

**EXAMINING THE PRACTICES OF  
INFORMATION DISCLOSURE  
AMONG POLITICAL PARTIES IN  
INDONESIA**

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# Introduction

Good governance requires information disclosure as one of its foundations. Simultaneously, freedom of information is one of the prerequisites for creating an open government.<sup>1</sup> Therefore, laws and regulations in Indonesia place freedom for the public to access information as human rights as stated in Article 28F of the 1945 Constitution. This legal political commitment should be obeyed by all elements of power, especially because Indonesia is a democratic country, where the people's sovereignty guaranteed by laws and regulations.

Attention towards the urgency of information disclosure in running the government is basically not only regulated by Indonesian positive law, but also appeared in Article 19 of the Universal Declaration of Human Rights<sup>2</sup> and Article 19 paragraph (2) of the International Covenant on Civil and Political Rights.<sup>3</sup> As part of the international community, Indonesia is urged to follow and comply with the development of a more open and participatory model of government. This was also a demand for the Indonesia's transformation from New Order (*Orde Baru*) authoritarian regime which previously completely closed public access to the information related with the administration of the government.

Although it was considered too late, in 2008 Indonesia finally had a legal basis that guaranteed the rights of the public to access all information related to Indonesian government through the Law on Public Information Disclosure (*UU Keterbukaan Informasi Publik/ UU KIP*). The preamble of this law states that public information disclosure is a mean of optimizing public oversight against the administration of the state and other public bodies. Herewith we can draw one conclusion that the aspect of public oversight is seen as an important matter, both in terms of fulfilling human rights and guaranteeing the implementation of democratic values.

One of the entities mentioned directly in the Law on Public Information Disclosure with the mandate to provide information to the public is political parties. Article 15 of the law specifies seven types of public information that must be provided by political parties, including principles and objectives, general programs and activities of political parties, names, addresses, and structure of administrators including their changes if any, management and use of funds sourced from state budgets, decision-making mechanisms, decisions made by political parties,

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<sup>1</sup> Achmad Santosa, "Good Governance and Law on Environment"

<sup>2</sup> Article 19, Universal Declaration of Human Rights: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

<sup>3</sup> Article 19 paragraph (2) International Covenant on Civil and Political Rights: Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of their choice.

and other information stipulated by the Law on Political Parties. In line with that, Article 2 paragraph (1) in conjunction with Article 2 paragraph (3) of the Law on Public Information Disclosure also applies to political parties which in essence emphasizes that any public information is open and accessible and must be available to the public quickly, timely, affordable (low cost), and can be accessed through a simple way.

Unfortunately, until now political parties have not fully understood the urgency of public information disclosure. The reasons for their attitudes are quite diverse, ranging from the lack of understanding of their human resources regarding the regulations, the closed culture of political parties, to the notion that openness does not directly correlate with electability in electoral contestation. This kind of mindset is certainly wrong and has increasingly eroded people's trust in political parties. This can be proven through a number of surveys, one of which was carried out by the Indonesian Political Indicator (*Indikator Politik Indonesia*) last July which placed political parties in the lowest position in terms of public trust.<sup>4</sup>

There are two major issues that must be reviewed further. First, apart from being mandated by the law, information that political parties are obliged to provide is also not classified as an exception, not like information on law enforcement or relating to state defense and security. In addition, Article 52 of the Law on Public Information Disclosure also includes criminal sanctions for public bodies that are reluctant to provide public information. It is peculiar if political parties persist with the classic model which does not place openness as an important value, since on the changes of Law on Political Parties, precisely in the explanation section, it actually mentions the issue of transparency and accountability<sup>5</sup> as a new paradigm in political party institutions.

Certain view that allows political parties to be private institutions cannot be justified. This is because Article 34 paragraph (1) letter c of the Law on Political Parties has positioned citizen to play a role as one of the economic supports for political parties through financial assistance coming from the state budgets. Furthermore, the emphasize on information related with budget also stated in Article 38 of the Law on Political Parties with the mention of the phrase "open for public knowledge." Another point also concerns about the obligations of political parties in Article 13 letters h and i of the Law on Political Parties to be open to the public when it comes to budgeting and reporting on the receipt and use of financial assistance sourced from the state

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<sup>4</sup> KataData "How Many Citizens Trust Political Parties? These are the results of the survey"  
<https://databoks.katadata.co.id/datapublish/2022/07/13/berapa-banyak-warga-yang-percaya-partai-politik-ini-hasil-surveinya>

<sup>5</sup> Explanation of Law Number 2/2008 on Political Parties: This law accommodates several new paradigms in line with the strengthening of the consolidation of democracy in Indonesia, through a number of reforms that aim to strengthen the system and institutions of political parties, which concern internal democratization of political parties, transparency and accountability in the financial management of political parties, increasing gender equality and leadership of political parties in the national system the nation.

budgets.

The existence of political parties is very important to support democratic values and the running of the government. There are a number of arguments behind, starting from the role of political parties as a channel for people's aspirations directly to the branches of power, a channel for political education, a space for community participation in politics, as well as a channel for recruiting public stakeholders' positions. On the basis of the direct contact between the functions of political parties and the citizen's lives, the aspect of public oversight should always be attached to and being accommodated, not to resulting resistance from the political parties.

Specifically, regarding information disclosure in the context of receiving and spending political parties' budgets, it is important to first address the financial resources of the political parties as they are the public bodies. Article 34 paragraph (1) of the Law on Political Parties explains that political party finances come from three sources: membership fees, donations and financial assistance from the state budgets. This becomes a problem when we read the document in the most literal way, especially the Article 13 letter i of the Law on Political Parties, the obligation to write an accountability report on financial receipts and expenditures which will later be submitted to the government is limited only to funds sourced from state budgets. While other financial sources, such as membership fees and contributions, are practically not regulated and the political parties consider this as not an obligation. Thus, sources of financial gain for political parties are increasingly closed and prone to misuse.

The story about the financing of political parties which is considered very large is nothing but a real fact. This was acknowledged by political party officials, one of them is the General Chair of the Golkar Party, Setya Novanto, in 2016. Setya said the costs of the Golkar Party could reach IDR 10 billion per-month. In general, the cost of billions of rupiah includes office supplies, office equipment, water and electricity, meals for activities, and staffs' salary. Not to mention visits or duty trips.<sup>6</sup> It is absolute that the funding mechanism cannot only rely on the state budgets since the operational costs of a political party is very expensive.

Due to these conditions, the public has repeatedly seen news reports on the issue of the flow of crime funds, such as corruption, entering political parties. For example, the alleged flow of bribe funds to the Golkar Party in the case that involved a former member of the national parliament, Eni Maulani Saragih. At that time, there was widespread news that the bribe obtained as much as IDR 2 billion was used to finance the activities of the 2017 Golkar Party

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<sup>6</sup> CNN Indonesia News "Operational Budget of Golkar Party is Up to IDR 10 billion per-month"  
<https://www.cnnindonesia.com/nasional/20160725140556-32-146848/biaya-operasional-golkar-capai-rp10-miliar-per-bulan> 5

National Conference.<sup>7</sup>

Apart from that, ten years ago there was also news that mentioned the flow of funds to the Democratic Party congress also emerged from the statement of its former treasurer, M Nazaruddin. In his statement, Nazar admitted that money came from corrupt practices at Hambalang project were used to finance the 2010 Democratic Party congress in Bandung.<sup>8</sup>

The massive number of issues on the problematic financial management in political parties has certainly added more urgency of information disclosure from political parties to the public. Thus, through this research, Indonesia Corruption Watch tries to see how effective the utilization of the Law on Public Information Disclosure in pushing political parties to provide information to the public.

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<sup>7</sup> Tempo “Eni Saragih has Evidence on the Flow of Money from Riau 1 power plant to Golkar Party” <https://nasional.tempo.co/read/1121536/eni-saragih-miliki-bukti-aliran-dana-suap-pltu-riau-1-ke-golkar>

<sup>8</sup> Kompas “Nazar Submits Evidence on Hambalang Project’s Money that has been used to support Democratic Party’s Congress” <https://megapolitan.kompas.com/read/2012/12/04/22122467/~Nasional>.

## Research Method

This study uses a statutory regulation approach by using Law Number 14 of 2008 on Public Information Disclosure and its derivative regulations, which is the Information Commission Regulation (Perki) Number 1 of 2021 on Standard of Information Services as the main basis for analysis. The obligations of political parties in terms of providing public information regulated in the two regulations are then compared with the facts that occurred on the ground. There are five provinces subjected in this research, including DKI Jakarta, South Sulawesi, East Nusa Tenggara, East Java, and North Sumatra.

Information regarding the implementation of information disclosure by political parties at the Regional Representative Council (*Dewan Perwakilan Wilayah*) in the five provinces was collected through a desk study to check the availability of information on the official website of political parties as well as interviews with party members to find out the challenges in implementing political party information disclosure. Interviews with party members at the central level were also conducted to confirm findings from the regions.

Members of political parties at the central level whose interviewed, including:

- a. Arsul Sani (Deputy Chairperson of United Development Party and Deputy Chairperson of the People's Consultative Assembly)
- b. Muhammad Nasir Djamil (Member of Indonesian Parliament, from the fraction of Prosperous Justice Party)
- c. Tama S. Langkun (Chairperson of the Central Representative Council for Law and Human Rights and National Spokesperson of the Perindo Party)
- d. Siar Anggreta Siagian (Deputy Secretary General for General Affairs and Administration of the Nasdem Party)

Focus Group Discussions (FGD) were also conducted with stakeholders, such as with the Information Commission at the provincial level to explore the efforts that have been made to encourage the application of information disclosure by political parties. Surveys targeting the public were also conducted to collect information related to perceptions and knowledge regarding information disclosure of political parties.

# Theoretical Framework

## a. *Overview of the Political Parties*

In a democratic country, when opinions are formed by millions of people—separately or through the means of various interest groups, there will be chaotic condition caused by the unexecuted of initial agreement that has been agreed earlier from the time the citizens give their vote.<sup>9</sup> The votes they cast will spread across many candidates and will represent a multitude of different policies, ending in inconclusive, even chaotic results.<sup>10</sup> To overcome these fundamental problems, political parties exist as a means to present solutions. In an ideal order, political parties have a role to form a condition of order over the chaos that arises from various conflicts of interest in society, and create a scheme of representative democracy that can be actualized.<sup>11</sup>

Political parties have become instruments for presenting popular government through the concentration of public opinion. Their function is to make the candidates and their interests known to the public and to herd the people in a large mass gathering, so that they can have a unified voice, rather than uttering voices that cannot be understood. In short, their service in politics, generally as advertisement and brokerage. Seeing the function of political parties is to consolidate public opinion long before the election, ideally there should be one party to reflect every public opinion which is certainly very large.<sup>12</sup>

Fundamentally, the function of political parties is to bridge between the aspirations of the people and the government's public policies. However, such conception is only an ideal condition. Due to the fluctuating and rapidly developing nature of politics, the above ideas have not applied as ideally as the initial concept.

Today's political parties tend to become a practical instrument to gain power. The role of advertisement as previously stated is no longer aimed at purely promoting the interests of the candidates, but rather for promoting the candidates or the identity of the political party. Political parties do not familiar with philosophical or ideological matters regarding constitutional affairs which they wish to bring to the table when they are in the position of power.

Roles related to brokerage or bridging people's aspirations also do not function. Because

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<sup>9</sup> Edward McChesney Sait, *Political Institutions: A Preface*, New York: D. Appleton-Century Company, Inc., 1938, hlm. 518-520.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

campaigns require large capital, there is a tendency that political parties and their candidates do not really serve the needs of society. Political parties tend to pay more attention to the wishes of investors, corporations, as well as parties who help them financially during the campaign stage. This is because political parties tend to be dominated or controlled by a few people (elites).<sup>13</sup> Organizations that have been controlled like this tend to exist for their own interests and for the satisfaction of their members, even if this sacrifices their main principles and goals.<sup>14</sup>

In organizing a political party, often the officials or members within it are not interested in really taking care of all the internal affairs of the party, moreover the attention of its members tends to decrease after the election is over.<sup>15</sup> This causes the organizational management of a political party fall into the hands of parties who are interested and have large economic resources to control the party.<sup>16</sup> This creates a condition where representative democracy tends to be non-representative of society, but only represents elites. Representative democracy like this has a very strong tendency to be oligarchic.

The above problems are fundamental problems of political parties. This also arises because of its basic nature which is indeed difficult to overcome through complementary solutions in the construction of representative-electoral democracy. Here, the most common and problematic form of oligarchy that appears in representative democracy is the practice of money politics. In general, money politics is usually interpreted as an effort to influence people's behavior by using certain rewards. Some interpret money politics as the act of buying and selling votes in a political process and power.<sup>17</sup>

These actions can occur in a wide range, from village head elections to national level elections in a country.<sup>18</sup>

When money becomes a medium for political barter, the role of strategic groups such as the political and economic elites covering the top of the highest authorities cannot be dismissed.<sup>19</sup> However, collaboration with the dimension of money politics does not only occur among members of strategic groups, but also becomes a medium for collaboration between the political-economic elite and the masses at the bottom, through the bonds of

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<sup>13</sup> J. A. Corry, *Democratic Government and Politics*, cetakan ke-4, Toronto: University of Toronto Press, 1951, page 228.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> Indra Ismawan, *Money Politics: Money Influence during Election*, Yogyakarta: Publisher Media Pressindo, 1999, page 5.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*, page 42.

short-term collective interests.<sup>20</sup>

*b. Political Parties within the Scope of Legislation*

In this section, a number of things will be reviewed. First, the position and construction of political parties in positive law in Indonesia. Second, the urgency of the existence of political parties in the context of a democratic country. Third, the issue of transparency, openness, and interaction of political parties with the society.

Formally, the existence of political parties as representative institutions in Indonesia's representative democracy is accommodated by Law Number 2 of 2011 on Political Parties. If you look at the considerations of that law, it resembles a philosophical spirit that this legal product wants to accommodate the actualization of human rights which are closely intertwined with freedom of opinion, association, and the principles of democracy and people's sovereignty. Particularly, there are considerations that positioned political parties as means of public participation that must uphold openness in carrying out democratic principles.

The follow up of that fundamental spirit are set forth in Article 10 paragraphs (1) and (2) of the Law on Political Parties which divides the two classifications of objectives for political parties, namely general objectives and specific objectives. The general objectives of political parties according to the law are to realize the national ideals of the Indonesian nation as referred to in the preamble to the 1945 Constitution, safeguard and maintain the integrity of Indonesia, develop democratic life based on Pancasila by upholding people's sovereignty, and realizing welfare for all Indonesian. While the specific objectives are to increase the political participation of members and the public in the context of organizing political and governmental activities, fighting for the ideals of political parties in the life of society, nation and state, and building political ethics and culture in the life of society, nation and state.

It appears that political parties are legally constructed as very essential institutions for Indonesian democracy. This claim is strengthened when we refer to the Article 11 paragraph (1) of the Law on Political Parties which outlines the functions of political parties. In general, it can be classified that there is a public education function and an practical institutional function. For the first classification, it is related to the function of political party as a provider of political education for the community and to create a conducive climate for the unity and integrity of the Indonesian nation for the welfare of society.

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<sup>20</sup> *Ibid.*

As for the practical institutional functions, political parties are positioned as absorbers, collectors and distributors of people's political aspirations in formulating and establishing state policies. More than that, political parties also have a central function in the context of the process of seating in political positions, it has been shown by the fact that almost all public positions in Indonesia requires a proof of membership in political party or requires official support from a political party. Although there are a number of exceptions such as regional head elections that allow independent candidates, directly or indirectly, political parties still have a very large share in public stakeholders' positions.

In the context related to issues of transparency, openness, and the interaction of political parties with the public, it can be seen that a number of provisions are regulated by Article 13 of the Law on Political Parties regarding party obligations. Specifically, at the letters h, i, and k. In sequence, the provisions read as follows:

*“Political Parties are obliged to:*

*h. keeping books of account, maintaining a list of donors and the amount of donations received, and being open to the public;*

*i. submit accountability reports on financial receipts and expenditure originating from aid funds from the State Revenue and Expenditure Budget and the Regional Revenue and Expenditure Budget periodically once a year to the Government after being examined by the Audit Board of the Republic of Indonesia;*

*k. socializing the Political Party program to the public.”*

It can be seen from the construction of the article above, political parties are required to interact with the community related to transparency and financial accountability. The aim of this article clearly wants to emphasize that olitical parties must operate like a public body with the obligation to carry out accountability in all activities to the community.

*c. The Urgency of Information Disclosure of Political Parties*

As a key stakeholder in actualizing representative democracy, political parties need public support and participation that requires transparency. In the context of election, one of the biggest challenges related to money in politics is the lack of transparency of political parties and the campaign funds.<sup>21</sup>

International Institute for Democracy and Electoral Assistance (International IDEA) acknowledges that this issue is a universal experience in almost every country, both in the

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<sup>21</sup> Elin Falguera *et.al.* (eds), *Funding of Political Parties and Election Campaigns: A Handbook on Political Finance*, Stockholm: International IDEA, 2014, page 130-131.

country with democracy that has been established or in new democracy.<sup>22</sup> Openness and transparency of political parties, especially related to party funding and candidates are needed to guarantee that each party complies with the rules of the ‘game’. In turns, this will strengthen the integrity of a political party and can increase public trust.

Political parties also actually have high incentives to be transparent if they want to get votes from people in general elections. Because conceptually, the pattern of relations formed between political parties and party voter candidates or party constituents is a relationship that based on trust. In other words, people will certainly tend to choose the political parties they trust. This belief will be more easily formed if the community can easily find out information related to political parties. Thus, political parties must pay attention to the wishes of voters before making decisions regarding programs and policies in managing parties<sup>23</sup> where it all can started by opening access of information to the public.

Unfortunately, the ideal concept is not thoroughly reflected. Referring to the results of interviews with a number of political party members conducted by ICW and several regional partners for the purposes of this research, political parties assume that the aspect of transparency will not affect their electability when political contestation happens. They assume that voters do not care and tend to be passive in finding information related to parties outside of the names of cadres they will choose during the election.

A number of political parties even explicitly felt that the public did not need to know the party's "kitchen", in response to the demand from civil society to make all political parties' funding information – either sourced from state budgets or outside – being disclosed to the community.

#### *d. The Urgency of Financial Information Disclosure of Political Parties*

Basically, political parties in Indonesia are prohibited from operating like profit companies, such as collecting profits in every scope of work. Therefore, a number of laws and regulations only allow political parties to use their financial resources through several ways, including: member contributions, legal donations according to the law, as well as financial assistance from the state budgets which is often referred to as “political assistance funds” (*banpol*).

In the context of the disclosure of political parties' funding information, Article 15 of the

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<sup>22</sup> Samuel Jones, *Digital Solutions for Political Finance Reporting and Disclosure: A Practical Guide*, Strömsborg: International IDEA, 2017, page 4.

<sup>23</sup> Rezki Sri Wibowo *et.al.*, *Financial Transparency and Accountability of the Political Parties: A Training Module*, Jakarta: Transparency International Indonesia, page 9.

Law on Public Information Disclosure states explicitly that the information that must be provided by the party is only the management and use of funds sourced from the state budgets. This construction is clearly different from Article 16 of the same law which states that non-governmental organizations in addition to providing information on the management of the use of funds sourced from the state budgets, must also provide information on the management of the use of funds sourced from community contributions and foreign sources. If we use the logic that political party is a public body, all operations of the party should be known by the community, since it will be directly linked to the issue of accountability to the community as mandated by the constitution.

Furthermore, transparency – especially related to political party funds — can help to uncover the potential of undue influence against politicians and prevent the infiltration of sources of ill-gotten money (illicit)<sup>24</sup> which of course can contribute to a broader effort to fight corruption. The United Nations Convention Against Corruption (UNCAC), agrees toward the idea of regulating countries to put more administrative and legislative efforts to increase transparency of the public officials' funding and political parties' funding.<sup>25</sup> Globally, the application of information disclosure has been recognized and encouraged. Noted there are at least 120 countries that have laws that guarantee the right to information (Right to Information Acts), although the level of norm strength is different from one to another.<sup>26</sup>

Several international pressures such as The Open Government Partnership (OGP) and United Nations Convention against Corruption's Conference of State Parties (CoSP) seek reforms in the government of each member country to guarantee the right to information to be valued and protected in the context of preventing corruption.

In Indonesia, Law Number 14/2008 on Public Information Disclosure presents as a legal foundation to ensure the fulfillment of the rights of the community in order to find out public agency information. As can be seen in the considerations of the law as follows:

- a. That information is a basic need for everyone for the development of personal and the society and is an important part of national resilience;
- b. That the right to obtain information is a human right and public information disclosure is one of the important characteristics of a democratic state that upholds the sovereignty of the people to realize good governance;
- c. That public information disclosure is a means in optimizing public

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<sup>24</sup> Samuel Jones, *Loc. Cit.*

<sup>25</sup> Article 7, *United Nations Convention against Corruption.*

<sup>26</sup> See "Right to Information," from <https://www.transparency.org/en/our-priorities/right-to-information>.

supervision of the administration of the state and other public bodies and everything that affects the public interest;

- d. That public information management is an effort to develop the informed community.

Through the Law on Public Information Disclosure, political parties are included in the classification of “public bodies” hence they must obey to a number of regulations regarding information disclosure. One of them is stipulated on Article 15 of the Law on Public Information Disclosure where political parties are required to provide a number of public information, including:

- Principles and goals;
- Programs and activities of political party;
- Name, addresses, and structure of administratos including its changes if any;
- Management and the use of funds sourced from the state budgets;
- Decision-making mechanism inside the political party;
- Decisions made by the political party: Results of Congress/National Conference and other decisions according to the Statutes and Bylaws of the Party are open to the public; and/or
- Other information determined by laws relating to political parties.

From the documents of minutes of discussion when Law on Public Information Disclosure still a draft, there has not been found any document that can explain why "political parties" are mentioned explicitly as one of the legal subjects in the regulation. However, it was noted that in the process of discussing the bill in the parliament, the proposal to include "political parties" as "public bodies" came from the government. The government at that time formulated that public bodies were executive, legislative, judicial institutions, both at the central and regional levels and other institutions whose main functions and tasks were related to the administration of the state and whose obtaining funds from the state budgets.<sup>27</sup>

At a glance, the above provisions appear to provide quite narrow limitation as a prerequisite in determining when political parties can provide access to financial information to the public since the formulation of Article 15 of the Law on Public Information Disclosure states that only political parties' fund that sourced from the state budgets that must be informed to the public. If the provisions were read textually, the rest of the party funds sourced from members' contributions and donations from party members, non-members of the party, as well as business entrepreneurs or business entities are not required to be opened to the public

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<sup>27</sup> Indonesia Central Information Commission and *Indonesian Center for Environmental Law (ICEL)*, *Annotation of Law Number 14 of 2008 on Public Information Disclosure (First Edition)*, Jakarta: Tifa Foundation, 2009, page 31.

according to the Law on Public Information Disclosure.

Meanwhile, when referring to the records collected by the Association for Elections and Democracy (*Perludem*), political assistance funds for the party are still relatively small. For example, the party as big as the National Mandate Party (*PAN*) alone has only been able to cover 1.32 percent of the total political party expenditure needs using the “political assistance funds”.<sup>28</sup> This tiny amount is considered insignificant even to be opened to the public because it fails to capture the expenditure or the main income of a party and who is the contributor behind. *Perludem* has also revealed how much the total needs or spending of a number of parties each year as can be seen in the following table.<sup>29</sup>

<b>Name of Political Party</b>	<b>Annual Budget Needs</b>
Demokrat	IDR 176.737.524.613
Golkar	IDR 118.963.733.023
PDIP	IDR 112.678.059.616
PKS	IDR 66.963.846.284
PAN	IDR 51.200.232.767
PPP	IDR 45.249.511.185
PKB	IDR 42.001.029.143
Gerindra	IDR 37.891.707.113
Hanura	IDR 32.038.555.068

However, there is one Central Information Commission verdict that can be used as a reference because it can be said to be a landmark in terms of expanding the scope of Article 15 of the Law on Public Information Disclosures. In verdict number 207/VI/KIP-PS-M-A/2012, the Information Commission stated that details of general programs and activities of political parties, as well as details of political party financial reports such as balance sheets and budget realization, cash flow statements, and financial statement records constitute information that open and must be provided by the party. This verdict is the result of an information dispute filed by ICW to the Democratic Party's Central Leadership Council.<sup>30</sup>

In its consideration, the Commissioner Council of Information Commission outlined a number of things. First, the Democratic Party's Central Leadership Council is a party that is bound by the rights and obligations referred to in Article 15 of the Law on Public Information Disclosure. Second, the information requested by ICW does not include information that is excluded according to Article 17 of the Law on Public Information Disclosure. Third, details of the party's general program and activities, as well as details of the party's financial reports are categorized as public information. This decision also does not provide a condition that the

<sup>28</sup> Didik Supriyanto and Lia Wulandari, *Political Party Financial Assistance: Methods for Determining Amounts, Transparency, and Management Accountability*, Jakarta: *Perludem* Foundation, 2012, page 32.

<sup>29</sup> *Ibid.*, page 33.

<sup>30</sup> See "ICW: Party Financial Statements Remain Covered Up," on <https://kebebasaninformasi.org/id/en/2013/05/28/icw-laporan-keuangan-partai-masih-ditutupi/>.

party's financial information that is disclosed must come from state budgets or other sources. Thus, it can be concluded that all financial sources of political parties in the context of financial reporting are public information.

Regarding a number of considerations of the Commissioner Council of Information Commission above, it is basically an affirmation of a number of ideal concepts in law and existing theories related to political parties and information disclosure. First, through its considerations, the Information Commission emphasized that political parties should comply with Article 15 of the Law on Public Information Disclosure which requires parties to provide a number of public information, including general programs and activities of political parties, as well as the management and use of funds sourced from the state budgets. Second, information related to details of general programs and activities of political parties, as well as details of political party financial reports such as balance sheets and budget realization, cash flow statements, and financial report records are not included in the information that should be excluded according to the law. Article 17 of UU KIP explicitly provides exceptions to information that must be open to the public. There are a number of conditions to categorize such informations as the "excluded information", such informations must have impact on law enforcement, state security, state economy, as well as issues regarding intellectual property rights.

In a more general context, the spirit of transparency in political parties must be internalized and actualized in a serious manner. Apart from enriching the quality of democracy and public participation, the transparency of political parties is a constitutional mandate and a command from positive law in Indonesia. Unfortunately, the obligation of political parties to become an open public body has not been considered important even though it has been regulated through the law. Structural party officials at the Central Leadership Council who were interviewed stated that one of the reasons for the lack of awareness raising efforts for parties at the regional level was the lack of encouragement from Information Commission to do so. This makes parties at that level feel that they have no demands to implement information disclosure at the regional level. Likewise, with the publication of financial reports, the lack of sanctions given to political parties that do not comply, makes the parties not take their obligations seriously. This phenomenon shows how the party relies only on the "coercion". Without coercion and strict sanctions, the mandate to become an open public body will not be their priority.

## Regional Findings

This section will present the finding results regarding the information disclosure practices of political parties in DKI Jakarta, South Sulawesi, East Nusa Tenggara, East Java and North Sumatra. The practice of disclosing political party information as referred to includes the availability of official sites belonging to political parties in the regions along with the types of information contained therein which are measured according to Law on Public Information Disclosure and Information Commission Regulation (Perki) Number 1 of 2021 on Standard of Information Services. Additionally, the availability of e-PPID (Electronic-Information Management and Documentation) services, and the existence of PPID officers as part of the political party structure at the Regional Representative Council level are also the main focus to be discussed in this section.

### *a. DKI Jakarta*

Monitoring in DKI Jakarta was carried out toward 10 political parties that have seats in the Provincial Legislatures Council. These parties are the Indonesian Democratic Party of Struggle (PDIP), the Gerindra Party, the Prosperous Justice Party (PKS), the Democratic Party (PD), the National Mandate Party (PAN), the Indonesian Solidarity Party (PSI), the Nasdem Party, the Group of Work Party (Golkar), the National Awakening Party (PKB), and the United Development Party (PPP). From the results of monitoring, it was found that most of the political parties at the DKI Jakarta provincial level have not met the standards of information disclosure through their official websites and channels. Only few political parties in DKI Jakarta use their website as a medium to convey information about political parties that is needed by the public.

**Table: Provision of Information by Political Parties in DKI Jakarta Based on their Official Websites**

No.	Indicator/Sub-Indicator	PDIP	Gerindra	PKS	PD	PAN	PSI	Nasdem	Golkar	PKB	PPP
	Has an official website of the Political Party	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	No
	Provide Information through the website in Regional Leadership Council level	No	No	No	No	No	Yes	No	No	No	No
	<b>Type of Information</b>										

1.	Principles and goals	Yes	No	No	No	No	Yes	No	No	No	No
2.	Programs and activities of political party	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	No
3.	Name, addresses, and structure of administratos including its changes if any	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	No

4.	Management and the use of funds sourced from the state budgets	No	No	No	No	No	Yes	No	No	No	No
5.	Decision-making mechanism inside the political party (Status/Bylaws)	Yes	No	No	No	No	Yes	No	No	No	No
6.	Decisions made by the political party: Results of Congress/National Conference and other decisions according to the Statutes and Bylaws of the Party are open to the public; and/or other information determined by laws relating to political parties	Yes	No	Yes	Yes	No	Yes	Yes	No	No	No
7.	Updated List of Information	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	No
8.	Record of Political Party's Donors	No	No	No	No	No	Yes	No	No	No	No
9.	Political Party's program related to Political Education	Yes	No	No	Yes	No	Yes	Yes	Yes	No	No

Article 17 of the Information Commission Regulation (Perki) Number 1 of 2021 on Standard of Information Services has regulated the types of public information that must be made available and published periodically by political parties. It was found that only one out of ten political parties have a complete information provision system, which is the Indonesian Solidarity Party (PSI).

The lack of optimization of the official websites of political parties in DKI Jakarta are quite unexpected. Due to the existence of political parties in the capital city with far more massive use of technology compared to other regions, each party should have its own website which can be maximized for disseminating information to the public. However, there are four political parties, namely Gerindra, PAN, PKB, and PPP, which do not have personal websites, and only have websites at the Central Leadership Council level.

In terms of providing information on the management and use of the budget sourced from state budgets, only one political party provides the information, which is PSI. Based on the monitoring results which can be seen in the table, the provision of types of information in accordance with Standard of Information Services on the official websites of political parties is still very lacking. Political party websites are only used as a place to publish general information such as the activities of political parties and members of the Provincial Legislatives Council. Regarding the space for interaction with the public through websites owned by political parties, there are only two political parties namely PDIP and Nasdem which have provided it in the form of "contact" links on their official websites. However, the link is only allowing visitors to leave comments, and it is still unknown whether that feature can be used as a service for requesting information.

*b. South Sulawesi*

Monitoring in South Sulawesi was carried out toward 11 parties that have seats in the Provincial Legislatives Council of South Sulawesi Province. These parties include the Golkar Party, Nasdem, Gerindra, Democrats, PKS, PDIP, PKB, PPP, Perindo, Hanura, and PAN. Monitoring results show that the use of official political party websites as a source for the public to obtain information about political parties is still very lacking. This is most likely to occur because not all political parties in South Sulawesi have maximized the use of the website as the party's official website at the Regional Leadership Council level.

<b>No</b>	<b>Political Party</b>	<b>Regulations regarding standard operating procedures for Public Information services</b>	<b>Information and Communication System to manage Public information</b>	<b>Political Party's officer in charges for Information Management and Documentation (PPID)</b>	<b>Official Website</b>
1	Golkar	Unavailable	Available	Unavailable	Available
2	Nasdem	Unavailable	Unavailable	Unavailable	Available
3	Gerindra	Unavailable	Unavailable	Unavailable	Unavailable
4	Demokrat	Unavailable	Unavailable	Unavailable	Unavailable
5	PKS	Unavailable	Unavailable	Unavailable	Available
6	PDIP	Available	Available	Unavailable	Available

7	PKB	Available	Unavailable	Unavailable	Unavailable
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8	PPP	Unavailable	Unavailable	Unavailable	Unavailable
9	Perindo	Unavailable	Unavailable	Unavailable	Unavailable
10	Hanura	Unavailable	Unavailable	Unavailable	Unavailable
11	PAN	Unavailable	Unavailable	Unavailable	Available

The table above shows that only five out of 11 parties have official political party websites. Whereas in terms of the availability of Information Management and Documentation services it is even worse. Not a single political party has an officer got managing information and documentation services although information disclosure should be supported by the existence of those entities. This has also been regulated in the provisions of Article 5 paragraph (2) letter b Perki Number 1 of 2021 which states that public bodies are required to appoint and assign Information Management and Documentation officers.

On the other hand, the existence of Information Management and Documentation officers should be linear with regulations regarding SOPs for public information services and information and communication systems for managing public information. Because the implementation and management of these two matters is part of the duties and authorities of those officers as stipulated in Article 10 paragraph (1) and paragraph (2) Perki Number 1 of 2021. However, as shown in the table above, even though there is not a single political party that have Information Management and Documentation officers, there are two political parties that have regulations regarding SOPs for public information services (PDIP and PKB) and two political parties that have information and communication systems to manage public information (Golkar and PDIP). With such data, the question is, who will enforce the SOP for information services owned by the party, as well as run the information and communication system to manage public information on political parties at the Regional Leadership Council level?

The use of official websites belonging to political parties in South Sulawesi is not yet optimal, causing people to use other media to get information about political parties. This information was obtained from the results of an online survey conducted with 66 respondents. The survey is used to assess the extent to which the public is aware of public information about political parties. Respondents to this survey came from various backgrounds, such as students, civil society organization workers, and employees. The survey results show that as many as 82% of respondents get information about political parties from social media such as Facebook, Twitter and Instagram. In addition, as many as 81% of respondents also did not know about the websites of political parties.

In terms of financial reports, funding sources for political parties came from state budgets are also part of the public information that must be published. However, the political parties that were monitored in South Sulawesi Province do not make financial reports part of an information disclosure instrument that is properly and seriously prepared to be published to the public. Based on information obtained from the results of interviews with National Unity and Politics Agency (*Kesbangpol*), parties only consider recording financial reports as a prerequisite for obtaining political assistance funds in the upcoming year. This is in line with monitoring results which show that not a single political party publishes its financial reports.

<b>No</b>	<b>Political Party</b>	<b>Financial Management (work plan) sourced from the state budgets</b>	<b>Financial Reports whose funds sourced from the state budgets</b>	<b>Decision-making mechanism of the Political Party</b>	<b>Statutes and Bylaws</b>
1	Golkar	Unavailable	Unavailable	Available	Available
2	Nasdem	Unavailable	Unavailable	Available	Available
3	Gerindra	Unavailable	Unavailable	Available	Available
4	Demokrat	Unavailable	Unavailable	Available	Available
5	PKS	Unavailable	Unavailable	Available	Available
6	PDIP	Unavailable	Unavailable	Available	Available
7	PKB	Unavailable	Unavailable	Unavailable	Available
8	PPP	Unavailable	Unavailable	Unavailable	Unavailable
9	Perindo	Unavailable	Unavailable	Unavailable	Unavailable
10	Hanura	Unavailable	Unavailable	Unavailable	Unavailable
11	PAN	Unavailable	Unavailable	Unavailable	Unavailable

c. *East Java*

Monitoring conducted in East Java Province focused on 11 political parties that have seats in the Provincial Legislative Council of East Java, including PDIP, PKB, Gerindra, Demokrat Golkar, Nasdem, PAN, PPP, PKS, Hanura, and PBB. Monitoring results show that the process of requesting public information is still complicated due to the lack of capacity of party officials who are the providers of information. On the other hand, although the parties that monitored in East Java have channels that are used to convey information in the form of websites, hotlines,

emails, and official social media, but the utilization of all of these channels as media for publication of party information is still not optimal. Parties tend to use the media they own only to publish their activities and the profile of the administrators, for the sake of boosting the image of the organization. While the availability of information services, the majority or around nine parties have an information provision system. Ironically, out of all of this, practically only four parties have Information Management and Documentation Officer and only five parties have internal rules regarding the provision of information. Regarding the transparency of financial reports, not a single party publishes the management and use of funds whose funds sourced from the state budgets.

In addition to monitor the party's side, information regarding openness and transparency was also collected through discussion and dialogue with the Information Commission at the provincial level. The East Java Information Commission in 2021 has provided socialization regarding the Law on Public Information Disclosure to parties sitting in the East Java Provincial Legislative Council. However, the participants were not structural officials who could make policies at the internal political party, rather, they were only cadres and political party sympathizers. This certainly makes the result of the socialization cannot be properly internalized through the party's information disclosure policy. Apart from this outreach, there have been no further efforts made by East Java Information Commission in the framework of monitoring and evaluation toward the implementation of Law on Public Information Disclosure.

The results of hearings with the East Java Information Commission also stated that budget constraints contributed to the absence of a special monitoring mechanism carried out by Information Commission against parties in East Java. The majority of the budget is focused on provincial government agencies and election administrators. Therefore, the activities carried out to encourage the implementation and monitoring of information disclosure against political parties are minimally implemented. Apart from the limited amount, the budget managed by Information Commission also leads to independence issues. Information Commission at the provincial level manages a budget received from the Provincial Communication and Information Office (Kominfo). Meanwhile, at the same time, Information Commission is also mandated to oversee Kominfo as the person in charge of government information. This policy regarding the budget ultimately interfered with the professionalism of Information Commission, thus the monitoring and evaluation of public bodies other than provincial government agencies was not optimal.

The mechanism for selecting Information Commission members at the provincial level according to the provisions of Perki Number 4 of 2016 concerning Guidelines for the Selection

and Appointment of Information Commission Members also involves the role of the Provincial Legislative Council representatives in conducting fit and proper tests. Such mechanism also influences the independence of Information Commission in carrying out its duties in overseeing the disclosure of political party information. This is because in the series of election processes, there is the involvement of political parties which also determine the election of members of the Information Commission at the provincial level. While at the same time, political parties are the subject of monitoring conducted by the Information Commission.

*d. East Nusa Tenggara*

Monitoring conducted in East Nusa Tenggara was carried out toward ten political parties that have their representatives in the Provincial Legislative Council of East Nusa Tenggara province. These parties include PDIP, Golkar, Nasdem, Gerindra, Perindo, PKB, Hanura, PSI, PAN, and PPP. Based on monitoring results through information channels in the form of websites, ironically, all parties there do not have websites and only depend on publications at the Central Leadership Council level. In addition to the absence of a website, publication standards by the two political parties, namely the Gerindra and Nasdem parties, are carried out through the hierarchical mechanism of the Regional Leadership Council. For the Gerindra Party, the information to be published must be decided in a closed meeting. Whereas for the Nasdem Party, the publication of all information related to the party must be known by the Chairperson of the Regional Leadership Council as a substitute for the absence of SOPs for information disclosure. This is based on the party's perception that all information that will be published to the public will not have a major impact on political parties. This mechanism makes all party activities including financial reports not directly available and accessible to the public. In the end, the information that should have been open was only for the administrators who would later forward the information to the administrators at the top level.

In the case of party financial reports whose funds coming from the “political assistance funds” through regional state budget, members of political parties at the provincial level themselves think that the numbers are too small and parties reluctant to publish them. They even considered the political assistance funds as a gift that is being spent-then-finished. Apart from that, according to the party, there was no confirmation and encouragement given by National Unity and Politics Agency (*Kesbangpol*) to publish party financial reports to the public, it became an excuse for political parties not to make this a priority.

In terms of the availability of Information Management and Documentation (PPID) officers, party at the central level have PPIDs, but at the regional level such structures are unavailable. However, in several regions, the party actually defines several organs that have functions

related to information as Information Management and Documentation (PPID) officer. For example, the Democratic Party in NTT Province, named this organ as the Bakomstra/Communication and Strategy Agency. The Golkar Party in NTT Province also has a kind of media and opinion gathering (MPO) which oversees the media team. Those officers are appointed based on a Decree (SK) from the Central Leadership Council together with the Regional Leadership Council Management Decree. Whereas in the PDIP Party of NTT Province, there is a vice chairperson who is in charge for this section. Technically, there is a separate media team for the party at the Regional Leadership Council level, but not specifically the Information Management and Documentation (PPID).

Providing officers at the regional level to carry out media management and public relations functions and then treating them as the same as Information Management and Documentation officer is actually a wrong idea. This practice is not in line with the mandate contained in Law on Public Information Disclosure and its derivative regulations. The provisions of Article 13 paragraph (1) letter a of the Law on Public Information Disclosure stated that in order to realize fast, precise and simple services, each Public Agency appoints an Information Management and Documentation officer. Furthermore, the provisions of Article 21 paragraph (1) of Government Regulation Number 61 of 2010 on the Implementation of Law Number 14 of 2008 on Public Information Disclosure also stipulates that: *“Information Management and Documentation Officer must have been appointed no later than 1 (one) year from the issuance of this Government Regulation”*.

In addition, the Information Management and Documentation officer has a number of important duties and responsibilities in accordance with Article 14 paragraph (1) of Government Regulation Number 61 of 2010 on the Implementation of Law Number 14 of 2008 on Public Information Disclosure. The duties and responsibilities of the Information Management and Documentation Officer include:

- a) provision, storage, documentation, and security of information;
- b) fast, accurate and simple public information services;
- c) establishing operational procedures for disseminating public information;
- d) classification of information and/or its modification;
- e) determination of information.....

Therefore, the appointment of Information Management and Documentation officer as part of the party structure must be carried out, both at the central and regional levels. In this case, its existence is not enough to be replaced by other organs considering that the Information Management and Documentation officer has a huge responsibility to provide public information.

e. *North Sumatra*

Research on party information disclosure in North Sumatra were carried out toward 12 political parties, they are Golkar Party, PKS, PDIP, PSI, Gerindra, Hanura, Perindo, PPP, PKB, Nasdem, PAN, and Berkarya. From the findings, parties in North Sumatra have not implemented the principle of information disclosure. This is partly due to the lack of understanding of the party's administrators regarding the Law on Public Information Disclosure. As a result, various information that is part of public information, such as the composition of the board, financial reports and accountability reports, are seen as internal documents that are considered as classified documents and closed for public's access. Of all the political parties whose official websites were traced, only three parties had official websites at the provincial level, namely Golkar, PDIP, and PKS. Of the three parties, the information provided did not meet the criteria as set out in the Law on Public Information Disclosure.

<b>Information</b>	<b>Golkar</b>	<b>PDIP</b>	<b>PKS</b>
Principles and goals	Available	Available	Unavailable
Programs and activities	Available	Available	Available
Name, addresses, and structure of administrators including its changes if any	Available	Available	Available
Management and the use of funds sourced from the state budgets	Available	Available	Available
Decision-making mechanism inside the political party	Available	Available	Available
Decisions made by the political party: Results of Congress/National Conference and other decisions according to the Statutes and Bylaws of the Party are open to the public; and/or any other decisions	Available	Available	Available
Other information determined by laws relating to political parties	Available	Available	Available

With a very limited number of political parties at the North Sumatra Regional Leadership Council level that have official websites, it certainly makes the source of information for the community even more limited. Through a survey targeting 80 respondents from various elements of society to find out opinions about the disclosure of information on political parties implemented in North Sumatra, it was found that the main source for the public to obtain information about political parties is through social media (63.7%) and print/online media (17.5%). In addition to the unavailability of official websites of most of the parties, all parties that are the targeted in the monitoring also do not have an Information Management and Documentation Officer. Thus, the process of requesting information and correspondence is being handled by the Head of the Office Secretariat.

Efforts to seek information from the public to political parties through the information request mechanism to the political parties themselves are enormous. The four parties that were successfully questioned, namely PDIP, PKS, PSI, and Gerindra, stated that they often receive requests for information regarding activity agendas, aid distribution, annual reports, and financial reports. Although in general the four political parties stated that they were open in terms of handling requests for information on financial reports, parties tended to delegate those requests to National Unity and Politics Agency (*Kesbangpol*) with the excuse that they had reported their financial reports to the *Kesbangpol*.

## Conclusion

The findings in the five provinces subjected in this monitoring show that in general, political parties at the regional level have not fulfilled their obligations as open public bodies in accordance with the Law on Public Information Disclosure. Thus, parties at the regional level cannot be fully considered as the most responsible ones due to the central board whose roles were not really effective either. The fact that parties at the central level do not view information disclosure as crucial has an impact on the low commitment to facilitate and harmonize the knowledge of the members of the political parties in the regions to become and act accordingly as the open public bodies. If parties at the central level view the disclosure of information as important for all branches of the party and all regions, then efforts to ensure that all parties in the regions have official websites and Information Management and Documentation Officers must be realized.

The lack of knowledge of the political parties' administrators at the regional level regarding the urgency of information disclosure and its derivative regulations means that financial reporting sourced from the state budgets is perceived as solely an administrative compliance which only needs to be reported to the National Unity and Politics Agency (*Kesbangpol*), not to the public. On the other hand, the notion that information transparency does not contribute to the electability of the party in the election period is the cause behind how the obligation of openness are putting aside from the perspective of political parties themselves. The political party's official website (for those who has it) is only used as a forum to build a political image only, not to become a legitimate channel for information that benefits the public.

Another thing that becomes a problem is the limited budget managed by Information Commission at the regional level which has an impact on the inadequate encouragement and socialization regarding the importance of implementing information disclosure by political parties. Budget limitation makes Information Commission needs to narrow its focus and prioritize other state institutions over political parties. The mechanism for selecting Information Commission members at the regional level which involves the Provincial Legislative Council also potentially causes conflict of interest which also prevent Information Commission from supervising the implementation of information disclosure by parties in the regions.

## Recommendations

Disclosure of party information is an important thing to be implemented since this is the entry point for community participation to participate in supervising public bodies. Moreover, political parties' representatives are the ones whose holding power in various positions in a number of state institutions, both executive and legislative, in which they need attention from the public. In addition, public oversight of political parties' management can encourage the creation of a more robust democratic system, not to mention that people's sovereignty which is implemented based on law is also supported by the role of political parties. An open party and strict supervision will have an impact on the good maintained between political parties and the society. This is certainly necessary, bearing in mind that society needs representation in the government.

Political parties as public bodies must place the principles of transparency and accountability the main pillar of institutional management. It takes encouragement from various parties to make it happen. The Information Commission at both the central and regional levels must actively disseminate the Law on Public Information Disclosure and ensure that political parties fulfill their obligations as transparent and accountable public bodies. The dissemination and raise awareness are useful to increase the understanding of political parties' administrators regarding the Law on Public Information Disclosure so that they can understand the essential aspects of the law. The Information Commission should not only act passively in the context of responding complaints from the public, but also play an active role by urging the transparency of public bodies, including political parties. The Information Commission needs to seriously ensure that the public's right to know and public's right to access of information has been accommodated through the use of official channels. The system for requesting and providing information provided by parties must also be guaranteed and can be utilized to minimize information disputes.

Political parties at the Central Leadership Council level should also provide political education to all their administrators and cadres in the regions so that the essence of being a public body that is obliged to apply the principle of openness can be understood as a responsibility. The central board must also be seriously committed to fully realizing transparency, which is by also ensuring that all party representatives in the regions have official channels as a channel for sharing information to the public including to develop SOPs for information provision systems at the regional level. The Central Leadership Council of the political parties also need to allocate sufficient resources to carry out the

structural functions of the Information Management and Documentation Officer.

Public also has an equally important role to play in realizing transparency, by actively seeking information about political parties by utilizing various available channels. Public demand and encouragement for the Information Commission and political parties need to be continuously increased in order to make these institutions work in a better way in ensuring the fulfillment of public rights on information disclosure.