

**ACT
OF THE REPUBLIC OF INDONESIA
NUMBER 14 OF 2008
ON
PUBLIC INFORMATION OPENNESS**

**BY THE MERCY OF ALMIGHTY GOD
PRESIDENT OF THE REPUBLIC OF INDONESIA,**

- Whereas:
- a. information is a basic individual need for the development of personal and social environment, and is an important part of national resilience;
 - b. right to obtain information is a human right and public information openness is an essential characteristic of a democratic state that upholds sovereignty of the people to constitute good governance;
 - c. Public Information openness is an instrument in optimizing public control towards the governance of state and other public bodies and matters affecting public interest;
 - d. management of Public Information is one of the efforts to develop information society;
 - e. in view of a, b, c, and d above, it is necessary to establish the Act on Public Information Openness;

In consideration of:

Article 20, Article 21, Article 28F, and Article 28J of the 1945 Constitution of The Republic of Indonesia;

By Mutual Consent of

**HOUSE OF REPRESENTATIVES
OF THE REPUBLIC OF INDONESIA**

and

**PRESIDENT OF THE REPUBLIC OF
INDONESIA,**

H A V I N G R E S O L V E D :

To Stipulate : **ACT ON PUBLIC INFORMATION OPENNESS.**

**CHAPTER I
GENERAL PROVISIONS**

Article I

Terms used in this Act have specified meanings as follows:

1. Information means any description, statement, idea, and signs that contains value, meaning and message either as data, fact or their elucidation that may be seen, heard and read which is presented in various packages and formats inline with information and communication technology development electronically or non-electronically.
2. Public Information means any information produced, stored, managed, sent and/or received by a public body in relation with governments and governance of state and/or operators and governance of other public bodies pursuant to this Act, and other information concerning public interest.
3. Public Body means executive, legislative, judicial and other institutions which functions and main duties are related to state governance, which all or part of its funding originated from State Revenue and Expenditure Budget and/or the Local Revenue and Expenditure Budget, or non governmental organizations provided that all or part of its funding originated from State Revenue and Expenditure Budget and/or the Local Revenue and Expenditure Budget, public donation, and/or foreign origin.
4. Information Commission means an independent institution which functions are to implement this Act and its implementing rules, establish technical guidance on public information service standard and carry out public information dispute settlement through mediation and/or non-litigation adjudication.

5. Public Information Dispute means a dispute between Public Body and public information user concerning the right to obtain and use information based on legislations.
6. Mediation means a public information dispute settlement between parties with the assistance of Information Commission mediator.
7. Adjudication means a proceeding of public information dispute settlement between parties subject to the verdict of Information Commission.
8. Public Official means a person appointed and assigned to certain position or post in Public Body.
9. Information and Documentation Management Officer means an officer responsible for storage, documentation, provision and/or service of information in Public Body.
10. Person means an individual, group of individual, legal entity, or Public Body as referred to in this Act.
11. Public Information User means a person using public information as stipulated in this Act.
12. Public Information Requester means an Indonesian citizen and/or Indonesian legal entity filing a public information request as stipulated in this Act.

**CHAPTER II
PRINCIPLES AND OBJECTIVES**

**Part One
Principles**

Article 2

- (1) Public Information shall be in nature open and accessible to Public Information User.
- (2) Exempted Public Information shall be strict and limited.
- (3) Public Information shall be obtained by Public Information Requester in a quick and timely, inexpensive, and uncomplicated manner.
- (4) Exempted Public Information shall be in nature confidential pursuant to legislations, appropriateness, and public interest based on the test of consequences that will emerge if an information is disclosed to public and after meticulously measured that confining the Public Information may protect a greater interest compared to disclosing it, or vice versa.

**Part Two
Objectives**

Article 3

The objectives of this Act are to:

- a. guarantee citizens right to acknowledge public policy making plans, public policy programs, public decision making process, and the grounds of a public decision making;
- b. encourage public participation in public policy making process;
- c. to increase active public involvement in the public policy making and good public body governance;
- d. constitute good governance which are transparent, effective, efficient, and accountable;
- e. acknowledge the grounds of public policies that have eminent effects on people's lives;
- f. develop science and to enhance the intellectual life of the nation; and/or
- g. improve management and service of information in public bodies in order to constitute excellent information service.

**CHAPTER III
RIGHTS AND OBLIGATIONS OF PUBLIC
INFORMATION REQUESTERS AND USERS
AND RIGHTS AND OBLIGATIONS
OF PUBLIC BODIES**

**Part One
Rights of Public Information Requesters**

Article 4

- (1) A Person is entitled the right to obtain Public Information pursuant to the provisions of this Act.
- (2) A Person is entitled the right to:
 - a. see and acknowledge Public Information;
 - b. attend meetings that are open to public in order to obtain Public Information;
 - c. obtain copies of Public Information in the course of a request pursuant to this Act;

and/or

- d. disseminate Public Information pursuant to regulations.
- (3) Public Information Requester is entitled the right to file Public Information request along with the grounds of the request.
- (4) Public Information Requester is entitled the right to file a lawsuit to the court of law in case of receiving obstruction or failure in obtaining Public Information pursuant to provisions of this Act.

**Part Two
Obligations of Public Information Users**

Article 5

- (1) Public Information User shall use Public Information in accordance with regulations.
- (2) Public Information User shall cite the source from which a Public Information is obtained, either for personal use or for publication pursuant to the provisions of regulations.

**Part Three
Rights of Public Bodies**

Article 6

- (1) Public Body is entitled to refuse providing exempted information pursuant to provisions of regulations.
- (2) Public Body is entitled to refuse disclosing Public Information if not in accordance with the provisions of regulations.
- (3) Public Information that shall not be disclosed by Public Body, as referred to in paragraph (1) are as follows:
 - a. information that may impose harm to the state;
 - b. information related to protection of business from unfair competition;
 - c. information related to privacy rights;
 - d. information related to professional secrecy; and/or
 - e. the requested Public Information is not yet under control or documented.

**Part Four
Obligations of Public Bodies**

Article 7

- (1) Public Body shall provide, disclose and/or issue Public Information under its authority to Public Information Requester, except for exempted information according to regulations.
- (2) Public Body shall provide accurate, correct and non-misleading Public Information.
- (3) To perform the obligation as referred to in paragraph (2), Public Body shall build and develop information and documentation system to manage Public Information in a proper and efficient manner so as to be easily accessible.
- (4) Public Body shall provide written consideration of every policy taken in order to fulfill the right of individual to Public Information.
- (5) The consideration as referred to in paragraph (4) contains among others, political, economic, social, cultural and/or state defense and security consideration.
- (6) In order to fulfill the obligations as referred to in paragraph (1) to (4), public body may utilize electronic and non-electronic facilities and/or media.

Article 8

Obligations of Public Body in relation to Public Information archiving and documentation shall be carried out pursuant to legislations.

**CHAPTER IV
INFORMATION THAT SHALL BE
AVAILABLE AND PUBLISHED**

**Part One
Information That Shall Be
Available and Published Periodically**

Article 9

- (1) Public Body shall publish Public Information periodically.

- (2) Public Information as referred to in paragraph (1) shall cover:
 - a. information related to the Public Body;
 - b. information concerning activities and performance of the Public Body;
 - c. information concerning financial report; and/or
 - d. other information deemed necessary by legislations.
- (3) The obligation to disclose and provide Public Information as referred to in paragraph (2) shall be carried out at most once every 6 (six) months.
- (4) The obligation to disseminate Public Information as referred to in paragraph (1) shall be carried out in a manner that is easily accessible by the people and in the language easily understandable.
- (5) The manners as referred to in paragraph (4) shall be specified further by Information and Documentation Management Officer in the respective Public Body.
- (6) Further provisions regarding Public Body's obligation to disclose and provide Public Information periodically as referred to in paragraph (1), paragraph (2), and paragraph (3) shall be established in the Technical Guidance of Information Commission.

**Part Two
Information That Shall Be Published Promptly**

Article 10

- (1) Public Body shall promptly publish information that may impose threats to people's lives and public order.
- (2) The obligation to disseminate Public Information as referred to in paragraph (1) shall be carried out in a manner easily accessible by the people and in the language easily understandable.

**Part Three
Information That Shall Be Made Available at All Time**

Article 11

- (1) Public Body shall provide Public Information accessible at all time, namely as follows:
 - a. a list of all Public Information under its control excluding exempted information;
 - b. Public Body's decision and its considerations;
 - c. existing policy and its supporting documents;
 - d. working project arrangement including Public Body's annual expenditure estimation;
 - e. agreement between Public Body and third parties;
 - f. information and policies presented by Public Officials in open to public meetings;
 - g. Public Body's operational procedure related to public services; and/or
 - h. any report concerning Public Information access service as stipulated in this Act.
- (2) Public Information that has been determined open to public based on the objection procedure and/or dispute settlement as referred to in Article 48, Article 49, and Article 50 shall be declared as Public Information accessible by Public Information User.
- (3) Further provisions regarding procedure for implementing Public Body's obligation to provide accessible Public Information as referred to in paragraph (1) and paragraph (2) shall be established in the Technical Guidance of Information Commission.

Article 12

Public Body shall publish information service annually, namely as follows:

- a. the total of information requests received;
- b. the time required by a Public Body in responding to each information request;
- c. the total of information requests granted and rejected; and/or
- d. grounds for rejecting information requests.

Article 13

- (1) In order to constitute a quick, accurate and uncomplicated service, Public Body shall:
 - a. appoint Information and Documentation Management Officer; and
 - b. create and develop quick, uncomplicated, and fair information service system in accordance with the technical guidance for Public Information service standard which is effective nationwide.
- (2) The Information and Documentation Management Officer as referred to in paragraph (1) letter a shall be assisted by functional officials.

Article 14

Public Information that shall be provided by State Owned Corporation, Local Owned Corporation

and/or other corporation owned by the state under this Act namely as follows:

- a. name and location, purposes and objectives also line of business, time of establishment, and capital, as stated in the Articles of Association;
- b. full names of shareholders, members of directors, and members of board of commissioners;
- c. audited annual reports, financial reports, profit balance reports, and corporate social responsibility reports;
- d. assessments by external auditors, credit appraisal institutions and other appraisal institutions;
- e. remuneration system and allocation for members of board of commissioners/supervisors and directors;
- f. selection procedure of directors and board of commissioners/supervisors;
- g. any legal cases that are accessible according to legislations;
- h. implementation guidance for good corporate governance based on principles of transparency, accountability, responsibility, independence and appropriateness.
- i. announcements of stocks issuance that may be categorized as debts;
- j. replacements of the corporation's auditor accountants;
- k. changes of the company's fiscal year;
- l. projects assigned by the Government and/or public service obligation or subsidy;
- m. procedure for the procurements of goods and services; and/or
- n. other information required by legislations concerning State Owned Corporations/Local Owned Corporations.

Articles 15

Public Information that shall be made available by political party under this Act are namely as follows:

- a. principles and objectives;
- b. general programs and activities of the political party;
- c. name, address and organizational structure and its changes;
- d. management and use of funds originated from State Revenue and Expenditure Budget and or Local Revenue and Expenditure Budget;
- e. decision making procedures of the party;
- f. party's decisions resulting from a conference/congress/national conference and/or other decisions that are open to public according to the party's articles of association and statutory regulations; and/or
- g. other information required by legislations concerning political parties.

Articles 16

Public Information that shall be made available by non-governmental organization under this Act are namely as follows:

- a. principles and objectives;
- b. programs and activities of the organization;
- c. name, address, organizational structure, and its changes;
- d. management and use of funds originated from State Revenue and Expenditure Budget and or Local Revenue and Expenditure Budget, public donation, and/or foreign origin;
- e. decision making procedures of the organization;
- f. decisions of the organization; and/or
- g. other information stipulated under legislations.

CHAPTER V EXEMPTED INFORMATION

Article 17

Public Body shall provide accessible Public Information to Public information Requester, except as follows:

- a. Public Information that if disclosed and provided to Public Information Requester could obstruct due process of law, namely information that could:
 1. obstruct the observation and investigation process of a criminal act;
 2. reveal the identity of informants, reporters, witnesses and/or victims having knowledge of a criminal act;
 3. reveal criminal intelligence data and plans related to prevention and treatment of any forms of transnational crime;
 4. endanger the safety and lives of law enforcement personnels and/or their families; and/or
 5. endanger the security of equipments, facilities and/or infrastructures of law enforcement

- personnels.
- b. Public Information that if disclosed and provided to Public Information Requester could obstruct protection of intellectual property rights and protection from unfair competition;
 - c. Public Information that if disclosed and provided to Public Information Requester could endanger state defense and security, namely as follows:
 1. any information concerning strategy, intelligence, operation, tactic and technique related to the operation of state defense and security system, which covers the stages of planning, implementation, and accomplishment or evaluation in relation to domestic or foreign threats.
 2. any document containing strategy, intelligence, operation, technique and tactic related to the operation of state defense and security system, which cover the stages of planning, implementation, and accomplishment or evaluation;
 3. any figure, composition, disposition or dislocation of strength and ability in the implementation of state defense and security system and its development plan;
 4. any image and data regarding military base and/or military installation situation and condition;
 5. any estimation data of foreign countries military and defense capacity in relation to all actions and/or indications of such countries that may endanger the sovereignty of the Republic of Indonesia and/or data related to military cooperation with other countries that have been agreed in the agreement as confidential or top secret;
 6. state encoding system; and/or
 7. state intelligence system.
 - d. Public Information that if disclosed and provided to Public Information Requester could reveal the natural resource assets of Indonesia;
 - e. Public Information that if disclosed and provided to Public Information Requester could impose harm to national economic resilience, namely as follows:
 1. any initial plan of sales or purchase of national or foreign currency, shares and vital assets of the state;
 2. any initial plan of exchange rate adjustments, credit interest rates, and financial institution operation model.
 3. any initial plan of bank credit interest rate adjustments, government loans, tax reform, tariff, or other state/local revenues;
 4. any initial plan of sales or purchase of land or property;
 5. any initial plan of foreign investment;
 6. any process and result of supervisions concerning banks, insurance companies, or other financial institutions; and/or
 7. other matters related to money printing process.
 - f. Public Information that if disclosed and provided to Public Information Requester could impose harm to international relations, namely as follows:
 1. any position, bargaining power and strategy that will be and has been taken by the state in relation to international negotiation;
 2. any international diplomatic correspondence;
 3. any communication and encoding system used in carrying out international relations; and/or
 4. any protection and security of Indonesian strategic infrastructure overseas.
 - g. Public Information that if disclosed could reveal contents of any personal authentic certificate and a person's last wish or testament.
 - h. Public Information that if disclosed and provided to Public Information Requester could reveal personal secrecy, namely as follows:
 1. any history and condition of family members;
 2. any history, condition and treatment, physical and psychological medication of a person;
 3. any financial condition, asset, income and bank account of a person;
 4. any evaluation result concerning capability, intellectuality and recommendation of a person's capacity; and/or
 5. any note concerning a person's formal and non-formal educational activities.
 - i. memorandum or letters between Public Bodies or within Public Bodies, which in nature classified, unless determined otherwise by the verdict of Information Commission or court of law;
 - j. Information that shall not be disclosed pursuant to legislations.

Article 18

- (1) The following information are excluded from the category of exempted information:
 - a. verdict of court of law;
 - b. affirmation, decision, regulation, circular letter or other types of policies, either binding or

- nonbinding, internally or externally, and any consideration of law enforcement institutions;
 - c. warrant to discontinue investigation or prosecution;
 - d. annual expenditure plan of law enforcement institutions;
 - e. annual financial report of law enforcement institutions;
 - f. report of corruption fund restitutions; and/or
 - g. other information as referred to in Article 11 paragraph (2).
- (2) Not included as exempted information as referred to in Article 17 letter g and letter h, provided that, inter alia:
 - a. the party whose secret being disclosed grants written consent: and/or
 - b. the disclosure is in relation to a person's position in public offices.
 - (3) In the event of criminal court investigation, Chief of Indonesian National Police, Attorney General, Head of Supreme Court, Head of Corruption Eradication Commission and/or the Head of other law enforcement state bureaus authorized by legislations, may open the exempted information as referred to in Article 17 letter a, letter b, letter c, letter d, letter e, letter f, letter i and letter j.
 - (4) The disclosure of exempted information as referred to in paragraph (3) shall be carried out with the permission of President of the Republic of Indonesia.
 - (5) Request of permission as referred to in paragraph (3) and paragraph (4) for civil court investigation in relation to state finance or state property in court of law shall be filed by Attorney General acting as the state attorney, to President of the Republic of Indonesia.
 - (6) The written approval as referred to in paragraph (3), paragraph (4), and paragraph (5) shall be granted by President of the Republic of Indonesia to Chief of Indonesian National Police of the Republic of Indonesia, Attorney General, Head of Corruption Eradication Commission, Head of other law enforcement state bureaus, or Head of Supreme Court.
 - (7) By means of considering the interest of state defense and security and public interest, President of the Republic of Indonesia may reject any request for the disclosure of exempted information as referred to in paragraph (3), paragraph (4), and paragraph (5).

Article 19

Information and Documentation Management Officer in each Public Body shall carry out the test of consequences as referred to in Article 17 in meticulous and cautious manner prior to declaring a certain Public Information as exempted from being accessed by any Person.

Article 20

- (1) Exemptions as referred to in Article 17 letter a, letter b, letter c, letter d, letter e and letter f are in nature impermanent.
- (2) Further provisions concerning the period of exemption shall be regulated in Government Regulation.

CHAPTER VI PROCEDURE FOR OBTAINING INFORMATION

Article 21

Procedure for obtaining Public Information shall be based on the principles of quick, timely and inexpensive.

Article 22

- (1) Public Information Requester may file request to obtain Public Information, either written or unwritten, to the concerned Public Body.
- (2) Such Public Body shall record the name and address of Public Information Requester, the subject and format of information and the manner of providing information requested by Public Information Requester.
- (3) The Public Body concerned shall record Public Information request which is filed in an unwritten manner.
- (4) The Public Body concerned shall provide prove of receipt for each Public Information request as referred to in paragraph (1) and paragraph (3) in the form of registration number upon receiving such request.
- (5) In the event a request is filed directly or through electronic mail, the registration number shall be provided upon receiving such request.
- (6) In the event a request is filed by mail, registration number may be provided together with the delivery of the information.
- (7) Within 10 (ten) working days upon receiving a request, the Public Body concerned shall provide written notification containing:

- a. whether the information being requested is under its control or not;
 - b. Public Body shall inform other Public Body which controls Public Information being requested in the event that such requested information is not under its control and the Public Body receiving the request have knowledge of the requested information's whereabouts;
 - c. acceptance or rejection of request in accordance with reasons as referred to in Article 17;
 - d. in the event that all or part of a request is granted, the information to be provided shall be attached;
 - e. in the event that a document contains information that are exempted as referred to in Article 17, such exempted information shall be concealed along with the concerned reasons and materials;
 - f. the medium and the format of information to be provided; and/or
 - g. the cost and payment method to obtain requested information.
- (8) The Public Body concerned may extend the time period to send notification as referred to in paragraph (7), within the next 7 (seven) working days by providing written reasons.
- (9) Further provisions concerning procedure for requesting information to Public Body shall be regulated by Information Commission.

CHAPTER VII INFORMATION COMMISSION

Part One Functions

Article 23

Information Commission is an independent institution which functions are to implement this Act and its implementing rules, establish technical guidance of Public Information service standard, and resolve Public Information dispute through Mediation and/or non-litigation Adjudication.

Part Two Position

Article 24

- (1) Information Commission consists of Central Information Commission, Provincial Information Commission, and if required, Regency/Municipal Information Commission.
- (2) Central Information Commission is located in the state capital.
- (3) Provincial Information Commission is located in capital of province, and Regency/Municipal Information Commission is located in capital of Regency/Municipality.

Part Three Composition

Article 25

- (1) Membership of Central Information Commission consists of 7 (seven) persons which represent elements of government and society.
- (2) Membership of Provincial Information Commission consists of 5 (five) persons which represent elements of government and society.
- (3) Information Commission is led by a chairman and attended by a vice chairman, both also act as members.
- (4) Chairman and Vice Chairman are elected from and by members of Information Commission.
- (5) The election as referred to in paragraph (4) shall be carried out through a deliberation by all members of Information Commission, if a consensus can not be reached, such election shall be carried out by means of vote.

Part Four Duties

Article 26

- (1) The duties of Information Commission are as follows:
 - a. to receive, examine and decide on Public Information Dispute settlement through Mediation and/or non-litigation Adjudication filed by Public Information Requester based on the reasons as referred to in this Act;

- b. to establish general policy of Public Information service; and
 - c. to establish implementation guidance and technical guidance.
- (2) The duties of Central Information Commission are as follows:
- a. to establish Dispute Settlement procedures through Mediation and/or non-litigation Adjudication;
 - b. to receive, examine and decide on Public Information Dispute in local regions prior to the establishment of Provincial Information Commission and/or Regency/Municipal Information Commission; and
 - c. to report the performance of its duties pursuant to this Act to the President and the House of Representatives of the Republic of Indonesia, annually or at any time such report is requested.
- (3) The duties of Provincial Information Commission and/or Regency/Municipal Information Commission are to receive, examine and decide on Public Information Dispute in local regions through Mediation and/or non-litigation Adjudication.

Part Five Authorities

Article 27

- (1) In performing its duties, Information Commission has the authority to:
- a. summon and/or assemble parties in a dispute;
 - b. demand for notes or relevant materials in possession of the Public Body concerned for decision making in resolving Public Information Dispute;
 - c. demand explanation or to summon Public Body officials or related parties as witness in Public Information Dispute Settlement;
 - d. take oath of witness giving testimony in non-litigation Adjudication of Public Information Dispute Settlement process; and
 - e. establish code of ethic subject to public announcement so that society can assess the performance of Information Commission.
- (2) The authority of Central Information Commission includes Public Information Dispute Settlement concerning central, and provincial and/or regency/municipal Public Body prior to establishment of such provincial and/or regency/municipal Information Commission.
- (3) The authority of Provincial Information Commission includes dispute settlement concerning provincial Public Body of the respective province.
- (4) The authority of regency/municipal Information Commission includes dispute settlement concerning regency/municipal Public Body of the respective regency/municipality.

Part Six Responsibilities

Article 28

- (1) Central Information Commission is responsible to the President and submits reports concerning performance of its functions, duties and authorities to the House of Representatives of the Republic of Indonesia.
- (2) Provincial Information Commission is responsible to Governor and submits reports concerning performance of its functions, duties and authorities to House of Representatives of respective province.
- (3) Regency/Municipal Information Commission is responsible to Regent/Mayor and submits reports concerning performance of its functions, duties and authorities to House of Representatives of respective Regency/Municipality.
- (4) Complete reports of Information Commission as referred to in paragraph (1), paragraph (2), and paragraph (3) are open to public.

Part Seven Secretariat and Management of Information Commission

Article 29

- (1) Administrative, financial and management support to the Information Commission shall be provided by secretariat of commission.
- (2) Secretariat of Information Commission shall be carried out by the Government.
- (3) Secretariat of Central Information Commission shall be led by a secretary appointed by the Minister whose duties and authorities are in communication and information

- technology sector, based on the recommendation of Information Commission.
- (4) Secretariat of Provincial Information Commission shall be carried out by the official whose duties and authorities are in communication and information sector in the respective provincial level.
 - (5) The Secretariat of Regency/Municipal Information Commission shall be carried out by the official whose duties and authorities are in communication and information sector in the respective Regency/Municipal level.
 - (6) Central Information Commission's budget shall be encumbered from State Revenue and Expenditure Budget, Provincial Information Commission and/or Regency/Municipal Information Commission's budget shall be encumbered from the respective Provincial Revenue and Expenditure Budget and/or Regency/Municipal Revenue and Expenditure Budget.

Part Eight Appointment and Dismissal

Article 30

- (1) Requirements to be appointed as Information Commission member are as follows:
 - a. citizen of Republic of Indonesia;
 - b. possess integrity and decency;
 - c. never been sentenced of committing criminal act subject to sanction of minimum 5 (five) years imprisonment;
 - d. possess knowledge and understanding in Public Information Openness sector as part of human rights and public policy;
 - e. possess experience in Public Body activities;
 - f. willing to withdraw from membership and position in a Public Body if appointed as member of Information Commission;
 - g. willing to work full time;
 - h. at least 35 (thirty five) years of age; and
 - i. physically and mentally healthy.
- (2) Recruitment of candidates for Information Commission shall be carried out openly, prudently, and objectively by the Government.
- (3) List of such candidates for Information Commission shall be announced to public.
- (4) Any person is entitled the right to express opinion and evaluation over such candidates as referred to in paragraph (3), accompanied with its reason.

Article 31

- (1) As many as 21 (twenty one) candidates for Information Commission resulted from the recruitment as referred to in Article 30 paragraph (2) shall be proposed by the President to the House of Representatives of the Republic of Indonesia.
- (2) House of Representatives of the Republic of Indonesia shall select the members of Information Commission through fit and proper test.
- (3) Such members of the Central Information Commission selected by the House of Representatives of the Republic of Indonesia shall then be officially appointed by the President.

Article 32

- (1) At least 10 (ten) and no more than 15 (fifteen) candidates for Provincial Information Commission and/or Regency/Municipal Information Commission resulted from the recruitment as referred to in Article 30 paragraph (2) shall be proposed by Governor and/or Regent/mayor to Provincial House of Representatives and/or Regency/Municipal House of Representatives.
- (2) Provincial House of Representatives and/or Regency/Municipal House of Representatives shall select members of Provincial Information Commission and/or Regency/ Municipal Information Commission through fit and proper test.
- (3) Such members of Provincial Information Commission and/or Regency/Municipal Information Commission selected by Provincial House of Representatives and/or Regency/Municipal House of Representatives shall then be officially appointed by the Governor and/or Regent/Mayor.

Article 33

Members of Information Commission are appointed for 4 (four) years term of office and can be reappointed for 1 (one) consecutive period.

Article 34

- (1) Dismissal of members of Information Commission shall be carried out based on a decree of the respective Information Commission pursuant to its level, and shall be proposed to the

President for members of Central Information Commission, to Governor for members of Provincial Information Commission, and to Regent/Mayor for members of Regency/Municipal Information Commission.

- (2) Member of Information Commission quit or dismissed due to one of the following conditions:
 - a. deceased;
 - b. expiration of term of office;
 - c. resignation;
 - d. sentenced by a final and binding court verdict for committing criminal act subject to sanction of minimum 5 (five) years imprisonment;
 - e. mentally and physically ill and/or suffers from other conditions rendering such member unable to perform his/her duties for 1 (one) year consecutively; or
 - f. committing in immoral action and/or violating code of ethics, and affirmed with the decision of Information Commission.
- (3) The dismissal as referred to in paragraph (1) shall be stipulated in Presidential Decree for Central Information Commission, governor's decree for Provincial Information Commission, and/or regent's/mayor's decree for Regency/Municipal Information Commission.
- (4) Substitution of Information Commission members during term of office shall be carried out by the President after consulting chairman of House of Representatives of the Republic of Indonesia for Central Information Commission, by governor after consulting chairman of Provincial House of Representatives for Provincial Information Commission, and by regent/mayor after consulting chairman of Regency/Municipal House of Representatives for Regency/Municipal Information Commission.
- (5) The substitute member of Information Commission shall be appointed based on rank order of the fit and proper test result carried out for the appointment of Information Commission members in that period.

CHAPTER VIII OBJECTION AND DISPUTE SETTLEMENT THROUGH INFORMATION COMMISSION

Part One Objection

Article 35

- (1) Public Information Requester may file written objection addressed to the superior of Information and Documentation Management Officer based on following reasons:
 - a. request of information rejected based on reasons of exemption as referred to in Article 17;
 - b. periodical information as referred to in Article 9 is not provided;
 - c. information request not responded;
 - d. information request responded not as requested;
 - e. information request not granted;
 - f. unreasonable charge of cost; and/or
 - g. provision of information exceeds the time limit regulated in this Act.
- (2) The reasons as referred to in paragraph (1) letter b to paragraph (1) letter g may be resolved through deliberation by both parties.

Article 36

- (1) Objection shall be filed by Public Information Requester within 30 (thirty) working days upon finding the reasons as referred to in Article 35 paragraph (1).
- (2) Superior of the officer as referred to in Article 35 paragraph (1) shall give response over the objection filed by Public Information Requester within 30 (thirty) working days upon receiving such written objection.
- (3) Written reasons shall be attached to the response in the event the superior of the officer as referred to in Article 35 paragraph (1) reaffirms the decision of His/Her subordinate.

Part Two Dispute Settlement through Information Commission

Article 37

- (1) Public Information Dispute Settlement is filed to Central Information Commission and/or Provincial Information Commission and/or Regency/Municipal Information Commission in accordance with their jurisdiction in the event the response of the superior of Information and

Documentation Management Officer in the objection process is not satisfactory according to Public Information Requester.

- (2) Public Information Dispute Settlement is filed within fourteen working days upon receiving written response from superior of the officer as referred to in Article 36 paragraph (2).

Article 38

- (1) Central Information Commission and Provincial Information Commission and/or Regency/Municipal Information Commission shall begin the process of Public Information Dispute Settlement through Mediation and/or non-litigation Adjudication within 14 (fourteen) working days upon receiving request for Public Information Dispute Settlement.
- (2) Dispute settlement process as referred to in paragraph (1) shall be completed within 100 (one hundred) working days.

Article 39

The verdict of Information Commission which derived from Mediation agreement is final and binding.

CHAPTER IX DISPUTE SETTLEMENT PROCEDURE OF COMMISSION

Part One Mediation

Article 40

- (1) Dispute settlement through Mediation is an option for parties and in nature voluntary.
- (2) Dispute settlement through Mediation shall only be carried out over matters stipulated in Article 35 paragraph (1) letter b, letter c, letter d, letter e, letter f, and letter g.
- (3) Agreement of parties in the Mediation process shall be transcribed in Information Commission's Mediation verdict.

Article 41

In the Mediation process, members of Information Commission act as mediators.

Part Two Adjudication

Article 42

Public Information Dispute settlement through non-litigation Adjudication by Information Commission shall only be carried out in the event Mediation has been declared unsuccessful in writing by either party of the dispute, or if either party resigns from the Mediation.

Article 43

- (1) Proceeding of Information Commission that examines and decides on a dispute consists of 3 (three) members of the commission, or more as long as in odd numbers.
- (2) Proceeding of Information Commission is open to public.
- (3) In the event the examination is concerning exempted documents as referred to in Article 17, the examination proceeding is closed to public.
- (4) Members of Information Commission shall keep the confidentiality of the documents as referred to in paragraph (3).

Part Three Examination

Article 44

- (1) In the event that Information Commission receives Public Information Dispute Settlement application, the Information Commission shall give a copy of the application to the defendant.
- (2) The defendant as referred to in paragraph (1) shall be the head of Public Body or appointed official whose testimony is being heard in the examination process.
- (3) Information Commission may determine to receive the testimony as referred to in paragraph (2) orally or in writing.
- (4) Public Information Requester and defendant may designate representatives that are specifically authorized for such purpose.

**Part Four
Evidence**

Article 45

- (1) Public Body shall prove matters supporting its opinion if it declares unable to provide information due to the reasons as referred to in Article 17 and Article 35 paragraph (1) letter a.
- (2) Public Body shall provide reasons supporting its standpoint in the event Public Information Requester files Public Information Dispute Settlement application as stipulated in Article 35 paragraph (1) letter b to letter g.

**Part Five
Verdict of Information Commission**

Article 46

- (1) Information Commission's verdict concerning granting or refusal of access over all or part of requested information contains one of the following orders:
 - a. annulling the decision of Information and Documentation Management Officer's superior and decide to grant access to all or part of the information requested by Public Information Requester in accordance with Information Commission's verdict; or
 - b. affirming the decision of Information and Documentation Management Officer's Superior to refuse access to all or part of the requested Information as referred to in Article 17.
- (2) Information Commission's verdict concerning reasons of objection as referred to in Article 35 paragraph (1) letter b to letter g, contains one of the following orders:
 - a. ordering Information and Documentation Management Officer to perform his/her obligations as stipulated in this Act;
 - b. ordering Public Body to fulfill its obligations within the information provision time period as stipulated in this Act; or
 - c. affirming the consideration of Information and Documentation Management Officer's Superior or decide on the cost of searching and/or copying of information.
- (3) Information Commission's verdict shall be pronounced in an open to public proceeding, except for verdicts concerning exempted information.
- (4) Information Commission shall provide copies of its verdict to the disputing parties.
- (5) In the event of a dissenting opinion from members of the commission, such dissenting opinion shall be attached to the verdict and shall be an inseparable part of the verdict.

**CHAPTER X
LAWSUIT TO COURT AND APPEAL TO SUPREME COURT**

**Part One
Lawsuit to Court**

Article 47

- (1) Lawsuit shall be filed through state administrative court if the defendant is a state Public Body.
- (2) Lawsuit shall be filed through civil court if the defendant is a Public Body other than the state Public Body as referred to in paragraph (1).

Article 48

- (1) The filing of lawsuit as referred to in Article 47 paragraph (1) and paragraph (2) may only be carried out if one or both parties of the dispute declare in writing not to accept the Information Commission's Adjudication verdict within 14 (fourteen) working days upon receiving such verdict.
- (2) In so far as exempted information is concerned, the proceedings of Information Commission and court of law shall be closed to public.

Article 49

- (1) Verdict of state administrative court or civil court in Public Information Dispute settlement concerning granting or refusal of access over all or part of the requested information contains one of the following orders:
 - a. annulling Information Commission's verdict and/or ordering Public Body:
 1. to provide all or part of the information requested by Public Information Requester; or

2. to refuse providing all or part of the information requested by Public Information Requester.
- b. affirming Information Commission's verdict and/or ordering Public Body:
 1. to provide all or part of the information requested by Public Information Requester; or
 2. to refuse providing all or part of the information requested by Public Information Requester.
- (2) Verdict of state administrative court or civil court in Public Information Dispute settlement concerning reasons of objection as referred to in Article 35 paragraph (1) letter b to letter g, contains one of the following orders:
 - a. ordering Information and Documentation Management Officer to perform his/her obligations as stipulated in this Act and/or to fulfill the time period for provision of information as stipulated in this Act;
 - b. reject Public Information Requester's request; or
 - c. decide on the cost of information copying.
- (3) State administrative court or civil court shall provide copies of its verdict to disputing parties.

Part Two Appeal to Supreme Court

Article 50

Parties which do not accept the verdict of state administrative court or civil court may file an appeal to Supreme Court within 14 (fourteen) days upon receiving such verdict.

CHAPTER XI CRIMINAL PROVISIONS

Article 51

Any Person who commits deliberate use of Public Information in an unlawful manner shall be liable to imprisonment for not more than 1 (one) year and/or a fine of not more than Rp5,000,000.00 (five million rupiahs).

Article 52

Any Public Body that deliberately disregards to provide, to give and/or to publish Public Information namely periodical Public Information, Public Information that shall be published promptly, Public Information that shall be made available at all time, and/or Public Information that shall be provided based on request pursuant to this Act, and causes harm to other person shall be liable to imprisonment for not more than 1 (one) year and/or a fine of not more than Rp5,000,000.00 (five million rupiahs).

Article 53

Any person who deliberately and unlawfully destroys, damages and/or omits any Public Information document in any form of media which is protected by the state and/or related to public interest shall be liable to imprisonment for not more than 2 (two) years and/or a fine of not more than Rp10,000,000.00 (ten million rupiahs).

Article 54

- (1) Any Person who commits deliberate and unauthorized access and/or obtainment and/or provision of exempted information as referred to in Article 17 letter a, letter b, letter d, letter f, letter g, letter h, letter i and letter j, shall be liable to imprisonment for not more than 2 (two) years and a fine of not more than Rp10,000,000.00 (ten million rupiahs).
- (2) Any Person who commits deliberate and unauthorized access and/or obtainment and/or provision of exempted information as referred to in Article 17 letter c and letter e, shall be liable to imprisonment for not more than 3 (three) years and a fine of not more than Rp20,000,000.00 (twenty million rupiahs).

Article 55

Any Person who deliberately generates false or misleading Public Information and causes harm to other people shall be liable to imprisonment for not more than 1 (one) year and/or a fine of not more than Rp5,000,000.00 (five million rupiahs).

Article 56

In the event an offence is liable to a criminal sanction in this Act and a criminal sanction in an otherwise more specific legislation, the criminal sanction of such more specific legislation shall prevail.

Article 57

Criminal prosecutions under this Act are based on complaints and shall be filed through criminal court.

**CHAPTER XII
OTHER PROVISIONS**

Article 58

Further provisions concerning procedures for damage compensation payment by state Public Body shall be regulated under Government Regulation.

**CHAPTER XIII
TRANSITIONAL PROVISIONS**

Article 59

Central Information Commission shall be established not later than 1 (one) year after the enactment of this Act.

Article 60

Provincial Information Commission shall be established not later than 2 (two) years after the enactment of this Act.

Article 61

Upon the effective date of this Act, Public Body shall carry out its obligations pursuant to legislations.

Article 62

Government Regulations shall be established prior to the effective date of this Act.

**CHAPTER XIV
CLOSING PROVISIONS**

Article 63

Upon the effective date of this Act, all existing regulations related to information acquirements remain applicable to the extent they do not contravene and have not been replaced in accordance with this Act.

Article 64

- (1) This Act is due to be effective 2 (two) years upon the date of enactment.
- (2) Arrangement and establishment of Government Regulation, technical guidance, socialization, facilities and infrastructures, and other matters related to the preparation of this Act's implementation shall be completed not later than 2 (two) years after the enactment of this Act.

So that every person has knowledge of, ordering the enactment of this Act with its placement in the State Gazette of the Republic of Indonesia.

Endorsed in Jakarta
On April 30, 2008
PRESIDENT OF THE REPUBLIC OF INDONESIA

signed

DR.H. SUSILO BAMBANG YUDHOYONO

Enacted in Jakarta
On April 30, 2008
MINISTER OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA

signed

ANDI MATTALATTA

THE STATE GAZETTE OF THE REPUBLIC
OF INDONESIA NUMBER 61 OF 2008

**ELUCIDATION
OF
ACT OF THE REPUBLIC OF INDONESIA
NUMBER 14 OF 2008
ON
PUBLIC INFORMATION OPENNESS**

I. GENERAL

In Article 28F of the Constitution of 1945 it is stipulated that every person shall have the right to communicate and to obtain information to develop one's self and one's social environment, and shall have the right to seek, obtain, possess and keep information by employing all types of channels available. In order to guarantee that every person shall obtain information, it is necessary to establish an Act that regulates Public Information Openness. This maximum function is needed, considering that the right to obtain information is a basic human right as one of the embodiments of a democratic nation and state.

One of the important elements in constituting open governance is public right to obtain information in accordance with regulations. Right to information is increasingly becoming very important, since the more transparent governance is to public scrutiny, the more accountable such governance will be. Every person's right to obtain information is also relevant to increase the quality of public involvement in public decision making process. Public participation or involvement would not mean much without the guarantee of public information openness.

The existence of Public Information Openness Act is very important as the legal foundation of (1) every person's right to obtain Information; (2) Public Body's obligation to provide and to serve information request in quick, timely, inexpensive/proportional and uncomplicated manner; (3) exemption is strict and limited; (4) Public Body's obligation to organize documentation system and information service.

Each Public Body has the obligation to open public access to Public Information that is related to such Public Body. The scope of Public Body under this Act includes executive, judicial, and legislative bodies, and other state operators that receives funding from State Revenue and Expenditure Budget (SREB)/Local Revenue and Expenditure Budget (LREB) and includes also non governmental organizations, either in the form of legal entity or non legal entity, such as public initiated institutions, groups, and other organizations that manage or use funding which all or part of it originates from SREB/LREB, public donation, and/or foreign sources. Through mechanism and implementation of the openness principle, there shall be good governance, transparent public participation, and high accountability as one of the requirements to constitute the true democracy.

By opening public access over information, it is expected that Public Body will be motivated to be responsible of and oriented towards the best possible public service. Hence, it can accelerate the realization of open government which is a strategic effort to prevent corruption, collusion, and nepotism, and the realization of good governance.

II. ARTICLE BY ARTICLE

Article 1

Self-explanatory.

Article 2

Paragraph(1)

Self-explanatory.

Paragraph(2)

Self-explanatory.

Paragraph(3)

"Timely" means that the fulfillment of information request shall be carried out pursuant to the provisions of this Act and its implementing rules.

"Uncomplicated manner" means that the requested information shall be easily accessible in relation to its procedures and shall also be easily understood.

"Inexpensive" means expenses are charged in a proportional manner based on standard of expenses that is commonly applicable.

Paragraph (4)

"Consequences that will emerge" means consequences which will impose harm to the interests that are protected under this Act should a particular information is

provided. Information is categorized as open or closed based on the consideration of public interest. If the greater interest of the public can be protected by restricting an information, such information shall be restrictive or undisclosed and/or *vice versa*.

Article 3

Self-explanatory.

Article 4

Self-explanatory.

Article 5

Self-explanatory.

Article 6

Paragraph (1)

Self-explanatory.

Paragraph(2)

Self-explanatory.

letter a

"harm to the state" means harm to state sovereignty, territorial integrity of the Republic of Indonesia, and national safety from threats and obstructions against nation and state integrity. Further matters concerning information that imposes harm to the state shall be established by Information Commission.

letter b

"unfair competition" means competition between business entities in production activities and/or marketing of goods and/or services which are carried out unfairly, unlawfully, or impeding business competition. Further matters concerning information of unfair competition shall be established by Information Commission.

Letter c

Self-Explanatory.

Letter d

"Professional Secrecy" means confidentiality concerning duties in a position within Public Body or other state duties which are established based on regulation.

Letter e

"the requested Public Information is not yet under control or documented" means evidently Public Body has not yet controlled or documented such Public Information.

Article 7

Self-Explanatory.

Article 8

Self-Explanatory.

Article 9

Paragraph(1)

"Periodically" means routinely, organized and in a certain period of time.

Paragraph (2)

Letter a

"information related to the Public Body" means information concerning existence, stewardship, purposes and objectives, scope of activities, and other information that are categorized as Public Information based on provisions of legislations.

Letter b

"performance of the Public Body" means condition of such Public Body including results and achievements, and working capabilities.

Letter c

Self-Explanatory.

Letter d

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)
Self-explanatory.

Article 10

Paragraph (1)
"promptly" means spontaneous, at the exact time.

Paragraph (2)
Self-explanatory.

Article 11

Self-explanatory.

Article 12

Self-explanatory.

Article 13

Self-explanatory.

Article 14

Letter a
Self-explanatory.

Letter b
Self-explanatory.

Letter c
Self-explanatory.

Letter d
Self-explanatory.

Letter e
Self-explanatory.

Letter f
Self-explanatory.

Letter g
Self-explanatory.

Letter h

1. "Transparency" means openness in decision making process and openness in providing material and relevant information of the corporation.
2. "Independence" means a condition where a corporation is managed professionally without any conflict of interest and influence/pressure in contradiction with regulation and principles of sound corporate:
3. "Accountability" means clarity of functions, implementations, and responsibilities of corporation organs in order to achieve effective corporate management.
4. "Responsibility" means corporation management is carried out in accordance with regulation and principles of sound corporate.
5. "Appropriateness" means fairness and equality in fulfilling stake holder's rights that arise from agreements and regulation.

Letter i
Self-Explanatory.

Letter j
Self-Explanatory.

Letter k
Self-Explanatory.

Letter l
Self-Explanatory.

Letter m
Self-Explanatory.

Letter n
"Legislations concerning State Owned Corporations/Local Owned Corporations" are namely Act of Republic of Indonesia Number 19 of 2003 on State Owned Corporation, Act of Republic of Indonesia Number 40 of 2007 on Limited Liability Corporation, and legislations concerning business activities sector of state owned corporation/local owned corporation which is generally applicable to all business practitioners in the respective sector.

Article 15

Letter a
Self-Explanatory.

Letter b
Self-Explanatory.

Letter c

Self-Explanatory

Letter d

Self-Explanatory.

Letter e

Self-Explanatory.

Letter f

Self-Explanatory.

Letter g

"legislations concerning political parties" means Act on Political Parties.

Article 16

"Non-governmental organizations" means organizations either in the form of legal entity or non legal entity, including groups, public initiated institutions, non-governmental business entities which all or part of its funding originates from SREB/LREB, public donation, and/or foreign sources.

Article 17

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Figure 1

"Information related to state defense and security system" means information concerning:

1. defense infrastructure on sensitivity of: strategic defense communication system, strategic defense support system, guidance centre and military operation controller;
2. military operation dispersal on military operation planning, military operation command and control, operation capabilities of dispersed military units, tactical mission of military operation, tactical dispersal of military operation, stages and time of military operation tactical dispersal, sensitive points of military dispersal, and capability, sensitivity, location and analysis of physical and moral condition of the enemy;
3. weaponry system on operational technique specification of military weaponry, performance and capability of military weaponry operational technique, military weaponry system sensitivity, and architecture and variety of military weaponry.

Figure 2

Self-explanatory .

Figure 3

Self-explanatory .

Figure 4

Self-explanatory.

Figure 5

Self-explanatory.

Figure 6

"State encoding system" means all things related to state secrecy information security including data and information concerning encoding materials and utilized mesh, method and technique of encoding application, its utilization activities, and activities of searching and revealing other parties encoded information including data and information of code material being used, searching and analysis activities, encoded source of information, and results of analysis and encoding personnel in charge.

Figure 7

"State intelligence system" means a system that organizes intelligence bodies' activities adjusted to each own levels in order to be more oriented and coordinated in the manners effective, efficient, synergic and professional in anticipating all forms and natures of potential threats or existing chances in order for the analysis result to be accurate, quick, objective, and relevant which supports and promotes national policy and strategy.

Letter d

Self-explanatory.

Letter e
Self-explanatory.

Letter f
Self-explanatory.

Letter g
Self-explanatory.

Letter h
Self-explanatory.

Letter i
"classified memorandum" means memorandum or letters within a Public Body and between Public Bodies which according to its nature shall not be provided to parties other than the Public Body carrying out correspondence activities with the respective Public Body and if opened may seriously harm policy making process, namely that may:

1. diminish freedom, courage, and honesty in submissions of suggestions, communication, or exchange of ideas in relation to decision making process.
2. impede the success of a policy due to premature disclosure.
3. obstruct the accomplishment of a negotiation process that will be or is being carried out.

Letter j
Self-explanatory.

Article 18
Self-explanatory.

Article 19
Self-explanatory.

Article 20
Self-explanatory.

Article 21
Self-explanatory.

Article 22
Self-explanatory.

Article 23
"Independent" means independent in performing its authorities, duties and functions including in resolving Public Information dispute pursuant to this Act, justice, public interest, and the interest of Unitary State of the Republic of Indonesia.

"Non-litigation Adjudication" means adjudication dispute settlement outside the judicial court which verdicts are equal to verdicts of judicial courts.

Article 24
Self-explanatory.

Article 25
Self-explanatory.

Article 26
Paragraph (1)
Self-explanatory.

Paragraph (2)
Letter a
"Dispute Settlement procedures" means procedures for the information dispute settlement proceedings carried out by Information Commission.

Letter b
Self-explanatory.

Letter c
Self-explanatory.

Paragraph (3)
Self-explanatory.

Article 27
Paragraph (1)
Letter a
Self-explanatory.

Letter b
Self-explanatory.

Letter c
Self-explanatory.

Letter d

Self-explanatory.

Letter e

"Code of ethics" means guidance of behavior which binds all Information Commission members, and established by Central Information Commission.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 28

Self-explanatory.

Article 29

Paragraph (1)

"Secretariat executive official" means government structural official whose duties and functions are in the communication and information technology sector pursuant to regulation.

Paragraph (2)

"Government" means the Minister whose duties and functions are in the communication and information technology sector.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Article 30

Paragraph (1)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Letter f

Self-explanatory.

Letter g

Self-explanatory.

Letter h

Self-explanatory.

Letter i

"Physically and mentally healthy" shall be proven with a certificate from government appointed health examiners.

"open" means that the information regarding each level of the recruitment process shall be announced to public.

"Prudent" means that the recruitment process is carried out fairly and non discriminative pursuant to this Act.

"Objective" means that the recruitment process shall be based on the criteria specified under this Act.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 31

Self-explanatory.

Article 32

Self-explanatory.

Article 33

Self-explanatory.

Article 34

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Letter f

"immoral action" means defamation of dignity and reputation and/or diminish independence and credibility of Information Commission.

Paragraph (3)

Self-explanatory.

Paragraph (4)

"Substitution of Information Commission members during term of office" means appointment of new Information Commission member to replace resigned or dismissed Information Commission member as referred to in Article 35 Paragraph (1) before the member's term of office expired.

Paragraph (5)

Self-explanatory.

Article 35

Paragraph (1)

The filing of written objection to the superior of Information and Documentation Management Officer at least consists of name and/or institution of the information user, reason of objection, purpose of information usage, and chronology of such information request.

"Superior of Information and Documentation Management Officer" means direct superior to the respective officer and/or a higher level superior.

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

"Responded" means the response of Public Body in accordance with the service regulation as specified in the technical guidance of Public Information service.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Letter f

Self-explanatory.

Letter g

Self-explanatory

Paragraph (2)

Self-explanatory.

Article 36

Self-explanatory.

Article 37

Paragraph (1)

Public Information Dispute Settlement through Information Commission shall only be processed after undergoing the process of objection to the Superior of Information and Documentation Management Officer.

Paragraph (2)

Self-explanatory.

Article 38

Self-explanatory.

Article 39

Self-explanatory.

Article 40

Self-explanatory.

Article 41

Self-explanatory.

Article 42

Self-explanatory.

Article 43

Self-explanatory.

Article 44

Self-explanatory.

Article 45

Self-explanatory.

Article 46

Self-explanatory.

Article 47

Paragraph (1)

Lawsuit against state Public Body in relation to the policies of state administrative officials shall be carried out through State Administrative Court according to its jurisdiction pursuant to the Act on State Administrative Court.

Paragraph (2)

Self-explanatory.

Article 48

Self-explanatory.

Article 49

Self-explanatory.

Article 50

Self-explanatory.

Article 51

Subject to Sanctions under this provision namely any person, group of persons, legal entity, or Public Body as referred to in this Act.

Article 52

Criminal sanction against criminal acts carried out by corporation are subjected to:

- a. legal entity, corporate, group, or foundation;
- b. those who give command to carry out criminal act or who acts as the leader in carrying out criminal act; or
- c. both a and b.

Article 53

Subject to sanction under this provision namely any person, group of persons, legal entity, or Public Body as referred to in this Act.

Article 54

Paragraph (1)

Subject to sanction under this provision namely any person, group of persons, legal entity, or Public Body as referred to in this Act.

Paragraph (2)

Subject to sanction under this provision namely any person, group of persons, legal entity, or Public Body as referred to in this Act.

Article 55

Subject to sanction under this provision namely any person, group of persons, legal entity, or Public Body as referred to in this Act.

Article 56

Self-explanatory.

Article 57

Self-explanatory.

Article 58

Self-explanatory.

Article 59

Self-explanatory.

Article 60

Self-explanatory

Article 61

Self-explanatory.

Article 62

Self-explanatory.

Article 63

Self-explanatory.

Article 64

Self-explanatory.

SUPPLEMENT TO STATE GAZETTE OF THE REPUBLIC OF INDONESIA
NUMBER 4846