



Information Commission
Republic Of Infonesia

Implementing the RTI Law in Indonesia

Right to information and the governance reform process

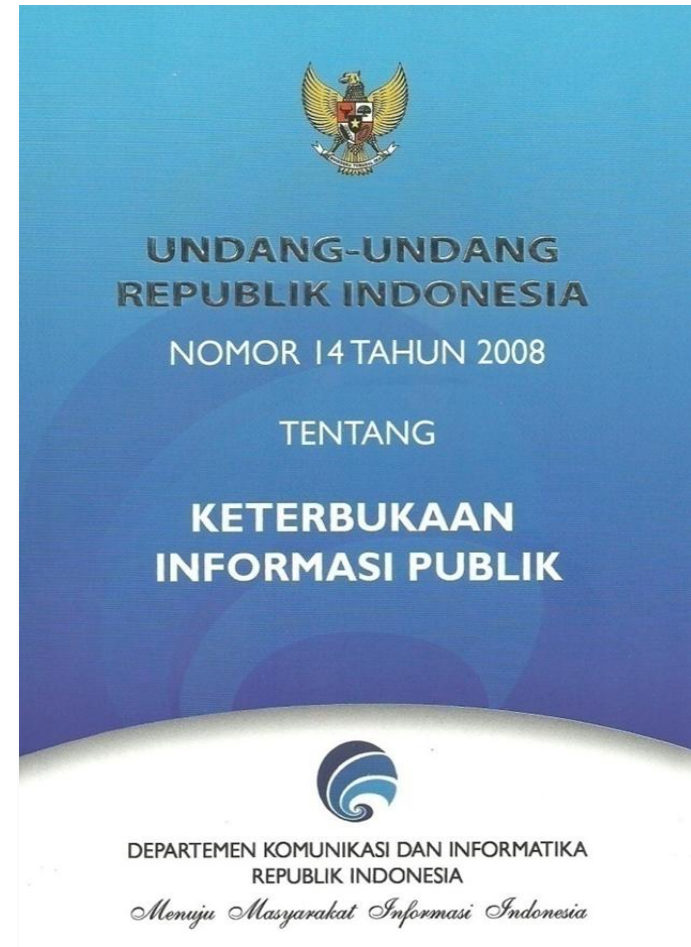
Alamsyah Saragih
Brussels, 2 Oct 2010

The Public information Disclosure Act

Article 3

The objectives of this Act are to:

1. guarantee citizens right to acknowledge the reasons, plans, programs, and decision making process of public policy;
2. encourage public participation in public policy making ;
3. conduct the good governance implementation,
4. develop the science and the intellectual life of the people
5. Improve the information service delivery sistem in public bodies.

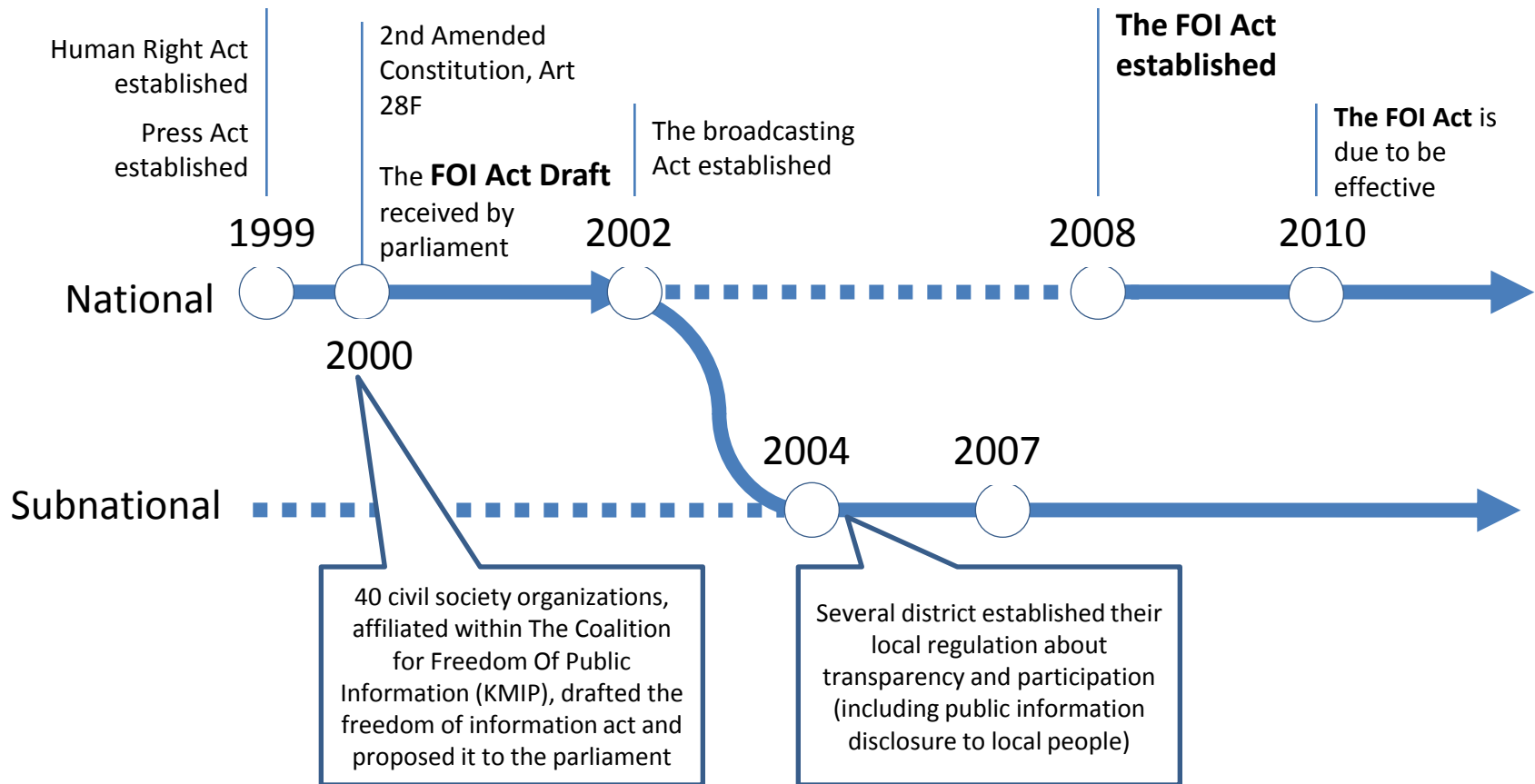


Why and how Indonesia have adopted RTI laws..

- In 1998, the New Order Regime fall and Indonesia set the fundamental changes in constitution and law to support the process of democracy. Transparency, Participation and Accountability are the most popular issues in this period.
- In 1999, the Human Right and Press Act were established to gurantee the freedom of the press and protected the journalist from the victim.
- In 2000, Indonesian Parliement take an initiative to amend the Indonesian Constitution. Article 28F (the amended constitution) stated that citizen have right to access and obtain the information.
- In 2000, 40 civil society organizations, affiliated within The Coalition for Freedom Of Public Information (KMIP), drafted the freedom of information act and proposed it to the parliament. The parliament established this draft as Public Information disclosure act 8 years later (2008).

Establishment of the FOI Act

waiting for 8 years to establish the right to information



Benefits of RTI, based of practical experiences

for the public, civil society and government agencies

- **Public**

- Increasing the certainty of information disclosure procedure (i.e. small business society; poor people in sub district area, etc).
- Better service from government. Through this act, people have a clear right to know the implementation of government project. By accessing the project document, they can control the quality of public works even this project management does not have a manual for publishing the information. The access to information is shifting from project approach to institutional approach.

- **Civil Society**

- Legal guarantee to access and obtain the public information. Rejection to the requester without exemption reason could be categorized as crime. This Act use a criminal provisions for public body that deliberately disregards to provide the public information and causes harm to other person.
- Spreading controll to public bodies. CSO can spread their working area in controlling the public bodies activities.

Benefits of RTI ...

- Reduce the discretion of public official staff to use state secrecy justification. Before the Public Information Disclosure Act (PIDA) is established, the public official staff can reject the request without a clear reason legally. State secrecy is the most popular reason when they do not want to fulfill the request.
- **Government agencies**
 - Increasing the quality of participation. Participant in participatory program (i.e.: participatory budgeting) can give a clear input in decision making process.
 - Guarding the champions of the reform. FOI Law reduces the internal conflict between the reformed official staff (minority) and the opposite, because there is a certainty about secrecy.
 - Qualified public spending. Public can access more detailed information for controlling the government spending. It will reduce the opportunity of corruption within public spending.

the challenges faced in implementing RTI

- **Structural challenges**

- How to eliminate the potential constraint from State Secrecy Act. The government planned to propose state secrecy act to the parliament. Without broad public consultation, it will be a constraint for the implementation of Public Information Disclosure Act.
- How to reduce some resistances within public bodies. This act is due to be effective in 30 Apr 2010 (2 years upon the date of enactment). Resistances from official staff to accept the obligation from this act has caused the slow adjustment within public bodies.
- Protecting the whistleblower. There is a need to set a specific regulation to protect the requester when they publish some information from the document provided by public bodies that cause a public disadvantage (i.e. corruption, maladministration, etc)

- **Cultural challenges**

- Using IT in dispute settlement, how to make it familiar. Information commission plan to use the long distance technology in public information dispute settlement. especially for mediation steps. Most of public bodies and requesters still argue that the verdict of Information Commission is not formal when the process were communicated based on phone.

- **From elite to grassroots**

- In the 5 months of implementation, civil society organization and journalist is the first part that use this Act as a reason in accessing the public information. The next challenge is how to engage the grassroots level to use this act as a direct user.

- **Building a regional network**

- To ensure the public bodies and civil society in Indonesia that access to information is an international trend that can not be stopped, and learn: (i) how it was implemented in another countries; and (ii) how to reduce the negative impact in the transition steps.



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