmad Sodiki, Judge Haryono, Judge Muhammad Alim. The note of the trial judges in particular was related to the petitions filed by the Coalition which were six petitions. The judges viewed that if filing cancellation of one Act, then no need to file petitions per article in the Act. It was because it was automatically revoked.

Five working days after the second trial was conducted, the government together with the Parliament passed Act No. 10 of 2010 on State Budget for Fiscal Year 2011. In Article 40 of Act No. 10/2010, stated that, "This legislation comes into force on January 1, 2011". By default, the 2010 Revised Budget Act was not applicable. The government referred the use of budget by the 2011 Budget Act. Since the 2011 Budget Act had already been enacted, the Coalition believed the Constitutional Court would not hear back the petition

for judicial review.

After two months of waiting for the next hearing, on February 28, 2011 the plenary session of case No. 57/PUU-VIII/2010 was held back. This session was the decision statement of Judges Consultative Meeting held on February 23, 2011. Followed by eight judges of the Constitutional Court consisting of Moh. Mahfud MD, as Chairman concurrent Member, Achmad Sodiki, Harjono, Muhammad Alim, Maria Farida Indrati, Ahmad Fadlil Sumadi, Hamdan Zoelva, and M. Akil Mochtar. The judges concluded that the Petition Objectsof the Petitionersbecame non-existent due to the enactment of the new Act. So the decision of the Constitutional Court declared that the application of the Petitioners was Unacceptable.

Learning from the experience of judicial review of the 2010 Revised Budget Act, the Coalition re-filed a judicial review of 2011 Budget Act and the 2011 Revised Budget Act. The applicants in the petition for judicial review volume II was incremented by one NGO namely Trade Union Rights Centre (TuRC), represented by Surya Tjandra as the Director, and two individuals, namely Ridaya La Ode Ngkowe and Dani Setiawan. The petition for judicial review was filed to the Constitutional Court on October 4, 2011. The judicial review volume II was listed in the Constitutional Court with a case No. 60/PUU-IX/2011.

Departing from the experience of judicial review of 2010 Revised Budget Act, the Coalition crafted the material application for 2011 Budget Act and its amendments in more detail. There were at least:
1. On the health budget;
2. On the principle of people's prosperity;
3. On the budgets of parliament building construction, comparative studies, and presidential aircraft purchasing;
4. On social security budget;
5. On budgets of DPID and DPIPD; and
6. On DAU budget

Related to the health budget, the Coalition still filed the same arguments as in the previous year application. That the 2011 Budget Act and its amendments did not allocate 5% of health budgets. This is contrary to Article 28D paragraph (1), Article 28H paragraph (1), and Article 34 paragraph (3) of the 1945 Constitution. The total health budget allocated in 2011 Budget Act was of IDR 2.75 trillion, which meant only 1.94%.
However, the Constitutional Court in its decision stated that Article 28D para-

graph (1) of the 1945 Constitution is a provision that set up the right of every person to get recognition, protection, and fair legal certainty and equal treatment before the law. The difference between Act No. 36 of 2009 on Health and the 2011 Budget Act along with its amendments, according to the Constitutional Court did not create legal uncertainty as referred to in Article 28D paragraph (1) of the 1945 Constitution. The misallocation of the 5% health budget meant that the Government and the Parliament did not run the Act, but did not mean this became the issue of constitutionality of Law.

The Article 28H Paragraph (1) according to the Constitutional Court was a form of constitutional protection of citizens. This article shows that there is the right of every person to live in prosperity materially and spiritually, to reside, and to earn a good and healthy environment, and to obtain medical care. In terms of the fulfillment, it is stipulated in Article 28I of the 1945 Constitution. That the state together with society is obliged to seriously pursue the fulfillment of the health needs, and in particular, the state attempts to fulfill this by providing facilities and services as well as possible. It is not fulfilling everyone's health. Since the fulfillment of the health requirement of any person is the obligation of the person, in addition to the state's obligation to provide the facilities and services.

While Article 34 paragraph (3) according to the Constitutional Court was that the state should seek the provision of decent health care facilities and public services in earnest suits its capabilities. While the progress that could be achieved effectively in relation with the realization of the ultimate goal was not an appraisal throughout the constitutionality of the norm, but the assessment of the norm implementation.

Based on this opinion, the Constitutional Court considered that the petition filed by the Coalition on health budget was legally unreasonable. The same reason and opinion was mentioned by the Constitutional Court in its decision to respond the request of the Coalition on the principle of people's welfare and social security budget. Where in the petition on the principle of people's welfare, the Coalition considered that the 2011 Budget Act along with its amendment was not in accordance with Article 23 paragraph (1) of the 1945 Constitution. While associated with the social security budget, the Coalition argued that the Budget Act along with its amendment did not carry out the mandate of Article 34 paragraph (2).

In connection with the budget of parliament building construction, compara-

tive studies, and the presidential aircraft purchasing, the Coalition also argued that the budget allocation for those was not in accordance with the mandate of Article 23 paragraph (1). That "the budget is allocated for the greatest prosperity of the people".

However, in its decision, the Constitutional Court stated that the budget allocation was the implementation of the open and responsible financial management of the state in accordance with Article 23 paragraph (1) of the 1945 Constitution. Whenever in these stages there were things deemed inappropriate or unfair by public, the President or the House could accept input from any party to then reconsider it in order to improve, or even abolish it at all. In addition, the Constitutional Court also argued that the allocation issue was not an issue of constitutionality, but the issue of the legal policy of the open law establishment. It was because it involved the determination of priorities and the amount of the budget on one hand with the other budget allocations. In this case, the Constitutional Court again considered that the reason of the Coalition's lawsuit was improper and unwarranted by law.
Thus was the opinion of the Constitutional Court related to the budgets of DPID and DPIPD, as well as DAU. It could not and did not have legal grounds. According to the Constitutional Court, the DPIPD and DPID budget issues that overlapped with organic legislation, as well as the potential for budgetary irregularities as seen by the Coalition, were not the issues of constitutionality. So that the Coalition argumentation stating that the budgets of DPID and DPIPD were contrary to Article 18A paragraph (2) was not acceptable.

Upon the opinions of the petitions filed by the Coalition, the Constitutional Court concluded that the applications/Petitions of the Petitioner were Not Legal Grounded. Thus, the Constitutional Court declared REFUSING ALL PETITIONS OF THE PETITIONER.

The proceedings of judicial review volume II was different from the volume I that "broken half way" due to the enactment of the new State Budget Act. On the judicial review volume II, had occurred several times trials involving testimonies of experts. There were five experts proposed by Coalition to strengthen the Coalition petition, they were Dr. Dian Puji N. Simatupang, S.H., M.H, Henry Thomas Simarmata, Prof. Ahmad Erani Yustika, Dr. Revrisond Baswir, and Prof. Hasbullah Thabrany. According to Prof. Ahmad Erani Yustika, in recent years, the state budget allocation could be said as very limited to be able to provide the decision of the constitution and the real needs required by the community. So was delivered by Dr. Revrisond Baswir, that for 40 years, the

state budget has been more precisely reflect the occurrence of debt neocolonialism in Indonesia.

In addition to the trial of listening to the experts, the judicial review volume II had also listened to the defense from government element. The element of the government was represented by the Ministry of Finance. The government statement was read by Herry Purnomo, who at the time served as Director General of Budget, Ministry of Finance. In the statement, government said that the petition filed by the Coalition did not have legal ground. So was in case of legal standing, which according to the government, the petitioner confused its position as individuals and legal entities/NGOs. The government even expressly requested the Constitutional Court to reject the application of the Coalition.

D. The Lesson Learned

The success of the Coalition in applying for a judicial review of the State Budget Act is a valuable learning for civil society, especially for Seknas FITRA. Although the final outcome of this litigation budget advocacy is "negative". The Constitutional Court declared the petition of the Coalition as unacceptable at the judicial review volume I, and stated that the petition of the petitioner had no legal basis entirely at the judicial review volume II.
Nevertheless, many valuable lessons gained during litigation budgets advocacy conducted by the Coalition. At least, this study may be useful for other civil society groups which will also apply the judicial review on Law, particularly the State Budget Act.

The main lesson to be learned from this process is that the budget allocation policy issue is not a problem of non-compliance with laws and constitution, but the issue of justice and propriety values. This is indicated by the decision of the Constitutional Court that rejected the entire petitions of the Coalition. The good-bad measurement of the budget management can only be measured on how far the budget is managed fairly and meets propriety.
From some Constitutional Court decisions related to the petitions of judicial review of the State Budget Act, only a few petitions which were granted. One of them is the judicial review filed by Sidoarjo people affected by Lapindo mud, the case No. 83/PUU-XI/2013. In the application, the applicant filed that the Constitutional Court included rural activists areas of Siring, Jatirejo, Kedungbendo, Ketapang, and Renokenongo as the affected areas and were

entitled to compensation. The lesson learned of this petition is the petition was granted because the petitioner was a party in which their constitutional rights was directly harmed, and the material of the material application submitted was specific and focus on a particular article. This is different from the judicial review volumes I and II proposed by the Coalition. The applicant did not suffer constitutional direct losses. The material petition demanded the cancellation of the whole Act, instead of specific article.

The Rural Movement in Building Financial Accountability "The Effort of FORMASI Advocacy in Seizing Rural Financial Rights in Kebumen"

By: Yusuf Murtiono[29]

A. Introduction

A light but serious talk about rural fate became the early concern of rural activists in Kebumen. Thinking about how then villages had empowerment, bargaining position, and an established sense of mutual trust between the stakeholders of rural administration and the people had been the focus of discussion for about 4 years (1999–2003). Until was finally established a collective understanding and agreement to declare the Civil Society Forum, better known as FORMASI in 2003 with the motto "BUILDING STATE FROM VILLAGE". The motto was not just an empty slogan without spirit, but as reactions and cries of resistance to usurp rural rights in order to enjoy the reforms with spirit of regional autonomy as mandated by Act 22/1999 which had been replaced by Act 32/2004. The spirit and steps of advocating in any process of district policies, so that the estuary would be in favor of villages, was a necessity advocacy. Although only with spirit, it has been the solidity, commitment, and the consistency that has delivered FORMASI up to this day to still fight along with villages for their rural rights.

Struggling with villages to rebuild their existence and power has not been easy. Villages that have a very large social capital has been very long indoctrinated and "trapped" as an object in the "game," as well as "political tool" of power above. Villages have been completely powerless to play the role of main actors of public servants. All parties have come to a village with intention to "build the village", but the village has never got space to build itself. Confidence in the ability of village had never been explored for decades. The impact, the performance of rural administration had halted at what had been called as "stoned discipline." That was, working/conducting tasks only if there were orders and instructions of superiors.

B. The Marginalization of Villages in the Reformation Era

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Discussing the position of villages in post-reform era has always attracted a lot of parties. Reform by many parties has been identified as big and fundamental changes to the state system and democratization, and has been the commitment and ideals of all elements of the nation.

The inevitability of democratic life marked by an increase in the participation of people is expected to be able to change the rural fate and people for the better. Such expectation is not just a fantasy, because the taps toward a more democratic process becomes a real mandate of reform. And the position of village as the bottom end of government can not just be a spectator along with the increasing of critical reasoning of its people.

Village on one hand is legally recognized as a government whose territory and authority is closest
re positioned/position themselves as the "servants" of top government, from the sub-district, district to the central government (hereinafter called as the government). The village position is really powerless, can only carry out orders and willingness of the top government administrators (top down-centralistic). The powerlessness of village is not accidental, but rather as a constructed engineering system. Thus, village will not have any bargaining power, but accepting what exists.

The reform which is marked by decentralization of authority from center to regions has not also changed village into having more power to organize and manage their own household. The village is only a "bathtub" of audiences of the hustle bustle of regional power as the subject of government administration and development. The position of village remains stigmatized as the center of poverty, ignorance, backwardness and negative things which all exist in village.

The village is even considered to have least ability to hold administration, let alone development and welfare of its people.

The availability of potential as capital to build village independence as if covered by policy that considers village as to be pitied, prosecuted, directed, and indoctrinated from above. Even the existence of village as a legitimated government is largely ignored by policy development whose funding source is from government. The rural government is considered untrusted to take care of themselves, so it must be continuously given "guidelines". It is not wrong if

rural administration assumes that the village is only used as a "cutting edge and mending edge". That is, the rural administration is only used as a tool to "dampen the fire" if there is any problem in the village. While in formulating policy, the aspirations of village are completely ignored.

The suspicion of government, followed by the districts, on the ability of village, has implications on strengthening mutual distrust between the community and the rural administration. Moreover, the attitude more eliminates the roles of rural government public service that should be the duty and authority of the village. The village is not unlike the waiter of administration, the creator of cover letters, certificates, and other documents, often even called as the "stamper".

The social capital such as a communal sense, self-reliance, and mutual cooperation is slowly but sure getting faded. Instead, individualism, easily distrust, pragmatism, and prejudice against the rural government provide "justification" of the village helplessness. Village consultation forum as a vehicle to deliberate all the affairs of village is no longer wanted by its people. People who were at first have an owning sense and made the village consultation forum as a forum for decision-making upon the principle of kinship, have transformed it into formal meetings of elite bias. Discussion forum becomes "exclusive" and closes the opportunity and space of most rural community participation. Any public policy decision-making in the village is certainly no longer considered the poor, women, and other marginalized groups as important elements which should be involved.

The village life emphasizing the attitudes of self-reliance and always be able to explore the potential to build village on the basis of the village local conditions has disappeared without a trace. The wealth in form of customs, social, and cultural activities as forms of unifying the life of rural people has transformed into forms of "mobilization" of participation. Borrowing the term of Sutoro Eko, "village without administered by supra-village government is able to live by itself". It is when all parties of the supra-village intend to build the village, what happens is the loss of actual village life. Village is educated to always rely on and beg when wanting to do rural development. The proposal talk to ask for development portion, for the Village Chief, has been inherent part of the duties and authority.

The marginalization of village in the era where devolution and decentralization of authority between center and regions has run more than 15 years since the reform has rolled. The rural rights that should be received by village upon

the mandates of constitution and laws are very easy to be ignored. The rural rights that inherently belong to village are still followed by guidelines which are very detail and even impressed as "handcuffing" the village. Such conditions further strengthen the evidence that village should always be set to technical matters that should be the right of the village itself to take care. The village can only be a spectator of what is happening and nrimo ing pandum (accepting what is given). The above issue is widely recognized honestly by most of village chiefs that "the development policy from above often entering the village without excuse, when completed and then going home, nobody knows".

C. The Long Road of Seizing the Rural Financial Rights

The movement of seizing the rural financial rights was originally inspired by decentralization/devolution of authority between the center and the regions as local autonomy was mandated by Act 22/1999 on Regional Government. The spirit encouraged the establishment of consolidation process of activists and villagers in Kebumen to obtain village funding allocation. Although the Act 32/2004 in lieu of Act 22/1999 was just in the discussion process, and the government regulation was not even thought, the movement of consolidated communities was finally able to fruition with the enactment of Local Regulation of Kebumen District No. 3 of 2004 on Rural Fund Allocation (hereinafter referred to as ADD) on the date March 17, 2004.

On its journey, the Local Regulation was not enacted particularly about the amount of ADD which was 10% of the total regional budget. Kebumen District government felt hard to allocate such amount of budget, although it had been mandated in the regulation. Moreover, in the regulation, it was specifically mandated that prior to the holding of ADD, all villages must meet some prerequisites such as planning documents (RPJMDesa and RKPDesa), budgeting (APBDesa), and accountability report (LKPJ/LPPD) of the Village Chief and the Village Regulation governing public participation. So it took a relatively long time (almost two years) for the district government to prepare villages through Strengthening Programof Rural CommunityCapacity (hereinafter referred to as PKMD).

Concurrently with the execution of the PKMD program, the Government Regulation No. 72 Year 2005 on the Village was set on December 30, 2005. In which the ADD was ordered by 10% of the Balancing Fund between Central and Regional Government after reduction of personnel spending (10% x

(DAU–BP)). The above setting was then used as justification by Kebumen local government to replace the Regulation on ADD though it was passed long before the enactment of Government Regulation 72/2005. In principle, the local regulation was not in conflict at all, as the arrangement was using 'at least'. This meant that if the regional arrangement exceeded the government regulatory arrangements, this should not be canceled.

The emergence of Government Regulation 72/2005 regulating the ADD was as a proverb "like a tit for tat", in Java term "tumbu entuk tutup" for the Government of Kebumen. Why was that, it was because the ADD in Local Regulation 3/2004 was indeed quite large compared to those mentioned in Regulation 72/2005 that only "the rest of the remainder". It was the spirit that was then used as the sole reason for both executive and Kebumen Parliament to immediately replace the Local Regulation 3/2004 whose stipulation was "forced" by thousands of people from rural community alliance in Kebumen. A very long tug between rural community power and the local government ultimately led to a change in legislation. Namely, the Local Regulation 3/2004 on the ADD was replaced by Local Regulation 3/2007 on Rural Revenue Resource.

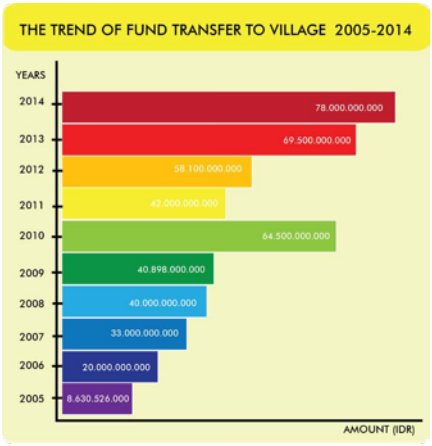
For over 3 years, the intensity and persistence of FORMASI in advocating every stage of discussion on local regulation was at least resulted in the inclusion of articles of Local Regulation on ADD into a separate chapter in the Local regulation on Rural Revenue Resource, namely Chapter III. However, on the scale, it still referred to what was instructed in the Act 32/2004 and Govt. Regulation (PP) 72/2005. So the advocacy at that time was developed to ensure the rights of rural finance in addition to ADD, as the profit-sharing of taxes and levies, acceleration aid fund, and others.

The financial right that should be accepted by village as a source of revenue under Article 68 Paragraph (1) of PP 72/2005, which is derived from Article 212 paragraph (3) of Act 32/2004 consists of: Straight Village Revenue; Profit Sharing of Local Tax and Levy; Part of Central and Regional Balancing Funds received by the District, hereinafter referred to as the Village Fund Allocation (ADD); Financial Assistance from the Central, Provincial, and Local Government; Grants and other Third Party Assistance.

Based on the article, Profit Sharing of Local Tax and Levy and the Rural Fund Allocation are the rural rights. As a right, the village should have opportunity and authority to manage affairs owned by the village. Either government af-

fairs, development, and social-community which were previously not owned. Most districts in the implementation limits to provide the right of ADD, while the right for profit sharing of local tax and levy is not much realized. ADD as form of village income right is defined as the funds given to villages from financial balance fund of central and local governments received by the district/ city (Article 1, paragraph 11, PP 72/2005).

The movement of seizing the right of rural finance was not limited to sources becoming the rural revenue for rural development implementation, but FORMASI also strongly advocated in seizing financial rights which becomes additional revenue entitled to Village Chief and Village Apparatus, which is often referred to as TPAD (Income Allowance forRural Administrator). Why this was done, consciously or not, almost 70% of rural administrators in Kebumen do not have a fixed source of income or a fixed salary. So the advocacy in seizing TPAD aimed principally on what villages obtain from ADD and the ensured accountability of the profit sharing of local taxes/ levies for the villages. This would secure the increase of revenue of Village Chief and Apparatus.



source: www.google.com

The long journey over a period of 7 years even until now, the effort of advocating the rural financial policy has never stopped. Although the amount of ADD has been determined using the basic laws of PP 72/2005, but what should be taken by village not necessarily stops there. Therefore, in any discussion of draft budget of Kebumen, FORMASI always did critical analysis up to advocacy both at the government and Local Parliament level by actively involving rural network as a key player. So that in every sharing of the local budget pie, the percentage of allocation for village can practically exceed 10% as stipulated. Once ADD in Kebumen if calculated from the formula of existing government regulations had exceeded 28% and the lowest at 18%. In addition, all rural financial rights as ordered such as the profit sharing of local taxes and levies as well as the acceleration fund of rural development implemented by the District Government of Kebumen.

D. ESTABLISHING RURAL FINANCIAL ACCOUNTABILITY

source: www.google.com

Rural Financial is defined as all financial rights and obligations in the context of rural governance which can be valued in money, including all forms of wealth associated with the rural rights and obligations. The rural financial management is all activities including planning, budgeting, administration, reporting, accountability, and rural financial control. The rural financial management aims at creating and strengthening rural governance to become more clear and effective, so as to establish accountability for delivering good governance, development and community empowerment.

The success of "seizing" some rural financial rights does not necessarily make the rural stakeholders feel "satisfied" and then "overwhelmed".
The rural readiness and seriousness in building its financial governance can no longer be like managing "social gathering money". This means that rural financial governance should really be based on the principles of transparency and accountability and stands for the fulfillment of basic rights. The financial decentralization to villages suspected as "decentralize" corruption to village level can be answered and proven with a more accountable performance.

Doubts of many parties arising during the seize of rural financial rights, both from internal of rural communities as well as from supra-village should be able to be proven by establishing mechanism of rural planning and budgeting which gives more tangible impact on improving people's welfare. The waste of rural budget must be able to be pressed so it is not impressed as only for rural personnel expenditure, such as salary of Village Chief and Apparatus. The proportion of spending on development and welfare of the people must be shown and be clean from "corrupt conduct".

The whole power owned by village, especially the available human resources should be motivated to give their best in managing rural finances. Personnel expenditure is no longer extravagant like most of the district budget, which on average reaches 60%–80%. In addition to pressing the wasteful attitude, which must also be done by village in building financial management system is always opening spaces of participation and access to information for public. Rural financial policy-making process is no longer sealed as was done by the executive and Parliament in the district. It is time for village to provide examples of best practice on how financial policy decisions when opening space for public participation, then the result will be more accountable. In addition, the financial accountability of rural governance will be able to establish a sense of mutual trust between the rural administrator and their people. People will really believe and support within their capabilities at every stage of development of the village.

At the stage of constructing the financial governance starting from the stage of budget planning commonly called as the preparation the Draft on Budget of Rural Revenue and Expenditure (RAPBDesa) has successfully been advocated until now, where most people have already been familiar with the term APBDesa. Even at the level of the drafting team of RAPBDesa, there has been involvement of non-government rural community as a team member. This obviously has never been found in the local budget preparation process. Another innovation that is successfully used as an integrated system of rural financial governance is what is called as rural budget deliberation.

Why does the rural budget deliberation forum become one of the best practice examples for villages? First, the forum is a vehicle that brings all existing elements of the village, from rural government, BPD (rural deliberation council), community organizations, community leaders and general public to get involved in directly providing critics and approval on APBDesa. In this position, people actually have power to say "agree or disagree" upon the draft of APBDesa. If people judge the budget planning as not consistent with the results of deliberation, then it must be revised to be consistent with the budget planning document. Second, people indirectly get budget politics education placing themselves as full mandate givers. Common people are no longer merely the beneficiaries of activities but also the main actors to determine the policy direction of the village budget.
The next question is why preparing more accountable rural financial governance becomes very important to the advocacy field of FORMASI. Whether realized or not, at the time ADD became a national issue, all vied to get the ADD

as instructed in the legislation. But at the same time, many parties also forgot about the advocacy at the level of local regulations governing about ADD. Regulation made by village starting from allocation planning for each village, implementation governance of ADD, up to the accountability has practically increased the burden of the rural administration. This is understandable because village has not been so long given a financial management space which is "relatively" enough for governance, development, and social-community. So that all the local rules made tend to think of village as unable to make the right administrative/SPJ. This means that village is deliberately positioned to always rely on and give "rewards" so the SPJ can be completed and "assumed true".

Negative view on the habits of village in managing budget is related to the position of the Village Chief. There have been many expressions saying that Village Chief is like a "king" of the village so s/he has a role as a "ruler" of anything in the village. Any amount of money channeled to village is as if entitled to the Village Chief, therefore it should be so tightly managed that the village does not have ability. The appointment of village treasurer is regarded merely as a formality to meet obligation of ruling command. The rural activists, then the presence of programs tending to view and position the rural government as "not accountable", reinforce the assumption that the rural government can not be trusted.

The negative view against rural administration, especially the Village Chief is not entirely true, nor false. This means that on one hand, the position of village continues to be made unable and discourage to handle its own household. The attitude of dependence on superior instructions is constantly created by slowing down the distribution of knowledge that should be possessed by village as capital in managing rural government. On the other hand, it has to be admitted honestly, that there are still some cases involving Village Chief about the non-compliance of the usages of ADD and other rural finance. And that is not solely due to the behavior of the village chief or apparatus, but there is also the cause which is often positioned village as such.

Weak control, guidance, supervision, and indecision toward small errors of rural financial management by "supra-village" and making everything "easy to set" also contribute to the "weakening" of village. Thus, the lack of public accountability in the governance of rural finance is because the attitude and behavior of the village chief and apparatus, village incompetence/ignorance about rules, as well as "top-down" power politicizing. It is made worst when

all programs coming into village from upper government or assistance/empowerment programs by non-government also place the rural administration in a weak position.

Departing from the experience above, FORMASI movement to seize and advocate the rights of rural finance is done in a "complete and total" manner. ADD and other rural financial rights are just means to assert sovereignty of village in building its community. So the strategy of strengthening the capacity of rural administrator based on principles of transparency, participation, and accountability becomes the focus of advocacy. Compliance in rural budget planning up to the accuracy of financial accountability, both addressed to the district, rural administration elements, such as BPD, and to the public is done by FORMASI in tandem.

The advocacy work done so far, being viewed from the nominal value of each village is very small between IDR 60–100 million. But if it is seen from the effects for all villages in Kebumen which are 449 villages with a total value of money transferred to the villages from the district Budget (APBD) in 2014 reaches approximately IDR 78 billion, then it is a strategic advocacy. Overseeing the advocacy of rural financial accountability means saving at least 30% of the total funds transferred to the village (approx reaches more than IDR 23 billion), which has already been common secret so far as local spending leakage. In addition, the advocacy strategy also gives confidence in the ability of rural administrators who are expected to foster a sense of mutual trust between government and common villagers.

The most interesting thing that has happened in Kebumen on financial accountability is that any development activity written in rural budget planning (APBDesa), can be accounted for its consistency to the rural annual planning document (RKPDesa) agreed through deliberation for rural development planning (musrenbangdes). This consistency implies the sense of two things, first that the regulation in Kebumen governing about ADD and other rural financial substantially succeeds in positioning village to have independence and authority to regulate and take care of themselves. Second, public accountability on the extent of public aspirations and participation since the preparation process of development planning documents can actually be realized by rural government. In brief, when rural government is given space and opportunity to learn, independent in self-caring, villager can be assured ready and capable.

E. The People's Right Over the Rural Financial


Pemotongan ADD Dianggap Inkonstitusional

Desa Jadi Ikut Defisit

source: www.google.com

The rural budget in APBDesa is in essence public money which should be used as much as possible for the welfare of the people. The rural budget must be enabled to ensure the fulfillment of basic rights of the people as well as to finance public services. Budget is often only used as an arena of public resource scramble between various actors which are elites of village, but ignoring some budgetary functions such as distribution function, in which the rural budget policy should pay attention to the sense of justice and propriety.

The sovereignty of rural people over budget can basically be realized through a more democratic budget policy-making system. Positioning people as holders of budget power will push every stage of the process of budget policy-making in village to be more transparent, participative, and accountable. Budget policy as the product of political decision in village must absolutely have influence and side-orientation for marginalized groups. Thus, the mandate of people to rural government as the stakeholders of obligation will awaken a sense of mutual trust and belonging.

As explained earlier, the advocacy strategy of FORMASI, in addition to focus on strengthening the capacity of ruralgovernance, also revives social-capital of village through the empowerment of the villagers. Togetherness, mutual cooperation, and self-reliance which have long disappeared are trying to be raised and grown back. High tolerance, solidarity, and empathy owned by villagers are slowly rebuilt over the community's own self-awareness.

The FORMASI advocacy movement in the early years had always taken side for village. That is, the advocacy conducted did not only take side for public but also for powerless rural government. Although ultimately remained strengthening the critical sense and the empowerment of common people. The results

can actually be proven not only from the increasing public participation in every stage of the process of public policy in village. But can also be seen from how public spaces come into part of key actors (not just participants) of public policy making.

The important lesson learned when participation, transparency, and public accountability is built into the system of rural administration, is that the people who were originally passive turned to be pro-active. Those who were initially pragmatic turned to be easily caring, especially when directly contacting with the fate of their village. In fact often found that when all budgetary policy process is comprehended by most people, then emerged community initiatives to improve suitability and propriety in increasing self-sufficiency and mutual cooperation. By time people believe that the financial capacity of village is limited, the sense of mutual cooperation to build their village is moved back.

A very close relationship between the rural administrator and their people, psychologically has any influence on the performance of the village apparatus. Therefore, the principle of making people's access and control closer to the financial power of village will be able to reduce corrupt behavior of the apparatus. At least, the sense of "ewuh pekewuh" (embarrassment) of the village elite will be awakened when the action taken in public service has many deviations. While the financial ability and authority has already been owned by village to realize public welfare.

Source : www.google.com

It is that authority that may have been omitted for granted in every intention of building a village. The village and its people are considered as an empty glass to be filled continuously. The resources obtained by villages, ranging from money up to development projects, should even be understood and belonged to by people as well. But in reality, the money that goes to village is always identical with the money of rural administration, instead of people. Projects that go into village do not belong to the people but the "givers" of the projects who can only be accessed by the rural administrator or village elites. Practically, villagers serve as spectators who are only

"forced" to enjoy the fruits of development although they are not in accordance with their aspirations and needs.

Having the above experience, the effort of FORMASI advocacy to strengthen the capacity and bargaining power of ordinary people, especially the people's right over the rural budget becomes the key to accelerate the establishment of check and balance system in the village. The advocacy journey up to making rural people won their rights over financial participation of villages was carried through several stages of strategies, including:

First, convincing villagers that participation given in rural development planning process, if it indeed becomes the authority of village and is able to be financed, it will "definitely" be accommodated in APBDesa and be implemented according to the consensus agreement. People's participation is not just "lip service" and "wasteful", but having value to improve the quality of rural development. There is no more reason for government not to implement when everything is in accordance with the existing criteria. The protection of participation reflects an appreciation toward the aspirations built in tiered in rural development planning mechanism. So the award given by the rural administration to the people will accept returns in form of people's award for the rural administration. If the sense of mutual respect has been established, then will be realized the products of policy which have sustainable benefits instead of merely "running project".

Second, strengthening the capacity of non-government, especially the marginalized communities in the scope of village to become part of important actors in public policy-making in village, especially the policy planning and budgeting of the village. Some examples are in both rural planning documents and annual medium (RPJMDesa and RKPDesa) always encouraged to accommodate the marginalized groups in charge of facilitating the drafting team and the stages of the process of preparing the document. Similarly, in the preparation APBDesa it also involves some of the poor and women to join in the drafting team called the rural budget team. Not only that, the spaces for people's participation and access to information are also encouraged to be more open, such as the rural budget discussion forum. So there is no longer the term "pitch-black room" for people to access the rural budget policy. Thus, the role of public participation in the rural budget team remains the center of information channeling that can be trusted by the people who delegate it.

Third is encouraging the role and involvement of common people elements to be village delegation in policy-making forums of planning and budgeting of supra village. This strategy, in addition to aiming at strengthening the capacity and confidence of marginalized groups, also serves as reward that is expected having impact on the development of greater participation spirit of all elements of the villagers. This participation does finally not only belong to the village elite and male bias, but the participation that will clearly result in pro-people budget policy. When participation is again inherent as one of the basic rights of the people, no wonder if greater volunteerism and self-sufficiency reappears.

Some practical strategies above are not meant as the right strategies which can be applied in general to all villages. The ability to make rural activists an integral part of village is an important prerequisite in advocacy. Therefore, learning to understand the condition of village is more important than just becoming a village empowerment advocate. Moreover if coming into to the village by just bringing doctrines of "new methodology" is as if the village is "stupid" and those who mostly understand the village is us, the rural activists. Large treasures owned by village can not be simply denied by just a guidelines manual, technical guidelines, or the like which put more emphasis on administrative-technocratic purposes.

F. The Advocacy Challenge of Post-Enactment of the Rural Act

The enactment of the Rural Act which mandates the existence of the rural financial capacity that is much larger than in the mandate of Act 32/2004 is a quite hard challenge. The general term widely heard now by people is that each village will get approximately IDR 1 billion; on one side, village is getting stronger in budget, on the other hand, demands to improve the quality of financial governance is greater. The "cynical" and "pessimistic" comments on the village preparedness capabilities have even sprung. In fact, in every Rural Act socialization, the term "enlarging the building/dormitory in south of Kebumen square" (the moniker for detention of Kebumen) always unfold. This expression describes how big the legal consequences of the financial administration that will be faced by rural administration when ignoring the principles of transparency, participation, and accountability.

How big consequences to be faced are, village should remain optimistic and confident of having ability and willingness to meet all the prerequisites required. Not the other way around, just surrender to hand back all matters to be governed from above. Whereas village philosophically has the right of origins and traditional right to regulate and manage the interests of local community and contribute to realize the ideals of independence based on the Constitution of the Republic of Indonesia Year 1945.[30]

The allocation of greater rural financial does not come by itself, but based on the authority that must be managed by villages themselves. Sociologically, the longstanding implementation of rural management is no longer relevant with times, especially concerning the position of indigenous people, democratization, diversity, community participation, and the progress and equitability of development, giving rise to disparities between regions, poverty, and social and cultural issues which may interfere with the integrity of the Unitary Republic of Indonesia.[31]

The challenge for village to deal with the implementation of Act No. 6 of 2014, mainly on the matter of rural financial is not limited to the financial administration. From the readiness of village's human resources, the quality and consistency between planning and budgeting documents that must be prepared in participatory, the legality of rural institutional management, the readiness of rural regulatory as the legal umbrella of governance, development and community empowerment up to the way to build a system of public participation become important factors of the readiness of village.

For FORMASI that since the beginning of its birth has a great desire to reinstate village as main subject in developing state. With the passage of rural legislation, it means the "rural victory" has already been very close. That is, the dream of having greater authority and having all prerequisites supported, especially finance, will be realized soon. However, that does not mean the advocacies of FORMASI and other rural activistslessened. The major challenges to be faced are just increasingly complex and severe, ranging from village own readiness up to how the local regulation advocating the derivative of legislation is ordered to be made immediately.

About the readiness of villages, although it can be said that villages in Kebumen are quite ready to carry out the Act, they can not be just let go when there is a substantial change to the system and mechanism of rural gover-

[30] Philosopical base of Village Act
[31] Sociological base of Village Act

nance and financial administration. This becomes a logical consequence, the greater authority and finance owned by villages, the greater responsible born. Improvement of the quality of public services leading to the achievement of people's welfare will be the focus of attention of all parties in criticizing the performance of rural administration. In addition, a more accountable vertical accountability in the governance and administration is not minor issue that would block the independence pace of village. "The unwillingness and compulsion" to give larger money to village has been common secret in village that it will always be accompanied by detailed and strict rules which ultimately create dependency.

Likewise when the rural act and govt. regulations to be made gives mandate to regions to draw up local rules, regent regulation or other regulations, then certainly happens a strong tug to be able to manage each other. The "ego sector" occurrence habit ending in just how to regulate village will be a particular challenge in local policy advocacy. That should be communicated early is how all elements of rural power have a collective understanding and commitment to continue advocating every stage of local regulations drafting process. Building this collectivity and togetherness becomes increasingly severe test since there must be various interventions of interests entering and coloring process of democratization in village.
Another challenge that is no less important is advocating commitment and consistency of obligation stakeholders in the local governments themselves. The regulating, controlling, and intervening habits in village will be very hard to just disappear. The applications of technical rules that sometimes do not conform to the basic regulations will certainly emerge. Unilateral authority of each technical SKPD to make operational directives/technical guidelines will close the public access and spaces. When it does occur, then the chances of interventions from above will be greater and extend the dependence of village. Encouraging legowo (big-hearted) attitude of supra-village government over what should be the rural rights is the most severe struggle to be overseen.

G. Summary of the Lesson Learned

Democratic values practiced and advocated in political process and public policy-making in village, especially the rural budget policy, makes people's sense of belonging toward their village greater. The stronger the practice of democracy characterized by the strength of people's participation will be able to reduce larger leakage of budget. Effectiveness, efficiency, and relevance of program implementation activity are not limited to those in the document, but can be proven through the right priorities needed by the people. This is the people's victory in seizing financial right as a means of creating prosperity.

No matter how big the success is achieved in the advocacy movement, common people must also understand of what has been achieved. So it is expected to grow much larger spirit to achieve next success. Appreciation on what is obtained along with community and rural government in any form, in principle is further strengthening the advocacy movement. In essence, giving award in form of spaces which can improve the existence of rural government and people will impact on the sustainability of movement in seizing the rural rights upon the courage and initiative of the village itself.

In civil society side, flexibility and responsibility in implementing program framework and learning methodology carried out should finally be able to provide input of perfecting system and mechanism owned by the government itself. Even optimally be pursued to be institutionalized legally and formally in local regulations. Thus, the resulted product of local regulation really departs and is sourced from the best practices of the programs implementations brought by civil society. Instead of always pushing ourselves to apply an entirely new methodology and system that then is too hard to be conducted by each party of obligation stakeholders since considered as adding a new workload.

Strengthening advocacy movement values by how to make rural advocators (FORMASI use the term 'community organizer' or CO) not only have obligation to advocate the program flow in village, but more than that these COs are also indoctrinated to always learn and understand about village. In the end, the COs really become inseparable part of village life. Volunteerism spirit, unfettered by time, is the key to the persistence of the COs and the entire team of FORMASI in giving fruition of what has been done in village empowerment. Even the strategies undertaken by the COs is also very important to minimize conflicts that have emerged in village. Whether ones caused by distrust between community and rural government or between each rural agency and

rural government.

Building strategic alliances among actors of rural interests from various elements of community and rural government is a strategy built by FORMASI. The existence of rural organization or forum so far has always been elite and ego sector, since it is based only on the interests of oneself and one's group. There is a special forum of village heads, BPD forum, the apparatus forum which all are just advocating their own interests. But FORMASI has been trying to encourage the formation of multi-stakeholders forums among rural stakeholders, such as the Communication Forum of Local Community (FKMD), the Forum for Local Policy and Budget Advocacy (FORKADA), so that the struggle waged has collectiveness to seize the entire rural rights. These forums have been much used as knowledge transfer forums on district policy information to village. So the acceleration of information from top to bottom really becomes a motivator for government and villagers. The "tricking" over rural government and people so far is because the distribution of information has never reached the bottom, not even up dated.

Encouraging Disclosure in Court[32]

By: Liza Farihah[33]

A. Introduction

Presently, the court can be regarded as an open institution. If we open the Supreme Court site http://putusan.mahkamahagung.go.id/, we will find 811,654 court's decision that can be downloaded.[34] Then, out of 825 courts in Indonesia today, 750 courts or 90.91% havehad websites. Of the 750 courts that have websites,[35] 713 websites are accessible and contain information.[36] This condition is in contrast comparing to courts in pre-reform period, or in the early years of reform when it had been very difficult to look for or ask for information from them.

This paper will discuss the transformation process undertaken by the Supreme Court to open the closure of courts. One of the interesting things that will be discussed in this paper is about the partnership of the Supreme Court and civil society in implementing strategic programs which in turn gives positive impacts on improving the transparency of the courts, especially the Supreme Court.

B. The Closure of Courtsin the Past

In the pre-reform period, almost all types of existing information administered by courts were intrinsically closed. In some cases, courts rejected the request of civil society to access decision. The courtsseemed to be afraid to show anyverdict they had produced fromwhat they claimed as fair trial process. In addition, other information which was also difficult to be accessed was judge's track record, cost of court services, court budget, and others. It had been a common secret that this kind of closure can only be opened through

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34 The author is a Researcher of Lembaga Kajian dan Advokasi untuk Independensi Peradilan (LeIP) [the Institute for Research and Advocacy for Independent Judiciary—translator].

35 Pusat Studi Hukum dan Kebijakan Indonesia [The Center for Indonesian Legal and Policy Studies—translator], Sebuah Penilaian atas Website Pengadilan, (Jakarta: Pusat Studi Hukum dan Kebijakan Indonesia, 2012), p. 70.

36 Op.cit., p. 72.

"kickbacks" or "inside help". You can imagine how the access to clogged information might contribute to unclean behavior in the courts.

Courts in the past were considered incapable to realize that the disclosure of courtswas not only seen from court proceedings which were open to public, but also from documents relating to the proceedings. The constriction of meaning of court disclosure was only on the proceeding alone, reducing the principle of court openness. The court had yet understood the "open court principle" that applies universally.

Back then, a copy of decision and other information was not easy to be obtained. Various stories emerged about the difficulty of obtaining a copy of the court decision. Ranging from academic group such as students, civil society group, up to common people felt the bitterness of the situation. The court argued that the copy of the court decision could only be given to the litigants. Furthermore, the court argued that a number of decisions were confidential so that could not be accessed by public.

The difficulty in obtaining copy of the court's decision was intertwined with the obscurity even lack of information regarding the mechanism of this matter. Those who wantedcopies of the decision would face demands for money from court employees if they wished the copies to be givenimmediately. The litigants even sometimes had to provide "kickback" to get copies of judgment while they have paid costs of court.

Quoting research on the closure of courts conducted by Indonesian Corruption Watch (ICW) in 2001, it wasstated that the closure of courts occurredstarting from the simplest things, i.e. information about the registration fees of the court, especially against civil cases. Back then, ICW researcher had trouble in finding information on cost of case in any district court in Jakarta.[37]

Lembaga Kajian dan Advokasi untuk Independensi Peradilan (LeIP) [The Institute for Research and Advocacy for Independent Judiciary—translator] also experienced the effects of the closure of courts. LeIP request to the Department of Justice and the Supreme Court regarding data of judges and court staff ever administratively sanctioned led to rejection. LeIP request was rejected on the ground that the information was confidential.[38] This glimpse of closure of

[37] Indonesia Corruption Watch, Menyingkap Tabir Mafia Peradilan, (Jakarta: Indonesia Corruption Watch, 2002), p. 117, as cited in Indonesia Corruption Watch, Kebebasan Informasi Milik Siapa?, (Jakarta: Indonesia Corruption Watch, 2010), p. 144.

[38] Assegaf, Rifqi S. and Josi Katarina, Membuka Ketertutupan Pengadilan, (Jakarta: Lembaga Kajian dan Advokasi untuk Independensi Peradilan, 2005), p. 23.

the court certainly made people wonder why courts that should also protect human rights had even seizedthe right to obtain information.

The blockage of public access to court information without doubt enriched the practice of closed policy-making process, for example in terms of promotion and transfer of judges. Back then, (and even arguably today), it has been unknown the criteria or requirements of a judge to get promotion and transfer. The process of determining the mutation promotion of judges at that time wasvulnerably subjective leading to nepotism.

Ideally, public scrutiny of decision becomesa form of responsibility demand from public to judges and a means of control over authority abuse of judges. However, the obstruction of public access to court verdict leads to a lack of supervision on the verdict. Given the difficulty of access to the verdict, do not be surprised if then the decision based-teaching process and the decision-based-legal discourse was minimal. All above practices led to corruption, collusion, and nepotism in the body of court.

In the end, we can conclude several reasons causing difficulty in accessing information in court, namely:

1. Basically, closure culture is still strong in the judiciary. In such cultures, even the open minded people tend to be afraid of opening information that should be open to public;
2. There are intentions of certain officials in courts, including judges, to cover information, both to avoid public spotlight over any error and negative practice done, to blackmail information applicants or for other motives;

There are weaknesses in the legislation that open the interpretation that certain information should not be open to public.[39]

[39] *Ibid.*

C. Opening the Closure of Court

source: www.google.com

Courts have different characteristics from other state agencies in whichtransparency and assurance of public access to information managed by courts become very important. The "open court principle" has so long become one of the main principles in the judicial system in the world. It is assured in Article 10 of the Universal Declaration of Human Rights stating that "any person, in full equality, is entitled to a fair and transparent trial by an independent and impartial court, in determining his rights and obligations as well as in any criminal prosecution handed down to him ".

With the transparency and right assurance to information maintained by courts, justice seekers, public, and media can observe, monitor, and criticizejudicial process and decision. Public control over courts, their verdicts in particular, will not happen is there is no transparency and right assurance to obtain information. Thus, the legislation which accommodates the disclosure of court information becomes a keyword and requirement should be met.

In line with this, the importance of transparency has been realized by some judges, especially by the Chairman of the Supreme Court, Bagir Manan. The Chairman of the Supreme Court keeps emphasizing the importance of disclosure in court and asking judges and court officials to uphold transparency. The Chairman of the Supreme Court stated the importance of transparency and information system as follows:

"Information system aims at building transparency of judiciary system. Transparencydoes not only mean as a form of public service but also a form of control over the system and the judiciary process. One important form of transparency is the existence of public access toany judgment or court order. From the oversight point, public access will encourage judges to be careful, quality, and impartial considering any judgment or verdict will be a public discourse or observation, both scientifically and generally."

Awareness of some judges, especially the Chairman of the Supreme Court at the time regarded as the entrance for LeIP to advocate legal product making regarding disclosure of the court information. As an NGO working in field of independent judiciary, LeIP felt that thedisclosure of court information is an important factor in realizing an authoritative independent judiciary.

The statement of the Chairman of the Supreme Court and his verbal instructions in the meetings was not enough to be an assurance of the fulfillment of people's right to obtain the court-maintained information. LeIP considered that this condition required a way out in form of more concrete rules to ensure access to the court-maintained information.

Then, in 2003, the Supreme Court took steps to plan the preparation of specific rules concerning the right of people to obtain the court-maintained information. This step was taken through the preparation of the Supreme Court's Blueprint for Reform of 2003 (hereinafter called Blueprint) compiled by the Supreme Court in collaboration with LeIP. The Blueprint contained recommendation of "House of Representatives and the President along with the Supreme Court needs to make a rule that allows people to access information, including the court's decision."[40] It was recommended as well by Manan as Chairman of the Supreme Court; Toton Suprapto and Marianna Sutadi as the Young Chairpersons; Great Judge Abdul Rahman Saleh. Still in the Blueprint, it was stated one of success indicators of the recommendation was that "the making of rule that allows people to access the court's verdicts."[41]

The Preparation of the Decree of the Chairman of the Supreme Court No. 144/KMA/SK/VIII/2007 on the Court Information Disclosure

Following up the Blueprint, in 2005 through the book Membuka Ketertutupan Pengadilan[42] [Opening the Closure of Courts—translator], LeIP poured thinking about right assurance to obtain information in the court and the proposed initial draft of Decree of the Chairman of the Supreme Court regarding the court information disclosure. This was done by LeIP considering the urgency of legal products covering thecourt information disclosure. In addition, the existence of the Bill on the Freedom to Access Information (FAI Bill)planned since 2001 was still unclear. At that time, the FAI Bill had been delayed and was scheduled to be immediately re-discussby the Parliament and the Government in 2005. [43]

[40] Mahkamah Agung Republik Indonesia, Cetak Biru Pembaruan Mahkamah Agung Republik Indonesia, (Jakarta: Mahkamah Agung Republik Indonesia, 2003), p. 101.
[41] *Ibid.*
[42] This book waswritten by Rifqi S. Assegaf and Josi Katarina in 2005 and published by LeIP.
[43] Assegaf, Rifqi S. and Josi Katarina, Membuka Ketertutupan Pengadilan, (Jakarta: Lembaga Kajian dan Advokasi

Departing from this, LeIP continued to advocate to the Supreme Court to issue a policy on court information disclosure. The policy issued by the Supreme Court was very important given the culture of trial court transparencyhad not been a priority of the court personnel. Hopefully, through policy such as internal rules of the Supreme Court, the culture of transparency of courts can develop.

LeIP effort to encourage the preparation of the Decree of Chairman of the Supreme Court (SK KMA) regarding the court information disclosure was addressed by the Supreme Court. The Chairman of the Supreme Court formed a Drafting Team of SK KMA on Court Information Disclosurewhich then generated the SK KMA No. 144/KMA/SK/VIII/2007 on Court Information Disclosure (SK KMA 144/2007). The Chairman of the Supreme Court at the time, Bagir Manan, and several Great Judges was excited in preparing SK KMA 144/2007. (Late) Paul Effendi Lotulung, Mariana Sutadi and other Great Judges along with the Registrar influenced the discussion of this SK KMA. To add ammunition, LeIP also asked for support of the Supreme Court Reform Team.

In the process of preparing SK KMA 144/2007, the most cutthroat debate going on was the issue of transparency of court rulings. The party ofthe Chairman of the Supreme Court, the Great Judges in particular, see that the court ruling astheir livelihood and image so that at first there had been resistance to include court rulingsas the informationthat should be announced by courts. Furthermore, there was a paradigm that publication of court rulingswas an additional form of crime under Article 10 of the Criminal Code. In addition, there was issue of Intellectual Property Rights of Judge in the proposal of court rulingpublication. Some Great Judgesassessed that the verdicts they produced has intellectual property rights so that should not be published.

In the end, the court ruling and the court order bound into the category of "information which should be announced by court". In fact, SK KMA 144/2007 stipulates that the rulings and orders of the First Court and the Appeal Court which do not yet have legal power in certain matters are included in that category. Another issue had been debated was the agenda of proceeding, excluded personal information in the decision, and the way information is given. The toughest challenge faced by LeIP in advocating the preparation of SK KMA 144/2007 waschanging the closed mindset of the Supreme Court and its underneath judicial bodies into open. Moreover, at the moment there is

untuk Independensi Peradilan, 2005), pp. 2–3.

no PID Act. If there was anecdotal yore “to get information we need to give money”, currently, suchdoes almost not apply.

source: www.google.com

As the only NGO advocatingthe SK KMA 144/2007, LeIP felt that the support of the leadership of the Supreme Court back then-provided LeIP a great help in facing the existing challenge. In addition, lobby against resistant parties of the SK KMA substance became one important strategy undertaken by LeIP. Of course, the lobby was done by first preparing an argument containing a legal analysis, comparative studies to other countries, and the benefits taken bythe Supreme Court and its underneath judicial bodies.

The long journey fruited sweet. On August 28, 2007, the Supreme Court set the SK KMA No. 144/KMA/SK/VIII/2007 on the Court Information Disclosure. The SK KMA 144/2007 assures the fulfillment of people’s right to access court-maintainedinformation and sets the guidelines for its implementation. The Supreme Court has also information management standards and public services. The birth of SK KMA 144/2007 becomesa historical record that the Supreme Court was one of the first institutions issuing an internal rule regarding the information disclosure long before the enactment of Act No. 14 of 2008 on Public Information Disclosure. This deserves to be proud of, given the court was a step further in providing a way for the fulfillment of the right to obtain information.

In general, this decision set a few things, namely:
1. The rightof society and the obligation of courts;
2. The court information that must be announced;
3. The publicly accessible information;
4. The procedures for obtaining information;
5. The mechanism of objection.

Since the enactment of SKKMA 144/2007, the Supreme Court ensures transparency and access to court decisions. This provision brings a big impact on the process of opening transparency in the court. When the court declared itself to disclose information then it is required to prepare the information. In the context of ruling information, public access to the rulings of the Supreme Court can beaccessed through www.putusan.net (currently transformed into putusan.mahkamahagung.go.id). When it first began its operation in 2007, the site contains only 23,000 rulings. To date, the number ofthe Supreme Court's rulings that have been uploaded is811,654.[44] The publication of Supreme Court's decisions reached its highest in 2013, with306,588 rulings uploaded to the site.

The capture of website putusan.mahkamahagung.go.id

In addition to becoming commitment of the Supreme Court, the publication of decisions is also part of the National Action Plan for the Prevention and Eradication of Corruption set forth in Presidential Decree No. 17 of 2011. In this Instruction, the Supreme Court is responsible for 8 sub plans of action. Among these is the implementation of the transparency and accountability of public service in the judiciary (prevention strategies) with one of the indicators is the availability of final and binding case management information and publication of decision.

Then, since March 2011, the Ruling Directory has been transformed into the National Judgment Repository. The presence of the National Judgment Re-

[44] Based onstatistic of number of rulingspublished in site putusan.mahkamahagung.go.id. Accessed on April, 28, 2014.

pository facilitates public access to information on the court ruling from four judiciary milieus throughout Indonesia via the website address http://mahkamahagung.go.id.At the end of 2013, the number of courtspublishingtheir decision in the Supreme Court's Ruling Directory was 721 work units (88.03%). The work units which are yet published their court decision amounted to only 98 (11.97%).

In order to follow up SK KMA 144/2007, the Registrar's Office has also taken several strategic steps to ensure that the final objectives meant by this decree can be achieved well. There is service in form of four services of Case Administration System–Supreme Court Information System (SIAPSIMARI), namely the Touch Screen Service in the Lobby of the Supreme Court, Hotline Services (Telephone Service), SMS Service and Services via the Internet.

At the beginning of the implementation of SK KMA 144/2007, the procedure or mechanism of information announcement by court was arranged and adapted to the financial condition and infrastructure owned by court. In principle, except for the decision or determination of the court, all information should at least be loaded (attached) on the bulletin board and the courts. If a court has had its own website, that information can be posted on the site. Especially for the decision or determination, then courts only need to announce if they have their own websites. If public wish to access directly to the Court a copy of the decision or determination, the court shall provide a copy of the requested decision.

However, what happens on the field is not necessarily the same as expected. It turned out that the birth of this decree has not impacted significantly to public. A pilot activityof information disclosure in Court andProsecutor made by LeIP from February to June 2010 showed that the information disclosure has not been fully implemented by the Court and Prosecutor. The closed stance, excessive bureaucracy, slow response and long service time seemed to be a daily menu for most applicants of information in the Court and Prosecutor.[45]

This condition was not much different from the previous two years. A survey conducted by LeIP in 27 (twenty seven) Courts in five major cities, namely Jakarta, Yogyakarta, Makassar, Medan, and Kupang in 2008, showed that of the 174 information requested to the court, 56 or 32.2% of which were not accessible to the applicants of information. The reason given by the Courts also vary, ranging from the requested information has yetcompleted or even

[45] Berita Peradilan Edisi I, August 2010, p.2.

not exist, there should be a letter of reference or permission from the authorities, fears of misuse of information, up to rejection without reason. The courts even often chargedinformal fee for information that should become public right.[46]

The Preparation of the Decree of Chairman of the Supreme Court No. 1-144/KMA/SK/I/2011 on the Information Services Guidelines in Courts

Along with the enactment of Act No. 14 of 2008 on Public Information Disclosure (PID Act) and Information Commission Regulation No. 1 of 2010 on Public Information Services Standard, adjustment to SK KMA 144/2007was required. The Supreme Court, with assistance of LeIP, performed the adjustment by issuing the Decree of Chairman of the Supreme Court No. 1-144/KMA/SK/I/2011 on the Court Information Services Guidelines (SK KMA 1-144/2011). Through SK KMA 1-144/2011, it is expected that coordination of implementation of information disclosure and public services can be optimized.

The most contentious issue in the drafting process of SK KMA 1-144/2011 was Minutes of Proceedings. LeIP asked the Minutes of Proceedings to be accessibleto public while the Supreme Court did not agree. At first, the Minutes of Proceedings was about to be included in the excluded information. LeIP rejectedthis by proposing rationalization and argumentation. In the end, this did not happen and the settings specified in the SK KMA 1-144/2011 became:

"The litigant parties or their attorney may request information on the Minutes of Proceedings and papers filed in the trial."

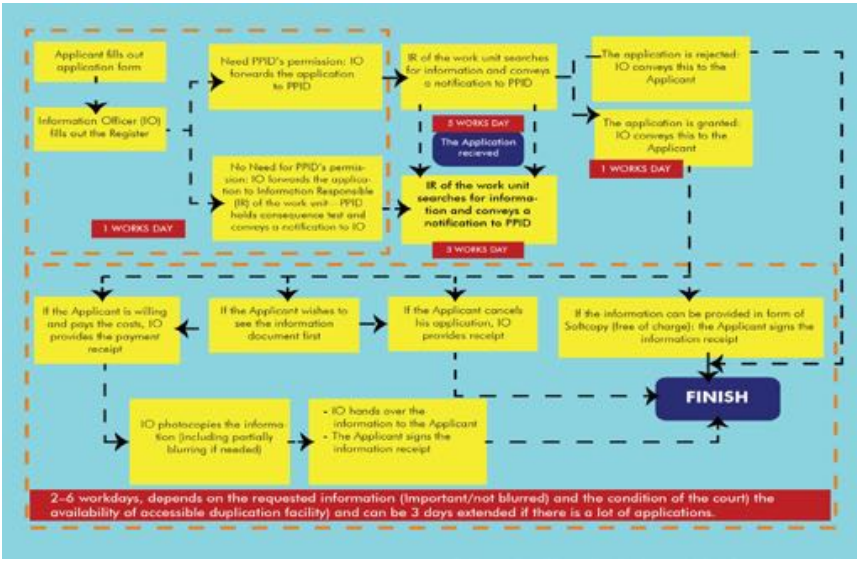
Another issue being debated was the cost and payment. The question aroseon how to accept fee of information application since according to the rules, it was not a Non-Tax State Revenue (PNBP). There weresuggestions such as the Applicant ofInformation themselves whophotocopy the information (i.e. decision) by providing guarantee and shall return the decision to the court as usual. At the end of the debate, it was agreed that it is the Information Officer who duplicates (photocopy) the information requested by the Applicant of Information. The information acquisition costs to be paid by the Applicant of information arethe multiplicationcost (e.g. photocopy) of the information requested and the cost of transport to do the multiplication. Then, both charges were also declared as not PNBP.

[46] *Ibid*

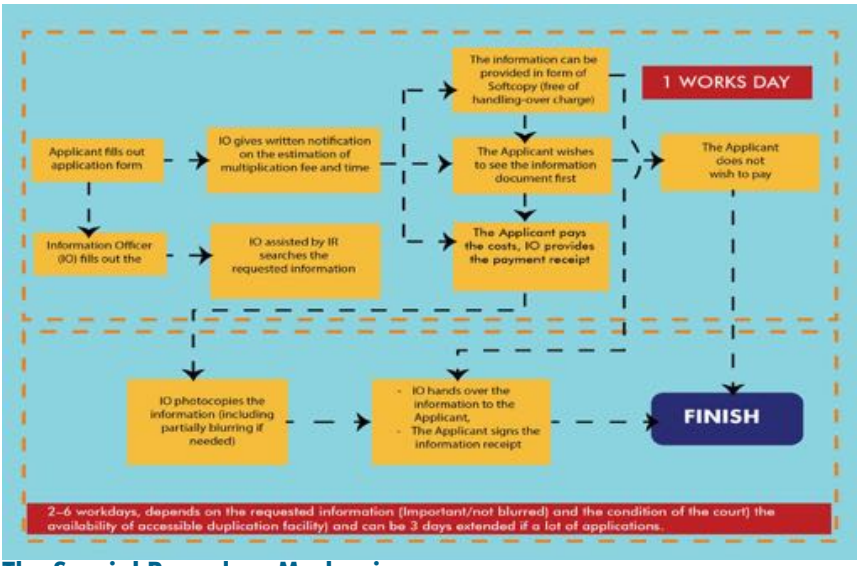
Furthermore, emerged a discussion regarding the time limit of information servicethatwas faster than the PID Act. LeIP argued that we should not retreat from regulation SK KMA 144/2007. Like a tit for tat, LeIP argument was accepted by the Supreme Court.

SK KMA 1-144/2011 outlines the following provisions:
1. The category of information;
2. The executor of information services;
3. The procedure of information announcement;
4. The procedure of information request service;
5. The procedure of partial blurring of certain information in the must-be-published information and publicly accessible information;
6. The procedure of objection;
7. The annual accountability report of information services.

SK KMA 1-144/2011 states that the procedure for court information service consists of (1) the common procedure and (2) the special procedure. The main difference between the common and special procedure is that the common procedure is adopted if the request for information is indirectly submitted, while the special procedures is vice versa.



The Common Procedure Mechanism



The Special Procedure Mechanism

Although both SK KMAs ensure the court information disclosure, in fact, public access tocourt-maintained information is yet maximal. Recently in 2013, LeIP re-held Judicial Data Processing Program. To process the data, LeIP certainly needed the latest data on court personnel, the number of cases and case statistics. When requesting case data to several Directorate Generals of the Supreme Court Judicial Agency, the researcher of LeIP was "threw" from one party to another party. There was no definite information on officer who should take care of such information requests. Statistical data of cases requested by LeIP fell into the category of information that should be available and accessible to public, but LeIP had difficulty initially to access it. In addition, LeIP should also submit a letter of application for data of cases whereas it should not have to submit a letter of application, but only filling out the application form.

Not all court personnel understand the meaning of transparency embodied in both SK KMAs. Undeniably, court officials still accept or even ask for some money to the Applicant of Information. In many cases, students requested a copy of the court decision for academic purposes and they were asked for money beyond the cost of duplication (photocopy). Toget a copy of the decision, studentspaid the "kickbacks" to the court clerk. This kind of incident will be repeated when the court information disclosure becomes merely as jargon.

The Provision of Information Desk

A good implication of the issuance of SK KMA 144/2007 is provision of information desk. The provision of information desk in each court is a reform step giving a positive impact in some respects, among others are: 1) minimizing the chance of the litigants to meet judges and registrar; 2) facilitating the litigants and the court user if wanting to search for and get a copy of judgment; and 3) reducing the cost since the Supreme Court'swebsite can be accessed anywhere.

In 2013, the number of visitors at the information desk of the Supreme Court reached 7,512 or twice more than in 2012 that reached 3,934. The most-searched information of the information desk usershad been "case information" as many as 6,500 visitors, "case complaint information" as many as 725 visitors, and for other reasons as many as 287 visitors (12%). In addition to Information Deskset up in the Supreme Court, the courts have as well Information Desk as the edge of information service in the courts. By the end of 2013, there were 398 courts throughout Indonesia which has Information Desk. Physically, the existence Information Desk can indeed be viewed in real. However, substantially, the function of the Information Desk has yet seen. The Information Desk can yet be an edge of information service in the courts. The Information Desk along withitsofficersis considered yet informative and properly in function. For example, there were instances inseveral courts in which Information Desk did not help in responding to requests ofcopies of the court decisions.

D. The Utilization and Management of the Court Information

The court information disclosureensured by rules and cultured in courts will produce benefits to public. Thing that will be further highlighted in this discussion is the utilization and management of the Supreme Court's decisions by public who are media and civil society. The Ruling Directory of the Supreme Court on page putusan.mahkamahagung.go.id is a form of public access provision to the decisions of the Supreme Court.

The Utilization by Mass Media

Press is the fourth pillar of democracy so the mass media broadcastsabout courts also influence the existing discourse. LeIP notes that the mass media, for example detik.com, utilizedthe Supreme Court's decision in putusan.mah-

kamahagung.go.idto bring on news emerging further legal discourse. Some reports have contributed to advocacy in the realm of law enforcement. In January 2014, news on the narcotics cases engineering of Ket San in Sambas and Rudy Susanto in Surabaya was crowdedly broadcasted. Detik.com brought on reporting on how the Supreme Court dismantled the narcotics cases engineering through entrapment by Police.

The media crew became in need to download the Supreme Court's decision and the decision of the court below the Supreme Court. Such needs if maintained continuouslywill be a public control, through the press, to the court. Public control over the consistency of the decision of judges and court services.

The Utilization by Civil Society (LeIP)

A form of supervision over the court decision is a decision-based legal discourse. LeIP also provides a means of the discourse by creating Review Journal on Court Decision "Dictum". In every issue of the Journal Dictum, LeIP invites Experts to perform annotation of some court decisions.

The Capture of covers of some editions of the Journal Dictum

In 2013, LeIP run the Development Program ofInformation System and Utilization of Decision. The program aimedat promoting consistency of decisions of the Supreme Court and lower courts. Activity undertaken by LeIP through this program wasthe making of indexation over the decisionsof the Supreme Court. LeIP took the decisions of the Supreme Court through site putusan.mahkamahagung.go.id. The court information disclosure that has been properly treated generated benefits for LeIP to access the decisions of the Supreme Court without a hitch.

The indexation done by LeIP then was uploaded to the site www.indekshukum.org.The site www.indekshukum.orgprovides court rulings index (currently

limited to the decisions of the Supreme Court) that allows people to surf the existing court rulings in siteputusan.mahkamahagung.go.id. The main target of this site is academics, legal practitioners, and legal activists. For legal practitioners, the rulings index enables them to refer to legal reasoning made by the Supreme Court in decisions as a source of law that can be used in court proceedings. For legal academics and intellectuals, the ruling index serves as study materials for the development of the legal science in Indonesia. Referring to other countries, the development of legal science begins with the annotation over the decisions of judges which thendevelop into legal discourses and often give birth to the legal doctrines. As for public as a whole, the rulings index facilitates public to view and assess the consistency of decisions made by the Supreme Court and lower courts.

The capture of website www.indekshukum.org

Through the ruling indexation, LeIP categorized decisions based on types of cases and particular legal issues existing in the considerations of decisions. In addition, LeIP made a summary ofselected decisions and annotations or comments on the decisions. The summary was designed to enable users to know the general idea of the content of the decisions.

E. Closing

We should be proud when the Supreme Court endorsed the SK KMA 144/2007 on Court Information Disclosure since the SK KMA was issued earlier than the Act No. 14 of 2008 on Public Information Disclosure. Furthermore, we should also be proud when the internal parties of the Supreme Court gradually realized the importance of open access to information managed by the Supreme Court and lower courts. However, the journey to optimal court information disclosure is still a long to go. The implementation of SK KMA 144/2007 and SK KMA 1-144/2011 is still in gaps. It takes a lot of support in form of Supreme Court Leadership policies, improvement of information management system, improvement ofinformation publication, up to the bettermeanness of court information disclosure. The Supreme Court should not stand alone in this regard. Society and NGOs should also encourage the disclosure of such information. Public control over the courts is absolutely necessary andthe only way to perform that is by having access to court-maintained information.

Transparency of the Legislation Preparation in the House of Representatives

By : Tio Sulastio

A. Background

source: www.google.com

At the end of the office term of the House of Representatives (hereinafter referred to as DPR)—usually and has occurred in previous periods—the discussion and preparation of Bill will increase, that is in reverse with the decreasing focus and attendance frequency of its members since their attention turn to the preparation of elections or other matters.

The House of Representatives does certainly not wish to keep receiving criticism from public for failing to meet targets for Prolegnas which are in 2014 pegged 71 Bills, of which 66 Bills are remainders of Prolegnas Bill of 2013 which have yet been completed. The low performance of DPR especially in completing the discussion of targeted Bills in Prolegnas indeed becomes one of the very crucial issues and has yet been able to be settled until today. Another problem is the persistence of deliberation meetings declared as closed by Chairmen of the meetings since it is made possible by the DPR Rules of Procedure (hereinafter referred to as Tatib) Article 240 on the nature of DPR meetings. This condition is ironic amid public pressure and the spirit of transparency surging today, especially if the meeting is to discuss matters related to public interest. As has been reported in mass media, the impact of the "closed" meeting persistence in the discussion of Bills is the emergence of clause/article trading in tobacco paragraph of the Bill, the determination of "constituency" in the Election Act that is unusual and different from the principle of universal constituencies.

The closed discussion meeting on Bills is certainly prone to intervention by Parliament interests either directly or indirectly. Government representing the President as a "former" of legislation along with the House has also yet been able to be an instrument of control and sometimes even be into the conflict of interest and tends to compromise with the House.

The power to make laws mandated by 1945 Constitution to the Parliament and the President is that: "Parliament holds the power to make laws. Every Bill is discussed by the Parliament and the President for joint approval."

The mechanism of discussion largely governed by Tatib DPR RI has put DPR and President within two swirls of strategic interests. In the perspective of public interest, this swirl of interest may be positive: people have choice and place for their aspirations in relation with proposal and substances of Act, but the swirl can also significantly be negative when it becomes power centralization of forming Act; this situation can be exacerbated by the presence of opportunities of making any meeting closed in accordance with the Tatib DPR RI.

The Transparency Movement led by civil society has long questioned this either through statements in media or by placing it in the substance of advocacy of revised act on organization and position of MPR, DPR, DPD and DPRD that now becomes the Act of MPR, DPR, DPD and DPRD No. 27 of 2009; unfortunately, the provision regarding opportunities to close Parliament's deliberation without indicator is still there. This often becomes public inquiry when the Leadership of Complementary Instrument of DPR decides to state that a meeting is closed, but the House is unable to explain to public the rationale behind the decision.

The meeting results/decisions that are far from expectation and often even contrary to the wishes of people cause public dissatisfaction against parliament, and this is reflected in various surveys in which political parties and Parliament are placed as the most corrupt institutions[47] and the majority of people do not feel represented by DPR,[48] and the low performance of DPR.[49]

It is certainly ironic since Act. 14 of 2008 on Public Information Disclosure (PID Act) is the product and initiative of DPR. The implementation of PID Act in DPR has yet also been well, although DPR has already had Standard Operat-

[47] "DPR RI lembaga terkorup", a survey held by Soegeng Saryadi Syndicate of 2013.
[48] "Masyarakat belum merasa belum terwakili oleh Anggota DPR RI periode 2009 – 2014", a survey held by Formappi of 2011.
[49] "Masyarakat menilai rendah kinerja DPR", a national survey held by Pol-Tracking Institute of 2013.

ing Procedures (SOP) and the Information and Documentation Officer (PPID) since 2010.[50]

Legislation will lead to changes in people's behavior so it is normal if people is given space in scrutinizing the process and affect its substance; to that end, DPR RI must eliminate any blockage that could potentially hinder such access, including the persistence of closed meetings in DPR that could potentially impede the public access.

In addition to pressure for more open Parliament, involving other "room" in Parliament in preparation of laws has also been an effort encouraged by civil society. This thing is what lies behind the emergence of pressure for strengthened role of DPD in legislation, due to the lack of promoting local aspirations, therefore the existence of DPD is expected to reduce or even close the opportunity for Parliament to "flirt" each other with Government.

B. Struggling for Legislation Role of DPD.

The idea and discourse of strengthening the legislation role of DPD has begun from informal discussions both in internal DPD and among civil society which then agreeing some advocacy agendas: the Material Testing of some articles of Act. 27 of 2009 on MPR, DPR, DPD and DPRD, and Act. 12 of 2012 on the Establishment of Legislation. For the strategy and effectiveness, civil society coalesced in the Citizens Coalition to Restore the Constitutional Authority of the Regional Representatives Council (DPD), which was then called Citizens Coalition, consisting of 14 individuals of academicians, professionals, and NGO activists, chose to file a lawsuit themselves outside the lawsuit filed by DPD. The lawsuit of the civil society was incorporated in October 2012. To represent them in proceedings in the Supreme Court, the Coalition entrusted: Veri Junaidi SH, MH; Wahyudi Djafar S.H; Alvon Kurnia Palma SH, Jamil Burhan S.H, Ridwan Bakar SH, Mustiqal SH, dan Bahrain SH.

Their application materials and advocacy strategies discussed through a series of intensive discussions between the Coalition and their attorney run effectively, the discussion also several times involved DPD as other plaintiff with similar lawsuit material.
A new interpretation created by the Constitutional Court through its decision No. 92/PUU-X/2012[51] towards some articles in Act. 27 of 2009 on MPR,

[50] The Regulation of DPR RI No.1 of 2010 on the Public Information Disclosurein DPR RI.
[51] Ruling No. 92/PUU-X/2012 of Mahkamah Konstitusi Republik Indonesia.

DPR, DPD and DPRD and Act. 12 of 2011 on the Establishment of Legislation had clarified the role of DPD in the planning and discussion of legislation pronounced in open plenary session of THE CONSTITUTIONAL COURT on Wednesday, March 27, 2013.

source: www.google.com

Such decision should be the first step for DPD to then formulate an advocacy framework so that such decision can actually be applied. The framework can be preceded by an analysis of various laws and regulations governing legislation in this country, other than Act.12 of 2011 and Act.27 of 2009, the Rules of Procedure (Tatib) of DPR RI and Tatib of DPD itself.

In the planning of law, DPD's proposals become important to be formulated: who has the right to propose, individual member, complimentary instrument, or who? How DPD mechanism is in providing explanation as well as opinion and others.

Currently, the preparation of legislation planning and act discussion between the House and President (representing Government) is set in Tatib of DPR so that the first thing should be discussed between DPD and DPR is how to revise Tatib of DPR and insert the formula set forth in the Decision of the Constitutional Court to Tatib.

In order to initiate the plan, it will be a good idea if the Chairman of DPD establishes communication with the Leadership of the House and Government including President; the DPR's still-unclear-stance up to this day suggests that there is still hampered communication. The hampered communication can be caused by several things, among others: the lack of proper communication patterns or lack of involving public participation in this case; it seems that DPD needs to look back at who they represent so it is very appropriate if DPD also re-invites public support, especially in the regions.

The ruling of the Constitutional Court on one hand gives hope, but on the

other hand also raises homework that must be resolved so that the decision can immediately be implemented since the present discussion of Act is using the mechanisms and procedures provided in Tatib of DPR, so it is precisely this Tatib which is prioritized to be revised, the Provisions on the revision concerning Tatib DPR is governed by Articles 310 and 311 of Chapter XXIV of Act.27 of 2009.

In addition to authorizing in the discussion of Act, the Constitutional Court also give space for DPD to be involved in drafting the National Legislation Program (hereinafter referred to as Prolegnas) in which there will be a number of Bills submitted by DPD, so DPD should also have mechanisms and procedures for the preparation and placed them in Tatib DPD, since Tatib DPD of 2010 which is still valid does not yet set them in detail, and this is precisely inverse with DPR that is in detail govern the procedures, mechanisms, and flow of planning, discussion and the establishment of Act in its Tatib. Besides, what kind of impact is over the rejection of a bill by DPD from President and Parliament.

Ideally, among DPR, DPD and President should have procedures, mechanisms and flow of planning and discussion, arranged together and apart from Tatib DPR. This is necessary since after the 1945 Constitution amendment, there has no longer known the highest state institution, so that all state institutions stand equally in their respective role and authority and control each other (checks and balances), so it is appropriate if the jointly-run authority is stipulated in rules that is also jointly agreed.

Apart from having to set up the mechanism and role of DPR, DPD, and the President as intended in the decision of the Constitutional Court, Tatib must also be transparent and provides space for public to participate.

C. Corruption in the Process of Legislation Preparation.

The process of drafting legislation has also not been optimally followed by Members of Parliament assigned by their fractions for it, either as Commission members or as members of the Special Committee. Double positions and duties of the members of the House have been pointed out as the biggest cause of their absenteeism in meetings, including legislative meetings.
The attendance list up to this day is managed by Factions; DPR RI as presented by Information and Documentation Officer (PPID) has included the list of

attendees as the open information;[52] that information is also the most-requested information by community, but sometimes PPID experiences problems in meeting the demand since some factions still define such information as the excluded information[53].

source: www.google.com

In addition to document issue which is still categorized as exempted information, the attendance rate is not also calculated based on physical presence, but what contains in the presence list is often seen in television screens or reportage images as empty, but when the presence list is checked, it looks full or there are absences by visible reasons: illness, faction duties, and other. The maximum limit of absences that is 6 times in a row set forth in Act No. 27 of 2009 on MPR, DPR, DPD and DPRD does also not discourage and even tend to be "tricked." This absence in meetings is also able to be categorized as corruption since there is a hoax due to the difference between facts and list of attendees.[54]

52 The Deputy Chairman of PPID of DPR RI: Suratno in a discussion held by IPC at the Cafetaria Lobby Room of DPR RI, January 16, 2014.
53 The Deputy Chairman of PPID of DPR RI: Suratno in a discussion held by IPC at the Cafetaria Lobby Room of DPR RI, January 16, 2014.
54 Ibrahim Fahmi Badoh in interview with detik.com, Tuesday,July 20, 2010.

D. The Practice of Article Trading in the Discussion of Act.

Today, corruption in Indonesia has penetrated various fields, and runs from national level to even remote areas due to the width of geographical area and the difficulty of monitoring. If back then corruption had dominated the issues of bribery, procurement of goods services, business travel, budget markups, etc., now the perpetrators of corruption are various and have touched all branches of division of power: executive, judicial, and legislative. In particular, corruption in the legislative sector has also a new model, if back then they as policy makers made policies that benefited themselves or their groups, this time, the practice begin to reach the alleged trading of article or policy.

The Article Trading is not new in the House, it has been proven that some perpetrators have been punished due to the matter, including:

1. The case of discussion of Bank Indonesia Act.
Billions of dollars were given to a number of Parliament members to pass certain passages in the discussion of Bank Indonesia (BI) Act; the Corruption Court has decided a number of members of the House of Representatives as guilty.

2. The cases involving the Parliament and the Ministry of Manpower and Transmigration.
Allegation of bribery in the discussion of the Act on Revised State Budget to smooth the acceleration of infrastructure development programs in regions allegedly involved the Secretary of the Ministry of Manpower and Transmigration.

3. The cases involving the Parliament and the Ministry of Religious Affairs.
There was a statement of the Minister of Religious Affairs which stated that there is people's perpetual fund amounted to IDR. 1.5 Billion that is allegedly used to smooth discussion of Endowments Act.

There are three things causing poor quality laws in Indonesia, one of which is due to frequent exchange of issues and trading in the determination of the content of articles in a law.[55]

[55] Mahfud MD as the keynote speaker in a seminar on legal politics.

source: www.google.com

This practice can occur due to the persistence of meetings that can be declared as closed by the chairmen of the meetings in the House of Representatives, so what happens in the meetings can not be accessed by public.

Whereas, the establishment whether a meeting is stated as closed or not must be based on the nature and importance of the meeting, including any matter to be discussed at the meeting, so that the establishment whether a meeting is stated as closed or not has a clear criteria.

E. The Experience of Access Testing to Information in DPR.

Based on the experience of IPC in requesting information such as: meeting decisions, Employment SOP, SOP of expert staff, number of staff, the 2010 and 2011 Annual Report, they were all given. But once, IPC has ever requested for information regarding the reasons and results of assessment of the selection of candidates for the Information Commission period 2003–2007, which until now has not been given.

F. Conclusion

1. Transparency in the House of Representatives is merely procedural: PPID designation, SOP formation, while closure practices in the determination of meeting and the attendance list are still going on.

2. The closure breeds and allows rampant corrupt practices in the House.

3. Achieving transparency in the House of Representatives should be started from the improvement of Act. 27 of 2009 on MPR, DPR, DPD and DPRD and the Rules of Procedure of the House of Representatives.

When a House Lizard Fights Against a Crocodile

By: Andika Gunadarma

"... how could a house lizard wish to fight against a crocodile ..."
(Former Chief of Detectives and Criminal Agency of the National Police Headquarters, Commissioner General of Police Susno Duadji, TEMPO July 6–12, 2009)

A. The Story Behind the Screen

That afternoon dated on July 6, 2009, ten of us were a little bit surprised at the invitation of meeting from these gentlemen, since it had been a month our little office became more crowded due to their presence. We were happy since their opinions added our knowledge, because at the time we just knew that Antasari had been arrested and was being processed for alleged involvement in a murder.

I myself had once argued with some friends the day before about the "murder scenario" and had a little imagination with "conspiracy theory". At least, a frame of office glass was full of graffiti markers with pictures of diagrams. Then only one conclusion at the time was: "Follow the money instead of focusing on the perpetrator."

That evening, the gentlemen looked more tense and serious than ever. I myself felt honored to be invited to the meeting along with them.

"We have to start moving!" "People outside should know the real situation, because if otherwise, the Corruption Eradication Commission could soon disappear", said one of them.

"Tomorrow, there will be an attempt of police to detain Chandra, and today we have no other option, at least we can not stay silent," he said again, handing TEMPO magazine with an image of a face that I did not know who, what I remembered was the person in the picture had his hands on his hips.

Although I did not know him, I did not like his style, I thought a bit arrogant. After further reading the article, my blood rushed to my head and although his quoted words were not addressed to me, for some reason it felt like my dignity was being trampled.

How could such person exist today? That was the first question arising in my head, and once I got back and checked, it turned out that such guy was a lot in our miserable country. Instantly my stomach felt queasy.

"Now we have a reason to fight," said a white-haired gentleman. "Immediately create and publish posts on several blogs, mailing lists, websites, anywhere that can be accessed by common people, about what really happens".

What indeed really happened? The second question popped into my head, my mind was still stuck in Antasari's murder case, and it turned out that I had not had my lunch.

"Write about the Bank Century corruption, and also write about the effort to weaken the Corruption Eradication Commission," he said again.

"What if we write from another angle?" I suddenly interrupted, a bad habit which was hard to disappear.

"What if we write by putting more focus on the house lizard?" I was getting out of control. It seemed like everyone in the room was confused.

"Indeed, I do not know your exact feeling over this article, but for me, what is meant as a house lizard here is not only the Commission"

"We are all house lizards in his eyes"

"Well, if the chairman of the Commission is even regarded as a house lizard by him, and what are we, ordinary people, meant as, then? Ant? Or even germs?"

'If I were good at writing, I would write about the snobbery of The Crocodile and we can include another article about corruption to strengthen the reason why we get angry".

"He has already been corrupt, claiming as winner, and also insulting," I had completely lost control. For some reason (rarely happened), it looked like my last words was true, because the attendees seemed to be more receptive.

"Well, try to make the writing now and in an hour we re-hold a meeting," said a tall gentleman with long nose.

"Brother, you create the cartoons! It is a picture of crocodiles attacking the Commission's office!"

"Yes, Sir, I will try," I said while began playing around with Corel Draw.

Then the gentlemen stepped out the meeting room.

"Oh, I forgot to tell you," said the white-haired gentleman.

"There is information saying that this office has been intercepted by police as well, so be careful when doing conversation," he said with a smile.

It was like being struck by lightning, me and my friends in the room looked at each other in confusion, fear, anxiety, wonder, but finally we laughed. It might be just unwind, laughing as if exhausted after being chased by dogs but then managed to escape—laughing with feelings of anxiety.

My brain was spinning, I started to draw a crocodile, then drawing a building, then drawing a house lizard. It was indeed an ugly picture. If I were a school drawing teacher, I gave 3 for it.

Then suddenly I got an idea after I read the article again and saw Apple logo on the computer. What we needed was a logo which depicted the resistance of a house lizard against a crocodile.

I had 30 minutes to draw, and I was sure if the result might not be good. Inspired by the symbol of Ying-Yang, I created a circular image of a house lizard and a crocodile in a face-to-face encounter with big letters "I am a house lizard, dare to fight against a crocodile".

Possibly, a logo/symbol will be more easily accepted in general rather than a cartoon or caricature since logo is not require understanding, is more flexible to be published in various media such as posters, t-shirts, etc. and more im-

portantly, it gives freedom for everyone to provide interpretation.

All friends in the room agreed with the image I proposed. An hour was up. I myself was still not satisfied, even far from feeling satisfied. Finally, the article also finished, plus we found a stand for the word CICAK (lizard); "Cintai Indonesia, Cintai KPK" (Love Indonesia Love the Commission)", it did seem self-forcing, but there was no other better option, so we all agreed to use it.

"Do not forget to use the logo "house lizard" as your "profile picture", and share it to everyone we know to invite them to use this logo as well, as many as we can," I said to all presenting in the room.

The article has been posted, the image has gone up. I was still far from satisfied with the picture. Due to my still curiosity when arriving at home, I tried to make some other logos, after 2.30 am, had finished an image of logo of a red lizard pointing its finger, with the same writing; "I am a house lizard". I made the picture as my "profile picture" on FB, replacing my initial logo before finally sleeping.

The next morning, I went in spirit to the office with the goal to inform other friends to take the new logo rather than the old school logo of Ying-Yang.
"Brother, your pictures have already spread everywhere," said a friend who was sitting cross-legged in front of the office.

"Your new picture, the house lizard is more like a gecko. No house lizard having spots on his body," he said with a laugh.

So was as well when I got into the office.

"Is it you who draw the logo?"

"It has already been spread."

I hurriedly opened my laptop, and directly opened my FB. Almost everyone I knew has replaced their "profile picture" with the old school logo. I was too late.

"Why did you make another new logo anyway?"

"It will make people confused which one to use," said a friend.

"Let it be, the more options the more people use them, since they may not like the old school logo, just like me".

"We are democratic, aren't we? It is not a matter of the logo, but what is represented by the logo," I replied, a little sad, since it has been so many that used the old school logo.

In my heart I was determined to "make another picture, even more". Hopefully, these could represent what we felt at that moment.

"... I am a house lizard, you are a house lizard, we are all house lizards and they are crocodiles"

B. Online Campaign A House Lizard VS A Crocodile

A clear distinction between the days before the internet era and thereafter in terms of deployment of information is speed and "scab ability". The same was felt by humans about 300 years ago, when the first discovery of "printing press", when previously the dissemination of information could only be done verbally. After the molding tool was found, all records, discovery and scriptures, have been able to be reproduced and distributed very quickly.

Imagine the dissemination of such information is a thousand times larger in terms of numbers and speed: that is the internet age. Some things that can determine how fast and large the effect of the information can be spread in the virtual world apart from the technology itself, among others:
- The characteristics (demographics) of the Internet users in the area and time of which the information is "published" to the virtual world;
- Situation/circumstances when such information is published in cyberspace;
- The way the information is published and disseminated.

2008 is the beginning of a new social movement, when previously most internet users in the country were not quite aware on how powerful was the Internet's role in the dissemination of information when linked with the movement /mass action.

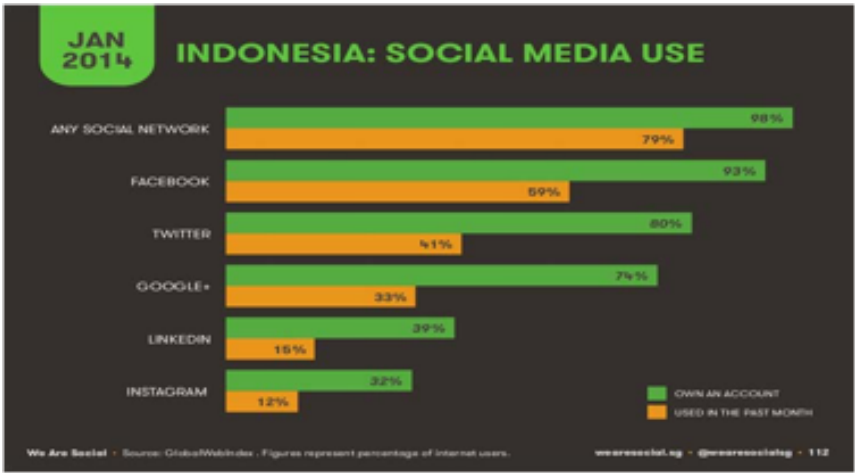
The case of House Lizard vs Crocodile is one of "milestones" in the history of movement of people united in a common goal of "Arising, Unite against Corruption", was started by 10 people and finally supported by millions in less

than three months. What distinguishes Lizard vs Crocodile movement from other movement both online and offline is the way. Prior to this movement, most other mass movements both online and offline had been one-way, while the campaign of Lizard vs Crocodile opened opportunity for anyone to contribute either directly by down to the streets, by spreading writings, drawings, and other works, up to just clicking "like" in their respective Facebook account.

Symbols in Lizard vs Crocodile campaign held a very important role because these symbols can directly be received and absorbed by anyone who saw it instead of having their own agenda or opinion about corruption eradication. The Symbols Lizard vs Crocodile successfully represented most of current feelings of people, not merely "fought against corruption" but also "against arrogance" of government officials / authorities.

C. Characteristics & Demographics

Indonesia is the highest in the number of Internet users after China and the United States, with more than 70 million Internet users. The number of Internet users each year increases by approximately 18% from the previous year, and nearly 70% of total Internet users are active in "social media" (Facebook), and the number has placed Indonesia as the highest state in the number of "social media" users in the world.



One of the social characteristics of Internet users in Indonesia is that "their sharing desires" are stronger than in other countries such as China and the U.S., where Internet users are more likely to be passive.

The high level of activity and interaction among the Internet and social media users accelerates the deployment process of information and make that information more easily accessible in the network of each user of the internet and social media.

An example is the Lizard vs Crocodile campaign that was more easily accepted by people if they saw or read it from their own friendship networks than if they saw it from media (public website) both electronic and printed. This is where the role of "social media" is crucial.

The statement "... how could a house lizard wish to fight against a crocodile ..."issued by Chief of Detectives and Criminal Agency of the National Police Headquarters, tended to underestimate, became an exceptionally effective trigger in making the campaign accepted by community, as fire doused in gasoline, even up into the police institution itself.

The selection of social media to be the major media in the Lizard vs Crocodile campaign was not only based on the high number of the users in Indonesia but also in terms of its simplicity to invite interaction /direct response from anyone who saw it.

By simply replacing the profile identity (picture) and providing a "link" that explained the purpose of the logo/image of the Lizard vs Crocodile to several Facebook accounts, it was able to invite tens of thousands of questions of social networking within their respective networks of friends, which eventually came to replace their profile pictures as a form of support. The same process was repeated and continued to spread in a larger scale in a short time.

D. Situation & Circumstances

The corruption case itself might no longer be the only good reason that triggered a positive response but was an integral part of the "humiliation" that came out of Chief of Detectives and Criminal Agency of the National Police Headquarters at the time.

Regardless the case, no precedence that Indonesian would stay silent if insulted or denigrated.

An example of other case gaining a positive response is the case of Prita. Within a very short time, Prita managed to gain a lot of support both in virtual world and the real world in form of coin collecting.

A factor of success of an online campaign is timing, and sometimes appears a variety of responses that can strengthen the spread and the message of the campaign.

For example is Evan Brimob case that had once become a phenomenon in cyberspace. Evan made a statement, "police do not need people, it is people who need police" on his FB account. The statement that was widely spread just days after the campaign of Lizard vs Crocodile had enliven the homeland Internet world and gained a tremendous responses from Internet users in Indonesia at that time. Evan's response, which might initially be a form of his loyalty as a member of police even helped to reinforce the campaign of Lizard vs Crocodile, like pouring gasoline on the burning fire.

E. How to Spread

The online campaign will probably not succeed without being supported by an offline campaign and will not also be anywhere if the spread is not supported by the existing mainstream media.

There are several things that can be categorized as a contributing factor of the success of an online campaign in terms of content, among others are:
- The content of campaign should be simple and specific, i.e. on a particular thing. The more simple and specific the campaigns, the easier to be accepted;
- The content of campaign should target more than a class of people, thus the message conveyed will be more powerful;
- The content of online campaign should be done repeatedly (repetitive), either through the same media or other media. Repeating the message many times will reinforce the message itself and allow improvement (update) and open the aspiration/input from user.

Online campaign Lizard vs. Crocodile managed to get attention of dozens of local and international media, both printed and electronic. Recorded that over tens news agencies (local and international) and thousands of websites and blogs covered it.

Offline support from various NGOs including TII and ICW in realizing mass action ranging from declarations to action "a million supporters of Chandra Bibit" was one of the most crucial parts of the campaign. Since the offline campaign was the only link to the online campaign that made virtual became real movement.

Up to this day, the term Lizard vs. Crocodile is still relevant to be used whenever any form of public resistance against the ruler exists.

Advocacy in Improving Public Service of Indonesian National Police, as Effort in Strengthening Accountability and Transparency

By: Nur Arif Fikri[56]

A. Abstract

Accountability and transparency in Indonesian National Police (POLRI) institution is very important regarding POLRI as an institution that runs function in security sector and law enforcement has the authority over the form of forceful instruments that in practice often tend to violate legal norms.

With the enactment of Act No. 14 of 2008 on Public Information Disclosure, each public body is required to provide information to public; the delivery of this information is a form of public control to ensure that a public body works in a transparent and accountable manner. Therefore, as a public body, POLRI has a duty to convey information to public as a form of accountability and transparency on the performances of its institutions, this is in line with Act No. 2 of 2002 on the Indonesian National Police in which POLRI also has a duty to provide services to society.

B. Introduction

This paper tries to summarize and assess how success POLRI is in working accountably and transparently in carrying out its duties and functions as mandated under Act No. 14 of 2008 on Public Information Disclosure and Act No. 2 of 2002 on the Indonesian National Police, based on advocacy experience and cases assistance handled by KontraS. The right to Public Information as a vital part of human rights [the right to seek, receive, and convey information of ideas dam][57] is stated in the Constitution of 1945 Article 28f, and then re-legitimized into Act No. 14 of 2008 on Public Information Disclosure (PID Act). The post-enactment of Act No.14/2008, which requires all public bodies to

[56] Staff of Division of Civil and Political Rights Advocacy of KontraS

[57] The formulation of "the right to seek, receive, and convey information and ideas" is similar to the existing provisions of the European Convention on Human Rights (Article 10); American Convention on Human Rights (Article 1); and slightly different to the African Charter on Human and Peoples' Rights (Article 9 simply states "the right to receive information")

convey information to public, POLRI is arguably one of the very progressive institutions, at least it has been stated commitment in form of Police Chief Regulation [Perkap] No.16 of 2010 on the Procedures of Public Information Services on Police Environment and a set of supporting Standard Operating Procedure (SOP), such as SOPs of Information Collection and Management, of Information Services Procedures, of Online System Using as a Means of Dissemination of Information and Data, and of Information Dispute Resolution and of Excluded Information Formulation. Police commitment through Perkap No.16 of 2010 is one of the efforts to realize the excellent service, which was then under the leadership of Police Chief General Timur Pradopo has campaigned Ten Priority Agenda of Police.[58]

The awareness to reform its institutions through the mechanism of public information services is part of a governance towards democratic, transparent, and accountable policing; Police and KontraS has ever cooperated toward POLRI readiness in implementing PID Act through monitoring test. KontraS monitored internal mechanism of POLRI in 7 regions, to measure the readiness of POLRI personnel in implementing the PID Act.[59]

The accountability and transparency through public information disclosure service in POLRI institution is very important, considering the enactment of Act No.2 of 2002 on POLRI who provide legitimacy for POLRI as a law enforcement institution [service, protection, and guardianship] and security tools in order to create order in society, which for more than 32 [thirty-two] years POLRI has been subject to military control within the institution of Indonesian Armed Forces [ABRI] which has adopted militaristic ways in the process of law enforcement and public order, resulted in practices of human rights violations accompanied by the denial of legal liability.

But after more than 12 [twelve] years of post-separation of POLRI from TNI,

58 Ten Priority Programs presented by National Police Chief Gen. Timur Pradopo among others are: Implementation of the new organizational structure, Deployment of Police Service Center (SPK) in various centers of public activity, Complaint Service throughElectronic Systems. The ten programsarethe commitment of Chief of Police to revitalize the institution, focused on efforts to encourage excellent service that can be felt by public in order to increase public confidence towards police. The ten programs can actually be synchronized with the agenda of democratic policing, law enforcement and promotion of police's internal accountability agenda that is consistent with human rights principles.

59 The process of monitoring test is conducted in several phases of work: reporting, sendingletters to request information and documents to public bodies, visitin public bodies to ask for interviews, management of data and findings, analysis of findings, internal appeal (if information is not responded or considered not adherent to Act). The findings are evaluated by three approaches: time, justification and adherence to the principle of freedom of information. Details can be viewed in: KontraS and TIFA Foundation, "Laporan Pemantauan Pelaksanaan Keterbukaan Informasi Publik di Institusi Polri" (Monitoring Report on the Implementation of Public Information Disclosure in Police Institutions—translator).

which as a means of security and law enforcement with a very broad role, POLRI is far from professionalism in carrying out their duties as mandated by the Act on Police, POLRI's lack of professionalism either in carrying out its functions and duties is because it is not supported by working professionalism of its members who have increasingly better performance in carrying out basic tasks and functions as mandated by Act No. 2 of 2002.

The still many violations of human rights practices, the use of excessive force by police officers, up to lack of professionalism in carrying out its duties and functions [service, protection and guardianship] still become particular note in the process of law enforcement. So this often raises doubts among people against the reform process in the body of POLRI, particularly in relation to the transparency and accountability of its members who commit violations.

As one of the many factors causing the occurrence of cases of human rights violations [case engineering, criminalization, torture, arbitrary arrests and detentions, killing outside legal process] done by members of POLRI, it is its authority that allows POLRI to use huge instruments of violence and coercion minus a comprehensive oversight.

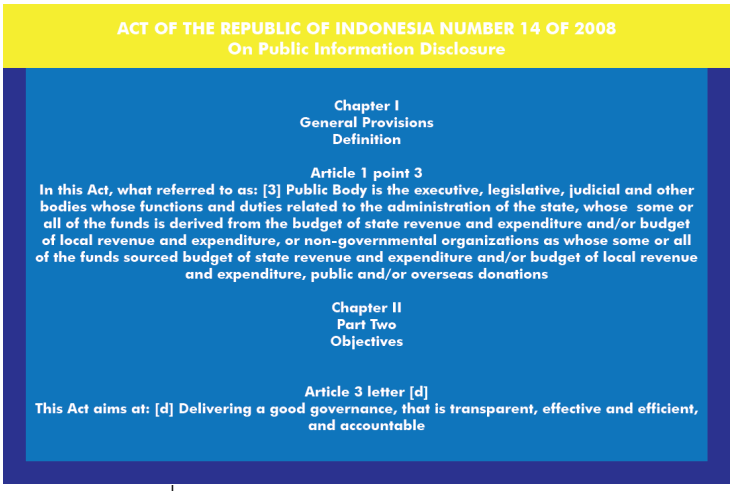
With the number of violations and abuses of power committed by POLRI, then it is appropriate should there be a correction mechanism of the action taken, in order to avoid misused authority, as an institution or personnel, POLRI should continue to be monitored both internally and externally in order to be accountable and transparent to increase public confidence. But often the police accountability mechanisms at both internal and external are so complex and complicated that they tend to be look not transparent and accountable, so that people, especially the justice seekers who are become victims tend to be difficult to get access to information.

C. The Implementation of the PID Act

In the year 2011 KontraS had monitored POLRI performance in terms of the implementation of PID Act conducted in areas such as: Nanggroe Aceh Darussalam, North Sumatra, Greater Jakarta, East Java, South Sulawesi, East and West Nusa Tenggara, Bali, Maluku, and Papua. The monitoring had been conducted on the implementation of 69 (sixty-nine) Information and Documentation Officers of Police (PPID), which was at the level of Police Headquarters, Local Police, Resort Police, and Sector Police. This monitoring aims at: First, realizing the integration of the role of Public Relations function of Police, Police Headquarters PPID, and territorial units in providing and/or receiving needed information to realize two-way communication, both between bearers of Police Public Relations function, PPID of Police Headquarters, and territorial units, as well as interested parties; Second, using this mechanism to encourage advocacy in assisting victims. This effort is done to simplify KontraS to get information in case handling and in criticizing Police policies; Third, encouraging the effectiveness of the implementation of public disclosure mechanisms in the body of Police; Fourth, encouraging internal accountability within the framework of public information conveyance as part of POLRI's institutional reform.

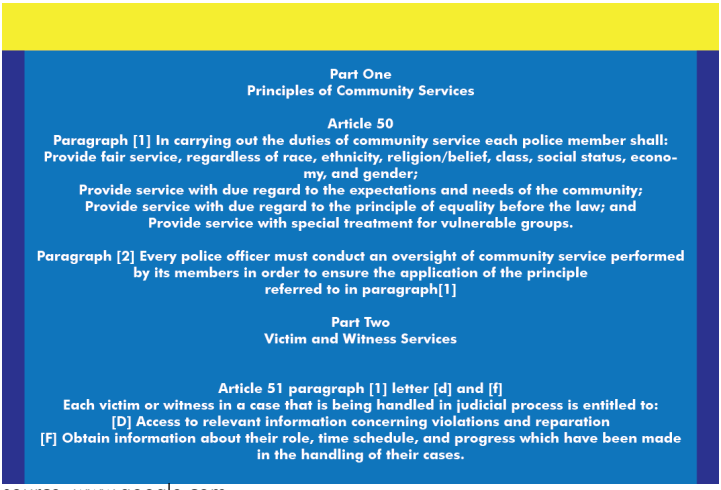
Based on the results of the monitoring, there was success of the National Police in the running of public information services based on criteria in Perkap No.16 of 2010, which is exempted information, the information that must be available at all times, and the information that shall be made and delivered periodically. Toward the information that must be available at all times, POLRI gained a high response that was 70%, this signified that the Police Department has prepared and been open to provide information with regard to what is required by the Act.

Demands to be transparent and accountable for Police in carrying out its main task at this time will also be important to increase public confidence toward Police institution, where the confidence in the Police performances is increasingly eroded, in addition, the services of public information disclosure is a means to optimize public oversight toward state administration, Police in particular, given the authority given to the Police is very great. The Act No. 14 of 2008 on Public information Disclosure explains:



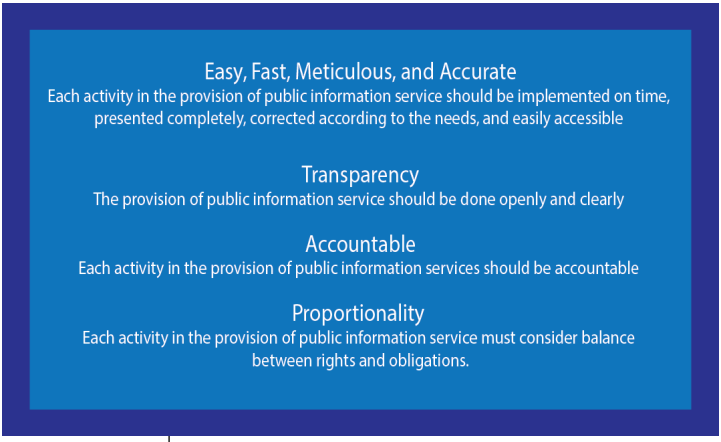
source: www.google.com

Not only in the Police Act and Public Law, transparency and accountability-mechanisms POLRI was also stipulated in the Internal Regulations such as the Police Regulation No. 8 of 2009 on the Implementation of Human Right sand Standards for the Operation ofthe Indonesian National PoliceDuty [Perkap HAM] in carrying out thefunctions ofhis ministry....



source: www.google.com

In addition toPerkapHAM, Policealso issuedinternal rulesrelated to Police Chief Regulation No.24 of 2011on Procedures ofPublic Information Services within the Indonesian National Police, as follows.



source: www.google.com

The number of regulations that govern both the Actand the Internal Ruleson Police related to Police transparency and accountability mechanismsun fortunately is not matched by the professionalism of its members in carrying out the main task.

In KontraS note, during the year 2011–2013 KontraS recordedas many as 23 [twenty-three] cases complained by KontraS either directly orthrough arelated letter to the cases of lack of professionalism of apparatusto Div. Propam, out of 23[twenty-three], there are only 9 [nine] cases that get responses, while up to this day,14 [fourteen] caseshas yot received any response.

TABLE 1. KontraS Complaint Through the Internal Mechanism of POLRI

YEAR	REPORTED CASES	RESPONDED	NOT RESPONDED
2011 - 2012	13	7	6
2012 - 2013	10	2	8

Source: Dokumentation of KontraS Complaint [2011–2013] [60]

While associated with the response given, KontraS has its own record where the response provided tends not to touch on the issue related to the reported statement. Not only related to the response, on the other hand, during the report process, the report less often gets a good response. The lack of response and reluctance in doing a follow-up of report shows the persistence of problems in POLRI body, either associated with police internal accountability that is not in line with human rights principles and Act No. 14 of 2008 on Public Information Disclosure.

Referring to the task of Div. Propam which one of its duties, as provided in the Standard Operational Procedures of Propam about Propam Service Center, it should have been the duty of the examiner to no later than 20 [twenty] days after receiving reports or complaints from public must publish or submit a Notice on the Development of Propam Examination Results [SP2HP] to the complainant, it is intended to address POLRI transparency and accountability in law enforcement duties to its members.

Not only related to the internal mechanisms of its members are reported, or the provision of information services also often ruled out by investigators associated with the development of reports which have an impact on the legal constraints in the defense sector involving police in it. So far, those who work as lawyers, journalists and human rights workers many obstacles in accessing

[60] The Documentation of KontraS Complaint

information and documents about activities that are directly related to police activity. In monitoring conducted by KontraS ever, There are 68 [sixty-eight] requests for information and documentation received no reply / silent (mute refusal) of PPID. Categories of information requested but not received an answer / silent is 44 [to four-four] demand associated with the development of the Notice of Investigation Results [SP2HP].[61]

Lack of transparency and accountability is not only in the application process requested through the mechanism of Public Information Disclosure associated with cases in which its members are suspected doing violation. Police reluctance also happens to cases in which KontraS provides assistance directly to the victims of the alleged perpetrators are police members, such as in the case of execution outside the legal process [case of Yusli[62]], torture [case of Aslin Zalim[63]], arbitrary arrest and detention [case of Wildan Saputra[64]], POLRI actually looks not transparent and accountable in the process of service or provision of information to do disclosure and law enforcement towards its involved members.

Lack of professionalism in carrying out service is clearly contrary to regulations mandating POLRI to carry out services in transparent and accountable manner as in the Act.14 of 2008 on Public Information Disclosure, a violation of Act.25 of 2009 on Public Services, violation of Perkap No.8 of 2009 on the Implementation of Human Rights Principles and Standards in Organizing POLRI Duties, violation of Standard Operational Procedures of Propam on Propam Service Center associated with the principles of accountability and transparency, the principle of fair and balanced, and the principle of integrity in handling complaints. On the other hand, in the service toward the process of information provision that is not related to cases of human rights violations, POLRI looks more transparent, for example one associated with information on the request for Security Assistance for PT. Freeport Indonesia.

61 The Assessment Report on the Implementation of Public Information Access in 5 [five] State Commissions, KontraS and CLD, Jakarta, November 2013

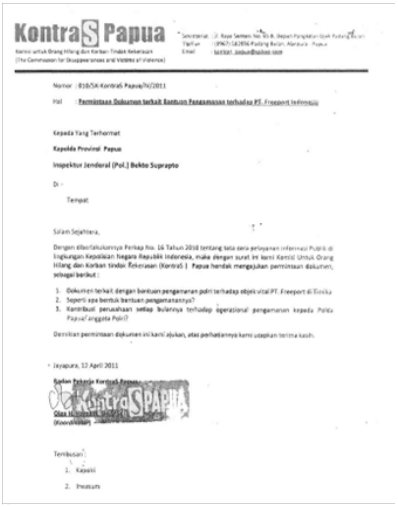
62 Yusli is a victim died due to being shot by Cisauk police members; after being arrested, the victim was taken to Puspitek area to be interrogated until finally the victim dieddue to a gunshot wound. Post-arrest, police had once issued denial associated with the presence of the victim.

63 Aslin Zalim is a victim died in Baubau police station, after being soaked by order of the Chief of Police Baubau.

64 Wildan Saputra is a victim of arbitrary arrest and detention conducted by members of Tanah Abang Metro Police investigators, in which previously for approximately 9 [nine] days, his family did not know the victim'swhereabouts

Table 2[65]
Responses toward the Letters of Demand on Public Inform

LETTERS	RESPONSES
KontraS send a written request to the Papua police information request for documents relating to security assistance to the PT. Answer Freeport	Papua Police plea related security information that PT. Freeport by police as many as 475 members of the company's contribution to each member of Rp. 1,250,000, -/Bln
KontraS send a written request to the Police Headquarters of information related penaganan cases of alleged arbitrary arrests, torture, and intimidation by some members of the Central Jakarta Police on a number of Papuans in Papua Mess, Central Jakarta	Answers from Police Headquarters by sending a notification letter developments workup Propam
KontraS sent a letter to the Maluku Police requests for information related to the development of the legal process police officers who allegedly violated the code of ethics and professional cases in Maluku	Maluku Police response, at the request of the information that in that case there were 5 cases of violation of the code of ethics and professional has been handled by the Maluku Police Propam
KontraS Bogor Police sent a letter to request information related to the security of the GKI Taman Yasmin Bogor	No response
KontraS sent a letter of objection to the Bogor Police have not answered a letter of application related security information of GKI Taman Yasmin Bogor	No response


KontraS Papua

Permintaan Dokumen terkait Bantuan Pengamanan terhadap PT. Freeport Indonesia

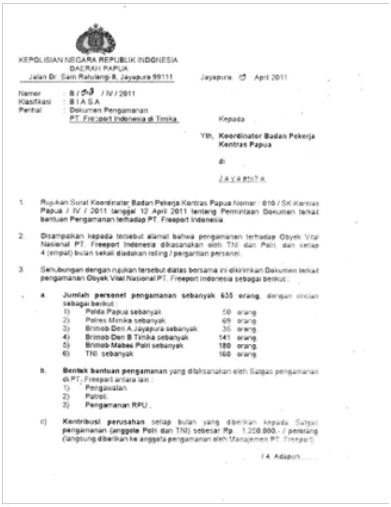
Kepada Yang Terhormat
Kapolda Provinsi Papua
Inspektur Jenderal (Pol.) Bekto Suprapto
Di -
Tempat

Salam Sejahtera,

1. Dokumen terkait dengan bantuan pengamanan polri terhadap objek vital PT. Freeport di Timika
2. Seperti apa bentuk bantuan pengamanannya?
3. Kontribusi perusahaan setiap bulannya terhadap operasional pengamanan kepada Polisi Papua/anggota Polri?

Demikian permintaan dokumen ini kami ajukan, atas perhatiannya kami ucapkan terima kasih.

Jayapura, 12 April 2011


KEPOLISIAN NEGARA REPUBLIK INDONESIA
DAERAH PAPUA
Jalan Dr. Sam Ratulangi 8, Jayapura 99111

Jayapura, 6 April 2011

Nomor : B / [illegible] / IV / 2011
Klasifikasi : B I A S A
Perihal : Dokumen Pengamanan PT. Freeport Indonesia di Timika

Kepada

Yth. Koordinator Badan Pekerja Kontras Papua
di
JAYAPURA

1. Rujukan Surat Koordinator Badan Pekerja Kontras Papua Nomor : 010 / SK-Kontras Papua / IV / 2011 tanggal 12 April 2011 tentang Permintaan Dokumen terkait bantuan Pengamanan terhadap PT. Freeport Indonesia.
2. Disampaikan kepada tersebut alamat bahwa pengamanan terhadap Obyek Vital Nasional PT. Freeport Indonesia dilaksanakan oleh TNI dan Polri, dan setiap 4 (empat) bulan sekali diadakan rolling / pergantian personel.
3. Sehubungan dengan rujukan tersebut diatas bersama ini dikirimkan Dokumen terkait pengamanan Obyek Vital Nasional PT. Freeport Indonesia sebagai berikut :
   a. Jumlah personel pengamanan sebanyak 635 orang, dengan rincian sebagai berikut :
      1) Polda Papua sebanyak 58 orang
      2) Polres Mimika sebanyak 69 orang
      3) Brimob Den A Jayapura sebanyak 35 orang
      4) Brimob Den B Timika sebanyak 141 orang
      5) Brimob Mabes Polri sebanyak 180 orang
      6) TNI sebanyak 160 orang
   b. Bentuk bantuan pengamanan yang dilaksanakan oleh Satgas pengamanan di PT. Freeport antara lain :
      1) Pengawalan.
      2) Patroli.
      3) Pengamanan RPU.
   c. Kontribusi perusahaan setiap bulan yang diberikan kepada Satgas pengamanan (anggota Polri dan TNI) sebesar Rp. 1.250.000,- / personil (langsung diberikan ke anggota pengamanan oleh Manajemen PT. Freeport)

/ A. Adapun ...

Source: Dokumentation of KontraS[66]

[65] See the appendix in the book Panduan Mengenal Hak Atas Informasi Publik dan Pemolisian (Guide to Recognize the Right to Public Information and Policing—translator), KontraS and TIFA Foundation, 2011.
[66] *Ibid*

To: Alam

05 DEC 2013

KEPOLISIAN NEGARA REPUBLIK INDONESIA
DAERAH JAWA BARAT
Jalan Soekarno-Hatta 748, Bandung 40613

Bandung, 13 Nopember 2013

Nomor : R / 1679 / XI /2013/Itwasda
Klasifikasi : RAHASIA
Lampiran : -
Perihal : Laporan hasil penyelidikan Tim Pencari Fakta tindakan Polres Karawang dalam Pengamanan Unras di PT. Fuji Seat Indonesia

Kepada

Yth. KEPALA KEPOLISIAN NEGARA REPUBLIK INDONESIA

di

Jakarta

u.p. Irwasum Polri

1. Rujukan :

a. Surat pengaduan dari Koordinator KONTRAS a.n. Sdr. HARIS AZHAR, SH, MA tanggal 1 Oktober 2013 perihal kekerasan anggota Polres Karawang terhadap buruh PT. Fuji SeatIndonesia;

b. Surat Perintah Kapolda Jabar Nomor : Sprin/4081/X/2013 tanggal 9 Oktober 2013 tentang pembentukan Tim Pencari Fakta untuk melakukan penyelidikan terhadap tindakan Polres Karawang dalam pengamanan unjuk rasa buruh di PT. Fuji Seat Indonesia;

c. Nota Dinas Irwasda Polda Jabar Nomor : B/ND-653/X/2013/Itwasda tanggal 30 Oktober 2013 perihal Laporan hasil pelaksanaan Tim Pencari Fakta tindakan Polres Karawang dalam pengamanan Unras di PT. Fuji Seat Indonesia.

2. Sehubungan dengan rujukan tersebut di atas, bersama ini dilaporkan kepada Jenderal Laporan hasil pelaksanaan Tim Pencari Fakta tindakan Polres Karawang dalam pengamanan Unras di PT. Fuji Seat Indonesia, sebagai berikut :

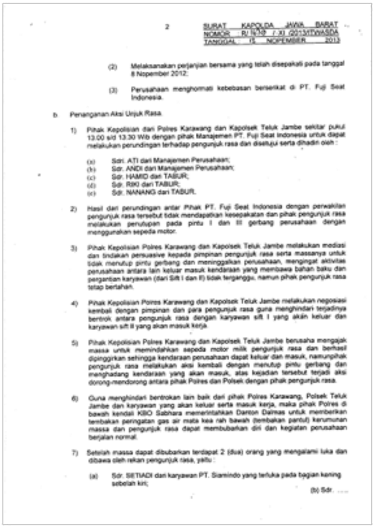
a. Kronologis.

1) Pada hari Senin tanggal 23 September 2013 sekitar pukul 11.30 Wib di wilayah kawasan industri Karawang telah terjadi 3 unjuk rasa dan salah satunya di PT. Fuji Seat Indonesia yang berlokasi pada wilayah Teluk Jambe dari kelompok Aksi TABUR dengan pimpinan Sdr. SUBONO, serta jumlah massa di perkirakan 100 Orang dimana massa saat itu sudah memblokir jalan depan pintu utama PT. Fuji Seat Indonesia, dengan penanganan sebagai berikut :

a) Tuntutan Aksi Unjuk Rasa :

(1) Mempekerjakan kembali karyawan yang telah di PHK (Putus Hubungan Kerja) oleh PT. Fuji Seat Indonesia;

(2) Melaksanakan .....



2 SURAT KAPOLDA JAWA BARAT
NOMOR : R/ 1679 / XI /2013/ITWASDA
TANGGAL : 13 NOPEMBER 2013

(2) Melaksanakan perjanjian bersama yang telah disepakati pada tanggal 8 Nopember 2012;

(3) Perusahaan menghormati kebebasan berserikat di PT. Fuji Seat Indonesia.

b. Penanganan Aksi Unjuk Rasa.

1) Pihak Kepolisian dari Polres Karawang dan Kapolsek Teluk Jambe sekitar pukul 13.00 s/d 13.30 Wib dengan pihak Manajemen PT. Fuji Seat Indonesia untuk dapat melakukan perundingan terhadap pengunjuk rasa dan disetujui serta dihadiri oleh :

(a) Sdri. ATI dari Manajemen Perusahaan;
(b) Sdr. ANDI dari Manajemen Perusahaan;
(c) Sdr. HAMID dari TABUR;
(d) Sdr. RIKI dari TABUR;
(e) Sdr. NANANG dari TABUR.

2) Hasil dari perundingan antar Pihak PT. Fuji Seat Indonesia dengan perwakilan pengunjuk rasa tersebut tidak mendapatkan kesepakatan dan pihak pengunjuk rasa melakukan penutupan pada pintu I dan III gerbang perusahaan dengan menggunakan sepeda motor.

3) Pihak Kepolisian Polres Karawang dan Kapolsek Teluk Jambe melakukan mediasi dan tindakan persuasive kepada pimpinan pengunjuk rasa serta massanya untuk tidak menutup pintu gerbang dan meninggalkan perusahaan, mengingat aktivitas perusahaan antara lain keluar masuk kendaraan yang membawa bahan baku dan pergantian karyawan (dari Sift I dan II) tidak terganggu, namun pihak pengunjuk rasa tetap bertahan.

4) Pihak Kepolisian Polres Karawang dan Kapolsek Teluk Jambe melakukan negosiasi kembali dengan pimpinan dan para pengunjuk rasa guna menghindari terjadinya bentrok antara pengunjuk rasa dengan karyawan sift I yang akan keluar dan karyawan sift II yang akan masuk kerja.

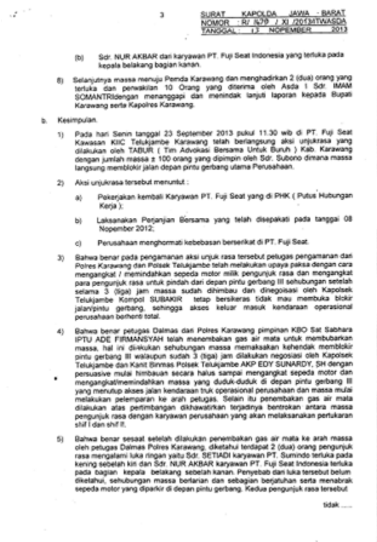
5) Pihak Kepolisian Polres Karawang dan Kapolsek Teluk Jambe berusaha mengajak massa untuk memindahkan sepeda motor milik pengunjuk rasa dan berhasil dipinggirkan sehingga kendaraan perusahaan dapat keluar dan masuk, namunpihak pengunjuk rasa melakukan aksi kembali dengan menutup pintu gerbang dan menghadang kendaraan yang akan masuk, atas kejadian tersebut terjadi aksi dorong-mendorong antara pihak Polres dan Polsek dengan pihak pengunjuk rasa.

6) Guna menghindari bentrokan lain baik dari pihak Polres Karawang, Polsek Teluk Jambe dan karyawan yang akan keluar serta masuk kerja, maka pihak Polres di bawah kendali KBO Sabhara memerintahkan Danton Dalmas untuk memberikan tembakan peringatan gas air mata kea rah bawah (tembakan pantul) kerumunan massa dan pengunjuk rasa dapat membubarkan diri dan kegiatan perusahaan berjalan normal.

7) Setelah massa dapat dibubarkan terdapat 2 (dua) orang yang mengalami luka dan dibawa oleh rekan pengunjuk rasa, yaitu :

(a) Sdr. SETIADI dari karyawan PT. Siamindo yang terluka pada bagian kening sebelah kiri;

(b) Sdr. .....



3 SURAT KAPOLDA JAWA - BARAT
NOMOR : R/ 1679 / XI /2013/ITWASDA
TANGGAL : 13 NOPEMBER 2013

(b) Sdr. NUR AKBAR dari karyawan PT. Fuji Seat Indonesia yang terluka pada kepala belakang bagian kanan.

8) Selanjutnya massa menuju Pemda Karawang dan menghadirkan 2 (dua) orang yang terluka dan perwakilan 10 Orang yang diterima oleh Asda I Sdr. IMAM SOMANTRIdengan menanggapi dan menindak lanjuti laporan kepada Bupati Karawang serta Kapolres Karawang.

b. Kesimpulan.

1) Pada hari Senin tanggal 23 September 2013 pukul 11.30 wib di PT. Fuji Seat Kawasan KIIC Telukjambe Karawang telah berlangsung aksi unjukrasa yang dilakukan oleh TABUR (Tim Advokasi Bersama Untuk Buruh) Kab. Karawang dengan jumlah massa ± 100 orang yang dipimpin oleh Sdr. Subono dimana massa langsung memblokir jalan depan pintu gerbang utama Perusahaan.

2) Aksi unjukrasa tersebut menuntut :

a) Pekerjakan kembali Karyawan PT. Fuji Seat yang di PHK (Putus Hubungan Kerja);

b) Laksanakan Perjanjian Bersama yang telah disepakati pada tanggal 08 Nopember 2012;

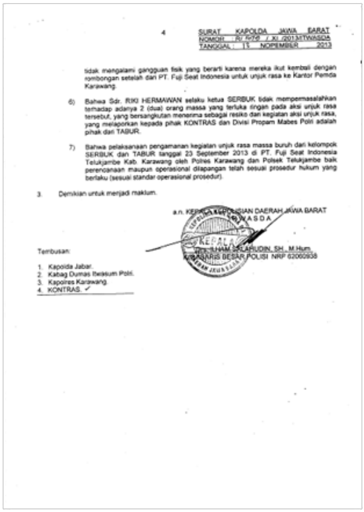
c) Perusahaan menghormati kebebasan berserikat di PT. Fuji Seat.

3) Bahwa benar pada pengamanan aksi unjuk rasa tersebut petugas pengamanan dari Polres Karawang dan Polsek Telukjambe telah melakukan upaya paksa dengan cara mengangkat / memindahkan sepeda motor milik pengunjuk rasa dan mengangkat para pengunjuk rasa untuk pindah dari depan pintu gerbang III sehubungan setelah selama 3 (tiga) jam massa sudah dihimbau dan dinegoisasi oleh Kapolsek Telukjambe Kompol SUBAKIR tetap bersikeras tidak mau membuka blokir jalan/pintu gerbang, sehingga akses keluar masuk kendaraan operasional perusahaan berhenti total.

4) Bahwa benar petugas Dalmas dari Polres Karawang pimpinan KBO Sat Sabhara IPTU ADE FIRMANSYAH telah menembakan gas air mata untuk membubarkan massa, hal ini dilakukan sehubungan massa memaksakan kehendak memblokir pintu gerbang III walaupun sudah 3 (tiga) jam dilakukan negosiasi oleh Kapolsek Telukjambe dan Kanit Binmas Polsek Telukjambe AKP EDY SUNARDY, SH dengan persuasive mulai himbauan secara halus sampai mengangkat sepeda motor dan mengangkat/memindahkan massa yang duduk-duduk di depan pintu gerbang III yang menutup akses jalan kendaraan truk operasional perusahaan dan massa mulai melakukan pelemparan ke arah petugas. Selain itu penembakan gas air mata dilakukan atas pertimbangan dikhawatirkan terjadinya bentrokan antara massa pengunjuk rasa dengan karyawan perusahaan yang akan melaksanakan pertukaran shif I dan shif II.

5) Bahwa benar sesaat setelah dilakukan penembakan gas air mata ke arah massa oleh petugas Dalmas Polres Karawang, diketahui terdapat 2 (dua) orang pengunjuk rasa mengalami luka ringan yaitu Sdr. SETIADI karyawan PT. Sumindo terluka pada kening sebelah kiri dan Sdr. NUR AKBAR karyawan PT. Fuji Seat Indonesia terluka pada bagian kepala belakang sebelah kanan. Penyebab dari luka tersebut belum diketahui, sehubungan massa berlarian dan sebagian berjatuhan serta menabrak sepeda motor yang diparkir di depan pintu gerbang. Kedua pengunjuk rasa tersebut

tidak .....



4 SURAT KAPOLDA JAWA BARAT
NOMOR : R/ 1679 / XI /2013/ITWASDA
TANGGAL : 13 NOPEMBER 2013

tidak mengalami gangguan fisik yang berarti karena mereka ikut kembali dengan rombongan setelah dari PT. Fuji Seat Indonesia untuk unjuk rasa ke Kantor Pemda Karawang.

6) Bahwa Sdr. RIKI HERMAWAN selaku ketua SERBUK tidak mempermasalahkan terhadap adanya 2 (dua) orang massa yang terluka ringan pada aksi unjuk rasa tersebut, yang bersangkutan menerima sebagai resiko dari kegiatan aksi unjuk rasa, yang melaporkan kepada pihak KONTRAS dan Divisi Propam Mabes Polri adalah pihak dari TABUR.

7) Bahwa pelaksanaan pengamanan kegiatan unjuk rasa massa buruh dari kelompok SERBUK dan TABUR tanggal 23 September 2013 di PT. Fuji Seat Indonesia Telukjambe Kab. Karawang oleh Polres Karawang dan Polsek Telukjambe baik perencanaan maupun operasional dilapangan telah sesuai prosedur hukum yang berlaku (sesuai standar operasional prosedur).

3. Demikian untuk menjadi maklum.

a.n. KEPALA KEPOLISIAN DAERAH JAWA BARAT
IRWASDA

ILHAM SALAHUDIN, SH., M.Hum.
KOMBARIS BESAR POLISI NRP 62060938

Tembusan:

1. Kapolda Jabar.
2. Kabag Dumas Itwasum Polri.
3. Kapolres Karawang.
4. KONTRAS. ✓

Source: Dokumentation of KontraS[67]

[67] An answer from Irwasda of West Java Police in regard with KontraS report to Police Headquarters Propam in the case of forced liquidation conducted by Krawang Police; in the action, some mass of the action suffered head injuries due to tear gas firing upon the victims' head, but the action is not declared as violating procedures related to repressive measures as specified in the letter of answer point 2b No. 6.

C. Conclusion

Although police has relatively been progressive since the outset of the enactment of PID Act in terms of transparency and accountability of the institutions through PID service mechanisms, especially regarding the availability of information that must be available based on the criteria in Perkap No. 16 of 2010, but in practice, KontraS is still finding service that is not in accordance with standard of the Act. Police is still impressed as selective and discriminatory towards the provision of information services related to the transparency and accountability of the institution. Police tends to be more transparent and accountable in the service of budget and personnel information, and tend to be closed in the service of information relating to violations or punishment against its members committing human rights violations or criminal offenses.

Keep in mind that as mandated in the POLRI Act the service function in Police should be conducted in a transparent and accountable manner without exception in the provision of information service, considering service is one of the duties of POLRI toward community to get their rights in the resolution of cases of human rights violations and to get legal certainty.

The Clean PLN: Towards a World Class Company

By: Dada Trisasongko[68]
Ibrahim Fahmi Zuhdy Badoh[69]
Wahyudi M Tohar[70]

A. Abstract

The Indonesian economy continues to experience positive growth. Indonesia's economic growth rateevenhangs on toa positive valueamid decliningeconomic growth inother countries due to global crisis of 2008. However, along with the excellence of the economic growth, corruption still persists at high levels. The Corruption Perception Index (CPI) score of Indonesia in 2013 survive datnumber 32 and was ranked 114 out of 177 countries. As a result, a mid the twisted positive growth, corruption is perceived as problem for the ease of doing business. Almost all field sectors are affected by corruption. No exception to the electricity sector which consists of the generation, transmission, anddistribution of energy. Based on data of Bribe Payer Index (2011), the electricity sectoris the 6th sectorof 19 (nineteen) of the most vulnerable sectors of bribery. The fact becomes a major challenge for PT. PLN (Persero) that is preparing tobecome a World Class Company. A World Class Companynotonly requires technical capacity of electricity alone, but also requiresthe company to have integrity management program. Therefore, since 2012, Transparency International Indonesia (TII) and PT. PLN (Persero) has been in cooperation to implementanti-corruption and good governance. The program focuseson improving procurement and services. The selection of the focus is not without reason, since the majority of corruption cases handled by KPK are procurement cases. Meanwhile, as aprovider of Public Service Obligation (PSO), service aspectbecomes the main criterion pinned to PLNas arecipient of people's mandate to provide electricity to the country. By doing a programintwostrategicareasabove, PLN is simultaneously expected to build an effective corruption prevention system so that it can be cleaned of corruption, be efficientin procurement, as well as be excellencein service to the public.

[68] Secretary General, Transparency International Indonesia (Email: dtrisasongko@ti.or.id)
[69] The Director of Democracy and Governance Program, Transparency International Indonesia (Email:fbadoh@ti.or.id)
[70] Coordinator for Economic Governance Program, Transparency International Indonesia (Email: wahyudi@ti.or.id).

"One of the characteristics of modernenterprises is free fromcorruption, collusion, and nepotism, and upholding the principles of good corporate governance. Behavior and conductof allmembers of the companyshould be in line with these principles."

NurPamudji-Director of PLN

B. Introduction

Currently, PT. PLN (Persero) is under going a transformation to become a world class company. However, the transformation effort is still facing great challenges.[71] Not only technically competent inelectricity, a world class company requires integrity as"currency" that is generally accepted in the world economiccommunity.[72]

Unfortunately, condition ofthe management of the company integrity system is still challenginge it her at regional, national, or global level. Transparency International (2013) inresearch on the reporting standards of corporate integrity program states that only 46 (forty six) percent of companies which are transparent in their integrity management program.

If traced further, PLN's commitment in managing corporate integrity systemfaces for midable challenges either in terms of internal, external, regulatory, or decision-making side.

Internally, PLN is still facing problems in the transition process toward a company applying the implementation of good corporate governance consistently.[73] While externally, PLN faces challenge interms of competitive strategy in the electricity industry. In terms of regulation, PLN faces challenges in pricing and distribution. In terms of decision making, PLN faces challenge off ulfilling public interest whichis closely related to PLN as a functionimplementer of PSO, and the strong political intervention.[74]

[71] Seewww.pln.co.id/?p=7008, accessed on 03/31/2014, at 18.12
[72] See in http://www.theaustralian.com.au/business/b20-taskforce-puts-corruption-at-the-top-of-the-agenda/story-e6frg8zx-1226872787257?nk=9a9e19ca86e0b02e7e7bd4c5c8ba6172, accessed on 07/07/2014, at 0.00
[73] See Dewo, Setyo Anggoro,Saatnya Hati Bicara, p. 61
[74] Seehttp://www.bumn.go.id/ptpn5/berita/5183/BUMN.Didorong.%27Go.Public%27.Agar.Bebas.Intervensi, accessed on 07/07/2014

Against these conditions, there are at least three aspects that lead PLN to be still in the yellow zone of corruption incidence risk, namely the aspects of national risk, sectoral risk, and transactional risk.

The first aspect, national risk, emergessince PLN operates in countries with high levels of corruption. The second aspect, sectoral risk, causes all business sectors vulnerable to incidents of corruption. Meanwhile, the sectoral risk aspect emerges since the business game level in the electricity sector is loaded with corruption and bribery. Finally, transactional riskaspect occurs as the exposure of PLN officials to bribery, graft, and kick backs is still very high.[75]

In the national risk aspect, for the last 10 (ten) years,Indonesia's CPI score hasmoved from1–3 (scale of 0–10) and has been in the category of countries with high level of corruption. Inearly 2003, theIndonesia'sCPI score was 1.9 and was ranked 122 of 133 countries. At theend of 2013, Indonesia's CPI score was 32 (scale 0–100) and was ranked 114 of 177 countries. The score was still far adrift from the average CPI scores of countries in the Asia-Pacific region or the countries of Southeast Asia.

In the sectoral risk aspect, bribery in the procurement of State-Owned Enterprises (SOEs) obtainsan alarming signal. SOE Minister Dahlan Iskan said as many as70 (seventy) percent of SOE project is done with bribery practices.[76] Separately, in are port of Bribe Payer Index (TI, 2011), the generation sector (Primary Energy Supply) is the 6th business sector of the 19most-prone-to-bribery business sectors. The service sector (Commercial Electricity) is the 2nd-sector of the19 most-prone-to-bribery business sectors.

In the transactional risk aspect, based on a survey of public service integrity issued by KPK, PLN is among vertical institutions having the lowest public integrity. PLN is at position 9 of 15 public bodies having low integrity.[77] For vertical institutions, units of services having below six of integrity score are the service of PLN Electricity Disruption, the service of Ticket Trial of the Supreme Court/Court, and a unit of service having above six of integrity score is the service of Hajj Operation of the Ministry of Religious Affairs.

75 See in http://sports.sindonews.com/read/2012/10/25/34/682828/pln-kemungkinan-pemerasan-bumn-memang-ada, accessed on 04/01/2014, at 10.38

76 Seehttp://www.tempo.co/read/news/2012/06/05/090408344/Dahlan-70-Persen-BUMN-Menyuap-Kala-Tender, accessed on 03/31/2014 at 18.17

77 See in http://news.detik.com/read/2009/12/31/132322/1269482/10/skor-integritas-rendah-pln-bahas-hasil-survei-integritas-kpk, accessed on 07/06/2014 at 23.45

Although the above three aspects of risk give unfavorablesignals to PLN, the management of the threerisks above jointly place PLNin astrategic position. PLN successin the management of anti-corruption program can place PLN as an agent of changein theefforts to transformstate-owned enterprises into world class companies.

GlobalCorruption Report (TI, 2009)stated that ownership of anti-corruption programin a company has two empirical advantages. First, the company which has anti-corruption programcan more reduce incidence of corruption compared to one whichdoes not have similar program. Second, the company which has anti-corruption program has less potential to miss business opportunities compared to one which does not have similar program.[78]

C. Potential Corruption: Procurementand Service

Therefore, since 2012Transparency International Indonesia (TII) and PT. PLN (Persero) have been in cooperation to implementanti-corruption and good governance.[79]

The program focuseson improving procurement and services. The selection of the focus is not without reason, since the majority of corruption cases handled by KPK are procurement cases. Meanwhile, PLN as a provider of public service obligation (PSO) in the supply of electricity has frequentintensity interaction-with customers.

The procurement sectoris the focus area of Transparency International's advocacy networks. The reason is the considerable value of goods and service procurements number in public institutions. Procurement averagely reaches 15–30% of gross domestic revenue.[80] Corruption in procurementmay result in losses estimated at10–25% on the normal scale. Insomecases, the losses-caneven reach 40–50% of the contract value (Transparency International, 2006).

[78] See in Global Corruption Report (2009), p. 6
[79] See in http://www.tempo.co/read/news/2012/03/06/090388279/Cegah-Korupsi-PLN-Gandeng-TII-Jadi-Pengawas, accessed on 07/07/2014, at 10.51.
[80] SeePanduan Mencegah Korupsi Dalam Pengadaan Barang dan Jasa Publik (2006), p. 1

In regardwithprocurement, PLN has a verylargeinvestment budget. For example, in 2014,the value of PLN's investment is estimated reaching 100 trillion rupiah.[81] This PLN's investment valueis almost comparable to one-third of thesubsidyin 2014 amounted to IDR 333,7.[82]

In relation with PLN customer service, the selection of the focus area of customer service is based on a fewkey considerations. First, PLN customer service based on Public Service Index (KPK, 2009) was included inthe low category. Second, from the Anti-Corruption Perception surveyin 2013 conducted by the Central Statistics Agency (BPS), it showed that customer interaction experience with bribery paymentsin PLN was the third largest after the Office of Religious Affairs (KUA), and the National Land Agency (BPN).[83]

D. Basic Concepts PLN Net

Referring to the corruption formula ala Klitgard(1998), corruptionis closely associated with monopoly authority, the magnitude of discretion, but corruptioncan be reduced through increasing public accountability.

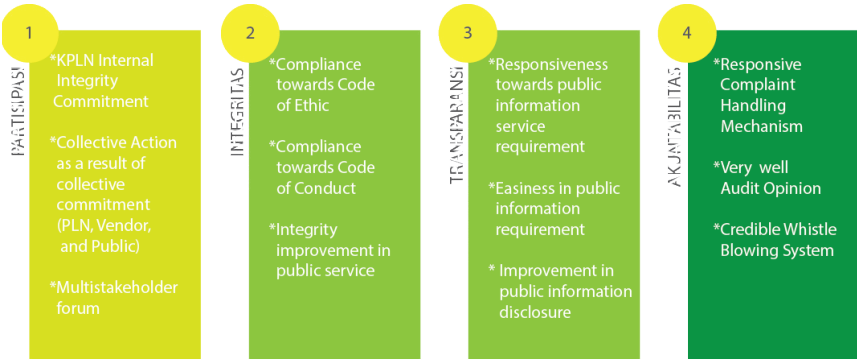
PLN to this day still holds a monopoly of authorityin the distribution of electricityin Indonesia. Modifying the model of corruption control ala Klitgard. The management of anti-corruption programin PLN is done by pressing monopolistic practices and granting excessive discretion, and not only improving public accountability but also mainstreaming PITA: increasing participation, improving integrity, increasing transparency, andimproving accountability.

The embodiment of PITA concept to avoid corrupt practices is realized by building a system that isexpected to ward off anycorruption causality: the lack of participation, lack of integrity, lack of transparency, and lack of accountability.

Departing from the effort to avoid the corruption causality, PLN builds a system that is based on fourmain pillars of Clean PLN known as PITA, namely: Participation (P), Integrity (I), Transparency (T), and Accountability (A).

[81] See in http://economy.okezone.com/read/2013/05/16/19/807980/pln-ajak-investor-tanam-investasi-di-proyek-rp100-t, accessed on 07/10/2014, at 11.52
[82] See in http://www.kemenkeu.go.id/sites/default/files/Advertorial%20APBN%202014_061213.pdf, accessed on 07/10/2014, at 11.52
[83] Seehttp://www.bps.go.id/brs_file/ipak_02jan13.pdf, accessed on 07/07/2014, at 11.52.

Chart 1. Programme Frame work of Clean PLN



Description: Extracted fromthe Board of DirectorsRegulationNo.060of 2013on theGuideline of CleanPLN.

The first pillar, participation, includes the declaration of commitment to integrity of PLN employees at all levels of units and work areas of PLN. It also involves active participation of the parties which involve in cooperation with PLN through Collective Action which is a declaration of collective commitment (PLN, Vendor, Public) to prevent the occurrence of corruption in the procurement of goods and services. Deeper, PLN and its partners should also support each other through multi-stakeholders forum which becomes a means of communication, evaluation of quality, accountability, and integrity in the procurement of goods/services and customer service.

The second pillar, integrity, makes PLN employees stick to the Code of Ethics (CoE) and the Code of Conduct (CoC) applying within the company. Their implementation can be as prohibition for PLN employees to interact with vendors since this can potentially lead to a conflict of interest and the emergence of graft mainly through a variety of media, not particularly limited to playing golf, a game tossing, and others. This integrity also applies to the customer service process through improvement of Public Service Integrity (ILP) index. An application that has been run is through the ease of new installation (PB), power adding (TD), and the service of electricity disruption (LG) that is free of corruption and bribery.

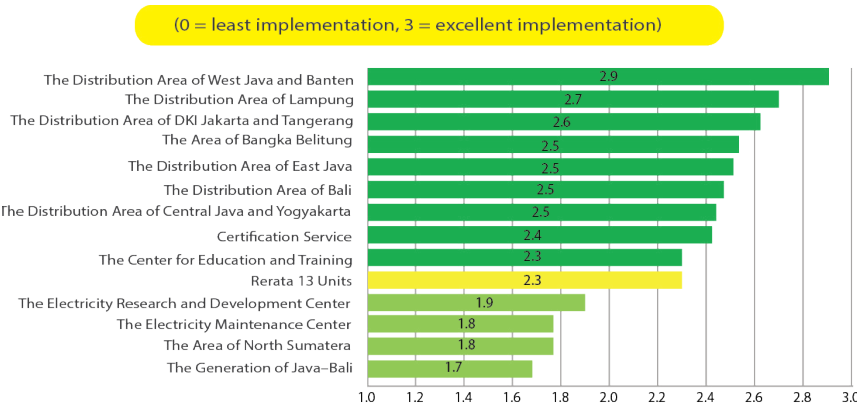
The third pillar, transparency, is the main foundation for the creation of transparency climate through the company's disclosure of information to public.

The application of the transparency principle is in line with Public Information Disclosure (PID) Act No.14 of 2008 which has been accommodated by PLN through the Board of Directors Decree No. 501 of 2012. The Decree regulates the disclosure procedures and requests for information by public either through media such as Internet or conventional media such as guide books, brochures, leaflets, and others.

The fourth pillar, accountability, is the principle of responsiveness associated with the Complaint Handling Mechanism (CHM) to provide an opportunity of complaint related to customer service and the procurement of goods/services, and others. The realization is currently available in form of telephone complaints line through the contact center 123 and PLN website. In addition is the implementation of the Whistle Blower System mechanism and gratuity management to protect the confidentiality of the reporters.

The four pillars of the Clean PLN had been tested to PLN units spread over Sumatera and Bali. From the results of these trials, it is found a conclusion thatPLN regionalunits gave quite well response towards the initiative launched by the Central Office. Assessment was done by scoring 0 for least implementation of Clean PLN in the Unit; by scoring 3 for excellent implementation of Clean PLN in the Unit. There was no area having below 1 score of implementation.

Chart 2. The Implementation of Clean PLN Program in 13 (Thirteen) PLN Units in Sumatera and Java



Note: Data retrievalwas doneusinga combination of FGD method and structured questionnaires. Respondents of this assessment were the Pioneers of Clean PLN, Mentors of Clean PLN, Vendor dors,and Customers. Datawere taken in the period of September–October 2013.

E. Important Milestones:

i. A Guideline to Understand Gratuity
In line with Clean PLN program that is currently being implemented in the internal PLN, PLN publishes a guide book Panduan Memahami Gratifikasi (A Guideline to Understand Gratuity—translator). The publication of the book was done with the spirit of maintaining the integrity of PLN business, as well as guidelines for all levels of PLN in understanding the definition and concept of gratification, and knowing how to respond to a gratuity.

The publication of the book is a formofcommitment of PLN management that has determined to make PLN as an institution of modern, clean and free from corruption, collusion and nepotism. Directors of PLN are also ready to become models of anti-corruption for all members of the company. On the other hand, all forms of corruption and bribery will not be tolerated and will not have any place in this company.

ii. The Improvement of Getting Electricity
On regularbasis, the WorldBankranksbest countriesin easeof doing business. Indonesiais ranked120, far less thanneighboringSingaporeandMalaysia which are ranked1 and6. An indicatorthat determines theeaseof businessis the easetogetthe flowof electricity.[84]

The effort of Clean PLN continuously sends a very positive signalto public. Clean PLN conveys important messages in form ofclean-upefforts against bribery and kickbacks to get electricity. The ease ofaccess to electricity has increasedby 11 points from position158 in 2012 toposition 147 in 2013 .

iii. The Pioneer of Information Disclosure
Based on the result of SOEs transparency ranking done by the CIC, PLN received the highest ranking. The CIC assessed PLN as the most open public body in the managementandprovision ofpublic information.

In the assessment ofthe CIC, PLN has been scored 74.092. This score is included in the highesttransparency criteriafor SOE public bodiescategory.

iv. Peer LearningThrough Multi-Stakeholder Forum
As acompany that has been implementingan anti-corruption program, PLN utilizespublic discussionspaces to sharpenand stream line the system of cor-

[84] See in http://www.pln.co.id/?p=6772, accessed on 03/23/2014 at 14.26

ruptionprevention. First, inthe Anti-Corruptionand Transparency Working-Group-APEC, June 24, 2013, Medan-PLN participatedasa peerto other SOEs and Private Sectors related tothe management of graft and bribery. Second, in theNational Conference on Anti-Corruption (KNPK), Jakarta, PLN became a peer for other SOEs and Private Sectorin the implementation of corporate integrity system.

F. Procurement Reform: Reducing the Broker of Procurement and Increasing Efficiency

Corruption in procurementis huge in number. Insomecases, the losses-canevenreach 10–50% of the contract value (Transparency International, 2006). Whileprocurement of goods and services in public institution saver-agely reaches15–30% of domestic gross revenue.

"Still on my mind the four years ago incident, when I was a GM of Distribution and Load Control Center (P3B) of Java and Bali. Back then, I had to sign contracts of good and service procurements with selected partners addressed in shops area around Jakarta city ".
(Nur Pamudji, Saatnya Hati Bicara, pp. 4–7)

It was the anxiety that then backed PLN to think of a new way of procuring in PLN. One is to use joint procurement mechanism. As a result of the use of this new procurement method coupled with the current global conditions, the transformer prices plummeted by nearly half, and when PLN then consistently apply this way, the price of 500 kv transformer is almost one third of its initial price, and the price of 150 kv transformer is just half of the initial price.

G. Care Reform: Reducing Direct Interaction with Customers and Business Partners Integrity Tightening PLN

PLN has a huge number of electricity customers, reaching 57.1 million subscribers. Meanwhile, the number of PLN employees is 43,464. That is, 1PLN employees must serve approximately 1,300 PLN customer severy month with a variety of complaints.

*"The process of application for new installation and the payment of connection fee to PLN has been in line with PLN standards. Then, there is 'PLN officer' conducting initial survey to connect the channel to the house and put the Kwh. Well, the opportunity is apparently use*d by the 'PLN Officer' to ask for additional money from customers of PLN".

(Ngurah Adnyana, Saatnya Hati Bicara, pp. 205–210)

The above case commonly happens in the process a new connection in PLN. Customers may not fully aware that the dirty "PLN Officer" is a contractor of PLN. But the above story carries a firm message that if PLN wishes to build a positive image of serving public, then regulating its internal behavior is not enough. The behavior of its partners should also be regulated.

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The Loss of Kampong Betawi Petukangan Land Acquisition of Jakarta Outer Ring Road (JORR) W2 North (Kebon Jeruk – Ulujami)

Oleh : Ahmad Biky[85]

There are two changes to the structure to be achieved by the Structural Legal Aid, namely a change in vertical division of labor and feudal interaction structure, and these are done by the creation of power resources in the body of society; in other words, it is public who should be the cutting edge of struggle in demanding their rights.

In 1992, Jakarta Governor set Trace Jakarta Outer Ring Road (JORR) W2 North through the Decree of the Governor of Jakarta No. 195 of 1992, an interval of 16 (sixteen) years later, around 2008, was formed the Land Acquisition Team (hereinafter referred to as TPT) for the project of Land Acquisition of Jakarta Outer Ring Road W2 North (Kebun Jeruk – Ulujami) by the Minister of Public Works No. 234/KPTS/M/2008, dated March 27, 2008 which could be regarded as the beginning of a "disastrous" loss of Kampong Petukangan Betawi. Petukangan was one of a few of Kampong Betawi which still survived the rigors of construction of the city of Jakarta. Kampong Petukangan was still maintaining the authenticity and nobility of Betawi culture such as the doorstop and Pencak Silat Beksi, Petukangan was even the birthplace of guru of Pencak Silat Beksi, Godjalih, or known as Kong Haji; to remember is the goal of Kong Haji in pursuing Pencak Silat, it was because he did not like the arbitrariness of Dutch government against his brothers Betawi people.[86] Now Petukangan as kampong Betawi has been turned into a commercial concrete roads or familiarly known by people as Toll Road, of which the stages of the land acquisition process has begun since 2009.

January 2009, the Socialization of the Project of Land Acquisition of Jakarta Outer Ring Road Segment W2 North (Kebun Jeruk – Ulujami) was started by the Land Acquisition Team (TPT) of the Ministry of Public Works along with the Land Acquisition Committee (hereinafter referred to as P2T) formed under Presidential Decree No. 36 of 2005 as amended by Presidential Decree No. 65 of 2006 on Land Procurement for Development Implementation for Public

[85] The Public Attorney of Case Handling of Jakarta Legal Aid Institution (LBH Jakarta)
[86] see in http://www.jakarta.go.id/web/encyclopedia/detail/1072/Godjalih-Kong-Haji

Interest, and its membership was stipulated in Article 14 of the Head of National Land Agency Regulation No. 3 of 2007 on the Provision of the Implementation of Presidential Decree No. 36 of 2005 as amended by Presidential Decree No. 65 of 2006 on Land Procurement for Development Implementation for Public Interest consisted of (a). Regional Secretary as Chairperson ex officio member; (b). Official of the local element of echelon II as Vice Chairperson ex officio member; (c). Head of District/City Land Office or any officer appointed as Secretary ex officio member; and (d). Head of Department/ Office/Agency in the District/City associated with the implementation of land procurement or the official appointed as member.

Source: The Presentation of JORRW2N 3 July 2013 WJS, the Land Acquisition Team, the Ministry of Public Works

The process of land acquisition done was not as simple as in the existing text of laws and regulations; in the implementation, there had been many conflicts and problems in applying a rule in the name of development. Socialization conducted by TPT and P2T in January 2009 through measurements/

data collection of land and buildings was not professional as it was done in random and unscheduled time. November 2009, TPT and P2T announced or delivered the measurement results/data of the residents' land and buildings, and the meeting ran chaos because of inaccuracy of data such as wrong size/ data of land and buildings, local pathways were not returned to the original owners but claimed by TPT as state-owned, P2T did not admit/was not willing to have dialogue with the Representative Team that had been appointed and authorized by people to conduct negotiation with the P2T/TPT.

In addition to concerns about data inventory of land and buildings owned by residents, there were still many other problems as well, especially in the pricing deliberations that eventually caused citizens in April 2010 to explicitly state that they could yet approve the quotation offered by TPT and P2T of JORR W2N toll road project due to:

1. The plan of compensation of land and buildings delivered in a meeting with P2T at the village office of South Petukangan, yet reflected the aspirations of residents affected by toll road procurement program, and the planned amount of compensation had yet been explained and disseminated to residents.
2. The socialization delivered to residents only concluded that residents could prepare and submit a copy of ownership documents data; and there would be complete land area measurement for the property of respective resident affected by the toll road procurement.
3. The measurement of land, buildings and the existing objects on them and the pathway owned by residents had yet completed/yet reflected the results of the real inventory on the ownership of people.
4. The compensation price proposed was only around IDR 800.000, - (eight hundred thousand rupiah)/under NJOP of 2010, so it did not reflect justice and contrary to the 1945 Constitution, Article 26 paragraph (3) on the meaning and value of the currency and Article 33 paragraph (3) on the government policy expected to benefit people, while it was stated in Presidential Decree No. 36 of 2005 Jo. Presidential Decree No. 65 of 2005 on Land Procurement for Development Implementation for Public Interest that "the compensation over damages both physical and non-physical as a result of the land acquisition granted by the owner of the land, buildings, plants or other objects on it can provide a better continuity of life of the social and economic level before hit by land acquisition program by observing the real value/market".

On August 31, 2010 the Land Procurement Committee (P2T) for Public Interest of South Jakarta Administration City set the price based on Decree No:

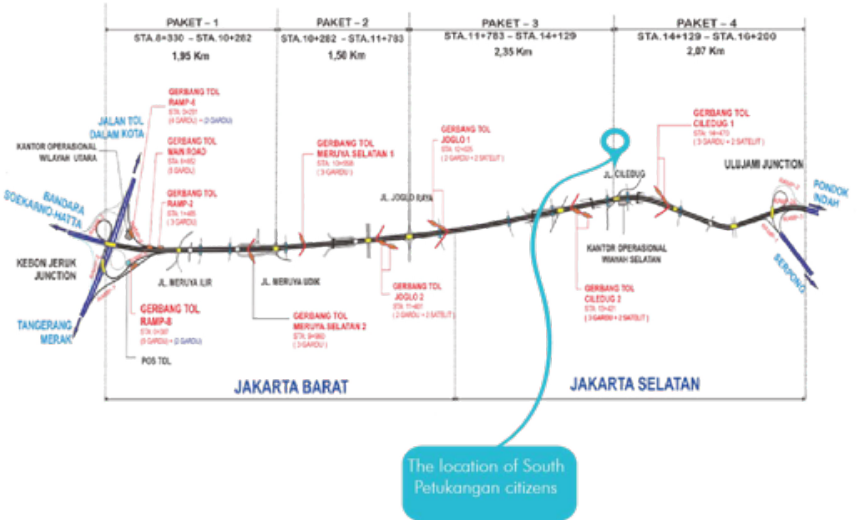
193/-1.711.37/JORR W2 Utara/VIII/10about the shape and magnitude of the value of compensation for land, buildings and/or plants and/or other materials relating to the land affected by land acquisition for the construction of JORR W2 North toll road located in South Petukangan village, based on the revised map of land parcels and inventory list No. 01 a as many as 111 fields, No. 02 a as many as of 112 fields, No. 03 a as many as of 93 fields, No. 04 a as many as 83 fields, Sub-district Pesanggrahan of South Jakarta Administration City was IDR. 920.000, - (nine hundred twenty thousand rupiah)/1 x NJOP of 2010. Then residents along with LBH Jakarta proposed an objection over the Decree to Jakarta Governor (back then was Fauzi Bowo /Foke) due to the pricing process and the issuance of the Decree of the P2T South Jakarta was not done with deliberation, or absence of involvement of citizens who were impacted the land acquisition project; the data inventory of land, buildings, plants and other objects relating to land was not in accordance with the actual conditions, and residents objected to the price applied in 2010 which was amounted IDR 920.000, - (nine hundred and twenty thousand rupiah / 1 x NJOP, whereas in 2003, it was IDR 2.000.000, - (two million rupiah) / 10 x NJOP in accordance with South Jakarta Mayor Decree NO. 245/2003.

Following up citizens' complaints over the amount of compensation issued by P2T of South Jakarta Administration City, Governor of DKI Jakarta Province set a Governor's Decree of DKI Jakarta Province No. 1907/2010 on the Change in the Amount of Compensation of Land and Buildings In the Execution of Land Acquisition for Toll Road Jakarta Outer Ring Road (JORR) W2 North in North Petukangan and South Petukangan villages of Sub-District of South Jakarta at IDR 2.000.000, - (two million rupiah). For the umpteenth times, residents were not involved in the decision made by the Government even though they were important stakeholders in the land acquisition project. Jakarta Governor repeated the same mistake made by P2T of South Jakarta; the difference was the compensation value set by the Governor of Jakarta was slightly larger than that determined by the P2T of South Jakarta. Objecting the Governor's Decree, residents along with LBH Jakarta filed a lawsuit against the Governor's Decree to Jakarta Administrative Court.

In undergoing the process of land acquisition, the community then formed a kind of organization called the Representative of Citizens affected by the Project of Toll Road JORR W2N South Petukangan. Through this organization, the community accompanied by LBH Jakarta continued to fight for their rights, especially the right to housing and decent living.

The Resistance In the Trial Session

Rejecting the Governor's Decree issued without involving the participation of citizens as stakeholders, and many errors in the inventory of land, buildings, plants, and other objects relating to land, South Petukangan residents along with LBH Jakarta filed a lawsuit against Governor Decree on the compensation value of the project Toll Road W2N JORR to Jakarta Administrative Court with the Case No. 16/G/2011/PTUN-JKT. In each trial, people always came to watch and guard the trial, at least always presented collectively using four (4) mini buses at every session, even at the time of the trial verdict, up to 9 (nine) mini buses. This action was done by South Petukangan citizens because they were aware that the cutting edge the struggle was them, and not merely entrusted their fate to LBH Jakarta as the attorney in the case.



Source: The Presentation of JORRW2N 3 July 2013 WJS, the Land Acquisition Team, the Ministry of Public Works

In this trial, we could prove many issues pertaining to the issuance of Jakarta Governor Decree No. 1907/2010, especially regarding the lack of consensus in setting the price and many errors in the inventory of land, buildings, plants and other objects relating to land based on evidence and witnesses and corroborated by testimony of Expert Prof. Arie Sukanti Hutagalung who was willing to testify under oath without being paid a penny. Important information delivered by Prof. Arie Sukanti Hutagalung included:

a. The basis of land acquisition according to national law on land is deliberation and consensus;
b. Deliberation is a principle of law, a legal tree trunk, while the presidential decree is only part of small branches;
c. Deliberation is a process of mutual listening, exchanging opinions, based on equality and equal rights;
d. Should the land owners be numerous, deliberation then can be done with the representatives of the people, namely those who are authorized, and there must be a power of attorney;
e. The Governor may request P2T to re-deliberate;
f. Deliberation must be made by entitled or authorized party, not by administrators of RT
g. Although the regulations do not regulate in detail the re-deliberation, if it still is not done, then the action is considered as a violation of law principle. The law principle is more important than the legislation that is just a branch. The soul of land release is consensus and agreement, it is supported by the constitution and Pancasila. Re-deliberation is possible, if governor does the force, s/he can instead be categorized violating human rights.

Of the above information, can be interpreted that deliberation meant as mutual listening, mutual giving of opinions, and be based on equality and equal rights should absolutely be conducted in the process of land release. The absence of detail regulatory provision required the Defendant to conduct deliberation can not be justified since Deliberation is a principle of law which is higher than the Presidential Decree No. 36 of 2005 Jo. Presidential Decree No. 65 of 2006 and Perkap BPN No. 3 of 2007.

On the basis of the above principles, then the judges ruled in favor of Citizens of Petukangan and LBH Jakarta with Verdict:
1. Rejecting the Defendant Exception
2. Granting all Plaintiffs' claims;
3. Declaring as void or invalid the State-Administrative Decree in form of the Governor of DKI Jakarta Decree No. 1907/2010 dated on November 4, 2010 on the Change in the Amount of Compensation Value of Land and Buildings In the Land Procurement for Jakarta Outer Ring Road (JORR) W2 North in Villages North and South Petukangan of Sub-District Pesanggrahan of South Jakarta Administration City;
4. Requiring Defendant to revoke the Decree of the Governor of DKI Jakarta No. 1907/2010 dated on November 4, 2010 on the Change in the Amount of Compensation Value of Land and Buildings In the Land Procurement for

Jakarta Outer Ring Road (JORR) W2 North in Villages North and South Petukangan of Sub-District Pesanggrahan of South Jakarta Administration City that had been issued by the Defendant;
5. Imposing all costs incurred in this case to the Defendant.

Feeling unsatisfied over the verdict, the Governor of Jakarta as Defendant filed an appeal even to the Supreme Court, but the Verdict of Jakarta Administrative Court No. 16/G/2011/PTUN-JKT then strengthened by the Verdict of the Jakarta Administrative High Court No. 178/B/2011/PT.TUN-JKT and the Supreme Court Verdict No. 283 K/TUN/2013, gave meaning that Jakarta Governor Decree No. 1907/2010 had no binding legal effect and Government, P2T in particular, should make improvements on data of land, buildings, plants and other objects relating to land, and conducted consultations with community or rights holders.

The New Jakarta Governor (Jokowi) Has Yet Understand the Issue of the Development of JORR W2 N Project

After the residents won a lawsuit in the Court, then the homework to be done next was to ask government to implement court verdicts by improving the inventory data or re-measuring and conduct meetings to change into a decent and not impoverishing price. Concerning the amount of compensation value, LBH Jakarta did not go deeper since it related to ownership rights of the citizens, besides also in accordance with the principles and objectives of the Legal Aid Structural (BHS) that became a working ideology of LBH Jakarta: power resources to advocate must come from the body of public itself, public should be empowered to fight for their rights. LBH Jakarta only assisted citizens to recognize their rights and responsibilities and how the consultation should take place and made sure the deliberations conducted in accordance with applicable regulations.[87]

What performed for the first time by residents along with LBH Jakarta when receiving the Supreme Court's Verdict which had permanent legal force was immediately notify the newly elected Governor of Jakarta, Jokowi, on the problems of project land acquisition of JORR W2 N toll road. Residents collectively came to City Hall for an audience with the Governor and the hearing request letter had been delivered by LBH Jakarta in the previous week. The hearing was scheduled on Wednesday, April 17, 2013 at 10:00 local time, residents had departed from Petukangan using 12 mini buses and a Command car

[87] See in http://megapolitan.kompas.com/read/2013/11/19/0913158/JORR.W2.Dilanjutkan.Kembali

since 08.00 local time. To everybody surprise, at 09.30 local time, LBH Jakarta received a telephone call from people claiming from the Legal Bureau of Jakarta Provincial Government and stating that the hearing could not be conducted since Governor had already had other agenda and asked for reschedule, but people still came to the City Hall and waited for the Governor to meet them, and the result was at about 13:00 local time, some representatives of the residents along with their attorney of LBH Jakarta were received by the Governor and directly conveyed the problems that occured related to land acquisition for toll road projects JORR W2 N. To everybody surprise, Jokowi said innocently that he did not know the problems of the land acquisition for JORR W2 N toll road, in South Petukangan especially.

Source: Center for Documentation and Information of LBH Jakarta

Post-hearing action of the Residents of South Petukangan Displaced by Toll Road JORR W2N to City Hall, on April 17, 2013 the Governor of Jakarta (Joko Widodo) was "blusukan" to the location on Friday, April 19, 2013 at 10:00 local time, pledged to hold deliberations with Citizens of South Petukangan in a Padang restaurant on Wednesday, April 24, 2013. Yet after "blusukan" undertaken by Jokowi, then either under the knowledge of the governor or not, the citizens were also invited to a discussion related to similar issue by the Head of P2T at the same location, day, and date, but 2 (two) hours earlier, around 11:00 local time, giving rise to residents' anxiety on the imposing of old "stance" filled with problems related to land acquisition for project of JORR W2N, especially in South Petukangan. At the end, the

meeting jointly conducted either by the Governor, TPT, P2T of South Jakarta Administration City, and Citizens; the result of the meeting was Jokowi urged that the land acquisition process to be done with deliberation and P2T obliged to correct data about the land, buildings, plants and other objects related to land. Around August 2013 was conducted re-measurement and improvement of inventory over land, buildings, plants and other objects relating to land, and then proceed with the discussion about the cost of damages.

End of the Land Acquisition Process of Project JORR W2N and the Early Loss of Kampung Betawi Petukangan

The tireless struggle of Petukangan residents was reaching the victory when re-measurement process and the improvement of inventory of land, buildings, plants, and other objects relating to land were completed and moved to stage of deliberations, the greater the challenges, but it seemed that the spirit and character of Kong Haji had existed within Petukangan citizens. This was proven by the ability of Petukangan citizens to conduct meetings with the P2T of South Jakarta and TPT from the Ministry of Public Works. The consultation was done with the networking system (representation) in which there were at least 15 networks, each network represented 5 villagers of the rights owners and LBH was only as a companion.

In the process of deliberation, residents were often intimidated by the words 'consignment' (depositing money in court) and then forcibly evicted. But people were not afraid of it, instead they became more spirited and solid to keep fighting, at least in every deliberation meetings, citizens were always present collectively to oversee the process. Until finally, the deliberation process could be done well. In addition to litigation effort through the lawsuit, people also often held a demonstration to voice their problems and encourage public support and involvement of the cases they encountered. This fruited an agreement regarding the amount of compensation related to JORR W2N toll road construction.

The picture taken during thecompensation paymentInSouthPetukanganVillage Office
Source: Center forDocumentationandInformation of LBHJakarta

A total of101plots of landowned bySouthPetukangan citizens isnow officially acquired with total compensation IDR 130billion. In thepaymentprocess, residents were askedtosubmit allthe originalfilesof land ownership. TPTandP2T-presented checksin form ofpassbooksandATMcardsalong withitsPIN numbers. Residentscoulddisbursethe funds to thenearestbankbranch. This process-marked the end ofthe process ofland acquisition for theJORRW2N toll road andthe beginningofthe loss of Kampong BetawiPetukangan. Should development always eliminate culture???

Complaint Handling of Disaster Relief Corruption in Aceh

By: Alfian Husein

A. Background

The process of rehabilitation and reconstruction in Aceh post-tsunami disaster of 2004 had brought significant changes in many aspects of community life in this Veranda of Mecca. Aceh became the center of international attention after the disaster which claimed hundreds of thousands of lives. Before the disaster stroke the tip of Sumatra province, Aceh had been hit by prolonged conflict that had become a black record for the suffering perceived by its people.

The tsunami striking in December 2004 was set as a national disaster by the President of Indonesia. This became the entry point for the international community to assist and provide humanitarian assistance, either in form of clothing, food and shelter and other assistance aimed at restoring Aceh from the disaster. Not only that, Indonesian government established the Agency for Rehabilitation and Reconstruction (hereinafter referred to as BRR) which aimed to restore the face of the Veranda of Mecca after being ravaged by the tsunami.

On the way to handle the disaster, the Central Government applied emergency response period from January to July 2005. During this period, various activities had been carried out, both in order to evacuate victims, street cleaning, public facility arrangement, places of worship, health, until the provision of health care and education for children affected by the disaster. Not only that, the trauma recovery for victims had continued to be pursued, so that victims could arrange their future days better. In general, if being observed carefully, then a lot of restoration activities had been carried out, either by international governments, NGOs, and the Government of Indonesia.

On the other hand, during the implementation of rehabilitation and reconstruction in Aceh, various issues and problems had surfaced, either in good governance and the process of disaster aid distribution for victims, as well as other issues. Based on our observations, the issue of corruption was the most dominant problem occurred in the distribution of aid to victims. Many of us

noted that the mode of which was fraud, cutting, wrong-target-channeling, irregularities in the reconstruction, and various other modes which if not resolved would lead to new problems in the future.

Corruption issues that emerged during the rehabilitation and reconstruction were considered as usual matters either by the person who was concerned with the distribution or the community as victim who was entitled to receive a variety of assistance provided. It was not denied, the reason for sorrow, and the disaster relief that should be received immediately by the victim, became the ultimate weapon for some individuals to justify a variety of deviant acts they did. Access to closure information and apathy attitude of the disaster-affected society nourished crimes that occurred in the disaster-affected areas.

Moving on from a range of changes occurred in the middle of the community and fears of flourishing corruption has lit the spirit of the author and other colleagues to perform escort and control over the distribution of aid to disaster victims in the Veranda of Mecca, either relief coming from international community through various NGOs entering Aceh and assistance coming from the State Budget, the Regional Budget, or from parties who concerned about the disaster in Aceh .

B. Period of Rehabilitation and Reconstruction

In the rehabilitation and reconstruction in Aceh, the Government established the Rehabilitation and Reconstruction Agency (BRR) of Aceh and Nias. It was this organization that managed a budget of trillions to restore Aceh after being devastated by tsunami. The focus of development undertaken by BRR at that time included development of infrastructure, health facilities, places of worship, education, housing, the opening of roads, provision of clean water, as well as infrastructure needed to support economy.

The agency set up to take care of Aceh and Nias managed the budget sourced from the state budget, the local budget, and the international community. In this BRR itself, so many bodies in charge of each sector were formed. There was a body that focused on the construction of housing, roads, educational facilities, health facilities and various other sectors. In addition, the economic empowerment of victims was also carried out, even granting budget for many NGOs so that programs during the rehabilitation and reconstruction were well implemented.

As explained above, the issue of corruption was also not spared from the agency which was equivalent to the ministry. Various issues of corruption arose and successively whacked BRR. Cutting, wrong-targeted assistance, fraud, and other irregularities acts. As a result of this, the suffering of victims who were still traumatized at the time seemed to continue to increase steadily with the emergence of the above problems.

From a variety of issues arisen as well as from many reports we had received over the rampant corruption crimes in aid distribution, then we set up a monitoring team that would be the companion of the affected communities in addressing any corruption issue that would arise and that had occurred. In addition to serving as mediator, we also participated in ensuring that all of the process of distributing aid to the victims had been right on target.

C. Field Monitoring

In the process of monitoring and mentoring, we found at least 237 cases of violations which occurred in 7 districts/cities spread across the province. The focus of our monitoring covered areas of Banda Aceh, Aceh Jaya, Meulaboh, Aceh Selatan, Semeulue, Aceh Besar, Pidie, Biereun, Lhokseumawe, and North Aceh. In the monitoring mechanism, the monitoring team in monitoring and advocacy focused on the following issues:

a. Monitoring the Development of Barrack for Refugees.
The construction of barracks of which a barrack consisted of 12 rooms built using the pattern of direct appointment by the Ministry of Public Works to the state-owned companies, and local companies in Aceh with sub-contract status from state-owned companies, also reaped various problems. Some of the findings we found were ranging from the quality of the wood and the floor construction which was not thick enough or not in accordance with the specification, perfunctory construction and various other forms of irregularity. For the construction of the barracks, the budget allocated was IDR. 120,000,000 /barrack sourced from the Ministry of Public Works.

b. Monitoring and Advocacy on the Disbursement of Living Allowance Aid.
The distribution of Living Allowance (jadup) was done through the mechanism of distribution from the Aceh Office of Social Service to the Refugee Coordinator in barracks through the districts parties. In the process of jadup managing by the coordinator and also the districts, the monitor did analysis

and mapping of the number, location, and condition of refugees. It aimed at facilitating process of monitoring to ensure the distribution of funds ran o the maximum. In the monitoring process we also found a variety of deviant practices ranging from cutting the amount of jadup that should be received by each person, to the fictitious recipient of jadup. This was done systematically by managers, ranging from local governments to the person in charge at the refugee barracks, while rapid, targeted and highly efficient relief was needed by the victims.

c. Monitoring the Construction Process of Houses for Victims.
Government in this rehabilitation and reconstruction period built houses of type 36 for tsunami victims. Each unit of house was allocated IDR. 50,000,000. In monitoring at this stage, we found many irregularities committed by the implementer, starting from the process of construction up to the home delivery mechanism to the victims. The findings included issues of contract with the implementer who had access to government, and improper building specification. Other findings we found on the ground was the cost of floor heightening that was charged to the recipient of house, the quality of the wood used did not meet the specification, cracked walls and floors prior to the handover to the victims. The findings of this kind should not occur if the monitoring process was intensified. According to our analysis, such deviation occurred due to lack of oversight applied in the construction of the houses. In addition, the closure of information also contributed greatly to the various irregularities we found in the field.

Under any circumstances, the implementation of the project and the provision of goods should have had assessment that could foster trust prior to contract making to providers of goods and construction, which then followed by completion or execution of the contract. It was necessary to the existence of serious efforts in establishing effective coordination within a construction, so that all construction activities performed were supervised at maximum, given the magnitude of the potential of irregularities in the implementation of the construction activities.

In this monitoring period, there were many cases we received, but not all these violation cases were resolved by court (litigation), many of them were settled through deliberation (non-litigation). We saw the priority of these cases in determining whether a case would be resolved through litigation or non-litigation way. We did this by considering the slow process of the law enforcement and by measuring the magnitude of public interest toward diverted aids.

Fifteen cases resolved through litigation

No	CASE	DATE OF SUBMISSION	RECEIVER	INDICATION OF STATE LOSES (IN IDR)
1	Indication of Procurement of Fictitious Ship for Six Fishermen Cooperation Bodies In Sabang	Oktober 22, 2005	Gerry Yasid, SH.MH (Intelligence Assistant of Public Prosecutor's Office of NAD)	Rp. 26.322.000.000,00
2	Indication of Procurement of Fictitious Ship for Six Fishermen Cooperation Bodies In Sabang	Oktober 22, 2005	AKP Nurdiah (Head of Protocol Section of Deputy Police Chief of NAD)	Rp. 26.322.000.000,00
3	Indication of Procurement of Fictitious Ship for Six Fishermen Cooperation Bodies In Sabang	Oktober 23, 2005	Waluyo, Deputy Prevention of the Corruption Eradication Commission (KPK)	Rp. 26.322.000.000,00
4	Deviant Use of Funds for Children's Center At the Minister of Women Empowerment	Oktober 23, 2005	Waluyo, Deputy Prevention of the Corruption Eradication Commission (KPK)	Rp. 668.000.000,00
5	Case of Cash Advance of Pidie Regency	November 23, 2005	Waluyo, Deputy Prevention of the Corruption Eradication Commission (KPK)	Rp. 4.700.793.328,00
6	Deviation of Local Budget of Lhokseumawe City Year 2004–2006	Agustus 8, 2006	Gufran, SH (Head of Intelligence Section of State Attorney of Lhokseumawe)	Rp. 19.305.780.616,00
7	Deviation of Local Budget of North Aceh District Year 2004–2006	September 18, 2006	Ilsfidasari (Development Staff of Lhoksukon District Attorney)	Rp. 30.203.651.032,74
8	Deviation of Local Budget of Bireuen District Year 2004–2006	Oktober 10, 2006	M. Adnan, SH (Head of Bireuen State Attorney)	Rp. 50.682.880.511,33
9	Fictitious Project of Boat Procurement for Tsunami Victims	September 25, 2006	Ipda Yayan Trianda, NRP. 66010086 (Police Operations Bureau of NAD)	Rp. 654.827.000,00
10	Alleged Expensiveness of Price and Mark Up of Barrack Construction of Post-Tsunami in Aceh	Juni 14, 2006	Mukhlis SH (Head of Legal Information Section and Public Relations of Public Prosecutor's office of NAD)	Rp. 111.010.000.000,00
11	Case of Financial Management Irregularities ofWest Aceh District Government	April 11, 2006	Commissioner M.Nimik Chsik (Head of Unit III/Pidkor of Dit RK of NAD Police)	Rp. 70.462.896.679,00
12	Case of Corruption Indication in Swamp And Sewer Developing Project in Lhok Geulumpang, Nagan Raya District	April 11, 2006	Commissioner M.Nimik Chsik (Head of Unit III/Pidkor of Dit RK of NAD Police)	Rp. 946.019.000,00
13	Case of Regional Financial Fraud In Unforeseen Expenditure Post Amounting to 18 Billion In Fiscal Year 2004 In Pidie District.	April 13, 2006	Waluyo, Deputy Prevention of the Corruption Eradication Commission (KPK)	Rp. 18.498.364.000,00
14	Deviation of Living Allowance (Jadup) Distribution and Mark Up of Number of IDPs in Simelue District	Juni 5, 2006	Abdul Mufti, the Representative of KPK in NAD	Rp. 18.874.446.000,00
15	Mark Up of BRR NAD-Nias Book Printing (Membangun Tanah Harapan)	Juli 31, 2006	Secretary General of NAD Police	Rp. 291.700.000,00

Source: The Aceh Society for Transparency (MaTA)

The cases settlement process through non-litigation path was done by us, by involving full public participation both in the process of gathering evidence or other information up to the settlement process carried out through consensus. We also need to say that community involvement was not necessarily in the resolution of cases of irregularities alone. More than that, we also did sort of cadre forming for the sake of strengthening the capacity of community to understand the context of corruption advocacy. The role of affected community in the monitoring of aid distribution, and the role of society in the context of

any activity related to access to information on the aid distribution monitoring or information regarding the progress of reconstruction and rehabilitation of disaster victims in Aceh. Indirectly, access to information would greatly affect the victims' sense of belonging in their participation in the reconstruction and rehabilitation process that was carried out efficiently.

The idea of community involvement was followed by pattern of education and the strengthening of community capacity in comprehending each pattern of control and eradication as well as prevention of the occurrence of irregularity practices in the management of rehabilitation and reconstruction assistance of Aceh. The growth of understanding would impact on the ability of the community in participatory decision making on strategies of giving and receiving assistance planning, as well as for the increase of public awareness on the role and function of society in the monitoring, management of public funds in general, and reconstruction funds in particular. And it was expected that community would also be able to achieve an increased sense of responsibility in monitoring the management of public funds in general and reconstruction funds in particular. It was expected as well that people could formulate systematic and measurable work steps in doing field monitoring for the efficacy of participatory monitoring in the development process; in addition, it was also expected that in the monitoring process, the community would be able to grow strategy of increasing transparency in the management of disaster relief in the manager body.

This would significantly impact on the declining of irregularity risks in the level of manager or supplier body; the more important was the involvement of community role in monitoring aids intended for the victims. The above would give very positive result, i.e. either in the loss or at least in the decrease of public apathy towards corruption that has been damaging not only the lives of the community, but also local genius that has been formed for generations.

The pattern of case settlement we did through non-litigation pathway was mostly dominated by the issue of storage in the living allowance (jadup) distribution sector as well as in the equipments assistance for fishermen and plantation, of which the distribution pattern was done through the involvement of government officials at the village level. There were only 13 cases whose settlement patterns were through litigation path, but of the 13 underreported cases, not a single case then ended up in court, all even lost in the middle of the way. Wondering what became the consideration of the law enforcement back then, but surely these cases were not resolved; thus departing from the

reality on display, we initiated a pattern of settlement through non- litigation paths for many cases, since due to the background problem as if the law lost its soul. By considering above matters, it was then the judicial which then deserved to be blamed. "Belly over mouth" was a very often heard anecdote in daily life of affected society.

It is inevitable that disaster poses great opportunities for corrupt behavior, especially during the reconstruction and rehabilitation. To realize the potential control over corruption that tends to increase, the diverse efforts and ideas should also be constructed to minimize various practices of corruption. From the diverse findings of our monitoring results, then to realize the more effective monitoring process in monitoring efforts to all areas in Aceh, then along with community we had been trying to encourage the formation of units of anti-corruption Complaint Handling in BRR and Government bodies. There were some important things underlying the emergence of spirit that encouraged the birth of Complaint Handling unit in BRR body. **First**, the rise of fraud and irregularities of post-earthquake-and-tsunami reliefs up to the rehabilitation and reconstruction. The parties who had authority in aids handling or in BRR were prone to do anything, either in policy or budget. And BRR itself as the body which was responsible for the rehabilitation and reconstruction had no accountable and transparent system. **Second**, the affected society suffered mental depression and suspicions against the aid managers, moreover they had not previously understood that their role was very much more important in the supervision and they did not psychologically concern about the perpetrators. **Third**, the weakness of local government's role in establishing the mechanism of prevention of irregularities. The government did not build system, participation, accountability, and transparency in ensuring entire assistances on right-targets and qualified, in addition to not having experience in dealing with post-disaster governance. **Fourth**, the unscrupulous local government officials became actors in aids fraud. The publicly revealed fraud tended to engage unscrupulous government officials, both in level District/City, Sub-District and village level. Fifth, the law enforcement was not imposed against elements of the perpetrators of irregularities or fraud of road rehabilitation and reconstruction aids. The investigator did not take preventive or enforcement at all, from our records, during the post-tsunami of Aceh, there was only a corruption case processed, but not entirely. Case of Mark-Up of teacher training funded by BRR through Tarbiyah Foundation and its administrators from academia of IAIN. We assessed why case-by-case emerged had stuck, and this was due to the intervention of central government against law enforcement officers in Aceh, so that all cases were ignored.

On that basis, we conduct overall coordination of the IDP's in Aceh and victims to discuss about and encourage the birth of official complaints management unit, so that the affected society was easier when finding irregularities; this breakthrough was incredible and this was a fundamental participation in ensuring well-implementation of financial and assistance management.

It was this that would ensure the disaster relief management done effectively, transparent, and accountable. The Complaint Handling was also expected to be a place for the victims and the general public to be able to report findings during the process of recovery and sustainable development throughout the territory of Aceh post-earthquake and tsunami.

From the result of mentoring and encouragement over the active role of the affected society as a whole, in just a few months, Complaint Handling units were manifested within BRR and local governments. This unit then started its activities by itself. Society was also increasingly active in monitoring and reporting the findings of frauds, either ones perceived directly by them or by other affected communities. Our role did not just stop at the formation of this unit; we also did the steps of mentoring and supervision towards the society themselves and towards the reconstruction and rehabilitation process itself. Monitoring communities that we had established.

[The meeting of tsunami-affected residents in the refugee camp in Plimbang District, Biereun Regency, in order to discuss the mechanism of settlement of fraud and misuse of post-disaster assistance.] Photo: Documentation of MaTA

Since the post-disaster could bear resource independence to be able to continue their role in post-rehabilitation and reconstruction, the oversight role toward regional planning and local budget of District/City and the Province. We have been evaluating by doing coordination until now, especially against irregularities and prevention that should be done permanently in their environment without BRR any longer. Continual mentoring to the active people keeps running, either in case consultation, case reporting, or cases prevention must do by them, for example, in the Pilmbang District, Biereun Regency, until now people are still active in works of prevention through community discussions or formal meetings. Meunasah, mosques, and coffee shops become places to convey messages of anti-corruption and the importance of their active role.

Another example is community in the Seunuddon District, North Aceh Regency, which suffered the most severe effects of the tsunami, until now the role of the people, both men and women has been active in the supervision and development planning. This community still exists in Pidie District, Aceh Besar, Aceh Jaya, and Meulaboh up to Semeulue District or those in Banda Aceh City who were affected by tsunami who I can not mention one by one in my writing, they are active residents and aware of their function, understand their role, and more importantly, they have anti-corruption spirit and tsunami has given meaning to their meaningful life.

This then becomes our passion in keeping the rhythm in combating corruption in disaster management sector in Aceh and in other sectors. It is undeniable that a large share of public oversight over the rehabilitation and reconstruction process has also triggered our spirit of resistance in taking steps to prevent or report any corruption issue that hit Aceh. Aceh that is known as Veranda of Mecca which applies Islamic law as the foundation of moral is expected to become a pioneer in surfacing its anti-corruption morality anyway, rather than vice versa. Hopefully!

Measuring Participation of Young Voters in the 2014 election

By: Lia Toriana[88]

No one is born a good citizen; no nation is born a democracy. Rather, both are processes that continue to evolve over a lifetime. Young people must be included from birth. A society that cuts itself off from its youth severs its lifeline; it is condemned to bleed to death.

~ Kofi Annan, Sekjen PBB (1997 – 2006)[89]

A. Introduction

Data held by the National General Election Commission (KPU) mentions that no less than 32% of voters in the 2014 election are young people aged between 17 to 30 years. That is, a third of votes contested by the election participants is us, young people. From the election participants (political parties and legislative candidates) to the organizer of the election (KPU), all is targeting young people. Variety of creative up to uninventive invitation is offered. All the same, in order to attract young voters.

The General Elections Commission (KPU) has a big task. Target of 75% participation of voters casting on April 9 must be achieved. While the rate of voters participation (2004 and 2009) tends to decrease. Various attempts were made by the KPU. Campaign through the involvement of young people in the Democracy Volunteer, Election Song Competition 2014, up to Election Mascot Competition. But will socialization by KPU have a positive impact on the participation of young voters in the 2014 election?

The discourse to measure the participation of young voters in the 2014 election needs to be surfaced and even debated. It is as an effort to position the younger voters as not merely an object of vote getter. It is important to make

[88] 1Penulis adalah Koordinator Program Kepemudaan Transparency International Indonesia (TI-Indonesia). Program Kepemudaan TI-Indonesia fokus pada riset, penanaman integritas dan antikorupsi di sekolah dan kampus, isu politik dan pemilu, serta memfasilitasi lahir dan berkembangnya komunitas muda antikorupsi di Indonesia.
[89] UNDP Report, "Enhancing Youth Political Participation throughout the Electoral Cycle", 2012, p.3

sense that the younger generation is also important actor for the survival of the nation's politics.

B. Today's Younger Generation: What's Your Problem?

Why discussing youth participation becomes important and should be done? Speaking about younger generation is often synonymous with the nation's future. "In them, our youth, our expectations are pinned", that is a general statement we often hear from most adults.

But what is the meaning of future if the younger generation is in distance from daily political issues? What kind of expectations we pin on young people who are tired of chasing cum laude GPA for their looming career in other countries? How can we expect, in the lack of role models, young people to do any good?

The above series of questions can be answered by us clearly if we have an interest in the younger generation. Our interest is in ourselves. The author is 28 years old and has a huge interest in emerging and the continuing development of youth issues. The youth issues who certainly exist in the political and social locus. The author on this occasion also assumes that all parties, all people, should have an interest in younger generation. So the idiom "what's your problem?" could be more peacefully faced by us. So are with other popular idioms identified with our youth, ranging from "terong-terongan" up to "cabe-cabean." If allowed to think freely, the popular idioms are part of expression of our young generation in recent days. Just like the 70s generation who has "kamseupay"[90] or the generation of 80s and 90s that have slang dictionary.

Indonesia's young generation today is those with access to advanced technology compared to 20 and even 10 years ago. The young generation across borders and loosen the bulkhead of identity. Sociologically, young people are synonymous with the search for identity, anxiety, great curiosity, critical, high creativity, and spontaneous. Such are still attached to our youth today. But it is just important for us to facilitate and organize them into a great force for political change. Not only on the momentum of the election but also in everyday politics.

[90] In 70s, the idiom was used to satirize anyone considered as old fashion.

C. Authentic Politics of Youth in the Era of Social Media

Power is mandated by people, but people then just own that power at the time of elections. Afterward, power moves into the hands of authorities they choose. This is the case in almost all Indonesian political process. The lack of public control triggers corruption. Public control itself has been trimmed earlier. Not many of young people who participate in supervising. It is because they are lulled into the dreams of being state leaders. While political learning has never come from an early age. This concern is born by Hannah Arendt if society is far from authentic politics.[91]

Politics believed by the younger generation today is dirty, false, rotten, corrupt and far from the form of public interest. Politics has already been synonymous with the practice of manipulation of some people over the interests of many people. Carl Schmidt, a political realist, defines politics as a matter of distinguishing friends from enemies, a matter of conquering or taking decision by denying public aspirations.[92] It is this stagnation that makes young people uncomfortable and tired.

So the choice to be away from dirty, false, rotten, and corrupt politics is deemed appropriate for public, as well as by the younger generation. Discussing politics is not the interest of young people. Let the adults, politicians, and governments take care about it. The younger generation is increasingly permissive with the dominance of ruling political. A false peace is created to lull the younger generation who is critical and optimistic on the future of our politics.

Nonetheless, the stagnation of the younger generation does not necessarily freeze their initiative and creativity. Many young communities then gave birth to creative initiatives, and they utilize social media as a communication medium. There are communities which depart from social issues, hobbies and interests, experience, and so on. The variety of initiative born from a variety of communities orients at intelligent practice of strengthening communities which mostly orients at simple and not massive social changes.

Characteristic of communication between actors in the movement in the era of social media determine characteristic of organization. The more interactive and configured the communication happens, we can be sure the organization is far from hierarchical character and level of participation of the actors in it is

[91] Sudibyo, Agus,Politik Otentik: Manusia dan Kebebasan dalam Pemikiran Hannah Arendt, 2012, p. 217
[92] *Ibid.*

higher. Movement in the era of social media is believed to be one of the new forms of social movement.[93] Simple and not massive social changes can not be ignored by us. The process still produces a change. Slowly but sure, a little but meaningful. Although we need to take a deep breath when the option is small and slow steps.

Some variety of initiatives of youth communities that the author describes as examples are:
1. SPEAK (Voice of Anti-corruption Youth)
This community was born in July 2010 by a number of young activists of anti-corruption of Transparency International Indonesia. Although not the first youth organization in Indonesia that concerns with the issue of corruption, SPEAK managed to unearth corruption issues through creative ways through art propaganda. The interaction and volunteer facility has also performed up to this day, although yet at the stage of a critical and ongoing organizing.

2. Pamflet
This organization is composed of young people with research activities that are expected to contribute to humanity. Most members of Pamflet are graduates of the Women's Journal Foundation that is actively on issues of gender equality, women and human rights. Pamflet treats its volunteer with a human rights perspective and the equal and open values of the organization.

3. Penpol Muda Garut
The young political education in Garut was initiated during the crowd of regent election issue in 2011 up to former incumbent was impeached by his choice of polygamy and accusation of corruption. The initiator of this community is a student of Political Science, Faculty of Social and Politics Science of the University of Indonesia.

4. Ayo Vote!
The platform of Ayo Vote! movement is social media. Born through the initiative of a national news agency, Ayo Vote! has the luxury of media coverage in each of their off-air activities. Although not necessarily open about the sponsor of their initiative, Ayo Vote! temporarily proves themselves to be patron of several groups of young voters.

Some above organizations and communities are surely just a few of thousands of communities in Indonesia which are mostly engaged in sectoral issues. Let's

[93] Manuel Castells, Networks of Outrage and Hope: Social Movements in the Internet Age, 2012, p.15

say the environment, human rights, democracy, gender equality, LGBT, health, education, and so forth.

D. Placing Hope in the Politics-Literate Young Generation

KPU through socialization and education programs strives for election to become important momentum possessed by public. The young generation is actively encouraged through the program of "Democracy Volunteers". The goal is that volunteers be able to socialize within their group of playmates, school and family. The Democracy Volunteers also provides information and knowledge related to the election and its stages.

Not less than two months away the legislative elections would be conducted. Too naive to say that political education would quickly turn our youth into politics-literate youth these days. In fact, political education for public and young generation had failed to be run by political parties. It stands to reason, the task of providing political education is carried out by them. Bribery, money politics, and logrolling are done by political parties. Unless, political literacy expected is just so shallow as not abstain. Or even further, the youth recognizes their prospective leaders. Unfortunately, it's not the ideal political literacy that we expect.

Political participation of young generation is precisely tested in post-election. The target fulfillment of 75% voters is only quantitative measurements. We need a talking and meaningful number. The reduction of abstentions rate at the next election is meaningless if public control is also low in post-election. The ideal political literacy is when participation of young people is followed by their involvement in oversight of the running of parliamentary. Oversight and public control are done as parts of common interest of young generation. For example: monitoring on public information disclosure practices on school budgets, access and rights of young people to public service, the implementation of Act on Youth and so on.

E. Note: Increasing Participation Is (Not) Merely Socialization

Election is not just interpreted as contestation or celebration, it is precisely a form of political expression of citizens in democratic life. Indonesia should be proud of gaining predicate as democratic country among other countries which also implement direct elections. Indonesia should be proud of the political representation of citizens through a multiparty system. The form of increase in participation of young voters in the 2014 election may be made if: First, KPU as the election organizer removes the normative bulkhead and along with diverse community of young generation conducts massive nationwide movement on political awareness and participation of young people. Do the mapping of thousands of community of potential young people in Indonesia and make them partners in the movement of increasing participation of young voters. Second, the KPU's works is not just instantly employed a year prior to the election. the infiltration of political education in schools should be done early. The preparation for the next five years election should be made since the current election is completed. Third, the political participation of young people can only be realized if a knowledge-giving is performed continuously and allows young people to get involved directly. Fourth, reinforcement is needed in groups/communities and facilitating them in capacity building in the process of increasing the political participation of young voters.

The involvement of young people in every political process and citizen participation is a necessity. A change of a nation will not be valid without participation and involvement of their young people.

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GLOSSARY

ABRI	: the Indonesian National Army
ADD	: the Rural Funds Allocation
APBD	: The Budget of Local Income and Expenditure
APBDesa	: The Budget of Rural Income and Expenditure
APBN	: Budget of State Income and Expenditure
Aspuk	: the Association of Women's Small Business Advocates
BHS	: the Structural Legal Aid
BI	: Bank Indonesia
BPD	: the Local Development Bank
BPK	: The Audit Agency
BRR	: the Agency for Rehabilitation and Reconstruction
BUMN	: State-Owned Enterprise
CFI	: Coalition for Freedom of Information
CHM	: Complaint Handling Mechanism
CIC	: Central Information Commission
CO	: Community Organizer
CoC	: Code of Conduct
CoE	: Code of Ethic
CPI	: Corruption Perception Index
CSO	: Organisasi Masyarakat Sipil]
DAK	: Special Allocation Fund
DAU	: Dana Alokasi Umum [General Allocation Fund]
DAU-BP	:
DBH	: Profit Sharing Fund
DIP	: Public Information List

DIPA-RKA	: Daftar Isian Pelaksanaan Anggaran - Rencana Kerja & Anggaran
DPD	: Regional Representatives Council
DPIPD	: the Fund for the Acceleration of Infrastructure of Regional Development
DPR	: The House of Representatives
DPRD	: Regioanal House of Representatives
FAI Bill	: Bill on Freedom of Accessing Information
FAPI Act	: UU KMIP : Undang-Undang Kebebasan Memperoleh Informasi Publik
FB	: Facebook
FITRA	: Indonesian Forum for Budget Transparency
FKMD	: the Communication Forum of Local Community
FOINI	: Freedom of Information Network Indonesia
FORKADA	: the Forum for Local Policy and Budget Advocacy
FORMASI	: Civil Society Forum
GOLKAR	: Golongan Karya
HAM	: Human Rights
IAIN	: Islamic State Institute
IC	: Information Commission
ICEL	: Indonesian Center for Environmental law
ICW	: Indonesia Corruption Watch
IDEA	: Institute for Development and Economic Analysis
IFC	: International Finance Corporation
IHCS	: Indonesia Human Rights Committee for Social Justice
ILP	: Public Service Integrity
IPC	: Indonesian Parliamentary Center
JORR W2N	: Jakarta Outer Ring Road W2 North
JUKNIS	: Technical Guidelines
KAPOLRI	: Chief of POLRI
KBBI	: the Great Dictionary of Indonesian Language
Kemenag	: the Ministry of Religious Affairs (MoRA)
Kemenakertrans	: the Ministry of Manpower and Transmigration
Kemendagri	: the Ministry of Home Affairs (MoHA)
KemKeu	: the Ministry of Finance
Kemkominfo	: the Ministry of Communication and Informatics
KNPK	: National Conference for Corruption Eradication

Koalisi	: Civil Society Coalition for APBN on Welfare
KPK	: the Corruption Eradication Commission
LBH	: Legal Aid Institution
LeIP	: Institute for Independent Judiciary
MK	: the Constitutional Court
MPR	: the People Assembly
Musrenbangdes	: Deliberation for Rural Development Planning
NGO	: Non-Government Organizations
NJOP	: Selling Price of Subject-to-tax Object
NKRI	: the Unitary State of the Republic of Indonesia
OGP	: Open Governance Partnership
P2T	: the Land Acquisition Committee
P3B	: Distribution and Load Control Center
P3M	: the Association of Pesantren and Community Development
PATTIRO	: Center for Regional Studies and Information
PDI-P	: the Struggle–Indonesian Democrats Party
Pemkab	: Municipal Administration/Government
Pemprov	: Provincial Administration/Government
Perda	: the Local Regulation
Perkap	: the Decree of the Chief of POLRI
PerKI	: the IC Regulation
Perpres	: the Presidential Decree
PIB	: Bandung Initiative Association
PID Act	: the Act No.14 of 2008 on Public Information Disclosure
PITA	: Participation Integrity Transparency Accountability
PKB	: Partai Kebangkitan Bangsa
PKMD	: Strengthening Program of Rural Community Capacity
PLN	: the State Electricity Company
PM	: President Mandate
PNBP	: Penerimaan Negara Bukan Pajak
POLRI	: the Indonesian National Police
PPID	: the Information and Documentation Management Officer
PPP	: the Development Unity Party
Prakarsa	: the Community Initiative for the State Welfare and Development Alternatives
Prolegnas	: the National Legislation Program
PSI	: the Information Dispute Settlement
PSO	: Public Service Obligation
PT. IIU	: Inti Indorayon Utama, Co.Ltd
PWYP	: Publish What You Pay

RAPBDesa	: the Bill on APBDesa
Renstra	: Rencana Strateg Strategic Plan
RI	: the Republic of Indonesia
RKPDesa	: rural annual planning document
RPJM	:
Seknas FITRA	: the National Secretariat of FITRA
SIAPSIMARI	: Sistem Administrasi Perkara Sistem Informasi Mahkamah Agung
SKPD	: Satuan Kerja Pemerintah Daerah
SOP	: Standard Operating Procedure
SP2HP	: Surat Pemberitahuan Perkembangan Hasil Penyidikan
TAP MPR	: MPR Decree
Tatib	: Procedures
TPAD	: Income Allowance for Rural Administrator
TPT	: the Land Acquisition Team
TuRC	: Trade Union Rights Center
UKP4	: Government Working Unit for Development Monitoring and Control
UU	: Act/Law
WALHI	: Indonesian Environmental Forum
YLKI	: Indonesian Consumers Foundation