

## CHAPTER I INTRODUCTION

### I.1. Background

Indonesia's constitution stipulates democratic governance, including therein the delivery of transparent information services to the public. In line with this, the government has issued Law No. 14/2008 on the Freedom of Information (FOI). In compliance with this law, Polri (*Kepolisian Negara Republik Indonesia*) or the Indonesian National Police as a public body has prepared the necessary internal mechanisms by issuing National Police Chief Regulation No. 16/2010 on Public Information Service Delivery Procedure within the Indonesian National Police. This is indeed a milestone considering that the police force is a civil body that functions to protect and serve the public towards ensuring democratic policing.

Furthermore, the FOI mechanism also encourages the public to actively avail themselves of existing FOI instruments, ensures access to justice and oversees the government as a form of public control. Civil society's role in making use of various internal instruments within the police force in pushing for institutional reform becomes significant in order to ensure the effective implementation of FOI mechanisms. The importance of the role and participation of the public in overseeing the FOI agenda is governed in national policies aimed at promoting good governance.

KontraS considers it essential to strengthen civil society groups, particularly institutions providing legal assistance to victims, in monitoring civil society's access to mechanisms that guarantee freedom of information. Thus far, the public at large are uninformed about the existence of the Information Commission, and unaware of the Commission's authority and internal mechanisms. FOI mechanisms essentially can be utilized to oversee police force accountability as a public body that provides periodic and transparent information to the public.

As a civil society group, KontraS receives a substantial number of complaints and cases lodged on a daily basis related to police performance, and as such found it necessary to publish a civil society handbook to help understand on the right to information and policing. In addition, KontraS has also conducted a monitoring exercise on the effectiveness of FOI mechanisms established within the police force and its institutions. This exercise was carried out in Nanggroe Aceh Darussalam (NAD), North Sumatera, Jabodetabek area, East Java, South Sulawesi, East Nusa Tenggara (NTT, *Nusa Tenggara Timur*) and West Nusa Tenggara (NTB, *Nusa Tenggara*

Barat), Bali, Maluku, and Papua. Monitoring activities were launched at 69 public information and documentation administrative officer (PPID, *Pejabat Pengelola Informasi dan Dokumentasi*) established at the Polri Headquarters (Mabes Polri), regional or provincial-level police area commands (Polda, *Kepolisian daerah*), subregional or district police area commands (Polres, *Kepolisian resort*) and sector or subdistrict police area commands (Polsek, *Kepolisian sektor*). This monitoring exercise involves 7 KontraS networks, extending from Aceh, Medan, Jakarta, Surabaya, Sulawesi, Nusa Tenggara to Papua.

## 1.2. Objectives

The monitoring of civil society's access to FOI mechanisms found within the police force seeks to meet four key objectives. *First*, to integrate the role of duty-holders responsible for Polri's Public Relations Unit, Polri Headquarters' PPID and territorial commands in receiving and/or providing information necessary for building two-way communication among the foregoing Polri institutional structures, and with other relevant parties. *Second*, to utilize existing FOI mechanisms for strengthening advocacy in order to provide the necessary assistance to victims. This is crucial to allow KontraS easier access to information in dealing with cases and in challenging police policies. *Third*, to enhance the effectiveness of FOI mechanisms within the police force. *Fourth*, to promote internal accountability within the police force in the delivery of public information as part of an effort to promote institutional reform.

## 1.3. Scope

The legal foundation for such monitoring exercise is Law No. 14/2008 on Freedom of Information, Law No. 39/1999 on Human Rights, National Police Chief Regulation No. 16/2010 on Public Information Service Delivery Procedure Within the Polri, and Information Commission Regulation No. 1/2010 on Public Information Service Standards, as well as several supporting Standard Operating Procedures (SOPs), such as SOP on the collection and management of information, SOP on information service procedure, SOP on the utilization of online systems as a means to disseminate information and data, SOP on information dispute resolution and SOP on identifying exempt information held by Polri.

Monitoring was conducted for three months from March to May 2011. It was implemented in 69 PPIDs (public information and documentation administrative units) under Polri across Indonesia by involving 7 KontraS offices in Nanggroe Aceh Darussalam, North Sumatera, Jakarta, East Java, Sulawesi, Nusa Tenggara and Papua.

Monitoring civil society's access to FOI mechanisms available at the

Indonesian National Police covers the following police area commands:

KontraS Aceh	1. Polda NAD
	2. Polresta Banda Aceh
	3. Polres Bireun
	4. Polres South Aceh
KontraS North Sumatera	5. Polda North Sumatera
	6. Polresta Medan
	7. Polres Asahan
	8. Polsek Patumbak
	9. Polsek East Medan
	10. Polres Deli Serdang
	11. Polres Simalungun
	12. Polres Dairi
	13. Polres Langkat
	14. Polres Tanjung Balai
	15. Polres Sibolga
	16. Polres Tebing Tinggi
	17. Polres Tanah Karo
	18. Polres Nias
	19. Polresta Binjai
	20. Polres Tobasa
	21. Polres Serdang Bedagai
	22. Polres Pematang Siantar
	23. Polres Madina
	24. Polres Labuhan Batu
	25. Polres Central Tapanuli
	26. Polres Padang Sidempuan
	27. Polres Pel. Belawan
	28. Polres North Tapanuli
KontraS Jakarta	29. Polri Headquarters
	30. Polda Metro Jaya
	31. Polresta Bogor
	32. Polresta Tangerang
	33. Polda Maluku
	34. Polda Bali

KontraS Surabaya	35. Polda East Java
	36. Polres Malang
	37. Polresta Malang
	38. Polrestabes Surabaya
	39. Polres Kediri
	40. Polresta Kediri
	41. Polres Mojokerto
	42. Polresta Mojokerto
	43. Polres Gresik
	44. Polres Sidoarjo
	45. Polres Pasuruan
	46. Polresta Pasuruan
	47. Polres Lamongan
	48. Polres Bojonegoro
	49. Polres Jombang
	50. Polres Sampang
KontraS Sulawesi	51. Polres Kota Batu
	52. Polres Nganjuk
	53. Polda SulSelBar
	54. Polrestabes Makassar
	55. Polres Sidrap
	56. Polsek Panakukang
KontraS Nusa Tenggara	57. Polres Bulukumba
	58. Polres Maros
	59. Polda East Nusa Tenggara
	60. Polda West Nusa Tenggara
	61. Polresta Kupang
	62. Polres East Sumba
KontraS Papua	63. Polres TSS
	64. Polres West Sumba
	65. Polda Papua
	66. Polres Paniai
	67. Polres Nabire
	68. Polres Jayapura

Note: Polda is the regional or provincial police

Polda Metro Jaya is the greater Jakarta metropolitan regional police

Polres is the subregional or district police

Polresta is the city subregional or district police

Polrestabes is the large city subregional or district police

Polsek is the sector or subdistrict police

## 1.4 Methodology

The monitoring method involves the submission of requests for information and documentation made in writing, through direct request (verbal), text messages, phone calls and walk-ins to PPIDs at the respective police area commands for the purpose of assessing the adequacy of PPID facilities, infrastructure and competency, as well as through the monitoring of official police websites.

Written requests for information and documentation are made according to the characteristics of and past experience in each monitoring site. An information request is submitted to the relevant public body (PPID) with the accompanying reason, and follow-up to the request is monitored for the next 10 (ten) workdays, and extended to a maximum of 7 (seven) workdays to obtain a final response/answer.

Furthermore, this monitoring report also presents a conceptual framework on the right to information as an autonomous fundamental right, an overview of FOI mechanisms available at the police force, and field monitoring experiences summarized at the end of this report.

The monitoring process involves the following activities:

- Reporting
- Submission of information requests to a public body
- Calling in on the public body to request for an interview appointment
- Management of data and findings
- Analysis of outcomes and findings
- Submission of an objection when failure to receive a response to the information request or handling of the request constitutes a breach of the law

When PPIDs in the respective public body have responded to the submitted information requests, the monitoring team must be able to categorize responses and outcomes in the following format:

### OUTCOMES OF INFORMATION AND DOCUMENTATION REQUESTS

- Information is delivered
- Partial access
- Written rejection
- Transferred/referred to another public body
- Information is unavailable
- Inadequate response
- Mute refusal
- Verbal refusal
- Unable to submit a request
- Refusal to accept information request

**OUTCOMES EVALUATED BASED ON 3 ASPECTS:**

- **TIME:** Was the request granted within the time limit stipulated in the Freedom of Information Act or not?
- **JUSTIFICATION:** When a request is transferred or referred to another public body, or denied or the requested data is unavailable, was a valid reason provided for any of these responses?
- **COMPLIANCE WITH THE PRINCIPLE OF FREEDOM OF INFORMATION:**  
Was the response in conformity with the Freedom of Information Act? A belated or inadequate response is categorized as non-compliance and mute refusal, while the inability to submit a request and refusal to accept an information request is in itself a form of non-compliance.

## CHAPTER II

### Information and Documentation Administration at the Indonesian National Police

#### II.1. Background on the Establishment of Polri's PPID System

From monitoring activities conducted by KontraS, it was found that since the passing of Law No. 14/2008 on Freedom of Information and its entry into force on 1 May 2010, the Indonesian National Police (Polri) was one of the earliest state institutions that has established a PPID system. Polri embraced the freedom of information regime by issuing National Police Chief Regulation No. 16/2010 on the Public Information Service Delivery Procedure within the Indonesian National Police, dated 11 June 2010. An initial concrete step taken by the Polri Headquarters was to establish the organizational structure and functions of its information and documentation administrative unit (PPID, *Pejabat Pengelola Informasi dan Dokumentasi*), in addition to its public relations unit.

Polri's information and documentation unit was initially under its telematics division which later became the information and technology division. Taking into consideration the fact that information is largely maintained by the public relations unit, Polri's information and documentation management function currently under the public relations unit is eventually established as a full-fledged working unit known as the PPID Bureau. This is also the situation for regional or provincial-level police commands (*Polda, Kepolisian daerah*). At sub-regional or district/city police commands (*Polres, Kepolisian resort*), PPID reports to the Operational Unit Head as limited facilities and infrastructure have made it impractical to establish a separate unit of its own. At the sub-district or sector level (*Polsek, Kepolisian sektor*), PPID reports directly to the Sector Police Chief.

In addition to Law No. 14/2008 on Freedom of Information, the establishment of Polri's PPID Bureau is also consistent with its grand strategy for 2005-2009 which seeks to build greater public trust. PPID-Polri is also part of the strengthening agenda of the grand strategy in which the strategic plan for the second stage of 2010 includes partnership building.<sup>1</sup> In 2011, the Presidential Working Unit on Development

<?> To support the accelerated implementation of Polri's grand strategy, PPID-Polri in 2011 has set the target of publicly making available all information maintained by Polri, particularly periodic public records through its online system, which shall also be applicable for all Polri working units – interview with Police Grand Commissioner Zulkarnain Adinegara (Unit Head for Administrative Plans, Public Relations Division, Polri Headquarters), 8 July 2011.

Oversight and Control recommended on the need to revise National Police Chief Regulation No. 16/ 2010 on Public Information Service Delivery Procedure within Polri, specifically on the availability of a complaint or objection form accessible to the public, consequential harm test, and dispute settlement proceedings. This is because the National Police Chief Regulation preceded the adoption of the Information Commission Regulation. Polri in fact, has a Division Head Regulation already in place concerning the consequential harm test, but further improvements are necessary.<sup>2</sup>

National Police Chief Regulation No. 16/2010 on Public Information Service Delivery Procedure within Polri is applicable to all command structures, beginning from the Polri Headquarters, Poldas, Polwiltabes (large city territorial police), Polres to Polsek (see *appendix on PPID structure at the headquarters- and regional-level police commands*). Nevertheless, according to Police Grand Commissioner, Zulkarnaen Adinegara (Head of Information of Polri Headquarters), all Poldas, Polwiltabes, Polres or Polsek may lay down their own specific rules and regulations providing they do not contradict with existing higher-level policies, such as the aforementioned National Police Chief Regulation.<sup>3</sup> To date, no lower hierarchical level of command structures has issued any such specific policies. Within the PPID-Polri system, exempt information can still be released when overridden by a higher-level argumentation.

At the PPID-Polri level, a specific structure exists to collect, process and present data. The mechanism for coordinating these functions however, is confronted with a host of constraints. For example, each working unit only has one public information officer, and this is a major setback as experienced by the KontraS monitoring team who had requested information from the public information officer of each working unit, but was denied access to the requested public records. Another obstacle concerns the tardiness of public information officers in supplying the requested information due to fear towards their superior/commandant in releasing information. To address these constraints, PPID-Polri has forwarded a circular letter issued by the Information Commission to all working units, Poldas, Polwiltabes, Polres and Polsek, but regrettably it did not elicit any positive response. Polri should reflect on this situation,

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2 PPID-Polri has not established specific policies on the consequential harm test and retention test (test conducted on certain information which on any given time can be released to the public). With regard to the consequential harm test, Polri has adopted the Division Head Regulation which however, needs further improvement. PPID-Polri still refers to Government Regulation No. 6/2010 on the Implementation of Law No. 14/2008 on Freedom of Information – interview with Police Grand Commissioner Zulkarnain Adinegara (Unit Head for Administrative Plans, Public Relations Division, Polri Headquarters), 8 July 2011.

3 *Ibid*, Interview with Police Grand Commissioner Zulkarnain Adinegara (Unit Head for Administrative Plans, Public Relations Division, Polri), 8 July 2011.



and recognize that police personnel remain ignorant on the importance of opening access to public information. This is partly due to the internal culture of the police force which does not see the delivery of public information as an essential obligation.<sup>4</sup> PPID-Polri has no specific targets on when these issues will be resolved, but at the regional or provincial level, matters related to PPID are expected to be surmounted by 2011. For sub-regional or district police commands, these issues shall be resolved by 2012 in anticipation of assistance from PPID-Polri in the form of facilities and infrastructure.<sup>5</sup>

Based on further evaluation of PPID-Polri, another issue concerns PPID's weak coordination with each working unit within Polri. The main constraint is lack of facilities and infrastructure, and the capacity of police personnel who on average hold concurrent positions. In dealing with these constraints, PPID-Polri at the headquarters level has proposed the 2011 budget for the procurement of facilities and infrastructure for all Poldas and Polres under Polda Metro Jaya (Greater Jakarta Metropolitan Regional Police). The requested budget has been realized, and currently at the stage of procuring the necessary facilities and infrastructure, following the tender announcement and completion of the tendering process. Furthermore, building the capacity of PPID-Polri staff has also become a priority agenda. Polri shall conduct training on the utilization of facilities and infrastructure, and capacity building for police personnel on the importance of public information transparency within the Indonesian National Police.<sup>6</sup>

Another critical issue concerns budget shortages. Polri budget set aside for the procurement of facilities and infrastructure in 2012 amounted to Rp 15,000,000,000, while the portion of funds allocated for PPID-Polri alone in 2011 as mentioned in the Budget Implementation List (DIPA, *Daftar Isian Pelaksanaan Anggaran*) reached Rp 614,000,000 for supporting existing PPIDs in police commands across Indonesia. This amount however, excludes budget for the capacity building of personnel, and the procurement of PPID-Polri facilities and infrastructure. For 2012, PPID-Polri has submitted its draft expenditure for the procurement of facilities and infrastructure for 476 Polres.<sup>7</sup>

## II.2. Public Information Management within Polri

The principles of information delivery as set forth in Law No. 14/2008 and mentioned in National Police Chief Regulation No. 16/2010 must not be in contradiction with the principle of the public's right to know,

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4 *Ibid.*

5 *Ibid.*

6 *Ibid.*

7 *Ibid.*

particularly principle number 5 on processes to facilitate access.<sup>8</sup> Based on this principle, access to information must be made available at three specific levels: within the concerned public body, appeals to an independent body, and appeals to the courts. In addition, access to information must also take into account affirmative action policies, mainly for certain groups, such as those who cannot read and write and those who suffer from disabilities. An open and accessible internal system for members of the public requesting for information should be the priority of every public body.

Subsequently, every public body must appoint and assign personnel specifically responsible for processing requests for information and documentation. This is a mandatory obligation in order to ensure accountability and compliance with the FOI Act. Another obligation which should also become priority is providing assistance to requestors in relation to access to information.<sup>9</sup> Public bodies also have the obligation to establish the appropriate referral procedure and mechanism involving other relevant public bodies if the requested information is unavailable. Another important aspect which every public body must pay heed to concerns the need to establish clear timeframes for responding and processing information requests, and ensure that any refusals be accompanied by valid reasons.

The key source of reference in the delivery of information services within the police force is the Standard Operating Procedure (SOP) on Information Service Delivery Procedure.<sup>10</sup> This document serves as the main reference for PPID in the delivery of information services. As stipulated in Article 13 Law No. 14/2008, PPID refers to a specific position responsible for storing, documenting, providing and or delivering information.<sup>11</sup> PPID shall be

8 This set of ideal principles related to the public's right to know is developed by *Article19*, an international NGO dedicated to issues on the right to access public information which has laid out these principles based on existing best practices. The complete set of principles can be accessed at: [www.article19.org/pdfs/standards/right-toknow.pdf](http://www.article19.org/pdfs/standards/right-toknow.pdf).

9 With regard to information requests, public bodies (in this case, Polri) should be able to assist requestors whose requests are unclear, excessively broad or requires reformulation.

10 *Standard Operating Procedure* refers to the SOP on Information Collection and Processing (March 2010); SOP on Information Dispute Resolution (March 2010); SOP on Using Online Systems as a Means to Disseminate Information and Data (April 2010); SOP on Information Service Delivery Procedure (April 2010); and SOP on Determining Exempt Information within Polri (May 2010).

11 With reference to National Police Chief Regulation No 16/2010, Chapter III on the Position, Duties and Responsibilities of PPID – Article 19:

- a) To collect information and data related to Polri activities accessible to the public as set out in Articles 13, 14 and 15 at the respective unit;
- b) To maintain information and data which each unit is responsible for;
- c) To document information and data in the form of photographs, recordings and audio visual materials;

assisted by a functional staff, which according to the SOP on Information Service Delivery Procedure is a person in charge of storing, documenting, providing and or delivering information at the Polri Headquarters and regional level working units.

Coordination between public information and documentation administrators in working units and or at the regional level is also regulated in the SOP, along with the inherent obligations. Access to public information is also facilitated through the information technology network system (internet).<sup>12</sup> In reality however, PPID has yet to update information and documentation which should either be made available periodically, immediately or at all times in official police websites.

To access information held by Polri, the procedure and mechanism set out in the SOP on Information Service Delivery Procedure is considered to be fairly easy for requestors to follow. Polri also provides a standard information format along with the manner in which information is presented. Request for information can be submitted in writing or orally, with the accompanying reason.<sup>13</sup> PPID shall work together with the PPID at the working units or territorial units in preparing requested information. In this regard, Polri managed to meet the ten-day time limit for information delivery.

The SOP on Information Service Delivery Procedure also sets forth the obligation of PPID to annually publish information on services delivered, including the number of incoming information requests, delivery time, number of approvals and refusals, and reasons for denying an information request.

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- d) To make available accurate or prepared information and data according to the need;
  - e) To deliver information and documents on a periodic basis to the public relations officer;
  - f) To produce an annual recapitulation report on incoming information requests and the corresponding responses from Polri.

Part Three on Responsibilities, Article 22:

- a) Smooth delivery of information services to the public relations officer;
- b) Information exempt from disclosure to the public;
- c) Accuracy of information provided to the public relations officer; and
- d) Discharging of duties to the head of the respective unit.

12 The public can immediately access information and documents held by Polri from: <http://www.polri.go.id/pi/>, while information and documents from Polri working units can be accessed through: <http://www.polri.go.id/ds/>

13 The SOP on Information Service Delivery Procedure however, does not provide detailed explanation on the definition of a written or verbal information request.



## CHAPTER III MONITORING OUTCOMES

### III. 1. PPID Profiling in 10 Monitoring Sites

The most fundamental indication of the preparedness of PPID is the presence of an officer specifically appointed to carry out the designated mandate. Monitoring was carried out in 69 police units, extending from Polri Headquarters, Poldas to Polsek, in order to assess the extent to which PPID has been established and functioning. The following presents the profiling of 7 regional or provincial police commands from 10 monitoring locations.

#### 1. Nanggroe Aceh Darussalam

Only two PPIDs, namely PPID-Polda Aceh and PPID-Polresta Banda Aceh, have the full profile and structure of an information unit, out of 23 districts/cities in Nanggroe Aceh Darussalam. Information on the profile and structure of both PPIDs is obtained from the monitoring of *Harian Serambi Indonesia*, a local media on 28 March 2011. The dearth of information concerning PPIDs in Nanggroe Aceh Darussalam leads to lack of public awareness on the existence of an FOI mechanism. Such mechanism, is mostly accessed only by those involved in NGOs, particularly related to the monitoring and advocacy of laws and human rights

From an interview with PPID-Polda Aceh conducted by the KontraS-Aceh monitoring team at the office of the public relations unit (received by Police Brigadier Sony Yunarsa and Samsul Bahri), it was revealed that despite the establishment of PPID-Polda Aceh and PPID-Polresta Banda Aceh, both PPIDs (even PPIDs at the district/city level) do not have organizational profiles which can be accessed online. Documents required by the public are even never updated.

KontraS-Aceh monitoring team has also discovered that PPID-Polda Aceh has no communication technology-based system to ensure the smooth flow of information and documentation. It is however, making an effort to address such issues by providing training and disseminating information on PPID to all police ranks in Nanggroe Aceh Darussalam. Such training and information dissemination programs were introduced since 10 May 2011 at Polda Banda Aceh.

#### 2. Jakarta

In implementing Law No. 14/ 2008, the public relations office of Polda Metro Jaya (Greater Jakarta Metropolitan Regional Police) has set up the

appropriate facilities to assist the public in accessing public information. Members of the public can obtain information directly by paying a visit to the public body (according to the type of information) or indirectly by accessing Polda Metro Jaya's official website. The website contains information and documents on various important events as well as statements and explanations from high-level Polri or Polda Metro Jaya officials. It also provides interactive features to ensure accurate and accountable information.

Polda Metro Jaya also relies on social networking sites, such as Facebook and Twitter, in addition to other information technology mechanisms, including text messaging services at SMS 1717 Metro Jaya or direct access to the Police Chief of Polda Metro Jaya through texting at 021-89540220.

In terms of its structure, Polda Metro Jaya has prepared the necessary facilities, appointed a police officer who reports to the public relations officer, established working units under Polda Metro Jaya and set up PPID units in several Polres. Polda Metro Jaya oversees several Polres, including Polres Bekasi, Polres Depok, Polres Tangerang, Polrestro (Metropolitan Subregional Police) Bekasi, Polrestro West Jakarta, Polrestro Central Jakarta, Polrestro South Jakarta, Polrestro East Jakarta, Polrestro North Jakarta, Polrestro Kepulauan Seribu, Polrestro KP3 (*Kesatuan Polisi Perairan dan Pantai* or Police Marine and Coastal Unit), Polrestro Soekarno Hatta and Polrestro Tangerang.

Within the Indonesian National Police, Polda Metro Jaya is part of a pilot project for the development of an effective mechanism for the delivery of public information services.

### 3. East Nusa Tenggara

PPID within Polda-East Nusa Tenggara was established following the enforcement of National Police Chief Regulation No.16/2010. Due to the delayed appointment of the public information officer, the PPID unit began operations in early 2011. The PPID-Polda reports directly to the public relations division of Polda-East Nusa Tenggara, while at the Polres level, ten public information officers were appointed, namely in Polres Sikka, Polres Belu, Polres Ngada, Polres North Timur Tengah, Polres Manggarai, Polres East Flores, Polres Kupang City, Polres Ende, Polres East Sumba and Polres West Sumba.

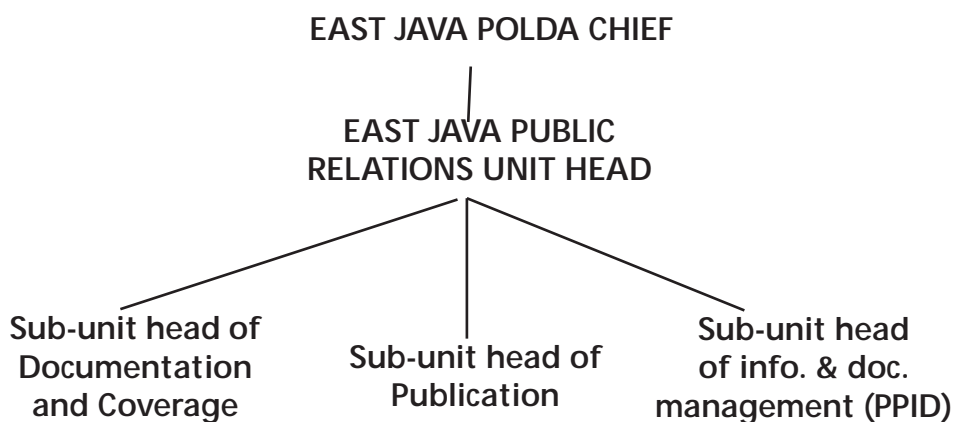
### 4. North Sumatera

At Polda North Sumatera, there are 12 PPID territorial units in the following 12 Polres/Polrestas:

- Polres Deli Serdang: A PPID-Polres and 11 PPIDs/Public Relations Sections at the Polsek level, with information on the names of public information officers and Polsek.
- Polres Simalungun: A PPID-Polres and 18 PPIDs/Public Relations Sections at the Polsek level, but details are not provided on the names of public information officers and Polsek.
- Polres Dairi: Two PPID-Polres, but no mention was made of the number of PPIDs in each Polsek.
- Polres Langkat: A PPID-Polres and 12 PPID-Polsek, but no details offered on the names of public information officers and PPID-Polsek units.
- Polres Sibolga: A PPID-Polres and 2 PPID-Polsek.
- Polres Tanjung Balai: Two PPID-Polres, but have yet to establish PPIDs in the respective Polsek.
- Polres Tebing Tinggi: Three PPID-Polres, but have yet to establish PPIDs in the respective Polsek.
- Polres Tanah Karo: A PPID-Polres and 12 PPID-Polsek, but no details given on the names of public information officers and PPID-Polsek.
- Polres Nias: A PPID-Polres and 11 PPID-Polsek, but details are unavailable on the names of public information officers and PPID-Polsek.
- Polres Binjai: A PPID-Polres and 6 PPID-Polsek, but no further information on the names of public information officers and PPID-Polsek.
- Polres Tobasa: A PPID and 6 PPID-Polsek, but no details on the names of public information officers and PPID-Polsek.
- Polres Asahan: PPID-Polres, but none has been established at the respective Polsek.

## 5. East Java

From field monitoring it was found that PPID-Polda East Java follows the following structure:



### Notes:

- From the organizational structure of Polda East Java, it can be seen that the Polda Chief is the superior of the PPID unit head, while the public relations unit oversees PPID, and the sub-unit head for information and documentation management is concurrently the public information officer.
- The incumbent public information and documentation officer is Police Grand Commissioner Sriyati, S.pd.

The ex-officio public information officer in the respective working units of Polda East Java is held by the officer in charge of information and data, in accordance with the directive of the heads of the respective working unit. The East Java Polda Headquarters has a total of 26 working units.

Polda East Java has a total of 39 Polres and the ex-officio public information officer of each Polres is held by the Polres public relations sub-unit head. On the other hand, the ex-officio public information officer in the respective Polsek within the ranks of Polda East Java is held by the public relations section head of the respective Polsek/Polsek.

With regard to facilities and infrastructure, PPID-Polda East Java makes use of existing resources also utilized by the Polda East Java Public Relations Division. PPID-Polda East Java has yet to have its own facilities and infrastructure, separate from the Public Relations Division of Polda East Java.

PPID-Polda East Java has no specific and planned programs for implementing National Police Chief Regulation No. 16/ 2010. Several



duties assigned to PPID-Polda East Java are as follows:

- a) To collect information which includes seeking and obtaining information, in the form of data or documentation related to Polri's work performance, specifically within Polda East Java;
- b) To process information by analyzing and verifying information and data on Polri's work performance, specifically within Polda East Java;
- c) To categorize information and data held by Polda East Java in accordance with the classification of information, i.e., periodic, immediate, at any given time and exempted, along with reasons for the consequential harm test (National Police Chief Regulation No. 16/2010 Chapter II on Public Information Service Delivery Procedure within the Indonesian National Police);
- d) To update information and documents maintained by PPID-Polda East Java;
- e) To upload information and documents (database) into the PPID-Polda East Java website (see: <http://www.ppid.polri.go.id>);
- f) To upload internal news coverage on Polda East Java to the PPID page at Polri's website (see: <http://www.ppid.polri.go.id>);
- g) To recapitulate information according to the information list and store PPID information and documents (database), and internal news coverage within Polda East Java;
- h) To provide information request services through the registration of information requests, and issue notification letters on whether the request is granted or denied;
- i) To process objections arising from an information request by ensuring the registration of objections filed by information requestors, and follow-up on the objection with the intention of resolving the public information dispute;
- j) To produce a recapitulation report in writing on information requests, released information, rejected requests, and objections lodged by information requestors;
- k) To ensure the disposal of invalid information and data no longer updated within a given span of time;
- l) To carry out duties under the instruction of the head of information and data management, with assistance from several public relations staff;
- m) To input data received by the public information officer into a database and upload into Polri's official website, which shall be the responsibility of the PPID operator.

## 6. South and West Sulawesi

From the monitoring exercise conducted by the KontraS team from

Sulawesi, the Police Chief of Polda South-West Sulawesi, Police Inspector General Johny Wainal Usman informed that Law No. 14/2008 and National Police Chief Regulation No. 16 /2010 was implemented beginning May 2011. His commitment to these policies are manifested in the establishment of the public relations division at the Polsek level across South Sulawesi and West Sulawesi, in an effort to promote the accountability of police ranks under his command.<sup>14</sup>At Polda South-West Sulawesi, PPID was established since the implementation of Information Commission Regulation No. 1/2010 on Public Information Service Standards. PPID at Polda South-West Sulawesi is assisted by the head of administration and administrator of the information and documentation management function. PPID-Polda South-West Sulawesi occupies a room of its own equipped with a computer terminal. At Polrestabes Makassar, PPID is managed by the public relations sub-unit head with assistance from the information and documentation operator. At the Polsek level, PPIDs are established under the concurrent leadership of the public relations section head, but has yet to set up its own room complete with computer terminals.

Training on the management of information and documentation at Polda South-West Sulawesi has been held on two separate occasions, attended by the candidate public relations sub-unit head and public information officers of working units. As such, the level of knowledge on PPID among these officers could not be measured for certain.

## 7. Papua

The monitoring process lasted for three months in 4 PPIDs, namely PPID-Polda Papua, PPID-Polres Paniai, PPID-Polres Nabire and PPID-Polres Jayapura. From profiles which the KontraS monitoring team in Papua managed to gather, certain key information on the presence of PPID in Papua was obtained. Although a public information officer for PPID-Polda Papua has been appointed, when questions were posed concerning PPID, the incumbent would refer the team to the public relations unit head of Polda Papua. Coordination with the public relations unit of Polri Headquarters has been established to facilitate monthly reporting obligations.

To date, a supervisory and audit team from Polri Headquarters has been established for the purpose of highlighting issues, particularly related to supervision and budgeting of PPID-Polda Papua. Regrettably however, no online media has been established to link the public relations unit of Polda Papua and Polri Headquarters. Another drawback concerns the minimal number of coordination meetings held between the public relations unit and working units at Polda Papua in order to conduct an

<sup>14</sup> Information obtained from the *Harian Fajar Makassar* daily, Friday 8 April 2011.

evaluation of FOI mechanisms in place within Polda Papua.<sup>15</sup>

PPID-Polda Papua has already established its own structure, but its administrators still lack understanding on the appropriate reporting substance and format. Public information officers at the Polres level have been appointed through the sprint approach, but certain changes in job positions were deemed necessary. Another setback is evident with regard to the adequacy of internal accountability documents, such as Standard Operating Procedures (SOPs) which PPID-Polda Papua does not have one in place yet.

With regard to funding, PPID-Polda Papua is experiencing budget shortages, both in terms of budgets set aside for supervision and oversight functions. The public relations unit had initially submitted a proposed budget to the Police Chief of Polda Papua who failed to incorporate it into the Budget Implementation List (DIPA, *Daftar Isian Pelaksanaan Anggaran*). Failure to secure the necessary budget has led to the inability to hold an evaluation meeting from the Polda to Polsek levels. PPID-Polda Papua has thus far, mostly drawn from the public relations funds to finance its budget. Due to such flexibility, there is the likelihood of creating budgets which cannot be held accountable for. Although the budget for supervision can be submitted for the 2012 budget year, training cannot be organized unless a work plan is formulated.

Lack of facilities and infrastructure is a major obstacle that impedes the smooth flow of information. Weak infrastructure will also hamper communication between the public relations unit head and the two PPIDs at Polres Nabire and Polres Paniai (particularly when facing an urgent situation). This infrastructure constraint also includes Polda Papua's inability to develop a digital information system (online website). Furthermore, public access to FOI mechanisms within Polda Papua is significantly dependent on the availability of facilities and infrastructure on the ground, such as the location of the PPID office and PPID office facilities (information desk, computers, special unit room). Human resource assigned to the public relations unit of Polda Papua only totals 11 people from the supposedly 34 staff members of whom the majority are either problematic staff or shall soon retire.

## **7. III. 2. Monitoring Results of Polri Publication Medium**

In addition to examining public information access through written requests and interviews, KontraS has also monitored the availability of publication mediums held by the police force.

Monitoring is conducted by applying a scoring scale of between 0 and 32 on the monitoring sheet, consisting of 5 dimensions and 16 items. If

<sup>15</sup> Absence of coordination from the Polres to Polsek levels.

information is available in full, a score of 2 is given, whereas incomplete information yields a score of 1 and unavailable information receives a score of 0.

Highest score: 2 x 16 items = 32; Lowest score: 0 x 16 items = 0

The five dimensions and 16 items are as follows:

1. Organizational profile  
Address, facsimile and phone number  
Organizational structure: appointment of line management staff and units under its supervision

1. Ongoing programs and activities  
Name of programs and activities  
Target groups and beneficiaries  
Budget  
Name of key contact persons, including the address and phone number for programs and activities

2. Financial Information  
Total budget allocation for 2010  
Financial plan for 2010  
Financial report for 2009  
List of assets and inventory

3. Access to public information  
Number of incoming information requests  
Number of information requests responded to and denied  
Number of information requests denied (note: if the score is 0, this should be considered as disclosure)  
Reason for denial of request  
Procedure for information request, contact persons and details

4. Legislation and policies that impact the public  
List of laws, regulations and/or policies which have been adopted or in the process of being ratified.

With regard to the publication medium, the monitoring exercise focuses on official websites of Polri Headquarters at [www.polri.go.id](http://www.polri.go.id), Polda Metro Jaya at [www.metro.polri.go.id](http://www.metro.polri.go.id), Polda Papua at <http://papua.polri.go.id>, Polda North Sumatera at <http://sumut.polri.go.id.medanwebsite.com>, Polda East Java at <http://jatim.polri.go.id>, Polda East Nusa Tenggara at <http://ntt.polri.go.id>, Polda Nanggroe Aceh Darussalam at [www.aceh.polri.go.id](http://www.aceh.polri.go.id) and Polda South-West Sulawesi at [www.sulsel.polri.go.id](http://www.sulsel.polri.go.id).

It was found that among the police command structures monitored,

Polri Headquarters and Polda Metro Jaya have most adequately met information standards. Polda Aceh and Polda East Nusa Tenggara on the other hand, do not provide the complete range of information, and most information featured on their website pages is entirely inaccessible.

Information on Polri's financial situation is the least likely to be disclosed, except for Polda North Sumatera which has included the financial report of each police command location/working unit for 2011. Apart from that, none has publicly made known their financial report for 2010 and budget plans for 2012.

Published information tends to be designed for the press or news releases supplemented with photographs of activities undertaken. On the website of Polda Papua and Polda Aceh, it was even hard to find contact details. Polri's recently launched text messaging and call center services will be extremely beneficial, but the extent to which they are being utilized still cannot be measured. Several websites offer online complaint mechanisms, but their effective use is hampered by weak internet connections and due to the fact that not many people can have access to such facilities. The profiles on Polda Chiefs and background information on Poldas are more comprehensive than information on the organizational structure and personnel of the local Polda.

Access to public information remains restricted to the announcement of names of public information officers, yet even for this, not all Poldas provide such information. No PPID contact details are available, except for online communication. Polri, Poldas and Polres do not provide the public with information on the public records request procedure, or fail to inform on a centralized service for the filing of complaints and other information services. Only 3 websites have attached Police Chief Regulation No. 16/2010, albeit still in its draft form.

**The following is a recapitulation of monitoring outcomes on information available at 8 (eight) publication mediums (websites) under the police force:<sup>16</sup>**

No.	Five Types of Basic Information Pursuant to the FOI Act	Level of Implementation
1	<b>Organizational Profile</b>	<b>Incomplete</b> Full disclosure is found only at the websites of Polri and Polda Metro Jaya. The majority do not provide information on contact persons, addresses, phone and facsimile numbers

<sup>16</sup> The complete outcomes can be found at the appendix on the scoring tabulation of literature reviews on proactive information

2	<b>Ongoing programs and activities</b>	<b>Incomplete</b> Nearly all do not specifically provide information on their work programs. Announcements tend to focus on routine activities in the form of news coverage. Only 2 of them feature Polri's quick wins. Most do not inform on program beneficiaries, budgets and persons in charge
3	<b>Financial information</b>	<b>Not included in nearly all websites</b> Only Polda North Sumatera has incorporated its financial report for each police command unit/working unit for 2011
4	<b>Access to public information</b>	<b>Incomplete</b> Most only mention the names of the public information officer, without any details on the mechanism for public information request. Many do not provide contact details or email addresses for the submission of information requests.
5	<b>Legislation and policies that impact the public</b>	<b>Not included in nearly all websites</b> Only Polri and Polda Metro Jaya have included legislation and policies concerning the duties and functions of the police force.

### III. 3. Monitoring Outcomes of Public Service Delivery at PPIDs as Public Bodies in 10 Regions

A review of information access within the Indonesian National Police focuses on Polri Headquarters in Jakarta, 10 (ten) provincial police commands,<sup>17</sup> 54 (fifty four) Polres/Polrestas/Polrestabes<sup>18</sup> and 3 (three) Polsek/Polsektas.<sup>19</sup> During the monitoring period, some 115 requests for various types of information and documentation were submitted to 68 PPIDs within the police force.

KontraS identified three key aspects from the monitoring of 10 regions:

#### 1. Typology of PPID response toward information requests. Responses

17 Polda NAD, Polda North Sumatera, Polda East Java, Polda NTT, Polda NTB, Polda Papua, Polda South-West Sulawesi, Polda Metro Jaya, Polda Bali and Polda Maluku

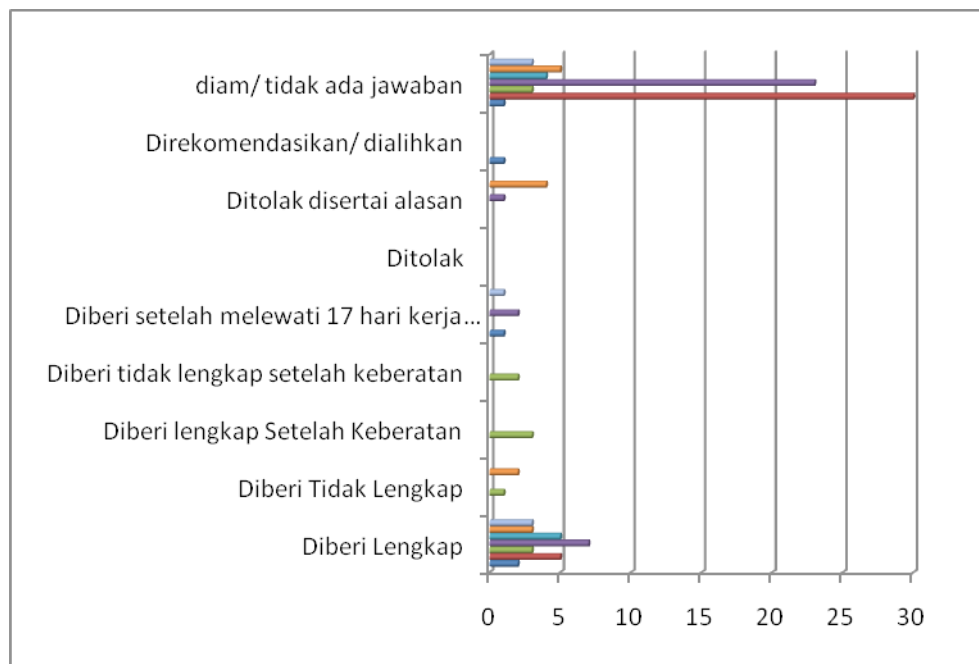
18 Consisting of 42 Polres, 10 Polrestas and 2 Polrestabes

19 Consisting of 2 Polsek and 1 Polsekta

are based on the normative standards of freedom of information regimes practiced in various countries.<sup>20</sup>

2. Relation between PPID response and type of Polda.
3. Relation between typology of PPID response and public information criteria.

Responses from public bodies under the Indonesian National Police toward 115 requests for various types of information and records submitted by KontraS are as follows:



Source: Monitoring of information access through 115 information requests submitted by KontraS

From the 115 information requests submitted, only 28 were granted with the provision of the complete information required, and another 3 received incomplete information. Five requests were eventually responded to after an objection was filed to the direct supervisor, where 3 of the requests resulted in the release of full information, while the other 2 only received incomplete information. Four information requests received a delayed response, exceeding the time limit of 17 workdays, 5 requests were denied and reasons were provided, one request was referred/transferred as the PPID concerned considered the requested information was not within its area of competency.

<sup>20</sup> Open Society Justice Initiative, *Transparency & Silence: A Survey of Access to Information Laws and Practices in 14 Countries*, Open Society Institute, New York 2006, pgs. 33-35. The fourteen countries are Argentina, Armenia, Bulgaria, Chile, France, Ghana, Kenya, Macedonia, Mexico, Nigeria, Peru, Romania, South Africa and Spain.



From the total number of requests submitted, 69 of them received no response whatsoever or known as mute refusals from PPIDs. The mute refusals of 44 requests were mostly related to information on the progress of case handling or investigation. Based on National Police Chief Regulation No. 16/2010, such information is categorized as non-exempt information (Article 12 of National Police Chief Regulation No. 16/2010). Another 25 requests for mandatory information which public bodies must published immediately also did not receive any response (Article 13 of National Police Chief Regulation No. 16/2010), information which should be available at all times (Article 14 of National Police Chief Regulation No. 16/2010), and information which should be made public on a periodic basis (Article 15 National Police Chief Regulation No. 16/2010).

From the graph above, the following conclusions can be drawn:

*One*, in normative terms, the worst form of public service delivery is when no acknowledgment was made from the PPID concerned (mute refusal). From the 115 information requests, 69 were mute refusals (60%), which essentially constitute a form of grave violation against the right to public information. The 60% mute refusals from the total number of information requests, based on KontraS finding, were much higher than the average number of mute refusals reported in right to information surveys carried out in 14 countries.<sup>21</sup>

*Two*, requests which were granted in full only amounted to 28 from 115 information requests (24.3%). This percentage for full response is in fact higher than the figures found in the survey of the 14 countries (22%).<sup>22</sup>

*Three*, when analyzed based on the monitoring sites, most information requests (69) did not elicit any response from the respective PPID. In North Sumatera, PPIDs had mostly refuse to give a response and reason for the basis of denial (85.7%), whereby 30 out of 35 information requests were mute refusals. In East Java, the proportion of mute refusals was also high (69.6%), from which 23 out of 33 information requests did not receive any form of response. These percentages are relatively significantly high, exceeding the total percentage of 7 monitoring sites. This KontraS finding shows the lack of correlation between Poldas' capacity and the level of public information service delivery. This is due to the fact that from the 69 mute refusals from PPIDs, the majority took place in Poldas with high

21 Ibid. pg. 38. The fourteen countries are Argentina, Armenia, Bulgaria, Chile, France, Ghana, Kenya, Macedonia, Mexico, Nigeria, Peru, Romania, South Africa and Spain. From these 14 countries, an average of 47% mute refusals were reported. This consists of countries having their own Freedom of Information Act, where mute refusals reached 38%; and countries without an FOI Act in place, where the average number of mute refusals reached 57%.

22 Ibid, pg. 39.



accreditation. □

Mute refusals were generally related to the request for information and documents on progress of case investigation, police rules and regulations, policies and mechanisms for ensuring the security of vital objects, technical implementation guidelines and SOP on counter-terrorism, number of personnel and budget utilization in each working unit, budget source for each working unit and programs, and funding within the police operational areas.

The following presents PPID responses based on the type of information and documentation criteria requested at the monitoring sites pursuant to National Police Chief No. 16/2010.

Monitoring Site	Information and Documents Requested by Criteria Set Out in		
	National Police Chief Regulation No. 16/2010		
	Non-exempt information	Information which should be available at all times	Information which should be made available and published periodically
Nanggroe Aceh Darussalam	<ul style="list-style-type: none"> <li>- Request for information related to progress in case handling, submitted to PPID-Polres South Aceh (<b>no response</b>) and Polres Bireun (<b>full response according to request</b>)</li> <li>- Request for information related to developments in Aceh and its security situation, submitted to Polda NAD <b>and was thoroughly explained</b> in a meeting/ audience</li> <li>- Request for information related to FOI implementation in Aceh's police force, submitted to PPID Polres Banda Aceh <b>and explained in full</b></li> </ul>	Request for information and documents concerning National Police Chief Regulation No. 16/2010 Article 14 on public announcement procedure and voicing of opinions in public. the request was submitted to PPID- Polresta Banda Aceh, but it was <b>recommended</b> that the request be submitted to PPID-Polda NAD	<ul style="list-style-type: none"> <li>- Documents held by working units and administrators of public records, and a request submitted to Polda NAD <b>and was responded to</b></li> </ul>

North Sumatera	<ul style="list-style-type: none"> <li>- Request for information related to progress in case handling, submitted to PPID-Polda North Sumatera (<b>4 requests and no response</b>), PPID-Polresta Medan (<b>4 requests and no response</b>), PPID-Polres Asahan (<b>2 requests; 1 full response and 1 mute refusal</b>), PPID-Polres Patumbak (<b>1 request and no response</b>) and PPID-Polsekta East Medan (<b>1 request and no response</b>)</li> <li>- Documents related to the number of public complaints filed to P3D and hearing on P3D code or ethics; request submitted to 21 PPIDs, where <b>3 requests received full response and 18 requests did not receive any response</b></li> </ul>	<ul style="list-style-type: none"> <li>- Request for documents on policies and mechanisms related to security of vital objects within the Polda North Sumatera jurisdiction, submitted to the Polda North Sumatera Mobile Brigade. <b>No response</b> and no objection from KontraS-North Sumatera.</li> <li>- SOP on the security and protection of criminal evidence under the jurisdiction of Polda North Sumatera, Polres/Polresta and Polsek. <b>A clear response was provided in accordance with Letter No. B/1982/V/2011/Bid. Humas</b></li> </ul>	<ul style="list-style-type: none"> <li>- Meeting results among high-ranking police officers under Polda North Sumatera from January to March 2011 and budget allocated to each working unit under Polda North Sumatera, Polres/Polresta and Polsek under the jurisdiction of Polda North Sumatera in 2010 and 2011. <b>Incomplete information as evident in Letter No. B/1982/V/2011/Bid. Humas</b></li> </ul>
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Jakarta, Bogor, Tangerang, Bekasi as well as Bali and Maluku	<ul style="list-style-type: none"> <li>- Request for information related to progress in case handling, submitted to PPID-Polri Headquarters (2 <b>full responses</b>) PPID-Polda Metro Jaya (4 <b>requests; 3 granted full information after an objection was filed, and 1 mute refusal</b>), PPID-Polresta Tangerang (1 <b>full response</b>), PPID-Polda Maluku (1 <b>incomplete response</b>), and PPID-Polda Bali (1 <b>mute refusal</b>)</li> </ul>	<ul style="list-style-type: none"> <li>- Request for documents related to the National Police Chief Regulation and SOP concerning demonstrations and crowd control issued from 1999 to 2009, submitted to PPID Polri Headquarters (<b>responded by telephone after an objection was lodged, but the information provided was incomplete</b>)</li> <li>- Request for documents related to technical implementation guidelines and SOP on counter-terrorism, submitted to PPID-Polri Headquarters, but <b>there was no response and an objection has been filed.</b></li> <li>- Request for information related to the security of the GKI Yasmin church in Bogor, submitted to PPID-Polresta Bogor (1 <b>incomplete response after an objection was filed</b>)</li> </ul>	Request for documents held by working units and PPID-Polda Metro Jaya. <b>Request was responded to</b>
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East Java	Request for information related to progress in case handling, submitted to PPID-Polres Malang, <b>fully explained as requested</b>	Request for information related to the case of violence against the Syi'ah community in Sampang, submitted to PPID-Polres Sampang and <b>no response was provided</b>	<ul style="list-style-type: none"> <li>- Request of information on the management of public records at Polda East Java, submitted to PPID-Polda East Java (<b>unavailability of data and information provided was not according to request</b>)</li> <li>- Request for information on meeting outcomes among high-ranking officials of Polda East Java concerning the monitoring and implementation of Gubernatorial Decree No. 188/94/KPTS/013/2011 on the prohibition of Ahmadiyah-led activities in East Java. Request was submitted to PPID Polda East Java, <b>but did not elicit any response</b></li> <li>- Request for information related to budget plans for 2011, submitted to Polresta Malang and <b>fully explained as requested</b></li> <li>- Request for information on PPID-Polresta Kediri, <b>no response was provided</b></li> <li>- Request for information and documents on work plans and work control plans for 2011 and 2010, submitted to 13</li> </ul>
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South and West Sulawesi	Request for information related to progress in case handling, submitted to Polda South-West Sulawesi (1 full response as requested), Polres Sidrap (1 full response), Polres Bulukumba (no response) and Polres Maros (1 mute refusal)	Request for information concerning FPI's actions in dispersing activities held by Ahmadiyah followers, submitted to PPID-Polda South-West Sulawesi. Responded by the working unit on profession and security of Polda South-West Sulawesi, but the information was incomplete	- Request for information on the management of public information and documents at Polda South-West Sulawesi, submitted to PPID-Polda South-West Sulawesi and the response given was according to request
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East Nusa Tenggara and West Nusa Tenggara	Request for information related to progress in case handling, submitted to PPID-Polresta Kupang <b>(3 requests; 1 full response and 2 mute refusals)</b> , PPID-Polres TTS <b>(1 mute refusal)</b>	<ul style="list-style-type: none"> <li>- Request for information and documents on the cooperation agreement between PT.Fathi Resources and the local government, submitted to PPID-West Sumbawa <b>(complete information was provided)</b>, PPID-East Sumbawa <b>(recommended to make a request for the documents to the East Nusa Tenggara provincial government)</b></li> <li>- Request for information and documents on the cooperation agreement between PT Soe Makmur Resources and the local government, submitted to PPID Polres TTS <b>(no response)</b></li> </ul>	<ul style="list-style-type: none"> <li>- Request for information and documents on working units and information and documentation management units under Polda East Nusa Tenggara, submitted to PPID-Polda East Nusa Tenggara <b>(explained in full as requested)</b> and PPID-Polda West Nusa Tenggara <b>(no response)</b>.</li> <li>- Request for information and documents related to the number of personnel and budget utilization of each working units, budget source utilized by every working unit for 2010, and on the salary and allowances of high-ranking officials at Polda East Nusa Tenggara and PPID-Polda East Nusa Tenggara. <b>The request was denied verbally, citing the reason that</b> Polda East Nusa Tenggara was not authorized to release any information and documents without instruction from the Chief of Polda East Nusa Tenggara.</li> <li>- <b>Advised</b> to submit a request to the Polda Chief with a copy forwarded to PPID-Polda East Nusa Tenggara</li> </ul>
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Papua	<ul style="list-style-type: none"> <li>- Request for information related to progress in the handling of the Opinius Tabuni case, submitted to PPID-Polda Papua. <b>An explanation was provided within 21 workdays. There was no internal objection.</b></li> <li>- Request for information related to progress in the handling of the Sarlota Toroby Waroy case, submitted to PPID-Polres Nabire, <b>no response</b></li> <li>- Request for information related to progress in the handling of the Miron Wetipo case, submitted to PPID-Polres Jayapura. <b>Recommended to make a request to the Indonesian Armed Forces.</b></li> </ul>	Request for documents related to security assistance for PT. Freeport Indonesia, submitted to PPID-Polda Papua and <b>was responded to within 6 workdays.</b>	
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Source: Access to Information Monitoring on PPIDs in 10 regions, conducted by KontraS



Based on the table above, the following key findings are presented:<sup>23</sup>

1. With regard to non-exempt information, the average percentage of requests which did not elicit any response reached 68%
2. With regard to information which must be available at all times, the percentage was higher, at an average of 70%
3. With regard to information which must be made available and published periodically, the percentage was nearly equal between requests that were responded to (47%) and not responded to (53%).

Furthermore, this monitoring exercise looks at a range of information which must be available at all times, such as written documents in the form of Polri's internal policies (Police Chief Regulations, SOPs, budgets, etc). For non-exempt information, the type of information and documents is nearly similar to the categories for information which must be available at all times, but obtaining and processing such information requires more time. As a result, the proportion of requests which was not responded to is higher than the other types of information.

Based on interviews and focus group discussions conducted by KontraS monitoring team together with several Polri high-ranking officials, both at the Polri Headquarters and Polda level, and FOI practitioners, several basic issues on information service delivery within the institutional structures of the Police Force are presented below:<sup>24</sup>

<sup>23</sup> Non-exempt information is defined as information which does not meet the criteria of being exempted pursuant to Article 17 of Law No. 14/2008 on Freedom of Information, whereby such information does not impede law enforcement (inquiry, investigation, disclosure of the identity of informants, whistleblowers, witnesses and victims), is neither part of criminal intelligence data nor plans related to the prevention and handling of all forms of transnational crimes, does not endanger the safety and lives of law enforcers and/or their families, and does not imperil the security of law enforcement apparatus, facilities and/or infrastructure.

The definition of information which should be available at all times, among others but not limited to: decisions reached by public bodies, existing policies along with supporting documents, project plans, reports on access to public information services (Article 11 Law No. 14/2008).

Definition of information which should be made available and published periodically, among others but not limited to: information related to public bodies, activities and performance of public bodies and financial reports (Article 9 Law No. 14/2008).

<sup>24</sup> Activities among others, include Focus Group Discussions held at Ibis Tamarin Hotel on 17 January 2011; Wisma PGI on 31 May 2011; and Wisma Bumi Asih on 27 June 2011. All three forums were held in Jakarta.

1. Building awareness on National Police Chief Regulation No. 16/2010 and its resultant SOPs was only carried out at the Polda level, thus efforts to mainstream services to ensure the fulfillment of the right to information have not been comprehensive and fail to reach Polres-Polsek level.
2. Lack of internal supervision and oversight, particularly from Polda to the Polres-Polsek level.
3. The capacities and competencies of PPID resources at the Polsek level have not been utilized in an optimal manner in order to provide adequate services and effective management of public information and documentation.
4. Weak coordination between the public relations division and local PPIDs as well as between PPIDs and public information officers at working units in providing information and documentation services.
5. Lack of understanding among PPIDs and public information officers of working units concerning information criteria as stipulated in the National Police Chief Regulation No. 16/2010, even when a consequential harm test has not been conducted on the requested information and documents.
6. Absence of any specific arrangements related to the consequential harm test on exempt information as stipulated in National Police Chief Regulation No. 16/2010.
7. Reluctance among working units to provide information to the public.
8. Lack of supporting facilities and infrastructure for the delivery of information services at PPIDs outside of the Jabodetabek area
9. Inadequate budget allocation for maximum information service delivery.

### **III. 4. Civil Society Engagement in Accessing Information and Documents Held by the Police Force.**

Based on KontraS experience, several basic issues for civil society have been identified in monitoring public information services provided by Polri and its institutions. These issues are as follows:

1. Civil society still lacks proper understanding on the right to information and policing, for example the inability to optimally utilize mechanisms set forth in Law No. 14/2008 on Freedom of Information, such as with regard to non-adjudication mechanisms for objections and disputes, in the event when Polri fails to respond to an information request.
2. The freedom of information mechanism is still not considered as a strategic option for advocacy effort.

## **CHAPTER IV: RECOMMENDATION**

Based on monitoring results concerning civil society's access to FOI mechanisms within Polri's institutional structures, conducted from March to May 2011 in 69 PPIDs in 10 Poldas across Indonesia, following recommendations are drawn:

Indonesian National Police:

1. Accelerate and scale up the dissemination of Polri's internal policies on FOI mechanisms in order to reach all PPIDs. Furthermore, training to enhance expertise in the delivery of information services to the public must also be urgently carried out.
2. Ensure internal supervision and oversight of public information service delivery as part of Polri's internal accountability agenda.
3. Ensure effective coordination and communication between the public relations division of Polri Headquarters and PPIDs at police area commands as well as between PPIDs and public information officers in working units with regard to the delivery of public information and documentation services.
4. Establish a specific mechanism for consequential harm test on exempt information as stipulated in National Police Chief Regulation No. 16/2010.
5. Ensure availability of supporting facilities and infrastructure for the delivery of information and documentation services, including the allocation of adequate budget for information service delivery.
6. Integrate all official websites of PPIDs into a single Polri website to ensure easy access by members of the public. Polri needs to establish a directory of public information administrators complete with information on contact persons and the type of information services.
7. Broaden proactive publication mediums, such as websites, brochures, announcement boards, routine communication forums with citizens, including the use of social media networks to open up access to public information.

Central Information Commission:

1. Heighten supervision of Polri institutions to build the capacity of Polri personnel and institutions in providing public information services.
2. Initiate establishment of local information commissions to conduct the oversight function at Polda level and structures at the lower level in order to ensure effective mechanisms for information dispute settlement at the local information commission.

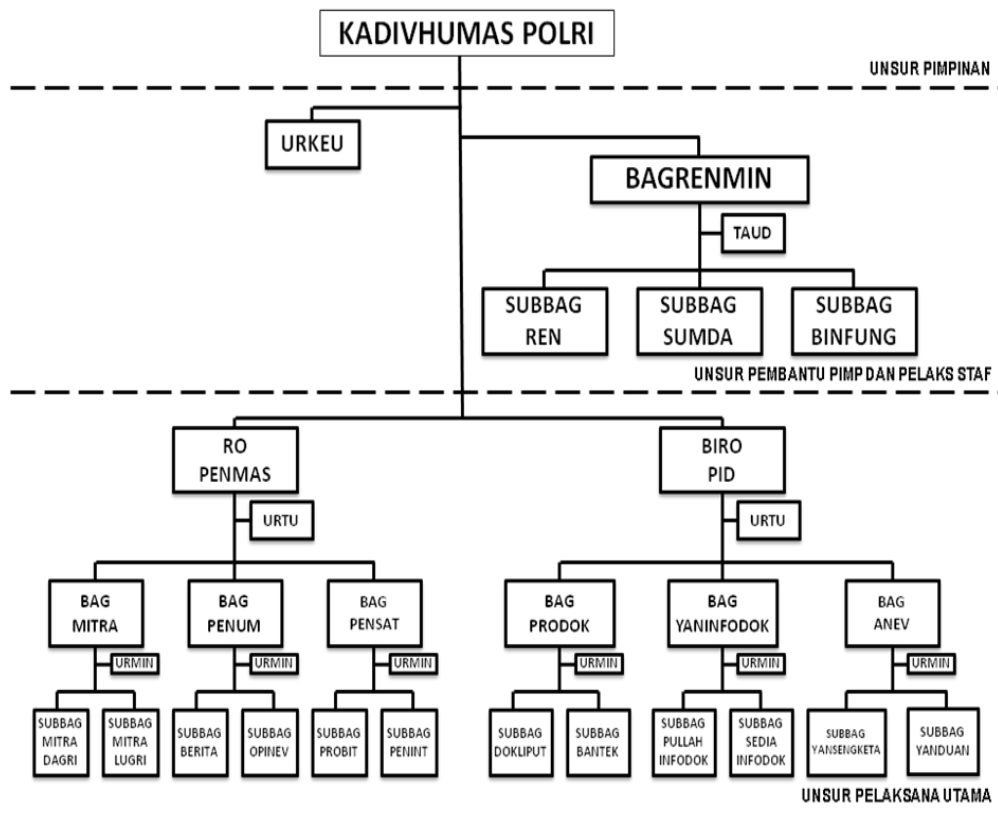
Furthermore, civil society must look into the possibility of using FOI mechanisms in carrying out advocacy efforts and strategies in order to ensure that the right to information and policing becomes a priority agenda within Polri for the purpose of strengthening efforts related to the delivery of information services to the public.

## APPENDIX

# I. Public Information and Documentation Officer Structure within Polri (Indonesia National Police)

## Indonesia National Police

Struktur Organisasi Divhumas Polri



## Explanation:

### Biro PID (Information and Documentation Bureau)

1. The Information and Documentation Bureau is the main implementing agency under Polri's Public Relations Division Head (Kadivhumas Polri).
2. The Information and Documentation Bureau is responsible for managing the collection, processing and presentation of data and information, and documentation in order to support the internal and external delivery of information held by Polri.
3. Duties and functions incumbent upon the Information and Documentation Bureau include:

- a. Collection, processing and analysis of data, information and or documents necessary for the presentation of accurate and reliable information for Polri's internal and external purposes;
  - b. Collection of data and information related to Polri activities accessible to the public;
  - c. Preparation of appropriate mediums and the widespread dissemination of information and documents in conformity with existing legislation;
  - d. Handling of public complaints related to the delivery of services, protection, and law enforcement by Polri;
  - e. Seek full resolution of information disputes.
4. In the discharging of its duties, the Information and Documentation Bureau is assisted by:
- a. **Bagprodok (Production and Documentation Unit):**
    - Bagprodok is responsible for the production and documentation of information on activities undertaken by Polri high-ranking officials and other police-related activities, including news coverage and technical assistance.
    - Bagprodok performs the following functions:
      1. Coverage and documentation of every Polri activity in the form of photographs, recordings, audio visual materials, and other necessary documents.
      2. Monitoring of print and electronic media coverage for the interests of Polri.
    - In carrying out its duties, Bagprodok is assisted by:
    - Subbagdokliput (Sub-unit for documentation and coverage): responsible for the coverage and documentation of Polri activities and those undertaken by Polri high-ranking officials, and preparation of documentation materials necessary for providing technical assistance for carrying out investigation.
    - Subbagbantek (Sub-unit for technical assistance): responsible for providing technical assistance for documentation purposes, news coverage and media monitoring, and providing technical assistance for investigation purposes and media clippings.
    - Urmin (Administrative Affairs)
  - b. **Bagyaninfodok (Information and Documentation Service Unit):**
    - Bagyaninfodok: responsible for making available information

in the form of data or documents related to Polri performance toward public information requestors.

- In the discharging of its duties, Bagyaninfodok is responsible for the following functions:
  - a. Providing information and documents held by Polri for public purposes;
  - b. Providing data, information and or documents related to Polri performance toward information requestors;
  - c. Delivering information and documentation services to information requestors in accordance with the request.
- In performing its duties, Bagyaninfodok is assisted by:
  1. Subbagpullahinfodok (Sub-unit for Collection and Processing of Information and Documentation): responsible for collecting, evaluating and verifying information related to Polri's performance;
  2. Subbagsediainfodok (Sub-unit for the Provision of Information and Documentation): responsible for providing information services to information requestors both directly and through available mediums.
  3. Urmin (Administrative Affairs).

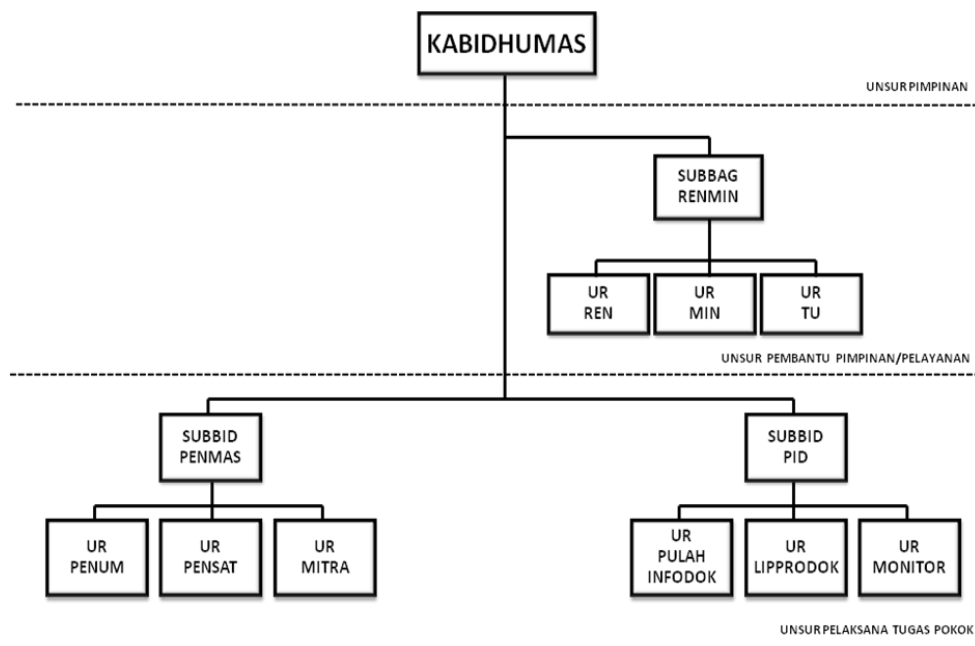
**c. Baganev (Analysis and Evaluation Unit):**

- Baganev is responsible for analyzing and formulating data, including classified information and making the necessary arrangements for the consequential harm test on exempt information in accordance with existing laws and regulations.
- In carrying out its duties, Baganev is responsible for the following functions:
  - a. Receiving complaints and objections filed by information requestors;
  - b. Managing information and documentation at the Polri Headquarters level in accordance with existing laws and regulations;
  - c. Resolving public information disputes through the Central and/or Local Information Commission, and representing working units at the State Administrative Court and District Court;
  - d. Preparing and coordinating the filing of objections and disputes on media exposure of public information, and exercise the right to reply towards other parties in accordance with existing laws and regulations.
- In performing its duties, Baganev is assisted by:
  1. Subbagyansengketa (Sub-unit for dispute-related services): responsible for providing assistance in resolving information disputes through mediation and

- or non-litigation adjudication or through the State Administrative Court;
- 2. Subbggyanduan (Sub-unit for complaint handling): responsible for handling public complaints either through direct consultation or available channels;
- 3. Urmin (Administrative Affairs).

## Polda

### STRUKTUR ORGANISASI BIDHUMAS



### Explanation:

Subbid PID (Sub-unit for information and documentation management) is responsible for the collection and processing of data, and the presentation of information and documents, as well as analyzing and evaluating activities undertaken by Bidhumas (Public Relations Unit).

- (1) In the discharging of its duties, Subbid PID carries out the following functions:
  - a. Collecting and processing data, and providing information and documents;
  - b. Analyzing and evaluating activities carried out Subbid PID;
  - c. Conducting news coverage of Polda activities;
  - d. Producing and documenting information related to Polda activities; and
  - e. Monitoring news coverage and information dissemination of



Polda activities.

- (2) In carrying out its duties, Subbid PID is assisted by:
  - a. Information and documentation collection and processing section (*Urusan Pengumpulan dan Pengolahan Informasi dan Dokumentasi, Urpullahinfodok*), responsible for gathering and processing data, and presenting information and documents;
  - b. Coverage, Production and Documentation Section (*Urusan Peliputan, Produksi, dan Dokumentasi, Urlipprodok*), responsible for conducting news coverage, production and documentation; and
  - c. Monitoring section (*Urusan Monitoring, Urmon*), responsible for conducting monitoring activities.

## II. Scoring Tabulation of Literature Review

No	Name of Institution and Website	Total Score	Remark
1	Indonesia National Police <a href="http://www.polri.go.id">www.polri.go.id</a>	10	<p>Information published through the website includes:</p> <ol style="list-style-type: none"> <li>1. Complete organizational profile.</li> <li>2. Legislation and policies related to the duties and functions of the police force are provided in full</li> <li>3. With regard to ongoing programs and activities, information is provided on routine activities and their beneficiaries</li> <li>4. Access to public information: only incorporates National Police Chief Regulation No.16/2010 and names of public information officers</li> </ol> <p>Information included in the FOI standard, but not disclosed in the website includes:</p> <ul style="list-style-type: none"> <li>• Partial disclosure of financial information</li> <li>• Access to public information does not include the number of incoming information requests, number of information requests which are responded to, number of information requests denied, reasons for denying a request, information request procedure and direct access to the public information administrator</li> </ul>

2	Polda Metro Jaya (Indonesia Police in Jakarta City) <a href="http://www.metro.polri.go.id">www.metro.polri.go.id</a>	10	<p>Information published in accordance with FOI standard through the website includes:</p> <ol style="list-style-type: none"> <li>1. Complete organizational profile, including text messaging services directly to Polda Chief at phone number 02189540220 .</li> <li>2. Ongoing programs and activities: priority agendas of Polda Metro Jaya without providing information on the program year, beneficiaries of routine activities at the website page, contact details for routine activities, but not for programs</li> <li>3. Legislation and policies related to the duties and functions of the police force are fully provided by giving links to the State Secretariat website and also incorporates the draft Police Chief Regulation No.16/2010 and Police Law No.2</li> <li>4. Access to public information only discloses information on the names of public information officers within Polda Metro Jaya</li> </ol> <p>Information according to FOI standard, but not published is as follows:</p> <ol style="list-style-type: none"> <li>1. Ongoing programs and activities             <ul style="list-style-type: none"> <li>• Budget and contact persons</li> <li>• More specific work programs and their timeframes</li> </ul> </li> <li>2. Financial Information             <ul style="list-style-type: none"> <li>• Not included</li> </ul> </li> <li>3. Access to public information does not disclose on the number of incoming information requests, number of information request which were responded to, number of rejected information requests, reason for denying a request, information request procedure and direct contact with the public information administrator</li> </ol>
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3.	Papua Police Force <a href="http://papua.polri.go.id">http://papua.polri.go.id</a>	5	<p>Information according to FOI standard published through the website is as follows:</p> <ol style="list-style-type: none"> <li>1. Organizational profile: <ul style="list-style-type: none"> <li>• Organizational structure and online complaint mechanism with contact details</li> </ul> </li> <li>2. Ongoing programs and activities: <ul style="list-style-type: none"> <li>• Polri's quick wins programs and routine activities at on the website page</li> <li>• Beneficiaries of routine activities, but not for programs</li> </ul> </li> </ol> <p>Information according to FOI standard, but not published is as follows:</p> <ol style="list-style-type: none"> <li>1. Organizational profile <ul style="list-style-type: none"> <li>• No contact details, addresses, and phone numbers provided at the website.</li> </ul> </li> <li>2. Programs <ul style="list-style-type: none"> <li>• No mention of work programs officially carried out. No information on budget and contact persons.</li> </ul> </li> <li>3. No financial information is provided</li> <li>4. Access to public information is not provided</li> </ol>
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4	North Sumatera Police Force ( <a href="http://sumut.polri.go.id">http://sumut.polri.go.id</a> , <a href="http://medanwebsite.com">medanwebsite.com</a> )	4	<p>Information according to the FOI standard published through the website is as follows:</p> <ol style="list-style-type: none"> <li>1. Organizational profile: contact details through Call Center POLRI 112 and text messaging at SMS POLRI 1120, and organizational structure without the names of personnel</li> <li>2. Ongoing programs and activities contain information on routine activities under the page on the development and operational function</li> <li>3. Financial information: Reports by location/working unit for 2011</li> </ol> <p>Information according to FOI standard, but not published is as follows:</p> <ol style="list-style-type: none"> <li>A. Organizational profile: no information on phone and facsimile numbers, addresses, while organizational structure is provided without the names of personnel</li> <li>B. Programs: no information on work programs, beneficiaries, budget and contact persons</li> <li>C. Financial information: no information on total budget allocation for 2010, financial report 2010, list of assets and inventory, financial plan for 2011</li> <li>D. Access to public information <ul style="list-style-type: none"> <li>• Not provided</li> </ul> </li> </ol>
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5	East Java Police Force <a href="http://jatim.polri.go.id">http://jatim.polri.go.id</a>	3	<p>Information according to the FOI standard published through the website is as follows:</p> <ol style="list-style-type: none"> <li>1. Organizational profile: online complaint service, direct contact to Polres, complaint filed through text messaging sent to 1120 type JATIM</li> <li>2. Ongoing programs and activities: available in every Polres link, along with its goals and beneficiaries.</li> </ol> <p>Information according to FOI standard, but not published is as follows:</p> <ol style="list-style-type: none"> <li>1. Organizational profile: excluding addresses, phone and facsimile numbers, and organizational structure</li> <li>2. Programs: no information on budget and contact persons</li> <li>3. Financial information: not provided</li> <li>4. Access to public information: not provided</li> <li>5. Legislation and policies related to the duties and functions of the police force: not provided</li> </ol>
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6	East Nusa Tenggara Police Force <a href="http://ntt.polri.go.id">http://ntt.polri.go.id</a>	2	<p>Information according to the FOI standard published through the website is as follows:</p> <ol style="list-style-type: none"> <li>1. Organizational profile: addresses and name of moderator, Alvin at the section on CONTACTS, also Call Center Polri 112, and SMS Polri 1120</li> <li>2. Ongoing programs and activities: routine activities at the website page on services</li> </ol> <p>Information according to FOI standard, but not published is as follows:</p> <ol style="list-style-type: none"> <li>1. Organizational profile: excluding phone and facsimile numbers and organizational structure</li> <li>2. Programs do not include information on beneficiaries, budgets, and contact persons for each activity</li> <li>3. Financial information: not provided</li> <li>4. Access to public information: not provided</li> <li>5. Legislation and policies related to the duties and functions of the police force: not provided</li> </ol>
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7	Aceh Police Force <a href="http://www.aceh.polri.go.id">www.aceh.polri.go.id</a>	1	<p>Information according to the FOI standard published through the website is as follows:</p> <ol style="list-style-type: none"> <li>1. Organizational profile: address of the Telematics Unit of Polda Aceh at Gedung Mapolda Lt.II Jl. T.Nyak Arief, Jeulingke, Banda Aceh</li> </ol> <p>Information according to FOI standard, but not published is as follows:</p> <ol style="list-style-type: none"> <li>1. Organizational profile: excluding phone and facsimile numbers, and organizational structure</li> <li>2. Programs do not include information on beneficiaries, budgets, and contact persons for each activity</li> <li>3. Financial information: not provided</li> <li>4. Access to public information: not provided</li> <li>5. Legislation and policies related to the duties and functions of the police force: not provided</li> </ol> <p>Most website pages are inaccessible, except on breaking news, announcements and news featured at the website's home page. Only the names of Polres are included and no other information is provided.</p>
8	South and West Sulawesi Police Force <a href="http://www.sulsel.polri.go.id">www.sulsel.polri.go.id</a>	3	<p>Information according to the FOI standard published through the website is as follows:</p> <ol style="list-style-type: none"> <li>1. Organizational profile: Jl. Perintis Kemerdekaan km 16 Makassar 90241</li> </ol> <p>Information according to the FOI standard published through the website is as follows:</p>



### III. Sample of Information Request and Response Letters from Polri

#### KontraS Papua

Komisi untuk Orang Hilang dan Korban Tindak Kekerasan  
(The Commission for Disappearances and Victims of Violence)

Sekretariat : Jl. Raya Sentani No. 65 B, Depan Pangkalan Gjek Padang Bulan  
Tlp/Fax : (0967) 582036 Padang Bulan, Abepura, Papua  
Email : [kontras\\_papua@yahoo.com](mailto:kontras_papua@yahoo.com)

Nomor : 010/SK-KontraS Papua/IV/2011

Hal : Permintaan Dokumen terkait Bantuan Pengamanan terhadap PT. Freeport Indonesia

Kepada Yang Terhormat

Kapolda Provinsi Papua

Inspektur Jenderal (Pol.) Bekto Suprpto

Di -

Tempat

Salam Sejahtera,

Dengan diberlakukannya Perkap No. 16 Tahun 2010 tentang tata cara pelayanan informasi Publik di lingkungan Kepolisian Negara Republik Indonesia, maka dengan surat ini kami Komisi Untuk Orang Hilang dan Korban tindak Kekerasan (KontraS) Papua hendak mengajukan permintaan dokumen, sebagai berikut :

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 Polda Papua/ anggota Polri?

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

Jayapura, 12 April 2011

Badan Pekerja KontraS Papua

  
Olga H. Hamadi, SH, MSc  
(Koordinator)

Tembusan :

1. Kapolri
2. Irwasum



KEPOLISIAN NEGARA REPUBLIK INDONESIA  
DAERAH PAPUA

Jalan Dr. Sam Ratulangi 8, Jayapura 99111

Jayapura, 19 April 2011

Nomor : B / 318 / IV / 2011  
Klasifikasi : B I A S A  
Perihal : Dokumen Pengamanan  
PT. Freeport Indonesia di Timika.

Kepada

Yth, Koordinator Badan Pekerja  
Kontras Papua

di

J a y a p u r a

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	50 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,- / perorang (langsung diberikan ke anggota pengamanan oleh Manajemen PT. Freeport)

/ 4 Adapun .....

2

4. Adapun daftar personel yang melaksanakan tugas pengamanan PT. Freeport Indonesia sebagaimana Surat Perintah (Sprin) terlampir.
5. Demikian untuk menjadi maklum.

Tembusan :

1. Kapolda Papua.
2. Irwasda Polda Papua.
3. Kabid Humas Polda Papua

